

ORDINANCE NO. 2010-02

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA PROVIDING FOR AMENDMENT OF ARTICLE II OF CHAPTER 22 OF THE CODE OF ORDINANCES ADDING DEFINITIONS FOR CREATIVE INDUSTRIES, LIVE-WORK USE, AND MIXED USE; PROVIDING FOR AMENDMENTS TO ARTICLE V OF CHAPTER 22 SECTION 22-5.08 ADDING PROVISIONS FOR MIXED USE DEVELOPMENT IN THE MIXED USE (MU) AREA, CREATING A WATERFRONT REDEVELOPMENT OVERLAY DISTRICT, AND AMENDING THE SIGN SECTION AS IT RELATES TO THE WATERFRONT REDEVELOPMENT OVERLAY DISTRICT; PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Gulfport approved the Waterfront Area Redevelopment Plan by Ordinance No. 93-2 on March 18, 1993; and

WHEREAS, the City Council approved amendments to the Waterfront Area Redevelopment Plan by Ordinance No. 2009-07 on August 4, 2009; and

WHEREAS, Ordinance 2009-07 provided for the development of incentives for mixed use development in the Mixed Use (MU) area, and

WHEREAS, Ordinance 2009-07 provided for the development a Waterfront Redevelopment Overlay District in portions of the Residential Low Medium (RLM) area; and

WHEREAS, the Planning and Zoning Board/Local Planning Agency has reviewed this ordinance and found it to be consistent with the City's adopted Comprehensive Plan and the Waterfront Area Redevelopment Plan; and

WHEREAS, notice of this ordinance has been provided in accordance with law;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF GULFPORT, FLORIDA HEREBY ORDAINS:

Section 1: Section 22-2.02, entitled *Specific Terms* is hereby amended to include the following terms and definitions:

Creative industry(ies). The creative industries are defined as those which have their origin in individual creativity, skill and talent focusing on creating and exploiting intellectual property products; such as:

- Design (including graphic design, architecture, advertising and fashion design)
- Publishing (including books, periodicals and newspapers)
- Music
- Performing Arts
- Visual Arts
- Screen production and radio (including film, television, video and digital media)

Human Scale. A scale that relates proportionately to the average human form and function. The definite unit of human scale measure is a height of six (6) feet. Human scale relates the sizes and/or height of a building, structure, architectural feature or streetscape element to the height and mass of a pedestrian traveling along the sidewalk or street adjacent to that structure or element.

Live-Work Use. A combination of residential and nonresidential uses where the principal operator of a business also maintains a portion of the building as a primary residence.

Massing. The overall configuration or composition of the major volumes of a building. The sense of bulk, size, and shape of a structure, usually perceived by reference to the surrounding space, nearby structures, and natural features such as trees.

Mixed Use. A combination of any permitted uses, including residential and nonresidential uses where the principal operator of a business may or may not maintain a portion of the building as a primary residence.

Section 2: Section 22-5.08(b)(3) of Chapter 22, entitled Mixed Use (MU) Area is hereby amended to read as follows:

(3) *Mixed Use (MU) area.*

a. *Permitted uses.*

1. Retail sales;
2. Transient accommodations;
3. Personal or business services;
4. Restaurants, without any drive-through facilities;
5. Office, business or professional, including public safety sub-station;
6. Single-family or duplex dwelling;
7. Multiple-family;
8. Commercial entertainment or recreation;
9. Gallery; art studio;
10. Postal facility, accessory to retail sales use only;
11. Club or lodge;
12. Mixed Use.

b. *Dimensional regulations.*

1. *Minimum lot area.*

- a. Single-family dwelling lots shall have a minimum of five thousand (5,000) square feet, with a minimum lot width of fifty (50) feet;
- b. Duplex dwelling lots shall have a minimum of eight thousand seven hundred (8,700) square feet, with a minimum lot width of fifty (50) feet;
- c. Multiple-family dwelling lots shall have a minimum of thirteen thousand one hundred (13,100) square feet, with an additional four thousand three hundred fifty (4,350) square feet for each dwelling unit in excess of three (3), and a minimum lot width of seventy (70) feet;
- d. No specific requirements have been established for all other uses provided that all applicable site development requirements are met.

