



HISTORIC PRESERVATION BOARD MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Thursday, August 4, 2022
1:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Changes to the Agenda -
2. Discussion Items
 - a. **Pass-A-Grille Overlay Ordinance - Presentation and Discussion**
3. Adjournment - Time Certain 3:00PM

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.

Memorandum

To: Historic Preservation Board Members
From: Tara Salmieri, AICP
Date: July 26, 2022
Re: Pass-A-Grille Overlay Workshop, August 4, 2022

Attached are documents that will assist the Board in reviewing the LDC.

It would be helpful to review the attachments prior to the meeting and fill out the form and/or do a strike thru underline of the PAG overlay so we can get through all the sections of the Overlay.

If you are unable to attend the meeting, please use the documents and provide comments/etc to me at tara@planactivestudio.com

The workshop packet will be a PDF with all the documents combined and will also include the word and spreadsheets for filling out (spreadsheet will need to print at 11 x 17):

- 1- **Division 20 PAG Overlay** (as adopted)- you can also do a strike thru underline of the document or use the spreadsheet to provide input.
- 2- **PAG Zoning Summary and Overlay Feedback** (spreadsheet- 11 x 17 print)
 - a. The excel spreadsheet includes two tabs
 - i. A form that has each section of the PAG overlay listed with blank columns to add information on 1- Issues in Development and 2- What to include and/or remove. Please fill out as much as you can so we can make it through the code.
 - ii. Underlying Code summary requirements and 8th avenue's requirements.
- 3- **Regulatory assessment for PAG**, complete in January 16, 2016 that will provide some historical information on the zoning districts, etc. I have removed the attachment and updated the zoning review in the attached spreadsheets.

DIVISION 20 PAG PASS-A-GRILLE OVERLAY DISTRICT¹

Sec. 20.01. Purpose and intent.

The City recognizes that the Pass-a-Grille Area was developed prior to the development of suburban zoning regulations. The (PAG) Pass-a-Grille Overlay District is intended to allow for structures that are considered contributing to the National Register Historic District to be considered conforming regarding base flood elevations and uses of property within the Pass-a-Grille area situated south of 32nd Avenue, in order to ensure that structures and uses will be compatible with the character of existing development, including the area within the designated Pass-a-Grille Historic District. Also, to recognize that the existing parcel size's, uses and overall character of the PAG shall be permitted to continue as viable uses while allowing for improvements to existing structures, additions and new development that is consistent with the existing mass and scale within the district.

(Ord. No. 2016-19, § 2(Exh. A), 2-28-17)

Sec. 20.02. Definitions.

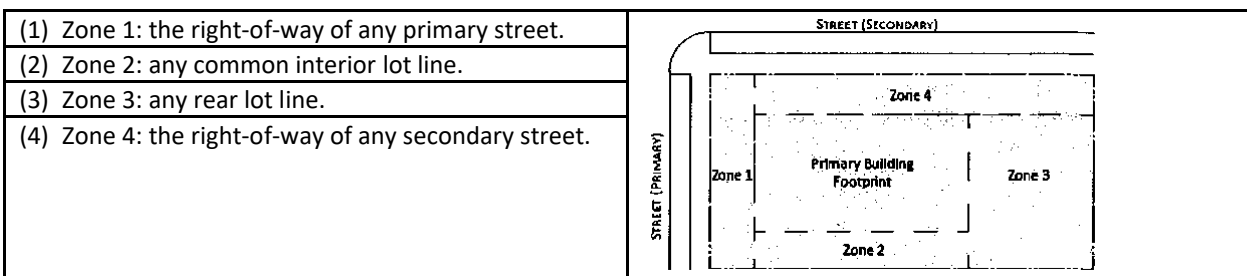
- (a) *Accessory structure envelope* means provisions for the setbacks and maximum building footprints permitted for accessory structures that are not specifically named and regulated under sections 6.12 or 6.13. The following is provided as a non-exhaustive list of accessory structures subject to this envelope: carriage houses, pool houses, detached living quarters, and detached storage buildings that exceed standards for residential or commercial storage buildings found in the aforementioned sections.
- (b) *Balance* means the relationship among the elements of a building on either side of an imaginary centerline through the middle of a building. Buildings are either symmetrically or asymmetrically balanced.
- (c) *Balanced, asymmetrically* means the shape(s) and design of a building may not match exactly, but instead have equal visual weight they are still visually balanced.
- (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 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 (8) feet above natural grade, height shall be measured from the property's required Design Flood Elevation.

¹Editor's note(s)—Ord. No. 2016-19, § 2(Exh. A), adopted Feb. 28, 2017, repealed Div. 20, §§ 20.1—20.14, and reenacted a new Div. 20, §§ 20.1—20.24, as set out herein. Former Div. 20 pertained to similar subject matter and derived from Ord. No. 03-7, § 3, adopted May 1, 2003; Ord. No. 2004-18, §§ 7, 8, adopted Aug. 24, 2004; Ord. No. 2008-32, § 1, adopted Aug. 26, 08; Ord. No. 2010-03, § 1(Att. A), adopted April 27, 2010; and Ord. No. 2011-03, § 3, adopted May 24, 2011.

- b. For any structure with habitable space beginning at or higher than eight (8) feet above natural grade, height shall be measured from eight (8) feet above natural grade.

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.
- (g) *Compatible design* means architectural design and construction that will fit harmoniously into the district based on scale, materials, and quality of construction with adjacent buildings and structures.
- (h) *Lot requirements*: Provisions for minimum and maximums, lot depth, lot size and the permitted lot coverage.
- (i) *Lot, waterfront*: A zoning lot which abuts any body of water or the beach. All lots not considered waterfront shall be considered interior for rear setback purposes.
- (j) *Mass, primary*: largest shape of a building.
- (k) *Mass, secondary*: additional shapes that form the façade of the building
- (l) *Parking provisions*: The amount of parking shall be determined by Division 23 of the Land Development Code. Parking provisions provide zones where parking is permitted. The parking zone refers to any uncovered parking area located on the parcel. Driveways are permitted in any zone provided the frontage requirements have been met as required by building type. The diagram illustrates a primary and secondary street. Primary streets are streets that are addressed to the parcel of land. Secondary streets may or may not have access to the parcel. Zones are defined and illustrated by the lot area between the principal building frontage and:



- (m) *Private frontages*, refers to the area that is attached or integrated into the primary building.
- (n) *Proportion* means the relationships of one part of a façade to the whole. A house that is correctly proportionate establishes a visual relationship between all parts of its exterior. The voids, primary, and secondary masses should all be proportional to one another in order maintain architectural harmony.
- (o) *Proximity* means that objects that are close together should complement each other.
- (p) *Rhythm* means the use of repetitive elements in order to establish architectural harmony. It is based off of three main principles: the principle of Proximity, the principle of Similarity, and the principle of Continuation. These principles are part of a larger set known as *Gestalt Principles*.
- (q) *Similarity* means how our eyes are easily able to group objects together that share common textures, colors, or features.
- (r) *voids* means windows, doors, or other openings that create negative space allowing for breaks within a primary or secondary mass.

(Ord. No. 2016-19, § 2(Exh. A), 2-28-17; Ord. No. 2021-08, § 2, 6-22-2021; Ord. No. 2021-22, § 2, 10-12-21)

Sec. 20.03. Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the PAG Overlay District are as follows:

- (a) All uses permitted in the underlying zoning district; and
- (b) Transient occupancy in single-family or multi-family dwellings, so long as any such transient occupancy of less than thirty (30) days does not occur more than three times in any 12-month period on any parcel.
- (c) Uses that are in existence, upon date of adoption, shall be permitted as limited uses within an existing structure. Additions, improvements and renovations will be permitted, if the building meets the standards set forth in this division of the Code.

(Ord. No. 2016-19, § 2(Exh. A), 2-28-17)

Sec. 20.04. Permitted accessory uses and structures.

- (a) Uses and structures, as regulated in sections 6.12 and 6.13, which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures, and are not of a nature prohibited under section 20.5.
- (b) Home occupations, subject to the conditions set forth in section 6.5 of this Code.
- (c) Residential docks, including tie poles, shall be in conformance with the provisions of section 6.23 and other applicable codes and ordinances of the city, county or state.
- (d) Temporary structures shall follow the provisions of section 6.11.

(Ord. No. 2016-19, § 2(Exh. A), 2-28-17)

Sec. 20.05. Allowable conditional use.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the PAG Overlay District are as follows:

- (a) All permitted conditional uses allowed for in the underlying zoning district.

(Ord. No. 2016-19, § 2(Exh. A), 2-28-17)

Sec. 20.06. Prohibited uses and structures.

All uses and structures not of a nature specifically or provisionally permitted herein or within the underlying zoning district are hereby prohibited in the PAG Overlay District.

Any use which the City Commission, upon appeal, and after investigating similar uses elsewhere, shall determine to be potentially noxious, dangerous or offensive to residents of the PAG Overlay District or to those who pass by on public roadways, by reason of odor, smoke, noise, glare, fumes, gas, fire, explosion or emission of particulate matter or likely for other reasons to be incompatible with the character of the PAG area, is hereby prohibited in the PAG Overlay District.

(Ord. No. 2016-19, § 2(Exh. A), 2-28-17)

Sec. 20.07. Density, intensity and assembly of parcels.

- (a) The maximum residential density permitted in the PAG Overlay District shall not exceed the number of units per acre permitted by the underlying Future Land Use map for undeveloped parcels of land.
- (b) The existing residential density, exceeding one density unit, of an existing residential structure shall be permitted to rebuild on the existing parcel of land, with the same density as the existing structure(s) has, if the building was constructed prior to (insert adoption date) and can meet the lot requirements, by building type, in section 20.15 of this Division. In addition, any new construction cannot exceed the existing developed square footage and must match the existing form and mass as defined in section 20.22 herein.
- (c) The existing hotel/motel units shall be permitted to rebuild on the existing parcel of land, with the same number of units that already exist as a rental/leasable room within the existing built hotel if the building was constructed prior to (insert adoption date) and can meet the lot requirements of a Boutique Hotel Building Type as provided in section 20.15 of this Division.
- (d) No more than two lots of record may be combined to accommodate additions to existing structures.

(Ord. No. 2016-19, § 2(Exh. A), 2-28-17)

Sec. 20.08. Maximum floor area ratio.

Maximum floor area ratio (FAR) for non-residential uses: Underlying Zoning District requirements.

(Ord. No. 2016-19, § 2(Exh. A), 2-28-17)

Sec. 20.09. Maximum impervious surface ratio.

If a parcel opts for new construction or addition to a single family home using the underlying zoning district standards, the ISR shall be determined by the underlying zoning district. The ratio's listed below are subject to any of the building types, defined in section 20.15 that are used.

Maximum impervious surface ratio (ISR) for residential and transient accommodation uses: 0.70.

Maximum impervious surface ratio (ISR) for non-residential uses: Underlying Zoning District requirements or existing building footprint.

(Ord. No. 2016-19, § 2(Exh. A), 2-28-17)

Sec. 20.10. Reduced setbacks for contributing structures granted a certificate of appropriateness.

Proposed additions to contributing structures may be eligible for a reduction in setback requirements if the proposed plans have been reviewed, approved, and issued a certificate of appropriateness by the Historic Preservation Board pursuant to Division 28. The purpose of this regulation is to ensure the design is compatible design with neighboring structures.

Design review shall be based on the requirements set forth in the underlying zoning district and the PAG Overlay District herein and for consistency with the Secretary of Interior's Standards for Rehabilitation. If the Historic Preservation Board finds that an addition is consistent with the Secretary of the Interior's Standards and

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that the addition would not preclude the structure's continued designation as a contributing structure, and approves a certificate of appropriateness for the plans, then the applicant can request a reduction to any and all of the setbacks, provided the setbacks are consistent within the same block of the proposed addition by providing the historical setback data for the street block (both faces) the parcel is on and the historical setbacks along that particular street that will be evaluated by the Historic Board. The following setbacks shall be considered:

Setback	
Front yard	10 feet
Secondary front yard	5 feet
Side yard	10 percent of the lot width (each)
Rear yard	10 feet

The addition must still meet impervious surface, floor area, height, herein and the landscaping, and buffering standards as identified in this division. The reductions in setbacks do not abrogate the responsibility of the designer or homeowner to incorporate these requirements into the plan.

(Ord. No. 2016-19, § 2(Exh. A), 2-28-17)

Sec. 20.11. Minimum building type requirements.

Lots of record within the PAG Overlay District shall be deemed conforming despite the width and size regulations in the building types, so long as the lots are not further subdivided, and the condition existed prior to the adoption of the Division. No more than two lots of record may be combined to accommodate additions to existing structures.

(Ord. No. 2016-19, § 2(Exh. A), 2-28-17)

Sec. 20.12. Subdivision of lots.

Lots within the PAG Overlay District shall not be subdivided to a size smaller than the platted lot of record and/or building lot types in this division. Existing structures that are listed as contributing structures in the most recent Historic Resources Survey or that are locally designated historic structures are exempt from the setbacks imposed by this division; however, additions and accessory structures shall comply with the standards in section 20.15, by building type. All other structures shall also comply with the setbacks and required yards imposed by the building types in this Division, section 20.15.

(Ord. No. 2016-19, § 2(Exh. A), 2-28-17)

Sec. 20.13. Residential development option for single-family homes.

Any parcel within the PAG Overlay District with a Residential Zoning District designation of RU-2, RLM-2, or RM may develop a single family residential house using the underlying residential zoning standards for additions or new construction: If an applicant uses the underlying residential zoning district standards, for new construction or additions the following standards shall be met:

- (a) Underlying Zoning Districts minimum lot requirements,
- (b) Underlying Zoning Districts Minimum yard requirements,
- (c) Underlying Zoning Districts Maximum floor area ratio standards; and

- (d) Height shall not 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, and measured from the base flood elevation determined under the most restrictive applicable standard the building side, further provided that the overall roof height shall not exceed thirty-two (32) feet.

Any other applicable standards within this division, not expressly stated in this section, shall apply to new development and redevelopment as outlined in this division.

(Ord. No. 2016-19, § 2(Exh. A), 2-28-17)

Sec. 20.14. Vacant parcels.

The following procedures shall be followed

- (a) For parcels of land within a residential zoning district and:

Any parcel of land that is vacant, at the time of adoption, shall only be permitted either:

- (1) A residential building type found in section 20.15 that is consistent with the underlying uses permitted in the Zoning District and section 20.07. The parcel of land shall meet the lot width and lot depth as identified, by building type found in section 20.15, to determine the appropriate standards to apply to that parcel, or
- (2) Provisions listed in section 20.13 of this division.

- (b) Parcels of land within non-residential land use districts:

Any parcel of land that is vacant, at the time of adoption of the PAG Overlay District, shall be permitted any of the non-residential building types found in section 20.15 that are consistent with the existing lot width/depth of the parcel of land.

- (c) Assembly or parcel splits shall only be permitted through the City Commission, to determine the compatibility and respect for the existing character of the PAG Overlay District.

(Ord. No. 2016-19, § 2(Exh. A), 2-28-17)

Sec. 20.15. Permitted building types.

Building types are permitted by the following criteria:

- (a) Existing Parcel Size, and
- (b) Existing Density, Units and Rooms

An applicant must provide a survey of the parcel to verify the actual parcel size (lot width/lot depth) or use the City's parcel data information. If the applicant believes the lot width and depth are different than the City's records, the applicant will be required to have a survey of the lot for verification.

	HOUSE-LARGE
A building lot located and designed to accommodate a detached building with large side, rear and front yards.	

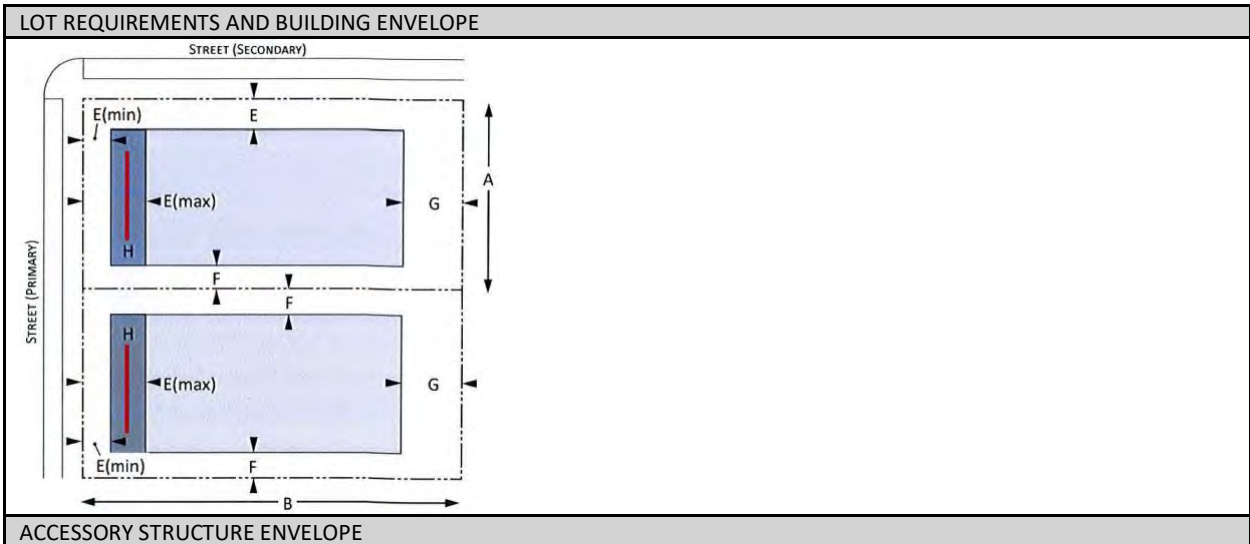
LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	60	—

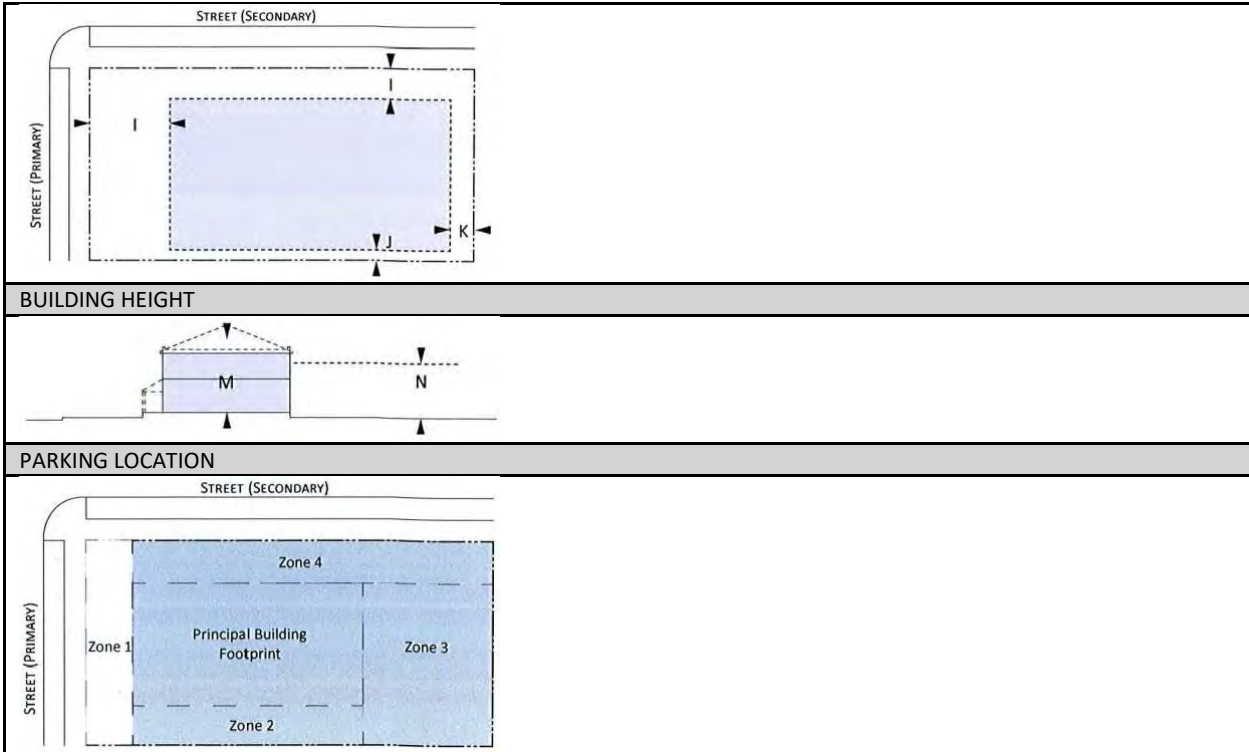
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B - Lot Depth (ft)	100	—
C - Lot Size (sf)	6,000	—
D - Lot Coverage (%)	—	60
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	10	15
Secondary Street Setback	7	—
F - Side Setback (ft)	7	—
G - Rear Setback (ft) (interior lot)	15	—
Rear Setback (ft) (waterfront lot)	20	—
Garage Adjacent to Alley	5	—
H - Frontage Buildout (%)	50	—
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	10	—
J - Side Setback (ft)	25	—
K - Rear Setback (ft) (interior lot)	—	80
Rear Setback (ft) (waterfront lot)	20	—
L - Building Footprint (sf)	—	800
BUILDING HEIGHT		
M - Principle Building (ft)	—	28-32' as defined in Sec. 20.17
N - Accessory Structure(s) (ft)	—	28'
PARKING PROVISIONS		
Location	Zone 2,3, and 4	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	P, S, CY	

- (1) a lot that is adjacent to the bay or beach is permitted to exceed the maximum setback requirements.





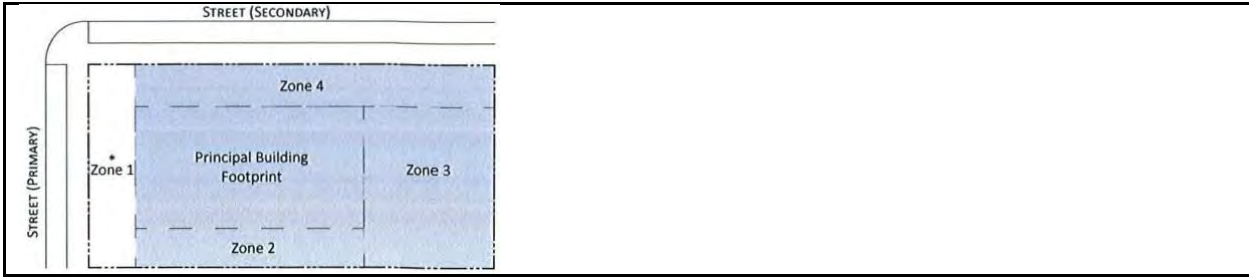
HM	HOUSE-MEDIUM
A building lot located and designed to accommodate a detached building with small side yards and a large front yard.	

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	40	55
B - Lot Depth (ft)	100	—
C - Lot Size (sf)	4,000	—
D - Lot Coverage (%)	—	70
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	10	15
Secondary Street Setback	5	—
F - Side Setback (ft)	5	—
G - Rear Setback (ft) (interior lot)	15	—
Rear Setback (ft) (waterfront lot)	20	—
Garage Adjacent to Alley	5	—
H - Frontage Buildout (%)	50	—
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	—
J - Side Setback (ft)	10	—
K - Rear Setback (ft) (interior lot)	10	—
Rear Setback (ft) (waterfront lot)	20	—
L - Building Footprint (sf)	—	800

BUILDING HEIGHT			
M - Principal Building (ft)	—		'28-32' as defined in Sec. 20.17
N - Accessory Structure(s) (ft)	—		28'
PARKING PROVISIONS			
Location		Zone 2,3, and 4	
PRIVATE FRONTAGES (PF)			
Select a minimum of 1 PF listed		P, S, CY	

- (1) a lot that is adjacent to the bay or beach is permitted to exceed the maximum setback requirements.

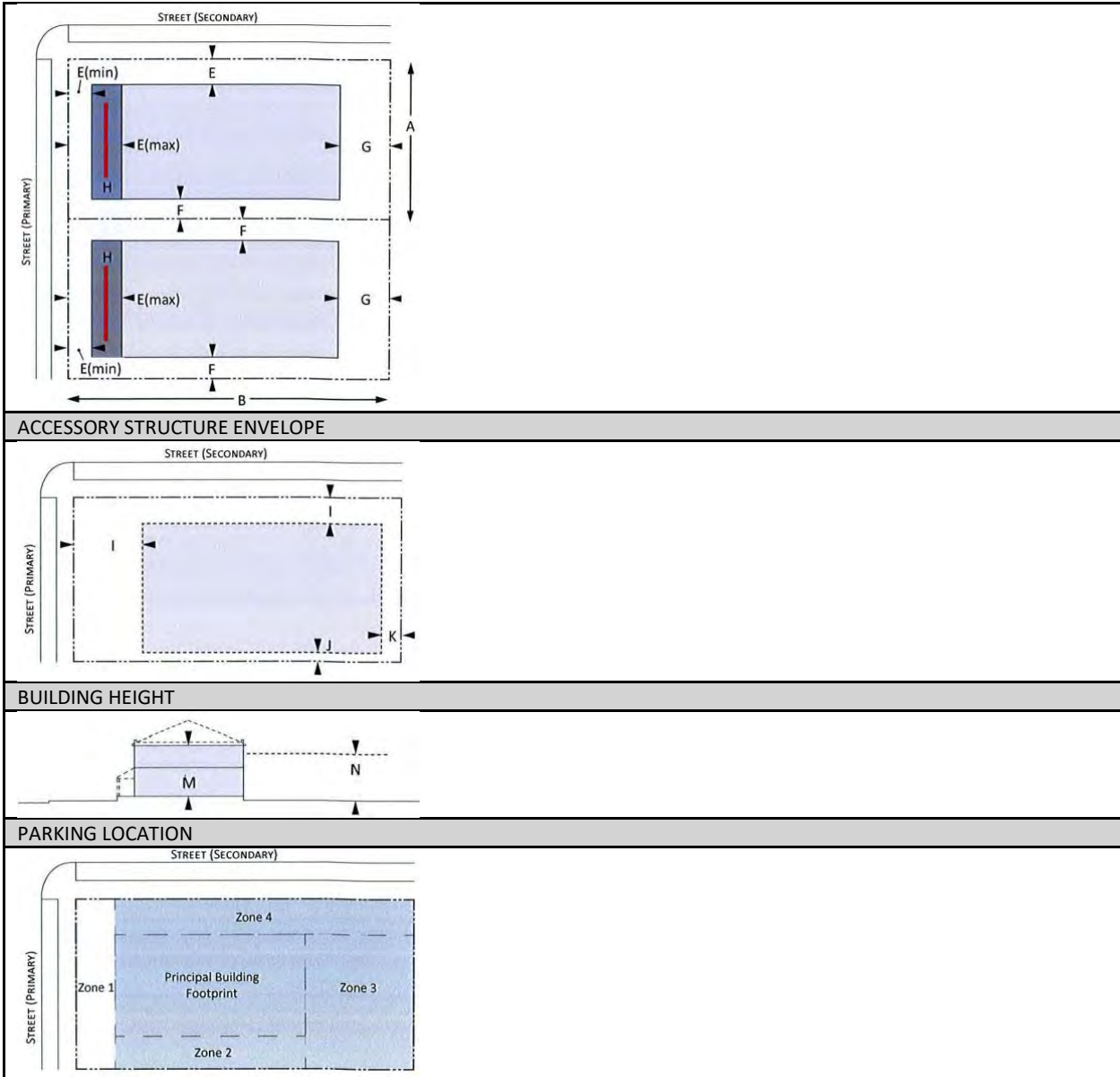
LOT REQUIREMENTS AND BUILDING ENVELOPE	
ACCESSORY STRUCTURE ENVELOPE	
BUILDING HEIGHT	
PARKING LOCATION	



HS	HOUSE-SMALL
A building lot located and designed to accommodate a small detached building with small side and front yards. A maximum of one dwelling unit is permitted.	

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	32	40
B - Lot Depth (ft)	50	120
C - Lot Size (sf)	1,600	4,800
D - Lot Coverage (%)	—	90
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	5	10
Secondary Street Setback (ft)	5	—
F - Side Setback (ft)	3	—
G - Rear Setback (ft) (interior lot)	10	—
Rear Setback (ft) (waterfront lot)	20	—
Garage Adjacent to Alley	5	—
H - Frontage Buildout (%)	50	—
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	—
J - Side Setback (ft)	10	—
K - Rear Setback (ft) (interior lot)	10	—
Rear Setback (ft) (waterfront lot)	20	—
L - Building Footprint (sf)	—	400
BUILDING HEIGHT		
M - Principal Building (ft)	—	'28-32' as defined in Sec. 20.17
N - Accessory Structure(s) (ft)	—	28'
PARKING PROVISIONS		
Location	Zone 2,3,4	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	P, S, CY	

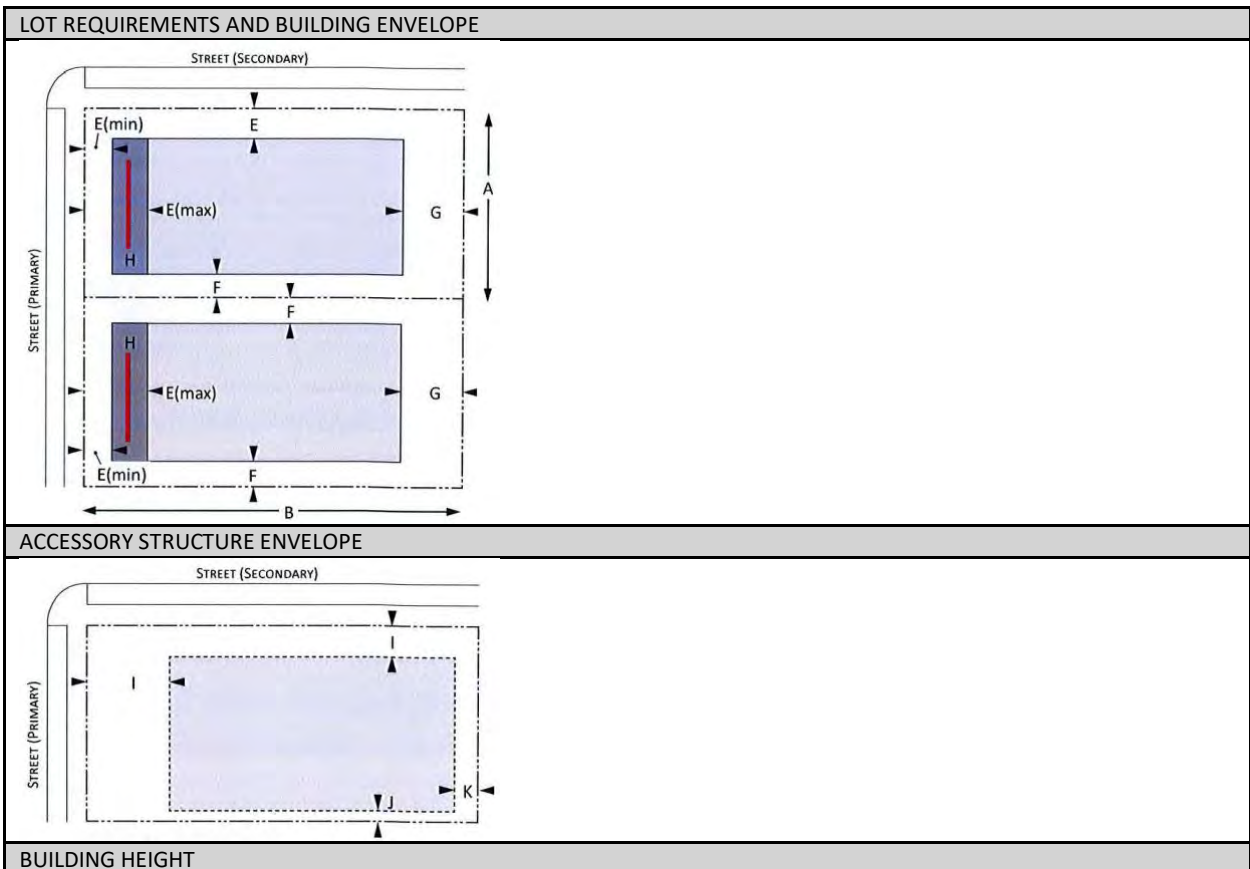
LOT REQUIREMENTS AND BUILDING ENVELOPE
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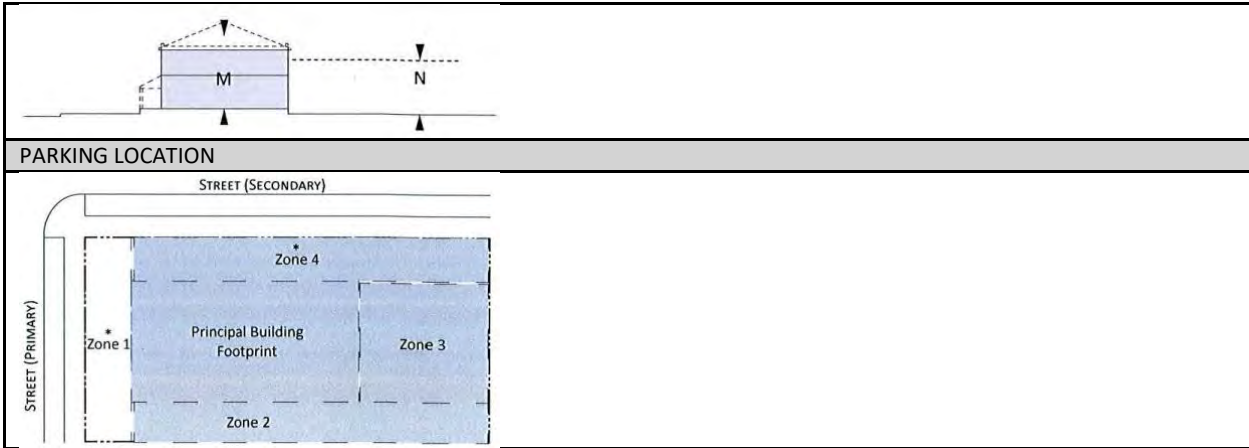


AH	APARTMENT HOUSE
A building lot located and designed to accommodate a detached building which resembles a large house but which contains multiple dwellings above and beside each other. A maximum of 4 units are permitted in this building lot. (The units have to be existing prior to redevelopment as stated in section 20.07 Density, intensity and assembly of parcels).	

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	40	55
B - Lot Depth (ft)	80	—
C - Lot Size (sf)	3,200	—
D - Lot Coverage (%)	—	70

BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	10	15
Secondary Street Setback (ft)	5	—
F - Side Setback (ft)	5	—
G - Rear Setback (ft) (interior lot)	15	—
Rear Setback (ft) (waterfront lot)	20	—
Garage Adjacent to Alley	5	—
H - Frontage Buildout (%)	60	—
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	—
J - Side Setback (ft)	10	—
K - Rear Setback (ft) (interior lot)	10	—
Rear Setback (ft) (waterfront lot)	20	—
L - Building Footprint (sf)	—	800
BUILDING HEIGHT		
M - Principal Building (ft)	—	'28-32' as defined in Sec. 20.17
N - Accessory Structure(s) (ft)	—	2
PARKING PROVISIONS		
Location	Zone 2, 3 and 4	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	P, S, CY	





AS	APARTMENT BUILDING-SMALL
A building lot located and designed to accommodate multiple dwellings above or beside each other in a building that occupies most of its building lot width and is placed close to the sidewalk. (The units have to be existing prior to redevelopment as stated in section 20.07 Density, intensity and assembly of parcels).	

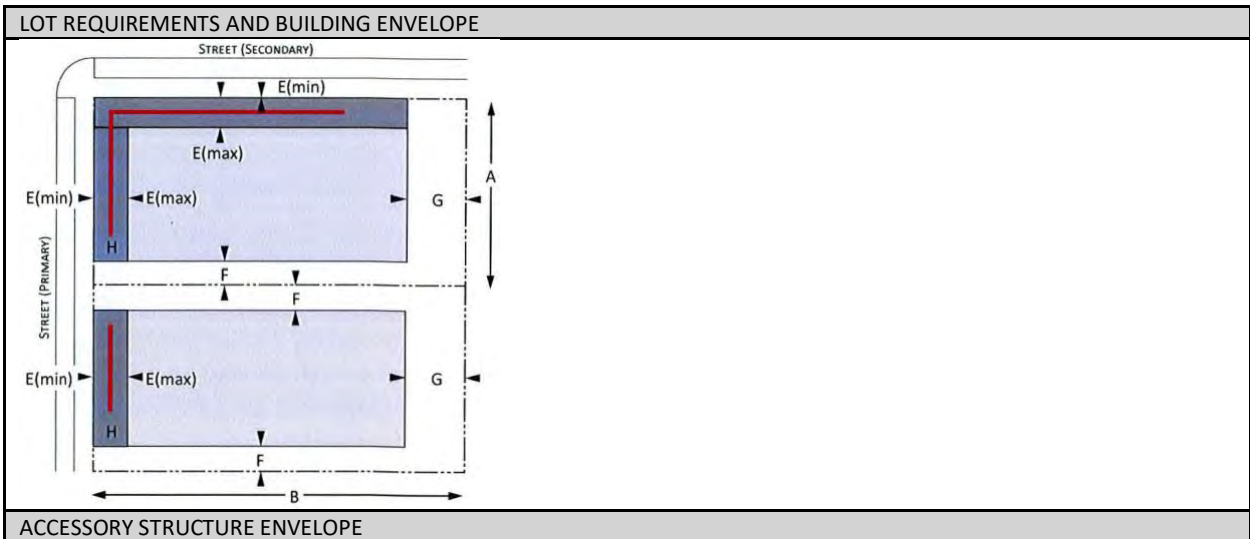
LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	60	90
B - Lot Depth (ft)	100	120
C - Lot Size (sf)	6,000	10,800
D - Lot Coverage (%)	—	75
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	15	20
Secondary Street Setback (ft)	7	—
F - Side Setback (ft)	7	—
G - Rear Setback (ft) (interior and waterfront lot)	20	—
Garage Adjacent to Alley	5	—
H - Frontage Buildout (%)	60	—
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	—
J - Side Setback (ft)	10	—
K - Rear Setback (ft) (interior lot)	10	—
Rear Setback (ft) (waterfront lot)	20	—
L - Building Footprint (sf)	—	800
BUILDING HEIGHT		
M - Principal Building (ft)	—	'28-32' as defined in Sec. 20.17
N - Accessory Structure(s) (ft)	—	28'
PARKING PROVISIONS		
Location	Zone 2 and 3	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF.	P, F, S, CY	

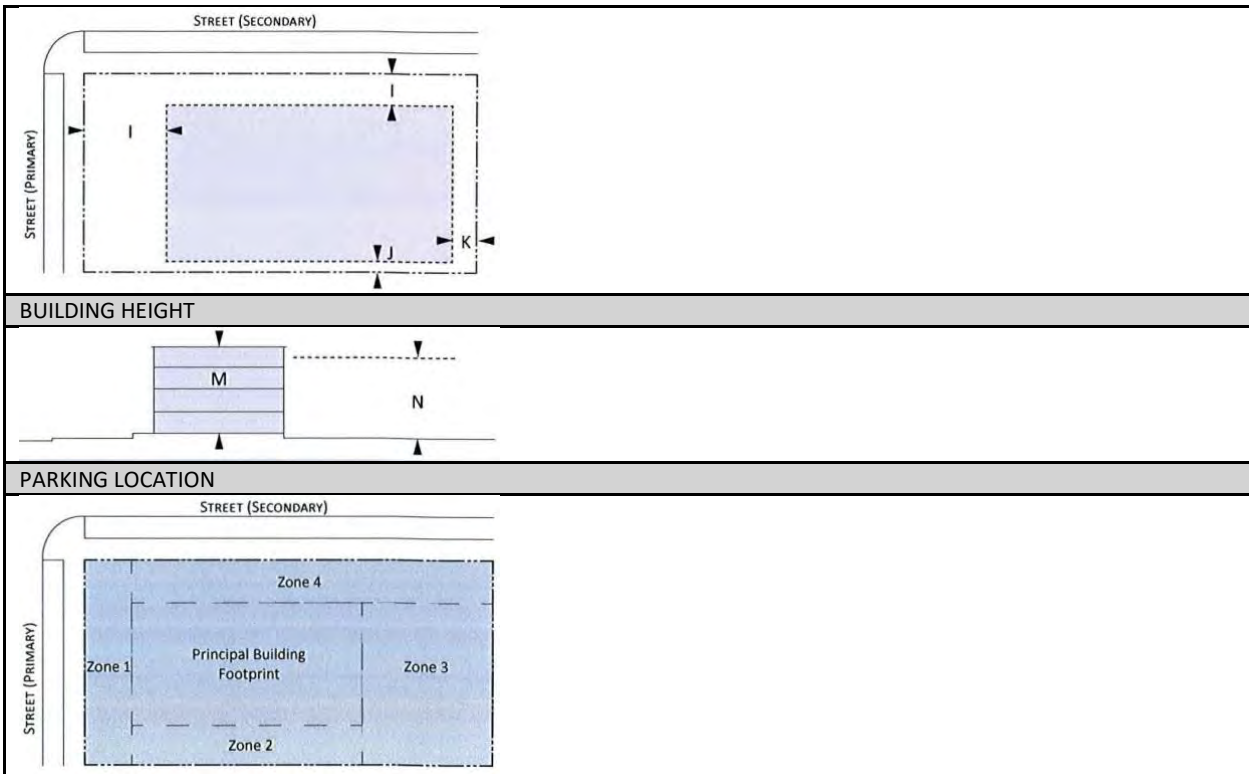
LOT REQUIREMENTS AND BUILDING ENVELOPE		
ACCESSORY STRUCTURE ENVELOPE		
BUILDING HEIGHT		
PARKING LOCATION		

AM	APARTMENT BUILDING-MEDIUM
A building lot located and designed to accommodate multiple dwellings above or beside each other in a building that occupies most of its building lot width and is placed close to the sidewalk. (The units have to be existing prior to redevelopment as stated in section 20.07 Density, intensity and assembly of parcels).	

LOT REQUIREMENTS	MIN	MAX
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A - Lot Width (ft)	90	200
B - Lot Depth (ft)	120	120
C - Lot Size (sf)	10,800	24,000
D - Lot Coverage (%)	—	75
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	15	25
Secondary Street Setback (ft)	10	—
F - Side Setback (ft)	10	—
G - Rear Setback (ft) (interior lot)	15	—
Rear Setback (ft) (waterfront lot)	20	—
Garage Adjacent to Alley	5	—
H - Frontage Buildout (%)	60	—
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	
J - Side Setback (ft)	10	—
K - Rear Setback (ft) (interior lot)	10	—
Rear Setback (ft) (waterfront lot)	20	—
L - Building Footprint (sf)	—	800
BUILDING HEIGHT		
M - Principal Building (ft)	—	'28-32' as defined in Sec. 20.17
N - Accessory Structure(s) (ft)	—	28'
PARKING PROVISIONS		
Location	Zone 2 and 3	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	CY, P, F, S	





CA	COURTYARD APARTMENT
A building lot located and designed to accommodate multiple dwellings arranged around and fronting on a central garden or courtyard that may be partially or wholly open to a street and/or alleyway. (The units have to be existing prior to redevelopment as stated in section 20.07 Density, intensity and assembly of parcels).	

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	50	200
B - Lot Depth (ft)	80	120
C - Lot Size (sf)	4,000	24,000
D - Lot Coverage (%)	—	80
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	10	15
Secondary Street Setback (ft)	5	—
F - Side Setback (ft)	5	—
G - Rear Setback (ft) (interior and waterfront lots)	20	—
Garage Adjacent to Alley	5	—
H - Frontage Buildout (%)	60	—
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	—
J - Side Setback (ft)	10	—
K - Rear Setback (ft) (interior lot)	10	—
Rear Setback (ft) (waterfront lot)	20	—
L - Building Footprint (sf)	—	800

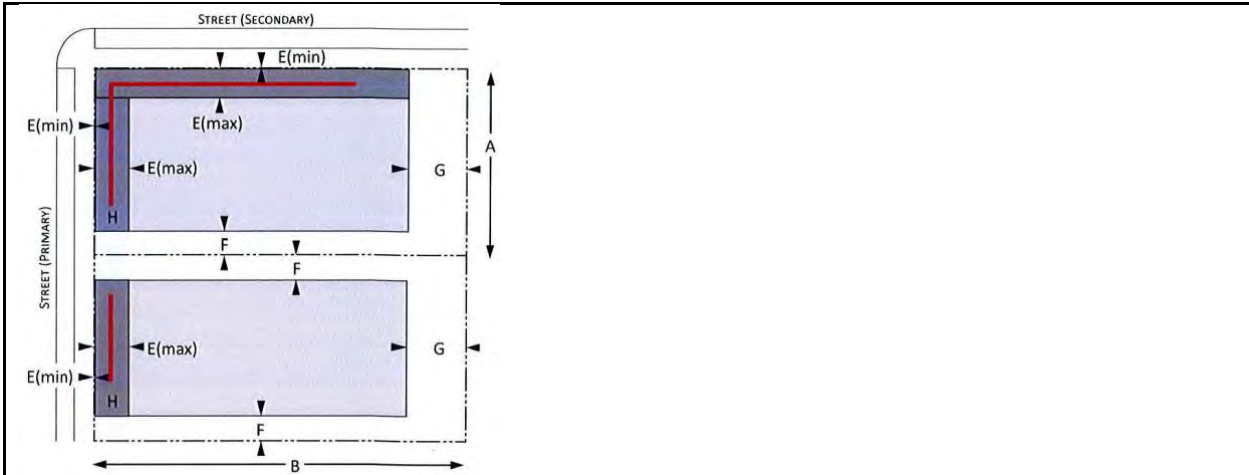
BUILDING HEIGHT			
M - Principal Building (ft)	—		'28-32' as defined in Sec. 20.17
N - Accessory Structure(s) (ft)	—		28'
PARKING PROVISIONS			
Location		Zone 2 and 3	
PRIVATE FRONTAGES (PF)			
Select a minimum of 1 PF listed		F	

LOT REQUIREMENTS AND BUILDING ENVELOPE	
ACCESSORY STRUCTURE ENVELOPE	
BUILDING HEIGHT	
PARKING LOCATION	

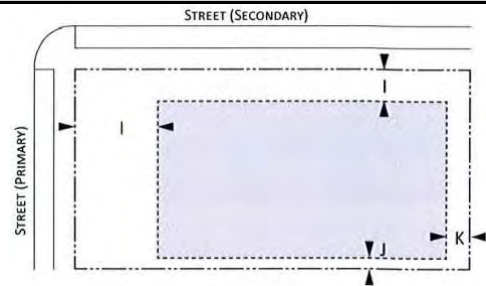
CS	COMMERCIAL / MIXED-USE - SMALL
A building lot located and designed to accommodate a multi story building with commercial, office and/or multiple dwellings in any story that is designed for smaller lot sizes.	

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	20	60
B - Lot Depth (ft)	80	120
C - Lot Size (sf)	1,600	7,200
D - Lot Coverage (%)	—	80
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	10	15
Secondary Street Setback (ft)	5	—
F - Side Setback (ft)	0	—
G - Rear Setback (ft) (interior lot)	15	—
Rear Setback (ft) (waterfront lot)	20	—
Alley	5	—
H - Frontage Buildout (%)	60	—
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	
J - Side Setback (ft)	10	—
K - Rear Setback (ft) (interior lot)	10	—
Rear Setback (ft) (waterfront lot)	20	—
L - Building Footprint (sf)	—	600
BUILDING HEIGHT		
M - Principal Building (ft)	—	underlying zoning district
N - Accessory Structure(s) (ft)	—	25
PARKING PROVISIONS		
Location	Zone 2 and 3	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	C	

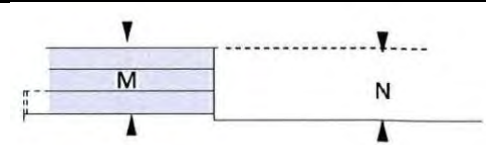
LOT REQUIREMENTS AND BUILDING ENVELOPE
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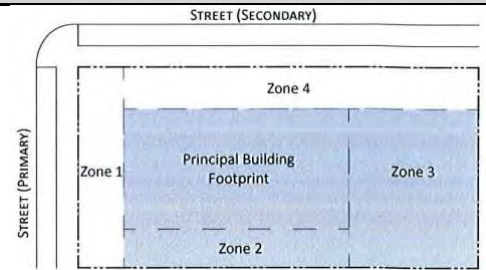
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



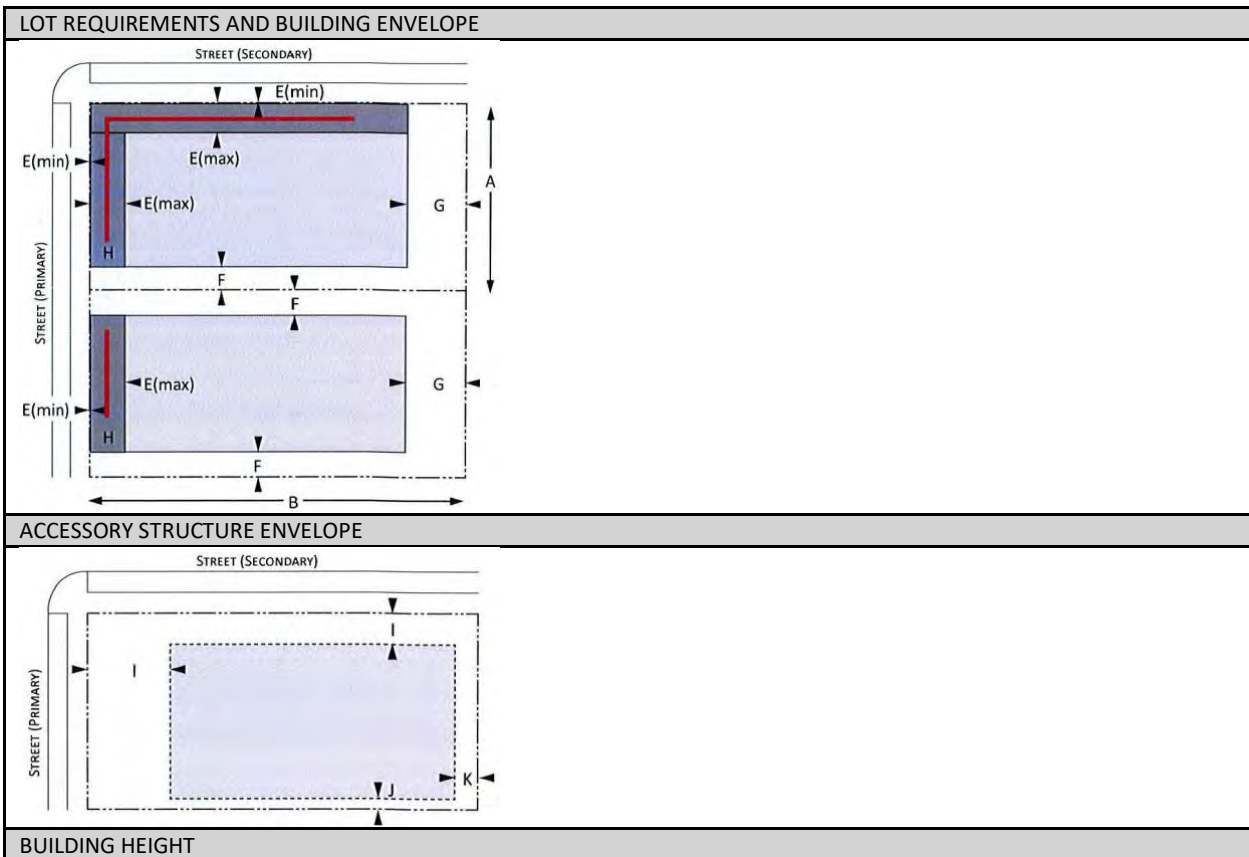
CM	COMMERCIAL / MIXED-USE - MEDIUM
A building lot located and designed to accommodate a multi story building with commercial, office and/or multiple dwellings in any story that is designed for average lot sizes.	

