



**RETURN TO:
CITY OF ST. CLOUD
DEPT OF PLANNING AND ZONING
1300 9th STREET
ST. CLOUD, FL 34769**

ORDINANCE NO. 2017-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. CLOUD, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF ST. CLOUD, FLORIDA TO INCLUDE ARTICLE II, DEFINITION; ARTICLE III DIVISION 25 – BED AND BREAKFAST OVERLAY DISTRICT TO CREATE SECTION 3.25.1 “BED AND BREAKFAST ESTABLISHMENTS;” PROVIDING FOR SEVERABILITY; CONFLICTS; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, the State of Florida defines Bed and Breakfast Inn as a public lodging establishment under sec. 509.242(f), Florida Statutes, recognizing family home structures, with no more than 15 sleeping rooms, modified to serve as a transient public lodging establishment, and provide the accommodation and meal services generally offered by a bed and breakfast inn and which is recognized as a bed and breakfast inn in the community in which it is situated or by the hospitality industry; and

WHEREAS, the City of St. Cloud Land Development Code Table III-7 permits the use of Bed and Breakfast Establishments in the Commercial Zoning districts of Highway Business (HB), Central Business District 1 (CBD-1), and Central Business District 2 (CBD-2); and

WHEREAS, the City Council of the City of St. Cloud, by Ordinance No. 2016-55 adopted a Historic Preservation Overlay to identify and preserve distinctive elements of City of St. Cloud's historical culture and heritage.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF ST. CLOUD, FLORIDA, as follows:

SECTION 1

Article II Definitions of the City of St. Cloud Land Development Code is hereby amended as follows (note strikethrough indicates removed words and underlined indicates added):

2.1.1. - General.

Unless specifically defined below or in the specific article in which they appear, words or phrases used in this code shall be interpreted so as to give them the meaning they have in common usage, and to give this code its most reasonable application.

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word "shall" is mandatory; the word "may" is permissive.

The word "used" or "occupied" includes the words "intended," "designed," or "arranged to be used or occupied."

The word "structure" includes the word "building" as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground.

The word "land" includes the words "water," "marsh" or "swamp."

Other specific definitions are included in other articles of this code.

Bed and Breakfast Establishment An owner-occupied house, or portion thereof, where short-term lodging and meals are provided for compensation with no more than 15 sleeping rooms.

SECTION 2

Article III, Division 25 – Bed and Breakfast Overlay District of the City of St. Cloud Land Development Code is hereby established as follows:

3.25.1 Bed and Breakfast Establishments

- A. Location Requirements* – Bed and breakfast establishments are allowed in zoning districts as provided in Table III-7 and defined in Article II. A building may also be allowed as a bed and breakfast if located within the perimeter found in Exhibit "A" regardless of the underlying zoning district, south of Lake Shore Boulevard, east of Dakota Avenue, west of Eastern Avenue, and north of 9th Street.
- B. Approval Process* – A pre-application meeting is recommended to review and determine the appropriate approval process of each bed and breakfast establishment based on specific site conditions.
- C. Operational Requirements* – A bed and breakfast shall be operated according to the following requirements:
1. A home occupation local business tax receipt and any required local, state or federal licenses or registrations must be obtained prior to commencing operation of a bed and breakfast establishment.
 2. No food preparation will be allowed within any guest bedroom.
 3. The resident owner shall keep a current guest register including names, permanent addresses, dates of occupancy, and motor vehicle license of all guests.
 4. Guest stays shall be limited to thirty (30) consecutive days and no more than sixty (60) days in any one-year period.
 5. At least one (1) owner of the bed and breakfast establishment shall reside in the bed and breakfast establishment.

D. Impact Fees – Each guest bedroom shall be assessed mobility fees equal to the lodging room rate as established in Article XIV, less credit received for a residential use. The combined floor area of all guest bedrooms and private common areas shall be used to calculate police, fire protection and other impact fee methodologies applying floor criteria. Fees shall be paid prior to issuance of a home occupation local business tax receipt in cases where a building permit is not necessary.