2. *Minimum yard requirements.*

- a. The front yard shall have a minimum depth of twenty-five (25) feet for residential use. There shall be no minimum requirements for other uses, including the combination of residential and commercial in one (1) structure.
- b. Each side yard shall have a minimum depth of six (6) feet, provided that no side yard shall be required where a fire wall meeting all code requirements is provided.
- c. For all uses, where an alley exists as a means of access to the rear of the property, no rear yard shall be required, and where no alley exists, a rear yard having a minimum depth of eight (8) feet shall be required.

c. *Maximum building height.*

The maximum building height for single-family or duplex dwellings shall be thirty (30) feet and no building shall have more than two (2) stories of living area. All other uses shall have a maximum building height of forty-five (45) feet.

d. *Special Criteria for Mixed Use developments.*

1. Mixed residential/commercial use development may be exempt from the proportionate share calculations in relation to the area of the parcel and may use any combination of allowable density for residential uses and FAR for non-residential uses for mixed use development upon conditional site plan approval. They may also be granted a 50 percent increase in allowable density in the Mixed Use (MU) category upon conditional site plan approval. Procedures and requirements for site plan review and approval shall be as set forth in Article VII of this chapter. In order to qualify for the removal of the proportionate share

requirement and to qualify for a density increase the following criteria must be met:

- a. The design meets architectural guidelines;
 - b. The development is consistent with the massing, scale and architectural style of the surrounding development;
 - c. The proposal meets the purpose of the Waterfront Area Land Use Plan, and meets the purpose as stated in Appendix G of the Waterfront Area Redevelopment Plan;
 - d. For density increases, the site cannot be located within the Coastal High Hazard Area (CHHA).
2. Notwithstanding location in the CHHA, existing, legally permitted development with a density greater than 10 dwelling units per acre may retain that existing density as part of a mixed use project as provided in this chapter.
 3. Mixed use development shall have office and/or retail uses on the first floor and residential uses shall be allowed on the upper floors only.
 4. Transient accommodations shall not be included as part of a mixed use development.
 5. The maximum total FAR cannot exceed 0.90. Mixed residential/non-Residential development must use at least 60 percent of the provided floor area for non-residential uses. The remainder of the floor area may be used for residential uses up to 15 dwelling units per acre (includes a 50 percent increase, if applicable).

For example, a mixed use development on a one acre parcel could, through conditional use approval, build 39,204 sq. ft. of floor area at a 0.90 FAR. A minimum of 23,522 sq. ft. of that floor area must be dedicated towards non-residential uses. The remaining floor area may be used for up to 15 dwelling units per acre (if applicable).

Section 3: Section 22-5.08(b) of Chapter 22 is amended with the addition of a new subsection (8) which reads as follows:

(8) Waterfront Redevelopment Overlay District (WROD) area.

a. Purpose.

The Waterfront Redevelopment Overlay District (WROD) is primarily intended to allow for the conversion of residential structures to commercial and mixed use which meet the requirements herein. These conversions must retain a single-family residential appearance and be in character with the existing neighborhood.

New, non-residential construction within the overlay district must meet all the provisions contained herein. Any construction, remodeling or new development for commercial or mixed uses shall be single-family residential in character and shall conform to the Conservation Overlay District design guidelines for single-family residential development.

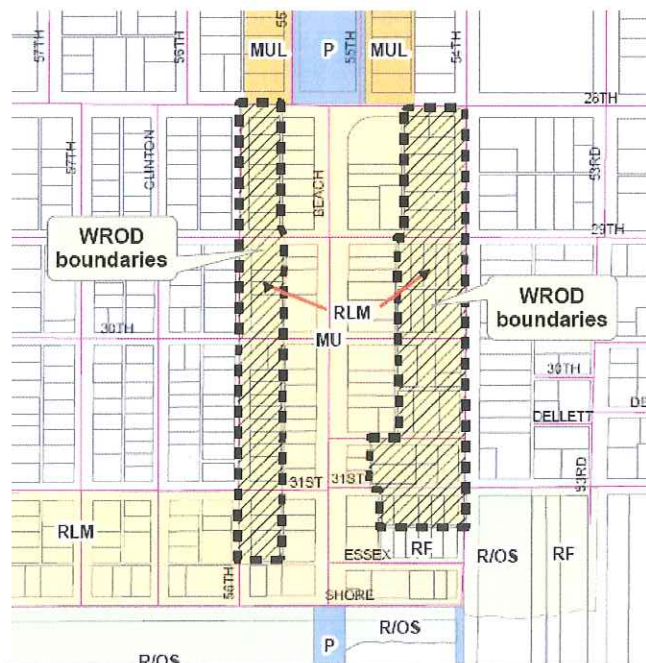
Permitted and conditional uses within the WROD will be low traffic generators. Delivery/pick-up of goods by trucks with more than four axles or greater than 24 feet in length shall be limited to once per week in order to minimize truck traffic in the area. No pick-up or delivery of goods shall occur on the weekends. No more than two pick-ups or deliveries of goods shall occur on weekdays other than those made by the business itself (i.e. delivery of flowers to a customer). Daily delivery of mail via a U.S. postal carrier, consistent with that received by single-family residential uses, is excluded from thresholds set forth herein.

b. Applicability.