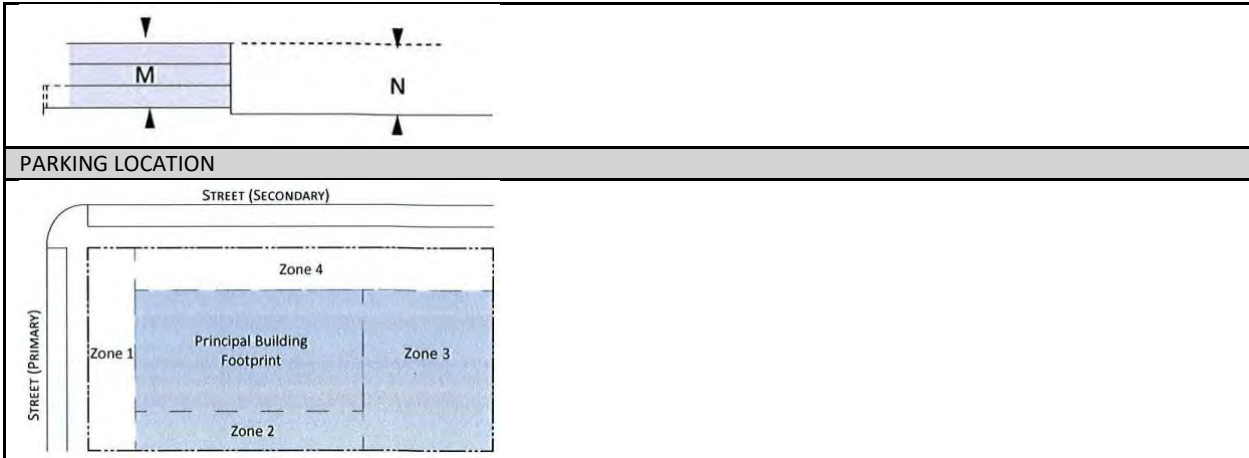
LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	60	150
B - Lot Depth (ft)	—	350

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(Supp. No. 46)

C - Lot Size (sf)	—	52,500
D - Lot Coverage (%)	—	90
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	10	15
Secondary Street Setback (ft)	5	—
F - Side Setback (ft)	0	—
G - Rear Setback (ft) (interior and waterfront lots)	20	—
Alley	5	—
H - Frontage Buildout (%)	60	—
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	—
J - Side Setback (ft)	10	—
K - Rear Setback (ft) (interior lot)	10	—
Rear Setback (ft) (waterfront lot)	20	—
L - Building Footprint (sf)	—	800
BUILDING HEIGHT		
M - Principal Building (ft)	—	underlying zoning district
N - Accessory Structure(s) (ft)	—	25
PARKING PROVISIONS		
Location	Zone 2 and 3	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	C	





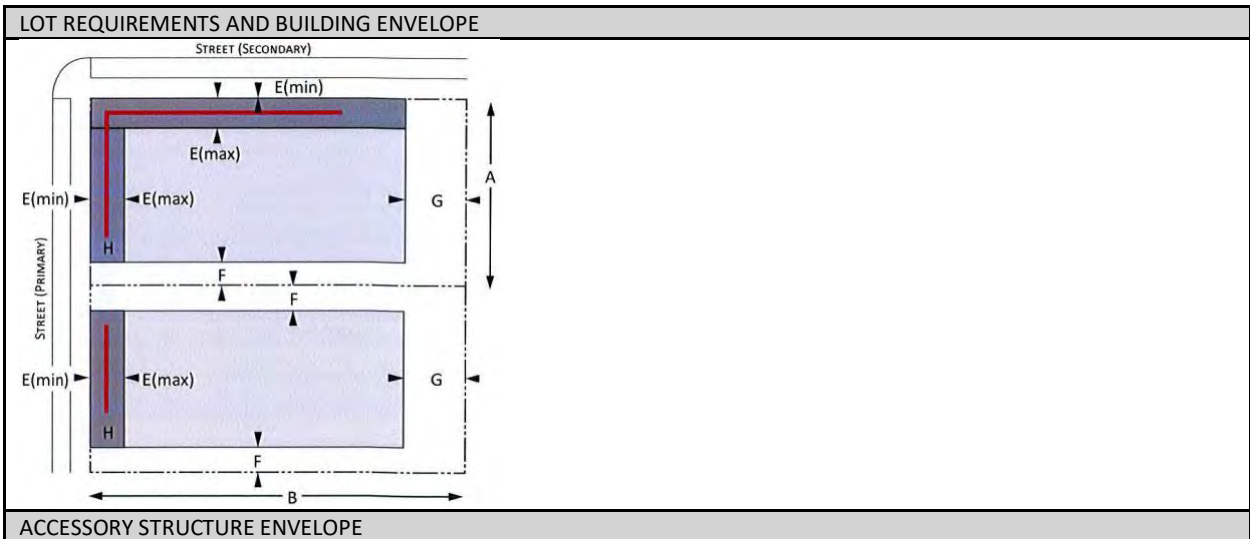
BH	BOUTIQUE HOTEL
A building lot located and designed to accommodate lodging. The number of rooms will be confirmed by existing operating hotel rooms. (The units have to be existing prior to redevelopment as stated in section 20.07 Density, intensity and assembly of parcels).	

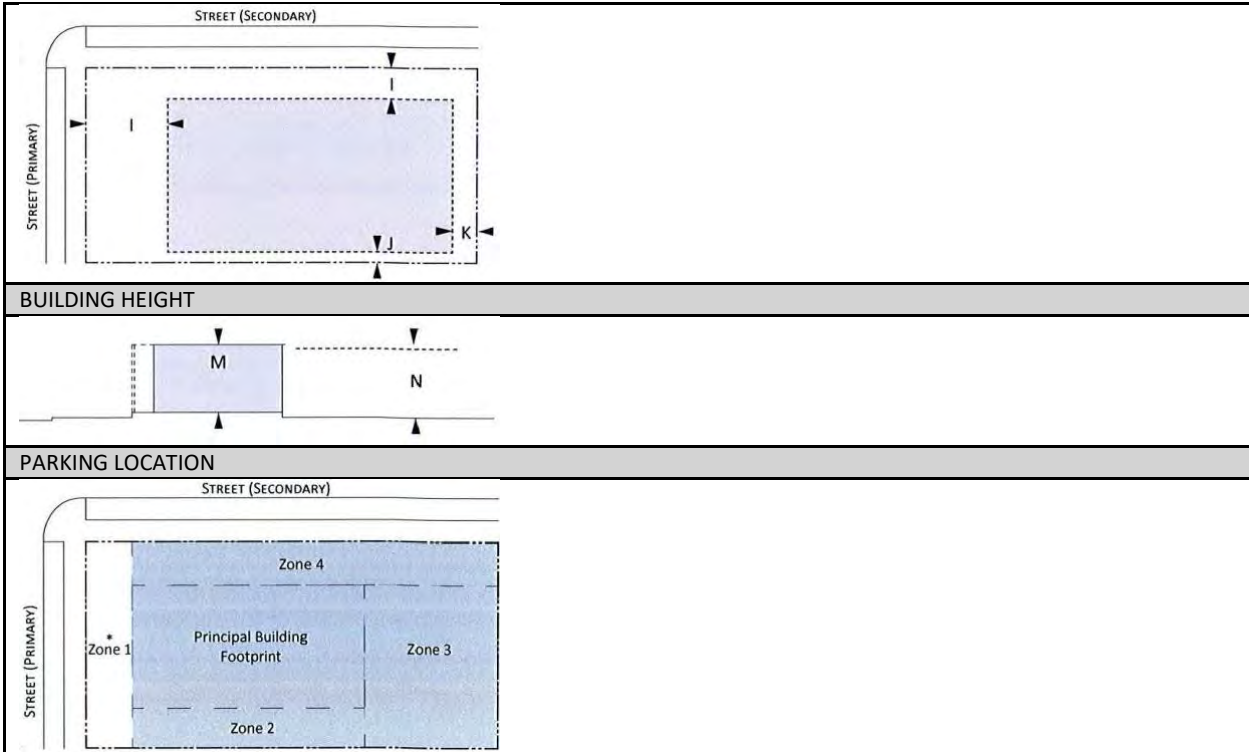
LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	40	105
B - Lot Depth (ft)	90	125
C - Lot Size (sf)	—	13,125
D - Lot Coverage (%)	—	80
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	15	20
Secondary Street Setback (ft)	10	—
F - Side Setback (ft)	10	—
G - Rear Setback (ft) (interior lot)	15	—
Rear Setback (ft) (waterfront lot)	20	—
Garage Adjacent to Alley	5	—
H - Frontage Buildout (%)	60	—
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	—
J - Side Setback (ft)	10	—
K - Rear Setback (ft) (interior lot)	10	—
Rear Setback (ft) (waterfront lot)	20	—
L - Building Footprint (sf)	—	800
BUILDING HEIGHT		
M - Principal Building (ft)(1)	—	'28-32' as defined in Sec. 20.17
N - Accessory Structure(s) (ft)	—	28'
PARKING PROVISIONS		
Location	Zone 2,3, and 4	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	C, P, F, CY, S	

(1) may exceed the height up to 35' as outlined by the code if the property is along Gulf Way and that portion of the building that exceeds the 32' in height shall be set back an additional one foot from the front setback line for every foot in height increase.

LOT REQUIREMENTS AND BUILDING ENVELOPE	
ACCESSORY STRUCTURE ENVELOPE	
BUILDING HEIGHT	
PARKING LOCATION	
	SINGLE STORY COMMERCIAL BUILDING-SMALL
A building lot located and designed to accommodate single use office and retail.	

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	30	50
B - Lot Depth (ft)	80	120
C - Lot Size (sf)	4,000	6,000
D - Lot Coverage (%)	—	80
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	10	15
Secondary Street Setback (ft)	5	—
F - Side Setback (ft)	0	—
G - Rear Setback (ft) (interior and waterfront lots)	20	—
Alley	5	—
H - Frontage Buildout (%)	60	—
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	
J - Side Setback (ft)	10	—
K - Rear Setback (ft) (interior lot)	10	—
Rear Setback (ft) (waterfront lot)	20	—
L - Building Footprint (sf)	—	800
BUILDING HEIGHT		
M - Principal Building (ft)	—	underlying zoning district
N - Accessory Structure(s) (ft)	—	25
PARKING PROVISIONS		
Location	Zone 2,3, and 4	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	C, G, A	





SM	SINGLE STORY COMMERCIAL BUILDING-MEDIUM
A building lot located and designed to accommodate single use office and retail.	

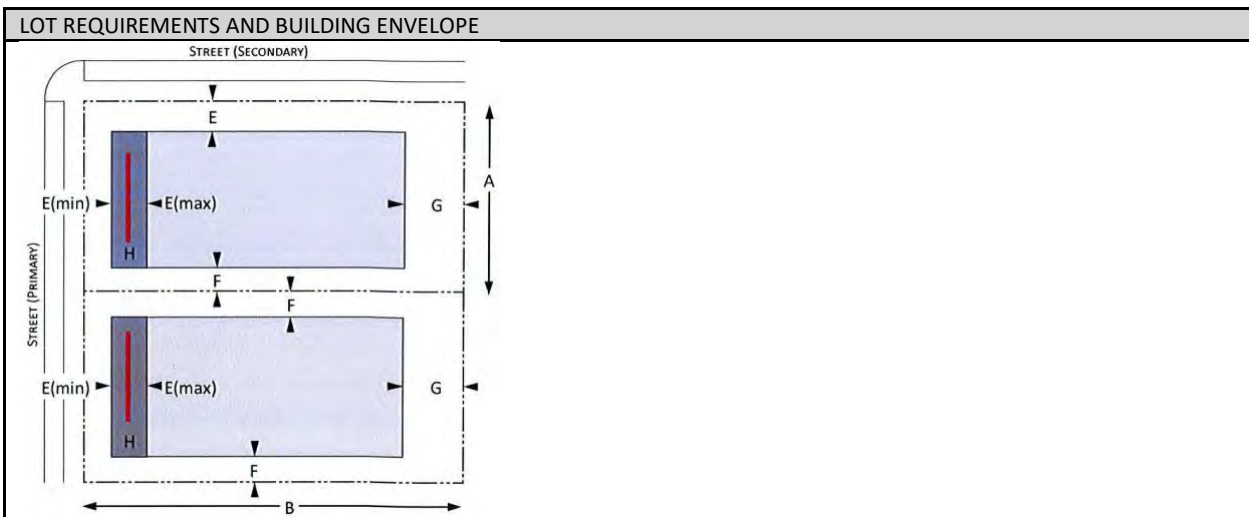
LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	60	150
B - Lot Depth (ft)	—	350
C - Lot Size (sf)	—	52,500
D - Lot Coverage (%)	—	90
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	10	15
Secondary Street Setback (ft)	5	—
F - Side Setback (ft)	0	—
G - Rear Setback (ft) (interior and waterfront lots)	20	—
Alley	5	—
H - Frontage Buildout (%)	60	—
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	—
J - Side Setback (ft)	10	—
K - Rear Setback (ft) (interior lot)	10	—
Rear Setback (ft) (waterfront lot)	20	—
L - Building Footprint (sf)	—	800
BUILDING HEIGHT	MIN	MAX

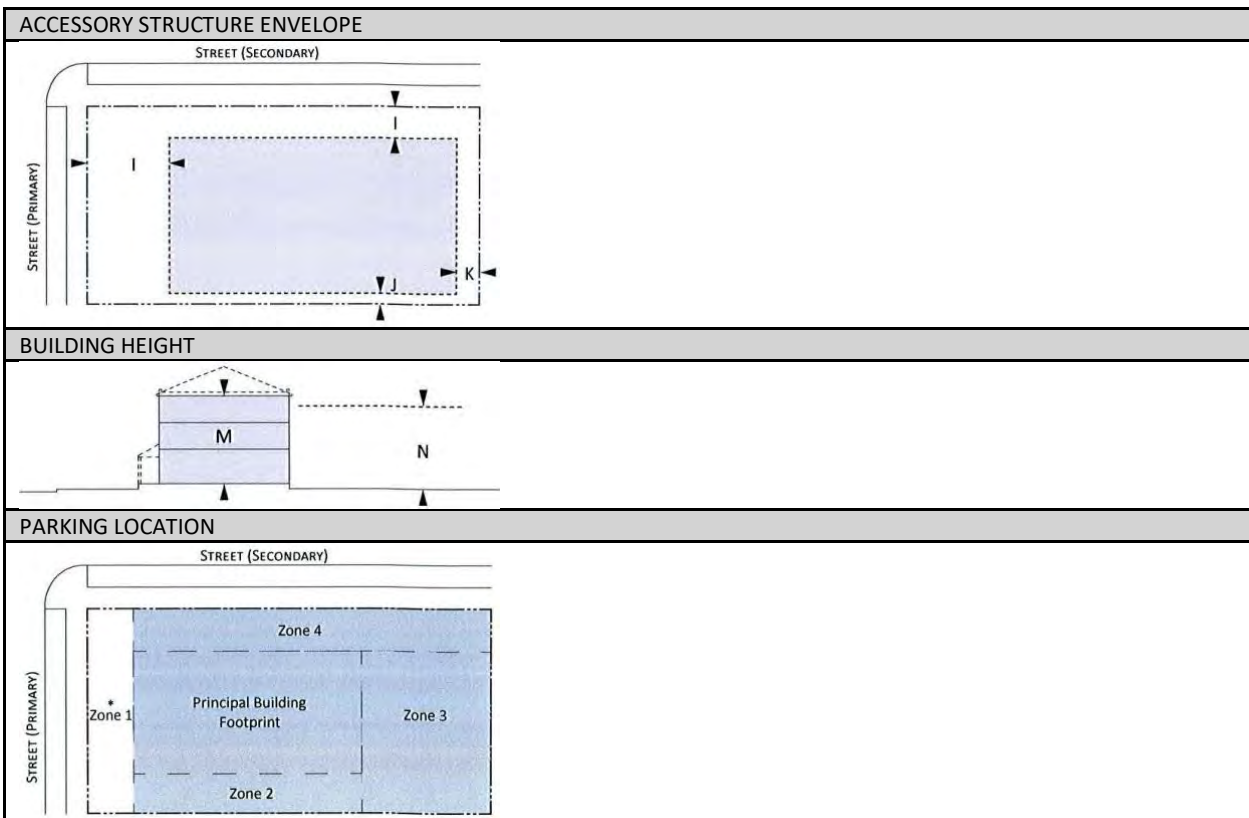
M - Principal Building (ft)	—	underlying zoning district
N - Accessory Structure(s) (ft)	—	25
PARKING PROVISIONS		
Location	Zone 2 and 3	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	C	

LOT REQUIREMENTS AND BUILDING ENVELOPE	
ACCESSORY STRUCTURE ENVELOPE	
BUILDING HEIGHT	
PARKING LOCATION	

IN	INSTITUTION BUILDING
A building lot located and designed to accommodate a building containing public or civic uses such as community services, day care, education, government, places of worship, or social services. This typology is only for permitted and exiting institutional buildings.	

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	—	—
B - Lot Depth (ft)	—	—
C - Lot Size (sf)	—	—
D - Lot Coverage (%)	—	—
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	10	25
Secondary Street Setback (ft)	10	—
F - Side Setback (ft)	10	—
G - Rear Setback (ft) (interior lot)	15	—
Rear Setback (ft) (waterfront lot)	20	—
Alley	5	—
H - Frontage Buildout (%)	50	—
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	—
J - Side Setback (ft)	10	—
K - Rear Setback (ft) (interior lot)	10	—
Rear Setback (ft) (waterfront lot)	20	—
L - Building Footprint (sf)	—	800
BUILDING HEIGHT		
M - Principal Building (ft)	—	35
N - Accessory Structure(s) (ft)	—	28'
PARKING PROVISIONS		
Location	Zone 2,3, and 4	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	no requirement	





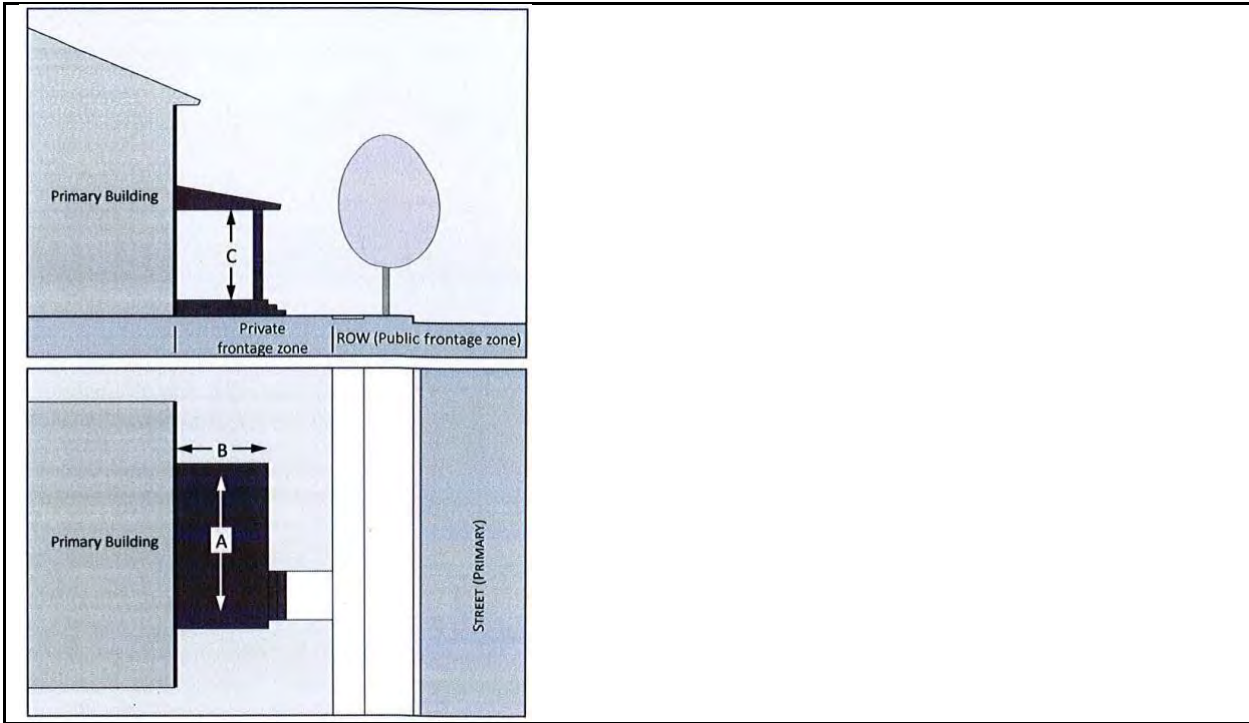
P

PORCH

The façade is setback from the front lot line per applicable street setback requirements. The façade includes an attached front porch structure. A wide variety of porch designs are possible.

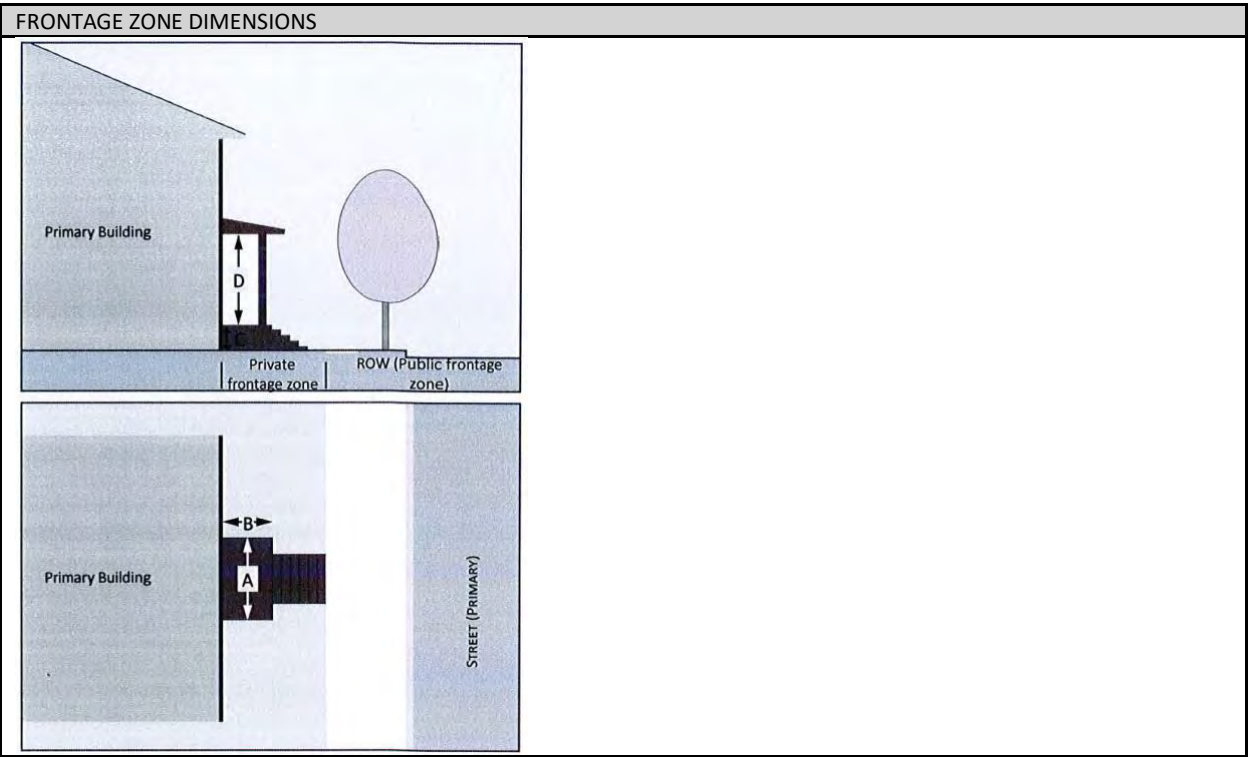
FRONTAGE ZONE (FZ)	MIN	MAX
Porch structure requirements:		
A - Width (clear) (ft)	10	—
B - Depth (clear) (ft)	5	—
C - Height (clear) (ft)	7	—
INTERFACE ZONE (IZ)		
Landscape with path (3' wide min) from sidewalk to structure		

FRONTAGE ZONE AND INTERFACE ZONE DIMENSIONS



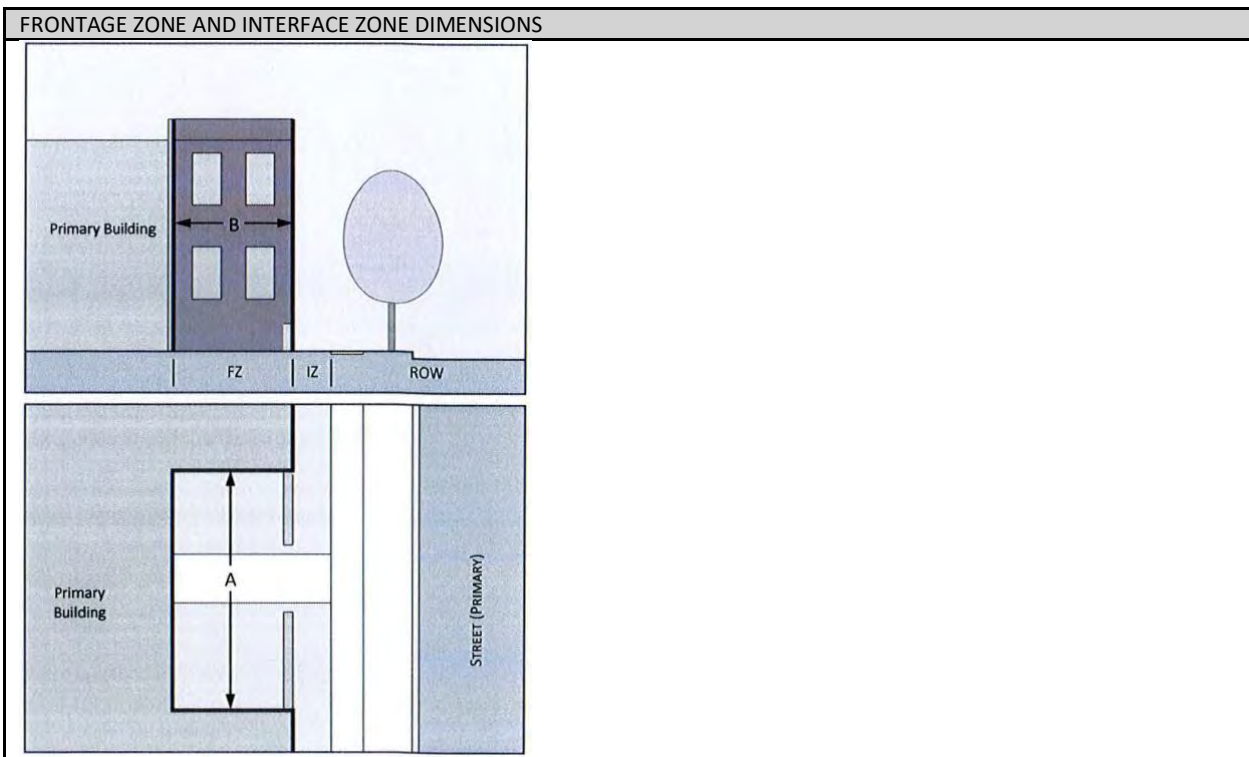
S	STOOP
The façade is set back from the front lot line per applicable street setback requirements. The façade includes an attached entry stoop (an elevated landing with stairs) that is placed at or near the front lot line. The ground floor is elevated to provide privacy. The stoop may include a roof, however it is not required.	

FRONTAGE ZONE (FZ)	MIN	MAX
Stoop structure requirements:		
A - Width (clear) (ft)	5	10
B - Depth (clear) (ft)	3	8
C - Height (stoop) (in)	18	24
D - Height (clear) (ft)	7	—
INTERFACE ZONE (IZ)		
Landscape with path (3' wide min) from sidewalk to structure		



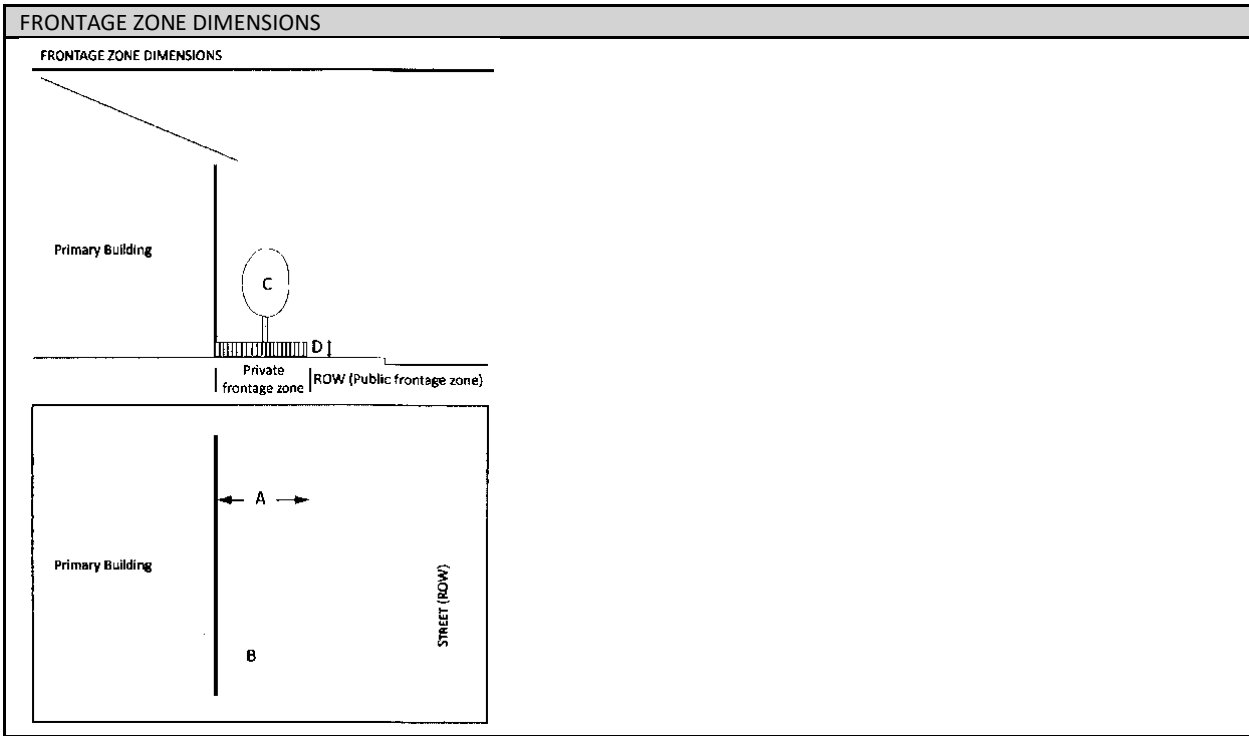
F	FORECOURT
The façade is set back from the front lot line per applicable street setback requirements. A portion of the façade is recessed to form an uncovered court. The court is suitable for outdoor dining, gardens, vehicle drop-offs, formal entries etc. A fence or wall may be used to define the private space of the court. The court may be elevated behind a retaining wall at or near the front lot line with entry steps to the court. The forecourt area may not have a permanent roof structure. Cafe's, seating area's may provide shade, umbrella's or any temporary shelter(s) that provide shade.	

FRONTAGE ZONE (FZ)	MIN	MAX
Courtyard requirements:		
A - Width (clear) (ft)	12	—
B - Depth (clear) (ft)	12	50
INTERFACE ZONE (IZ)		
Landscape with path (6' wide min) from sidewalk to structure		
OTHER REQUIREMENTS		
None		



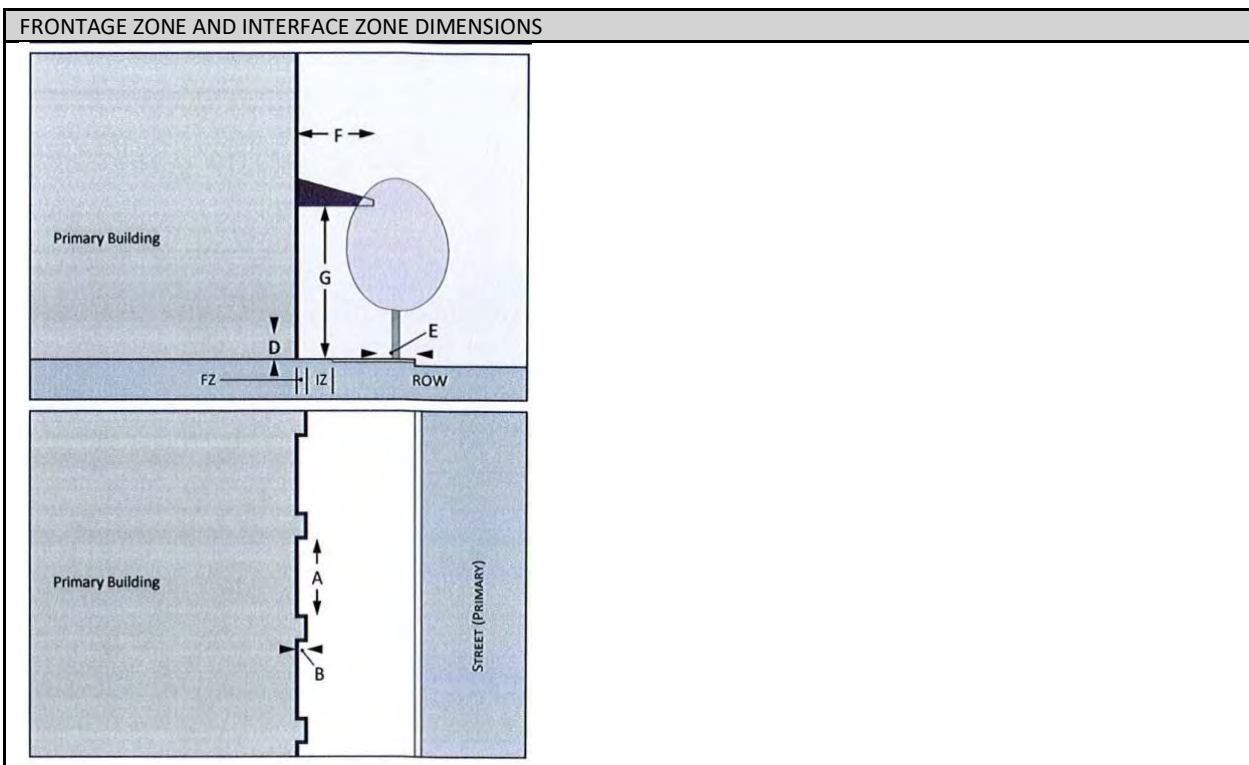
COMMON YARD
The façade is set back from the front lot line per applicable street setback requirements. The common yard may include a two to four foot in height decorative fence that shall be constructed of wood, shell, or concrete material. The frontyard is required to have a minimum of 1 canopy tree, shrubs, and ground cover.

FRONTAGE ZONE (FZ)	MIN	MAX
Stoop structure requirements:		
A - Landscape	grass and or ground cover	
B - Shrubs, ground cover	10 (3 gallon)	—
C - Tree (canopy tree)	1	—
D - Fence Height (feet)	2'	4'



	COMMERCIAL
The façade is setback from the front lot line per applicable street setback requirements, typically at or near the front lot line with the entrance at sidewalk grade. The façade may include an awning, shed roof, or gallery (a lightweight colonnade with no habitable building space above it) that covers the sidewalk and may extend into the right-of-way. The facade has a substantial amount of glazing at the sidewalk level. Recessed entrances are acceptable.	

FRONTAGE ZONE (FZ)	MIN	MAX
Building facade requirements:		
A - Distance between openings (ft)	10	20
B - Door recess (ft)	—	5
C - Ground floor transparency (%)	60	—
D - Height to bottom of window (ft)	—	2.5
INTERFACE ZONE		
Extended sidewalk from right-of-way edge to structure		
OPTIONAL ELEMENTS	MIN	MAX
AWNING or GALLERY		
E - Setback from curb (ft)	2	—
F - Depth (clear) (ft)* (Gallery min 8')	4	10
G - Height (clear) (ft)	8	—
OTHER REQUIREMENTS		
None		



(Ord. No. 2016-19, § 2(Exh. A), 2-28-17; Ord. No. 2021-08, § 2, 6-22-2021; Ord. No. 2021-22, § 2, 10-12-21)

Sec. 20.16. Private frontage.

The building types in section 20.15 provide the acceptable private frontages (i.e. porches, stoops, etc.) for that building type. If there are multiple frontages provided in the table, the applicant may choose what private frontage to provide per building. A minimum of one frontage will be required for new construction when listed on the chart, by Building Type. The private frontage area may count towards the calculation of the frontage build out requirement under the "Building Envelope" category, by building type, in section 20.15.

(Ord. No. 2016-19, § 2(Exh. A), 2-28-17)

Sec. 20.17. Building height.

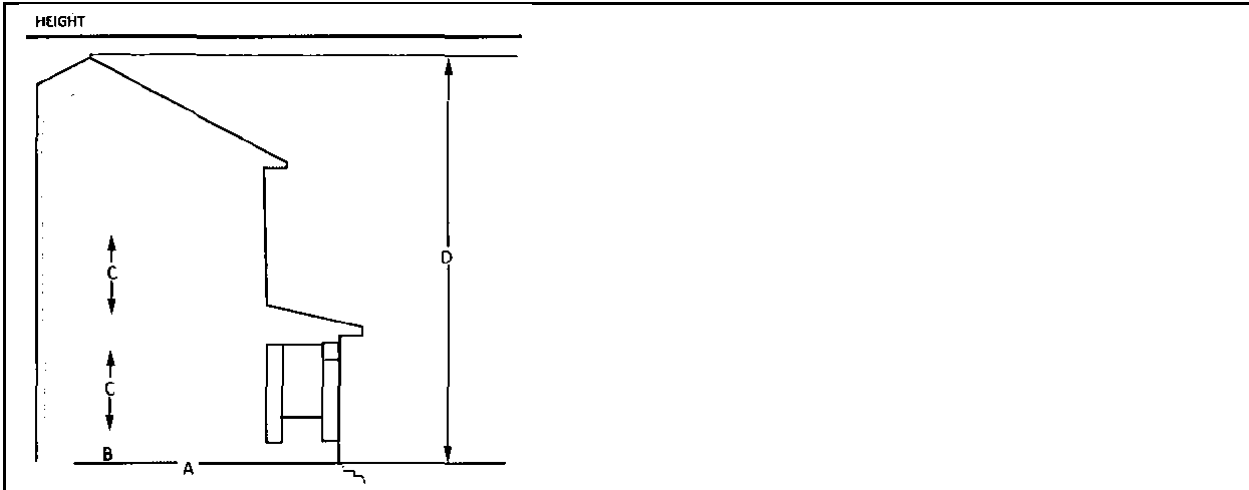
Each building lot typology in section 20.15 provides the range of height appropriate for the building type. No new or substantially improved building within the PAG Overlay District and having the underlying zoning designation of THD, RU-2 Residential, RLM-2 Residential, or RM Residential shall be constructed 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.

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 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 location specified above, further provided that the overall roof height shall not exceed 32 feet.		

HEIGHT



(Ord. No. 2016-19, § 2(Exh. A), 2-28-17; Ord. No. 2021-08, § 2, 6-22-2021)

Sec. 20.18. Minimum off-street parking requirements.

- (a) *Residential*: Shall be in accordance with the requirements of Division 23 of the Land Development Code, Off Street Parking and Loading.
- (b) *Nonresidential*: may reduce the number of spaces, if on-street parking is available, then an applicant can count any on-street parking within 500 feet of the parcel.

(Ord. No. 2016-19, § 2(Exh. A), 2-28-17)

Sec. 20.19. Alleyways.

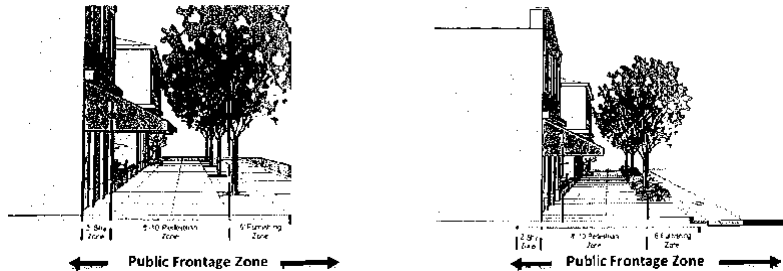
- (a) The PAG Overlay District has existing alleyways that shall be maintained as an alleyway.
- (b) Under no circumstance shall an existing alley be reduced in the width and length.
- (c) Parking is permitted adjacent to an alleyway or where the City has identified, through signage, that vehicles may park within the alleyway. Under no circumstance shall a parked vehicle impede the vehicular movement.
- (d) Alleyways shall not be permanently closed or vacated.

(Ord. No. 2016-19, § 2(Exh. A), 2-28-17)

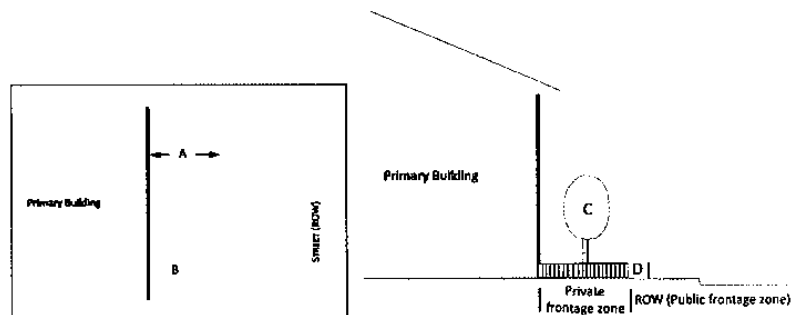
Sec. 20.20. Landscaping standards.

- (a) *Streetscape standards*. When the City requires improvements to the "Public Frontage" Zone which includes: Furnishing zones, pedestrian zones and a shy zone, the following standards shall apply.
 - (1) *Furnishing Zone that is a minimum of six feet in depth and may include street lights, benches and canopy trees*. A furnishing zone shall include one of the following: Tree Grate Standards. One canopy tree per 30 feet in lineal building shall be provided the entire length of the parcel the building is fronting.

- (2) *Planter Beds.* A minimum width of 6 feet with a maximum length of 25 feet that contains 1 canopy tree per bed and 100 percent ground cover.
- (3) *Pedestrian Zone.* 8—10 feet of unobstructed sidewalk
- (4) *Shy zone.* Comprised of 12 inches to 2 feet that includes the area from the edge of the building to the edge of the pedestrian zone.



- (b) Landscape Buffers may be required between any uses within the PAG Overlay District.
- (c) Front Buffers for all residential building types, excluding the Apartment Building, shall provide the following:
 - (1) Front fence or landscape buffer shall be provided and include the following:
 - a. An opaque hedge, height not to exceed 3 feet when fully matured and/or
 - b. *Knee wall and/or fence.* Permitted materials are wood, shell or concrete material consistent with the overall architecture and design of the primary residence.



FRONTAGE ZONE (FZ)	MIN	MAX
Stoop structure requirements:		
A - Landscape	grass and or ground cover	--
B - Shrubs, ground cover	10 (3 gallon)	--
C - Tree (canopy tree)	1	--
D- Fence Height (feet)	2'	4'

(Ord. No. 2016-19, § 2(Exh. A), 2-28-17)

Sec. 20.21. Screening of elevated buildings.

A building required by section 98-33 of the City's Code of Ordinances, to be elevated more than three feet above grade shall mask the fact that it is elevated through the use of appropriate architectural screening so that

the building, when viewed from public rights-of-way, appears to have been constructed at, or near, natural grade as follows:

- (a) Architectural screening shall:
 - (1) Create a visual continuity that is integrated with the overall design and architecture of the home using doors, garage doors, entryways, staircase and/or archways.
 - (2) No more than 20 percent of the area being screened can be transparent.
- (b) Landscape screening shall be installed:
 - (1) A minimum 3-foot-wide landscape area.
 - (2) One understory tree per 20 lineal feet (or portion thereof) of the elevated building length/width viewed from public rights-of way.
 - (3) Planted with shrubs, ornamental grasses and groundcovers to provide 100 percent coverage of the landscape area within one growing season. The landscape design shall (unless spatially impractical) provide layering of plant materials that includes larger background shrubs and low foreground groundcovers. All plant material should be Florida friendly plantings as defined and identified by University of Florida/IFS horticulture experts.
 - (4) Permanent mulch materials, such as organic mulches, stones, and recycled inorganic groundcover materials are not permitted in lieu of vegetation, unless they are provided as accent or focal points that enhance the landscape design.
- (c) Apartment building types (apartment house, apartment building small and apartment building medium shall also meet the following standards:
 - (1) Parking may only be accessed from the side or rear of the building.
 - (2) No portion of the primary building shall have garage doors facing any street.
 - (3) Parking may be located within the BFE provided the primary face of the building is architecturally designed to be consistent with front entryways of homes that are integrated and not visually seen from any street.

(Ord. No. 2016-19, § 2(Exh. A), 2-28-17)

Sec. 20.22. General building design (residential).

In addition to the required private frontages and the standards provided in each frontage, the following standards shall be applied to all residential building types (house and apartment building types) in order to maintain the overall mass and scale, of the PAG community's existing housing stock.

The following standards are included to provide a minimum criteria needed to review the overall design, mass and scale as outlined below while allowing an applicant flexibility in the design of the building. The design criteria are typical design elements used by architects to ensure a higher quality development.

Any single family or attached residential structure that follows the criteria outlined in section 20.15 must design the building with the following architectural elements:

- (a) The mass of a building must include:
 - (1) *Primary mass.* The building shall have a distinct primary mass.
 - (2) *Secondary mass.* A building should also include secondary mass (private frontage requirements) that form the façade of the building.

-
- (3) Voids that allow for natural breaks in the mass.
 - (b) Proportional design elements shall include:
 - (1) Windows in varying, yet similar arrangements.
 - (2) Appropriate vertical visual consistency at the centerline of the façade.
 - (3) Appropriate ratios of visual width between top and bottom halves of the elevation (bottom ½ clearly supports the top).
 - (4) Overall design shall be symmetrically or asymmetrically balanced.
 - (c) Design must include the following rhythms:
 - (1) Proximity (objects close together complement each other).
 - (2) Similarity- common textures, colors or features.

(Ord. No. 2016-19, § 2(Exh. A), 2-28-17)

Sec. 20.23. General building design (non-residential).

In addition to the required private frontages and the standards provided in each frontage, the following standards shall be applied to non-residential building types only.

- (a) *Public entrance.* Buildings that are open to the public shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be a distinctive and prominent element of the architectural design, and shall be open to the public during business hours. Buildings shall incorporate lighting and changes in mass, surface or finish which places an emphasis to the entrance.
- (b) *Building orientation.* The primary building entrances shall be visible and directly accessible from a street or park space that has a sidewalk or pedestrian path.
- (c) *Storefront character.* Buildings shall express a "storefront character". This guideline is met by providing all of the following features along the building frontage as applicable.
 - (1) Regularly spaced and similar-shaped windows with window hoods or trim (all building stories).
 - (2) *Large display windows on the ground floor.* All street-facing, park-facing and plaza-facing structures shall have windows covering a minimum of 40 percent and a maximum 80 percent of the ground floor of each storefront's linear frontage. Blank walls shall not occupy over 50 percent of a street-facing frontage and shall not exceed 20 linear feet without being interrupted by a window or entry. Mirrored glass, obscured glass and glass block cannot be used in meeting this requirement. Display windows may be used to meet this requirement if the first floor has not been design as a flood proof first floor.
- (d) *Building façade.* A clear visual division shall be maintained between the ground level floor and upper floors with either a cornice line or awning from 12 feet to 16 feet above grade, whichever applies to the proposed development. No more than 20 feet of horizontal distance of wall shall be provided without architectural relief for building walls and frontage walls facing the street. All buildings excluding single family detached homes shall utilize at least three of the following design features to provide visual relief along all elevations of the building:
 - (1) Divisions or change in materials (materials should be drawn from a common palette).
 - (2) Window bays.

-
- (3) Separate entrances and entry treatments, porticoes extending at least five (5) feet.
 - (4) Variation in roof lines.
 - (5) Balconies: 6 feet maximum may project into the front or side street setbacks.
 - (6) Dormers.
 - (7) Canopies, extending at least five (5) feet.
 - (8) Gables.
 - (9) Overhang extending at least five (5) feet.
 - (10) Recessed entries (at least three [3] feet from the primary façade).
 - (11) Protruding entries (at least three [3] from the primary façade).
 - (12) Covered porch entries.
 - (13) Cupolas shall be permitted on sloped roofs and are exempt from the height limitations up to twelve feet above the roof line.
 - (14) Buildings shall provide a foundation or base, typically from ground to bottom of the lower windowsills, with changes in volume or material.

(Ord. No. 2016-19, § 2(Exh. A), 2-28-17)

Sec. 20.24. Design review and required drawings.

An applicant shall be subject to the City's permit process. In addition, any development within the PAG Overlay District using the building types, as provided in this division, shall submit architectural elevations of all facades of all structures subject to this division and shall be a required exhibit for plan approval which does not subrogate any requirements outlined in Division 5, Site plan approval procedures, and building permit process. Such exhibits shall include colors, materials, building dimensions, mass and scale proportions, location of service areas and mechanical equipment, screening devices, parking, site furnishings, lighting fixtures, all signage, and any other information as determined necessary to ensure consistency with the intent of this division. All elevations and overall design must be signed and sealed by a licensed architect registered in the State of Florida and must provide a summary and illustrations that identify each standard listed in section 20.22 or 20.23 of this division. The City may request review by the Historic Preservation Board to ensure compatibility of new construction or additions within the PAG overlay district.

(Ord. No. 2016-19, § 2(Exh. A), 2-28-17)

Division 20 PAG OVERLAY	Issue in Development?	What to include and/or remove?
Sec. 20.01. Purpose and intent		
Sec. 20.02. Definitions		
Sec. 20.03. Permitted principal uses and structures.		
Sec. 20.04. Permitted accessory uses and structures.		
Sec. 20.05. Allowable conditional use.		
Sec. 20.07. Density, intensity and assembly of parcels.		

Division 20 PAG OVERLAY	Issue in Development?	What to include and/or remove?
Sec. 20.08. Maximum floor area ratio		
Sec. 20.09. Maximum impervious surface ratio		
Sec. 20.10. Reduced setbacks for contributing structures granted a certificate of appropriateness.		
Sec. 20.11. Minimum building type requirements		
Sec. 20.12. Subdivision of lots.		
Sec. 20.13. Residential development option for single-family homes.		

Division 20 PAG OVERLAY	Issue in Development?	What to include and/or remove?
Sec. 20.14. Vacant parcels.		
Sec. 20.15. Permitted building types		
Sec. 20.16. Private frontage		
Sec. 20.17. Building height.		
Sec. 20.18. Minimum off-street parking requirements		
Sec. 20.19. Alleyways.		

