

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SAFETY HARBOR, FLORIDA, AMENDING THE SAFETY HARBOR COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE TO UPDATE PROCEDURAL STANDARDS, MODIFYING THE SIZE THRESHOLD FOR TEMPORARY USE PERMITS, CLARIFYING TENT PERMIT REQUIREMENTS, DELETING THE PORTABLE STORAGE UNIT ADDITIONAL TIME ALLOWANCE FOR PROPERTIES WITH ACTIVE BUILDING PERMITS, DECREASING THE SIDEWALK FEE-IN-LIEU, UPDATING THE STANDARDS FOR THE REVIEW OF LAND DEVELOPMENT CODE AMENDMENTS, ADDING SITE PLAN SUBMITTAL REQUIREMENTS, AND CLARIFYING PROCEDURES FOR COMBINING LOTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 163.3202, Florida Statutes, requires each local government in the State of Florida to adopt or amend land development code regulations that are consistent with and implement its adopted Comprehensive Plan; and

WHEREAS, the City of Safety Harbor has previously adopted a land development code; and

WHEREAS, periodic updates and clarifications are necessary for successful implementation of a land development code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAFETY HARBOR, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

SECTION 1. The above recitals are true, correct, and incorporated by reference as the findings of the City.

SECTION 2. Article IV, Section 54.00 "Temporary uses" of the Safety Harbor Comprehensive Zoning and Land Development Code is hereby amended as follows:

Section 54.00 – Temporary uses.

- (A) All requests for temporary use permits shall require prior approval from the Technical Review Committee (TRC) prior to the issuance of a building permit.
- (B) All temporary structures shall comply with the requirements of the applicable building codes.
- (C) Temporary structures are not required to comply with the district setback requirements.
- (D) All requests for temporary use permits shall be accompanied by a plot plan or survey showing the nature of the activity and temporary improvements involved, including any and all tents, and a time period for which the permit is requested. A temporary use permit is required for all tents. Tents associated with a temporary use permit may be approved for up to sixty (60) days and are not subject to the other temporary use permit timeframes in Section 54.00 (G)-(J).
- (E) Adequate utility, drainage, refuse management, emergency services and access, parking, and similar necessary facilities and services shall be available for the use. Sanitary facilities shall be approved by the Pinellas County Health Department in writing. Tents in excess of ~~11' in length~~ 900 sq. ft. shall demonstrate compliance with Florida Fire Prevention Code tent ~~permit~~ requirements.
- (F) Special Events on public property or right-of-way shall not require temporary use approval under this Section.
- (G) Temporary Use permits may be issued for one day, ninety days, or six months.
- (H) One day permits may be issued for up to twelve events per year per applicant
- (I) Six-month permits may be issued for uses open up to two calendar days per week for up to six consecutive months. Thirty days after the permit expiration, the applicant may reapply for a permit for up to six consecutive months with no maximum number of requests.
- (J) Ninety-day permits are for uses open daily (open six or more days a week) and may be approved for up to ninety days.
- (K) Upon a showing of unusual circumstances, the City Manager or his (her) designee may grant one extension of the original approval period for ninety-day permits. No future extensions will be permitted.

SECTION 3. Article IV, Section 55.01 (B)(2) of the Safety Harbor Comprehensive Zoning and Land Development Code is hereby amended as follows:

- (2) Portable storage units shall be allowed for temporary storage not to exceed one (1) week in residential districts and 30 days in nonresidential districts without a permit, not to exceed twice per calendar year. Portable storage units that exceed these time

limits must receive Temporary Use approval for a specified time, and subject to other conditions that the City deems necessary. No temporary use shall exceed 30 days in residential districts and 90 days in nonresidential districts ~~unless there is an active building permit on the property, resulting in the need for temporary storage.~~

SECTION 4. Article X, Section 152.01 (D) of the Safety Harbor Comprehensive Zoning and Land Development Code is hereby amended as follows:

(D) Sidewalk waivers are subject to a fee-in-lieu. The fee-in-lieu shall be calculated by multiplying the linear feet of the street frontage where a sidewalk waiver was approved by ~~\$75.00~~ \$50.00, excluding the width of the driveway. Sidewalk fee-in-lieu payments are due within five (5) business days of City Commission approval of the sidewalk waiver. Fees collected in lieu of a sidewalk shall be placed in a fund established as the "City Sidewalk Bank" and shall be used for new sidewalk construction within the City.

