



PLANNING BOARD MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, May 15, 2023
4:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Approval of the Agenda -

Action Request: Motion to approve the May 15, 2023 agenda.

2. Audience Comments -

Comments shall be limited to 3 minutes. Please submit a public comment card to the Clerk and state your name and address at the podium.

3. Approval of Minutes

a. Regular Meeting 4/17/2023

4. Action Items - Sitting as Local Planning Agency -

a. Ordinance 2023-xx: Lot assembly in single-family zoning districts

An ordinance proposing limitations on the maximum lot size and number of platted lots that can comprise a single developable zoning lot in the RU-1, RU-2, and RLM-1 single-family zoning districts, specifying standards based on lot orientation, and providing exemptions.

5. Discussion Items

a. Fines for tree removal without a permit

Discussing fines for tree removal without a permit, including a comparison with fines imposed by nearby communities.

b. 2023 Florida legislative update

Briefly discussing the numerous bills that passed the legislature in 2023 that could impact planning.

6. Adjournment - Next meeting June 26, 2023 -

APPEAL: In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT (ADA): In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

**The public is cordially invited to attend this meeting.
All agenda material is available for review at City Hall or www.stpetebeach.org.**

DRAFT PLANNING BOARD MEETING MINUTES

April 17, 2023 4:00 PM

PRESENT: Rachel Ciliberti, Member
Tom DeYampert, Member
David Hubbard, Member
Melinda Pletcher, Member
Greg Permer, Member

STAFF PRESENT: Jennifer McMahon, Chief Operating Officer
Matthew McConnell, Assistant City Attorney
Ginny Bodkin, Deputy City Clerk
Brandon Berry, Senior Planner

Member DeYampert called the meeting to order at 4:00 PM, followed by the Pledge of Allegiance and Roll Call. The Election of Officers item was immediately addressed as the first item.

Motion: Member Pletcher moved, and Member DeYampert seconded, to appoint Greg Permer as Board Chair for 2023-24; the motion carried unanimously.

Motion: Member Pletcher moved, and Member Ciliberti seconded, to appoint Tom DeYampert as Board Vice Chair for 2023-24; the motion carried unanimously.

Chief Operating Officer Jennifer McMahon introduced new Board members David Hubbard and Melinda Pletcher who shared some of their experience and expressed enthusiasm for working with the other members.

1. Approval of the Agenda –

Motion: Vice Chair DeYampert moved, and Member Pletcher seconded the approval of the agenda as presented; the motion carried unanimously.

2. Audience Comments - There were no audience comments.

3. Approval of Minutes

a. Meeting Minutes 1/25/2023

Motion: Vice Chair Deyampert moved, and Member Pletcher seconded the approval of the minutes from the January 23, 2023 meeting as presented; the motion carried unanimously.

4. Election of Officers 2023-24

This item was taken after Roll Call.

5. Discussion Items –

a. Joint City Commission/Planning Board Workshop Overview

Chief Operating Officer Jennifer McMahon introduced this item. In preparation for the April 25th Joint Workshop with the City Commission, staff created a PowerPoint presentation to bring this Board up to date on discussions thus far. The presentation is part of the meeting record.

She explained that the City is currently working through the EAR (Evaluation and Appraisal Report) for the Comprehensive Plan, which is required by the state every seven years. The amendments are largely technical and intended to maintain compliance with state and county requirements. Staff will present on their progress at the next Commission meeting and a draft will come to this Board in June.

The City Commission requested a Joint meeting in October to discuss more substantial issues including density and intensity. Ms. McMahon provided a summary of what will be covered in the workshop as part of her presentation and welcomed comments and questions.

Some member input included considering the most recent Comp Plan history and why the last changes were made, keeping simplicity of units of measure, clarification and understanding of density and intensity, and ample citizen input. City Attorney Andrew Dickman suggested adding explanation of floor area ratio, massing and bulk in the workshop. Room counts, better land use by developers, and increased traffic on Gulf Blvd. were also discussed.