Division 20 PAG OVERLAY	Issue in Development?	What to include and/or remove?
Sec. 20.20. Landscaping standards.		
Sec. 20.21. Screening of elevated buildings		
Sec. 20.22. General building design (residential).		
Sec. 20.23. General building design (non-residential).		
Sec. 20.24. Design review and required drawings		
Additional Categories		

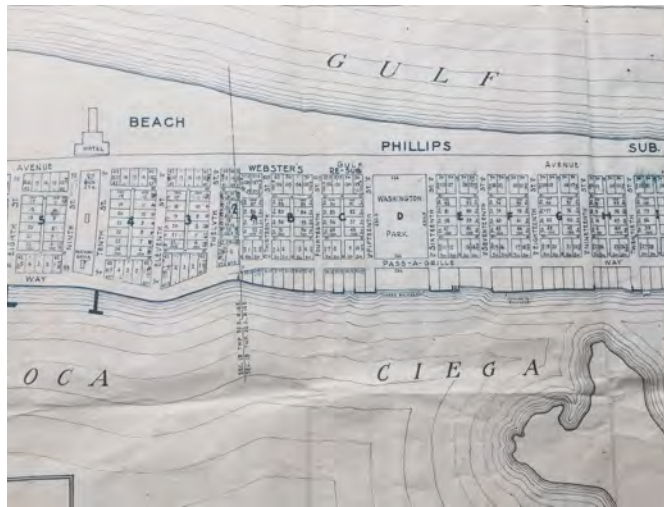
Division 20 PAG OVERLAY	Issue in Development?	What to include and/or remove?
Driveways		
Garage Standards		

Division 20 PAG OVERLAY	Issue in Development?	What to include and/or remove?

ZONING CATEGORIES	RU-2	RLM-2	RM	THD	RFO	ROR	CG-1	CRD (8th Avenue)
Location	22nd avenue north-31st ave (south side)	22nd avenue - 1st ave	32nd ave-31ave (north side) and condo on 1st ave south	FLU only 14/13 avenue beach side)	parcel 13 ave/ gulfway also has RFO and the adjacent parcel	south side of 7th avenue north and Pass-a-grille way between 11th ave and 10th ave	Pass-a-grille way 21st avenue south on the east side	
Front setback	20'	20'	20'	20'		20'	25'	Front yard: A minimum of 75 percent of the building frontage shall be built in line with the buildings adjacent to it, or set back no greater than two (2) feet, whichever distance from the front property line is less. In cases where vacant lots are adjacent to the lot which is proposed for development, no more than 75 percent of the building frontage shall be set back more than two (2) feet from the front property line. In the event there are existing buildings on both sides of the proposed building, and the adjacent buildings are not set back the same distance from the front property line, then the proposed structure may be built to the average frontage of the two adjacent buildings. Fronting PAG way 10'
PAG contributing structure (additions or accessory structures)	10'							
Secondary front	10'	10'	10'	10'		10'	15'	Secondary front yard: No secondary front yard setback for primary structure. Fronting PAG way 5'
PAG contributing structure (additions or accessory structures)	5'							
Side yards	10% of lot width	10% of the lot width	10% of the lot width	10% of the lot width		10% of the lot width	10% applicable to properly lines defining the zoning lots	0'/ 5' parcels fronting PAG way
PAG contributing structure (additions or accessory structures)	10% of the lot width (each)							
Rear yards	20'	20'	20'	20'		20'	25'	10'
PAG contributing structure (additions or accessory structures)	10'							

ZONING CATEGORIES	RU-2	RLM-2	RM	THD	RFO	ROR	CG-1	CRD (8th Avenue)
Minimum Lot area	6,000 sq.ft.	4,400 sq.ft. SF detached MF and 2-Family 4,356 sq.ft for each dwelling unit	5,000 sq. ft SF Detached and 2-family, multifamily and attached SF- 2,904 sq. ft. per dwelling unit	3,500 sq. ft	SF/MF refers to RLM-2- Transient: Lot area: 2,609 square feet for each transient accommodation unit other than bed and breakfast inns which shall be developed in accordance with the requirements of section 6.2. (bed and breakfast inns)	Detached SF and other uses: 5,000 sq. ft. Attached, multi-family and transient accommodations : Lot area: 2,904 square feet for each dwelling unit or transient accommodation unit, pursuant to section 6.6 of this Code	5,000 sq. ft. Lot area: 1,452 square feet for each transient accommodation unit, plus the required lot area determined under the requirements of section 15.11 for portions of the development allocated to retail sales, office space, restaurants, meeting or conference rooms, fitness facilities and other support facilities pursuant to section 6.6 of this Code. For Resort condo's, max size 600 sq.ft shall be used per unit calculation	
Lot width	60'	40 SF detached/50 feet for 2family and multi-family dwelling	50'	50'	underlying for residential development/ 50' for transient use	50'	50'/ 100' for hotel	
Height	30'	30'	35'	See below		30'	50'	35'
FAR/Density	0.40	0.40	0.50	No new structure shall be larger in aggregate SF than the structures which occupied the site prior to redevelopment, except Building Official may allow 5% increase in the agg sq.ft. overall, plus the min. necessary increases in agg sq.ft.		0.40	0.55	Residential 24 DU/Acre Transient accom - 50 DU/AC Non-Residential for single use commercial structures or 1.50 for mixed-use development. Projects that consist of a non-residential uses mixed with a transient accommodation or residential use shall provide a minimum FAR of .40 for the non-residential use.
ISR Residential	0.70	0.70	0.70	0.65	underlying RLM-2)	0.70	0.70	
ISR Non residential	0.65	0.75	0.75	0.65	0.70	0.85	0.90	

ZONING CATEGORIES	RU-2	RLM-2	RM	THD	RFO	ROR	CG-1	CRD (8th Avenue)
Open space	No requirement				30% of the net buildable lot shall be maintained as green space	30% of the total required areas shall be maintained as green space	30% of the total required areas shall be maintained as green space	not required
Parking *division 23	2 spaces per residential unit					2 spaces per residential unit, 1 per 300 sq.ft. for office, 1 per 200 SF floor area for Office, 1 per transient unit plus 1 additional per 10 transient unit and other spaces for additional accessory uses		For properties zoned CRD-EA, permitted non-residential and transient accommodation uses are exempt from the minimum parking standards above. Residential uses shall provide the required off-street parking in Division 23
Landscaping (One and two family residential)	one and two family dwellings 3,500- 6,00 sq.ft. 2 trees, 6,000 to 7,500- 3 trees, 7,501-10,000 sq.ft. 4 trees.							exempt
Landscaping (multifamily and non residential)	N/A	front buffer determined by the adjacent right-of-way width, OR., 25 foot ROW= 2.5' of landscape buffer						exempt
Vehicular Use Areas	N/A	1 tree for every 30l.f., entire boundary of VUA to be buffered, hedge 2' in height around the entire length of the area						exempt
ROW Buffer	N/A	5-15' buffer along ROW						exempt
Buffer types	N/A	Ranges from 10'-45', depending on the use, what is adjacent to and size of landscaping.						exempt



Pass-A-Grille Regulatory Assessment January 2016



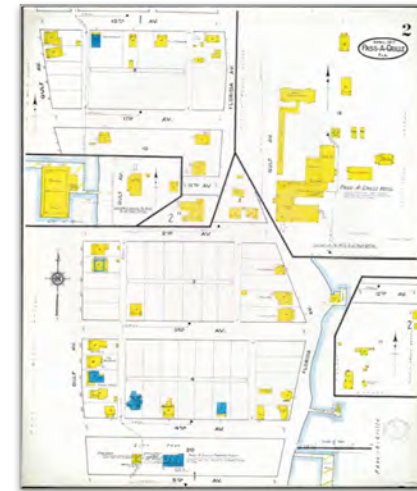
INTRODUCTION

The City of St Pete Beach is revising the existing Pass-a-Grille Zoning Overlay with the commitment to preserve the overall character within the Pass-a-Grille area. The first step of the Zoning Overlay update is to identify and recognize the impediments facing Pass-a-grille with redevelopment of existing and vacant land. The goal will be to support the existing intensity and density already within Pass-a-Grille without increasing the existing density/intensity and use(s) when redevelopment or improvements occur within the Pass-a-Grille Area. The existing Pass-a-grille (PAG) Zoning Overlay is generally bounded by 32nd Avenue to the north, 1st Avenue to the south, Pass-a-Grille Way to the east, and Gulf Way to the west.

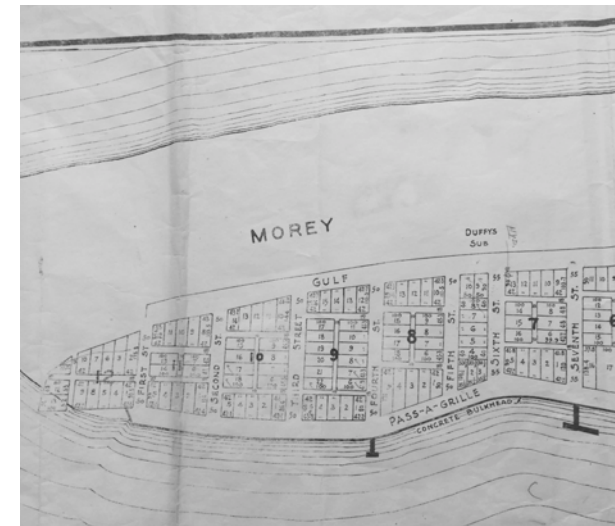
The goal is to preserve the quirky beach village character by recognizing the history and eclectic feel of the community and how it fits within the larger context of St. Pete Beach.

PURPOSE OF REGULATORY REVIEW

To ensure that the quality and integrity of Pass-a-Grille's historic building and layout can be maintained, an understanding of the existing land use and zoning has been evaluated to determine what, if any, constraints exist from the "built environment" to the development standards applied to the area. Existing regulations can set the framework to redevelopment. The earliest documented maps for the Pass-a-Grille Area were in 1917 (example of the sanborn maps upper right) that reflected the range of housing, retail, and hotels that existed in the area. Much of the platted lots have remained unchanged in almost 100 years. Redevelopment can be a challenge when the development is required to meet standards that had not been required prior to the adoption of regulations. Appendix A, is a matrix that summarizes the Future Land Use's and Land Development Code requirements that have a significant affect on the redevelopment, expansion of uses and additions within Pass-a-grille.



Sanborn Map, 1917



Town of Pass-a-Grille Parcel Map, 1933

Future Land Use Designation

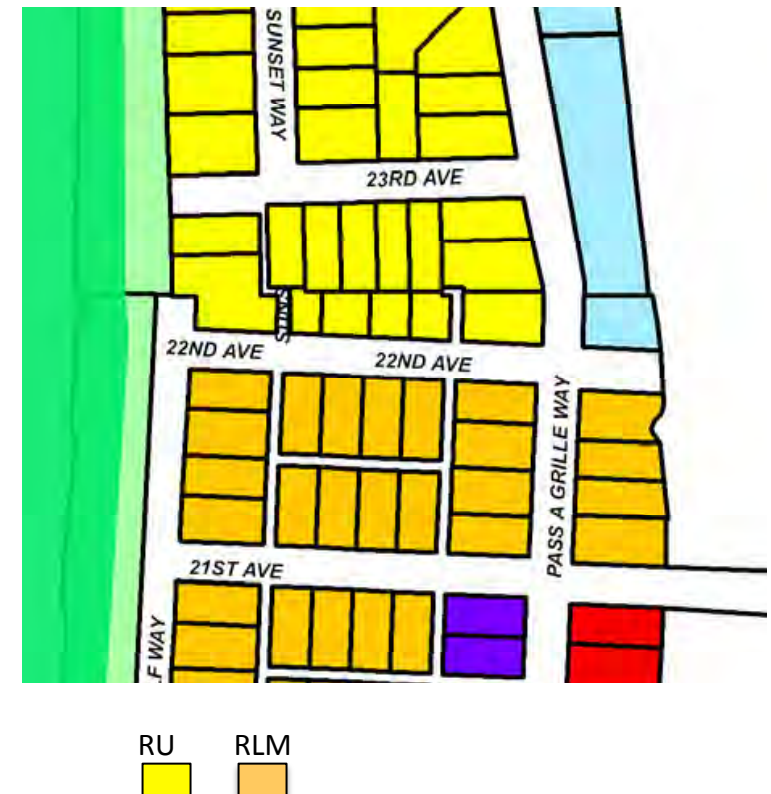
Each parcel of land is assigned a Future Land Use designation that provides basic parameters for general development including use and design. These basic parameters vary based upon whether or not a property is being regulated through a conventional future land use designation or is permitted to function within an overlay as provided in Future Land Use Element Policy 2.1.1, assignment of land use categories.

- Residential Urban (RU)
- Residential Medium (RM)
- Residential Low Medium (RLM)
- Residential High (RH)
- Residential/Office/Retail (R/O/R)
- Commercial General (CG)
- Recreation/Open Space (R/OS)
- Institutional (I)

Pass-a-grille is predominately assigned residential land use categories that range from permitted densities from 7.5 Dwelling units an acre to 40 Dwelling Units an Acre. Additional land use categories that provide retail and office are predominately located on Pass-a-grille Way with ROR located on the northern side of 7th Avenue, backing up the 8th Avenue Commercial area, which is not part of this study

Two land use categories are the most predominate within the Study Area:

- Residential Urban, 7.5 DU/AC, predominately assigned North of 22nd Avenue to the boundary at 31st Avenue
- Residential Low Medium, 10 DU/AC, predominately 22nd Avenue South of 22nd Avenue to the boundary at 1st Avenue.



The land use map, above, is a portion of the Future Land Use Map for Pass-a-Grille. The entire Land Use Map series can be found:

<http://spbftp.stpetebeach.org/public/Future%20Land%20Use%20Map.pdf>

Only two parcels have Residential High Designations (facing west from 14th avenue to 13th avenue) and one parcel has Residential Medium (Condominium's south of 1st Avenue and Gulfway). In addition to the RH designation, these two parcels also have the Resort Facilities Overlay, which establishes a ration of 1.67 temporary lodging units to the permitted number of underlying residential units, equating to 50 lodging units.

ISSUE: The land uses applied to the Pass-a-Grille are conflict with the majority, if not all parcels located within the study area, which makes redevelopment a challenge within the study area. Currently, none of the historic existing land use densities match the assigned land use category.

For example: The RU land use permits 7.5 density units per acre. The majority of the lots in the area are 50' x100' and 55' x 100' and in order to be consistent with a 7.5 DU/AC the lot size would be a minimum of 5,808 sq.ft. 4,355

The RLM District permits 10 DU/AC, which would require a minimum size of 4,356 sq. ft. The majority of the lot sizes are 37'-40' x 100-110' which will not meet the existing platted area(s).

POTENTIAL SOLUTION:

Option one: Create a land use for Pass-a-Grille that more accurately reflects the existing context without any net increase of Density that supports the desire to "preserve the village character".

Option two: Create a land use overlay that provides the existing range of densities that exist in the Pass-a-grille area by developing a special area plan

Option three: update the nonconformity language that permits redevelopment of structures and uses that permit rebuilding with more current standards instead of remodeling existing structures.



General Provisions for Nonconformance

The Comprehensive Plan provides general provisions for nonconforming Residential and Temporary Lodging Uses, Densities and Intensities. While all four provisions apply, the two most noteworthy are:

- **FEMA Compliance Required.** Notwithstanding any statements to the contrary, there is no intention of superseding any regulations of the Federal Emergency Management Agency (FEMA) or National Flood Insurance Program requirements regarding the protection of properties from flood damage.
- **Expansion Prohibited.** There also is no intention of allowing for the expansion of non-conforming uses or an increase in a non-conforming density or intensity of a use as determined by the Future Land Use Plan and Map designation and implementing zoning regulations effective at the time of the event.

ISSUE: The expansion prohibited will have a long term negative affect in Pass-a-grille if the desire it to keep the area's existing character and context.

POTENTIAL SOLUTION:

The "expansion prohibited" could be modified to support the existing context which has been in place, in Pass-a-grille for close to 100 years, the existing land uses are silent to the mix of housing typologies and boutique hotels. Permitting these existing land uses within the Pass-a-grille area would support the existing character without increasing existing density/intensity.



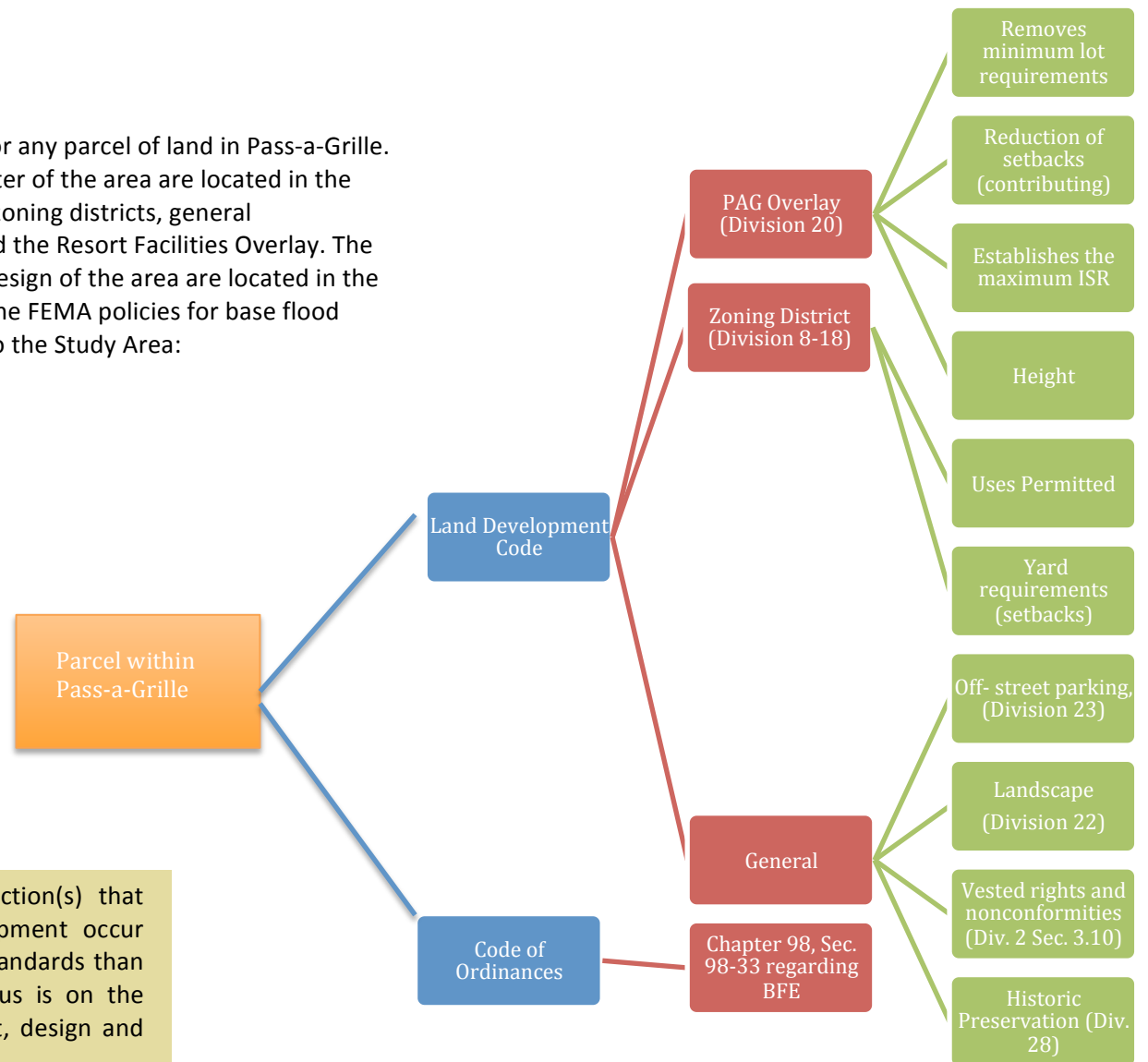
Above and below are existing land uses that exist: small-scale apartment buildings (above) and small-scale boutique hotels (below).



Land Development Policies

The City maintains development requirements for any parcel of land in Pass-a-Grille. The primary requirements that affect the character of the area are located in the City's Land Development Code, establishing the zoning districts, general requirements, the Pass-a-grille Overlay (PAG) and the Resort Facilities Overlay. The major categories influencing the character and design of the area are located in the Zoning District Standards, the PAG Overlay and the FEMA policies for base flood elevation. There are 8 zoning districts assigned to the Study Area:

- Residential (RU-2, RLM-2, RM)
- Residential/Office/Retail (ROR)
- Commercial District (CG-1)
- Recreation Open Space (ROS)
- Tourist Hotel District (THD)
- Institutional (INS)



The flow chart summarizes the major section(s) that influence how development and redevelopment occur within Pass-a-Grille. There are more code standards than shown in this flowchart, however, the focus is on the major categories affecting the development, design and character of Pass-a-Grille.

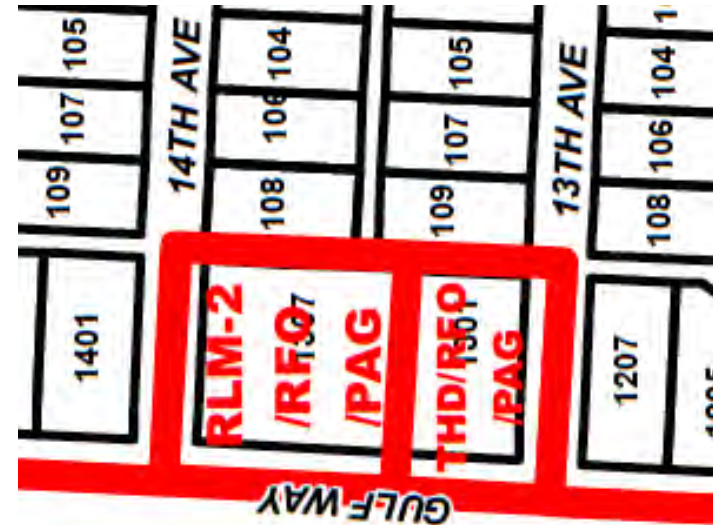
Overlay Districts

There are two overlay districts within the Pass-a-Grille Area:

1) Pass-a-Grille Overlay which encompasses the entire PAG study area boundary. The purpose of this district was to provide modifications to the underlying zoning IF the parcel owner applied for designation to contributing structures to the National Register Historic District to be considered conforming regarding lot size and setbacks. The overlay also:

- Prohibited future subdividing to a smaller size than the platted lot of record
- Permits the reduction in setbacks for “contributing” structures, which exclude additions, and accessory structures.
- Established a height measure for THD, RU-2, RLM-2 or RM Residential Districts that had allowed for a range of heights from 30-35’.

2) Resort Facility Overlay (RFO). The RFO purpose is to allow transient accommodations in addition to the uses permitted in the underlying zoning district. Only four parcels within the PAG have this overlay as seen in the map to the right. One of the three parcels are under construction for single- family homes, the other two are for sale as Single family home(s) and the remaining parcel has an existing Inn: Sabal Palms Inn (far right building in the photo to the right).



ISSUE: The entitlements that have been permitted within the block facing gulf way from 13th avenue to 14th avenue will have significant challenges if the parcel opts to construct transient accommodations. The Sabal Palm Inn has 10 transient units ranging from studio’s to one bedrooms with a maximum capacity, per their website, of 35 people with a total building sq.ft. of 5,524 (included two stories). If the parcel were to redevelop and be required to meet the minimum unit size per the RFO district of 2,609 sq.ft. per transient unit, this inn would only be able to provide two units. The THD Zoning does not establish a minimum transient unit size and would be more flexible for the redevelopment of the site. The open space requirement for such a small parcel, would significantly impact the redevelopment of this site.

POTENTIAL SOLUTION:

Develop a building typology that meets the intent of the underlying land use and the context of the area that permits a transient use that is reflective of the areas context and character.

Zoning Districts

The eight zoning districts assigned to the Pass-a-Grille area, as identified early in this document, provide for a range of site design parameters, by zoning district. There are two predominate zoning districts assigned in the Study area- RU-2, from the northern most area as 22nd Avenue to 31st Avenue and RLM-2, from 22nd Avenue to 1st Avenue.

The uses permitted in the Pass-a-grille Area, dependent of the zoning classification range from:

- Single-family, two-family and multifamily residential
- Office
- Retail
- Transient uses
- Places of worship
- Recreation and Open Space

The Zoning districts also establish the site parameters for:

- Setbacks (front, side, rear)
- Maximum floor area ratio (FAR) for non-residential uses.
- Minimum lot size and width are exempt per the PAG Overlay.



Zoning Map of Pass-a-Grille (portions of the maps, the entire series of maps can be reviewed on the City's website: http://www.stpetebeach.org/images/stories/community-department/pdfs/zoning_book_2012.pdf)

A challenge within the zoning districts is to meet the setback requirements, by zoning district and still fit with the overall context and character of the area. There is a provision in the PAG overlay, if a parcel goes through the “voluntary process” of obtaining a certificate of appropriateness for a contributing structure, the setbacks can be modified for an “existing structure” it is not permitted to modify during an addition or accessory structure. The PAG overlay removes the requirements of lot width and depth but not the overall setbacks and if a vacant lot were to develop, the existing setbacks, by zoning district prevail.

ISSUE:

The redevelopment of small parcels, will create many challenges during the site plan process. For example, if a parcel is located in the RLM-2 district with a 35' x 100' lot size, they will only have a building footprint of 28' X 60' (roughly 1680 sq.ft.) however a driveway, accessory buildings and landscape will also reduce the building footprint. The primary building will sit back farther from the sidewalk and street than most of the existing buildings. The removal of lot width/lot depth will not provide any relief for redevelopment.

POTENTIAL SOLUTION:

Develop “building typologies” that fit the character and context of Pass-a-grille.



The consistent view along the local streets in Pass-a-grille and the setbacks all relate to the preservation of the overall character of Pass-a-grille. The commercial properties also front the streets, however, the current zoning requirements would require the setback condition in the photo on the bottom left.

General Standards in the Land Development Code

While there are many general standards that a parcel of land must meet prior to the issuance of a building permit, the following categories can be the most challenging to meet and may also affect the overall existing character of Pass-a-Grille.

Landscape

The provisions in the land development code that require buffers from certain uses are problematic for the non-residential and attached multifamily within Pass-a-grille.

Off-street Parking

The calculations for parking, by use, are not consistent with the context of the area and should be modified. The on-street parking should be factored in, where appropriate.

Historic Preservation

Pass-a-Grille has been well documented and has continued to update a Historical site survey for the entire area within the PAG Overlay. The newest update was completed in April 2015, which included previously surveyed resources and added additional resources that total approximately 262 resources that are properties that include more than one contributing building, usually a contributing garage or secondary dwelling. The completed report is located on the city's website and can be accessed at <http://spbftp.stpetebeach.org/public/HRS.pdf>

The city's historic preservation board determines the historic significances of sites and structures; designates historically significant resources, protects voluntarily designate historic resources by requiring the issuance of certificates of appropriateness before allowing alterations to these



The photo's illustrate landscape (top), parking (middle) and historic preservation (bottom) examples found in Pass-a-grille.

resources; and encourages historic preservation by providing incentives to encourage the sensitive rehabilitation and use of designated historic resources. One of the incentives is for an applicant to maintain the original historic structure without being required to meet flood management regulations that are discussed in the following section (code of ordinances) of this regulatory review and the required setbacks are reduced to reflect the historic setbacks prior to the assignment of a zoning district. However, any addition or accessory use would be required to meet the zoning districts standards.

ISSUE: The incentives in place for historic preservation are not strong enough to “encourage” the restoration of a structure.

POTENTIAL SOLUTION:

Option One: The Historic Sites Survey completed in April 2015 made several recommendations that should be considered: Designate the historic sites survey are as a local historic district which will not require individual property owners from the certificate of appropriateness and act as a streamlining to variances for the setbacks of the parcel and flood management regulations, and can benefit from the historic structure Rehabilitation Tax credit Program.

Option two: Create a range of building types that reflect the historic building typologies that only address bulk and mass.

Vested Rights and Nonconformities

Out of all the regulations that are in place, Division 3, sec.3.10 Vested rights and nonconformities is the most challenging of all requirements for the Pass-a-grille area. The following situations occur throughout the PAG Overlay:



The Historic Survey was updated in April 2015 and reflects the wide range of building types and uses in the Pass-a-Grille Area.

- Lot size and lot width is not consistent with the zoning or land use.
- The permitted uses are not consistent with the existing uses that have existing for well over 90 years.
- The existing intensity/density is inconsistent with the underlying land use and zoning districts.

In order to meet the intent and goals of the Pass-a-Grille Area, as identified during previous public and visioning efforts, the nonconformity regulations should consider the uniqueness and existing character that the community wants to maintain. Currently, the provisions in Sec.3.10 would lend conversions of most apartments, two-family homes, mother-in-law suites, boutique inns to become obsolete and the potential to reduce the mix of housing and uses that has existed in the area dating back to the Sanborn Maps of 1917.

ISSUE: The nonconformity requirements will impede the City's ability (as identified in other redevelopment areas that have already been provided modifications to the LDC) to improve the overall public safety through the implementation of current building codes. It also creates an incentive for current landowners to remodel than to rebuild to current standards while risking the decline in reinvestment for all of Pass-a-Grille.

POTENTIAL SOLUTION:

Option One: Modify the nonconforming language that creates special provisions for pass-a-grille, providing "limited use" standards that permit apartment houses, buildings, transient lodging to be maintained ONLY where these uses currently exist.

Option two: Create a range of building types that reflect the historic building typologies that only address bulk and mass and place a limitation on the location and use of such types that maintain the historic placement of the use without further expanding the use to other parcels.



This apartment house wanted to add balconies, however, this would have created an expansion of a nonconformity; the end result is shown in the photo. The photo below shows some need for updates, however there is a disincentive to do so as written in the code.



CODE OF ORDINANCES

Pass-a-grille is required to meet the elevation requirements in Sec. 98-33, Florida Building Code, residential. In brief, “The elevation requirements are that all buildings and structures erecting with the coastal high hazard areas shall be elevated so the lowest portion of all structural member supporting the lowest floor (some exceptions) is elevated to or above the base flood elevation.”

The National Flood Insurance Program (NFIP) developed specific policies on historic structures and the requirements of base flood elevations (BFE) for flood plain management. The purpose of this floodplain management bulletin is to explain how the National Flood Insurance Program (NFIP) defines historic structure and how it gives relief to historic structures from NFIP floodplain management requirements (44 CFR §60.3). The NFIP gives special consideration to the unique value to historic buildings, landmarks and sites. To read the bulletin, you can download at <https://www.fema.gov/media-library/assets/documents/13411>.

The current requirement for a parcel of land to redevelop without providing the BFE requirements is to go through the city’s Historic Preservation guidelines as described above.

ISSUE:

New development within Pass-a-Grille is required to have a 5-6 foot elevation to meet the building code requirement. The current code establishes only a minimum requirement which has resulted in some buildings to be designed for parking underneath. However, there are also examples that keep the character and context of Pass-a-Grille while meeting the BFE requirements.

POTENTIAL SOLUTION:

Develop a permitted range of designs for the private frontage area of a building that is consistent with the overall character of the area as seen in the photo’s to the right.



The top right photo is an example of adding onto a historical home, the other photos are showing a range of new construction that has met the BFE requirements.

Land Development Code Reform

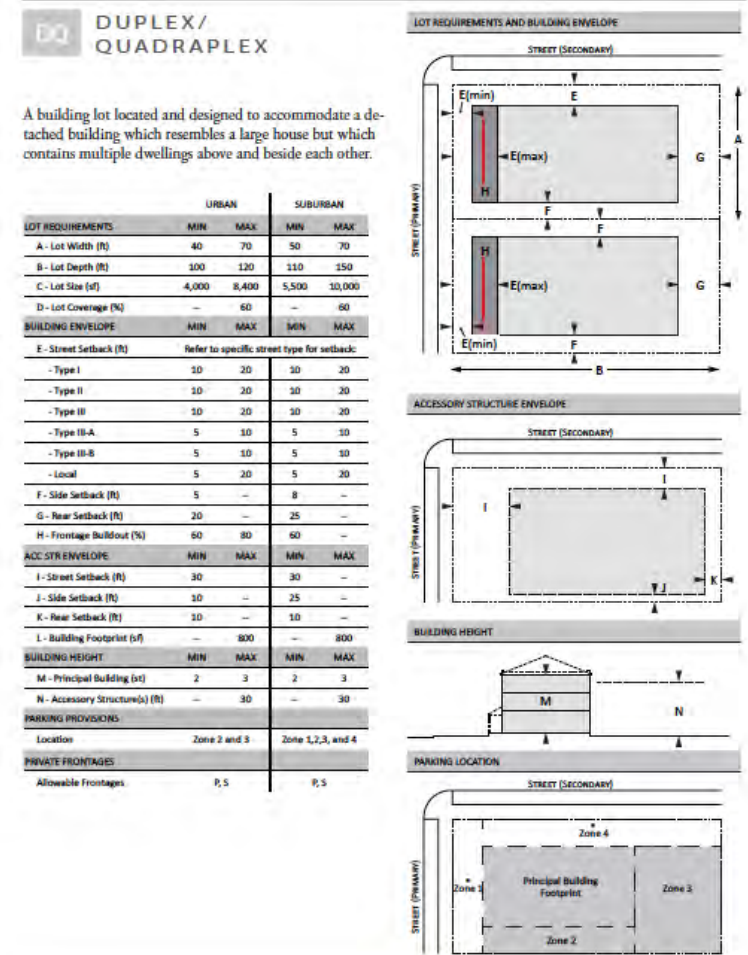
The challenge to preserve the overall character and uniqueness of Pass-a-grille has been ongoing through the use of the city's current land use, zoning and performance based standards. The use of a form based code approach that incorporates building types that reinforce and confirm the existing character of Pass-a-Grille.

In this approach, the code is organized through different building types, each defined by specific development standards regulating the configurations, features, and functions of buildings. The building types and their accompanying development standards are applied to different blocks and districts within the planning area. The size and scale of Pass-a-grille is conducive to the integration of using Building Typologies.

The range of building types found in Pass-a-grille (excluding 8th avenue) are:

- Estate Home
- House (single family, duplex, triplex, quadplex)
- Cottage House
- Apartment House
- Courtyard Apartment
- Apartment Building
- Small Hotel
- Institution (places of worship)
- Single Story Commercial/Office

In addition to developing “cut sheets” for Pass-a-grille, the issues and potential solutions provided throughout this report should also be considered as part of the overall approach to updating the Pass-a-Grille Zoning Overlay.



Above is an example of a “building cut sheet” the parameters can be calibrated to the specific standards needed to ensure the compatibility and the needs within Pass-a-grille. Typical standards are: lot requirements (size, width), building envelope, accessory structure, building height parking provisions and private frontage requirements.

ORDINANCE NO 2003-7

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA PROVIDING FOR THE REPEAL OF CHAPTERS 126 AND 134 OF THE CODE OF ORDINANCES; ARTICLE III, COASTAL CONSTRUCTION AND EXCAVATION AND SECTIONS 98-96 THROUGH 98-98 OF ARTICLE IV, SEAWALLS, BULKHEADS AND RETAINING WALLS OF CHAPTER 98 OF THE CODE OF ORDINANCES; ARTICLE II, DEVELOPMENT, MAINTENANCE AND PRESERVATION OF DUNES OF CHAPTER 114 OF THE CODE OF ORDINANCES; ARTICLE II, TREES, OF CHAPTER 130 OF THE CODE OF ORDINANCES; AND ANY OTHER CHAPTER, ARTICLE OR SECTION OF THE CODE IN CONFLICT WITH THE LAND DEVELOPMENT CODE HEREINAFTER ADOPTED; AND PROVIDING FOR THE ADOPTION OF THE LAND DEVELOPMENT CODE WHICH PROVIDES THE FOLLOWING: DIVISION 1, INTRODUCTION; DIVISION 2, DEFINITIONS; DIVISION 3, ADMINISTRATION OF THE LAND DEVELOPMENT CODE; DIVISION 4, CONDITIONAL USE PERMITS; DIVISION 5, SITE PLAN APPROVAL PROCEDURES; DIVISION 6, SUPPLEMENTAL REGULATIONS; DIVISION 7, INTRODUCTION TO DISTRICT REGULATIONS; DIVISION 8, RU-1 RESIDENTIAL DISTRICT; DIVISION 9, RU-2 RESIDENTIAL DISTRICT; DIVISION 10, RLM-1 RESIDENTIAL DISTRICT; DIVISION 11, RLM-2 RESIDENTIAL DISTRICT; DIVISION 12, RM RESIDENTIAL DISTRICT; DIVISION 13, ROR RESIDENTIAL//OFFICE/RETAIL DISTRICT; DIVISION 14, RFM RESORT FACILITIES MEDIUM DISTRICT; DIVISION 15, CG-1 COMMERCIAL DISTRICT; DIVISION 16, CG-2 COMMERCIAL DISTRICT; DIVISION 17, INS INSTITUTIONAL DISTRICT; DIVISION 18, R/OS RECREATION/OPEN SPACE DISTRICT; DIVISION 19, TU TRANSPORTATION/UTILITY DISTRICT; DIVISION 20, PAG PASS-A-GRILLE OVERLAY DISTRICT; DIVISION 21, RFO RESORT FACILITIES OVERLAY DISTRICT; DIVISION 22, LANDSCAPING AND TREE PROTECTION; DIVISION 23, OFF-STREET PARKING AND LOADING; DIVISION 24, SUBDIVISIONS; DIVISION 25, COASTAL PROTECTION AND CONSERVATION; AND PROVIDING AN EFFECTIVE DATE

THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA DOES ORDAIN:

Section One (1). The following Chapters, Articles and Sections of the Code of Ordinances are repealed:

- (a) Chapter 134 and 126;

- (b) Article III, Coastal Construction and Excavation, of Chapter 98 and Sections 98-96 through 98-98 of Article IV, Seawalls, Bulkheads and Retaining Walls of Chapter 98;
- (c) Article II, Development, Maintenance and Preservation of Dunes, of Chapter 114;
- (d) Article II, Trees, of Chapter 130.

Section Two (2). Any other Chapter, Article or Section of the Code of Ordinances in conflict with the terms of the Land Development Code adopted by this ordinance are hereby repealed.

Section Three (3). The Land Development Code attached hereto and made a part hereof is hereby adopted.

Section Four (4). This ordinance shall become effective on June 1, 2003.

Passed on First Reading April 15, 2003

Passed on Final Reading May 1, 2003

ATTEST

Theresa McMaster
Theresa McMaster, City Clerk

Ward Friszolowski
Ward Friszolowski, Mayor

City of St. Pete Beach
Land Development Code

Effective June 1, 2003
Ordinance No. 2003-07
Adopted by City Commission on
May 1, 2003

Division 1. Introduction.

Section 1.1. Title and purpose.

This ordinance shall be known as the "Land Development Code". The provisions of this Land Development Code shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare.

The purpose of the Land Development Code, is to promote the orderly and efficient development of the City of St. Pete Beach, in accordance with the goals, objectives and policies of the Comprehensive Plan; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; promote or enhance aesthetics; to prevent the overcrowding of land; to avoid undue concentration of population; to protect natural and historic resources; and to facilitate adequate and concurrent provision of transportation, water, sewerage, parks and other public improvements, facilities and services.

These regulations have been made with reasonable consideration, among many things, as to the character of the districts hereinafter provided for, and their peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land, air and water throughout the city, consistent with the goals, objectives and policies of the Comprehensive Plan.

Section 1.2. Rules of construction.

For the purposes of these regulations, the following rules of construction shall apply:

- (a) These regulations shall be construed to achieve the purposes and intent for which they are adopted.
- (b) In case of a conflict between the text of these regulations and any caption, figure, illustration, table, or map, the text of these regulations shall control. In case of a conflict between a chart and an illustration, the chart shall control. All illustrations included in these regulations are for illustrative purposes only.
- (c) In case of any conflict in limitations, restrictions, or standards applying to an individual use or structure, the more restrictive provisions shall apply.
- (d) The words "shall," "must," and "will," are mandatory in nature, implying an obligation or duty to comply with the particular provision.
- (e) The word "may" is permissive in nature.
- (f) Words used in the present tense include the future tense.
- (g) Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.
- (h) Words used in the masculine gender include the feminine gender.
- (i) Any act authorized by these regulations to be carried out by a specific official or agency of the City is impliedly authorized to be carried out by a designee of such official or agency. Any transfer of duties to a different official impliedly transfers the authority to carry out acts under these regulations.

- (j) The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or a legal holiday, that day shall be excluded.
- (k) Any words and terms not defined herein shall have the meaning indicated by common dictionary definition.
- (l) Any reference to Florida Statutes shall be construed to be a reference to the most recent enactment of such statute, and shall include any amendments as may from time to time be adopted.

Section 1.3. Purposes and matters regulated; application of regulations; schedule of district regulations.

- (a) **Purposes.** The regulations and restrictions herein prescribed are in furtherance of the general purposes set forth in Section 1.1 and have the objectives of:
 - (1) Reducing, or eliminating, elements of present and future harmful incompatibility between uses permitted in the same district or neighboring districts;
 - (2) Segregating uses which cannot be made reasonably compatible into separate districts; and
 - (3) Encouraging and promoting proper, orderly and efficient development of land according to the needs of the general public, as set forth in the goals, objectives and policies of the Comprehensive Plan.
- (b) **Matters regulated.** Matters regulated include, but are not limited to:
 - (1) Use of land and water for residential, commercial and other uses;
 - (2) Size of lots, yards and other spaces;
 - (3) Maximum coverage of lots by buildings and other structures and uses;
 - (4) Height, size, location, erection and construction, reconstruction, alteration and use of buildings and other structures;
 - (5) Density of population and intensity of uses;
 - (6) Provision of public facilities and services concurrent with the impacts of development; and
 - (7) Protection of natural and historic resources.
- (c) **Application of regulations.** Except as hereinafter provided, no structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any structure or land be used or occupied which does not comply with all the regulations established by this ordinance for the district in which the building or land is located. No part of a yard, other open space, parking or loading space required for a building or use for the purpose of complying with the provisions of this ordinance shall be included as part of a yard, open space, parking or loading space similarly required for another building or use.

No building or use shall be relocated from one zoning lot to another or relocated to another location on the same zoning lot unless such building, structure or use shall thereafter

conform to all of the applicable provisions of this ordinance and the provisions of Chapter 98 – Buildings and Building Regulations, of the St. Pete Beach Code of Ordinances.

In no case shall there be more than one main structure and the customary accessory structures on one lot when single-family residential is the principal use of the lot. No yard, or lot, now existing, or hereinafter created, shall be reduced in dimensions or area below the minimum requirements herein for the district in which it is located. No structure shall be erected on a lot heretofore or hereinafter reduced below minimum dimensions or area required by law, nor shall such lot be offered for sale or sold, except to used in such combination with adjacent lots as will produce conformity with the requirements of this ordinance, provided, however, this requirement shall not apply to a lot which was of record, either by plat or by deed describing the lot by metes and bounds or otherwise, in the office of the Clerk of the Circuit Court, Pinellas County, Florida, on August 1, 1972, being the date of final adoption of Ordinance 200 containing similar provisions.

Within each district, the regulations set forth herein shall be minimum regulations and shall apply to each class or kind of building or land. The regulations may specify the uses permitted, the uses permissible as conditional uses provided that reasonable requirements of a special nature are met to reduce or eliminate harmful incompatibility, the off-street parking and loading requirements for each use, and identify the uses or characteristics of uses that are prohibited.

- (d) ***Calculation of residential and transient accommodation densities.*** Maximum residential and transient accommodation densities within the applicable zoning district regulations, when calculated by multiplying the lot area by the number of units per acre permitted results in any fractional unit, are always rounded downward to the next whole number. This provision shall not be subject to any variance granting authority provided elsewhere within the St. Pete Beach Code of Ordinances.
- (e) ***Schedule of district regulations.*** Except for regulations applying to more than one zoning district which appear in the supplemental regulations herein and elsewhere, regulations for the individual districts appear in the specific district regulations divisions.

Section 1.4. Conflicts with other ordinances, covenants or agreements.

Wherever higher or more restrictive standards are established by the provisions of any other applicable statute, ordinance or regulation than are established by the provisions of this ordinance, those regulations shall govern. This ordinance is not intended to interfere with, abrogate or annul any easement, covenant or other agreements between parties, except that if this ordinance imposes greater restriction, this ordinance shall control.

Section 1.5. Severability.

Should any section or provision of this Land Development Code be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 1.6. Effective date.

This ordinance shall become effective immediately upon its final adoption.

Section 1.7. Official Zoning Map adopted.

The Official Zoning Map of the City of St. Pete Beach, Florida, and incorporated herein by reference, is hereby adopted as part of this ordinance and shall be maintained in the Office of the City Clerk and not henceforth reproduced as part of this ordinance. A copy of the Official Zoning Map may be purchased.

Section 1.8. Transitional rules.

- (a) **Transition period.** Where a complete application for development approval is pending on the effective date of these regulations, the provisions of the regulations in effect when the application was filed shall govern the review and approval of the application for development approval. If such application is approved within six months of the date of adoption of these regulations, then the applicant shall be entitled to complete the development, provided that construction begins within six months of the issuance of such approval and is diligently pursued to completion. For the purposes of this section, "diligently pursued" shall mean that following the commencement of construction, there shall be ongoing construction activity to completion with no periods of inactivity exceeding 14 consecutive days.
- (b) **Existing unlawful uses and structures.** A nonconforming structure or use lawfully existing, pursuant to the prior ordinance, at the time of the adoption of these regulations is hereby deemed lawful as of that date only if it conforms with all of the requirements of these regulations. However, if such structure or use does not conform with all of the requirements of these regulations, then such structure or use remains nonconforming hereunder.
- (c) **Existing permitted uses.** When a lot is used lawfully on the effective date of these regulations and the district regulations of this chapter classifies such use as a "permitted use" in the zoning district in which it is located, such use is hereby deemed to be a lawful permitted use for the purposes of these regulations.
- (d) **Existing special exceptions (conditional uses).** When a lot is used lawfully on the effective date of these regulations and the district regulations of this chapter classifies such use as a "conditional use" in the zoning district in which it is located, such use is hereby deemed to be a lawful conditional use for the purposes of these regulations. If the use was approved as a special exception prior to the effective date of these regulations and if the approval of such special exception was subject to one or more conditions, those conditions shall continue in full force and effect unless a new conditional use approval is obtained in accordance with Division 4 of these regulations. Such previously approved special exceptions shall not be subject to the revocation provision of Section 4.11.
- (e) **Abandoned previously established special exceptions.** Notwithstanding the provisions of paragraph (d) above, any previously granted special exception use not in operation on the date of the adoption of these regulations shall be considered to have been voluntarily abandoned, and no such use shall be re-established without a new conditional use approval, provided such use is permitted as a conditional use within the district in which the property is located. Otherwise, such use may not be re-established.
- (f) **Additions to, expansions or alterations of, or changes of use in existing special exception uses.** Any addition to or expansion of a previously approved special exception, which is now considered a conditional use, shall require new conditional use approval in accordance with the procedures and standards set forth in Division 4 of these regulations for new conditional uses. Any change in a lawful conditional use to a new use shall be permitted only if these regulations classify the new use as a permitted use or a conditional use in the zoning district in which it is located, and only in accordance with the approval procedures set forth in these regulations for such use.

- (g) ***Previously granted variances.*** All variances granted prior to the effective date of these regulations, and any conditions attached thereto, shall remain in full force and effect, and the recipient of the variance may proceed to develop the property in accordance with the plans previously approved. However, if the recipient of the variance has failed to commence construction before the variance expires, the provisions of these regulations shall govern.
- (h) ***Final site and development plans.*** In the event a final site and development plan has been approved by the City Commission prior to the effective date of these regulations, and has automatically expired pursuant to the prior Land Development Code, then a new site plan approval in accordance with the procedures and standards set forth in Division 4 of these regulations is required. In the event a final site and development plan or development plan has been approved by the City Commission and would be eligible to request a time extension for validity under the prior regulations, then the City Commission may extend the approval for one additional two-year period in accordance with the procedures and requirements of these regulations. In either event, there shall be no requirement to rezone the property to its former district if and when the previously approved final site and development plan or development plan expires and the provisions of these regulations pertaining to expiration of rezonings shall be applicable.

Section 1.9. Repeal of ordinances in conflict.

This ordinance repeals the following chapters, articles and sections of the St. Pete Beach Code of Ordinances:

- (a) Chapter 126, Subdivisions, of the Code of Ordinances
- (b) Chapter 134, Zoning, of the Code of Ordinances
- (c) Article II, Trees, of Chapter 130 of the Code of Ordinances
- (d) Article III, Coastal Construction and Excavation, of Chapter 98 and Sections 98-96 through 98-98 of the Code of Ordinances
- (e) Article II, Development, Maintenance and Preservation of Dunes, of Chapter 114 of the Code of Ordinances
- (f) Any other section or ordinance that is in conflict with the terms of this Land Development Code.

Division 2. Definitions.

Section 2.1. Words, terms and phrases defined.

All words used in this chapter shall carry their customary dictionary meanings, except the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandonment means the cessation of the use of property without the intention of transferring rights to the property or of resuming the use of the property.

Accent or under-story tree means a tree with a crown spread of less than 15 feet and a height of 20 feet at maturity.

Accessory means a use, building or structure, or part of a building or structure which:

- (1) Is subordinate to and serves the principal building or structure or principal use;
- (2) Is subordinate in area, extent, or purpose to the principal building or structure or principal use served;
- (3) Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and/or
- (4) Is located on the same lot as the principal building or structure or principal use served, with the exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot as the building or use served.

Adult day care center means any building, buildings, or part of a building, whether operated for profit or not, in which is provided through its ownership or management, for a part of a day, basic services to three or more persons who are 18 years of age or older, who are not related to the owner or operator by blood or marriage, and who require such services.

Adult entertainment establishment means any use or establishment which is defined as such by Chapter 10 of the Code of Ordinances of the City of St. Pete Beach, Florida.

Aggrieved person:

- (1) The City
- (2) The applicant for a development permit, and
- (3) Any person or entity which will suffer to a greater degree than the general public an adverse effect to a legally recognized interest protected or furthered by the Land Development Code or the St. Pete Beach Comprehensive Plan.

Alley means a right-of-way providing a secondary means of access and service to an abutting property.

Ancillary, nonresidential use means off-street parking, drainage retention areas and open space buffer areas for adjacent, nonresidential uses.

Animal clinic means a facility for the medical care of domestic animals, but which does not offer boarding for the animals.

Applicant means a person seeking any determination or approval under, or permits required by, this ordinance.

Appropriate board of authority refers to the board or committee appointed by the City Commission to administer the Land Development Code.

Assisted living facility means any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator and is licensed under the provisions of Chapter 400, Part III, Florida Statutes.

Automotive rental agency means a use in which the purpose is the short-term (for periods of less than 12 months duration) rental or leasing of automobiles, trucks and/or utility trailers, including facilities for customer pick-up and return of vehicles. Such facilities may include the storage of and routine appearance maintenance (washing and vacuuming) of the vehicles rented or leased by the agency.

Automotive retail services means a use in which the purpose is the retail sale of automotive parts and accessories. Such uses shall not include a car wash, automotive service and repair, or the sale of gasoline or other fuels, and all activities of automotive retail services businesses shall be conducted within an enclosed building

Automotive sales lot means a lot or parcel, with or without structures, upon which new and/or used automobiles and light trucks are displayed and sold.