The WROD augments, but does not otherwise replace the existing zoning district. The site development parameters provided herein supersede any other requirements contained elsewhere in this Land Development Code. Where this section is silent regarding any such development parameters the user shall default back to the underlying zoning district. All parcels outside the area provided in this section are not affected by the contents herein.

c. Boundary

The WROD is applied in an area designated Residential Low Medium (RLM) that is shown in the map below and is generally located parallel to Beach Boulevard from Shore Boulevard to 28th Avenue South, ½ block east of 56th Street South and ½ block west of 54th Street south. It includes the RLM area that runs parallel to the MU area along Beach Boulevard.



d. Conditional Uses.

The uses listed below would be in addition to what is already permitted in the RLM District. These uses are conditional uses subject to site plan approval by the Planning and Zoning Board and the Community Redevelopment Agency. Procedures and requirements for site plan review and approval shall be as set forth in Article VII of this chapter.

1. Personal or business services other than medical (e.g. law, accountant, architectural/planning/engineering brokerage services and similar uses which meet the purpose of the WROD.
2. Post Office, accessory to retail sales only.
3. Florist
4. Beauty/barber shop
5. Locksmith
6. Watch, clock, jewelry (sales and service)
7. Photography studio
8. Tailor/seamstress
9. Art gallery/studio
10. Antique shops (indoor sales)
11. Educational material sales (books, art supplies, music supplies, and similar educational materials)
12. Bed and Breakfast subject to the provisions of Sec. 22-5.08 (h) in the Waterfront Redevelopment Zoning District.
13. Additionally, other low traffic uses in the district will be allowed similar in character to the uses described above. Uses not listed above will be reviewed for approval for consistency with the “purpose” of the WROD during site plan review and also by the Planning and Zoning Board and City Council/Community Redevelopment Agency.

e. Prohibited Uses.

The uses listed below are prohibited from locating in the WROD.

1. Restaurants,

2. Bars, pubs and other businesses reliant on the sale of alcoholic beverages,
3. Raves, dance clubs and other like assembly uses,
4. Tattoo/body piercing establishments,
5. Lingerie shops in conjunction with modeling services,
6. Medical offices,
7. Medical clinics,
8. Dental services,
9. Gun shops,
10. Pawn shops, and
11. Other uses determined by staff to not be consistent with the purpose of the WROD, to not be compatible with the residential area, or which generate excessive traffic in the neighborhood.

f. Parking.

Off-street - A maximum of four (4) parking spaces shall be allowed on site. Parking shall be in the rear of the building whenever feasible. Alley access shall be utilized if available to the site. On-site parking shall be a pervious material such as mulch, shell or turf-block or a combination thereof with the exception of any handicap parking space. An existing driveway may be used for parking provided that no more than 20 percent new, impervious material (of the existing driveway) is constructed with the exception of handicap parking and access thereto.

g. Signs.

All signs for conditional uses within the Waterfront Redevelopment Overlay District shall be regulated as set forth in this section. All other signs shall be as set forth in Article XVII of this chapter.

1. Wall signs are permitted in the WROD. Signs are limited as defined herein.
 - a. Only one wall sign will be permitted, per business, on each lot used for commercial purposes in the RLM area of the waterfront redevelopment district described above and pursuant to the following criteria:
 - i. The sign shall be limited to six (6) square feet in area;
 - ii. The sign shall be located on private property;
 - iii. The sign application shall include a graphic representation of the proposed sign, including all copy to be located thereon;

- iv. The sign shall be harmonious with the surrounding properties and maintain the integrity of the neighborhood. This shall apply to any lighted signs as well in order to ensure that the residential character of the street is maintained. Illuminated signs shall only be utilized during business hours of operation.
- v. The sign shall not be in violation of the provisions of article XVII of this Chapter, pertaining to signs.

h. Dimensional Regulations.

Same as RLM provisions in the Waterfront Redevelopment District (WRD) zoning district as they apply to single family residential development.

i. Height.

Same as RLM provisions in the WRD zoning district as they apply to single family residential development.

j. Appearance.