Lot Assembly Regulations - Following the workshop discussion, Senior Planner Brandon Berry reviewed a presentation on single-family lot assembly regulations in the Land Development Code and how the City handles them from a policy standpoint. The presentation is part of the meeting record. The City occasionally receives such requests; they were historically handled through the Property Appraiser, not the City. The City reserves the right to review the split or addition of vacant lots to adjoining properties administratively, but there are no specific policies in Code. Discussion followed. City Attorney Dickman provided an example of the City of Naples, which recently adopted an ordinance that provides criteria for same.

Mr. Berry's presentation explained the 3 zoning districts in the City that solely permit detached single-family residential development (RU-1, RU-2 and RLM-1); staff have been directed to review whether additional zoning standards should apply to lots that are assembled for single-family redevelopment purposes. Examples of required setbacks were provided. Staff had reviewed existing parcel sizes and widths in single family neighborhoods; the presentation included average lot size and width (minimum/actual). Mr. Berry reviewed the existing parcel conditions in the 3 districts (percentage of lots under minimum width and area) and how other Florida cities address maximum lot sizes. He finally reviewed five options that staff developed to address (or not address) single-family lot assembly and asked for Board input, questions, or recommendations.

Following discussion, Mr. Berry confirmed that Board consensus was in the direction of possibly limiting the total number of lots that can be combined (especially platted lots), and possibly a 10% lot setback for new construction, not necessarily for additions that preserve the volume and massing of the existing buildings.

Prior to adjournment, Ms. McMahon introduced new Senior Planner Maryellen Edwards who will eventually become the staff liaison to this Board.

5. Adjournment – The next regular meeting will be held on May 15, 2023 at 4:00 PM. There being no further business, Chair Premier adjourned the meeting at 5:18 PM.

These minutes will be presented for approval at the May 15, 2023 Planning Board meeting.

PLANNING BOARD MEETING CITY OF ST. PETE BEACH

Agenda Report

Action Request: Motion to find Ordinance 2023-xx consistent with the Comprehensive Plan and recommend approval to the City Commission.

Strategic Objective:

Date: May 15, 2023

Prepared By: Brandon Berry, Planner II

Through: Jennifer McMahon, Chief Operating Officer

Summary of Issue: An ordinance proposing limitations on the maximum lot size and number of platted lots that can comprise a single developable zoning lot in the RU-1, RU-2, and RLM-1 single-family zoning districts, specifying standards based on lot orientation, and providing exemptions.

Funding: N/A

Attachments:

1. Staff Report: Lot assembly in single-family zoning districts
2. Ordinance 2023-xx

CITY OF ST. PETE BEACH PLANNING BOARD STAFF REPORT

TO: Planning Board

FROM: Brandon Berry, Planner

THROUGH: Jennifer McMahon, Chief Operating Officer

DATE: May 15, 2023

SUBJECT: Ordinance 2023-xx, amending the Land Development Code to provide limitations on the maximum lot size and number of platted lots that can comprise a single developable zoning lot in the RU-1, RU-2, and RLM-1 single-family zoning districts, specifying standards based on lot orientation, and providing exemptions.

BACKGROUND:

Lot combinations in the city's commercial and multifamily zoning districts must typically be undertaken during the site planning process to ensure that the resulting zoning lot is of a minimum size to support the density and intensity of the development. Whether these combinations take place through covenants, unity of title, or replatting, the request is reviewed by the city and compared against the city's development standards for items like minimum area, road frontage, and provision of utilities.

In the city's core single-family zoning districts, the city presently has no restrictions on maximum lot size, and the city has historically not been notified when lots are combined for ownership or development. This can result in lots that are not necessarily appropriate for the development type contemplated or the subdivision as a whole, two items that the city's subdivision code addresses. It can also change the orientation of lots such that setbacks are substantially altered from their original platted condition.