E. Parking –

1. One (1) off-street parking space must be provided for each guest bedroom, in addition to two (2) spaces for the resident owner. No more than two (2) offsite spaces may be allowed in the front of residential neighborhood properties if compatible with the neighborhood unless otherwise approved by the City Council. All other parking shall be provided to the side or to the rear of the building.
2. Parking positioned to the rear or side of the structure in residential neighborhood properties:
 - a. Shall be screened from adjacent property by a six-foot wood or PVC fence or masonry wall or sight obscuring vegetation.
 - b. Shall have minimum rear and side yard setbacks the same as the principal structure's minimum side yard setback.
3. Any lighting of parking areas located to the rear or to the side of the building shall be directed away from adjacent properties. The City may limit the time periods during which such lighting may be activated based on compatibility with adjacent affected property, recreational vehicles, utility trucks, or other similar large vehicles not owned by the resident owner are prohibited from parking overnight on the premises of any bed and breakfast establishment.

F. Signs – One (1) unlighted, freestanding sign or additional hanging sign square footage shall be allowed for residentially zoned bed and breakfast establishments within the overlay district. The freestanding sign shall be allowed a maximum of 10 square feet per establishment, provided all setback and height requirements of section 3.19.11.A.(2) are met. Unlighted hanging signs shall be allowed a maximum of 8 square feet provided all requirements of section 3.19.11.C are met.

G. Building Requirements and Restrictions –

1. Appearance of House: Rooms used for sleeping shall be a part of the primary residential structure or connected by a covered walkway. Primary access to guest bedrooms shall be from an interior hallway or room of the building, unless other access is required for emergency egress. Exterior appearance of the structure shall maintain a single-family character. Any expansion of or room addition to a bed and breakfast establishment requires approval by city staff.
2. Limit on Number of Guest Rooms: No more than fifteen (15) guest bedrooms shall be allowed within a bed and breakfast establishment.
3. Architectural Requirements: Any room additions or expansion of a bed and breakfast establishment designated as a historic landmark must be compatible with the existing historical architectural style of the building.

H. Fire Safety and Building Codes – Any building utilized as a bed and breakfast establishment must comply with fire safety codes, the currently adopted building codes, and state energy codes.

1. Maximum occupancy and total number of bedrooms, including owner occupants and owner bedrooms, shall be disclosed for review by the development review committee.

2. Sprinkling and fire alarm requirements shall be determined by Fire and Building Officials with consideration for building maximum occupancy.

SECTION 3

The City Manager or his/her designee is authorized and directed to promptly enter changes on the Official Future Land Use and Zoning Maps.

SECTION 4

The City Clerk, after consultation with the City Attorney, is authorized to correct scrivener's errors found by filing a corrected copy of this ordinance in the official records of the City.

SECTION 5 SEVERABILITY. It is declared to be the intent of the City Council that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

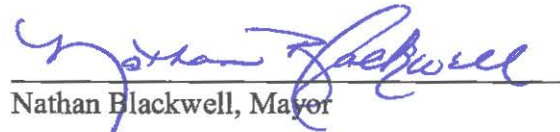
SECTION 6. CONFLICT. This action supersedes all codes and ordinances of the City or parts of, in conflict with this ordinance, to the extent of the conflict.

SECTION 7. CODIFICATION. Section 1 – 2 of this Ordinance shall be codified in the Land Development Code for the City of St. Cloud, Florida, separate and apart from the Code of St. Cloud. The codifier is authorized to make editorial changes not affecting the substance of this ordinance in the substitution of "article" for "ordinance", "section" for "paragraph", or otherwise take such editorial license.

SECTION 8. EFFECTIVE DATE. This ordinance shall be published as provided by law.

First Reading on the 25th day of May 2017

Second Reading on the 8th day of June 2017


Nathan Blackwell, Mayor

ATTEST:


Linda P. Jaworski, City Clerk

LEGAL IN FORM AND VALID IF ADOPTED:
DEBEAUBIEN, SIMMONS, KNIGHT, MANTZARIS & NEAL

By: 
Daniel F. Mantzaris, City Attorney

Pursuant to Section 695.26 (3) (f), this instrument exempt from Chapter 695, F.S.