Automotive service and repair means a use which provides specialized services and/or repairs for automobiles, trucks and other vehicles, including, but not limited to, muffler shops, body shops, transmission shops, automotive paint shops, tire stores which also offer mounting services, and quick-change oil and lubrication shops.

Automotive service station means a facility is designed for the retail sales of gasoline and diesel fuels, which may include convenience food sales.

Bar (cocktail lounge, saloon). See "Eating and drinking establishment – Bar (cocktail lounge, saloon)".

Bay window means a projection normally of a depth of two to three feet from the side of a residential structure that has three walls, one parallel with principal structure and two that extend outward from the principal structure at an angle to form the bay window, that primarily consist of windows, usually made up of one large window in the wall that is parallel with the side of the structure from which the bay window projects and two smaller windows, one on each angular wall.

Beach means that area of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent upland vegetation, usually the effective limit of storm waves.

Beach bar. See "Eating and drinking establishment – Beach bar".

Bed and breakfast inn. See "Transient accommodation use – Bed and breakfast inn."

Boat lift means a device for lifting boats out the water for storage over the water. Boat lifts shall be inclusive of all post and floating lift systems, but exclusive of davits where the davit base is not within the waters of the county.

Boat sales and repair facilities means a use in which the purpose is the repair and/or retail sale of boats and other watercraft to the public. Such use may or may not be located on the water or associated with a marina.

Buffer means any combination of vegetation, walls, fencing, berms and open spaces which are used to physically separate and screen land uses.

Building means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building, completely enclosed means a building separated on all sides from adjacent open space or from other buildings by permanent roof and by exterior walls or party walls, pierced only by closed windows and normal entrance or exit doors. Such doors shall not be kept open except for normal ingress and egress. This definition shall apply to any building in existence as of the effective date of this ordinance and to any building constructed thereafter.

Building expansion means any enlargement or extension of a building which provides additional gross floor area. An enlargement or expansion into an existing carport, screened enclosures, pedestrian covered walkway, off-street parking and/or loading area, courtyard, or similar structure or area which changes the use of that area shall be considered a building expansion.

Building line means the lines established by dimensional requirements of a required yard that is inside a zoning lot and parallel with front, secondary front, side and rear property lines of the zoning lot which, when taken together, define the area within which all structures must be located.

Building site. See "Zoning lot".

Canopy means a tree having a crown spread of greater than 15 feet and a minimum height of 20 feet at maturity.

Car wash means a facility which allows the public, in return for payment, to wash their own vehicles or to have their vehicles washed either by mechanical means or by others. Such use includes both freestanding car washes and the type of coin-operated car wash commonly associated with filling stations.

Catastrophic event means the involuntary loss suffered from a major storm, such as, but not limited to, flooding, wind, fire or similar event.

Change of use means the replacement of or substitution for the existing or former use of a premises with a use of a different classification under the building regulations, fire codes or this code.

Charter and tour boat operations, excluding vessels for hire as defined herein and water taxis as defined in Chapter 94, mean any boating operation under the command of a licensed captain which offers hourly trips, day-trips and/or night-trips to the public for a fee, including the provision of related activities such as fishing, snorkeling, sunset cruises, dining cruises, dolphin watches and similar activities.

Child care means the care, protection, and supervision of a child, for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, and for which a payment, fee, or grant is made for care.

Child care facility includes any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or

grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included:

- (1) Public schools and nonpublic schools and their integral programs, except as provided in Section 402.3025, Florida Statutes;
- (2) Summer camps having children in full-time residence;
- (3) Summer day camps;
- (4) Bible schools normally conducted during vacation periods; and
- (5) Operators of transient establishments, as defined in Chapter 509, Florida Statutes, which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of Chapter 435, Florida Statutes.

City Commission means the duly elected body of officials who have overall responsibility for establishing policies and procedures for the operations of the City of St. Pete Beach.

City Manager means the person appointed or contracted by the City Commission to supervise the daily administrative operations of the City of St. Pete Beach or the employee(s) of the City of St. Pete Beach designated by the City Manager to perform certain specified duties.

Clinic means an establishment used for medical or dental care which is comprised of a variety of medical specialties and which has equipment on site to diagnose and administer treatment on an outpatient basis.

Club (community service) means non-profit clubs whose primary function is to provide social and humanitarian services to the community (such as Women's Clubs, League of Women Voters, Garden Club, Junior League, Jaycees, Kiwanis, Masons, Rotary club, the Shrine, and others of a similar nature).

Club (private), for the purposes of these regulations and when applicable to non-commercial districts, means those associations and organizations of a fraternal or social character which are not operated for profit. The term "private club" shall not include casinos, nightclubs, bottle clubs and similar uses in districts where such uses are not permitted or permissible.

Coastal Construction and Excavation Setback Line (CCSBL) means the surveyed boundary separating the developable areas of lots fronting along the Gulf of Mexico and the protected beaches adopted by the City of St. Pete Beach in 1972.

Coastal Construction Control Line (CCCL) means the surveyed line established by the State of Florida along the Gulf of Mexico beyond which all construction requires permitting by the Florida Department of Natural Resources and the City of St. Pete Beach.

Commercial boat docking facility means a Class D dock that is not part of a marina use that is used in connection with charter and tour boat operations but does not offer docking facilities to the general public.

Commercial dock. See "Dock – Commercial dock".

Commercial equipment means any machinery or device that is placed outside of a building and used in conjunction with a business use. Such equipment includes, but is not limited to, refrigeration equipment, propane tanks, storage or wash racks, waste or refuse containers or compactors, and vending machines dispensing items other than publications.

Commercial parking lot. See "Parking lot (commercial)".

Commercial recreation, for the purposes of these regulations, commercial recreation uses consist of privately owned and operated tennis, racquet ball and handball courts, miniature golf courses, swimming pools, roller and ice rinks, skateboard facilities, water slides, batting and archery facilities, bowling alleys, amusement parks, game or amusement facilities housing 10 or more games or amusement devices which are available for use by the public.

Commercial water sports mean operations that offer any of the following activities to the public in return for payment:

- (1) The rental of personal watercraft or jet skis;
- (2) The rental of human-powered or wind-powered watercraft; or
- (3) Parasailing, water-skiing, or other similar towing operations.

Communications facilities means facilities which are completely enclosed and for radio or television broadcasts or telephone and data switching. [See also Chapter 131, St. Pete Beach Code of Ordinances.]

Communications tower means a tower erected for the purpose of transmitting, repeating or receiving radio or television signals or for the purpose of providing telephone and data networking. [See also Chapter 131, St. Pete Beach Code of Ordinances.]

Community Residential Home means a dwelling unit licensed under the provisions of Chapter 419, Florida Statutes, to serve clients of the Department of Children and Family Services, which provides a living environment for up to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Complete application means an application for development approval that contains the supporting documentation required by these regulations.

Comprehensive Plan means the St. Pete Beach Municipal Comprehensive Plan, and any amendments thereto that meet the requirements of Chapter 163, Florida Statutes, as adopted by the City Commission.

Concurrency management statement means the impact statement which is a report or study that identifies, resolves and eliminates negative or adverse impacts on existing and future city systems and facilities. These impacts can include the effect a proposed development may have on solid waste; police, fire and emergency medical services; wastewater and water; traffic; and the municipal tax base. [See also Chapter 102, St. Pete Beach Code of Ordinances.]

Conditional use means a use that has operational, physical and other characteristics that may be different from those of the predominant permitted uses in a zoning district, but which is a use that complements or may otherwise be compatible with the intended over-all development within a district, provided that specified standards are met.

Condominium. See: "Residential dwelling unit – Multifamily".

Construction means new work, repairs, replacements and extensions to structures.

Continual construction means construction performed by a full complement of workers and equipment mobilized at the project site, actively engaged in incorporating materials and equipment into the building or structure each normal working day.

Corner lot. See "Lot types – Corner lot".

Crown means the upper portion of a tree made up of branches, twigs and leaves.

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 Chapter 402 of the Florida Statutes.

Density means a measurement (ratio) of the number of dwelling or transient accommodation units allowable to a specified amount of land. As used in this ordinance, the calculation of density does not include land devoted to public rights-of-way. [See also "Intensity" and "Floor area ratio".]

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.

Development order or permit means any order granting, denying, or granting with conditions an application for a development approval including the following:

- (1) Site plan approval;
- (2) Conditional use approval;
- (3) Land subdivision approval;
- (4) Variance;
- (5) Land use amendments;
- (6) Rezoning;
- (7) Developments of regional impact;
- (8) Commercial dock; or
- (9) Any other official action of the city having the effect of permitting the development of land.

Development site. See "Zoning lot."

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

- (1) **Residential dock** means a dock that is permitted as an accessory to a one or two-family residential use which is built on pilings over water or supported by flotation devices, and is designed or used to provide moorage for one or more boats without charge.
- (2) **Commercial dock** means a structure on piles over water or a structure that is defined as a commercial dock by the county environmental resources management division and

which is designed or used to provide a berth for and access to one or more private, charter, commercial or party boats further classified and defined, as follows:

- a. **Class A** means any dock used in connection with a hotel, motel, restaurant and where the slips are not rented, leased or sold, but utilized as an enhancement to the principal function of the basic facility.
- b. **Class B** means any dock used in connection with a social, fraternal club or organization, and where use of the facility is restricted to members only or multiuse private docks owned individually or in common by the residents of any residential development with three or more residential units.
- c. **Class C** means any dock constructed and maintained by the local municipality.
- d. **Class D** means any dock where the primary function is the collection of revenue for profit. This classification applies to all commercial marinas and commercial boat docking facilities.

Dock repair means the replacement of:

- (1) The piling or support system of a dock;
- (2) More than 25 percent of the dock surface area.

Dry cleaners. See "Laundry – Dry cleaning".

Dumpster means a box-like container having a lid or access doors, generally having an interior capacity of two cubic yards or more and weighing in excess of 150 pounds, and requiring lifting and emptying by mechanical means or devices, into which unwanted waste and refuse materials, food products, yard waste or other discarded items are placed or stored for later removal and final disposal by a waste management service.

Dune means a mound or ridge of loose sediments, usually sand, lying landward of the beach and deposited by any natural or artificial means.

Duplex. See: "Residential dwelling unit – Two-family."

Dwelling unit. See "Residential dwelling unit".

Easement means a grant by a property owner of the right of use of his land by another party for a specific purpose.

Eating and drinking establishment means a business that is licensed to prepare and/or serves food or beverages for consumption by the public. Such uses are regulated by type as follows:

Bar (cocktail lounge, saloon) means any establishment which is devoted primarily to the retailing and on-premises drinking of malt, vinous, or other alcoholic beverages and which is licensed by the State of Florida to dispense or sell alcoholic beverages.

Beach bar means any building, structure or facility whether temporary or permanent, which is built, erected or provided as a location for the purpose of making retail sales of alcoholic or intoxicating beverages, or malt or vinous beverages, as an accessory use to a hotel or motel.

Fast food restaurant means a retail food service establishment without table service (order placement and delivery) provided to patrons; walk-up counter and carryout trade is a primary portion of the facility; includes fast food, drive-through service, food delivery, carryout, public snack bar/automats, and delicatessens.

Nightclub means any restaurant, dining room, bar or similar establishment providing food or refreshments, which holds a 4-COP liquor license from the State of Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco. Provided, however, any restaurant, dining room or similar establishment which holds a 4-COP liquor license with the "S", "SR" or "SRX" designation, shall be deemed an accessory use to the principal use and not a nightclub.

Outdoor restaurant means a portion of a restaurant, of any type, located outside which functions as an extension of the principal use of the private property of the restaurant. An outdoor restaurant is not located in a completely enclosed building and is open to the sky except that it may have awnings, umbrellas, or building overhang and shall be used exclusively for dining, drinking and circulation therein. An outdoor restaurant may provide either wait staff service or self-service. [See also "Sidewalk cafe".]

Sidewalk café means a street level portion of a restaurant, of any type, located within the sidewalk area of the public right-of-way, which is normally adjacent to a street, which functions as an extension of the principal use of the private property of the restaurant. A sidewalk cafe is open to the sky except that it may have awnings or umbrellas, and shall be used for dining, drinking and circulation therein pursuant to the approved conditional use permit. A sidewalk cafe may provide either wait staff service or self-service. [See also "Outdoor restaurant".]

Sit-down restaurant means a retail food service establishment with indoor seating only in which the principal use is the preparation, cooking, consumption, and sale of food and beverages.

Essential governmental services mean distribution or service connection facilities, structures, and appurtenances thereto, for gas, electricity, land line telephone, water, sanitary sewer, storm water, fuel, law enforcement and fire and rescue services, and other similar consumable public commodities or services owned and operated by a governmental entity or public utility.

Family means one or more individuals occupying a dwelling unit and living as a single household unit.

Fast food restaurant. See "Eating and drinking establishment – Fast food restaurant".

FEMA means the Federal Emergency Management Agency.

Financial institution means any establishment, the primary business of which is concerned with such state or federally regulated activities as banking, savings and loans, and consumer loan companies. Such institutions are regulated by whether or not they provide drive-through service to customers.

Filling station. See "Automotive service station".

Floating dock. See "Dock".

Floor area means the total floor area of the portion of a building that is above ground. Floor area is measured from the exterior faces of a building or structure. Floor area does not include the following:

- (1) Vent shafts and courts;
- (2) Basement areas with more than one-half of its height below ground level;
- (3) Roof area;
- (4) Roof top mechanical equipment, and associated enclosures;
- (5) Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 50 percent or more of their perimeter; and
- (6) Structured parking garages.

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.

Front yard. See "Yard – Front yard".

Funeral home. See "Mortuary".

Garage, private customer and employee means a structure that is accessory to a non-retail commercial establishment, building or use and is primarily for the parking and storage of vehicles operated by customers, visitors and employees of such building and that is not available to the general public.

Garage, private residential means a structure that is ancillary to a residential building and that is used for the parking and storage of vehicles owned or leased and operated by the residents thereof and that is not available to the general public.

Garage, public means a structure, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and is available to the general public.

Government use means any use for exclusively public purposes without reference to the ownership of the building or structures or the realty upon which it is situated by any department or branch of the federal government, State of Florida, Pinellas County, City of St. Pete Beach, or the Pinellas County School Board.

Grade. See "Grade, natural".

Grade, average means the average natural elevation of the ground level, measured in feet above mean sea level.

Grade, finished means the final elevation of the ground level after development, measured in feet above mean sea level.

Grade, natural means the elevation of the ground level in its natural state, before construction, filing or excavation, measured in feet above mean sea level.

Gross floor area means the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces or loading space for motor vehicles.

Gross land area means the total land area within the property boundaries of the subject parcel specifically excluding any public road rights-of-way or submerged land.

Guest room. See: "Transient accommodation unit".

Height means the vertical distance above the required 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.

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.

Home occupation means a business, profession, occupation, or trade which is conducted within a portion of a residential building or accessory building for the economic gain or support of a resident of the dwelling, and which is incidental and secondary to the residential use within the dwelling.

Hotel. See "Transient accommodation use – Hotels and motels. (1) Hotel".

Impervious surface means any material that prevents absorption of storm water into the ground.

Impervious surface ratio (ISR) means a measurement of the intensity of hard-surfaced development on a site. An impervious surface ratio is the relationship between the total area covered by impervious surfaces on a site and the gross land area of the zoning lot, excluding any portion of the property lying Gulfward of the city's coastal construction and excavation setback line. The impervious surface ratio is calculated by dividing the square footage of the area of all impervious surfaces on the site by the square footage of the gross land area, excluding any portion of the property lying Gulfward of the city's coastal construction and excavation setback line.

Intensity means the amount or magnitude of a use on a site or allowed in a zoning district. Generally, it is measured by floor area. Intensity may be measured by such things as number of employees, amount of production, trip generation, or hours of operation. [See also "Density" and "Floor area ratio".]

Interior lot. See "Lot types – Interior lot".

Kennel means a facility for the keeping of more than five adult dogs or 10 adult cats on site. "Adult" means having attained the age of one calendar year or greater. Kennels are regulated on the basis whether they have outdoor runs or not.

Kitchen means any room or portion of a room within a building designed and/or used or intended to be used for the cooking or preparation of food, which may also include, but is not limited to, stoves, microwave ovens, sinks, refrigerators, storage or other food preparation equipment, or any combination thereof. This may not include outside grilling facilities or other items determined by the City Manager as not constituting a kitchen.

Land Development Code mean ordinances or regulations enacted by the City of St. Pete Beach for the regulation of any aspect of development and include, but are not limited to, zoning, signs, drainage and any other regulations controlling the development of land.

Laundry means a business rendering a retail service to individual customers for processing of laundry, including the following:

- (1) **Self-service** means a business that renders a retail service by renting to customers washing, drying and processing of laundry with the equipment serviced and its use and operation supervised by the management.
- (2) **Dry cleaning** means a business that includes the process of chemically cleaning fabrics including laundry (washing and drying) or dyeing services.

Loading space means a space with access to a street or alley for the standing, loading, or unloading of motor vehicles delivering or picking up goods and materials.

Lot includes tract or parcel and means the least fractional part of subdivided lands having limited fixed boundaries and an assigned number, letter, legal description or other name through which it may identified. [See "Zoning lot".]

Lot coverage – See "Impervious surface" and "Impervious surface ratio".

Lot, irregular means a lot or parcel of land so located, shaped or oriented to adjacent lots that the application of general measurement methods or yard requirements serves no significant purpose.

Lot line. See "Property line".

Lot of record means a lot which is part of a subdivision, or a lot described by metes and bounds, which has been properly recorded in the office of the Clerk of the Circuit Court of Pinellas County.

Lot, regular means a lot abutting a public street or approved private street, so located, shaped and oriented to the street and to adjacent lots as to be reasonably adapted to the application of the general requirements and limitations of this ordinance.

Lot types mean a descriptive term applied to describe the relationship of a lot to a public or private street, excluding alleys or driveways, providing access to the lot. The various lot types are defined as follows:

- (1) **Corner lot** means a lot located at the intersection of two or more streets, having two or more of its boundary lines contiguous with the rights-of-way.
- (2) **Interior lot** means a lot, other than a corner lot, which has frontage on only one street.
- (3) **Through lot** means a lot, other than a corner lot, having frontage on two streets. Waterfront lots are not considered through lots. Through lots may be referred to as double-frontage lots.

Lot width means the average distance between the property lines connecting the front and rear zoning lot lines at each side of the zoning lot, except for zoning lots on the turning circle of a cul-de-sac for which the required yard shall be based upon the stated minimum lot width for the district in which the lot is located.

Maintenance means the act of preventing deterioration of a building or structure, or decay of or damage to a building or structure or any part thereof, by restoring the building or structure as nearly as practicable to its condition prior to such deterioration, decay or damage.

Marina means a waterfront facility providing one or more of the following:

- (1) Docking and/or wet or dry storage of boats for a fee;
- (2) Sales of marine supplies, parts and fuel;
- (3) Minor boat service and repair; and
- (4) Boat sales, rental and/or charter

A marina may also include the following accessory uses: live-aboard facilities as governed by Chapter 94 of the St. Pete Beach Code of Ordinances, restaurants, gift shops, offices, vending machines, and water taxi dockage.

Market value means, for the purposes of determining substantial improvement or substantial damage, an acceptable estimate of the value of the structure as determined by a professional property appraiser or using the value of the structure as determined by the most recent available tax roll for the county property appraiser's office and adding 25 percent.

Mean high water means the high-water mark established by the U.S. Coastal and Geodetic Survey in its latest coastal survey of the city.

Mixed use development means a development on one zoning lot that combines residential or transient accommodation uses with commercial and/or office uses, and may consist of one or more buildings.

Mortuary means a privately owned facility for the purpose of receiving and preparing dead bodies for burial or cremation.

Motel. See "Transient accommodation use – Hotels and motels. (2) Motel".

Multi-use private dock. See "Dock – Commercial dock – Class B".

Navigation means the maneuvering of watercraft with the waters of the county, including ingress to and egress from an upland property.

Neighborhood buildings and uses mean non-governmental and non-commercial facilities which serve the needs of the immediate neighborhood residents. Such facilities include, but are not limited to, swimming pools, club houses, park and recreation areas which are owned, operated and maintained by a community or homeowners association, and which are intended solely for the benefit and use of the members of the association.

Nightclub. See "Eating and drinking establishment – Nightclub".

Nonconforming means a use or structure that was lawful when commenced, but that fails by reason of an amendment or revision to conform to the present requirements of these regulations.

Non-transient apartment means a multifamily structure that is intended for permanent year-round residency and is not advertised or held out to the public as available for transient occupancy.

Off-premise parking lot. See "Parking lot (off-premise)".

Office means a room or group of rooms used for conducting the affairs of a business, profession, service, industry or government, and generally furnished with desks, tables, files and communication equipment.

Open space means any portion of a zoning lot or area of land or water that is open and unobstructed from the ground to the sky, including areas maintained in a natural and undisturbed character.

Ordinary maintenance means work not requiring a building permit done to prevent deterioration of a building or structure, or decay of or damage to a building or structure or any part thereof, by restoring the building or structure as nearly as practicable to its condition prior to such deterioration, decay or damage.

Outdoor restaurant. See "Eating and drinking establishment – Outdoor restaurant".

Outdoor storage means the use of a lot or parcel of land where raw materials, finished goods, vehicles or watercraft, other than those kept in a junkyard, are stored. This definition includes self-service storage facilities which also provide outside storage limited to boats, trailers or other vehicles.

Overlay district means a zoning designation specifically delineated on the Official Zoning Map establishing land use requirements that may supercede, or are in addition to, the standards set forth in the underlying zoning district.

Parking area mean any public or private land area designed and used for parking motor vehicles, including parking lots, garages, private driveways and allowed or legally designated areas of public streets.

Parking lot (commercial) means premises designed and used exclusively for the parking of vehicles for a fee.

Parking lot (off-premise) means a parking facility designed to serve a specific other use but which cannot be located on the same lot with the use it serves.

Performance standards mean a set of criteria or limits relating to certain characteristics that a particular use or process may not exceed.

Permeable parking area means a maintained parking area other than concrete or asphalt constructed in such a way as to allow the absorption of storm water, thus reducing the amount of storm water runoff occurring on site.

Playground means an active recreation area with a variety of facilities, including equipment for younger children as well as court and field games.

Premises means a lot or parcel, or a lot or parcel and the structures and improvements thereon.

Principal use means the primary purpose, activity or function for which a parcel or building is used.

Printing and copying means a facility which provides printing and duplicating services on a small scale for the business community, using equipment similar to that which might typically be found in some offices. Such facility does not offer typesetting and printing capabilities beyond desktop publishing.

Printing (general) means a facility which offers printing capabilities using large scale equipment, which may include typesetting of all kinds, photomechanical and bindery operations.

Property means one or more lots or combinations of lots of record in single ownership or which is in separate ownership but is used as a unified entity, such as a shopping center.

Property line means those lines stated in the legal description of the applicant's deed.

Property owner means any person who owns fee simple title to a given area of land.

Public art or public works of art mean the creative application of skill and taste by artists to production of permanent tangible objects according to the aesthetic principles, including but not limited to, paintings, sculptures, site specific installations, engravings, carvings, frescos, mobiles, murals, collages, mosaics, statues and bas-reliefs. Public art or public works of art shall also include the creative application of skill and taste by artists according to aesthetic principals to the architectural embellishment of a building or structure.

However, the following shall not be considered "public art or public works of art":

- (1) Reproductions, or unlimited copies of original art work;
- (2) Art objects which are mass produced;
- (3) Works that are decorative, ornamental or functional elements of the architecture or landscape design, except when commissioned from an artist as an integral aspect of a structure or site;
- (4) Architectural rehabilitation or historical preservation.

Public or semi-public use means a use that is intended to serve the entire community, such as public parks and open space, recreation facilities, transportation or public works facilities, churches, schools, government buildings, utility substations and the like, that fit into the primary and secondary uses shown in the R/OS Recreation/Open Space, the INS Institutional, T/U Transportation/Utility or P Preservation land use category description in the Comprehensive Plan.

Pushcart vending. See Section 5.7.

Readily visible means visually conspicuous from public view.

Rear yard. See "Yard – Rear yard".

Recent survey means a drawing prepared and sealed by a registered land surveyor in the State of Florida depicting, as it appears at the time of application, all property boundaries including the courses and distances of each, the locations and dimensional characteristics of all existing improvements on the site, the elevation of the site, all easements on or along the property, and the full legal description of the property together with the plat book and page number where such property is recorded.

Recycling center means a facility which is provided to the public for the collection of recyclable materials, but does not perform any processing of such materials to render them reusable.

Redevelopment means the conversion, relocation, reconstruction, structural alteration, enlargement of any building and/or use existing prior to the effective date of this ordinance.

Repair, within the context of the dock regulations only, means the replacement of:

- (1) The piling or support system of a dock;
- (2) More than 25 percent of the dock surface area.

Required yard. See "Yard – Required yard".

Residential dwelling unit means any building or portion thereof designed, occupied or intended for occupancy as a complete, independent living facility for the exclusive use of one family, including permanent full provisions for sleeping, eating, cooking and sanitation. A dwelling unit shall have no more than one kitchen and shall provide complete internal access to all rooms in the unit. Residential structures are further classified and defined by type as follows:

Attached single family means a group of three or more closely placed, interrelated single family dwelling units which are joined to one another side-to-side by a common party wall or garage, and/or with connecting permanent and architecturally unified structures such as breezeways, carports, or walls, which structures continue the design, pattern and/or materials of the facade from one dwelling unit to another. Connecting structures and outdoor living space may be so designed as to provide access between front and rear yards. Each unit shall have its own outside entrance and not be occupied by more than one family.

Detached single family means a freestanding residence, having no direct connection or relationship to an adjacent residence and located on a separate lot, designed for or occupied exclusively by one family.

Multifamily means a residence designed for non-transient occupancy by three or more families with separate cooking, bathroom and sleeping facilities for each.

Two-family means a residence designed for occupancy by two families with separate cooking, bathroom and sleeping facilities for each.

Residential equivalent use means a residential-like accommodation other than a dwelling unit, including, but not limited to, a group home, nursing home or comparable assisted living facility. No such use shall be required or eligible to employ the residential equivalent standards for density/ intensity for any household that qualifies as a dwelling unit. This use shall not include any type of use authorized by F.S. Chapter 419, Community Residential Homes, which is entitled to be treated as a dwelling unit.

Resort condominium. See "Transient accommodation – Resort condominium".

Restaurant. See "Eating and drinking establishment – Sit-down restaurant".

Retail sales means the sale of goods or commodities in small quantities to the consumer.

Retail store or retail shop means any building used, or designed and constructed for display and sale of merchandise at retail or for the rendering of personal services, such as the following, which will serve as illustrations: drugstore, newsstand, grocery store, candy shop, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barber shop and beauty parlor.

Right-of-way means a public or private area or strip of land on which an irrevocable right of passage for people or goods has been recorded for the use of vehicles, pedestrians, or both. A public right-of-way is one that is dedicated or deeded, in fee or by easement, to the public for public use and is under the control of a public agency.

School (commercial) means a privately owned school which provides instruction and training in the arts, such as drama, dance and music, or which offers instruction and training to students in the use of office machines and equipment, one or more of the trades, real estate operations or financial services.

School (private or charter) means a school offering the equivalent educational curriculum of a public school but that is operated by someone other than the Pinellas County School District.

School (public) means a school operated by the Pinellas County School District.

Secondary front yard. See "Yard – Secondary front yard".

Services, commercial/business mean an occupation or service involving the sale, storage, repair, service or rental of machinery, equipment or like merchandise or a facility which serves as the base for construction, plumbing, heating and air conditioning or electrical contractors. Such facilities may include fabrication or manufacture of parts used in the services provided.

Services, personal/business mean an occupation or service requiring the use of a manual, mechanical or specialized skill which involves neither the on-premise use of heavy machinery or equipment nor primarily the sale of merchandise or conveyance of a product.

Setback means the required minimum horizontal distance between the building line and the related front, secondary front, side, or rear property line, unoccupied and unobstructed from the ground upward, not including permitted encroachments.

Setback line. See "Building line".

Shopping center means a group of five or more retail/commercial uses, located in a zoning district where retail sales is permitted as a principal use and having any or all of the following characteristics:

- (1) The uses are connected by party walls, partitions, canopies, and, similar features; or
- (2) Some or all of the uses are located in separate buildings which are designed as a single commercial group sharing common parking areas and vehicular travel ways and are connected by walkways and access ways designed to encourage customer interchange between uses, and otherwise present the appearance of a continuous commercial area without regard to ownership, or
- (3) The uses are under the same management or association for the purpose of enforcing reciprocal agreements controlling management, parking, site coverage, advertising and similar, agreements.

Sidewalk café. See "Eating and drinking establishment – Sidewalk café".

Sidewalk sales and display means the temporary (meaning during normal business hours only) outside display and sale of merchandise normally displayed and sold inside the business premises during special sales events, such as sidewalk sales, inventory reduction or liquidation sales, distressed merchandise sales, and seasonal merchandise sales.

Side yard. See "Yard – Side yard".

Signs. See Chapter 122, St. Pete Beach. Code of Ordinances.

Single-family dwelling. See "Residential dwelling unit – Detached single family".

Site plan means a plan on which is shown the existing and proposed conditions of the land and may include, but shall not be limited to the following: topography, vegetation, drainage, landscaping, open space, walkways, ingress and egress, traffic circulation and parking, utility services, structures, buildings, building elevations, signs, lighting, berms, buffers, screening devices, surrounding development, identification of required coastal setback lines, dune systems, and any other information that may be required by the City Manager.

Sight or visibility triangle means the area of the corner zoning lot closest to the intersection that is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. [See also Section 6.21.]

Social service agency means a non-profit organization whose primary purpose is to enhance the social welfare and improve the living conditions of society.

Storage (self-service) means a facility which offers multiple small-scale, individually secured, units for the storage of goods other than hazardous materials, under a unified development, for monthly rental to the public, each of which is accessible only by the tenant of the individual unit. Under this definition, a self-service storage facility shall not include the provision of any outside storage.

Storage (outdoor). See "Outdoor storage".

Street means that portion of a right-of-way or easement that is improved to provide for the movement of motor vehicles.

Street-end means a street with a single point of ingress and egress that terminates at the sandy beach along the Gulf of Mexico, Boca Ciega Bay or one of its tributaries, or Blind Pass Channel.

Structure means any assembly of materials constructed or erected on, in or over (or any combination thereof) land or water, which requires location on the ground, or is attached to something having a location on the ground. The word "structure" shall be construed as though followed by the words "or parts thereof" unless the context clearly requires a different meaning. The word "structure" shall include buildings, decks, fences, towers, flag poles, signs, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.

Subdivision means the division of real property into two or more lots, parcels, tracts, tiers, blocks, sites, units or any other division of land, or if the establishment of new streets and alleys is involved, any division of such parcel. The term includes re-subdivisions and, when appropriate to the text, relates to the process of subdividing or to the lands or area subdivided.

Submerged land means the land area situated below the mean high-water line of a standing body of water, including ocean, estuary, lake, pond, river or stream. For the purpose of this definition, drainage facilities to be created as a function of development and wetlands shall not be considered submerged land.

Substantial damage means damage of any origin sustained by a structure where the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value before the damage occurred.

Substantial improvement means any combination of repairs, reconstruction, rehabilitation, alteration, addition or other improvements to a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started.

This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. This term does not include:

1. Any project for the improvement of a structure to correct existing violations of state or local health, sanitation or safety code inspection which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

2. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a Historic Structure.

Survey. See "Recent survey".

Temporary use means a use which is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time, and which does not involve the construction or alteration of any permanent structure.

Theater means a building devoted to showing motion pictures or for dramatic, dance, musical or other live performances.

Through lot. See "Lot types – Through lot".

Tie pole means and includes dolphin, batter, sister, or mooring piles which are placed to provide anchorage, mooring, structural support, or space for a ship or boat.

Townhouse. See "Residential dwelling unit – Attached single family".

Transient means a person who participates in trade or recreation activities outside the county of his or her permanent residence or who rents or leases transient accommodations.

Transient occupancy means occupancy when it is the intention of parties that the occupancy will be temporary.

Transient accommodation unit means an individual room or rooms within a transient accommodation use designed to be rented as a single unit for transient occupancy.

Transient accommodation use means a facility containing one or more transient accommodation units, the occupancy of which occurs, or is offered or advertised as being available, for a term of less than 30 days more than three times in any consecutive 12-month period. In determining whether a property is used as a transient accommodation use, such determination shall be made without regard to the form of ownership of the property or unit, whether the occupant has a direct or indirect ownership interest in the property or unit, and without regard to whether the right of occupancy arises from a rental agreement, other agreement or the payment of consideration. Transient accommodation uses shall be further classified as a hotel, motel, or bed and breakfast inn, if the establishment satisfies the following criteria:

Bed and breakfast inn means a family home structure, with no more than six sleeping rooms, which has been constructed or modified to serve as a transient public lodging establishment, which provides the accommodation and meal services generally offered by a bed and breakfast inn, and which is recognized as a bed and breakfast inn within the community or by the hospitality industry. [See also: Section 6.2 of this code.]

Hotels and motels. For the purposes of this ordinance, hotels and motels are differentiated as follows:

- (1) **Hotel** means any public lodging establishment meeting the general definition of "transient accommodation use" as described above and containing sleeping room accommodations for 25 or more guests and providing services generally provided by a hotel and recognized as a hotel within the community or by the hospitality industry.
- (2) **Motel** means any public lodging establishment meeting the general definition of "transient accommodation use" as described above and which offers rental units with an exit to the outside of each rental unit, daily or weekly rates, off-street parking

for each unit, a central office on the property with specified hours of operation, a bathroom or connecting bathroom for each rental unit, and at least six rental units, and which is recognized as a motel within the community or by the hospitality industry.

Resort condominium means any unit or group of units in a condominium, cooperative, or timeshare plan which is rented more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented for periods of less than 30 days or 1 calendar month, whichever is less.

Time-share or interval occupancy facility or unit. See "Resort condominium."

Two-family dwelling. See "Residential dwelling unit – Two-family".

Use means the purpose for which land or water or a structure thereon is designed, arranged or intended to be occupied or utilized or for which it is occupied or maintained.

Useable open space means the total land area of a multifamily or transient accommodation property, which is open for use by all residents or guests thereof and/or which is used for recreational purposes, excluding land covered or utilized for ingress, egress, dedicated or required yards, structures, streets, off-street parking or vehicular maneuvering areas.

Utilities mean distribution or service connection facilities and appurtenances thereto, for gas, electricity, water, sanitary sewer, storm sewer, communications, heating, fuel, cable television and other similar consumable public commodities or services.

Vacant structure means a structure not currently occupied, or a structure to which water service has been disconnected for a period of time exceeding 60 days.

Variance mean a grant of relief by the appropriate board of authority or City Commission from the requirements of the Land Development Code which permits development in a manner otherwise prohibited, subject to the standards set forth in Section 3.12.

Vehicle means a device or structure, self-propelled or towed, by which persons or property may be transported, propelled, moved or drawn, except by human power.

Vehicle, commercial means a vehicle of 24 feet or more in length, ten or more feet in height, or 10,000 pounds or more in weight, or a trailer of 16 feet or more in length, that is designed and licensed for use on the public roadways, and which is used for commercial or business purposes.

Vehicle, recreational means a vehicle with or without motor power, which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicles are divided into three categories: motor homes having a gross vehicle weight in excess of 10,000 pounds, boats, and accessory recreational vehicles.

Vehicle, recreational accessory means non-motorized recreational vehicles designed for human occupancy on an intermittent basis, such as vacation trailers and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone.

Vehicle for hire means any vehicle engaged in the transport of persons or property, in return for payment, over public roadways which is offered as a public conveyance over regular or irregular routes and with or without specific schedules.

Vessel for hire means any watercraft, which is not based in St. Pete Beach, Florida, engaged in the transport of persons or property over the intracoastal waterways and/or the Gulf of Mexico, and which is offered as a conveyance to the public at locations within the city.

Veterinarian means a facility for the medical care of dogs and/or cats, but which does not offer boarding for dogs or cats, except as necessary for the medical treatment of the animal. Such facility shall have no outside runs.

Waterfront property means a property abutting open water, bays, manmade canals and similar navigable waterways.

Yard means an open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in this chapter shall be unoccupied and unobstructed from the ground upward except as may be otherwise specifically provided herein.

Front yard means a space extending the full width of the lot between the principal structure and the front lot line and measured perpendicular to the building at the closest point to the front lot line. Note that this term defines a space and not a required setback.

Rear yard means a space extending the full width of the lot between the principal structure and the rear lot line and measured perpendicular to the building at the closest point to the rear lot line. Note that this term defines a space and not a required setback.

Required yard means the area of open space between a lot line and a building line within which no structure shall be located except as provided in this code.

Secondary front yard, applicable only to corner lots, means a yard abutting a street that intersects the street by which a front yard is determined. Note that this term defines a space and not a required setback.

Side yard means a space extending from the front yard to the rear yard between the principal structure and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building. Note that this term defines a space and not a required setback.

Waterfront yard means a yard required on a waterfront property with a depth measured perpendicular to the centerline of the seawall or mean high-water line where no seawall exists. Where the property line falls landward of the seawall, the waterfront yard shall be measured perpendicular to the lot line.

Zoning lot means an area of land under one ownership, or contiguous areas of land under multiple ownership assembled or combined for any development project to calculate density or intensity, of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are required by this ordinance. Such zoning lots shall have frontage on a public street or on an approved private street as set out in Section 7.2(h) of this ordinance, and may consist of:

- (1) A single lot of record
- (2) A portion of a lot of record
- (3) A combination of complete lots of record or complete lots of record and portions of lots of record or of portions of lots of record;
- (4) A parcel of land described by metes and bounds

Provided that in no case of division, boundary adjustment, or consolidation shall any residual area of land be created which does not meet the requirements of this ordinance. The grant of an interest, for security or other purpose, in real property for less than an entire zoning lot, or the foreclosure or sale of such interest, shall not be deemed to create a legal zoning lot unless properly approved in accordance with Division 25 of this ordinance.

Division 3. Administration of the Land Development Code

Section 3.1. Schedule of fees and charges.

- (a) The City Commission shall establish a schedule of fees and charges for matters pertaining to the provisions of this section.
- (b) The initial fee shall be payable at the time of filing of the application. No application shall be reviewed or processed by the city until such time as the initial fee has been paid in full.
- (c) Regardless of the findings of the appropriate board of authority and/or City Commission, the applicant shall not be eligible for a refund of the fee paid.
- (d) If the application is withdrawn by the applicant prior to expenditure of any legal advertisement costs pertaining to the application, the applicant shall be eligible for a 75 percent refund of the fee paid.

Section 3.2. City Commission approval required.

Except as otherwise specifically provided under this Code, the City Commission shall make the final determination on all decisions required by this code regarding amendments to the Comprehensive Plan, amendments to this code or the Official Zoning Map, and the issuance of conditional use permits.

Section 3.3. Appointment of administrative officials; appropriate boards of authority; general duties.

- (a) **Administrative officials.** The City Manager may appoint and designate agents to administer and enforce this code. The City Manager and designated agents shall administer and enforce this code by encouraging compliance with its provisions by instituting proceedings for informational and educational means, and by ascertaining and abating violations through the use of oral or written notices or by instituting proceedings for arrest of violators. All other officers and employees of the city, particularly those officers and employees whose major duties involve the inspection of land, premises, structures, or things accessory thereto, shall assist the City Manager and such official's agents in the enforcement of this code. The language "City Manager" as used in this code shall mean the agent or agents designated by the City Manager.
- (b) **Appropriate boards of authority.** The City Commission, pursuant to Chapter 22 of the Code of Ordinances of the City of St. Pete Beach, shall appoint and designate various appropriate boards of authority with respect to this code. The City Commission shall, at the time of appointment, assign certain duties and responsibilities to the board of authority thereby created; however, the City Commission may change the range of duties for any board of authority from time to time. Such designated boards of authority may be known as, but not limited to, the Future of the City Planning Committee, the Development Review Board and the Aesthetic and Historic Review Board. The City Commission may from time to time appoint special hearing masters, additional boards or committees to perform specific tasks necessary to fairly administer this code.
- (c) **General duties.** Each appointed administrative official and appropriate board of authority shall be given specific duties and responsibilities when they are appointed. Such duties and responsibilities may include, but not be limited to, the following:
 - (1) Interpretation and administration of this code.
 - (2) Inspections of land, premises, structures, or things thereto.

- (3) Preparation and production of plans and studies as required.
- (4) Providing recommendations on land use and zoning matters for the City Commission.
- (5) Site plan reviews, and final approval of development plans when such authority is granted by the terms of this code or by specific direction of the City Commission.
- (6) Hearing and taking action on appeals of decisions made regarding interpretation of the provisions, requirements, and regulations of this code.
- (7) The authority to permit variances to certain provisions and requirements of this code.
- (d) ***Appointment of private consultants.*** Nothing in this division or other divisions of this code shall be deemed to prohibit the appointment, selection or designation of, or contracting with, private consultants to perform certain duties relative to this code by the City Commission.

Section 3.4. Public notice required.

- (a) Notice of a public hearing to adopt an ordinance or resolutions shall be governed by the provisions of the Charter or Florida Statutes, whichever provides the more restrictive notice standards. When the application is for a development order that materially alters the use, density or intensity use, the public notice shall be as required in Chapter 163.3215(4)(a), Florida Statutes.
- (b) Prior to holding any other public hearing required under this Land Development Code, notice of the public hearing shall be as follows:
 - (1) The notice, at a minimum, shall contain the time, date, place and subject of the public hearing.
 - (2) A legal notice of the public hearing shall be published in a newspaper of general circulation in accordance with the requirements of the applicable Florida Statutes.
 - (3) A courtesy notice will be mailed at least seven days prior to the public hearing to owners of property located within 300 feet of any part of the property that is the subject of the application. Property owners shall be determined from the latest Pinellas County real property tax records contained the city's database. In the instance where the property is a condominium, such notice may be sent to the condominium association or designated management company.
 - (4) The city shall post a sign providing notice of the public hearing on the subject property at least seven days prior to the public hearing.
 - (5) Notice of the public hearing shall also be posted at City Hall.

Section 3.5. Development order required.

No development shall take place unless the city has issued a development order authorizing such development. Unless specifically exempt under this code, all development applications shall be accompanied by a site plan prepared in accordance with Division 5 of this code.

Section 3.6. Zoning compliance, concurrency and plans required; record of applications and plans; and subsequent applications.

- (a) **Zoning compliance required.** Building permits, other development permits, and certificates of occupancy, as required by other chapters of the St. Pete Beach Code of Ordinances, shall not be issued without certification by the City Manager that the requirements of this code have been met.
- (b) **Certification of zoning compliance.** The City Manager shall not certify zoning compliance, in accordance with the requirements of this code, on an application for a development permit or on an application for a certificate of occupancy, or on any plans submitted with such applications, or on any building permit or certificate of occupancy, if the structure proposed to be built, altered, or used, or the land as proposed to be used, would be in violation of the terms of this code.
- (c) **Concurrency required.** No building permit, certificate of occupancy, occupational license, or certificate of zoning compliance, issued on the basis of an application or plans submitted therewith, shall be valid, or construed to permit construction, occupation, or use of land or structures, if the application or plans are not in accord with this code or other sections of the St. Pete Beach Code of Ordinances. Prior to the approval of any building permit, certificate of occupancy, certificate of zoning compliance, site plan approval, or other applications related to land development, assurances, in accordance with the provisions of Chapter 102 of the St. Pete Beach Code of Ordinances (concurrency management system ordinance), shall be given that all public facilities will be available concurrent with the proposed development. These facilities include, but are not limited to, potable water, sanitary sewer, drainage, roads, solid waste, recreation and open space.
- (d) **Plans required.** All applications for development permits shall be accompanied by plans in the number of copies required by the City Manager, signed by the person or firm which prepared such plans with their address, and by the owner of the property with such person's address. The plans shall be based on a survey drawn to scale, and shall show the actual shape and dimensions of the lot to be built upon; the exact sizes and locations on the lot of buildings and other structures existing on the lot; the lines within which the proposed building or structure is to be erected or altered; the existing and intended use of each building or part of a building by floor plan, the number of dwelling units or rental units the building is designed to accommodate; and such other information with regard to the structure, lot or neighboring lots as may be necessary to determine and provide for enforcement of this code. In case of doubt, the City Manager may require a surveyor's certificate on the location of the proposed structure with relation to the lot lines involved.
- (e) **Conditions met.** In addition, all conditions set forth in all city approval processes shall be attached to the building permit. No certificate of occupancy shall be issued until the City Manager inspects the site for compliance with an approved site plan and this code, if applicable.
- (f) **Record of applications and plans.** A record of applications and plans shall be maintained by the City Manager. If plans are approved as to compliance with the terms of this code, the City Manager shall so indicate such approval on copies of the plan retained, on the copy to be returned to the applicant, and on the application for the building permit.
- (g) **Subsequent applications.** If any application or plan filed under the provisions of this code is denied, no subsequent application or plan seeking substantially the same or similar approval shall be filed within two years of the final decision on the original application or plan.

Section 3.7. Zoning verification; certificates of occupancy for new or altered uses; record of certificates of occupancy.

- (a) **Zoning verification.** The City Manager shall, upon request, furnish a letter setting forth the zoning and land use verification applicable to any specific property within the city.
- (b) **Certificate of occupancy required.** It shall be unlawful to use or permit the use or change of use of any structure, premises or land, or part thereof, hereafter created, erected, changed, converted, altered or enlarged, wholly or in part, until a certificate of occupancy shall have been issued.
- (c) **Exception to certificate of occupancy requirement.** No certificate of occupancy shall be required for uses of existing structures, premises or land conforming to the requirements of this code unless such structure shall be altered in its use or construction, or moved in its location, or such premises, or land shall be altered in use.
- (d) **Record of certificates of occupancy.** The City Manager shall maintain records of all certificates of occupancy issued, and may issue duplicate certification in case of loss or destruction of previously issued certificates.
- (e) **Violation of certificate of occupancy requirement.** Failure by the owner or occupant of structures, premises or land to obtain a required certificate of occupancy shall be in violation of this code punishable by the same penalties as other violations.

Section 3.8. Administration and enforcement of performance standards.

- (a) **Intent concerning determinations involved in administration of performance standards.** Determinations necessary for administration and enforcement of performance standards range from those which can be made by a reasonable person using normal senses and no equipment to those which require high technical competence and complex equipment. It is the intent of this code that:
 - (1) Where determination can reasonably be expected to be made by the City Manager, using equipment normally available to the city or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued.
 - (2) Where technical complexity or extraordinary expense makes it unreasonable for the city to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for protecting individuals from arbitrary and capricious administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary cost for administration and enforcement.
- (b) **Performance standards relating to emission of smoke, fire and explosive hazards, humidity, heat, glare, or electromagnetic interference.** If the City Manager finds, after making determinations in the manner set forth in the appropriate portions of Section 6.17 of this code, that there is violation of performance standards relating to emission of smoke, fire and explosive hazards, humidity, heat, glare or electromagnetic interference, the City Manager shall take or cause to be taken lawful action as provided in the St. Pete Beach Code of Ordinances to eliminate such violation.
- (c) **Performance standards relating to measurement of weight of particulate matter, vibration, noise, hazardous or noxious matter, and radiation hazards.** If, in the considered judgment of the City Manager, there is violation of performance standards as set forth in Section 6.17 of this code, concerning emission of particulate matter, vibration, noise, toxic and noxious matter, odorous matter, or radiation hazards, the City Manager shall take

or cause to be taken lawful action as provided in the St. Pete Beach Code of Ordinances to eliminate such violation.

Section 3.9. Amendments to the Comprehensive Plan, Future Land Use Map, Zoning Map or this code.

In making Comprehensive Plan, Future Land Use Map, Official Zoning Map amendments, or decisions on appeals of other appropriate board of authority actions, which amendments or decisions are contrary to the official action or recommendation of the appropriate board of authority which has made a recommendation or decision in the case before the City Commission, four affirmative votes of the City Commission shall be required.

- (a) **Comprehensive Plan and Future Land Use Map.** The Local Planning Agency shall provide guidance on issues regarding implementation of the Comprehensive Plan and Future Land Use Map, or amendments thereto. The Local Planning Agency shall operate in accordance with the requirements of the Florida Statutes.

- (1) **Duties and responsibilities.** The Local Planning Agency, with assistance from the designated advisory committee, shall prepare and maintain a Comprehensive Plan for the city, shall prepare physical, environmental, social and economic studies; shall guide other boards and committees, or may prepare ordinances regarding implementation of the Comprehensive Plan, and shall make recommendations on amendments to the Comprehensive Plan or changes to the Future Land Use Map.
- (2) **Expenses.** All expenses of the Local Planning Agency shall be borne by the city.
- (3) **Meetings and records.** The meetings of the Local Planning Agency shall be public meetings and the records of the board shall be public records.
- (4) **City Manager to cooperate with Local Planning Agency.** The City Manager shall be responsible for the processing of the Comprehensive Plan amendments in cooperation with the Local Planning Agency and shall provide staff assistance for the Local Planning Agency.

- (b) **Amendments to the Zoning Map.** The City Commission is hereby authorized to amend the zoning map in response to changing conditions or to changes to the St. Pete Beach Comprehensive Plan.

(1) **Application requirements.**

- a. Map amendments rezoning individual properties may be initiated by the owner of property involved, a non-owner with the written permission of such property owner, the City Commission, the appropriate board of authority, or the City Manager. Any such application for a zoning map change shall be accompanied by the information necessary to demonstrate that the proposed rezoning is consistent with the criteria set forth in paragraph (5) below.
- b. An application may be accompanied by an offer to the city to impose special conditions (proffers) upon the development of the property that is the subject matter of the application.
- c. At the request of an applicant for a rezoning, a site plan may be processed concurrently with the rezoning application, pursuant to Division 5 of this code.

(2) Staff review and recommendations

The City Manager shall review the application for the rezoning, and the comments of all appropriate departments of the city, and shall prepare a written staff analysis of the issues raised by the application, which analysis shall set forth a recommended zoning district classification, if any, and setting forth the goals, policies and objectives of the Comprehensive Plan affected by the proposed rezoning.

(3) Appropriate board of authority review.

The board shall conduct a public hearing to review the proposed rezoning, and shall consider the written staff analysis and the testimony at the public hearing, and make a recommendation upon the proposed rezoning, which shall set forth its findings in regard to whether the proposed rezoning will satisfy the standards set forth in paragraph (5) below, and its findings in regard to whether the rezoning is consistent with Comprehensive Plan. The board may include in its recommendation any modifications or conditions to the rezoning, and the reasons therefore.

(4) City Commission review.

The City Commission shall review the proposed rezoning, the written staff analysis and the recommendation of the appropriate board of authority, and shall approve, approve with conditions or deny the rezoning and site plan, if any, after a public hearing. Action taken by the City Commission to approve a rezoning with conditions shall be documented in the form of an ordinance which rezones the subject property and shall state with specificity any conditions offered by the applicant and accepted by the City Commission.

(5) Standards for review.

In reviewing the application for a rezoning, the staff, the appropriate board of authority and City Commission shall consider whether the proposed rezoning is consistent with and furthers the goals, policies and action strategies of the Comprehensive Plan, with consideration as to whether the proposed change will further the purposes of these regulations and other city ordinances, regulations and actions designed to implement the Comprehensive Plan.