To resolve these potential issues, staff proposes that existing administrative permission for lot combination in the core single-family districts is limited to the greater of two platted lots or two existing parcels, whichever is greater. Staff also proposes limitations to ensure that combined lots maintain the same setbacks that would have been required prior to consolidation, and provide exemptions when combination occurs under a process with higher scrutiny such as replatting or a conditional use permit review.

PLANNING BOARD:

The Planning Board, sitting as the LPA, will review proposed Ordinance 2023-xx on May 15, 2023 for consistency with St. Pete Beach's Comprehensive Plan.

CONSISTENCY WITH THE COMPREHENSIVE PLAN – STAFF REVIEW

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

FUTURE LAND USE ELEMENT - Future Land Use Policies - Green Practices, Residential Character and Introduction to Land Use Categories

GOAL 2:

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

- Maximizing the potential for economic benefit resulting from the tourist trade and the enjoyment of natural and man-made resources by residents and visitors alike.
- Minimizing the threat to health, safety, and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation.
- Maintaining the community's recreation, open space and beaches.

Objective 2.1

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

Policy 2.1.2

The City shall, through the land development regulations, encourage a balanced land use mix providing a variety of housing styles, densities and open space.

Policy 2.1.6

The conservation, maintenance and rehabilitation of existing residential areas shall be encouraged through provisions contained in the land development regulations and other applicable City codes.

GOAL 5:

The LDC shall be amended and adopted to implement the goals, objectives and policies of this comprehensive plan, as amended.

[...]

Policy 5.1.2

The City shall adopt and implement land development regulations that contain specific and detailed provisions required to implement this comprehensive plan, as amended, which, at a minimum shall:

- Regulate the subdivision of land;

[...]

STAFF RECOMMENDATION:

Staff recommends the Planning Board, sitting as the LPA, recommend approval of Ordinance No. 2023-xx and find it consistent with the city's Comprehensive Plan as stated in the staff report.

Ordinance 2023-xx

**AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA
AMENDING THE LAND DEVELOPMENT CODE DIVISION 8
SECTION 8.7. – MINIMUM YARD REQUIREMENTS.; DIVISION 9
SECTION 9.7 – MINIMUM YARD REQUIREMENTS.; DIVISION 10
SECTION 10.7 – MINIMUM YARD REQUIREMENTS.; DIVISION 24
AMENDING SECTION 24.4. – EXEMPTIONS.; ESTABLISHING
SECTION 24.5. – LOT COMBINATION IN THE RU-1, RU-2, AND RLM-
2 DISTRICTS; PROVIDING FOR CODIFICATION; CONFLICTS,
SEVERABILITY, CORRECTION OF SCRIVENER’S ERROR;
CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.**

WHEREAS, the City Commission encourages a balanced land use mix providing a variety of housing styles, densities and open space.

WHEREAS, the City Commission promotes the maintenance and protection of the City's residential character.

WHEREAS, the City Commission finds that, in the absence of formal oversight through platting procedures, excessive combination of lots in the city's core single-family neighborhoods can result in single zoning lots that are inappropriate and out of character with the subdivision or development pattern as a whole.

WHEREAS, the City Commission finds that this ordinance is intended to preserve appropriate location of dwellings on a residential lot and overall subdivision character rather than regulate building design elements.

WHEREAS, notice of this Ordinance has been provided in accordance with applicable law.

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

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

SECTION 2.

The Land Development Code Division 8, Section 8.7. is amended as follows:

Sec. 8.7. Minimum yard requirements.

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

(a) *Detached single-family dwellings.*

(3) *Side yards:* The lesser of ten percent of the lot width or seven feet, except for lots combined and regulated pursuant to section 24.5, which shall follow the setbacks specified in that section.

(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.

(3) *Side yards:* Ten percent of the lot width, except for lots combined and regulated pursuant to section 24.5, which shall follow the setbacks specified in that section.

The Land Development Code Division 9, Section 9.7, is amended as follows:

Sec. 9.7. – Minimum yard requirements.

