

**Ordinance 2021-12**

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

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

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

**WHEREAS**, on April 19, 2021, the City’s Planning Board, sitting as the Local Planning Agency, will hold a public hearing to consider the proposed Land Development Code changes and provide recommendations to the City Commission.

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

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

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

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

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

**DIVISION 2 – DEFINITIONS**

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

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

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

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

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

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

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

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## **DIVISION 6 – SUPPLEMENTAL REGULATIONS**

### **Sec. 6.13. - Residential accessory structures.**

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

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

- a. Pool setbacks shall be measured from the edge of the water.
- b. Swimming pools and spas that exceed two feet above grade shall meet all yard requirements for the district within which they are located.
- c. Swimming pools and spas of two feet or less in height above grade shall have the following setbacks:

1. Front, secondary front, and side yards: As required for the principal structure.
  2. Rear yard: Five feet to pool water's edge, four feet to coping.
  3. Waterfront yard: Three feet to pool water's edge, two feet to coping; however, on a waterfront property when the pool is proposed closer than 20 feet to the seawall, the application shall be accompanied by plans and specifications prepared and sealed by a registered engineer showing how the seawall will be protected.
- d. *Screened pool enclosures* may be permitted by the city and shall be regulated as follows:
1. Pool enclosures for swimming pools, spas and their accessory patios 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.
  2. Pool enclosures for swimming pools, spas and their accessory patios with a finished floor elevation of two feet or less in height above grade shall have front and side yards setbacks as required within the district for a principal structure. The minimum rear yard shall be eight feet. No variance to this standard may be permitted.
  3. *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.

(2) *Decks and patios* shall be regulated as follows:

- a. Paved walkways and sidewalks located on private property shall be treated as patios for side and rear yard setback purposes.
  - b. Decks and patios that exceed two feet above grade shall meet all yard requirements for the district in which they are located.
  - c. Decks of two feet or less in height above grade shall have the following setbacks:
    1. Front, secondary front, and side yards: As required for the principal structure
    2. Rear yard: Five feet.
    3. Waterfront yard: Ten feet.
  - d. Patios of two feet or less in height above grade shall have the following setbacks:
    1. Front and secondary front yards: As required for the principal structure.
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2. Side and rear yards: Two feet.
  3. Waterfront yards: No required setback.
- (3) *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.
- (4) *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.
- (5) *Fountains and waterfalls* may be permitted by the city as a decorative element of and shall be regulated as follows:
- a. *Maximum height:* Five feet above grade.
  - b. *Required yards:* Shall not encroach into any required yard more than 15 feet.
- (6) *Garden trellises* shall be allowed without a permit, provided such trellis meets the following requirements:
- a. *Maximum height:* Eight feet.
  - b. *Maximum width:* Five feet, including walk through opening.
  - c. *Maximum dimension front to back:* 35 inches.
  - d. Shall not encroach onto public sidewalks, streets or alleys.
- (7) *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 12 feet in height.
- (8) *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.
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SECTION 3. Codification. This Ordinance shall be codified in the Code of Ordinance of the City of St. Pete Beach.

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

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

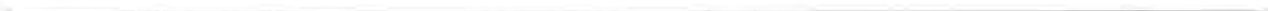
SECTION 6. Scrivener's Error. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

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

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

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

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| FIRST READING:  | <u>05/25/2021</u> |
| PUBLISHED:      | <u>06/09/2021</u> |
| SECOND READING: | <u>06/22/2021</u> |
| PUBLIC HEARING: | <u>06/22/2021</u> |



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

  
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Alan Johnson, Mayor

I, Amber LaRowe, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this 23 day of June, 2021.

  
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Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
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Andrew Dickman, City Attorney

## LEGAL NOTICE

## CITY OF ST. PETE BEACH NOTICE OF PUBLIC HEARING

The City of St. Pete Beach City Commission will consider adoption of the following ordinances upon final reading on June 22, 2021 at 6:00 P.M. or as soon thereafter in the St. Pete Beach City Commission Chambers, 155 Corey Ave., St. Pete Beach, FL 33706:

### ORDINANCE 2021-08

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

### ORDINANCE 2021-12

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

### ORDINANCE 2021-11

**AN ORDINANCE OF THE CITY OF ST. PETE BEACH, AMENDING APPENDIX "A" OF THE CODE OF ORDINANCES, PERTAINING TO THE FEE SCHEDULE TO SET FLAT FEES FOR CERTAIN PROJECT TYPES; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.**

**NOTE:** The above-scheduled public hearing may be continued from time to time pending adjournment. Any written comments that are received on the subject matter will become part of the official record. Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this hearing will need a record of the proceedings and, for such purposes, 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 based. American with Disabilities Act: Florida Statutes Chapter 286.26. Accessibility of public hearings to the physically handicapped. In accordance with the Americans with Disabilities Act and Florida Statutes, persons needing special accommodations to participate in a hearing should contact City Hall at (727) 367-2735 no later than forty-eight (48) hours prior to the hearing for assistance. A copy of this ordinance is on file in the City Clerk's Office and may be inspected by the public.

**FOR MORE INFORMATION OR TO VIEW THE FILE ON THIS REQUEST, PLEASE CONTACT:** City of St. Pete Beach, Community Development Department, 155 Corey Avenue, St. Pete Beach, Florida 33706 - (727) 363-9256.

6/9/2021

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