In addition, the board and City Commission shall consider the following:

- a. Whether the proposed change would be contrary to the land use plan and would have an adverse effect on the plan, the board and City Commission shall review the request considering the most intense use permitted in the requested zone district;
- b. Compatibility with adjacent properties and the existing land use pattern;
- c. Possible creation of an isolated district unrelated to adjacent and nearby districts;
- d. The population density pattern and possible increase or overtaxing of the land on public utilities;
- e. Any increase and possible overloading of the city's infrastructure;
- f. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;

- g. Whether changed or changing conditions make the passage of the proposed amendment necessary;
- h. Whether the proposed change will create a drainage problem;
- i. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations;
- j. Whether the proposed change will constitute a grant of special privileges to an individual owner as contrasted with the public welfare;
- k. Whether the change suggested is out of scale with the needs of the neighborhood or the city; and
- l. Whether it is impossible to find other adequate sites in the city for the proposed use, in districts already permitting such use.

(6) Effect of decision.

- a. The ordinance which rezones the subject property shall state with specificity any conditions (proffers) offered by the applicant and accepted by the City Commission, and no building permit pertaining to the rezoned property shall be issued for construction which does not conform to any site plan finally approved by the City Commission as part of the rezoning.
- b. In the event that any conditions require the execution of an appropriate legal document by the applicant, then the applicant shall be required to execute same prior to issuance of a building permit. When appropriate, fully executed documents may be attached to the ordinance as exhibits.

(7) Changes to rezonings.

- a. A modification to any rezoning shall be processed in the same manner as the original application. Revisions to site plans proffered as part of a rezoning application, other than revisions determined to be minor pursuant to section 5.9(a) of this code, shall require the submission of an amended site plan to the board and City Commission and adoption of an ordinance amending the initial rezoning ordinance to reflect approval of the amended site plan.
- b. In the event a site plan, proffered as part of a rezoning application, expires pursuant to Section 5.8 of this code, any new site plan shall be submitted to the city and adoption of a new ordinance amending the initial rezoning ordinance to reflect approval of a new site plan shall be required.

(8) Expiration of approval.

An ordinance rezoning property shall have no expiration date, unless otherwise specified in the approval.

- (c) **Amendments to this code.** Amendments to the text of this code may be initiated by the City Commission, any board appointed by the City Commission, City Manager, City Attorney, or by any department of the city. An application for a text amendment shall be accompanied by justification necessary to support the amendment.

In reviewing the application for a text amendment, the appropriate board of authority and the City Commission shall consider whether the proposed amendment is consistent with and

further the goals, policies and objectives of the Comprehensive Plan and whether the proposed change will further the purposes of this code and other city ordinances, regulations and actions designed to implement the Comprehensive Plan.

Section 3.10. Vested rights and nonconformities.

The purpose of this section is to regulate the continued existence of certain uses and structures established prior to the effective date of this code that do not conform to these regulations. It is the intent of this code to permit nonconforming uses and structures which create relatively minor friction to continue until they are removed by economic or other forces. Existing nonconforming uses and structures shall not be used to justify adding structures or uses prohibited elsewhere in the same district.

To avoid undue hardship, nothing in this code shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of this code, or amendment thereto, and upon which actual building construction has been diligently carried on.

- (a) **Nonconforming lots.** In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this code except as provided below, a single-family dwelling and customary accessory buildings may be erected on any lot of record as of the adoption date of this code. This provision shall apply even though such lot fails to meet the requirements for lot width or area, or both, that are generally applicable to the district, provided that the building setbacks and other requirements shall conform to the regulations for the district in which the lot is located.
- (b) **Nonconforming structures.** Where a lawful structure exists at the time of adoption or amendment of this code which could no longer be built under the terms of this code by reason of restrictions on lot area, impervious surface, height, or other characteristics of structure or location on the lot, such structure may be continue to be used so long as it remains otherwise lawful, subject to the following provisions:
 - (1) No such structure may be enlarged, altered or changed as to use in a manner which increases its non-conformity. Any addition to a nonconforming principal structure may be made, provided such addition meets the requirements of this code and other chapters of the St. Pete Beach Code of Ordinances.
 - (2) Any nonconforming structure which suffers substantial damage shall only be repaired, restored or reconstructed in a manner which brings the entire structure into compliance with all requirements of this code and other applicable codes of the City of St. Pete Beach.
 - (3) Should such structure be moved, either vertically or horizontally, for any reason for any distance whatever, it shall conform to the regulations for the district in which it is located after it is moved.
- (c) **Nonconforming uses.** Nonconforming uses of land, structures and premises which were lawfully established prior to the adoption of this code, but which are not permitted or are otherwise prohibited by this code, may continue to operate at their present location until such time as such use has been discontinued. If the use is discontinued for more than 90 consecutive days or a total of 180 calendar days within a one year period, subsequent use of the premises shall conform to the district regulations. Continuance of nonconforming uses are subject to the following provisions:
 - (1) Uses nonconforming by the type of use are regulated as follows:

- a. There shall be no increase of a nonconforming use by expansion of the use to adjacent properties, to other structures on the property or to other portions of a multi-tenant structure within which the nonconforming use is located. No multi-tenant structure may be converted into a single-tenant structure for the purpose of expanding a nonconforming use.
 - b. In the case of a nonconforming use which occupies a portion of a lot, said use shall not be relocated, expanded or extended to other portions of the lot upon which it is located.
 - c. Ownership of a nonconforming use may be transferred from one owner to another; however, in no case shall one nonconforming use be exchanged for another nonconforming use.
 - d. When a structure which is occupied by a nonconforming use suffers substantial damage said structure, if repaired, restored or reconstructed, shall only be occupied, upon completion, by uses which are allowed in the zoning district in which the structure is located.
- (2) Uses that are nonconforming by reason of development density are regulated as follows:
- a. The recognized number of units on such property shall be determined by the number shown in the property records on file with the city as of the date of adoption of this section.
 - b. There shall be no increase in the number of units by expansion or alteration of the use.
 - c. Except as provided in Section 3.10(d), any property, upon which there are one or more buildings having such pre-existing nonconforming number of units and where any building is proposed to be substantially improved, shall be brought into conformity with the density requirements of this ordinance.
 - d. Ownership of a use that is nonconforming by density may be transferred from one owner to another.
- (d) **Grandfathered nonconforming residential uses.** Notwithstanding the provisions of paragraph (c)(2) above and paragraph (e) following, nonconforming residential properties having a greater number of units than currently allowed under the provisions of the Comprehensive Plan and this code that are lost through a catastrophic event may be reconstructed with the same number of units as they had prior to the loss under the following conditions:
- (1) For the purposes of this subsection only, transient accommodations shall be considered to be residential properties.
 - (2) The applicant for such replacement shall demonstrate to the satisfaction of the city that he was the owner of the property at the time of loss;
 - (3) The applicant can verify to the satisfaction of the city that the property contained the number of units, square footage and height that are proposed for replacement;
 - (4) The replacement structure(s) may be permitted to have the same square footage and building height as the original structure(s), but shall be no larger in square footage nor taller than the original structure(s);

- (5) Provided there are no conflicts with other codes and that no adverse impacts on adjacent properties will be created, the replacement structure(s) may be permitted to be constructed with the same footprint as the original structure(s);
 - (6) The replacement structure(s) shall meet all of the other local, state and federal requirements in place at the time of replacement; and
 - (7) Permits to rebuild under these provisions shall be obtained within one year of the catastrophe unless a general extension of time has been granted by the city commission.
- (e) **Nonconforming accessory uses and accessory structures.** No nonconforming accessory structure shall continue after the principal use or structure is terminated by abandonment, damage, or destruction.
- (1) A nonconforming accessory structure may be expanded only if the nonconforming features are not expanded so as to increase the nonconforming element of that accessory structure and the expansion is otherwise in conformance with these regulations.
 - (2) Any nonconforming accessory structure shall be brought into conformity with these regulations whenever a substantial improvement or addition to a structure or a change in the principal structure on the property is proposed and approved.
 - (3) Any part of a nonconforming accessory structure which is destroyed or damaged, either gradually over time or through catastrophic event, to 50 percent or more of its value may be repaired or restored only if the accessory structure conforms to the standards of these regulations for the zoning district in which it is located. The extent of damage or destruction shall be determined by the City Manager by comparing the estimated cost of repairs or restoration with the pre-damage value. Any part of a nonconforming accessory structure which is destroyed or damaged to less than 50 percent of the value of such accessory structure may be repaired or restored if a permit for the repair or restoration is issued and such repair or restoration is completed within six months of the date of the damage (or the approximate date, for gradual incidences).
- (f) **Nonconforming characteristics of land.** On properties which are otherwise in conformity with the requirements of the district regulations, nonconforming characteristics of land may exist by reason of failure to meet site development standards pertaining to off-street parking, access, storm water management, landscaping, environmental standards or other similar standards. Such nonconforming characteristics of land legally established prior to the adoption or amendment of this code may be certified as pre-existing and allowed to continue; provided no expansion, alteration, change or relocation within the property or to the property shall be permitted in such a manner as to increase the degree of any nonconformity.
- (g) **Repairs and maintenance; maintaining safe condition.** Repairs and maintenance of nonconforming structures are permitted. Nothing in this code shall be deemed to prevent the strengthening, altering or restoring to a safe condition any building or part thereof declared to be unsafe by the City Manager.

Section 3.11. Reserved.

Section 3.12. Un-addressed uses and requests to add uses to a district.

Requests for uses that are not addressed in this code, or in a specific district, may be made. Such requests shall be accompanied by the same fee as is required for rezoning applications and will be processed using the following procedure:

- (a) A written request shall be provided to the City Manager identifying the use, proposed location(s) of use and justification for the requested use.
- (b) The City Manager shall respond in writing to the request within 30 days from receipt of the request. This response shall detail the reasons for either approval or denial or may request additional information that may be required to make a decision.
- (c) If the City Manager recommends approval or if the City Manager's denial is appealed within 15 days of receipt of the decision, the appropriate board of authority shall schedule a public hearing and, upon completion of said hearing, shall make a recommendation to the City Commission on the request. The applicant shall be responsible for any notification requirements beyond those required at the local level.
- (d) Regardless of the recommendation from the appropriate board of authority, the City Commission shall render a the final decision on the request.

Section 3.13. Variances.

The city commission, and where otherwise allowed by the code, the development review board and the city manager, may authorize a variance to the land development regulations if the applicant is able to show the presence of the following conditions:

- (a) Such conditions and circumstances are peculiar to the land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same district which have complied with these regulations without hardship; that the strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building such as is permitted in the district under the terms of the land development regulations; and the peculiar conditions and circumstances are the result of the actions of the applicant.
- (b) Neither a nonconforming use of neighboring lands, structures or buildings, legal or illegal, in the same district, nor a permitted use in adjacent districts shall be considered as grounds for issuance of a variance permitting any use not otherwise allowed in the district.
- (c) The proposed variance will not have the effect of changing any district boundary on the zoning map nor constitute the granting of a nonconforming use. Under no circumstances shall a variance permit an increase in the development density of a permitted use or permit a use not generally permitted in the district.
- (d) The granting of a variance will be in harmony with the general purpose and intent of the land development regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In granting the variance the development review board shall prescribe any conditions and safeguards it deems necessary or desirable, and violation of same when made a part of the terms under which such variance is granted shall be deemed a violation of the land development regulations.
- (e) The board finds as a reasonable conclusion that hardship would unnecessarily result from a literal enforcement of the provisions of the land development regulations as set forth in the application, and the variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.

Section 3.14. Appeals.

- (a) An appeal to the appropriate board of authority may be taken by any person aggrieved by any final decision of an administrative official of the city where it is alleged there is an error in an order, permit, condition, requirement, decision or determination by the administrator in enforcing the Land Development Code. An appeal shall be filed on or before 30 days from the day of the administrative decision.
- (b) Any person aggrieved by a final order of the City Commission or the appropriate board of authority may appeal the order to the circuit court. The appeal shall be filed with the circuit court on or before 30 days following the issuance of the final development order.
- (c) When an appeal is filed, all proceedings in furtherance of the action affected by the decision being appealed from shall be stayed, unless:
 - (1) The administrative official from whom the appeal is taken certifies to the board, after the notice of appeal has been filed with the city, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property; or
 - (2) The appellant is not diligently pursuing the appeal.
- (d) If the board finds that either of said conditions exist, the board may deny the stay and allow the administrative order to be executed.

Section 3.15. Enforcement.

The City Manager shall enforce all of the provisions of these regulations.

Section 3.16. Violations, penalties and remedies generally.

- (a) Whenever a violation of this code occurs or is alleged to have occurred, any person may file a complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the City Manager.
- (b) Violation of the provisions of this code, including violation of conditions and safeguards established in development order, approval of a site plan or the approval of a conditional use shall be punishable in accordance with Section 1.14 (General penalties) of the St. Pete Beach Code of Ordinances or in accordance with Article IX of Chapter 22 (Special Master supplemental code enforcement) therein. Nothing contained in this section shall prevent the city from taking such other lawful action, including but not limited to resort to equitable action, as is necessary to enforce any such provision, condition or safeguard.
- (c) In addition to other remedies provided by these regulations and other applicable laws, the City Manager shall, when a violation has been determined to exist:
 - (1) Refrain from issuing any subsequent development approvals for the developer until the violation has been corrected; and
 - (2) Inform the violator that no further work under an existing approval may proceed until the violation has been corrected.
- (d) In the event that any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or that any building, structure, or land is used in violation of these regulations, the City Manager, or other proper authority of the city, or any person the value or use of whose property is or may be affected by such violation, in addition to other remedies, may institute any appropriate action or proceeding in the circuit court:

- (1) To prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of the building, structure, or land;
- (2) To prevent the occupancy of the building, structure, or land;
- (3) To prevent any illegal act, conduct, business, or use in or about the premises; or
- (4) To restrain, correct, or abate the violation.

Section 3.17. Prosecutions under prior zoning codes

Any prosecution arising from a violation of any prior zoning code, ordinance or regulation of the city superseded by this code, which prosecution was pending as of May 15, 2003, or any prosecution which may be begun by May 15, 2003, in consequence of any violation of any prior zoning code, ordinance or regulation superseded hereby, which violation was committed prior to May 15, 2003, shall be tried and determined exactly as if such prior zoning code, ordinance or regulation had not been superseded.

Division 4. Conditional Use Permits.

Section 4.1. Review of conditional use permit applications.

- (a) **Purpose.** Certain uses are conditional uses instead of being allowed by right, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.
- (b) **Authority.** The City Commission, after receiving a recommendation from the appropriate board of authority, may approve applications for conditional uses in accordance with the procedures, standards and limitations of this division.
- (c) **Authorized Conditional Uses.** Only those uses which are authorized in each zoning district within the district regulations or those nonconforming uses which are damaged or destroyed, and are permitted to be re-established in accordance with Section 3.10 of this ordinance, may be approved as conditional uses. The designation of a use in a zoning district as a conditional use does not constitute an authorization of such use or an assurance that such use will be approved; rather, each proposed conditional use shall be evaluated by the appropriate board of authority and the City Commission for compliance with the standards and conditions set forth in this section and for each district. Wherever a conditional use existing on the effective date of these regulations is terminated or destroyed, subsequent use of the property upon which the use was located by a use which these regulations classifies as a conditional use, shall be permitted only in conjunction with an approved conditional use.

Section 4.2. Applications and administrative review procedures.

- (a) **Simultaneous Applications.** Applications for conditional use permits and other applications requiring approval under this code may be filed and reviewed simultaneously, at the option of the applicant, provided however, that the conditional use application shall not be processed for final approval until all such other related applications have received final determination.
- (b) **Application Submission Requirements.** All applications shall be submitted to the City Manager in a form specified by the city, accompanied by the payment of the applicable fee set forth in Appendix A, St. Pete Beach Code of Ordinances, as follows:
 - (1) All applications shall contain the submittal requirements established by administrative regulation.
 - (2) Applicants may be required to submit additional information after the initial submission.
- (c) **Affidavit required for conditional uses.** All applicants for a conditional use permit shall submit an affidavit with the application stating they understand and agree that the conditional use may be terminated at any time if they fail to construct or operate the conditional use within the provisions of the original approval, regardless of the amount of the investment they have committed to the conditional use. The affidavit shall also state that the applicant shall notify any future purchasers, or anyone having any legal interest in the conditional use, of these termination provisions. No subsequent purchaser, owner, or operator of the conditional use shall utilize the conditional use until they have provided the

required affidavit. The affidavit shall be recorded in the public records of the City of St. Pete Beach along with the Development Order approving the conditional use permit. The execution of such affidavit by an applicant for a conditional use does not waive the applicant's rights of appeal as provided elsewhere in this chapter.

- (d) **Determination of Completeness of Application.** The city shall determine whether the application is complete. If the application is complete, the application shall be forwarded for review. If the application is not complete the city shall take no further action on the application until the required information is submitted by the applicant.
- (e) **Determination of Sufficient Application.** After an application is determined complete, each department involved in the review process, shall review the application for sufficiency and shall notify the applicant of any additional information that may be required.
 - (1) **Remedy of Insufficiencies.** If the applicant fails to respond to the specified request for information within 7 days of the date of notification of deficiency, the application for development or conditional use approval shall be voided.
 - (2) **Changes of Information.** If an applicant submits new data or information at any time after a determination of completeness has been made, the revised application will be subject to the same stages of review as the initial application.
- (f) **Staff Analysis.** After an application is determined sufficient, the staff shall review the application and shall prepare a written analysis on any issues raised by the application.

Section 4.3. Compliance requirements.

- (a) The city, as a further condition to approval of an application for a conditional use permit, may require financial guarantees or other such guarantees as may be reasonably necessary to insure compliance with the terms and conditions of its approval.
- (b) Except as provided in paragraph (c) following, failure to obtain an Occupational License for the approved conditional use within six months from the date of approval of the conditional use permit, shall invalidate the approval, unless a shorter compliance period is required by the city.
- (c) Where construction is necessary prior to the operation of the conditional use, failure to begin construction of a project (pouring of the entire foundation of the principal structure) within six 12 months from the date of approval of an application for a conditional use permit, shall invalidate the approval, unless a shorter compliance period is required by the city.
 - (1) An Occupational License shall be obtained within 30 days of the issuance of the certificate of occupancy for the necessary construction.
 - (2) Failure to maintain continual construction, as defined in Division 2 of this ordinance, shall void any building or other development approval granted in connection with the project. If construction activity ceases at any time after the zoning lot has been cleared of vegetation, the owner shall be required to reclaim the site in accordance with Section 22.3(g) of this ordinance.

Section 4.4. Standards for review.

- (a) **Standards applicable to all conditional uses.** When considering an application for approval of a conditional use, the appropriate board of authority and the City Commission review shall consider the following standards:

- (1) Whether the conditional use is consistent with the goals, objectives, and policies of the Comprehensive Plan, any adopted special area plan and these regulations;
- (2) Whether the proposed use will be compatible with the character of the existing area, including existing structures and structures under construction, existing public facilities and public facilities under construction, and residential, commercial and/or service facilities available within the existing area. More specifically:
 - a. Whether, if applicable, the overall appearance and function of the area will not be significantly lessened due to the increased proportion of non-residential uses in the residential area or the increased proportion of residential uses in the non-residential area. Consideration shall be given to the existence of other uses in the area, based on the number, size, and location of the uses and the intensity and scale of the proposed and existing uses in the area;
 - b. Whether the application will preserve any city, state or federally designated historic, scenic, archaeological, or cultural resources;
 - c. Whether the application will be compatible with adjacent development, if any, based on characteristics such as size, building style and scale; or whether such incompatibilities are mitigated through such means as screening, landscaping, setbacks, and other design features; and
 - d. Whether the application will have significant adverse impacts on the livability and usability of nearby land due to noise, dust, fumes, smoke, glare from lights, late-night operations, odors, truck and other delivery trips, the amount, location, and nature of any outside displays, storage, or activities, potential for increased litter, and privacy and safety issues.
- (3) Whether the transportation system is capable of adequately supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, if any, site access requirements, neighborhood impacts, and pedestrian safety;
- (4) Whether the minimum off-street parking area required and the amount of space needed for the loading and unloading of trucks, if applicable, has been provided and will function properly and safely;
- (5) Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made;
- (6) Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to guarantee the provision such improvements and mitigation; and
- (7) Whether the proposed use complies with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the regulations of the City of St. Pete Beach.

Section 4.5. Staff review and report.

Prior to consideration by the appropriate board of authority, the staff shall review all applications for conditional use approval and provide a written analysis of the issues raised by the application

which shall be forwarded to the appropriate board of authority and City Commission as applicable to the review process.

Section 4.6. Appropriate board of authority review.

The appropriate board of authority shall hold a public hearing on an application for a conditional use permit and recommend to the City Commission the approval, approval with conditions or denial of the application for a conditional use permit. Action taken by the appropriate board of authority on the conditional use permit shall be forwarded to the City Commission for final action.

If the appropriate board of authority shall recommend to the City Commission the denial of a conditional use permit, it shall state in its record its reasons for doing so. Such reasons shall take into account the factors stated in Section 4.4, or such of them as may be applicable to the recommendation of denial, and the particular regulations relating to the specific conditional use requested, if any.

Section 4.7. City commission review.

Upon receipt of the recommendation of the appropriate board of authority and the written staff analysis, the City Commission shall hold a public hearing to consider the application for conditional use and may grant, grant with conditions or deny the application. Final action of the City Commission shall be documented in the form of a Development Order containing a legal description of the real property to which the conditional use applies, together with the terms of the conditional use and any additional conditions imposed.

Section 4.8. Effect of decision.

- (a) Approval of a conditional use shall be deemed to authorize only the particular use for which it is issued.
- (b) Development of the conditional use shall not be carried out until the applicant has secured all other permits and approvals required by these regulations, the city, county, state and federal agencies.

Section 4.9. Attachment of conditions with approval.

The City Commission may attach and the appropriate board of authority may recommend the attachment of such conditions to a conditional use as are necessary to carry out the purposes of the Comprehensive Plan, any adopted special area plan, these regulations and to prevent or minimize adverse effects upon other property in the neighborhood, including, but not limited to, specifying the duration of the permit, hours of operation, or requirements for mitigation of environmental impacts.

Section 4.10. Changes to previously approved conditional uses.

- (a) **Approval of Minor Revisions.** The City Manager is authorized to allow minor revisions to an approved conditional use after staff review and to authorize the issuance of a development order for construction in accordance with the revised conditional use. A minor revision is one which:
 - (1) Does not alter the location of any points of access to the site;
 - (2) Does not change the conditional use;
 - (3) Does not increase the density or intensity of the development to occur on the property;

- (4) Does not result in a reduction of open space, setback or previously required landscaping;
 - (5) Is consistent with the general intent and purpose of these regulations and not have any effect whatsoever on the initial determination of consistency of the conditional use with the St. Pete Beach Comprehensive Plan;
 - (6) Does not result in a substantial change to the location of a structure previously approved;
 - (7) Does not result in a material modification or the cancellation of any condition placed upon the conditional use as originally approved;
 - (8) Does not change the internal or external traffic pattern;
 - (9) Does not add additional property to the site;
 - (10) Does not increase the impervious area of the site; and
 - (11) Does not increase the height of the building(s).
- (b) **Other Revisions.** Any other adjustments or changes not specified in Section 4.10(a) above shall be granted only in accordance with procedures for original approval of a conditional use, as set forth in this section.

Section 4.11. Revocation of approval.

- (a) If construction of an approved conditional use has not been completed in accordance with the conditions of the approval, or if the use is not conducted in a manner consistent with any condition of approval, the City Manager may terminate the approval. Notice of such termination shall be sent by certified mail to the owner of the property and any lessee of the property as indicated in the records of the city and shall become effective 10 days after the date of such notice, unless an appeal is filed with the city. Within 60 days of receipt of an appeal, the city commission shall hold a public hearing to consider the appeal.

At the conclusion of the public hearing, the termination may be upheld, reversed or modified. In making such a decision, the City Commission shall consider whether there are substantial and legitimate reasons why construction of the conditional use was either not timely or in compliance with the original approval, whether there are substantial and legitimate reasons why the use was not conducted consistent with the conditions of approval and whether the termination of such approval will advance the goals and objectives of the Comprehensive Plan and the standards applicable to the original approval. It shall be the petitioner's burden of proof at the public hearing to show that the conditional use has been constructed and operated within the provisions of the original approval.

- (b) Grounds for revocation may include, but are not limited to, the following:
- (1) A change in intensity or character of the use beyond what was initially intended which affects the public health, safety and welfare since adoption of the conditional use; or
 - (2) Any violations of this ordinance, including any conditions attached to the conditional use, by the owner/operator of the use.

Section 4.12. Appeals.

Appeals from decisions made under this section may be taken in accordance with the provisions of Section 3.14 of this ordinance.

Division 5. Site Plan Approval Procedures.

Section 5.1. Site plan review.

The purpose of a site plan review is to ensure that development will be carried out in compliance with the City Code of Ordinances and any other federal, state and county regulations. In addition, a site plan describing and portraying both existing and proposed conditions of the development is required in order that the approving authority can make an informed decision.

- (a) **Applicability.** Prior to the issuance of any development permit, a site plan review shall be required to ensure that the proposed development will be carried out in compliance with the St. Pete Beach Code of Ordinances and any other federal, state and county regulations.

- (1) **Exemption.** No site plan shall be required for work for the maintenance or alteration that does not alter the location or gross square footage of any structure, or alter any required parking area of the site, or if the work affects only the interior of the structure or the exterior color or decoration of the structure.

- (b) **Administrative site plan review.** The City Manager is authorized to determine the submittal requirements and to review and approve or deny the following site plan applications:

- (1) A single family or two-family residential dwelling, or
- (2) Minor changes to other site plans pursuant to the provisions of Section 5.9.
- (3) If any variance is requested in connection with a single family or two-family dwelling, such variance request shall be forwarded to the appropriate board of authority for determination in accordance with this ordinance prior to the approval of such site plan by the City Manager.

- (c) **Other site plans.** All applications for site plan approval not covered by the preceding paragraph (b) shall be reviewed and approved, approved with conditions and/or changes or denied by the appropriate board of authority.

- (1) Site plans requiring board approval may be submitted as either a preliminary site plan or a final site plan, prepared in accordance with the administrative requirements; however, no development permit shall be issued until a final site plan has been approved.
- a. Approval of a preliminary site plan shall be valid for six months, within which time the applicant must submit a final site plan for approval.
- b. Approval of final site plan shall be valid for one year, within which time a development permit must be issued.
- c. Failure to meet either deadline shall void all approvals, and the applicant will be required to resubmit the application and follow the entire review procedure.
- (2) Rezoning petitions (map amendments) submitted in conjunction with a site plan may be reviewed concurrently with the site plan review procedures in accordance with the provisions of Section 3.9(b) of this ordinance. If rezoning is required, final site plan approval shall be withheld until the zoning change has been approved.

Section 5.2. Applications and administrative review procedures.

- (a) ***Simultaneous Applications.*** Applications for site plan approval and other applications requiring approval under this code may be filed and reviewed simultaneously, at the option of the applicant, provided however, that any such conditional use application shall not be processed for final approval until all such other related applications have received final determination.
- (b) ***Application Submission Requirements.*** All applications shall be submitted to the City Manager in a form specified by the city, accompanied by the payment of the applicable fee set forth in Appendix A, St. Pete Beach Code of Ordinances, as follows:
 - (1) All applications shall contain the submittal requirements established by administrative regulation.
 - (2) Applicants may be required to submit additional information after the initial submission.
- (c) ***Determination of Completeness of Application.*** The city shall determine whether the application is complete. If the application is complete, the application shall be forwarded for review. If the application is not complete the city shall take no further action on the application until the required information is submitted by the applicant.
- (d) ***Determination of Sufficient Application.*** After an application is determined complete, each department involved in the review process shall review the application for sufficiency and shall notify the applicant of any additional information that may be required.
 - (1) ***Remedy of Insufficiencies.*** If the applicant fails to respond to the specified request for information within 7 days of the date of notification of deficiency, the application for development or conditional use approval shall be voided.
 - (2) ***Changes of Information.*** If an applicant submits new data or information at any time after a determination of completeness has been made, the revised application will be subject to the same stages of review as the initial application.

Section 5.3. Staff review and report.

Prior to consideration by appropriate board of authority, the staff shall review all applications for site plan approval, and provide a written analysis of the issues raised by the application shall be forwarded to the appropriate board of authority or City Commission as applicable to the review process.

Section 5.4. Appropriate board of authority review.

The appropriate board of authority shall hold a public hearing on an application for a site plan and approve, approve with conditions or deny the application for a site plan approval. Upon making its final determination on the site plan, the board shall issue a preliminary development order.

If the appropriate board of authority shall deny a site plan, it shall state in its record its reasons for doing so. Such reasons shall take into account the factors stated in Section 5.6, or such of them as may be applicable to the action of denial.

Section 5.5. City Commission review.

The appropriate board of authority shall forward the minutes of the meeting at which the decision was made and a development order to the city commission. The city commission shall have 30 days from the date of the board's development order to determine whether to review the order. If

the city commission determines to review the board's order, then a public hearing on the site plan shall be set before the city commission on or before 30 days from its decision to review the site plan. If the city commission takes no action to schedule a public hearing within the 30 days following notification of the development order on the site plan, then the development shall be made final, and all permits authorized by the development order may be issued.

Section 5.6. Standards for review

In reaching a decision as to whether or not the site plan, as submitted, should be approved, approved with changes, approved with conditions or disapproved, the City Manager, the appropriate board of authority and the City Commission shall consider the extent to which the application is consistent with these regulations, any conditions imposed by approval of a rezoning or conditional use, generally accepted site design principals, and the extent to which the development furthers the goals and purposes of these regulations. Further, the City Manager, the appropriate board of authority and City Commission shall use, but not be limited to, and be guided by the following criteria in the exercise of their discretion when evaluating a site plan submission:

- (a) Whether the proposed development, design and layout are in keeping with the intent and specific standards and criteria prescribed in pertinent sections of this ordinance, as amended;
- (b) Whether the proposed development, design and layout are compatible with the Comprehensive plan, as amended;
- (c) Whether the required information has been furnished in sufficiently complete and understandable form to allow an accurate description of the proposed use(s) and structure(s) in terms of density, location, area, height, bulk, placement, setbacks, performance characteristics, parking, and traffic circulation;
- (d) Whether there are ways in which the design and layout of the development, uses and structures can be changed which would enhance the city or lessen the impact of the development on adjoining and nearby properties and on the community;
- (e) Whether the proposed development, design and layout has made adequate provisions for vehicular access and traffic circulation, both internal and external to the project;
- (f) Whether the proposed development, design and layout provides for safe and efficient pedestrian circulation;
- (g) Whether the proposed development, design and layout has made adequate provision for off-site parking and loading and unloading areas; and
- (h) Whether the proposed development, design and layout has preserved the natural features and characteristics of the land; including but not limited to the regard given to existing large trees, and similar natural features that would add attractiveness to the property and environs if they were preserved, natural drainage systems, natural buffering, and the use of other techniques for the preservation and enhancement of the physical environment.

Section 5.7. Variances related to site plan applications.

Variances related to site plan applications may be granted in accord with the standards set by Section 3.13 of this ordinance.

Section 5.8. Compliance requirements.

- (a) The city, as a further condition to approval of an application for a site plan and/or a variance, may require financial guarantees or other such guarantees as may be reasonably necessary to insure compliance with the terms and conditions of its approval.
- (b) Failure to begin construction of a project (pouring of the entire foundation of the principal structure) within 12 months from the date of approval of an application for a site plan review and/or a variance shall invalidate the approval, unless a shorter compliance period is required by the city.
- (c) Failure to maintain continual construction, as defined in Section 2 of this ordinance, shall void any building or other development approval granted in connection with the project. If construction activity ceases at any time after the zoning lot has been cleared of vegetation, the owner shall be required to reclaim the site in accordance with Section 22.3(g) of this ordinance.

Section 5.9. Changes to site plans.

- (a) **Minor revisions to site plan.** Any request for modification to an approved site plan shall be subject to review and approval in the same manner as a new application, except that the City Commission may delegate to the City Manager the power to approve minor modifications, provided that the basic purpose and intent of the board's action and the ordinances of the city are met. A minor revision is one which:
 - (1) Does not alter the location of any points of access to the site
 - (2) Does not change the use of the property
 - (3) Does not increase the density or intensity of the development to occur on the property;
 - (4) Does not result in a reduction or change of open space, setback or previously required landscaping;
 - (5) Is consistent with the general intent and purpose of these regulations and does not have any effect whatsoever on the initial determination of consistency of the site plan with the Comprehensive Plan;
 - (6) Does not result in a substantial change to the location of a structure previously approved or add structures to the site;
 - (7) Does not result in a material modification or the cancellation of any condition placed upon the site plan as originally approved;
 - (8) Does not change the internal or external traffic pattern
 - (9) Does not add additional property to the site
 - (10) Does not increase the impervious area of the site
 - (11) Does not increase the height of the building(s)
- (b) **Other revisions to site plans.** If the requested modification to an approved site plan is determined by the City Manager not to be a minor revision, the request shall be processed in the same manner as the original approval.

Section 5.10. Effect of decision.

Approval of a final site plan shall authorize the applicant to apply for the issuance of a building permit and/or occupational license, provided that all other requirements have been met.

Section 5.11. Appeals.

Appeals from decisions made under this section may be taken in accordance with the provisions of Section 3.14 of this ordinance.

Division 6. Supplemental Regulations.

Section 6.1. Generally.

The regulations contained in this section apply to all zoning districts, unless otherwise stated in the regulation, within the City of St. Pete Beach and shall be considered additional requirements to be met before the final approval for any development order within any zoning district is granted.

Section 6.2. Bed and breakfast inns.

The following criteria shall apply to bed and breakfast inns:

- (a) Neither hired receptions nor parties shall be permitted in bed and breakfast inns.
- (b) Guest rooms may share toilet and bathing facilities; however, in no instance shall the owner and guests have shared bathrooms.
- (c) The maximum number of rooms for guests shall be as follows:

Building Size (gross floor area)	Max. Guest Rooms
Less than 1,200 sq. ft.	1
1,200 - 1,800 sq. ft.	2
1,801 - 2,400 sq. ft.	3
2,401 - 3,000 sq. ft.	4
3,001 - 3,600 sq. ft.	6
Over 3,600 sq. ft.	6

- (d) In addition to the parking required for the residence, one parking space will be provided for each guest room.
- (e) Cooking shall be for guests and residents only. No cooking facilities shall be allowed in guest bedrooms.
- (f) One attached sign no larger than six square feet in area shall be allowed.

Section 6.3. Community Residential Homes.

- (a) Homes of six or fewer residents which otherwise meet the definition of Community Residential Home shall be deemed a single-family unit and a non-commercial residential use. A Community Residential Home, as defined in Section 2, having six or fewer residents, shall be permitted in all zones permitting single-family or multi-family uses, provided that such homes shall not be located within a radius of 1,000 feet of another Community Residential Home with six or fewer residents.
- (b) A Community Residential Home for more than six residents is allowed in those zones allowing multi-family uses subject to the following:
 - (1) Allowed only as a conditional use in the RM, ROR, RFM and INS districts.

- (2) Such uses shall not be located within a radius of 1,200 feet of another existing Community Residential Home in a zoning district allowing multi-family uses or abutting a single-family zoning district.
- (3) Such uses shall meet the applicable licensing criteria established and determined by Department of Children and Family Services, including requirements that the home be located to assure the safe care and supervision of all clients in the home.

Section 6.4. Hobbies.

- (a) Hobbies including, but not limited to, boat building or repair, furniture making or repair, automobile repair and rebuilding, and other activities such as these which are not normally carried on extensively in a residential district, shall not be permitted to the extent that they are injurious to the health or welfare of, or are disruptive to the quiet enjoyment of property by nearby residential occupants. Uses, including but not limited to those listed above, which involve the use of power tools or the creation of noise not usual in a residential district shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.
- (b) While it is permissible to perform hobby activities outdoors on the owner's property during daylight hours, all tools, materials and other items associated with hobby activities shall be placed within an enclosed building for storage overnight.
- (c) Repair, which term shall, for the purposes of this section, include rebuilding, of a motor vehicle in a residential district shall also be subject to the following requirements:
 - (1) For the purposes of this section, a motor vehicle shall have its commonly accepted definition and shall also include boats or other watercraft.
 - (2) Motor vehicles repaired within a residential zoning district must be owned by the owner or occupant of the residential property on which they are being repaired.
 - (3) At the request by a city inspector or police officer, a person making a motor vehicle repair in a residential zoning district shall demonstrate residence at the residential location where the repair is being made. Should the person be unable or unwilling for any reason to demonstrate residency or ownership of the motor vehicle being repaired, the person shall be in violation of this code.

Section 6.5. Home occupations.

An occupation conducted in a dwelling unit is permissible in the city, provided:

- (a) No person shall be employed on the premises other than members of the immediate family residing on the premises.
- (b) The use of the dwelling for a home occupation shall clearly be incidental and secondary to its use for residential purposes. No more than one room within the dwelling unit shall be used to conduct the home occupation, provided the area of that room does not exceed 26 percent of the total living area of the dwelling unit. No more than five percent of that room shall be used for storage of commodities related to the home occupation. No display or storage of merchandise or use of land in connection with the occupation is permitted.
- (c) There shall be no change in the outside appearance of the building or premises as a result of such occupation or occupations, and no signs shall be permitted except those signs that may be required by other ordinance or law.

- (d) No home occupation shall be conducted in any accessory building or attached/detached garage.
- (e) No mechanical equipment shall be used or stored on the premises except such that is normally used for domestic or household purposes, nor shall it create noise, vibration, glare, fumes or odors detectable to the normal senses outside of the dwelling unit.
- (f) No retail or wholesale sales shall be permitted on the premises.
- (g) No traffic shall be generated by the home occupation.
- (h) A home occupation shall not be construed to include, among other uses, personal services such as massage, cosmetology, barber shops, beauty parlors, tea rooms, food processing for sale, kennels, dog grooming, real estate office, law office, radio and television repair, furniture refinishing, cabinet making, boat building, auto servicing or rebuilding or repair for others, metal fabrication or cutting, or a use employing welding or cutting torches.
- (i) Not more than one home occupation-related vehicle regardless of the number of home occupations is permitted. Said vehicle shall not be of an overall length exceeding 20 feet nor more than seven feet in overall height and must be parked off any public street right-of-way. All exterior storage of cargo, equipment or other material on the vehicle shall be shielded from view at all times when such vehicle is located on a residential lot.
- (j) A home occupation that is solely used for the purpose of receiving telephone calls, mail and keeping business records in connection with any profession or occupation shall be known as an "address of convenience."
- (k) The City Manager shall determine whether the home occupation meets the established criteria. An unfavorable determination may be appealed in accordance with Section 3.14 of this code.

Section 6.6. Mixed uses (residential and transient accommodations with other uses).

Transient accommodation uses that include retail stores, conference and meeting room facilities, fitness centers, restaurants and other ancillary nonresidential uses shall be considered mixed uses. Residential and transient accommodations with non-residential uses in mixed use developments share the allowable development rights available based on the size on the development site.

In order to determine the maximum permissible mixed use development for any site, one must first calculate the land area required for either the planned residential transient accommodation units or planned non-residential use as shown in the following examples.

For purposes of both examples, it is assumed that the example property proposed for a mixed use development contains 3.67 acres; the allowable residential density permitted within the example applicable zoning district is 15 units per acre; and the allowable non-residential intensity within the district is a 0.60 floor area ratio.

- (a) Example 1. In this example, 36 residential units are proposed.
 - (1) To determine the land area required for the planned residential portion of the development:

Step 1: 3.67 acres x 43,560 sq. ft. = 159,865.20 sq. ft. total site area (SA = Site Area).

- Step 2: $43,560 \text{ sq. ft.} \div 15 \text{ units per acre} = 2,904 \text{ sq. ft per unit.}$
(This number can be found in the applicable district regulations.)*
- Step 3: $2,904 \text{ sq. ft.} \times 35 \text{ proposed units} = 101,640 \text{ sq. ft.}$ are required to support the development of the proposed 35 residential units on the site (**RA = Residential Area**).

* Note that transient accommodation calculations are identical to the residential example shown above except for the need to substitute the appropriate allowable units per acre or minimum lot requirement per unit from the district regulations.

- (2) To determine the amount of non-residential development can be built in conjunction with the proposed residential development:

- Step 1: $159,865.20 \text{ sq. ft. (SA)} - 101,640 \text{ sq. ft. (RA)} = 58,225.20 \text{ sq. ft.}$ is the balance of the site available for the non-residential portion of the development (**NR-BAL = Non-Residential-BALance**).
- Step 2: $58,225.20 \text{ sq. ft. (NR-BAL)} \times 0.60 \text{ floor area ratio (FAR = Floor Area Ratio)} = 34,935.12 \text{ sq. ft.}$ gross floor area of non-residential structures can be constructed along with the proposed 35 residential units.

- (b) Example 2. In this example, 60,000 sq. ft. of non-residential development is proposed.

- (1) To determined the land area required for the planned non-residential portion of the development:

- Step 1: $3.67 \text{ acres} \times 43,560 \text{ sq. ft.} = 159,865.20 \text{ sq. ft.}$ total site area (**SA = Site Area**).
- Step 2: $60,000 \text{ sq. ft. proposed non-residential gross floor area} \div 0.60 \text{ floor area ratio (FAR)} = 100,000 \text{ sq. ft.}$ of non-residential development (**NR**).
- Step 3: $159,865.20 \text{ sq. ft. (SA)} - 100,000 \text{ sq. ft. (NR)} = 59,865.20 \text{ sq. ft. (RA)}$ available.

- (2) To determined the number of residential units that can be built along with the non-residential portion of the development:

- Step 1: $43,660 \text{ sq. ft.} \div 15 \text{ units per acre} = 2,904 \text{ sq. ft required per unit.}$
- Step 2: $59,865.20 \text{ sq. ft. (RA)} \div 2,904 \text{ sq. ft.} = 20.61 = 20 \text{ residential units*}$ can be constructed along with the proposed non-residential development.

* See Section 1.3(d) regarding rounding.

Section 6.7. Pushcart vending.

- (a) The City Commission shall establish all necessary rules, procedures and administrative fees necessary for regulation, control and enforcement of pushcart vehicles within the City of St. Pete Beach.
- (b) Pushcart vending may be permitted only within the CG-2 Commercial District with the approval of the City Commission.
- (c) The City Commission is authorized to issue permits for the vending of flowers, plants, fruits, vegetables, soft drinks, prepared and packaged hot-dogs, hamburgers, sandwiches, ice

cream and other snack-type edibles, from pushcarts on public property within the designated zoning districts, provided that such vendor complies with existing State, county and municipal laws, purchases an occupational license, and is subject to such regulations as the commission may establish.

- (d) Pushcart vending units must be designed for retail sales and be mounted on at least two wheels which have a diameter of not less than eight inches; which is no larger than four feet in width, 10 feet in length and eight feet in overall height; which is not propelled by an internal combustion engine, electric motor or other similar mechanical device; and which, when fully loaded with merchandise, can easily be moved and maintained under control by the permittee, employee or attendant. Any canopy or umbrella shall not overhang the pushcart by more than one foot.
- (e) All signs for pushcart vending units shall be attached to the pushcart and approved at the time of issuance of the permit. In no case shall any separate freestanding sign be permitted.
- (f) Pushcart vending shall be limited to the hours of 8:00 a.m. and 9:00 p.m. daily, and shall take place only at the approved location. Pushcarts may not be placed at their approved location prior to 7:00 a.m. and must be removed at the close of business each day.
- (g) Permits issued for pushcarts on public property shall be issued for a specific location on public property. If the pushcart vending unit is to be located on a public sidewalk, not less than four feet of the public sidewalk area shall be maintained to ensure safe, unobstructed passage for pedestrians, and unobstructed passage shall be provided to building entrances/exits including a two-foot clearance on both sides of any doorway, fire hydrants, or other fixtures located within the display area.
- (h) Each pushcart operating within the city shall be required to obtain and display the appropriate occupational license. Pushcart vending locations on public property shall be at least 100 feet apart and no more than two such locations shall be permitted on each side of a block bounded by intervening streets or avenues.
- (i) Pushcarts on private property shall be prohibited on parking lots, vacant property, and places not having associated retail business and shall not be placed in any location that impedes the ingress or egress of other businesses, building entrances or emergency exits.
- (j) No permit shall be issued by the City Manager for the pushcart vending of food products until written confirmation is received by the City Manager from the County Health Department that applicable health department laws and regulations have been met by the applicant.
- (k) Applicants for pushcart vending permits shall provide the City Manager with two photographs of the pushcart. Prior to issuance of the permit, the applicant and pictures will be examined to determine the acceptability of the pushcart as to design and appearance.
- (l) Permits issued for public property locations pursuant to this section shall not be valid during any special event permitted by the City Commission within the same area unless the pushcart vending use is specifically included as part the event.
- (m) Permits issued under this section may be revoked by the City Manager for any of the following reasons:
 - (1) Fraud, misrepresentation or false statement contained in the application;
 - (2) Fraud, misrepresentation or false statement made in the course of carrying on business as a permittee under this section;

- (3) Any violation of this section or any other regulation of the city, county or state; or
- (4) Conducting business as a permittee under this section in an unlawful manner or in such a manner as to constitute a breach of peace or to constitute a menace to the health, safety and general welfare of the public.
- (n) Such revocation may be appealed directly to the City Commission provided such appeal is filed within 15 days of the date of revocation by the City Manager.

Section 6.8. Garage sales.

- (a) A limited number of garage sales are allowed as an activity in all zoning districts permitting single-family, two-family and multi-family residences. In all such districts, three garage sales at any one residence in any one calendar year shall be allowed under this code. Any one garage sale shall be limited to the daylight hours of three consecutive days, and not more than one garage sale shall be held at any one residence in any 90-day period.
- (b) For the purposes of this section, the term "garage sale" means any public sale or offering for sale to the public of three or more items of personal property by a person or a family or other household unit residing on the premises on which the sale is conducted, when the personal property has been acquired, possessed and used by that family or household for personal as opposed to business or commercial use, when such sale is to be conducted at the present residence of such family or household unit, and is open to the general public. "Garage sale" shall include sales commonly referred to as patio sales, driveway sales, yard sales, porch sales and other such sales. "Garage sale" shall not include the sale or offering for sale of goods of more than one family or household.
- (c) One sign of no more than four square feet may be displayed on the property of the residence where the garage sale is being conducted pursuant to this section. Such sign shall be displayed only during the times of the sale. In no case shall the sign be placed on any property other than the property of the residence upon which the garage sale is to take place.
- (d) Garage sales allowed by this section shall be conducted in compliance with all laws, ordinances, rules and regulations not in conflict herewith, but no occupational license shall be required for a garage sale.

Section 6.9. Sidewalk sales and display.

Sidewalk sales and display shall be permitted only under the temporary use permit procedure outlined in Section 6.11 herein. In addition to any special provisions set forth in the permitting process, the following regulations, except where in conflict with the conditions of the permit, shall apply to sidewalk sales and display:

- (a) Permits for sidewalk sales and display shall be issued to an individual business or a group of businesses on one property only two times, for a maximum of three consecutive days for each permit, in any one calendar year.
- (b) Outdoor storage is specifically prohibited in connection with any sidewalk sale and display.
- (c) Sidewalk sales and display shall be clearly related to the principal use of the site and shall be wholly conducted upon the site.
- (d) Sidewalk sales and display shall not be allowed at any time the principal permitted use of the site is not open for business and shall not be allowed between the hours of 10:00 p.m. and 7:00 a.m.

- (e) All sidewalk sales and display that will require the use of a public right-of-way shall require City Commission approval prior to the issuance of a temporary use permit.

Section 6.10. Attached single-family residential developments.

Common open space within an attached single family development shall be so distributed as to provide readily available amenities and visual relief to the entire development. Attached single family residential developments shall be further regulated as follows:

- (a) Attached single family residential developments shall not increase the number of dwelling units per acre and shall provide adequate green space areas to ensure that a minimum of 30 percent of the total site area is free of impervious surfaces.
- (b) Each dwelling unit shall have an individual ground floor entrance.
- (c) All structures having a front, side or rear yard relationship with a project site shall meet the minimum yard requirements as are required within the applicable zoning district. Not less than 10 feet shall be required between all detached structures, except for detached single-family cluster developments which may have lesser distance between structures, according to the district regulations.
- (d) No more than ten attached dwelling units shall be contiguous. No contiguous group of attached dwelling units shall exceed 240 feet in length.
- (e) The applicant shall provide such covenants, restrictions, financial guarantees and other legal assurances, in a form acceptable to the city, as the City Manager deems necessary to guarantee conformity to the achievement of the plan and required maintenance of the open space.
- (f) The applicant shall provide legal assurances deemed adequate by the City Attorney to assure that, in the event that the city should assume maintenance of any facilities or land within the development, the city shall have legal enforceable liens against all land and each residential unit within the development to assure recovery of its expenses.

Section 6.11. Temporary uses.

Temporary uses of zoning lots may be permitted under the provisions of this section.

- (a) **Application Submission Requirements.** All applications shall be submitted to the City Manager in a form specified by the city, accompanied by the payment of the applicable fee set forth in Appendix A, St. Pete Beach Code of Ordinances, as follows:
 - (1) All applications shall contain the submittal requirements established by administrative regulation.
 - (2) Applicants may be required to submit additional information after the initial submission.
- (b) **Determination of Completeness of Application.** The city shall determine whether the application is complete. If the application is complete, the application shall be forwarded for review. If the application is not complete the city shall take no further action on the application until the required information is submitted by the applicant.
 - (1) If the applicant fails to respond to the specified request for information within 15 days of the date of notification of deficiency, the application shall be voided.

- (2) If an applicant submits new data or information at any time after a determination of completeness has been made, the revised application will be subject to the same stages of review as the initial application.
- (c) **Permit issuance.** After an application is determined sufficient and after the appropriate staff review and approval process, a permit will be issued. Due to unique circumstances of the proposed temporary use, the city may attach such conditions to a temporary use as are necessary to prevent or minimize adverse effects upon other property in the neighborhood, including, but not limited to, specifying the duration of the permit, hours of operation, or requirements for mitigation of environmental impacts.

Section 6.12. Commercial accessory and temporary equipment, structures, portable buildings and trailers, dumpsters and commercial tents.

