

ORDINANCE NO. 509-H

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA AMENDING ITS LAND DEVELOPMENT REGULATIONS TO EXPAND ACCESSORY DWELLING UNITS (ADUs); AMENDING THE USE MATRIX IN SECTION 16.10.020.1. OF THE CITY CODE TO PERMIT ADUs IN ADDITIONAL RESIDENTIAL ZONING DISTRICTS AND TO UPDATE THE DEFINITION; AMENDING SECTION 16.20.010.5. REGARDING LOCATIONAL STANDARDS FOR ADUs; AMENDING SECTION 16.40.090.3.2. REGARDING PARKING REQUIREMENTS FOR CERTAIN ADUs; AMENDING SECTION 16.50.010. REGULATING ACCESSORY DWELLINGS GENERALLY TO UPDATE EXISTING SITE AND DEVELOPMENT STANDARDS FOR ADUs; AMENDING SECTION 16.50.011. REGULATING ACCESSORY LIVING SPACE GENERALLY TO UPDATE EXISTING SITE AND DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The City of St. Petersburg does ordain:

SECTION ONE. Section 16.10.020.1. of the St. Petersburg City Code, excerpted in pertinent part, is hereby amended to read as follows:

16.10.020.1. - Matrix: Use permissions and parking requirements matrix and zoning matrix.

Use		NT-1 + NT-2: Neighborhood Traditional Single-family	NT-3: Neighborhood Traditional Single-family	NT-4: Neighborhood Traditional Mixed Use	NTM-1: Neighborhood Traditional Mixed Use	NS-E: Neighborhood Suburban Estate	NS-1 + NS-2: Neighborhood Suburban	NSM-1 + NSM-2: Neighborhood Suburban Multi-family	NMH: Neighborhood Suburban Mobile Home	NPUD-1 + NPUD-3: Neighborhood PUD	NPUD-2: Neighborhood PUD
Accessory, Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P

Definitions: Accessory Use and Structure: Uses or structures which are customarily subordinate or incidental to the lawful principal use of a building or premises. These uses are not required to be a 'permitted' use in the zoning district. In all districts except IT and IS, the total gross floor area of all accessory uses shall not exceed 67% of the principal use.

Additional living space: Additional living space which is separated from the principal residence which does not function as an independent dwelling unit and which utilizes the same cooking facilities, laundry facilities, street address and utility meter as the principal residence.

SECTION TWO. Section 16.20.010.5. of the St. Petersburg City Code is hereby amended to read as follows:

16.20.010.5. - Maximum development potential.

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(2) Residential floor area ratio exemption. The FAR includes any enclosed space above the required design flood elevation line, including enclosed garage space, but excludes that portion of the enclosed space that is below the required design flood elevation and up to 500 sf of the floor area of any ~~detached~~ accessory dwelling unit located in the rear one-third of the property.

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SECTION THREE. Section 16.40.090.3.2.C. of the St. Petersburg City Code is hereby amended to read as follows:

16.40.090.3.2. - Minimum number of parking spaces required.

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11. Accessory Dwelling Unit (ADU). Where an ADU is less than 600 square feet, within 1/8-mile (660-feet) of high frequency transit route, located on an alley, with all required parking spaces for the single-family home accessed from the alley and there is no front-loaded driveway, there shall be no required parking for the ADU.

SECTION FOUR. Section 16.50.010. of the St. Petersburg City Code is hereby amended to read as follows:

SECTION 16.50.010. - ACCESSORY DWELLING

16.50.010.1. - Applicability.

This section applies to accessory dwelling units and accessory living space as defined in the Matrix: Use Premises and Parking Requirements and to the construction of a single-family dwelling unit as a principal use on a lot where an accessory dwelling unit already exists.

16.50.010.2. - Generally.

See the definition of accessory dwelling unit in the use Matrix for definition.

16.50.010.3. - Purpose and intent.

Accessory dwelling units are a recognized element of our ~~traditional~~ neighborhoods and provide for a variety of housing types. The following standards allow the continuation and establishment of this housing type in manner consistent with the surrounding development. The provisions of this section do not override any deed restriction or homeowners' association declarations restricting accessory dwelling units, however the City has no authority to enforce such restrictions.

16.50.010.4. - Establishment.

Establishment or expansion of a lawful accessory dwelling unit shall be subject to the following requirements:

1. Not more than one accessory dwelling unit shall be permitted for each single-family dwelling in the districts where allowed by the Matrix: Use

Permissions and Parking Requirements, subject to all requirements of this section.