(a) *Detached single-family dwellings.*

(3) *Side yards:* Ten percent of the lot width, except for lots combined and regulated pursuant to section 24.5, which shall follow the setbacks specified in that section.

(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.

(3) *Side yards:* Ten percent of the lot width, except for lots combined and

regulated pursuant to section 24.5, which shall follow the setbacks specified in that section.

The Land Development Code Division 10, Section 10.7, is amended as follows:

Sec. 10.7. – Minimum yard requirements.

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

(3) *Side yards:* Ten percent of the lot width-, except for lots combined and regulated pursuant to section 24.5, which shall follow the setbacks specified in that section.

(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.

(3) *Side yards:* Ten percent of the lot width-, except for lots combined and regulated pursuant to section 24.5, which shall follow the setbacks specified in that section.

The Land Development Code Division 24, Section 24.4, is amended as follows:

Section 24.4. Exemptions.

(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-, provided that this combination is not in conflict with section 24.5.

(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; and
- (3) The transference does not result in a zoning lot in violation of section 24.5.

The Land Development Code Division 24, Section 24.5, is established as follows:

Section 24.5. Lot combination in the RU-1, RU-2, and RLM-1 Districts.

- (a) Application. The standards in this section shall apply to the combination of lots or parcels in the RU-1, RU-2, and RLM-1 zoning districts only.
- (b) Lot size limitations. No more than two platted lots may be combined to create a single zoning lot for development or redevelopment purposes. This limitation shall also apply to combination of two or more existing parcels where the combination would result in a zoning lot greater than twice the minimum lot width or area of the applicable zoning district. In cases where the two prior standards apply and conflict, the more lenient of the two shall govern.
- (c) Setbacks. When existing lots or parcels are combined under this section, the required setbacks are as follows:
 - (1) Combination of interior lots or parcels, or a corner lot or parcel and interior lot or parcel where the front yard location does not change. The side yard of the resulting zoning lot shall be the sum of the required side yards for the combined lots or parcels, not to exceed ten percent of the resulting zoning lot width.
 - (2) Combination of a corner lot or parcel and interior lot or parcel where the front yard location changes. When a corner lot or parcel is combined with an interior lot or parcel, and the location of the designated rear or side yard changes, the new required side yard of the resulting zoning lot shall be not less than the original required rear yards of the combined lots or parcels.
- (d) Exemption. This section shall not apply to any zoning lots which were legally formed prior to the effective date of this ordinance, any lots combined for the purposes of a public, semi-public, or listed conditional use provided that a conditional use permit is obtained, any lots combined for the purpose of undertaking a formal replatting process provided that development does not commence until after the replat is recorded, or any zoning lots located in the Pass-a-Grille Overlay District, which are regulated in Division 20 of this code.
- (e) Variances. When a hardship exists, an unnecessary and undue hardship variance to this section may be pursued subject to section 3.12.

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

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

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance as they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

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

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

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

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

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

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

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

Adrian Petrila, Mayor

I, Amber LaRowe, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2023.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Andrew Dickman, City Attorney

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**PLANNING BOARD MEETING
CITY OF ST. PETE BEACH**

Agenda Report

Action Request: N/A - For discussion only.

Strategic Objective:

Date: May 15, 2023

Prepared By: Maryellen Edwards

Through: Jennifer McMahon, Chief Operating Officer

Summary of Issue: Discussing fines for tree removal without a permit, including a comparison with fines imposed by nearby communities.

Funding: N/A

Attachments:

**PLANNING BOARD MEETING
CITY OF ST. PETE BEACH**

Agenda Report

Action Request: None - for discussion purposes.

Strategic Objective:

Date: May 15, 2023

Prepared By: Brandon Berry, Planner II

Through: Jennifer McMahon, Chief Operating Officer

Summary of Issue: Briefly discussing the numerous bills that passed the legislature in 2023 that could impact planning.

Funding: N/A

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