- 1. Mixed use or commercial conversions must retain a single-family residential appearance and be in character with the existing neighborhood. They shall relate to human scale.
- 2. They must meet the Conservation Overlay District Residential Design Guidelines for single-family residential development. This shall include the remodeling of facades.
- 3. Any construction or remodeling shall preserve the existing single-family residential character of the area.
- 4. There shall be no outdoor storage of equipment, supplies, or vehicles other than those normally associated with single family uses.
- 5. Showcase windows are permitted as long as the structure remains residential in appearance. Showcase windows are limited to 25 percent of the total façade area facing the street and will be subject to approval during the development review process. If showcase window(s) are utilized, a clear line of sight from the street shall also be provided.

Section 4: Section 22-5.08(j) of Chapter 22 is hereby amended to read as follows:

- (j) Signs. All signs within the waterfront redevelopment district shall be regulated as set forth in Article XVII of this chapter and in accordance with the following:

- (1) The redevelopment district entry sign shall be exempt from regulations set forth in Article XVII of this chapter;

- (2) The limitations provided in the following table shall supersede any restrictions provided in Article XVII of this chapter to the contrary, as to the height, area or projection of signs within the waterfront redevelopment district:

TABLE INSET:

| <i>Land Use Area</i> | <i>Freestanding Sign Maximum Height (ft.)</i> | <i>Freestanding Sign Maximum Area (sq. ft.)</i> | <i>Wall Sign Maximum Area (sq. ft.)</i> | <i>Projecting Sign Maximum Area (sq. ft.)</i> |
|---|---|---|---|---|
| Commercial limited (CL) | 15 | 96 | 100 | 10 |
| Mixed use (MU) | Not permitted | Not permitted | 24 | 8 |
| Mixed use limited (MUL) | Not permitted | Not permitted | 6 | 6 |
| Resort facilities (RF)* | 10 | 48 | 48 | 8 |
| Public facilities (PF) | Not permitted | Not permitted | 100 | 8 |
| Residential low med (RLM) | Not permitted | Not permitted | 6 | 6 |
| <u>Waterfront Redevelopment Overlay District (WROD)**</u> | <u>Not permitted</u> | <u>Not permitted</u> | <u>6</u> | <u>Not permitted</u> |

* The type of freestanding sign permitted in this area is limited to a ground sign as defined herein.

**WROD signage is regulated in section 22-5.08(b)(8)(g) of this chapter.

- (3) Notwithstanding the limitations on freestanding signs provided herein, the community redevelopment agency may authorize one (1) freestanding sign, per business, on each lot used for commercial purposes in the mixed use (MU) area of the waterfront redevelopment district (WRD), for any business that does not have its primary business building entrance door within seventy-five (75) feet of that lot's front yard property line, as measured along any point on said property to the primary business building entrance door of the business, pursuant to the following criteria:

- a. The sign shall be limited to six (6) square feet in area and six (6) feet in height;
- b. The sign shall be located on private property;
- c. The sign application shall include a graphic representation of the proposed sign, including all copy to be located thereon;
- d. The sign shall be a removable sign with a fixed permanent mounting at grade;

- e. The sign shall only be displayed between the hours of 8:00 a.m. and 12:00 a.m.;
- f. The sign shall be harmonious with the surrounding properties and maintain the integrity of the neighborhood;
- g. The sign shall not be in violation of the provisions of article XVII of this Code, pertaining to signs;
- h. The lot on which such sign shall be erected shall abut either Beach Boulevard or Shore Boulevard; and
- i. No alternative sign will adequately provide the subject business with exposure to pedestrian and automobile traffic on either Beach Boulevard or Shore Boulevard.

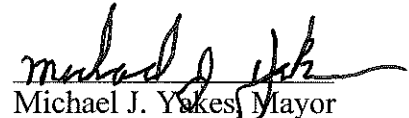
(4) Waterfront Redevelopment Overlay District (WROD) signage is regulated in Section 22-5.08(b)(8)(g) of this Chapter.

Section 5. The City Council hereby certifies that this ordinance is consistent with the City's Comprehensive Plan and the Waterfront Area Redevelopment Plan adopted in accordance with law.

Section 6. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with this ordinance.

Section 7. If any portion of this ordinance is declared invalid, the valid remainder shall remain in full force and effect.

Section 8. This ordinance shall become effective immediately upon its final passage.


Michael J. Yokes, Mayor

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| PUBLISHED | : <u>January 10, 2010</u> |
| FIRST READING | : <u>January 19, 2010</u> |
| PUBLISHED | : <u>January 27, 2010</u> |
| SECOND READING AND | |
| PUBLIC HEARING | : <u>February 2, 2010</u> |

I, Lesley DeMuth, City Clerk of the City of Gulfport, Florida, do hereby certify that the foregoing ordinance was duly adopted in accordance with the provisions of law and the City Charter this 2nd day of February, 2010.


Lesley DeMuth, City Clerk