2. An accessory dwelling unit shall not be permitted before construction of the principal building has commenced or a lawful principal use is established.
3. An accessory dwelling unit shall be subordinate to the principal use as to location, square footage, and building coverage. An attached accessory dwelling unit may be located to the side of a principal unit provided that the access to the unit be located to the side or rear and not be visible from the street right-of-way.
4. An accessory dwelling unit shall not be utilized as a transient accommodation use as defined and regulated by this chapter.

16.50.010.5. - Development standards.

16.50.010.5.1. - Lot requirements.

- A. Establishment of a new accessory dwelling unit shall only be allowed if:
 1. The lot area shall be at least 4,500 square feet in all NT districts.
 2. ~~If the lot is below the current minimum lot area requirements for the zoning district, the original platted lot or lawfully established lot of record has not been subdivided and remains under common ownership;~~ The lot area shall be at least 10,000 square feet in all NS districts, or the lot is located on an alley or corner and the lot conforms to the district minimum lot area and width standard.
 3. If the accessory dwelling unit is detached and the legal front and rear of the lot are consistent with the front and rear yards of lots on the same block face. An attached accessory dwelling unit shall not be permitted where lots have been refaced such that the legal front yards face a different direction than the rest of the lots in the block or where refacing has eliminated alley access for a lot.
- B. A lot containing an accessory dwelling unit shall not be subdivided to separate the accessory dwelling unit from the principal use, unless such division can meet all applicable standards of the zoning district and land development regulations.

16.50.010.5.2. - Building and site requirements.

Accessory dwelling units shall be subject to the following design standards:

1. The floor area of any accessory dwelling unit shall not exceed 750 800 square feet and all areas under roof may not exceed 67% of the floor area of the principal dwelling unit. For detached accessory dwelling units, this limit shall apply to the combined square footages of the accessory dwelling unit and any accessory living space within the same building, including any areas used for storage, bathrooms, or shared laundry facilities (excluding any enclosed parking spaces).
2. ~~For a multi-story, accessory building, the floor area of the portion of the building used for an accessory dwelling unit shall not exceed 50 percent of the gross floor area of the multi-story, accessory building. If the entire area used for the accessory dwelling unit is on the second floor of the building (not including the stairs) then the accessory dwelling unit may exceed 50 percent of the gross floor area of the building. The remaining floor area shall be used only as garage, utility (washer, dryer, work room) or storage space. For a one-story, accessory building, the accessory dwelling unit may use 100 percent of the gross floor area of the one-story, accessory building. Detached accessory dwelling units in the NS districts shall comply with a minimum side yard setback of ten feet.~~
3. The portion of the building containing an accessory dwelling unit may be attached to the side or rear of the principal structure and shall comply with the setbacks of the zoning district.
4. Sides of buildings containing second floor porches, or unenclosed staircases which face the interior side yard of an adjacent property shall comply with the minimum setback of the zoning district or ten feet, whichever is greater. This requirement shall not apply to completely enclosed staircases.
5. A paved walkway at least two feet in width shall connect the main entrance of the accessory dwelling unit with the off-street parking spaces.
6. The building containing an accessory dwelling unit shall comply with the architectural standards for the zoning district and be compatible with the style of the building containing the principal use, including finishes, roof pitch, and paint scheme.
7. Where an attached garage on the front façade of a structure is converted to an accessory dwelling unit, the following standards shall apply:
 - a. The garage door shall be removed and the enclosure must be architecturally compatible with the style of the building including

finishes and color scheme and comply with building design criteria of the zoning district.

b. There shall be a 3-foot wide green yard provided between the exterior wall and any remaining pavement.

c. Required on-site parking spaces must be provided and be located entirely on the property.

16.50.010.5.3. - Visual buffering.

Given the compact urban form of traditional neighborhoods, it is necessary to establish minimum standards for visual buffering between uses to afford residents a reasonable level of privacy in rear yards. Each lot is different. Certain design solutions may be more effective or appropriate in some circumstances than others. The intent is to prioritize privacy for adjacent properties over the privacy between the principal and accessory use on the lot. Buildings for a new accessory dwelling unit shall comply with the following requirements:

1. Where an accessory dwelling unit is proposed at a second story level, all outdoor living areas such as porches, balconies, and unenclosed staircases shall be oriented toward the interior of the property or meet at least a ten foot side yard setback.

16.50.010.5.4. - Parking and accessibility.