- (a) Commercial equipment may be allowed as follows:
 - (1) All commercial equipment shall be located within an enclosure or otherwise screened from public view.
 - (2) Commercial equipment, except for properly enclosed waste or refuse containers, shall not be located within any yard that abuts a public street without the specific approval of the appropriate board of authority.
 - (3) Vending machines may be located in front of a business premises, provided the location is not on a public right-of-way, does not otherwise impede pedestrian access and circulation, and the total area devoted to vending machines shall not exceed 18 square feet. However, vending machines that are visible from the public right-of-way shall be screened from public view.
- (b) Construction trailers or portable buildings may be allowed as follows:
 - (1) Construction trailers may only be placed on a construction site operating under a valid building permit. A permit for a construction trailer shall be obtained from the city prior to placing the trailer on the site. A construction trailer may only be used as an office for the contractor(s) on the site and for storage of equipment and construction material for the site.
 - (2) Trailers or other portable buildings to be used for storage on a business premises may be permitted by the city for a period of time not to exceed 120 days; provided that such trailers or temporary buildings shall be located on the property in such a manner as to not be visible from the public rights-of-way. This provision shall not apply to trucks or trailers parked on a premises for the purposes of making a delivery to the business; provided that such delivery vehicles shall not remain on the property for more than two consecutive days.
- (c) Dumpsters, commercial waste or refuse containers shall be regulated as follows:
 - (1) All new or replacement dumpsters shall have lids that shall remain closed except for the deposit of waste materials in the dumpster. This provision shall not apply to dumpsters larger than 8-yard capacity.
 - (2) All dumpsters, commercial waste and refuse containers, except those that are specifically approved for temporary location and use, shall be located on the same property with the use it serves and fully enclosed as follows:

- a. All dumpsters, commercial waste and refuse containers shall be located as far from public streets and adjacent property as is practical, and dumpsters shall be located on a properly constructed concrete pad.
 - b. All dumpsters, commercial waste and refuse containers shall be located within a proper opaque enclosure of sufficient height to fully screen the dumpster, commercial waste or refuse container.
- (3) Dumpster enclosures shall require a building permit and shall be constructed to meet all applicable building standards.
- (4) Where certain circumstances, special conditions may prevent the location and enclosure of a dumpster in accord with paragraph (2) above, the city may grant use of the city right-of-way if it finds that any one of the following conditions would result from locating the dumpster in strict compliance with the regulations:
 - a. On-site location of the dumpster would decrease the number of existing parking spaces below that required under the district regulations.
 - b. On-site location of the dumpster would prevent or materially impair reasonable ingress and egress to the property.
 - c. Access by the dumpster service contractor for pickup and dumping into a loader/packer type garbage truck would be materially impaired.
- (5) Temporary dumpsters for construction projects shall be located as approved at the time a building permit is issued, and temporary dumpsters permitted for temporary uses shall be located in accordance with the approved site plan for the temporary use permit.
- (d) Residential/commercial sales, management and leasing offices may be permitted in a new residential development in accordance with the following:
 - (1) The office may be permitted as an accessory use on the same lot, but shall not be used except by the company developing the site and in connection with the development within which it is located. A building permit is required.
 - (2) The office, if located within a temporary structure, may not be used as an office for more than 12 months, and thereafter shall be removed.
 - (3) At least three off-street parking spaces shall be provided on the same lot as the office and shall be maintained so long as the office is used as such.
 - (4) In a multi-family development, a management and/or leasing office may be maintained within one of the residential buildings, or within a permanent accessory building which was approved as part of the original site plan; provided, that such office, if located within an accessory building, shall not be the principal use of the accessory building, and said accessory building shall be architecturally compatible with the principal structures in the development.
- (e) Tents may be may erected and maintained by a business within the RFM or CG-1 zoning districts, provided:
 - (1) No tent shall be erected within any public right-of-way or within 75 feet of the back edge of a curb, public sidewalk or roadway, whichever is most restrictive;

- (2) Tents shall also be required to meet the side and rear required yards of the zoning district in which the tent is located;
- (3) Tents shall not be located on a parking lot or pedestrian walkway in such a manner that the normal flow of traffic on the site cannot be maintained nor shall any tent render useless more than ten percent of the parking required for the business;
- (4) Tents shall be maintained so as not to constitute a nuisance or hazard;
- (5) Tents used for public assembly or cooking or within which any combustible material will be used or stored must be approved by the fire marshal prior to their use.

Section 6.13. Accessory residential 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:

- (a) **Garage, private residential**, as defined, fall into one of two types, either attached to or detached from the principal residential structure. Under the terms of this section, the term "garage" shall also include carports. For the purposes of this code, a garage shall be deemed to be attached only when it shares at least 75 percent of the length of one wall in common with the principal structure to which it is an accessory.
 - (1) **Attached garage.** An attached garage shall be subject to the same required yard and height requirements as the principal structure.
 - (2) **Detached garage.** Detached garages shall be regulated as follows:
 - a. Required yards:

Front yard:	20 feet
Secondary front yard:	As required for the principal structure
Side yards:	As required for the principal structure
Rear yard:	10 feet if accessible from an alley; otherwise 20 feet
 - b. Maximum height: 12 feet above the crown of any street abutting the property
 - c. In no case shall a detached garage have any sleeping room, kitchen facilities or plumbing
- (b) **Residential storage buildings.** Residential storage buildings may be permitted as an accessory on a residential property. Only one such residential storage building is allowed, and the residential storage building shall be further regulated as follows:
 - (1) The residential storage building shall be used exclusively for storage of household items, and no mechanical equipment shall be operated within or attached to such building.
 - (2) The placement of a residential storage building shall require a building permit, meet all applicable building codes, and shall be properly anchored.

- (3) All storm water runoff shall be directed and maintained on the property upon which the building is located.
- (4) The residential storage building shall be located a minimum of 60 feet from the front property line and 20 feet from the secondary front yard, provided no residential storage building shall be permitted within the required yard for a waterfront yard.
- (5) Residential storage buildings shall be subject to the following dimensional and required yard requirements.
 - a. Maximum size: 80 square feet in area
 - b. Maximum height: 8 feet in height as measured from grade to the highest point on the structure
 - c. Location: May be located along any side or rear property line, except in secondary front yards and waterfront yards as provided in paragraph (4) above; and must be separated at least 6 feet from any other accessory structure
- (c) **Special accessory structures.** Special accessory structures include, but are not limited to, swimming pools, pool enclosures, decks, 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, spas and their accessory decks that will exceed two (2) 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 9 feet; 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 8 feet.

- 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 10 feet into any required rear yard
- (4) **Deck and/or patio covers** consisting of the covering material and the minimum support mechanism or structure necessary to ensure its wind loading stability may be permitted by the city; provided that no such patio cover shall be permitted to be initially constructed or later enclosed in such a manner that it could be construed as living space. Structural elements of such patio covers shall not be permitted to exceed the dimensions of the patio more than six inches in any direction. Up to a one-foot overhang may be permitted.
 - a. **Required yards:** Shall not encroach into any required front, secondary front or side yard and shall not encroach more than five feet into any required rear yard
- (5) **Gazebos** may be permitted by the city under the following conditions:
 - a. **Maximum size:** 64 square feet in area
 - b. **Maximum height:** 12 feet above grade to the highest point of the roof
 - c. **Required yards:** Shall not encroach into any required front, secondary front or side yard and shall not encroach more than 15 feet into any required rear yard, except no gazebo shall be permitted to encroach into a required waterfront yard
- (6) **Fountains and waterfalls** may be permitted by the city as a decorative element of and shall be regulated as follows:
 - a. **Maximum height:** 5 feet above grade
 - b. **Required yards:** Shall not encroach into any required yard more than 15 feet.
- (7) **Garden trellises** shall be allowed without a permit, provided such trellis meets the following requirements:
 - a. **Maximum height:** 8 feet
 - b. **Maximum width:** 5 feet, including walk through opening
 - c. **Maximum dimension front to back:** 35 inches

- d. Shall not encroach onto public sidewalks, streets or alleys
- (8) **Children's playground equipment** shall be allowed without a permit, provided such equipment is located within the rear yard.
 - a. Children's playground equipment shall not exceed eight (8) feet in height.
- (9) **Other** special accessory structures which cannot be located in accordance with the requirements of the preceding may be permitted after review in accordance with Division 5 of this code.
- (d) **Satellite and amateur radio antennas.** The City of St. Pete Beach recognizes that satellite and amateur radio antennas should be regulated in order to protect the health, safety and general welfare of the public. The city recognizes that these antennas pose special problems because of their unique size, orientation requirements, construction and design considerations that set them apart from roof-mounted antennas. The city, therefore, finds it necessary to set the following requirements in order to mitigate potential adverse construction and aesthetic impacts. Where any provision of this section is found to be in conflict with Chapter 131 of the St. Pete Beach Code of Ordinances, Chapter 131 shall prevail.

Small satellite receiving antennas, properly installed and associated with digital satellite television, or "DIRECTV," as an alternative to cable television shall be exempt from the provisions of this section, provided such satellite receiving antennas are no larger than 24 inches in diameter.

- (1) Otherwise, in all zoning districts, the following regulations apply:
 - a. Satellite and amateur radio antennas shall be considered accessory structures and shall be located in the rear yard and meet the following requirements:
 - Maximum height: 70 feet from grade
 - Required yards: The entire antenna shall meet the minimum side yard requirements for the district in which it is located and be at least 15 feet from the rear property line.
 - b. The antenna shall meet all manufacturer's specifications.
 - c. The antennas shall be non-reflective and their color shall blend in with the surroundings.
 - d. The antenna shall be installed and maintained in compliance with the requirements of the building code and electrical code. A building permit shall be required prior to construction.
 - e. No advertising or signage of any type is permitted on an antenna.
- (e) **Portable storage units (PSU)**, as defined, shall be regulated as follows:
 - (1) A PSU shall not exceed eight feet in width, 16 feet in length and nine feet in height.
 - (2) A PSU shall be placed either on a driveway, approved parking area or in the buildable portion of the lot and shall not be placed in a public right-of-way except as allowed in subsection (3).

- (3) When physical limitations of the property prevent locating the PSU within the areas designated in subsection (2), the police department may approve the placement of the PSU in a public right-of-way as follows:
 - a. The PSU may only be placed within an area approved for parking;
 - b. The public right-of-way shall be adjacent to the property using the PSU;
 - c. The PSU shall have safety reflectors on all sides of the container facing oncoming traffic;
 - d. The PSU shall be removed within 72 hours of placement or the city may remove it at the PSU owner's expense;
 - e. Placement of the PSU shall not create any unsafe condition; and
 - f. The police department shall be authorized to place any other restriction deemed necessary to avoid creating a threat to the safety of persons or property.
- (4) PSUs shall not exceed the following duration of stay. An "event" shall mean the delivery and pickup of the PSU. Events shall be nonconsecutive.
 - a. Residential use: A maximum of seven calendar days per event with a maximum of four events per dwelling unit per calendar year.
 - b. Nonresidential use: A maximum of seven calendar days per event, with a maximum of four events per calendar year per each nonresidential unit on a property. Longer term storage of up to one 30-day event per calendar year shall be allowed for a nonresidential unit, provided the PSU is placed in a designated parking area on the property, and the parking area is located so that it has the least visibility from adjoining street rights-of-way. Placement of a PSU for longer term storage only shall require submittal and approval of a site plan by the city.
- (5) The PSU shall have clearly posted on the exterior of the unit, the name, current phone number and address of the company providing the PSU, and the date the PSU was placed at the site.
- (6) The PSU shall be locked and secured by the owner or tenant of the unit or property at all times when loading or unloading is not taking place. Storage of hazardous materials is prohibited.
- (7) If the National Weather Advisory Service or other qualified weather advisory service identifies weather conditions which are predicted to include winds of 75 MPH or greater, every PSU shall be removed from all properties and placed in approved storage locations at least 24 hours prior to the predicted onset of such winds or as soon as reasonably practical if less notice is provided. Removal of a PSU under the provisions of this subsection shall not be considered an "event".

Section 6.14. Encroachment of certain specified ancillary residential equipment into required yards.

For new or substantially improved residential structures, ancillary residential equipment, such as air conditioning compressors, swimming pool and spa filters and pumps, and lawn irrigation pumps shall be allowed to encroach only into the rear or front yards up to four feet, provided that any such equipment located in front of the residence shall be adequately shielded from the adjoining property by either a solid enclosure or solid fence or wall.

Section 6.15. Fences and walls.

Fences and walls are permitted, provided fences and walls shall not exceed four feet in height in required front yards and eight feet in height elsewhere; provided, however, fences and walls in waterfront yards shall not exceed four feet in height. See also Section 6.21 for visibility requirements at street intersections.

- (a) The height of a fence or a wall shall be determined from grade to the average top elevation of the fence or wall. Landscape berms, in conjunction with fences, shall be included in height determinations.
- (b) No fence shall impede or divert the flow of water through any drainage way without the approval of the city.
- (c) In general, the design of fences shall be in keeping with neighborhood appearance. Fences shall be constructed of commonly used materials such as chain link, masonry or wood. Such materials as corrugated or sheet metal or any scrap or offensive material shall not be permitted. In addition, fences shall not contain any substance such as broken glass, spikes, barbs, nails, electronically charged wiring or similar materials designed to inflict pain or injury to any person or animal.

Section 6.16. Lights.

All exterior lights from all residential and commercial buildings or other structures and uses shall be shielded and no direct source of illumination shall be visible beyond the lot line of the structure or use involved.

Section 6.17. Performance standards.

- (a) ***Application of standards.*** Performance standards shall be imposed under the following conditions:
 - (1) Any use established or changed to another use, and any building, structure, or tract of land developed, constructed, or used for any permitted or principal or accessory use shall comply with all of the performance standards.
 - (2) If any existing use or building or other structure is extended, enlarged, or reconstructed, the performance standards herein shall apply with respect to such extended, enlarged or reconstructed portion or portions of such use or building or other structures.
- (b) ***Performance standards regulating noise.*** See Chapter 46, Article IV, of the St. Pete Beach Code of Ordinances.
- (c) ***Performance standards regulating vibration.*** See applicable city, county, state and federal codes.
- (d) ***Performance standards regulating smoke and other particulate matter.*** See Chapter 46 of the St. Pete Beach Code of Ordinances and applicable County, State and federal codes.
- (e) ***Performance standards regulating odorous matter.*** See Chapter 46 of the St. Pete Beach Code of Ordinances and applicable county, state and federal codes.
- (f) ***Performance standards regulating hazardous or noxious matter:***
 - (1) ***Definitions.*** For the purpose of this section:

Hazardous matter means any solid, liquid or gaseous material, including, but not limited to, gases, vapors, dusts, fumes, mists or combinations thereof possessing properties which are inherently harmful and likely to destroy life or impair health or capable of causing injury to the well-being of persons or damage property.

Noxious matter means any solid, liquid or gaseous material, including, but not limited to, gases, vapors, dusts, fumes, mists or combinations thereof, the emission of which is detrimental to or endangers the public health, safety, comfort, and other aspects of the general welfare, or causes damage to property.

- (2) **Control of hazardous matter.** No person shall cause, let, permit, suffer or allow the emission of hazardous matter, from any source whatsoever, except in compliance with the provisions of 40 CFR Part 61.
 - (3) **Control of noxious matter.** Any use which produces any noxious matter shall control the emission of such matter so that no concentration of such matter, at or beyond the property line, shall be detrimental to or endanger the public health, safety, comfort and other aspects of the general welfare, or cause damage to property.
 - (4) **Method of identification and measurement.** Identification and measurement shall be accomplished in accordance with methods approved and published by the United States Environmental Protection Agency or the Florida Department of Environmental Regulation.
- (g) **Performance standards regulating radiation hazards.** Such regulation is governed by Section 10D-56, Control of Radiation Hazards, Florida Administrative Code, administered by the Florida Department of Health and Rehabilitative Services.

Section 6.18. Preservation areas.

The City of St. Pete Beach has designated the beaches seaward of the Coastal Control Line with the Preservation land use category on the Future Land Use Map. The regulations and provisions set forth in this section are intended to encourage preservation of these areas in a natural or near natural state. It is the purpose and intent of this section to safeguard these areas from inappropriate development so that they may benefit all residents of the city.

- (a) **Zoning designation of preservation areas.** Those areas that are an extension of private upland properties shall be designated with the same district as the upland property, and those areas that are public shall be designated R/OS Recreation/Open Space on the Official Zoning Map. Use of property within a designated preservation area shall be limited to activities that do not require alteration of the land from its natural state.
- (b) **Development in preservation areas.** Development, alteration or improvement in a preservation area shall not exceed a floor area ratio of .05 or an impervious surface ratio of .10 of the total preservation area of the site. No development shall occur in any preservation area without the approval of the city, county and/or the State of Florida.
- (c) **Development of landward properties containing preservation areas.** Notwithstanding the provisions of the preceding paragraph (b), owners of properties along Gulf Boulevard whose ownership extends to the mean high water line of the Gulf of Mexico, which is designated as a preservation area, may, for the purpose of determining allowable density for the developable portion of the zoning lot, include the area within the designated preservation area and calculate density at the same unit per acre ratio permitted for the landward portion.

Regardless of any other provision, allowable development or alteration shall only apply to that portion of the beach which lies landward of the mean high water line and which is not in an area in which development is prohibited by any city, county, state or federal regulation.

Section 6.19. Public and semi-public uses.

Public and semi-public facilities are allowable in all districts as conditional uses; however, such uses shall not exceed the acreage threshold of three acres. Any such use, alone or when added to an existing contiguous like use(s), which exceeds the three acre threshold shall require an amendment to the Future Land Use Map and a zoning change.

Section 6.20. Utilities.

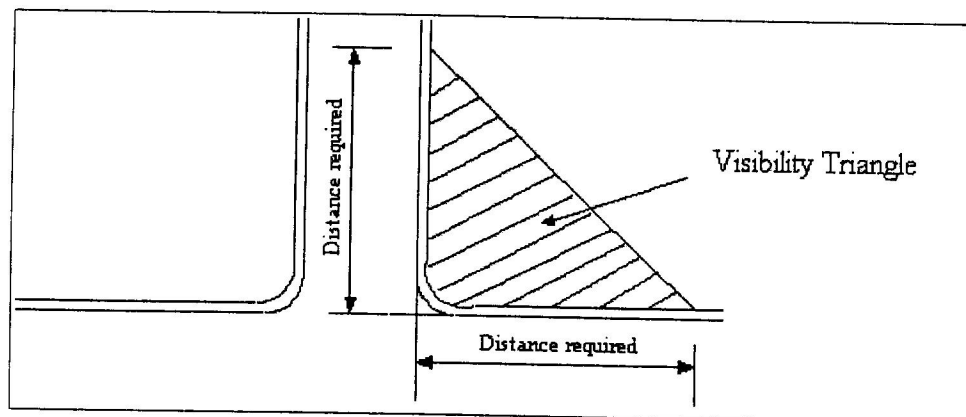
Notwithstanding other provisions of this code, it is not intended to regulate or restrict the location of utility lines, poles and related facilities, except plants or substations, nor to regulate or restrict the location of necessary drainage facilities which are part of the community drainage system. Other public utilities facilities may be permitted as conditional uses in all zoning districts.

Section 6.21. Visibility at intersections.

Except as provided herein, no structure or portion of any structure, including earthen berms, shall be placed or erected, no motor vehicle, trailer or equipment shall be allowed to park, stand, stop or be stored, and no vegetation taller than 24 inches in height shall be permitted to be located within the areas described below:

- (a) **Street intersections.** Within 20 feet of the back of curb or pavement edge where no curb exists.
- (b) **Alleys.** Within 10 feet of the back of curb or pavement edge where no curb exists on the street with which the alley intersects.
- (c) **Driveways.** Within 10 feet of the back of curb or pavement edge where no curb exists on the street with which the driveway intersects.

The following illustration depicts how the visibility triangle is determined. Essentially, depending upon which of the above three intersection types is involved, the appropriate measurement is taken as shown in the drawing, and the two points most distant from the theoretical intersection of the two roadway lines are connected by a diagonal line. The shaded area on the drawing represents the determined visibility triangle.

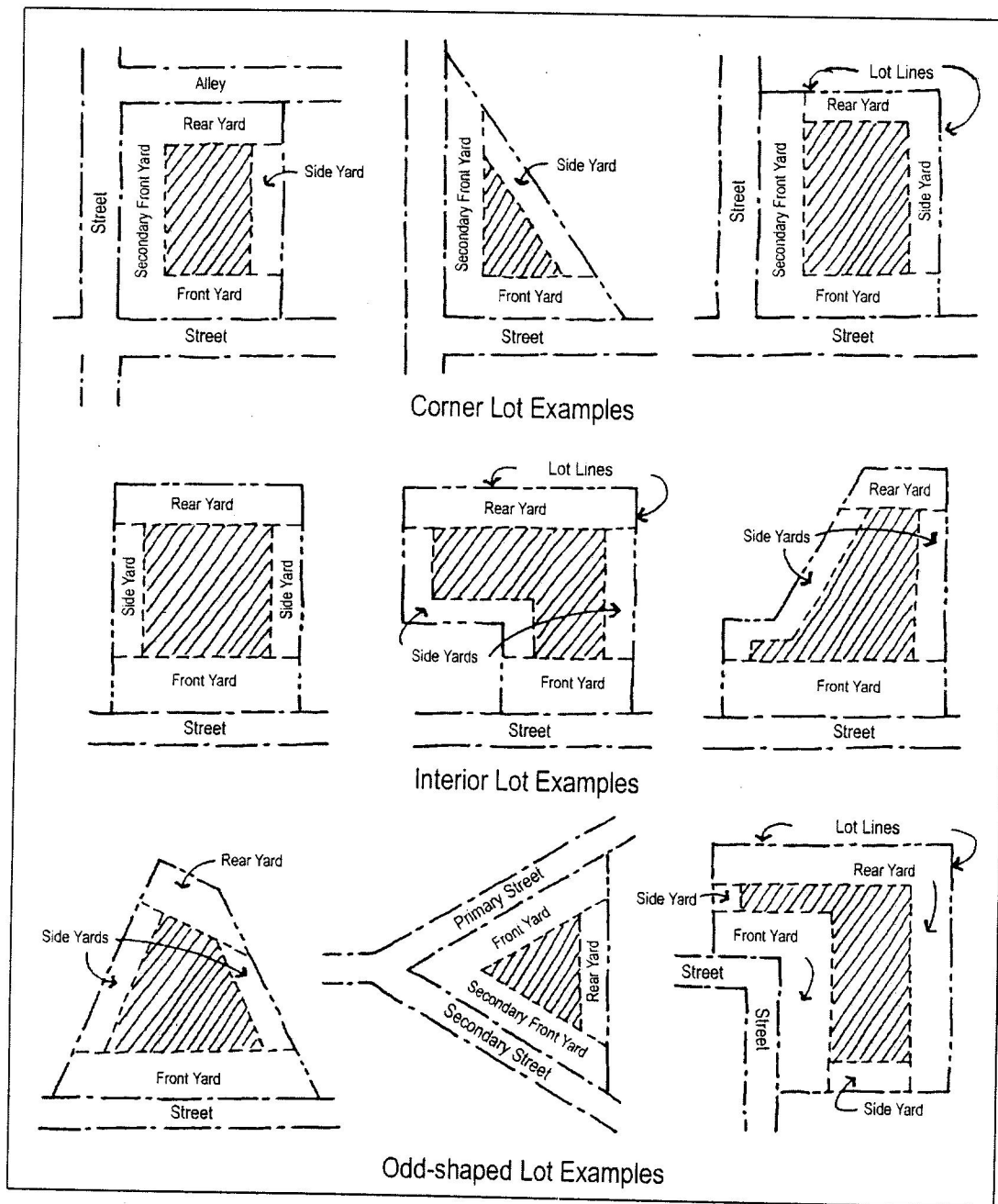


Trees may be planted, with a minimum separation of 20 feet, within the above described areas provided that they are maintained as needed to ensure that no branch of the tree is nearer the

ground than 8 feet. In certain circumstances, the city may require greater separation for reasons of public safety.

Section 6.22. Yards and measurement of required yards.

- (a) **Required yards.** Examples of yards are shown in the illustration on the next page.
- (b) **Encroachment of open balconies and stairs.** Open balconies and stairs may be permitted to encroach into required front or rear yards a distance of 3 feet.
- (c) **Encroachment of ornamental building components.** Every part of a required front, rear and side yard shall be open from grade to the sky, unobstructed by any structure except for the ordinary projections of sills, belt courses, cornices, buttresses, ornamental features, and chimneys; provided, however, that none of the projections mentioned in this subsection shall extend into a required yard more than 12 inches.
- (d) **Encroachment of eaves.** Roof eave projections with gutters shall extend no more than two feet into the required side yards.
- (e) **Front yard averaging.** Prior to the adoption of this code some existing residential structures were built with lesser front yards than are required by the district regulations herein. When new single family or two-family residential construction is proposed on a lot fronting on a block where a majority of the existing structures have lesser front yards than are required by the district regulations, the minimum required front yard shall be the average of the yards established by the existing structures. However, no such new structure shall be permitted to have less than a 10-foot front yard under this provision. For the purposes of this section, a block is defined as a group of lots fronting along the same side of the street as the subject lot lying between the two nearest intersecting streets or waterways or combination thereof. If front yard averaging is used, paragraphs (b) and (c) do not apply.
- (f) **Determination of front yard on corner lots.** On corner lots, the front yard shall be determined as the yard abutting the street on which each lot of record or lots of record involved have their lesser dimension. The other yard abutting the intersecting street shall be determined to be a secondary front yard.



Section 6.23. Docks.

It is the intent of the city, together with the Pinellas County Water and Navigation Control Authority, to regulate the construction of residential and commercial dock facilities in order to minimize the adverse impacts of such activities upon the natural resources of the City of St. Pete Beach, Pinellas County and the State of Florida.

(a) **Applicability.**

- (1) It shall be unlawful to build, construct, repair or alter any dock or part thereof in the city without conforming to this section.
- (2) It shall be unlawful to raze, alter, move, repair or build upon any dock or any part thereof except according to this section.

(b) **Specifications and materials.** All docks, boat lifts, tie poles and attendant structures shall be constructed in accordance with and in conformity to this section and the requirements of the Pinellas County Water and Navigation Control Authority. All materials used in the construction of such structure shall likewise conform to the requirements of any city, county, state and federal agency having jurisdiction.

(c) **General requirements.**

- (1) No dock or wharf, pier or other structure contemplated by this section shall be enclosed or covered by any means, either permanent or temporary.
- (2) The height of a docking facility (except openwork, railings, pilings, flag or signal poles and boat davits) shall not exceed 12 inches in height from the seawall or natural grade level to which it abuts, except when state or federal regulations require additional height
- (3) All dock lighting shall comply with Section 6.16.
- (4) Permits for docks shall be issued only for properties upon which a principal structure exists or upon which a building permit for the principal structures has been issued and the structure is substantially completed
- (5) No building shall be permitted to be constructed over the waters of the county
- (6) No dock structure or tie pole shall be allowed to project in the navigable portion of a waterway more than 25 percent of the width of the waterway
- (7) No dock shall extend outward into the water from the seawall, mean or ordinary high water line more than 300 feet
- (8) No portion of a docking facility shall encroach closer than 150 feet to the centerline of the Intracoastal Waterway
- (9) Docks may be provided with electric or water utilities, provided no residential dock shall be served by separately metered utility service
- (10) Submittal of all application information required by the Pinellas County Water and Navigation Control Authority Regulations, as appropriate.
- (11) Minimum construction specifications as required by the Pinellas County Water and Navigation Control Authority.
- (12) All application for docks shall be completed pursuant to paragraphs (10) and (11) above and shall be submitted to the city for approval prior to submission to the Pinellas County Water and Navigation Control Authority for permit.

(d) **Additional requirements for residential docks.** In addition to the preceding general requirements, residential docks shall adhere to the following;

- (1) No residential dock shall be designed or constructed to accommodate more than two boats for permanent mooring. No residential zoning lot shall have more than one dock. For the purpose of this section, personal watercraft (wave runners or jet skis) lifts shall not be considered a boat slip
 - (2) Notwithstanding the preceding, a residential dock for the joint use by two or more adjacent waterfront property owners may be permitted where the physical characteristics of the waterfront make it impractical to build individual docks.
 - (3) No residential dock, davits, boatlifts or tie poles shall extend from the mean high water line or seawall of the property to a length greater than one-half the width of the zoning lot at the waterfront. This requirement may be varied administratively provided that signed statements of "no objection" from both adjacent waterfront property owners have been submitted.
 - (4) Residential dock, davits, boatlifts or tie poles shall be located within the center one-third of the width of the applicant's property at the waterfront. For the purpose of this regulation, side lot lines of a lot shall be deemed to extend into the adjacent water body perpendicular to the shoreline which they intersect. This requirement may be varied administratively provided that a signed statement of "no objection" from the property owner encroached upon has been submitted with the permit application.
- (e) **Additional requirements for commercial docks.** A commercial dock shall be permitted only as a conditional use. In addition to the requirements of Division 4, the following standards shall be met prior to the issuance of any development order for any commercial docking facility by the city:
- (1) The applicant shall demonstrate that the waterfront use is in compliance with this code or can be brought into compliance to accommodate both the current use and the proposed dock, as it relates to parking, drainage, utilities and other facilities necessitated by the development. This provision shall also apply to a property which is already developed with docking facilities and where the owner wishes to add ancillary facilities.
 - (2) All commercial dock installations must be consistent with the zoning of the adjacent upland property
 - (3) Commercial docking facilities constructed in the Waters of the County shall be constructed so that the width of such facilities shall not exceed 75 percent of the width of the property at the waterfront and shall be further constructed so that the length of the facility shall not extend from the mean high water line or seawall of the property further than 75 percent of the width of the property at the waterfront.
 - (4) All docking facilities must be so located that no portion of the proposed facility is closer to either adjacent extended property line than ten percent of the property width at the waterfront.
 - (5) Commercial docks abutting adjacent waterfront residential property must be set back a minimum of one-third of the applicant's waterfront property width from the adjacent waterfront residential property. This requirement may be waived administratively provided that signed statements of "no objection" from the affected property owners has been submitted.
 - (6) Would have a detrimental effect on the use of such waters for navigation, transportation, recreational or other public purposes and public conveniences;

- (7) Would have a material adverse effect upon the natural beauty and recreational advantages of the city;
- (8) Would have a material adverse effect upon the conservation of wildlife, marine life, and other natural resources, including beaches and shores, so as to be contrary to the public interest;
- (9) Would have a material adverse effect upon the uplands surrounding or necessarily affected by such plan or development; or
- (10) Would have a material adverse effect on the safety, health and welfare of the general public.

Division 7. Introduction to District Regulations.

Section 7.1. Zoning districts established.

In order to carry out the purpose and intent of this code, the city is hereby divided into the following zoning districts:

Residential Districts

RU-1 Residential District
RU-2 Residential District
RLM-1 Residential District
RLM-2 Residential District
RM Residential District

Mixed Use Districts

ROR Residential/Office/Retail District
RFM Resort Facilities Medium District

Commercial Districts

CG-1 Commercial District
CG-2 Commercial District

Special Purpose Districts

INS Institutional District
R/OS Recreation Open Space District
TU Transportation/Utility District

Overlay Districts

PAG Pass-a-Grille Overlay District
RFO Resort Facilities Overlay District

Section 7.2. Official Zoning Map and general regulations.

- (a) **Purpose.** The purpose of the Official Zoning Map is to set forth the boundaries of the zoning districts established in this code.
- (b) **Official Zoning Map.** The location and boundaries of the districts established by this code are described on the Official Zoning Map of the city, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this code as if they were fully described herein.
- (c) **Maintenance of map.** The Official Zoning Map, as amended from time to time in accordance with the provisions of Section 3.9(b) shall be kept on file and made available for public reference in the office of the City Clerk.
- (d) **Application of regulations within boundaries.** Except as otherwise specifically provided, a district symbol or name shown within district boundaries on the Official Zoning Map indicates that district regulations pertaining to the district extend throughout the area surrounded by the boundary line.

- (e) **Interpretation of boundaries.** Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
- (1) Boundaries indicated as approximately following the centerlines of streets or alleys shall be construed to follow such centerlines as they exist on the ground, except where variation of actual location from mapped location would change the zoning status of a zoning lot, in which case the boundary shall be interpreted in such a manner as to avoid changing the zoning status of any zoning lot. Should a street or alley be vacated or closed, the boundary line shall be construed as remaining in its location, except where ownership of the vacated street or alley is divided other than at the center, in which case the boundary line shall be construed as moving with the ownership.
 - (2) Boundaries indicated as approximately following lot lines, public property lines, and the like shall be construed as following such lines; provided that, where such boundaries are adjacent to a street or alley and the zoning status of the street or alley is not indicated, the boundaries shall be construed as running to the middle of the street or alley. Should a street or alley be vacated or closed, interpretation shall be as provided in paragraph (1) of this section.
 - (3) Boundaries indicated as approximately following city limits shall be construed as following such city limits.
 - (4) Boundaries indicated as following shorelines or centerlines of other bodies of water or indicated as following official bulkhead lines shall be construed as following such shorelines, centerlines or official bulkhead lines. In the case of a change in shoreline or of the course or extent of bodies of water, the boundaries shall be construed as moving with the change.
 - (5) Boundaries indicated as following physical features other than those mentioned above shall be construed as following such physical features, except where variation of actual location from mapped location would change the zoning status of a zoning lot. In such case, the boundary shall be interpreted to avoid changing the zoning status of any zoning lot.
 - (6) Boundaries indicated as parallel to or extensions of features indicated in paragraphs (1) through (5) of this section shall be construed as being parallel to or extensions of such features.
 - (7) Where a district boundary divides the area of a zoning lot unequally and the zoning lot is less than one acre in area, the district classification and regulation of the larger portion shall apply to the remaining smaller portion of the lot.
 - (8) If any further uncertainty exists, the appropriate board of authority shall interpret the intent of the map as to location of such boundaries.
- (f) **Exclusive nature of this code.**
- (1) Except as otherwise expressly provided herein, this code shall be deemed exclusive in nature, and only those uses specified shall be permitted in the various zoning districts. If a use is not specified in a zoning district, it shall be prohibited in that district. In the event that a use is not permitted in any zoning district, it may only be permitted after appropriate amendment to the text of this code.
 - (2) Further, when any defined use, condition or activity is permitted in a district subject to restrictions, such use, condition, or activity is prohibited if it is being conducted in violation of those restrictions.

- (g) **Interpretation when more than one regulation or standard applies.** When more than one regulation or standard applies to any use, structure, activity or undertaking subject to any provision of this code, the most restrictive or stringent regulation or standard shall govern.
- (h) **Access.**
- (1) Every building hereafter erected or relocated shall be on a zoning lot that abuts a public street. Except, residential flag zoning lots may gain their access via a private driveway easement. All structures shall be so located on zoning lots as to provide safe and convenient access for servicing, fire protection and required off-street parking. No dwelling shall be erected on a zoning lot or portion of a zoning lot that does not abut on at least one public street, private driveway easement, or approved private street for at least 20 feet.
- (2) No land which is residentially zoned shall be used for driveway, walkway or access purposes to any land which is non-residentially zoned or used for any purpose not permitted in a residential district, except for ingress and egress to an existing use which does not abut on a street.
- (i) **Corner zoning lots.** In the case of corner zoning lots in residential districts, a front yard of the required depth shall be provided on one frontage and a required secondary front yard shall be provided on the other
- (j) **Reduction of lot area.** No zoning lot, lot of record, parcel, or yard existing on the effective date of this code, shall thereafter be reduced in dimension or area below the minimum requirements set forth in this code, except by reason of a portion being acquired for public use in any manner, including dedication, condemnation, purchase and other similar situations. Zoning lots or yards created after the effective date of this code shall meet at least the minimum requirements established by this code.
- (k) **Height limitations.** The height limitations contained in the regulations pertaining to specific districts do not apply to spires, belfries, cupolas, personal television antennae, water tanks, ventilators, chimneys, elevator shaft enclosures, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. In addition, the height limitations, except as provided in the PAG Pass-a-Grille Overlay District, shall not apply to non-habitable architectural features extending no more than 10 feet above the eave line of a roof. Provided, however, that the heights of the above-cited structures or appurtenances thereto shall not exceed any height limitations prescribed by the Federal Aviation Administration.
- (l) **Required yard or open space.** No part of a required yard or other required open space or off-street parking or off-street loading space provided in connection with one structure or use shall be included as meeting the requirements of any other structure or use, except where specific provision is made in this code.

Section 7.3. Use of two or more zoning lots, lots of record or parcels to satisfy zoning requirements.

- (a) Two or more contiguous lots of record, parcels, or zoning lots under the same ownership may be used to satisfy zoning requirements (such as zoning lot size, required yards, parking, etc.) only after either a consolidation or boundary adjustment plat has been approved and recorded eliminating the common, internal lot line(s), provided that this provision shall not operate to conflict with subsection (b) below.

- (b) For shopping centers, office parks, mixed-use condominiums and other mixed-use projects, condominium/hotel projects, and recreational club/condominium projects developed as a single project, but which include zoning lots under separate ownership subsequent to, or in conjunction with the development of the project, the design standards for parking, setbacks, zoning lot coverage, open space, etc. may be satisfied by all of the property included within the project. In such event, permanent easements shall be noted on the approved site plan, and covenants recorded in the public records providing for the joint use and maintenance of such items as parking, utilities, open space, etc. Such easements and covenants shall be approved as to form by the City Attorney and shall not be changed without prior approval by the city.

Section 7.4. Establishment of minimum building finished floor elevations.

The minimum finished floor elevation for all new or relocated structures, and any structure being restored, renovated or improved such that the new construction is subject to the substantial improvement rules shall be at an elevation to be determined by the city based upon the applicable local, state and federal flood hazard mitigation requirements.

Section 7.5. Regulations pertaining to specific zoning districts.

The regulations and requirements for each zoning district listed in Section 7.1 are enumerated in Divisions 8 through 21.

Division 8. RU-1 Residential District.

Section 8.1. Purpose and intent.

The RU-1 Residential District is intended for single-family residential areas designated within the RU Residential Urban land use category on the Future Land Use Maps. Certain other structures and uses required to serve governmental, religious and non-commercial recreational needs of such areas may be permitted, subject to restrictions and requirements intended to preserve the character of such district.

Section 8.2. Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, permitted uses and structures in the RU-1 Residential District are as follows.

- (a) Residential dwellings – Detached single-family only.

Section 8.3. Permitted accessory uses and structures.

- (a) Uses and structures, as regulated in Section 6.13 of this code, which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures, do not involve the conduct of a business, and are not of a nature prohibited under Section 8.5.
- (b) Home occupations, subject to the conditions set forth in Section 6.5 of this code.
- (c) Residential docks, including tie poles, in conformance with the provisions of Section 6.23 and other applicable codes and ordinances of the city, county or state.
- (d) Temporary structures under the provisions of Section 6.11.

Section 8.4. Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, allowable conditional uses in the RU-1 Residential District are as follows.

- (a) Recreational – Public parks and/or recreational facilities.
- (b) Schools, public.
- (c) Utility substations and/or rights-of-way.

Section 8.5. Prohibited uses and structures.

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the RU-1 Residential District.

Any use which has been determined under the provisions of Chapter 46 of the Code of Ordinances to be potentially noxious, dangerous or offensive to residents of the district or to those who pass by on public roadways or likely for other reasons to be incompatible with the character of the district, is hereby prohibited in the RU-1 Residential District.

Section 8.6. Minimum zoning lot requirements.

The minimum lot area and width requirements in the RU-1 Residential District are as follows:

(a) ***Detached single-family dwellings.***

- (1) Lot area: 7,000 square feet.
- (2) Lot width: 70 feet.

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

- (1) Lot area: 7,000 square feet.
- (2) Lot width: 70 feet.

Section 8.7. Minimum yard requirements.

The minimum yard requirements for principal structures in the RU-1 Residential District are as required in this section.

(a) ***Detached single-family dwellings.***

- (1) Front yard: 20 feet.
- (2) Secondary front yard: 20 feet.
- (3) Side yards: The lesser of 10 percent of the lot width or 7 feet.
- (4) Rear yard: 20 feet.

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

- (1) Front yard: 20 feet.
- (2) Secondary front yard: 20 feet.
- (3) Side yards: 10 percent of the lot width.
- (4) Rear yard: 20 feet.

Section 8.8. Maximum height of structures.

The maximum height for all structures shall be 30 feet.

Section 8.9. Minimum off-street parking requirements.

- (a) ***Residential:*** Two spaces per dwelling.
- (b) ***All other uses.*** As determined necessary under the conditional use approval procedures.

Section 8.10. Landscaping required.

All uses shall be landscaped in accordance with the provisions of Division 22 of this code.

Section 8.11. Maximum floor area ratio.

Maximum floor area ratio (FAR) for non-residential uses: 0.40

Section 8.12. Maximum impervious surface ratio.

The lot area used in the calculation of the maximum impervious surface ratio shall exclude any portion of the property lying Gulfward of the city's Coastal Construction and Excavation Setback Line.

Maximum impervious surface ratio (ISR) for residential uses: 0.70

Maximum impervious surface ratio (ISR) for non-residential uses: 0.65

Division 9. RU-2 Residential District.

Section 9.1. Purpose and intent.

The RU-2 Residential District is intended for single-family residential areas designated within the RU Residential Urban land use category on the Future Land Use Maps. Certain other structures and uses required to serve governmental, religious and non-commercial recreational needs of such areas may be permitted, subject to restrictions and requirements intended to preserve the character of such district.

Section 9.2. Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, permitted uses and structures in the RU-2 Residential District are as follows.

- (a) Residential dwellings – Detached single-family only.

Section 9.3. Permitted accessory uses and structures.

- (a) Uses and structures, as regulated in Section 6.13, which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures, do not involve the conduct of a business, and are not of a nature prohibited under Section 9.5.
- (b) Home occupations, subject to the conditions set forth in Section 6.5 of this code.
- (c) Residential docks, including tie poles, in conformance with the provisions of Section 6.23 and other applicable codes and ordinances of the city, county or state.
- (d) Temporary structures under the provisions of Section 6.11, Supplemental Regulations of this code.

Section 9.4. Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, allowable conditional uses in the RU-2 Residential District are as follows.

- (a) Recreational – Public parks and/or recreational facilities.
- (b) Schools, public.
- (c) Utility substations and/or rights-of-way.

Section 9.5. Prohibited uses and structures.

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the RU-2 Residential District.

Any use which has been determined under the provisions of Chapter 46 of the Code of Ordinances to be potentially noxious, dangerous or offensive to residents of the district or to those who pass by on public roadways or likely for other reasons to be incompatible with the character of the district, is hereby prohibited in the RU-2 Residential District.

Section 9.6. Minimum zoning lot requirements.

The minimum lot area and width requirements in the RU-2 Residential District are as follows:

(a) ***Detached single-family dwellings.***

- (1) Lot area: 6,000 square feet.
- (2) Lot width: 60 feet.

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

- (1) Lot area: 6,000 square feet.
- (2) Lot width: 60 feet.

Section 9.7. Minimum yard requirements.

The minimum yard requirements for principal structures in the RU-2 Residential District are as required in this section.

(a) ***Detached single-family dwellings.***

- (1) Front yard: 20 feet.
- (2) Secondary front yard: 10 feet.
- (3) Side yards: 10 percent of the lot width.
- (4) Rear yard: 20 feet.

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

- (1) Front yard: 20 feet.
- (2) Secondary front yard: 10 feet.
- (3) Side yards: 10 percent of the lot width.
- (4) Rear yard: 20 feet.

Section 9.8. Maximum height of structures.

The maximum height for all structures shall be 30 feet.

Section 9.9. Minimum off-street parking requirements.

- (a) ***Residential:*** Two spaces per dwelling.
- (b) ***All other uses.*** As determined necessary under the conditional use approval procedures.

Section 9.10. Landscaping required.

All uses shall be landscaped in accordance with the provisions of Division 22 of this code.

Section 9.11. Maximum floor area ratio.

Maximum floor area ratio (FAR) for non-residential uses: 0.40

Section 9.12. Maximum impervious surface ratio.

The lot area used in the calculation of the maximum impervious surface ratio shall exclude any portion of the property lying Gulfward of the City's Coastal Construction and Excavation Setback Line.

Maximum impervious surface ratio (ISR) for residential uses: 0.70

Maximum impervious surface ratio (ISR) for non-residential uses: 0.65

Division 10. RLM-1 Residential District.

Section 10.1. Purpose and intent.

The RLM-1 Residential District is intended for single-family residential areas designated within the RLM Residential Low Medium land use category on the Future Land Use Maps. Certain other structures and uses required to serve governmental, religious and non-commercial recreational needs of such areas may be permitted, subject to restrictions and requirements intended to preserve the character of such district.

Section 10.2. Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, permitted uses and structures in the RLM-1 Residential District are as follows.

- (a) Residential dwellings – Detached single-family only.

Section 10.3. Permitted accessory uses and structures.

- (a) Uses and structures, as regulated in Section 6.13, which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures, do not involve the conduct of a business, and are not of a nature prohibited under Section 10.5.
- (b) Home occupations, subject to the conditions set forth in Section 6.5 of this code.
- (c) Residential docks, including tie poles, in conformance with the provisions of Section 6.23 and other applicable codes and ordinances of the city, county or state.
- (d) Temporary structures under the provisions of Section 6.11.

Section 10.4. Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, allowable conditional uses in the RLM-1 Residential District are as follows.

- (a) Recreational – Public parks and/or recreational facilities.
- (b) Schools, public.
- (c) Utility substations and/or rights-of-way.

Section 10.5. Prohibited uses and structures.

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the RLM-1 Residential District.

Any use which has been determined under the provisions of Chapter 46 of the Code of Ordinances to be potentially noxious, dangerous or offensive to residents of the district or to those who pass by on public roadways or likely for other reasons to be incompatible with the character of the district, is hereby prohibited in the RLM-1 Residential District.

Section 10.6. Minimum zoning lot requirements.

The minimum lot area and width requirements in the RLM-1 Residential District are as follows:

(a) ***Detached single-family dwellings.***

- (1) Lot area: 5,000 square feet.
- (2) Lot width: 50 feet.

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

- (1) Lot area: 5,000 square feet.
- (2) Lot width: 50 feet.

Section 10.7. Minimum yard requirements.

The minimum yard requirements for principal structures in the RLM-1 Residential District are as required in this section.

(a) ***Residential dwellings – Detached single-family dwellings.***

- (1) Front yard: 20 feet.
- (2) Secondary front yard: 10 feet.
- (3) Side yards: 10 percent of the lot width.
- (4) Rear yard: 20 feet.

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

- (1) Front yard: 20 feet.
- (2) Secondary front yard: 10 feet.
- (3) Side yards: 10 percent of the lot width.
- (4) Rear yard: 20 feet.

Section 10.8. Maximum height of structures.

The maximum height for all structures shall be 30 feet.

Section 10.9. Minimum off-street parking requirements.

- (a) ***Residential:*** Two spaces per dwelling.
- (b) ***All other uses.*** As determined necessary under the conditional use approval procedures.

Section 10.10. Landscaping required.

All uses shall be landscaped in accordance with the provisions of Division 22 of this code.

Section 10.11. Maximum floor area ratio.

Maximum floor area ratio (FAR) for non-residential uses: 0.40

Section 10.12. Maximum impervious surface ratio.

The lot area used in the calculation of the maximum impervious surface ratio shall exclude any portion of the property lying Gulfward of the City's Coastal Construction and Excavation Setback Line.

Maximum impervious surface ratio (ISR) for residential uses: 0.70

Maximum impervious surface ratio (ISR) for non-residential uses: 0.75

Division 11. RLM-2 Residential District.

Section 11.1. Purpose and intent.

The RLM-2 Residential District is intended for mixed residential areas designated within the RLM Residential Low Medium land use category on the Future Land Use Maps. Certain other structures and uses required to serve governmental, religious and non-commercial recreational needs of such areas may be permitted, subject to restrictions and requirements intended to preserve the character of such district.

Section 11.2. Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, permitted uses and structures in the RLM-2 Residential District are as follows.

- (a) Residential dwellings – Detached single-family, multifamily and two-family.

Section 11.3. Permitted accessory uses and structures.

- (a) Uses and structures, as regulated in Section 6.13, which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures, do not involve the conduct of a business, and are not of a nature prohibited under Section 11.5.
- (b) Home occupations, subject to the conditions set forth in Section 6.5 of this code.
- (c) Residential docks, including tie poles, in conformance with the provisions of Section 6.23 and other applicable codes and ordinances of the city, county or state.
- (d) Temporary structures under the provisions of Section 6.11, Supplemental Regulations of this code.

Section 11.4. Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, allowable conditional uses in the RLM-2 Residential District are as follows.

- (a) Recreational – Public parks and/or recreational facilities.
- (b) Schools, public.
- (c) Utility substations and/or rights-of-way.

Section 11.5. Prohibited uses and structures.

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the RLM-2 Residential District.

Any use which has been determined under the provisions of Chapter 46 of the Code of Ordinances to be potentially noxious, dangerous or offensive to residents of the district or to those who pass by on public roadways or likely for other reasons to be incompatible with the character of the district, is hereby prohibited in the RLM-2 Residential District.

Section 11.6. Minimum zoning lot requirements.

The maximum residential density permitted in the RLM-2 Residential District shall not exceed 10 units per acre. The minimum lot area and width requirements in the RLM-2 Residential District are as follows:

(a) ***Detached single-family dwellings.***

- (1) Lot area: 4,400 square feet.
- (2) Lot width: 40 feet.

(b) ***Multifamily and Two-family dwellings.***

- (1) Lot area: 4,356 square feet for each dwelling unit.
- (2) Lot width: 50 feet.

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

- (1) Lot area: 4,400 square feet.
- (2) Lot width: 40 feet.

Section 11.7. Minimum yard requirements.

The minimum yard requirements for principal structures in the RLM-2 Residential District are as required in this section.

(a) ***Residential dwellings.***

- (1) Front yard: 20 feet.
- (2) Secondary front yard: 10 feet.
- (3) Side yards: 10 percent of the lot width.
- (4) Rear yard: 20 feet.

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

- (1) Front yard: 20 feet.
- (2) Secondary front yard: 10 feet.
- (3) Side yards: 10 percent of the lot width.
- (4) Rear yard: 20 feet.

Section 11.8. Maximum height of structures.

The maximum height for all structures shall be 30 feet.

Section 11.9. Minimum off-street parking requirements.

- | | |
|----------------------------|--|
| (a) <i>Residential</i> | Two spaces per dwelling. |
| (b) <i>All other uses.</i> | As determined necessary under the conditional use approval procedures. |

Section 11.10. Landscaping required.

All uses shall be landscaped in accordance with the provisions of Division 22 of this code.

Section 11.11. Maximum floor area ratio.

Maximum floor area ratio (FAR) for non-residential uses: 0.40

Section 11.12. Maximum impervious surface ratio.

The lot area used in the calculation of the maximum impervious surface ratio shall exclude any portion of the property lying Gulfward of the city's Coastal Construction and Excavation Setback Line.

Maximum impervious surface ratio (ISR) for residential uses: 0.70

Maximum impervious surface ratio (ISR) for non-residential uses: 0.75

Division 12. RM Residential District.

Section 12.1. Purpose and intent.

The RM Residential District is intended for residential areas designated within the RM Residential Medium land use category on the Future Land Use Maps. Certain other structures and uses required to serve governmental, religious and non-commercial recreational needs of such areas may be permitted, subject to restrictions and requirements intended to preserve the character of such district.

Section 12.2. Permitted principal uses and structures.

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

- (a) Residential dwellings – Attached and detached single-family, multifamily and two-family.

Section 12.3. Permitted accessory uses and structures.

- (a) Uses and structures, as regulated in Sections 6.12 and 6.13, which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures, do not involve the conduct of a business, and are not of a nature prohibited under Section 12.5.
- (b) Home occupations, subject to the conditions set forth in Section 6.5 of this code.
- (c) Residential docks, including tie poles, in conformance with the provisions of Section 6.23 and other applicable codes and ordinances of the city, county or state.
- (d) Temporary structures under the provisions of Section 6.11.

Section 12.4. Allowable conditional uses.

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

- (a) Assisted living facilities.
- (b) Daycare center/kindergarten.
- (c) Docks, commercial – Class B only.
- (d) Recreational – Public parks and/or recreational facilities.
- (e) Schools, public or private.
- (f) Utility substations and/or rights-of-way.

Section 12.5. Prohibited uses and structures.

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the RM Residential District.

Any use which has been determined under the provisions of Chapter 46 of the Code of Ordinances to be potentially noxious, dangerous or offensive to residents of the district or to those

who pass by on public roadways or likely for other reasons to be incompatible with the character of the district, is hereby prohibited in the RM Residential District.