SECTION 5. Article XIII, Section 226.03 (A) of the Safety Harbor Comprehensive Zoning and Land Development Code is hereby amended as follows:

226.03 Standards for review of amendments.

(A) No amendment to the text of this Code, the Comprehensive Plan, the Future Land Use Map Series of the Comprehensive Plan, or any other legislative or quasi-legislative land use amendment, shall be recommended for approval unless a positive finding, based upon fairly debatable evidence either presented at a public hearing held by the Board or reviewed personally by the Board members is made on each of the standards (1) – (8) of this section, if applicable. No amendment to the Official Zoning Atlas, or any other quasi-judicial land use amendment, shall be recommended for approval or receive a final action of approval unless a positive finding, based upon substantial competent evidence either presented at a public hearing held by the Board or reviewed personally by the Board members is made on each of the following standards:

...

SECTION 6. Article XIII, Section 229.02 (B) of the Safety Harbor Comprehensive Zoning and Land Development Code is hereby amended as follows:

(B) All site plans shall conform to the following minimum provisions, unless determined by the Director that certain provisions are unnecessary to comply with the terms of this Code:

...

(61) Include all applicable City of Safety Harbor Standard Engineering Details on the site plan.

(62) Include all required data on the Engineering Department check list for grading and drainage.

(63) Include all required data on the Fire Department check list.

SECTION 7. Article XIII, Section 239.00(A) – (C) of the Safety Harbor Comprehensive Zoning and Land Development Code is hereby amended as follows:

(A) If a building permit is submitted to develop one structure over two or more adjacent lots of record under common ownership, and which would not otherwise require resubdivision of an approved recorded subdivision plat under Section 182.00(A)(3), as may be amended or re-codified from time to time, the lots shall either be combined ~~and replatted~~ pursuant to this section or a variance must be granted to all applicable development standards, including, but not limited to, setbacks from lot line(s) of record and any other development standard, which cannot otherwise be met unless the lots are combined.

(B) A ~~replat~~lot combination under this section may be approved by the Technical Review Committee upon a finding of consistency with all applicable standards of this Code.

(C) Upon approval of the ~~replat~~lot combination by the Technical Review Committee, the applicant/owner shall ~~submit the replat~~record a "Common-owner Lot Combination" in the form provided by the City with long with all other related legal documents to the Pinellas County Clerk of the Circuit Court for recording in the Official Public Records of Pinellas County, and shall provide proof of submittal such recording to the City. The City will note the lot combination and recording in its records and maps. The applicant/owner shall be solely responsible for combining the lots for tax purposes with the Pinellas County Property Appraiser and/or Tax Collector.

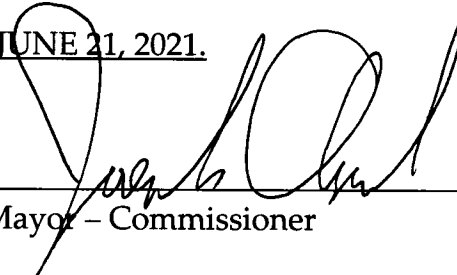
SECTION 8. This Ordinance shall be codified and made part of the Safety Harbor Comprehensive Zoning and Land Development Code, and all sections shall be alphabetized and/or renumbered to accomplish such codification.

SECTION 9. Each provision of this Ordinance shall be deemed separate and severable and if any section or part thereof is held to be invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

SECTION 10. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED ON FIRST READING APRIL 5, 2021.

PASSED ON SECOND AND FINAL READING JUNE 21, 2021.

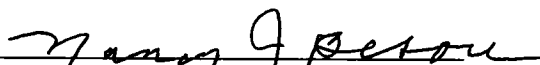


Mayor - Commissioner


APPROVED AS TO FORM:




Nikki C. Day, City Attorney



Vice Mayor - Commissioner

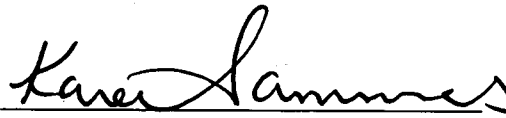


Commissioner




Commissioner

ATTEST:



Karen Sammons, CMC, City Clerk



Commissioner