Accessory dwelling units shall be subject to the following parking standards:

1. ~~Paved~~ Off-street parking spaces shall be provided for all uses on the site as required in the Matrix: Use Permissions and Parking Requirements except where the property meets all of the following criteria:
 - a. the property is within 1/8-mile (660 feet) of a high frequency transit route,
 - b. the unit size is equal to or less than 600 square feet,
 - c. the unit is located on an alley,
 - d. all required parking spaces for the single-family home are accessed from the alley, and
 - e. there is no front-loading driveway.
2. All required off-street parking spaces shall be provided in the rear yard where the rear yard is adjacent to an alley. If no alley access exists, parking shall be contained within the rear portion of the site accessed by a driveway from the side street. Driveway access from the primary street

- shall only be permitted where there is no alley or side street and shall be no larger than a single lane wide.
3. Driveways for off-street parking areas shall comply with the design and location restrictions for the zoning district.
 4. At least one of the required parking spaces shall be an unobstructed, ~~unenclosed surface~~ space for exclusive use by occupants of the accessory dwelling unit.
 5. A storage area shall be reserved along the property line adjacent to the alley to provide storage of solid waste collection containers, where possible.

SECTION FIVE. Section 16.50.011. of the St. Petersburg City Code is hereby amended to read as follows:

SECTION 16.50.011. - ACCESSORY LIVING SPACE

16.50.011.1. - Applicability.

This section applies to accessory living space as defined in the Matrix: Use Premises and Parking Requirements.

16.50.011.2. - Generally.

These requirements apply to both attached and detached accessory living spaces.

16.50.011.3. - Establishment.

Establishment or expansion of a lawful accessory living space shall be subject to the following requirements:

1. Not more than one accessory living space shall be permitted for each single-family dwelling in the districts where allowed by the Matrix: Use Permissions and Parking Requirements, subject to all requirements of this section.
2. An accessory living space shall not be permitted before construction of the principal building has commenced or a lawful principal use is established.
3. An accessory living space shall be subordinate to the principal use as to location, square footage, and building coverage. An attached accessory living space may be located to the side of a principal unit

provided that the access to the unit be located to the side or rear and not be visible from the street right-of-way.

4. An accessory living space shall not be utilized as a transient accommodation use as defined and regulated by this chapter.

16.50.011.4. - Accessory living spaces; restrictions.

Accessory living spaces shall be subject to the following restrictions:

1. An accessory living space shall operate as an extension of and be dependent upon the principal use and shall not be a separately functioning dwelling unit.
2. Separate cooking facilities and laundry facilities are prohibited within an accessory living space.
3. Separate mailing addresses are prohibited for an accessory living space.
4. Separate utility meters for electricity, gas, water, and other utility services are prohibited.

16.50.011.5. - Building and site requirements.

1. Where an accessory living space is proposed at a second story level, all outdoor living areas such as porches, balconies, and unenclosed staircases shall be oriented toward the interior of the property or meet at least a ten foot side yard setback.
2. The floor area of any accessory living space shall not exceed ~~750~~ 800 square feet and all areas under roof may not exceed 67% of the floor area of principal dwelling unit. For detached accessory dwelling units, this limit shall apply to the combined square footages of the accessory dwelling unit and any accessory living space within the same building, including any areas used for storage, bathrooms, or shared laundry facilities (excluding any enclosed parking spaces).
3. Where an attached garage on the front façade of a structure is converted to an accessory living space unit, the following standards shall apply:
 - a. The garage door shall be removed and the enclosure must be architecturally compatible with the style of the building including finishes and color scheme and comply with building design criteria of the zoning district.

b. There shall be a 3-foot wide green yard provided between the exterior wall and any remaining pavement.

c. Required on-site parking spaces must be provided and be located entirely on the property.

16.50.011.6. - Parking and accessibility.

1. ~~Paved~~ Off-street parking spaces shall be provided for all uses on the site as required in the Matrix: Use Permissions and Parking Requirements.
2. All required off-street parking spaces shall be provided in the rear yard where the rear yard is adjacent to an alley. If no alley access exists, parking shall be contained within the rear portion of the site accessed by a driveway from the side street. Driveway access from the primary street shall only be permitted where there is no alley or side street and shall be no larger than a single lane wide.

SECTION SIX. Coding. As used in this ordinance, language appearing in struck-through type is language to be deleted from the City Code, and underlined language is language to be added to the City Code, in the section, subsection, or other location where indicated. Language in the City Code not appearing in this ordinance continues in full force and effect unless the context clearly indicates otherwise. Sections of this ordinance that amend the City Code to add new sections or subsections are generally not underlined.

SECTION SEVEN. Severability. The provisions of this ordinance shall be deemed severable. If any provision of this ordinance is determined to be unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provisions of this ordinance.

SECTION EIGHT. Effective Date. In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto this Ordinance, in which case this Ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this Ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

APPROVED AS TO FORM AND CONTENT:

/s/ Michael J. Dema
Legal Department
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