Section 12.6. Minimum zoning lot requirements.

The maximum residential density permitted in the RM Residential District shall not exceed 15 units per acre. The minimum lot area and width requirements in the RM Residential District are as follows:

(a) ***Detached single-family dwellings.***

- (1) Lot area: 5,000 square feet.
- (2) Lot width: 50 feet.

(b) ***Attached single-family, multifamily and two-family.***

- (1) Lot area: 2,904 square feet for each dwelling unit.
- (2) Lot width: 50 feet.

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

- (1) Lot area: 5,000 square feet.
- (2) Lot width: 50 feet.

Section 12.7. Minimum yard requirements.

The minimum yard requirements for principal structures in the RM Residential District are as required in this section. No structures shall be permitted seaward of the city's Coastal Construction and Excavation Setback Line.

(a) ***Residential dwellings.***

- (1) Front yard: 20 feet.
- (2) Secondary front yard: 10 feet.
- (3) Side yard: 10 percent of the lot width.
- (4) Rear yard: 20 feet.
- (5) A minimum of 30 percent of the total required yard areas shall be maintained as green space.

(b) ***All other uses.*** The yard requirements stated below shall be considered the minimum standards; however, the requirements may be modified by the City under the site plan review process to fit the specific use.

- (1) Front yard: 20 feet.
- (2) Secondary side yard: 10 feet.

- (3) Side yard: 10 percent of the lot width.
- (4) Rear yard: 20 feet.

Section 12.8. Maximum height of structures.

The maximum height for all structures shall be 35 feet.

Section 12.9. Minimum off-street parking requirements.

- (a) *Residential:* Two spaces per dwelling unit.
- (b) *All other uses:* As determined necessary under the conditional use approval procedures.

Section 12.10. Landscaping required.

All uses shall be landscaped in accordance with the provisions of Division 22 of this code.

Section 12.11. Maximum floor area ratio.

Maximum floor area ratio (FAR) for non-residential uses: 0.50

Section 12.12. Maximum impervious surface ratio.

The lot area used in the calculation of the maximum impervious surface ratio shall exclude any portion of the property lying Gulfward of the city's Coastal Construction and Excavation Setback Line.

Maximum impervious surface ratio (ISR) for residential uses: 0.70

Maximum impervious surface ratio (ISR) for non-residential uses: 0.75

Division 13. ROR Residential/Office/Retail District.

Section 13.1. Purpose and intent.

The ROR Residential/Office/Retail District is intended for mixed use areas designated within the ROR Residential/Office/Retail land use category on the Future Land Use Maps. Certain other structures and uses required to serve governmental, religious and non-commercial recreational needs of such areas may be permitted, subject to restrictions and requirements intended to preserve the character of such district.

Section 13.2. Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, permitted uses and structures in the ROR Residential/Office/Retail District are as follows.

- (a) Clubs, community service.
- (b) Eating and drinking establishments – Sit-down restaurant only.
- (c) Financial institutions without drive-through service.
- (d) Laundries, self-service.
- (e) Offices.
- (f) Printing and copying services.
- (g) Residential dwellings – Attached single-family, detached single-family, multifamily and two-family.
- (h) Retail sales.
- (i) Social service agencies.

Section 13.3. Permitted accessory uses and structures.

- (a) Uses and structures, as regulated in Sections 6.12 and 6.13, which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures and are not of a nature prohibited under Section 13.5.
- (b) Home occupations, subject to the conditions set forth in Section 6.5 of this code.
- (c) Residential docks, including tie poles, in conformance with the provisions of Section 6.23 and other applicable codes and ordinances of the city, county or state.
- (d) Temporary structures under the provisions of Section 6.11.

Section 13.4. Allowable conditional uses.

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

- (a) Assisted living facilities.
- (b) Churches.

- (c) Communications facilities.
- (d) Daycare centers/kindergartens.
- (e) Docks, commercial – Class C only.
- (f) Eating and drinking establishment – Bar (cocktail lounge, saloon); restaurant, outdoor
- (g) Laundries, dry cleaning.
- (h) Parking lots, off-premise.
- (i) Recreational – Public parks and/or recreational facilities.
- (k) Schools, public or private.
- (l) Schools, commercial.
- (m) Services, personal/business.
- (n) Transient accommodations – Bed and breakfast inns and motels only.
- (o) Utility substations and/or rights-of-way.
- (p) Veterinarians.

Section 13.5. Prohibited uses and structures.

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the ROR Residential/Office/Retail District.

Any use which has been determined under the provisions of Chapter 46 of the Code of Ordinances to be potentially noxious, dangerous or offensive to residents of the district or to those who pass by on public roadways or likely for other reasons to be incompatible with the character of the district, is hereby prohibited in the ROR Residential/Office/ Retail District.

Section 13.6. Minimum zoning lot requirements.

The maximum residential or transient accommodation densities permitted in the ROR Residential/Office/ Retail District shall not exceed 15 units per acre. The minimum lot area and width requirements in the ROR Residential/Office/Retail District are as follows:

(a) ***Detached single-family dwellings.***

- (1) Lot area: 5,000 square feet.
- (2) Lot width: 50 feet.

(b) ***Attached single-family, multifamily and two-family dwellings and transient accommodation facilities.***

- (1) Lot area: 2,904 square feet for each dwelling unit or transient accommodation unit.
- (2) Lot width: 50 feet.

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

(1) Lot area: 5,000 square feet.

(2) Lot width: 50 feet.

Section 13.7. Minimum yard requirements.

The minimum yard requirements for principal structures in the ROR Residential/Office/ Retail District are as required in this section. No structures shall be permitted seaward of the city's Coastal Construction Setback Line.

- (a) **Residential dwellings and transient accommodation uses.**

(1) Front yard: 20 feet.

(2) Secondary front yard: 10 feet.

(3) Side yard: 10 percent of the lot width.

(4) Rear yard: 20 feet.

(5) A minimum of 30 percent of the total required yard areas shall be maintained as green space.

- (b) **All other uses.** The yard requirements stated below shall be considered the minimum standards; however, the requirements may be modified by the city under the site plan review process to fit the specific use.

(1) Front yard: 20 feet.

(2) Secondary front yard: 10 feet.

(3) Side yard: 10 percent of the lot width.

(4) Rear yard: 20 feet.

Section 13.8. Maximum height of structures.

The maximum height for all structures shall be 30 feet.

Section 13.9. Minimum off-street parking requirements.

- (a) **Pass-a-Grille Shopping District, between 7th and 11th Avenues.** No parking shall be required except for new construction or when the floor area is increased for an existing building.

- (b) **Other areas.**

(1) **Residential:** Two spaces per dwelling unit.

(2) **Offices:** One space for each 300 square feet of gross floor area.

- (3) ***Transient accommodation facilities:*** One space for each unit.
- (4) ***All other uses:*** One space for each 200 square feet of gross floor area, or as determined by the appropriate board of authority for conditional uses.

Section 13.10. Landscaping required.

All uses shall be landscaped in accordance with the provisions of Division 22 of this code.

Section 13.11. Maximum floor area ratio.

Maximum floor area ratio (FAR) for non-residential uses: 0.40

Section 13.13. Maximum impervious surface ratio.

The lot area used in the calculation of the maximum impervious surface ratio shall exclude any portion of the property lying Gulfward of the City's Coastal Construction and Excavation Setback Line.

Maximum impervious surface ratio (ISR) for residential and transient accommodation uses: 0.70

Maximum impervious surface ratio (ISR) for non-residential uses: 0.85

Division 14. RFM Resort Facilities Medium District.

Section 14.1. Purpose and intent.

The RFM Resort Facilities Medium District is intended for areas designated within the RFM Resort Facilities Medium land use category on the Future Land Use Maps. Certain other structures and uses required to serve governmental, religious and non-commercial recreational needs of such areas may be permitted, subject to restrictions and requirements intended to preserve the character of such district.

Section 14.2. Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, permitted uses and structures in the RFM Resort Facilities Medium District are as follows.

- (a) Clinics.
- (b) Clubs, community service.
- (c) Clubs, private.
- (d) Eating and drinking establishments – Bar (cocktail lounge, saloon) or sit-down restaurant.
- (e) Financial institutions without drive-through service.
- (f) Kennels without outdoor runs.
- (g) Laundries, self-service.
- (h) Offices.
- (i) Printing and copying services.
- (j) Residential dwellings – Multifamily only.
- (k) Retail sales.
- (l) Services, personal/business.
- (m) Social service agencies.
- (n) Transient accommodations – Bed and breakfast inn, hotel or motel, or resort condominium.
- (o) Veterinarians.

Section 14.3. Permitted accessory uses and structures.

- (a) Uses and structures, as regulated in Sections 6.12 and 6.13, which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures and are not of a nature prohibited under Section 14.5.
- (b) Home occupations, subject to the conditions set forth in Section 6.5 of this code.
- (c) Docks, including tie poles, in conformance with the provisions of Section 6.23 and other applicable codes and ordinances of the city, county or state.

- (d) Temporary structures under the provisions of Section 6.11, Supplemental Regulations, of this code.

Section 14.4. Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, allowable conditional uses in the RFM Resort Facilities Medium District are as follows.

- (a) Assisted living facilities.
- (b) Automotive rental agencies.
- (c) Automotive service stations.
- (d) Churches.
- (e) Commercial water sports.
- (f) Communications facilities.
- (g) Daycare centers/kindergartens.
- (h) Docks, commercial – Classes A, B and C.
- (i) Eating and drinking establishment – Fast food restaurant
- (j) Financial institutions with drive-through service.
- (k) Kennels with outdoor runs.
- (l) Laundry, dry cleaning.
- (m) Parking lots, commercial and/or off-premise.
- (n) Recreational – Commercial recreation; public parks and/or recreational facilities.
- (o) Recycling centers.
- (p) Schools – Public, private and/or commercial.
- (q) Services, commercial/business.
- (r) Utility substations and/or rights-of-way.
- (s) Vehicle for hire businesses.
- (t) Vessel for hire businesses.

Section 14.5. Prohibited uses and structures.

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the RFM Resort Facilities Medium District.

Any use which has been determined under the provisions of Chapter 46 of the Code of Ordinances to be potentially noxious, dangerous or offensive to residents of the district or to those

who pass by on public roadways or likely for other reasons to be incompatible with the character of the district, is hereby prohibited in the RFM Resort Facilities Medium District.

Section 14.6. Minimum zoning lot requirements.

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

(a) ***Multi-family dwellings.***

- (1) Lot area: 2,904 square feet for each dwelling unit.
- (2) Lot width: 50 feet.

(b) ***Transient accommodations.***

Hotels and Motels:

- (1) Lot area: 1,452 square feet for each hotel or motel unit, plus the required lot area determined under the requirements of Section 14.11 for portions of the development allocated to retail sales, office space, restaurants, meeting or conference rooms, fitness facilities and other support facilities pursuant to Section 6.6 of this code.
- (2) Lot width: 50 feet.

Bed and breakfast inns:

See Section 6.2 of this code.

Resort condominiums:

- (1) Maximum size: Each unit within a resort condominium shall be no larger than 600 square feet in area. Units larger than 600 square feet shall be counted as one unit for each 600 square feet therein or portion thereof.
 - (2) Lot area: 1,452 square feet for each resort condominium unit.
 - (3) Lot width: 50 feet.
- (c) ***All other uses.*** The lot area and width requirements stated below shall be considered the minimum standards; however, the requirements may be modified by the city under the site plan review process to fit the specific use.
- (1) Lot area: 5,000 sq. ft.
 - (2) Lot width: 50 feet.

Section 14.7. Minimum yard requirements.

The minimum yard requirements for principal structures in the RFM Resort Facilities Medium District are as required in this section. No structures shall be permitted seaward of the city's Coastal Construction and Excavation Setback Line.

(a) **Multi-family dwellings.**

- (1) Front yard: 50 feet.
- (2) Secondary front yard: 25 feet.
- (3) Side yard: 10 percent of the lot width; minimum 10 feet.
- (4) Rear yard: 20 feet.
- (5) A minimum of 30 percent of the total required yard areas shall be maintained as green space.

(b) **Transient accommodations facilities.**

- (1) Front yard: 50 feet.
- (2) Secondary front yard: 25 feet.
- (3) Side yard: 10 percent of the lot width; minimum 10 feet.
- (4) Rear yard: 20 feet.
- (5) A minimum of 30 percent of the total required yard areas shall be maintained as green space.

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

- (1) Front yard: 50 feet.
- (2) Secondary front yard: 25 feet.
- (3) Side yard: 10 percent of the lot width; minimum 10 feet.
- (4) Rear yard: 20 feet.

Section 14.8. Maximum height of structures.

The maximum height for all structures shall be 50 feet.

Section 14.9. Minimum off-street parking requirements.

- | | |
|--|--|
| (a) Residential: | Two spaces for each dwelling unit. |
| (b) Transient accommodation facilities: | One space for each transient accommodation unit and one space for each 10 units, plus additional parking for accessory facilities in accordance with the following schedule: |
| (1) Office space: | One space for each 300 square feet of gross floor area. |
| (2) Retail and restaurant space: | One space for each 200 square feet of gross floor area. |

(3) **Ballrooms, lobby area,
conference rooms and
fitness facilities:**

One space for 1,000 square feet of gross floor area.

(c) ***All other uses:***

One space for each 200 square feet of gross floor area, or as determined by the appropriate board of authority for conditional uses.

Section 14.10. Landscaping required.

All uses shall be landscaped in accordance with the provisions of Division 22 of this code.

Section 14.11. Maximum floor area ratio.

Maximum floor area ratio (FAR) for non-residential uses: 0.65

Section 14.12. Maximum impervious surface ratio.

The lot area used in the calculation of the maximum impervious surface ratio shall exclude any portion of the property lying Gulfward of the city's Coastal Construction and Excavation Setback Line.

Maximum impervious surface ratio (ISR) for residential and transient accommodation uses: 0.70

Maximum impervious surface ratio (ISR) for non-residential uses: 0.85

Division 15. CG-1 Commercial District.

Section 15.1. Purpose and intent.

The CG-1 Commercial District is intended for areas, except the area known as the "Corey Business District", designated within the CG Commercial General land use category on the Future Land Use Maps. Certain other structures and uses required to serve governmental and non-commercial recreational needs of such areas may be permitted, subject to restrictions and requirements intended to preserve the character of such district.

Section 15.2. Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, permitted uses and structures in the CG-1 Commercial District are as follows.

- (a) Automotive retail services.
- (b) Clinics.
- (c) Clubs, community service.
- (d) Clubs, private.
- (e) Eating and drinking establishments – Bar (cocktail lounge, saloon) and sit-down restaurant.
- (f) Financial institutions without drive-through service.
- (g) Kennels without outdoor runs.
- (h) Laundries, self-service.
- (i) Mortuaries.
- (j) Offices.
- (k) Printing and copying services.
- (l) Retail sales.
- (m) Services, personal/business.
- (n) Social service agencies.
- (o) Transient accommodations – Hotels, motels and resort condominiums only.
- (p) Veterinarians.

Section 15.3. Permitted accessory uses and structures.

- (a) Uses and structures, as regulated in Sections 6.12 and 6.13, which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures and are not of a nature prohibited under Section 15.5.
- (b) Home occupations, subject to the conditions set forth in Section 6.5 of this code.
- (c) Temporary structures under the provisions of Section 6.11 of this code.

Section 15.4. Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, allowable conditional uses in the CG-1 Commercial District are as follows.

- (a) Assisted living facilities.
- (b) Adult entertainment establishments – See also Chapter 10, St. Pete Beach Code of Ordinances.
- (c) Automotive rental agencies.
- (d) Automotive sales lots.
- (e) Automotive services and repairs.
- (f) Automotive service stations.
- (g) Boat sales and repair facilities.
- (h) Car wash facilities.
- (i) Commercial boat docking facilities.
- (j) Commercial water sports.
- (k) Communication facilities.
- (l) Docks, commercial – Classes A, B, C, and D
- (m) Eating and drinking establishment – Fast food restaurant, nightclub or outdoor restaurant.
- (n) Financial institutions with drive-through services.
- (o) Kennels with outdoor runs.
- (p) Laundries, dry cleaning.
- (q) Marinas.
- (r) Parking lots, commercial and/or off-premise.
- (s) Printing, general.
- (t) Recreational – Commercial recreation; public parks and/or recreational facilities.
- (u) Recycling centers.
- (v) Schools, public or private and/or commercial.
- (w) Services, commercial/business.
- (x) Storage facilities with outdoor storage.
- (y) Storage, self-service.

- (z) Theatres.
- (aa) Utility substations and/or rights-of-way.
- (bb) Vehicle for hire businesses.
- (cc) Vessel for hire businesses.

Section 15.5. Prohibited uses and structures.

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the CG-1 Commercial District.

Any use which has been determined under the provisions of Chapter 46 of the Code of Ordinances to be potentially noxious, dangerous or offensive to residents of the district or to those who pass by on public roadways or likely for other reasons to be incompatible with the character of the district, is hereby prohibited in the CG-1 Commercial District.

Section 15.6. Minimum zoning lot requirements.

The maximum transient accommodation density permitted shall not exceed 30 transient units. The minimum lot area and width requirements in the CG-1 Commercial District are as follows:

(a) ***Transient accommodations.***

Hotels and motels;

- (1) Lot area: 1,452 square feet for each transient accommodation unit, plus the required lot area determined under the requirements of Section 15.11 for portions of the development allocated to retail sales, office space, restaurants, meeting or conference rooms, fitness facilities and other support facilities pursuant to Section 6.6 of this code.
- (2) Lot width: 100 feet.

Resort condominiums:

- (1) Maximum size Each unit within a resort condominium shall be no larger than 600 square feet in area. Units larger than 600 square feet shall be counted as one unit for each 600 square feet therein or portion thereof.
- (2) Lot area: 1,452 square feet for each resort condominium.
- (3) Lot width: 50 feet.

(b) ***All other uses.*** As determined by the appropriate board of authority.

- (1) Lot area: 5,000 sq. ft.
- (2) Lot width: 50 feet.

Section 15.7. Minimum yard requirements.

The minimum yard requirements for principal structures in the CG-1 Commercial District are as follows:

(a) ***Transient accommodations uses.***

- (1) Front yard: 25 feet.
- (2) Secondary front yard: 15 feet – applicable to property lines defining the zoning lot only.
- (3) Side yard: 10 percent of the lot width – applicable to property lines defining the zoning lot only.
- (4) Rear yard: 25 feet.
- (5) A minimum of 30 percent of the total required yard areas shall be maintained as green space.

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

- (1) Front yard: 25 feet.
- (2) Secondary front yard: 25 feet.
- (3) Side yard: 10 percent of the lot width.
- (4) Rear yard: 25 feet.

Section 15.8. Maximum height of structures.

The maximum height for all structures shall be 50 feet.

Section 15.9. Minimum off-street parking requirements.

- (a) ***Transient accommodation facilities:*** One space for each transient accommodation unit and one space for each 10 units, plus additional parking for accessory facilities in accordance with the following schedule:
 - (1) **Office space:** One space for each 300 square feet of gross floor area.
 - (2) **Retail and restaurant space:** One space for each 200 square feet of gross floor area.
 - (3) **Ballrooms, lobby area, conference rooms and fitness facilities:** One space for 1,000 square feet of gross floor area.
- (b) ***Offices:*** One space for each 300 square feet of gross floor area.
- (c) ***All other uses:*** One space for each 200 square feet of gross floor area, or as determined by the appropriate board of authority for conditional uses.

Section 15.10. Landscaping required.

All uses shall be landscaped in accordance with the provisions of Division 22 of this code.

Section 15.11. Maximum floor area ratio.

Maximum floor area ratio (FAR) for non-residential uses: 0.55

Section 15.12. Maximum impervious surface ratio.

The lot area used in the calculation of the maximum impervious surface ratio shall exclude any portion of the property lying Gulfward of the city's Coastal Construction and Excavation Setback Line.

Maximum impervious surface ratio (ISR) for residential and transient accommodation uses: 0.70

Maximum impervious surface ratio (ISR) for non-residential uses: 0.90

Division 16. CG-2 Commercial District.

Section 16.1. Purpose and intent.

The CG-2 Commercial District is intended for the Corey Avenue Business District designated within the CG Commercial General land use category on the Future Land Use Maps. Certain other structures and uses required to serve governmental, religious and non-commercial recreational needs of such areas may be permitted, subject to restrictions and requirements intended to preserve the character of such district.

Section 16.2. Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, permitted uses and structures in the CG-2 Commercial District are as follows.

- (a) Eating and drinking establishments – Sit-down restaurants.
- (b) Financial institutions without drive-through service.
- (c) Offices.
- (d) Printing and copying services.
- (e) Retail sales.
- (f) Services, personal/business.

Section 16.3. Permitted accessory uses and structures.

- (a) Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures, do not involve the conduct of a business, and are not of a nature prohibited under Section 16.5.
- (b) Home occupations, subject to the conditions set forth in Section 6.5 of this code.
- (c) Temporary structures under the provisions of Section 6.11 of this code.

Section 16.4. Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, allowable conditional uses in the CG-2 Commercial District are as follows.

- (a) Adult entertainment establishments – See also Chapter 10, St. Pete Beach Code of Ordinances.
- (b) Automotive service stations.
- (c) Bar (cocktail lounges, saloons).
- (d) Commercial boat docking facilities.
- (e) Commercial water sports.
- (f) Communications facilities.
- (g) Commercial docks – Classes A, B and C only.

- (h) Eating and drinking establishments – Nightclubs, fast food restaurants, outdoor restaurants and sidewalk café.
- (i) Mortuaries.
- (j) Parking lots – commercial and/or off-premise.
- (k) Recreational – Commercial recreation; public parks and/or recreational facilities.
- (l) School, commercial.
- (m) Theaters.
- (n) Utility substations and/or rights-of-way.
- (o) Vessel for hire businesses.

Section 16.5. Prohibited uses and structures.

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the CG-2 Commercial District.

Any use which has been determined under the provisions of Chapter 46 of the Code of Ordinances to be potentially noxious, dangerous or offensive to residents of the district or to those who pass by on public roadways or likely for other reasons to be incompatible with the character of the district, is hereby prohibited in the CG-2 Commercial District.

Section 16.6. Minimum zoning lot requirements.

The minimum lot area and width requirements in the CG-2 Commercial District are as follows:

- (a) Lot area: 5,000 square feet.
- (b) Lot width: 50 feet.

Section 16.7. Minimum yard requirements.

Minimum yard requirements shall be determined by the site plan process pursuant to Division 5.

Section 16.8. Maximum height of structures.

The maximum height for all structures shall be 50 feet.

Section 16.9. Minimum off-street parking requirements.

None required.

Section 16.10. Maximum floor area ratio.

Maximum floor area ratio (FAR) for non-residential uses: 0.55

Section 16.11. Maximum impervious surface ratio.

The lot area used in the calculation of the maximum impervious surface ratio shall exclude any portion of the property lying Gulfward of the city's Coastal Construction and Excavation Setback Line.

Maximum impervious surface ratio (ISR) for residential uses: 0.70

Maximum impervious surface ratio (ISR) for non-residential uses: 0.90

Division 17. INS Institutional District.

Section 17.1. Purpose and intent.

The INS Institutional District is intended for those areas designated within the INS Institutional land use category on the Future Land Use Maps.

Section 17.2. Permitted principal uses and structures.

- (a) **Existing uses permitted.** The specific uses, listed herein, are, as currently developed, considered permitted conditional uses. They are:
- (1) Gulf Beaches Elementary School, located at 8600 Boca Ciega Drive;
 - (2) St. Albans Episcopal Church, located at 8451 Blind Pass Road;
 - (3) St. John Catholic Church, school, rectory and remote parking, located at 445 82nd Avenue;
 - (4) First Baptist Church of St. Pete Beach, located at 203 73rd Avenue;
 - (5) Pass-a-Grille Beach Community Church, located at 107 16th Avenue;
 - (6) United States Postal Service, located at 250 Corey Avenue;
 - (7) St. Pete Beach Public Library, located at 365 73rd Avenue;
 - (8) St. Pete Beach Fire Station #23, located at 7301 Gulf Boulevard;
 - (9) St. Pete Beach Fire Station #22, located at 1950 Pass-a-Grille Way;
 - (10) St. Pete City Beach Hall Complex, located at 7701 Boca Ciega Drive;
 - (11) The Don Vista Building, located at 3300 Pass-a-Grille Way;
 - (12) Pinellas Marine Institute, located at 3101 Gulf Boulevard;
 - (13) Pass-a-Grille Yacht Club, located at 2301 Pass-a-Grille Way; and
 - (14) Pass-a-Grille Women's Club, located at 2201 Pass-a-Grille Way.
 - (15) St. Pete Beach City Hall, located at 155 Corey Avenue.
- (b) **Expansion of existing uses.** Expansion of these uses by any proposal to increase the existing site area of the use or any proposal to construct new structures or additions to existing structures shall be subject to the provisions of Section 5.9(b) of this code.

Section 17.3. Allowable conditional uses.

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

- (a) Churches.
- (b) Clubs, private.

- (c) Commercial docks – Classes B and C only.
- (d) Residential structures as an ancillary use to the institution.
- (e) Schools, public or private.
- (f) Social service agencies.
- (g) Utility substations and/or rights-of-way.

Section 17.4. Prohibited uses and structures.

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the INS Institutional District.

Any use which has been determined under the provisions of Chapter 46 of the Code of Ordinances to be potentially noxious, dangerous or offensive to residents of the district or to those who pass by on public roadways or likely for other reasons to be incompatible with the character of the district, is hereby prohibited in the INS Institutional District.

Section 17.5. Minimum zoning lot requirements.

The maximum residential density permitted in the INS Institutional District shall not exceed 12.5 units per acre. The minimum lot area and width requirements in the INS Institutional District shall be determined under the site plan approval process pursuant to Division 5 of this code.

Section 17.6. Minimum yard requirements.

The minimum yard requirements in the INS Institutional District are as determined under the conditional use approval process pursuant of Division 4 of this code.

Section 17.7. Maximum height of structures.

As determined under the conditional use approval process pursuant of Division 4 of this code.

Section 17.8. Minimum off-street parking requirements.

As determined under the conditional use approval process pursuant of Division 4 of this code.

Section 17.9. Landscaping required.

All uses shall be landscaped in accordance with the provisions of Division 22 of this code.

Section 17.10. Maximum floor area ratio.

Maximum floor area ratio (FAR) for non-residential uses: 0.65

Section 17.11. Maximum impervious surface ratio.

The lot area used in the calculation of the maximum impervious surface ratio shall exclude any portion of the property lying Gulfward of the city's Coastal Construction and Excavation Setback Line.

Maximum impervious surface ratio (ISR) for non-residential uses: 0.85

Division 18. R/OS Recreation/Open Space District.

Section 18.1. Purpose and intent.

The R/OS Recreation/Open Space District is intended for those areas designated within the R/OS Recreation/Open Space land use category on the Future Land Use Maps. The R/OS Recreation/Open Space District primarily serves the park areas; however, this district is also applied to certain street-ends throughout the City of St. Pete Beach.

Section 18.2. Prohibition of development on the beaches.

Under no circumstances shall any development other than dune walkovers be permitted on the public-owned beaches.

Section 18.3. Permitted principal uses and structures within the parks.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, permitted uses and structures in the R/OS Recreation/Open Space District are as follows.

- (a) Recreational – Public parks and/or recreational facilities.

Section 18.4. Permitted accessory uses and structures within the parks.

- (a) Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures, do not involve the conduct of a business, and are not of a nature prohibited under Section 18.5.
- (b) Temporary structures and operations in connection with, and on the site of, building or land preparation developments, including grading, paving, installation of utilities, construction, erection of field offices, and structures for equipment storage and building materials, provided a certificate of occupancy shall have been issued therefor.

Section 18.5. Allowable conditional uses within the parks.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, allowable conditional uses in the R/OS Recreation/Open Space District are as follows.

- (a) Commercial docks – Class C only
- (b) Parking lots – Public-owned only.
- (c) Utility substations and/or rights-of-way.

Section 18.6. Prohibited uses and structures within the parks.

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the R/OS Recreation/Open Space District.

Any use which the appropriate board of authority, upon appeal, and after investigating similar uses elsewhere, shall determine to be potentially noxious, dangerous or offensive to residents of the district or to those who pass by on public roadways, by reason of odor, smoke, noise, glare, fumes, gas, fire, explosion or emission of particulate matter or likely for other reasons to be incompatible with the character of the district, is hereby prohibited in the R/OS Recreation/Open Space District.

Section 18.7. Maximum floor area ratio within the parks.

Maximum floor area ratio (FAR) for any use: 0.25

Section 18.8. Maximum impervious surface ratio within the parks.

Maximum impervious surface ratio (ISR) for any use: 0.60

Section 18.9. ROS/SE -1 Recreation Open Space/Street-end-1 District.

Within the City, there are street-ends that terminate at the Gulf of Mexico beach and are used by the public and abutting owners for pedestrian access to the waterfront, motor vehicle access to abutting properties or parking. Within the Recreation and Open Space Element of the St. Pete Beach 2010 Comprehensive Plan these street-ends are designated as beach accesses for the public; however, these street-ends were not dedicated as parks in the subdivision plats in which they were set aside for public use. These street-ends or portions thereof currently serve, and will continue to serve the public and abutting owners as pedestrian access to the beach and vehicular access to the abutting properties. The Recreational Facilities Maps within the Recreation and Open Space Element of the comprehensive plan is general and does not show the exact areas set aside as beach access, and it is the purpose of this Division to set forth the city's policy for the use of the street-ends designated ROS/SE-1.

Section 18.10. Street-ends designated ROS/SE-1.

The following street-ends have been designated ROS/SE-1 Recreation Open Space/Street-end 1:

26th Avenue west from Sunset Way to the beach

27th Avenue west from the western-most alley in Block D, North Pass-a-Grille, Section A, to the beach

28th Avenue west from the western-most alley in Block D, North Pass-a-Grille, Section A, to the beach

29th Avenue west from Sunset Way to the beach

30th Avenue west from Sunset Way to the beach

36th Avenue west from El Centro to the beach

37th Avenue west from El Centro to the beach

Section 18.11 . Policy for street-ends designated ROS/SE-1.

- (a) Street-ends designated ROS/SE-1 shall be used for public access to the beach, for vehicular access to the abutting properties, and any other use deemed appropriate by the City which is not incompatible with the public's access to the beach.
- (b) If a street-end designated ROS/SE-1 is unimproved or landscaped and does not currently provide vehicular access to an abutting property, the city may, upon the request of an abutting owner, approve a plan that provides for minimum street-end paving and encroachment into the unimproved or landscaped open space in order to allow access to the abutting property, provided:

- (1) No designated street-end or part thereof shall be used or improved in any way that would be incompatible with its use for public beach access; and
- (2) Vehicular access to the abutting property will be approved in accordance with the illustration contained herein.

Section 18.12. ROS/SE-2 Recreation Open Space/Street-end-2 District.

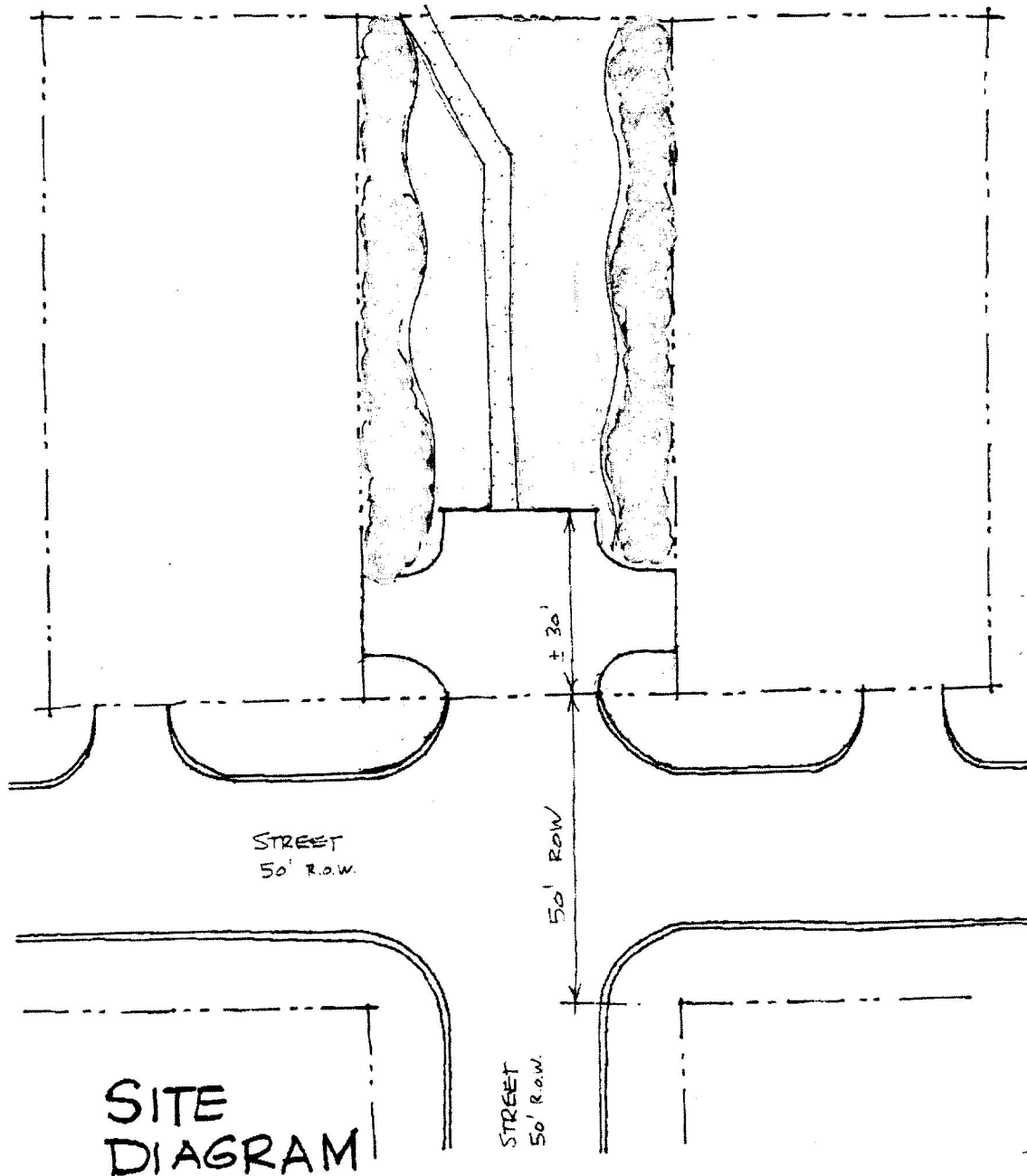
Within the City, there are street-ends, as defined in Division 2, that terminate at Boca Ciega Bay on the east side of the city or at Blind Pass Channel on the west side of the city and are used by the public and abutting owners for vehicle access or parking. Within the Recreation and Open Space Element of the St. Pete Beach 2010 Comprehensive Plan these street-ends are designated as municipal parks or scenic parks; however, these street-ends were not dedicated as parks in the subdivision plats in which they were set aside for public use. These street-ends or portions thereof currently serve, and will continue to serve the public and abutting owners as vehicular access to abutting properties and as a place to enjoy the scenery provided by the water views.

Section 18.13. Street-ends designated ROS/SE-2.

The following street-ends have been designated ROS/SE-2 Recreation Open Space/Street-end 2:

14th Avenue east from Pass-a-Grille Way to the Intracoastal Waterway
15th Avenue east from Pass-a-Grille Way to the Intracoastal Waterway
16th Avenue east from Pass-a-Grille Way to the Intracoastal Waterway
17th Avenue east from Pass-a-Grille Way to the Intracoastal Waterway
18th Avenue east from Pass-a-Grille Way to the Intracoastal Waterway
22nd Avenue east from Pass-a-Grille Way to the Intracoastal Waterway
27th Avenue east from Pass-a-Grille Way to the Intracoastal Waterway
28th Avenue east from Pass-a-Grille Way to the Intracoastal Waterway
29th Avenue east from Pass-a-Grille Way to the Intracoastal Waterway
76th Avenue west 100 feet
77th Avenue west 56 feet
78th Avenue east from Boca Ciega Drive to the Intracoastal Waterway
79th Avenue east from Coquina Way to Blind Pass Channel
Coquina Way east 15 feet to Blind Pass Channel
80th Avenue east from Boca Ciega Drive to the Intracoastal Waterway
83rd Avenue east from Boca Ciega Drive to the Intracoastal Waterway

Vehicular Access Illustration



Section 18.14. Policy for street-ends designated ROS/SE-2.

- (a) Street-ends designated ROS/SE-2 shall be used and available for the public to enjoy the scenic water views provided by the Bay or Blind Pass, and such use may include, but not be limited to, public parking, where it is made available by the City.
- (b) The street-ends shall also be available for use by the abutting property for access, and for any other use deemed appropriate by the City which is not incompatible with the objective of providing this open space for scenic water view.

- (c) If a street-end designated ROS/SE-2 is unimproved or landscaped and does not currently provide vehicular access to an abutting property, the city may, upon the request of an abutting owner, approve a plan that provides for minimum street-end paving and encroachment into the unimproved or landscaped open space in order to allow access to the abutting property, provided:
 - (1) No designated street-end or part thereof shall be used or improved in any way that would be incompatible with its use for public enjoyment of the scenic water views; and
 - (2) The vehicular access to the abutting property will be approved in accordance with the illustration contained herein.

Section 18.15. ROS/SE-3 Recreation Open Space/Street-end-3 District.

Within the City, there are street-ends, as defined in Division 2, that terminate at the Gulf of Mexico beach, Boca Ciega Bay or Blind Pass Channel and where it is desirable that the street-end be used only for recreation open space and not for vehicular access or parking. However, these street-ends were not dedicated as parks in the subdivision plats in which they were set aside for public use. Because these street-ends are not required to serve abutting owners who have adequate vehicular access to their property from other public rights-of-way, the abutting owners may convey their title interest in the underlying street-end to the city and waive any right to vehicular access from the street-end. As consideration for the conveyance of the fee title to the underlying street-end, the city will modify specific land use requirements for the development of the abutting property under the terms of this division. The modified land use requirements specified herein, are intended to motivate property owners who abut such street-ends to convey the fee title interest in the underlying street-end to the city enabling the city to increase the recreation open space available to the public.

Section 18.16. Criteria for designating street-ends ROS/SE-3 in the future.

Street-ends or partial street-ends that qualify for ROS/SE-3 designation shall meet the following criteria:

- (a) The abutting property owner has agreed to waive any right to vehicular access over the street-end and conveyed the fee title to the underlying street-end to the city and offered the appropriate documentation to effect such conveyance; and
- (b) The City has agreed on the deed restrictions in the deed of conveyance.

Section 18.17. Street-ends designated ROS/SE-3.

The following street-ends have been designated ROS/SE-3 Recreation Open Space/Street-end 3:

23rd Avenue west from Sunset Way to the beach

Section 18.18. Use of street-ends designated ROS/SE-3.

- (a) Street-ends or partial street-ends designated ROS/SE-3 that terminate at the Gulf of Mexico shall be used for public beach access.
- (b) Street-ends or partial street-ends designated ROS/SE-3 that terminate at Boca Ciega Bay or at Blind Pass Channel shall be used and available for the public to enjoy the scenic water views, and such use may include, but not be limited to, public parking, where it is made available by the City, benches, tables, or a shelter canopy.

Section 18.19. Regulations pertaining to properties abutting street-ends designated ROS/SE-3.

At the time the street-end abutting owner conveys the fee title to the underlying street-end, the City Manager shall issue a certificate of compliance which shall be recorded in the property file on the property. The development rights granted hereunder shall run with the land.

Except as otherwise provided in this section, residential development or use of properties abutting street-ends designated ROS/SE-3 shall comply with the district requirements applicable to the property. Special regulations specific to such properties are as follows:

- (a) The maximum land coverage by structure, as stated in the district regulations, shall not be applicable; however, the development shall provide a minimum of 30 percent of the lot area as green space. Such green space shall be in addition to any part of the lot or property west of the St. Pete Beach Coastal Construction Line.
- (b) The minimum side yard setback from the property line abutting an ROS/SE-3 street-end that terminates at the Gulf of Mexico beach shall be two (2) feet.
- (c) The minimum side yard setback from the property line abutting an ROS/SE-3 street-end that terminates at Boca Ciega Bay or Blind Pass Channel shall be two (2) feet.
- (d) One bay window not to exceed 20 feet in width shall be allowed to project up to two (2) feet into the side yard setback adjacent to the ROS/SE-3 street-end, but in no case shall such window project over the property line. Such bay window shall not be permitted to extend below the required finished floor elevation of the structure.
- (e) Fences up to six (6) feet in height shall be permitted along the entire property line adjacent to the ROS/SE-3 district except within the front yard.

Division 19. TU Transportation/Utility District.

Section 19.1. Purpose and intent.

The TU Transportation/Utility District is intended for those areas designated within the TU Transportation/Utility land use category on the Future Land Use Maps.

Section 19.2. Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, allowable conditional uses in the TU Transportation/Utility District are as follows.

- (a) Public infrastructure facilities.
- (b) Utility substations and rights-of-way.

Section 19.3. Prohibited uses and structures.

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the TU Transportation/Utility District.

Any use which has been determined under the provisions of Chapter 46 of the Code of Ordinances to be potentially noxious, dangerous or offensive to residents of the district or to those who pass by on public roadways or likely for other reasons to be incompatible with the character of the district, is hereby prohibited in the TU Transportation/Utility District.

Section 19.4. Minimum zoning lot requirements.

The minimum lot area and width requirements in the TU Transportation/Utility District shall be determined under the conditional use and site plan approval process pursuant to Divisions 4 and 5 of this code.

Section 19.5. Minimum yard requirements.

The minimum yard requirements in the TU Transportation/Utility District are as determined under the conditional use approval process pursuant to Division 4 of this code.

Section 19.6. Maximum height of structures.

The maximum height for all structures shall be 50 feet.

Section 19.7. Minimum off-street parking requirements.

As determined under the conditional use approval process pursuant to Division 4 of this code.

Section 19.8. Maximum floor area ratio.

Maximum floor area ratio (FAR) for non-residential uses: 0.70

Section 19.9. Maximum impervious surface ratio.

The lot area used in the calculation of the maximum impervious surface ratio shall exclude any portion of the property lying Gulfward of the city's Coastal Construction and Excavation Setback Line.

Maximum impervious surface ratio (ISR) for non-residential uses: 0.90

Division 20. PAG Pass-a-Grille Overlay District.

Section 20.1. Purpose and intent.

The PAG Pass-a-Grille Overlay District is intended to provide additional control over new development within the Pass-a-Grille area situated south of 32nd Avenue, excluding Vina del Mar Subdivision, in order to ensure that new structures will be compatible with the character of existing development, including the area within the designated Pass-a-Grille Historic District.

Section 20.2. Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, permitted uses and structures in the PAG Pass-a-Grille Overlay District are as follows.

- (a) All uses permitted in the underlying zoning district.

Section 20.3. Permitted accessory uses and structures.

- (a) Uses and structures, as regulated in Sections 6.12 and 6.13, which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures, and are not of a nature prohibited under Section 20.5.
- (b) Home occupations, subject to the conditions set forth in Section 6.5 of this code.
- (c) Residential docks, including tie poles, in conformance with the provisions of Section 6.23 and other applicable codes and ordinances of the city, county or state.
- (d) Temporary structures under the provisions of Section 6.11.

Section 20.4. Allowable conditional use.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, allowable conditional uses in the PAG Pass-a-Grille Overlay District are as follows.

- (a) All permitted special exception uses permitted in the underlying zoning district.

Section 20.5. Prohibited uses and structures.

All uses and structures not of a nature specifically or provisionally permitted herein or within the underlying zoning district are hereby prohibited in the PAG Pass-a-Grille Overlay District.

Any use which the appropriate board of authority, upon appeal, and after investigating similar uses elsewhere, shall determine to be potentially noxious, dangerous or offensive to residents of the district or to those who pass by on public roadways, by reason of odor, smoke, noise, glare, fumes, gas, fire, explosion or emission of particulate matter or likely for other reasons to be incompatible with the character of the district, is hereby prohibited in the PAG Pass-a-Grille Overlay District.

Section 20.6. Density and development standards.

The maximum residential density permitted in the PAG Pass-a-Grille Overlay District shall not exceed the number of units per acre permitted by the underlying zoning district. All other development standards shall be as required by the underlying zoning district.

Section 20.7. Additional requirements.

All proposed new construction within the PAG Pass-a-Grille Overlay District shall not be issued a building permit until such proposed construction has been reviewed by the appropriate board of authority to ensure it's compatibility with neighboring structures.

Section 20.8. Minimum zoning lot requirements.

The minimum lot area and width requirements in the PAG Pass-a-Grille Overlay District shall be the same as those imposed by the underlying district.

Section 20.9. Minimum yard requirements.

The minimum yard depth and width requirements in the PAG Pass-a-Grille Overlay District shall be the same as those imposed by the underlying district. No structures shall be permitted seaward of the city's Coastal Construction Setback Line.

Section 20.10. Maximum height of structures.

- (a) ***Residential and transient accommodation structures:*** No new or substantially improved building within the PAG Pass-a-Grille Overlay District and having the underlying zoning designation of RU-2 Residential, RLM-2 Residential, or RM Residential shall be constructed 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.
- (b) ***Other structures:*** 35 feet.

Section 20.11. Minimum off-street parking requirements.

- (a) ***Residential:*** Two spaces per dwelling.
- (b) ***All other uses.*** As determined necessary under the conditional use approval procedures.

Section 20.12. Landscaping required.

All uses shall be landscaped in accordance with the provisions of Division 22 of this code.

Section 20.13. Maximum floor area ratio.

Maximum floor area ratio (FAR) for non-residential uses: Underlying district requirements.

Section 20.14. Maximum impervious surface ratio.

Maximum impervious surface ratio (ISR) for residential and transient accommodation uses: 0.70

Maximum impervious surface ratio (ISR) for non-residential uses: Underlying district requirements.

Division 21. RFO Resort Facilities Overlay District.

Section 21.1. Purpose and intent.

The RFO Resort Facilities Overlay District is applied to specific residential areas or parts of such areas in the city that have been designated appropriate for a mixture of residential and transient accommodation uses and are designated with the RFO Resort Facilities Overlay on the Future Land Use Map and is intended to allow certain types of transient accommodations in addition to the uses permitted in the underlying zoning district.

Section 21.2. Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, permitted uses and structures in areas designated with the RFO Resort Facilities Overlay District are as follows.

- (a) All uses permitted in the underlying zoning district.

Section 21.3. Permitted accessory uses and structures.

- (a) Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures, do not involve the conduct of a business, and are not of a nature prohibited under Section 21.5.

Section 21.4. Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, allowable conditional uses in the RFO Resort Facilities Overlay District are as follows.

- (a) All permitted conditional uses permitted in the underlying zoning district.
- (b) Transient accommodations – Bed and breakfast inns and motels.

Section 21.5. Prohibited uses and structures.

All uses and structures not of a nature specifically or provisionally permitted herein or within the underlying zoning district are hereby prohibited in the RFO Resort Facilities Overlay District.

Any use which has been determined under the provisions of Chapter 46 of the Code of Ordinances to be potentially noxious, dangerous or offensive to residents of the district or to those who pass by on public roadways or likely for other reasons to be incompatible with the character of the district, is hereby prohibited in the RFO Resort Facilities Overlay District.

Section 21.6. Minimum zoning lot requirements.

The maximum residential density permitted in the RFO Resort Facilities Overlay District shall not exceed 10 units per acre. The maximum transient accommodation density permitted shall not exceed 16.7 units per acre. The minimum lot area and width requirements in the RFO Resort Facilities Overlay District are as follows:

(a) *Detached single-family, two-family and multifamily dwellings.*

- (1) Lot area: As required by the underlying district regulations.
- (2) Lot width: As required by the underlying district regulations.

(b) ***Transient accommodation uses.***

(1) Lot area: 2,609 square feet for each transient accommodation unit other than bed and breakfast inns which shall be developed in accordance with the requirements of Section 6.2.

(2) Lot width: 50 feet.

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

(1) Lot area: As required by the underlying district regulations.

(2) Lot width: As required by the underlying district regulations.

Section 21.7. Minimum yard requirements.

The minimum yard requirements for principal structures in the RFO Resort Facilities Overlay District are as required in this section.

(a) ***Residential dwellings and transient accommodation uses.***

(1) Front yard: 20 feet.

(2) Secondary front yard: 10 feet.

(3) Side yards: 10 percent of the lot width.

(4) Rear yard: 20 feet.

(5) A minimum of 30 percent of the net buildable lot shall be maintained as green space.

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

(1) Front yard: As required by the underlying district regulations.

(2) Secondary front yard: As required by the underlying district regulations.

(3) Side yards: As required by the underlying district regulations.

(4) Rear yard: As required by the underlying district regulations.

Section 21.8. Maximum height of structures.

(a) ***Residential and transient accommodation structures:*** As required by the underlying district regulations.

(b) ***Other structures:*** 35 feet.

Section 21.9. Minimum off-street parking requirements.

(a) ***Residential*** Two spaces per dwelling.

- (b) ***Transient accommodations*** One space per unit plus one additional space.
- (c) ***All other uses.*** As determined necessary under the conditional use approval procedures.

Section 21.10. Landscaping required.

All uses shall be landscaped in accordance with the provisions of Division 22 of this code.

Section 21.11. Maximum floor area ratio.

Maximum floor area ratio (FAR) for non-residential uses: 0.40

Section 21.12. Maximum impervious surface ratio.

The lot area used in the calculation of the maximum impervious surface ratio shall exclude any portion of the property lying Gulfward of the city's Coastal Construction and Excavation Setback Line.

Maximum impervious surface ratio (ISR) for residential and transient accommodation uses: 0.70

Maximum impervious surface ratio (ISR) for non-residential uses: 0.75

Division 22. Landscaping and Tree Protection.

Section 22.1. Purpose and intent.

It is the intent and purpose of these regulations to provide standards for landscaping and tree protection to improve the appearance of the city, as well as assist in the natural control of air and water pollution and soil conservation. Emphasis shall be placed upon landscaping as a means of achieving beauty in the community. It will be required on all projects, and in some projects and areas it will be the primary tool available. Landscaping is considered extremely important to the aesthetic and environmental goals of the city.

Section 22.2. Applicability.

The minimum requirements set out in this section are applicable to each zoning district relative to tree protection, the landscaping of certain setback areas and additional required on-site landscaping, including vehicular use areas. Landscape design and planning shall be integrated into the overall design concept and not be considered merely as an afterthought. Towards this end, proposed landscaping schemes will be evaluated as to their relationship to the existing natural landscape, developed and other proposed landscape, including those on adjacent properties and street rights-of-way and the building or buildings proposed. The city may require additional landscaping if it deemed important for buffering or screening.

Section 22.3. General requirements.

- (a) **Plan approval.** All new construction, except single-family and two-family dwellings as regulated under Section 22.5, must have a site plan and landscape plan approved by the city prior to the issuance of a building permit.
- (b) **Screening of certain areas.** Screening shall be employed for parking lots as required, and to mask from the public view such service areas as trash and garbage areas, outside equipment of unaesthetic character, and accessory buildings or areas not enhancing or in keeping with the aesthetics of the project or the neighborhood.
- (c) **Installation.** All landscaping shall be installed in accordance with the approved landscape plan prior to issuance of a certificate of occupancy and shall be installed in accordance with accepted landscape practices within the area. All plant material listed as Category I by the Florida Exotic Pest Plants Council (FEPPC) shall be removed prior to issuance of certificate of occupancy.
- (d) **Maintenance.** The owner and tenant, or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping in accordance with Section 22.10, and landscaped areas shall be so maintained as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. If trees, shrubs or other landscape material should die, such materials must be replaced within 30 days.
- (e) **Protection of landscaped areas.** All landscaped areas shall be protected from vehicular encroachment by curbs, wheel stops or other similar device.
- (f) **Preservation of existing plant material.** In instances where healthy plant material exists on a site prior to its development, in part or in whole, for purposes of off-street parking or other vehicular use areas, or in conjunction with other landscaping requirements, an applicant will be encouraged to retain such landscaping. The City Manager may adjust the application of the standards set out in this section to allow credit for such plant material if, in his opinion, such an adjustment is in keeping with and will preserve the intent of this section.

- (g) **Reclamation.** In the event construction activity ceases on a zoning lot that has been cleared of vegetation, the owner shall be required to restore sufficient vegetation and/or provide such other means, as determined by the city, to ensure the stability of the soil on the lot.

Section 22.4. Type, quality and size of plant material.

- (a) **Quality.** Plant materials used in conformance with the provisions of this article shall conform to the standard for Florida No. 1 or better, as given in Grades and Standards for Nursery Plants, part I, 1963, and part II, published by the Florida Department of Agriculture, or equal.
- (b) **Invasive exotic plant materials.** No plant listed by the Florida Exotic Pest Plants Council shall be counted towards the required landscaping.
- (c) **Trees.** Except as otherwise provided herein, all trees planted under the provisions of this code shall be of a species having an average crown of greater than 15 feet at maturity and having a trunk which can be maintained in a clean condition, free of branches, from grade to five feet above grade. Trees having an average mature spread of crown less than 15 feet may be substituted by grouping the trees so as to create the equivalent of a 15-foot crown spread.
- (1) Canopy trees shall have a minimum height of 12 feet and a DBH dimension of three inches at the time of planting. A recommended list of canopy trees and palms to be used includes but is not limited to the following types:

Quercus virginiana (Live Oak)

Conocarpus erectus (Buttonwood)

Pinus elliottii (Slash Pine)

Tabebuia argentia (Gold Tree)

Swietenia mahogani (Mahogany)

Celtis laevigata (Sugarberry)

Platanus occidentalis (Sycamore)

Juniperus silicicola (Southern Red Cedar)

Bucida buceras (Black Olive)

- (2) One of the following palms is equivalent to one required canopy tree when planted at the required height of 12 feet:

Phoenix canariensis (Canary Island Date Palm)

Acoelorrhaphe wrightii (Paurotis Palm)

Or any single or multi-stemmed palm known to be of equivalent mature size.

- (3) Three of the following palms are equivalent to one required canopy tree when planted at the required height of 12 feet:

Syragus romanzoffiana (Queen Palm)

Roystonea elata (Royal Palm)

Sabal palmetto Cabbage Palm (Sabal Palm)

Washingtonia robusta (Washingtonian Palm)

Or any single palm known to be of equivalent mature size.

- (4) Required canopy trees may be replaced with under-story trees when the mature height of the canopy trees will conflict with overhead power lines, excluding service drops. Appropriate setbacks of trees from such power lines, as referenced by Florida Power and Light's "Plant the Right Tree in the Right Place" publication shall be required, a copy of which is on file at the Office of the City Clerk.
- (5) Accent/Under-story trees shall be a minimum of eight feet in overall height and a tree DBH dimension of two inches at the time of planting.
- (6) The following is a recommended list of accent/under-story trees to be used:

Prunus caroliniana (Cherry Laurel)

Coccoloba diversifolia. (Pigeon Plum)

Tecoma stans (Yellow Elder)

Persea borbonia (Redbay)

Ilex vomitoria (Yaupon Holly)

Callistemon viminalis (Weeping bottlebrush)

Eriobotrya japonica (Loquat)

Myrica cerifera (Wax Myrtle)

Lagerstroemia indica (Crepe Myrtle)

- (d) **Credit for saving existing trees.** No credit shall be given to canopy trees identified by these regulations as nuisance trees. The following trees shall be considered nuisance trees: *Malalueca quinquenervia* (Punk Tree), *Schinus terebinthifolius* (Brazilian Pepper), *Casuarina* spp. (Australian Pine), *Cupaniopsis anacardioides* (Carrotwood), *Melia azedarack* (China Berry), and *Sapium sebiferum* (Chinese Tallow) or any tree listed by the Florida Pest Plant Council. Credit is given for existing canopy trees, in good health as provided below:

- (1) Credit is given at the following ratios for existing canopy trees in good health to be preserved:

4"--10" DBH = 1 tree

10"--20" DBH = 2 trees

over 20" DBH = 3 trees

- (2) Credit is given at the ratio of three palms to one tree for existing native palms.

- (3) A maximum 10 percent required parking credit may be allowed for the purpose of preserving native trees.
- (e) **Shrubs and hedges.** Shrubs and hedges shall be a minimum of two feet in height when measured immediately after planting. Hedges, where required, shall be planted and maintained so as to form a continuous unbroken solid visual screen within one year after time of planting. A recommended list of shrubs and hedges to be used includes, but is not limited to, the following:
- Chrysobalanus icaco* (Cocoplum)
 - Myrica pumila* (Dwarf Wax Myrtle)
 - Ilex vomitoria* (Dwarf Yaupon Holly)
 - Lantana involucrata* (Beach Lantana)
 - Viburnum obovatum* (Walter Viburnum)
- (f) **Ground covers.** Ground covers in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage. In no instance shall stone or gravel be utilized for more than 20 percent of the allowable ground cover area. A recommended list of ground covers to be used includes but is not limited to, the following:
- Licania michauxii* (Gopher Apple)
 - Scaevola plumieri* (Inkberry)
 - Stachytarpheta jamaicensis* (Prone Porterweed)
 - Zamia pumila* (Coontie)
 - Muhlenbergia capillaris* (Muhley Grass)
- (g) **Lawn grass.** Grass areas shall be planted in species normally grown in permanent lawns in the city area. Grass areas may be sodded, plugged or sprigged, except that solid sod shall be used in swales or other areas subject to erosion. A recommended list of ground covers to be used includes but is not limited to, the following:
- Paspalum vaginatum* (Seashore Paspalum)
 - Paspalum notatum* (Bahia)

Section 22.5. Landscaping for single-family and two-family dwellings.

All new or substantially improved single family and two-family dwellings shall be landscaped in accordance with this subsection prior to the issuance of a certificate of occupancy.

- (a) **Trees required.** All trees shall meet the standards of Section 22.4. The number of trees required to be planted upon construction of a new single family and two-family dwelling shall be as follows:

Lot size	Minimum number of trees
3,500 to 6,000 square feet	2 trees

6,001 to 7,500 square feet	3 trees
7,501 to 10,000 square feet	4 trees
10,001 to 16,000 square feet	6 trees
Over 16,000 square feet	8 trees

- (b) **Credit for remaining trees.** If, on a zoning lot for a new single family or two-family dwelling, existing trees can be saved and will remain in good condition when construction is complete, credit shall be given pursuant to Section 22.4(d).
- (c) **Other materials.** The remainder of the required landscaped areas shall be adequately landscaped with shrubs, grass, ground cover or other landscape treatment as described in subsection 22.4.

Section 22.6. Landscaping for all other developments.

- (a) **New multifamily and all nonresidential developments.** New multifamily and all nonresidential developments shall be landscaped in accordance with the applicable provisions of this section.
- (b) **Additions to existing buildings.** When the cost of any addition to or renovation of an existing multifamily or nonresidential building is determined to be a substantial improvement, as defined in Division 2, the property shall be landscaped in accordance with paragraph (a) prior to the issuance of a certificate of occupancy.
- (c) **Changes in use.** Changes in use of existing buildings shall require the landscaping of the property to bring it into full compliance with all the standards provided in this section.

Section 22.7. Development standards.

- (a) **Front setback areas.** Required landscaping in front setback areas in all districts, except RU-1, RU-2 and RLM-1, shall be as follows:
 - (1) **Minimum size of landscaped areas.** Except where driveways and walkways providing ingress and egress crossing the property line, the entire length of the property frontage shall be landscaped and shall have a minimum depth from the front property line inward to the property equal to 10 percent of the adjacent right-of-way width.
 - (2) **Minimum number of trees.** The total number of trees shall not be less than one for each 180 square feet or fraction thereof of the area to be landscaped.
 - (3) **Other materials.** The remainder of the required landscaped areas shall be adequately landscaped with a mixture of shrubs, grass, ground cover or other approved landscape treatment.
- (b) **Vehicular use areas.** Except along the boundary of a vehicular use area that is landscaped in accordance with paragraph (a) preceding, other vehicular use areas, where such areas will not be entirely screened visually by an intervening building or structure from any abutting property line there shall be provided landscaping between such areas and such property lines as follows:
 - (1) **Planting area.** A strip of land at least six feet in depth, located between the property line and the vehicular use area shall be landscaped.

- (2) **Minimum number of trees.** The minimum number of trees is one tree for each 30 linear feet or fraction thereof.
 - (3) **Minimum size of landscaped areas.** Except for driveways crossing property lines, the entire boundary of the vehicle use area shall be landscaped.
 - (4) **Hedge required.** Unless otherwise approved during the site plan review process, a hedge in accordance with Section 22.4 of at least two feet in height shall be placed along the entire length of such landscaped area.
 - (5) **Other materials.** The remainder of the required landscaped area shall be landscaped with grass, ground cover or other approved landscaping treatment.
- (c) **Interior landscaping for vehicular use areas.**
- (1) **Area to be landscaped.**
 - a. **Minimum area per parking space.** Off-street parking areas shall have at least 20 square feet of interior landscaping for each parking space, excluding those spaces abutting a perimeter for which landscaping is required by other parts of this section.
 - b. **Minimum area relative to other vehicular use areas.** In addition, other vehicular use areas, such as loading areas or vehicle storage lots, shall have two square feet of landscaping area for each 100 square feet or fraction thereof.
 - c. **Determination of size of vehicular use areas.** Where the property contains both parking areas and other vehicular use areas, the two types of areas may be separated for the purposes of determining the other vehicular use areas by first multiplying the total number of parking spaces by 300 and subtracting the resulting figure from the total square footage of paved areas.
 - d. **Minimum size of landscaped areas.** Each separate landscaped area shall contain a minimum of 400 square feet and shall have a minimum dimension of at least 10 feet.
 - e. **Parking areas with fewer than 20 parking spaces.** On properties with fewer than 20 total parking spaces, interior landscaping required above may be added to the perimeter landscape areas pursuant to paragraph (3) below.
 - (2) **Plant materials.**
 - a. **Generally.** Each separate landscaped area shall include at least one tree, as specified in Section 22.4(c), with the remaining area adequately landscaped with shrubs, ground cover or other approved landscaping material.
 - b. **Minimum number of trees.** The total number of trees shall not be less than one for each 100 square feet or fraction thereof of required interior landscaping areas.
 - c. **Location of landscaped areas.** Such landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide traffic flow and direction.
 - (3) **Exception.** In off-street parking areas and other vehicular use areas where the strict application of this section will seriously limit the function of such area, the required landscaping may be permitted to be located along the perimeters of the area, including

such perimeters which may be adjacent to the building on the site. Such landscaping shall be in addition to all other landscaping requirements.

Section 22.8. Buffer requirements and installation standards.

- (a) **Generally.** Landscaped buffers shall be required to separate transient accommodation and nonresidential uses from residential or institutional uses, where such area abuts property zoned or in fact used primarily for residential or institutional purposes, to eliminate or minimize potential negative effects such as dirt, noise, litter, glare of lights, signs, parking areas, or to provide spacing to reduce the adverse impacts of noise, odor, or danger from fires or explosions. The size and nature of the buffer shall be determined by the site plan process. Buffers shall be subject to the following provisions:
- (1) A buffer may be used for passive recreation, when appropriate upon approval of the approving authority.
 - (2) A buffer may be used for utility or drainage easements, provided that the requirements of such use and the buffer requirements are compatible.
 - (3) Buffers shall remain part of the zoning lot for which they are required.
 - (4) The required buffer shall not contain any development, impervious surfaces, or site features that do not function to meet the standards of this section. No grading, development, or land-disturbing activities shall occur within the buffer unless approved as part of a development permit. Storm water detention, retention or treatment areas and easements shall be shown on the approved landscape plan and such areas shall not occupy more than 50 percent, horizontally, of the width of the buffer.
 - (5) The arrangement of required plants and trees shall be distributed in a relatively uniform manner and as depicted on the approved landscape plan.
 - (6) Existing trees and vegetation within a required buffer, which meet these requirements may be counted toward the total buffer plant material requirements. If existing trees and plants do not fully meet the standards for the type of buffer required, additional vegetation shall be planted.
- (b) **Location of Buffers.** The buffers required by these regulations shall be located along the perimeter of a zoning lot where required, except at approved entrances or exits to the property or in required sight triangles. Buffers shall extend to the zoning lot line or right-of-way line, except where easements, covenants, or natural features may require the buffer to be set back from the property line.

Section 22.9. Preservation standards.

- (a) **Construction Barriers.** During the development of the property, the owner of the property shall be responsible for the erection of any and all barriers or protective guards necessary to protect any existing or installed vegetation from damage during construction.
- (b) **Wall.** Wherever a change of grade is planned, the trees to be preserved shall be protected by a wall so as to preserve the existing grade for the tree's root system.
- (c) **Topsoil.** Wherever a change of grade is planned, the topsoil stripped on site shall be preserved for the new landscaping to be installed.

Section 22.10. Maintenance standards.

- (a) **Landscaped Areas.** All required landscaped areas must include an in-ground automatic irrigation system. The plantings in any landscaped area must be properly maintained in order for the landscaped area to fulfill the purposes for which it was established. Such maintenance shall include all actions necessary to keep the landscaped area free of litter and debris and to keep plantings healthy and orderly in appearance. Where reclaimed water is not used to irrigate, the developer is required to use drip or micro-spray irrigation systems.
- (b) **Buffers.** The plantings, fences, walls, and berms that constitute a buffer must be properly maintained in order for the buffer to fulfill the purpose for which it is established. Such maintenance shall include all actions necessary to keep the buffer free of litter and debris, and to keep plantings, walls, fences, and berms in good repair and neat appearance. All buffer material shall be protected from damage by motor vehicles or pedestrians which could reduce the effectiveness of the buffer.
- (c) **Damage.** In the event that any vegetation or physical element functioning to meet the standards of this division is severely damaged, it shall be replanted or replaced within 30 days. In the event that the damage is found to be caused by a catastrophic event, a grace period of 180 days shall be granted for replacement.
- (d) **Pruning.** Trees shall be pruned in accordance with the pruning standards of the American National Standards Institute (ANSI publication A300); however, the topping of trees is prohibited. Topping shall be considered a violation of Section 22.11 of this ordinance.

Section 22.11. Tree protection.

It shall be unlawful for any person to remove or cause to be removed any tree having a DBH of three inches or more or any palm with a height of 8 feet or more overall without first having obtained a tree removal permit from the city in accordance with Section 22.13. Diameter at breast height or DBH means the measurement of a single-stemmed or multi-stemmed tree at 4.5 feet above grade.

Section 22.12. Tree removal permit required.

Approval of a tree removal permit shall be regulated by the following:

- (a) **Mangroves.** Mangroves shall be removed only in accordance with the provisions of Sections 403.9321 through 403.9333, Florida Statutes.
- (b) **Approved permits.** Tree removal permits issued by the city, in accordance with the administrative regulations pertaining thereto, shall be valid for a period of three months from the date of issuance.
- (c) **New development or redevelopment.** When the development of a vacant property or the redevelopment of an existing developed property is proposed, the following requirements shall be followed:
 - (1) Where no trees having a 3-inch DBH or greater exist on a site proposed for development, an applicant for a development permit shall verify in writing at the time of permit application that no protected trees exist. Such verification shall be in the form of a notarized statement which shall be filed with the application.
 - (2) Where such trees do exist on a site proposed for development or redevelopment and are proposed for removal or relocation, a plan showing in what manner removed trees

will be replaced or where such trees will be relocated shall be submitted with the application.

- (3) Where such trees will remain, a plan shall be submitted showing how such trees will be protected during the development process.
- (d) **Standards for approval.** In determining whether or not a permit should be issued, the City Manager shall consider and base his decision on the following:
 - (1) The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interference with utilities;
 - (2) The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property;
 - (3) Whether the tree has been determined to be an historic or specimen tree, meaning a tree which has been determined to be of notable historic or high value to the city because of type, size, age or community association;
 - (4) Impact upon the urban and natural environment including:
 - a. *Ecological impacts.* Whether the removal of trees will have an adverse impact upon existing biological and ecological systems, microclimatic conditions which directly affect these systems, or whether such removals will create conditions which may adversely affect the dynamic equilibrium of associated systems.
 - b. *Noise pollution.* Whether the removal of trees will significantly increase ambient or point source noise levels to the degree that a public nuisance is anticipated to occur.
 - c. *Wildlife habitat.* Whether the removal of trees will significantly reduce the available habitat for wildlife existence and reproduction or result in the emigration of wildlife from adjacent or associated ecosystems.
 - (5) The ease with which the applicant can alter or revise any proposed development to eliminate the need to remove the tree; and
 - (6) Whether the tree is one of the Category I exotic invasive plants, as listed by the Florida's Exotic Pest Plants Council, including, but not limited to the Australian Pine (*Casuarina* spp.), Chinese Tallow (*Sapium sebiferum*), Carrotwood (*Cupianopsis anacardioides*), Punk (cajeput) tree (*Melaleuca quinquenervia*), and Brazilian Pepper (also known as the Florida Holly) (*Schinus terebinthefolius*).
- (e) **Replacement of removed trees.** Trees removed under the provisions of this section shall be replaced as follows:
 - (1) **New developments.** Where trees were removed to accommodate a new development, replacement trees shall be governed by the landscaping requirements of this code for new developments.
 - (2) **Other properties.** Replacement of removed trees shall be required within six months of the date of issuance of the tree removal permit as follows:
 - a. When the removed tree is of a native species, the replacement tree shall also be of a native species.

- b. Except as provided in paragraph d herein, removed trees 4-inches DBH or smaller shall be replaced by one tree for each tree removed.
 - c. Except as provided in paragraph d herein, removed trees larger than 4-inches DBH shall be replaced by two trees for each tree removed.
 - d. When the total number of trees on the property meet or exceed the requirements in Section 22.4 for single family and two-family properties, replacement trees shall not be required.
- (f) **Denial of a tree removal permit.** In the event a tree removal permit is denied, the City Manager shall specify the reasons for such denial in writing. Applicants may appeal a denial in accordance with Section 3.14 of this code.
- (g) **Removal of hazardous trees required.** It shall be unlawful for any owner of real property to allow, suffer or permit any tree which has been damaged or injured to remain upon the real property when the tree creates and constitutes a hazard endangering the life or limb of any person or surrounding adjacent property.

Section 22.13. Relocation by the city.

In some instances where the trees to be removed are healthy and desirable, with the permission of the owner, the city shall have the option to relocate the tree at its expense. If the city chooses relocation under this provision, such relocation shall be accomplished within 15 working days of the issuance of the permit. If the city fails to remove the tree within the 15-working day period, the permit holder shall be allowed to proceed as provided in the permit.

Section 22.14. Tree removal permit requirements.

- (a) Any person desiring a permit to remove a tree as required by this section shall make written application, accompanied by the payment of the applicable fee set forth in Appendix A, St. Pete Beach Code of Ordinances, to the City Manager.
- (b) Failure to obtain the required permit shall result in a penalty charge equal to twice the cost of the original permit or \$100.00, whichever is greater.

Division 23. Off-street parking and loading.

Section 23.1. Purpose and intent.

It is the intent and purpose of these regulations to provide accessible, attractive, secure, properly lighted, well maintained and screened off-street parking facilities for the citizens and the visitors of the City of St. Pete Beach. These regulations are also intended to reduce traffic congestion and hazards and to assure the maneuverability of emergency vehicles by requiring the adequate, appropriately designed and well placed provision of off-street parking and loading in proportion to the needs generated by varying types of land use. These requirements are also intended to protect residential neighborhoods from the adverse effects of vehicular noise and traffic generated by adjacent non-residential land use districts.

Section 23.2. Residential parking restricted.

Residential parking restrictions shall apply within the RU-1, RU-2, RLM-1, RLM-2 and RM zoning districts. For the purpose of this section, the term "stored" shall be construed to include parking for a period exceeding 48 hours.

- (a) **Recreational vehicles.** No recreational vehicle, as defined in Division 2, shall be used for living, sleeping or housekeeping purposes. Such vehicles may be stored in accordance with the following:
- (1) Recreational vehicles may be stored in a rear yard, except waterfront yards, or side yard; and
 - (2) No more than one recreational vehicle may be stored in a front yard, provided that such vehicle is located as follows:
 - a. On an improved surface; and
 - b. Such that the length of the vehicle is perpendicular to the front property line of the zoning lot; and
 - c. Located a minimum of 10 feet from the back of the curb on any public street.
 - (3) Recreational vehicles that are stored off-site may be parked anywhere on a residential lot for up to 48 hours for the purpose of loading or unloading.
 - (4) Visiting recreational vehicles shall be allowed to park temporarily for one week in any consecutive 90 day period provided the property owner notifies the city of such recreational vehicle within 24 hours.
 - (5) Right-of-way parking of recreational vehicles shall be in accordance with Section 82-136 of the St. Pete Beach Code of Ordinances.
- (b) **Boats and boat trailers.** Boats and boat trailers may be stored in accordance with the following:
- (1) Boats and boat trailers may be stored in a rear or side yard; and
 - (2) No more than one boat and/or boat trailer may be stored in a front yard, provided that the following regulations are met:
 - a. On an improved surface or on an unimproved area adjacent to the side property line; and

- b. Such that the length of the boat and/or boat trailer is perpendicular to the front property line of the zoning lot; and
 - c. Located a minimum of 10 feet from the back of the curb on any public street.
- (3) Right-of-way parking of boats and boat trailers shall be in accordance with Section 82-136 of the St. Pete Beach Code of Ordinances.
- (c) **Personal watercraft.** Up to two personal watercraft may be stored in accordance with paragraph (b) preceding.
 - (d) **Commercial vehicles.** Overnight parking of commercial vehicles, as defined in Division 2, shall be prohibited.

Section 23.3. Applicability and scope.

- (a) One and two-family residential uses shall have the required number of parking spaces set forth in the applicable district regulations and shall comply with Section 23.10(b) of this code.
- (b) Every other use hereafter instituted, and every other structure hereafter erected or enlarged, shall have permanently maintained off-street parking areas pursuant to the provisions set out in this division.
- (c) Where on-street parking is available, such on-street parking shall not be used as a substitute for any parking required by this code.
- (d) Where an existing use has fewer parking spaces than the number of parking spaces that would be required by this code and the existing use is increased in density or intensity, additional parking spaces shall be required only as necessary for the increased units, square footage or intensity of the use.
- (e) Wherever in any zoning district, off-street facilities are provided for the parking or display of any and all types of vehicles or boats, whether such vehicles or boats are self-propelled or not, such off-street facilities and all land upon which vehicles traverse the property as a function of the property use, including "drive-in" facilities, shall conform to the minimum requirements of these regulations.
- (f) Where, upon the date of adoption of this code, a use exists whose parking, for any reason whatsoever, is less than that which was required by the zoning code in effect at the time a building permit was issued for the structure(s) thereon, such parking shall be deemed a lawfully existing characteristic of use and shall be deemed to be in conformity with these regulations and shall be allowed to continue. However, any expansion of the use shall comply with subsection (d) above.

Section 23.4. General parking requirements.

All off-street parking shall be provided in accordance with the following general requirements:

- (a) No building or use shall be permitted or constructed unless off-street parking spaces are provided in accordance with the provisions of this code.
- (b) Computation of required spaces.
 - (1) Fractional space requirements shall be rounded up to the next whole space.

- (2) In houses of worship and other places of public assembly in which occupants utilize benches, pews or similar seating arrangements, each eighteen (18) linear inches of such seating facilities shall be counted as one seat for the purpose of determining the required number of parking spaces.
- (c) Off-street parking areas shall not be used for sales, dead storage, repair, dismantling or servicing of any type or kind, nor shall areas devoted to such activities count toward meeting off-street parking requirements.
- (d) Off-street parking areas for five or more automobiles shall have individual spaces that are designed, maintained and regulated so that no parking or maneuvering incidental to parking shall be on any public street or sidewalk and so that any automobile may be parked and un-parked without moving another automobile.
- (e) Except as provided in Section 23.7, all off street parking areas shall be surfaced with asphalt, bituminous or concrete material, clay brick or concrete paving units, and maintained in a smooth, well-graded condition.
- (f) If artificially lighted, such lighting shall be so designed and arranged that light is directed away from any adjoining property used or zoned for residential purposes and so designed and arranged as to shield public roadways and all other adjacent properties from direct glare or hazardous interference of any kind.
- (g) Be arranged for the convenient access and safety of pedestrians and vehicles.
- (h) Be so arranged that no vehicle shall be required to back from such facilities directly onto public streets.
- (i) Have curbs, motor vehicle stops or similar devices so as to prevent vehicles from overhanging on or into public rights-of-way or adjacent property. Except, no such devices shall be required for off-street parking facilities surfaced with grass or grass pavers.

Section 23.5. Number of parking spaces required.

Except as otherwise stated elsewhere in this code, the required number of parking spaces is specified for all uses within the district regulations.

Section 23.6. Handicap parking requirements.

Handicapped parking shall be provided consistent with the requirements of Chapter 316, Florida Statutes, as may be amended.

Section 23.7. Grass and turf block parking.

- (a) **Grass parking.** Grass parking is allowed in the following instances:
 - (1) For any land use where excess parking is provided, that portion of parking which exceeds required parking may be grass in any zoning district.
 - (2) For houses of worship, up to fifty (50) percent of required off-street parking facilities and any parking provided in excess of required number of spaces.
 - (3) For parks and recreation facilities in a R/OS District.
 - (4) For public and private schools offering academic courses.

- (5) For child care and family day care facilities, private clubs, and assisted living facilities, up to thirty (30) percent of their required parking facilities.
- (b) **Turf block.** When off-street parking facilities surfaced with turf grid systems [turf block] are permitted for either required parking or excess parking or both, the parking facilities shall be constructed in accordance with the following:
 - (1) Access aisles shall be surfaced with asphalt, concrete material, clay brick or concrete paving units.
 - (2) Parking areas shall be maintained such that the grass does not constitute a nuisance by virtue of its appearance or condition and is graded in a level condition. Access aisles shall be maintained in accordance with Section 23.10.
 - (3) Comply with the drainage requirements for storm water runoff set forth in Chapter 106, St. Pete Beach Code of Ordinances.
 - (4) Comply in all other respects with the requirements of this code.

Section 23.8. Off-site parking, when allowable.

- (a) Required off-street parking facilities shall be located on the same lot as the use they are intended to serve. However, required off-street parking facilities may be located on an off-site lot if approved under the provisions of Division 5 of this code at a public hearing. Such off-site parking facilities, if approved, shall be within 300 feet of the premises they are intended to serve and an off-site parking agreement meeting the requirements of the City Attorney shall be required. The applicant for an off-site parking agreement shall demonstrate to the satisfaction of the appropriate board of authority:
 - (1) Practical difficulties prevent the location of the parking facilities on the same lot; and,
 - (2) A safe pedestrian route exists, or will be provided, for the safety of pedestrians traveling between the premises and the off-site parking facilities.
- (b) Parking agreements in a form acceptable to the City Attorney shall provide:
 - (1) The land comprising the parking facilities shall not be disposed of except in conjunction with the sale of the premises which the parking area serves, so long as the facilities are required;
 - (2) The owner(s) agrees to bear the expense of recording the agreement and agrees that the agreement shall bind their heirs, successors and assigns; and
 - (3) The owner(s) shall agree to be responsible for the cost of any required pedestrian safety devices or improvements. The written agreement shall be voided by the city if other off-street facilities are provided in accord with these regulations.

Section 23.9. Combined uses.

- (a) Two or more owners or operators of buildings or uses requiring off-street parking facilities may make collective provision for such parking facilities, upon approval of the city. The appropriate board of authority shall hold a public hearing at which the applicant shall demonstrate to the satisfaction of the board that the total number of such parking spaces, when combined or used together, shall not be fewer than the sum of the requirements computed separately.

- (b) No part of an off-street parking area required for any building or use shall be included as a part of an off-street parking area similarly required for another building or use unless approved by the city. The appropriate board of authority shall hold a public hearing at which the applicant shall demonstrate to the satisfaction of the board that the type of use indicates that the periods of usage will not overlap or be concurrent.

Section 23.10. Parking construction and design requirements.

(a) ***General construction requirements.***

- (1) All driveway and off-street parking areas shall be constructed of asphaltic concrete, concrete, pavers or equal on a properly constructed and compacted base unless an alternative is approved by the city.
- (2) No slag, rock, pea gravel or other loose type of material shall be used.
- (3) All driveway aprons within the public rights-of-way shall be constructed of concrete.
- (4) All points of ingress/egress from parking areas to public rights-of-way shall be constructed only upon approval from the city or other public agency having jurisdiction over the right-of-way.

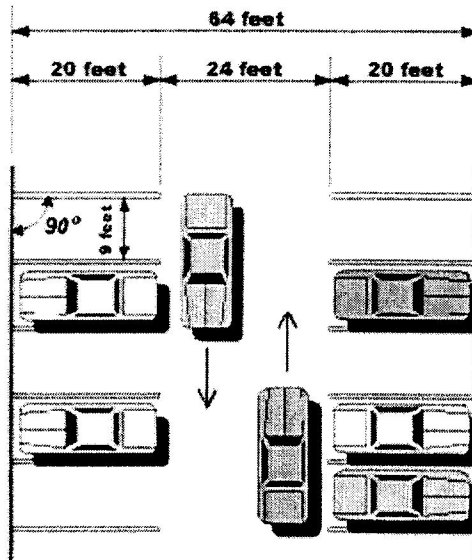
(b) ***Single family and two-family residential.***

- (1) For each single family and two-family zoning lots there shall be no more than two driveways providing access to one street, and there shall a minimum separation of 20 feet between the edges of two driveways on the same lot measured along the property line; however, in the case of corner lots, no more than three driveways shall be permitted for any lot.
- (2) The minimum width of any driveway shall be 12 feet, and the maximum width of any driveway shall be 24 feet measured along the property line.

(c) ***All other uses.***

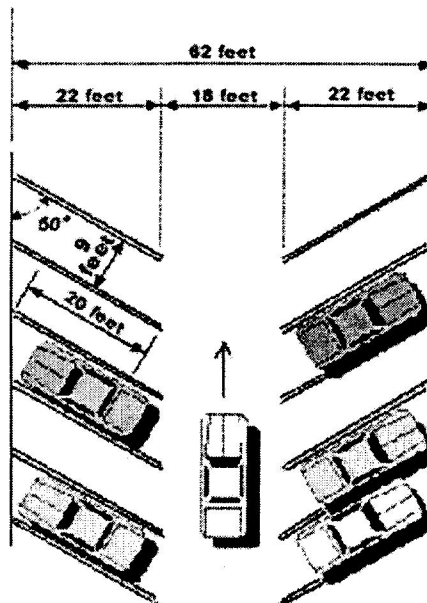
- (1) In addition to meeting the general construction requirements of paragraph (a) above, all off-street parking areas shall be designed and constructed in accordance with the dimensional requirements illustrated below.
 - a. ***Parallel.*** The dimensional requirements for parallel parking spaces are nine feet in width and 24 feet in length.

- b. **Perpendicular - 90 Degree.** The dimensional requirements for this configuration are:



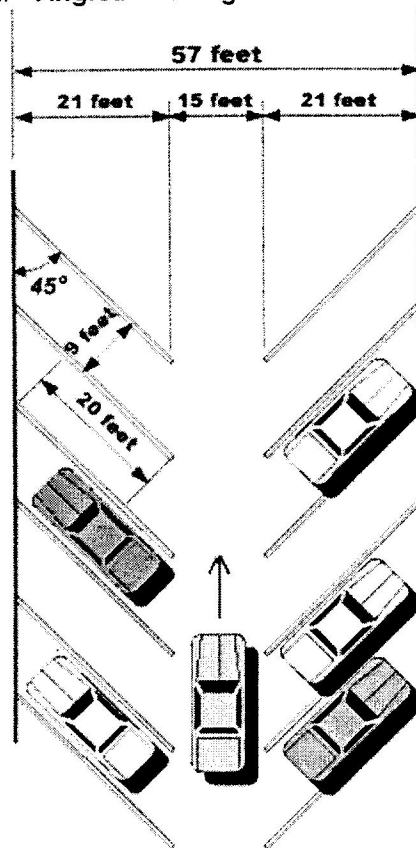
Description	Dimension
Parking space width	9 feet
Parking space length	20 feet
Driving aisle width (2-way)	24 feet
Two rows plus aisle width	64 feet

- c. **Angled - 60 Degree.** The standard dimensions for this configuration are:



Description	Dimension
Parking space width	9 feet
Parking space length	20 feet
Driving aisle width (1-way)	18 feet
Two rows plus aisle width	62 feet

d. **Angled - 45 Degree.** The standard dimensions for this configuration are:



Description	Dimension
Parking space width	9 feet
Parking space length	20 feet
Driving aisle width (1-way)	15 feet
Two rows plus aisle width	57 feet

Section 23.11. Off-street loading spaces.

All transient accommodation uses having food service, convention and/or meeting room facilities that in total floor area exceed 10,000 square feet and all nonresidential uses exceeding 10,000 square feet in floor area shall be required to provide one off-street loading space for the first 10,000 square feet and one additional off-street loading space for each additional 10,000 square of floor area or part thereof as follows:

- (a) **Dimensions.** The minimum dimensions of any required off-street loading space shall be a clear horizontal area of 12 feet by 30 feet, exclusive of platforms and piers, and a clear vertical space 14 feet high. For vehicle sales facilities, the loading space shall be large enough to accommodate at least one full size vehicle transport truck.
- (c) **Changes in Uses.** When the use of a structure or land or any part thereof is changed to a use requiring off-street loading facilities, the full amount of off-street loading spaces required shall be supplied and maintained. When any structure is enlarged or any use extended so that the size of the resulting occupancy requires off-street loading space, the full amount of such space shall be supplied and maintained for the enlarged structure or extended use.
- (d) **Accessibility.** Each off-street loading space shall be directly accessible from a street or alley without crossing or entering any other required off-street loading space. Such loading space shall be accessible from the interior of the building it serves and shall be arranged for convenient and safe ingress and egress by motor truck or motor truck and trailer combinations, and so no truck or trailer shall be required to back from such facilities directly onto public streets.

- (e) **Construction.** All off-street loading areas shall be constructed of asphaltic concrete, concrete or equal on a properly constructed and compacted base unless an alternative is approved by the city.
- (f) **Use restricted.** Off-street loading areas shall not be used for sales, dead storage, repair, dismantling or servicing of any type or kind.
- (g) **Shared off-street loading.** Collective, joint or combined provisions for off-street loading facilities for two or more buildings or uses may be made, upon the approval of the city, provided that such off-street loading facilities are sufficient in size and capacity to meet the combined requirements of the several buildings or uses and are designed, located and arranged to be usable thereby.

Section 23.12 Maintenance of off-street parking and loading areas and driveways.

All off-street parking and loading areas and driveways shall be properly maintained as to surface condition, striping and drainage to ensure that such facilities can continue to serve in a similar fashion as for they were originally approved. The failure to adequately maintain off-street parking and loading areas and driveways, resulting in a nuisance or unsafe condition for pedestrians or motor vehicles, shall be considered a violation of this code.

Division 24. Subdivisions.

Section 24.1. Purpose and intent.

The purpose and intent of this section is to ensure the orderly development and subdivision of real estate in order to provide for economical and sufficient streets with adequate widths and with proper alignment and grades designed to promote the public safety, health and general welfare, to provide for suitable residential neighborhoods with adequate streets and utilities and appropriate building sites, to save unnecessary expenditure of public funds by initial proper construction of streets and utilities, and to provide proper land records for the convenience of the public and for better identification and permanent location of real estate boundaries.

Section 24.2. Replatting to increase density prohibited.

Existing recorded platted lots in the RU-1, RU-2, RLM-1, RLM-2 and RM districts shall not be recombined and/or re-subdivided for the purpose of increasing development density. Zoning lots within these districts consisting of two or more platted lots may be restored to the original number of lots with the approval of the city; provided such restoration shall not reduce the zoning lot area required to support the existing development on the property and that all of the resulting lots meet the minimum lot area and width required in the district.

Section 24.3. Approval of the City Commission required.

No real property within the city shall be divided and offered for sale until a plat thereof is approved by the City Commission; provided, however, that the procedures and standards set forth in this section shall not apply to the exceptions enumerated in Section 24.4 nor shall any plat be recorded without first having obtained City Commission approval of the final plat. No building permits shall be issued for structures located in a lot created subsequent to the date of adoption of this section unless such lot creation has been approved by the city and is recorded in the public records of Pinellas County.

Section 24.4. Exemptions.

Exemptions from the requirements of Section 24.3 are:

- (a) The public acquisition of strips of land for the widening of existing streets or other public use.
- (b) With the City Manager's approval, the combination or recombination of portions of previously platted lots in accordance with Section 24.2 where no new parcels or residual parcels result in lots of less area, width or depth than the original lots of record.
- (c) With the City Manager's approval, the transference of part of one lot or tract to an adjacent lot or tract provided such transference does not reduce any lot or tract to an area or width less than the minimums specified in this chapter and further provided:
 - (1) That no structural nonconformities will be created by the transference; and
 - (2) That no transference between nonconforming lots shall be allowed unless the transference will result in bringing both lots into conformity with the district regulations.

Section 24.5. Procedure for securing approval of a subdivision.

Subdivision approval shall be governed by the following procedures:

- (a) **Preliminary plat approval.** A sub-divider or property owner shall submit a preliminary plat of the proposed subdivision, prepared in accordance with the requirements of the

administrative regulations for preliminary plats to the City Manager for consideration by the appropriate board of authority and the City Commission. Before acting to grant preliminary approval or to reject the proposed subdivision, the appropriate board of authority shall receive reports from the City Manager certifying compliance with, or noting deviations from, the requirements of this division and commenting on any other items which bear upon the public interest in the proposed subdivision.

- (1) After preliminary approval has been granted by the appropriate board of authority, the plat shall be forwarded to the City Commission for approval.
 - (2) No improvements shall be made in the subdivision until the preliminary plat has been approved by the City Commission and detailed plans for such improvements have been approved by the city.
 - (3) The final plat of the subdivision shall be prepared and submitted for final approval within one year from the date of the preliminary approval.
- (b) ***Final plat approval by the City Commission.*** The owner or sub-divider shall submit the final plat prepared in accordance with the approved preliminary plat, if applicable, and the requirements of the administrative regulations for final plats to the City Manager. After being reviewed for compliance with the preliminary approval and the administrative requirements, the City Manager shall transmit the plat to the City Commission for approval.

Section 24.6. Installation of improvements and utilities.

All subdivisions shall have storm drains installed, streets graded, paved or surfaced, curbs and gutters, sanitary sewage collection and disposal facilities, potable water lines or mains, and reclaimed water lines or mains, all to be installed by the owner or sub-divider in accordance with the applicable standard specifications of the city.

- (a) Such construction or installation shall be subject to inspection and approval by the city.
- (b) Fire hydrants, street paving, sanitary sewage collection and disposal facilities, water lines and mains (potable and reclaimed water), or any other improvements and utilities to be constructed or installed upon or within proposed public rights-of-way, and all storm drains, regardless of location, shall be subject to the prior approval of the city.
- (c) The cost of any or all such construction or installations or furnishing of improvements and utilities shall be borne by and paid for by the owner or sub-divider when such improvements and utilities are installed.

Section 24.7. Alternative methods of guaranteeing improvements

Where the improvements and utilities, as required, have not been completed prior to the submission of the plat for final approval, the approval of the plat shall be subject to one of the following alternatives if required by the city:

- (a) The owner or sub-divider filing with the city a performance or surety bond in an amount to be determined by the city with sureties satisfactory to the city guaranteeing the grading and paving of the streets and the construction and installation of curbs and gutters, storm drains, sewer collection and sewage disposal facilities, sidewalks, water lines or mains and fire hydrants within such reasonable time as may be specified by the city.
- (b) The deposit with the city or the placing in escrow of cash or a certified check in an amount to be determined by the city to cover the cost of the improvements and utilities. The city may release portions of this security deposit as work progresses.

- (c) The owner or sub-divider entering into an agreement with the city guaranteeing the completion of the required work, such agreement to be binding on the grantees, assigns, successors, heirs and personal representatives of the owner or sub-divider and upon subsequent purchasers of the property involved or of any interest therein and to be recorded at the option of the city. Such agreement shall permit progressive development of the subdivision by sections, and shall provide that satisfactory security be furnished the city guaranteeing the completion of the necessary improvements and installation of utilities before each section of the subdivision is developed.

Section 24.8. General requirements and minimum design standards.

- (a) **General requirements.** Whenever a proposed subdivision involves the construction of new connections to existing public streets, or other modifications to existing public streets, such construction, connections, and/or modifications shall be subject to the design criteria and permitting requirements of the government entity having jurisdiction over the public street.
- (b) **Street names.** In no case shall the name for proposed streets duplicate or be phonetically similar to existing street names, irrespective of the suffix street, avenue, boulevard, drive, place or court.
- (c) **Minimum street widths.** The minimum width of proposed streets measured from lot line to lot line shall be 30 feet, with a minimum of 24 feet of pavement width including curbs and gutters.
- (d) **Corner radii.** There shall be a minimum radius at the property line of 20 feet at all intersections, provided that a greater radius at the intersection of any public street may be required by the approving authority having jurisdiction over the public street.
- (e) **Dead end streets.** Where streets are designed to have one end permanently closed as in a cul-de-sac, they shall terminate in a circular area having a minimum property line radius of 50 feet, and a minimum outside curb radius of 40 feet unless otherwise approved by the City Commission.
- (f) **Lot dimensions.** The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated, and shall conform to the following:
 - (1) Every lot or parcel of land shall abut a street.
 - (2) Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.
 - (3) Every lot shall have the minimum width required by the applicable zoning district, except that every corner lot shall have the minimum width plus 5 feet, but in no case shall the frontage upon a public street be reduced below the district requirement.
 - (4) Every lot shall have the minimum lot area required by the applicable zoning district.
- (g) **Utility easements.** To provide for public service poles, conduits, storm drains, and surface swales, sewer or gas mains easements as required by the appropriate utility shall be provided. No building or other obstruction shall be erected and no trees or shrubbery shall be planted on any easement other than fences and hedges of a type approved by the city, and such fences and hedges shall be cleared away or trimmed by the property owner whenever necessary in the opinion of the city or the utility having facilities in the easement.

Section 24.9. Development and subdivision of single family attached dwellings.

Except in the RU-1, RU-2, RLM-1 and RLM-2 districts where single family attached dwellings are not permitted, the design and the platting of developments containing single family attached dwellings shall meet the following requirements:

- (a) The overall density of the development shall not exceed the maximum permitted in the applicable district regulations.
- (b) Notwithstanding the provisions of Section 24.8(f), the minimum width of an individual unit within a single family attached development shall be 16 feet, and when subdivided into separate lots, the maximum lot coverage for an individual lot shall be 70 percent.
- (c) No fewer than three nor more than 10 attached dwellings shall be located within a building group, and no interconnection or overlapping between individual dwelling units shall be permitted.
- (d) No part of any portion of any building group shall be nearer than 10 feet to any part of any portion of any other building group nor nearer to any property lot line of the overall zoning lot than is required by the district regulations.
- (e) Developments of single family attached dwellings, in addition to complying with all applicable provisions of this section, shall comply with one of the following methods of land transfer and ownership:
 - (1) The subdivision of the whole tract into individual parcels in accordance with this section, together with the platting of the property for record in accordance with the Florida Law and other applicable ordinances of the city;
 - (2) Providing for the development of the entire tract in accordance with this section, retaining, however, title to all of the lands in the name of a condominium corporation and providing for all other usual condominium documents and procedures;
 - (3) Providing for the development of the entire tract in accordance with this section, retaining, however, title to all of the lands in single ownership by recording a duly executed unity of title in the Pinellas County property records, thereby stipulating that such tract shall not be eligible for further subdivision.
- (f) In the event a property that has been subdivided in accordance with this subsection is proposed to be redeveloped in a different form than a single family attached development, the subdivision plat shall be replatted prior to the issuance of any development permit.

Section 24.10. Variances.

Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of the regulations in this article would cause an unnecessary hardship, a variance may be granted in accordance with Section 3.13 of this code.

Section 24.11. Preliminary and final plats; content and form

Preliminary and final plats shall be prepared in accordance with the administrative guidelines applicable to subdivisions.

Division 25. Coastal Protection and Conservation.

Section 25.1. Purpose and intent.

This section is intended to provide for the protection and enhancement of the beach and dune system along the Gulf of Mexico by regulating the location of development on or adjacent to these natural resources and, to the fullest possible extent, to achieve a continuous and uninterrupted frontal dune along the entire Gulf of Mexico beachfront.

Section 25.2. Matters regulated.

The requirements of this section shall apply to all development of Gulf-front properties unless specifically exempted in Section 25.3.

Section 25.3. Exemptions.

The following shall be exempt from the provisions of this section:

- (a) Structures or construction extending seaward of the mean high-water line which are regulated by Section 161.041, Florida Statutes, such as groins, jetties, moles, breakwaters, seawalls, revetments, beach nourishment, inlet dredging, and like kinds of projects;
- (b) Piers, pipelines or outfalls which are regulated pursuant to the provisions of Section 161.053, Florida Statutes;
- (c) Fencing or other structures approved by the state, county or city used to assist in sand erosion control or control of pedestrian beach use of dunes areas;
- (d) Gulf-front property which has been designated as a "critically eroded beach area" and has come within the jurisdiction of the county or the Florida Department of Environmental Protection; and
- (e) The following activities, provided that any such activity performed by private individuals shall require a permit from the city:
 - (1) The operation of city government vehicles performing an official function;
 - (2) Non-mechanical beach cleaning and debris removal;
 - (3) Landscape maintenance and modification that does not involve dune vegetation or removal of sand or dirt from the beach/dune system;
 - (4) Remodeling of habitable and non-habitable structures that does not involve alteration of the foundation, footprint, or structural envelope; or
 - (5) Replacement of impervious pavement with permeable surfaces such as pavers or crushed shell on a permeable base.

Section 25.4. Development controls.

The city, the State of Florida and Pinellas County have adopted construction control lines and other regulations to protect the beaches and dunes of Pinellas County, including those within the City of St. Pete Beach, as follows:

- (a) ***St. Pete Beach Coastal Construction and Excavation Setback Line.*** There is established a Coastal Construction and Excavation Setback Line (CCSBL), as provided by

the official coastal construction and excavation setback line map, such map having been adopted and made a part of this section by reference.

- (b) **St. Pete Beach Bulkhead Line.** There is established a beach bulkhead line, as provided by the official bulkhead line map, such map having been adopted and made part of this section by reference.
- (c) **Florida Coastal Construction Control Line.** The State of Florida has established a Coastal Control Line (CCL) in accordance with Section 161.053, Florida Statutes, that is administered by the Florida Department of Environmental Protection.

Section 25.5. Prohibitions.

- (a) Except as otherwise provided herein, no person, municipality, county or other public or private agency shall develop or cause any development seaward of the CCSBL
- (b) No person, municipality, county or other public or private agency shall develop or cause any development seaward of the CCL without a permit from the Florida Department of Environmental Protection.
- (c) Further, no person, municipality, county or other public agency shall develop or cause any development or construct any seawall, revetment, or similar structure incidental thereto within the submerged lands of the Boca Ciega Bay and adjacent waters without a permit from any and all governmental agencies having jurisdiction over the submerged land.
- (d) Except as otherwise provided in this section, the following shall be prohibited:
 - (1) The removal or disturbance of vegetation of a dune;
 - (2) Planting of vegetation except for native, salt-resistant species suitable for beach and dune stabilization;
 - (3) The crossing, passing over or passing through any dune by any person or vehicle, except in where such crossing is marked for access pursuant to this section; or
 - (4) Blocking or causing to be blocked by any means whatsoever any pathway leading to or from a public beach.

Section 25.6. Tiki huts.

- (a) The city may permit the location of a tiki hut on the beach in accordance with the following:
 - (1) Tiki huts shall be allowed only in conjunction with the approval of the owner of the property upon which the tiki hut will be located and as part of a conditional use approved under the provisions Division 4 of this code. Tiki huts shall be further regulated as follows:
 - a. Only one tiki hut for each approved conditional use on a zoning lot;
 - b. Such tiki huts shall be located in accordance with an approved site plan;
 - c. Tiki huts shall be no larger than 36 square feet in area with sides that are at least 50 percent open and may have a roof;

- d. No tiki hut shall have utility services, shall serve food or drinks, or shall be used for any other service beyond the sales of services for an approved commercial water sports operation.
- (2) Tiki huts shall be removed from the beach in the event of the issuance of a warning for a storm that, in the opinion of the city, is expected to be of sufficient strength to warrant such removal.
- (3) Any tiki hut or other similar structure placed or erected on the beach after the adoption of this code without a permit from the city shall in violation of this code and all remedies shall be sought in accordance with the provisions of Section 3.16 of this code.

Section 25.7. Dune preservation and enhancement.

In accordance with Chapter 161, Florida Statutes, the St. Pete Beach Comprehensive Plan and this code, dunes along the Gulf of Mexico with the city shall be protected, and such dunes will be enhanced under the provisions herein.

Section 25.8. Development requirements.

- (a) Development on any Gulf-front property upon which no dune exists shall require the construction of a dune which shall be designed and constructed in accordance with the requirements of the Florida Department of Environmental Protection prior to the issuance of a certificate of occupancy.
- (b) Applicants for development on any Gulf-front property which has an existing dune and where such proposed development would alter any portion of the dune shall be required to file a plan in accordance with the requirements of the Florida Department of Environmental Protection for dune restoration. The restoration of the dune shall be completed prior to the issuance of a certificate of occupancy.

Section 25.9. Permit required.

- (a) **Dunes.** In no instance shall any person, municipality, county or other public or private agency excavate or otherwise cause damage to a dune or conduct or cause to be conducted any activity to improve or enhance a dune without obtaining the necessary permits from the Florida Department of Environmental Protection and the city.
- (b) **Other non-exempt activities.** All other non-exempt activities, including construction, excavation, fill placement, repair of shore protection structures, and other activities seaward of the coastal construction setback line and activities that would alter the topography or disturb the vegetation of the beach/dune system, including vehicular traffic relating thereto, are required to obtain a permit from both the Florida Department of Environmental Protection and the city.

Section 25.10. Permitting procedures.

- (a) **Development.** Applications for development of Gulf-front properties, including any proposed development activity regulated under this section, shall be required to submit a site plan in accordance with Division 5 of this code. Prior to the issuance of any development order or other permit, the applicant shall provide copies of all required county and state permits.
- (b) **Other activities.** Applications for non-development activities enumerated in Section 25.3 shall be filed with the City Manager for administrative approval.

Section 25.11. Variances.

Variances to this section may be sought under the procedures of Section 3.13 of this code.