



Staff Report to the St. Petersburg Development Review Commission

Prepared by the Planning & Development Services Department,
Urban Planning and Historic Preservation Division

For Public Hearing on Wednesday, May 4, 2022
at 1:00 p.m. in the City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

City File: LDR 2022-01

Accessory Dwelling Units

This is a city-initiated application requesting that the Development Review Commission (“DRC”), in its capacity as the Land Development Regulations Commission (“LDRC”), make a finding of consistency with the Comprehensive Plan and recommend to City Council **APPROVAL** of the following text amendments to the City Code, Chapter 16, Land Development Regulations (“LDRs”) pertaining to Accessory Dwelling Units (“ADUs”) and Accessory Living Space.

The purpose of this text amendment application (presented in the order of the staff report) is to:

1. Expand the allowance for an ADU into NT-3 zoning (pg. 4)
2. Expand the allowance for an ADU into NS-1 and NS-2 zoning, with conditions (pg. 5)
 - a. Increase the building setback for an ADU within the NS zoning categories (pg. 10)
3. Expand the allowance for an ADU into NSM and NMH zoning (pg. 8)
4. Amend the general design standards for an ADU:
 - a. Increase the maximum unit size from 750- to 800-square feet (pg. 9)
 - b. Clarify language to define subordinate in size and location (pg. 9)
 - c. Delete the requirement for a paved parking space (pg. 10)
 - d. Delete the requirement for an unenclosed parking space (pg. 10)
 - e. Delete the 50-percent floor area restriction for a two-story building (pg.10)
5. Waive on-site parking requirement for an ADU with proximity to public transit. (pg. 10)
6. Amend Accessory Living Space to coordinate with Recommended ADU changes (pg. 12)



APPLICANT INFORMATION

APPLICANT: City of St. Petersburg
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STAFF ANALYSIS

Background

This application requests a text amendment to the location and design standards regulating accessory dwelling units (“ADUs”) throughout the City of St. Petersburg. An ADU is commonly referred to as a *garage apartment* or *mother-in-law suite*, and explicitly defined with the City of St. Petersburg’s Comprehensive Plan and City Code, Chapter 16, Section 16.10.020.1, Land Development Regulations, as “An ancillary or secondary living unit that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary detached single-family house.” ADU development standards are further regulated through Section 16.50.010.

Amendments to Accessory Live Spaces are regulated through Section 16.50.011.

The City of St. Petersburg has a long legacy of recognizing ADUs within its land use and zoning codes. While many ADUs were constructed prior to establishment of the City’s first zoning code in 1925 (Ordinance 394-A, September 11, 1925), they would continue to be legally recognized as a permitted, accessory use in many zoning districts through 1977 (Ordinance 234-F, August 25, 1977).

1977: Land Development Code Update

The 1977 land development code update represented the City’s most significant deviation from its historic development pattern by moving toward a vehicle-based, suburban model of land use and zoning regulation that further segregated land-use types and prohibited the construction of new ADUs within all residential neighborhoods. From 1977 through 2007, existing ADUs were recognized only as a *grandfathered* use.

2002-2007: Vision 2020 Plan and Associated Text and Map Amendments

In 2001, a long-range visioning and planning process known as the *Vision 2020 Plan* was initiated. The Vision 2020 Plan was eventually adopted, incorporated into the City’s Comprehensive Plan as the Vision Element, and executed as text amendments to City Code, Chapter 16, and map amendments to the Official Zoning Map and Future Land Use Map (Ordinance 777-G, October 19, 2006; Ordinance 821-G, August 9, 2007). These amendments included the re-establishment of ADUs as a permitted, accessory use within many of the City’s traditional neighborhoods.

The Vision 2020 Plan and current Vision Element of the Comprehensive Plan includes reference to, “Housing that is stable, safe, and *varied* [emphasis added], allowing choice for people to live within a neighborhood at different stages in life.” This neighborhood recommendation relates directly to the re-establishment of ADUs as a permitted, accessory use within the NT-1, NT-2, and NT-4 zoning categories.

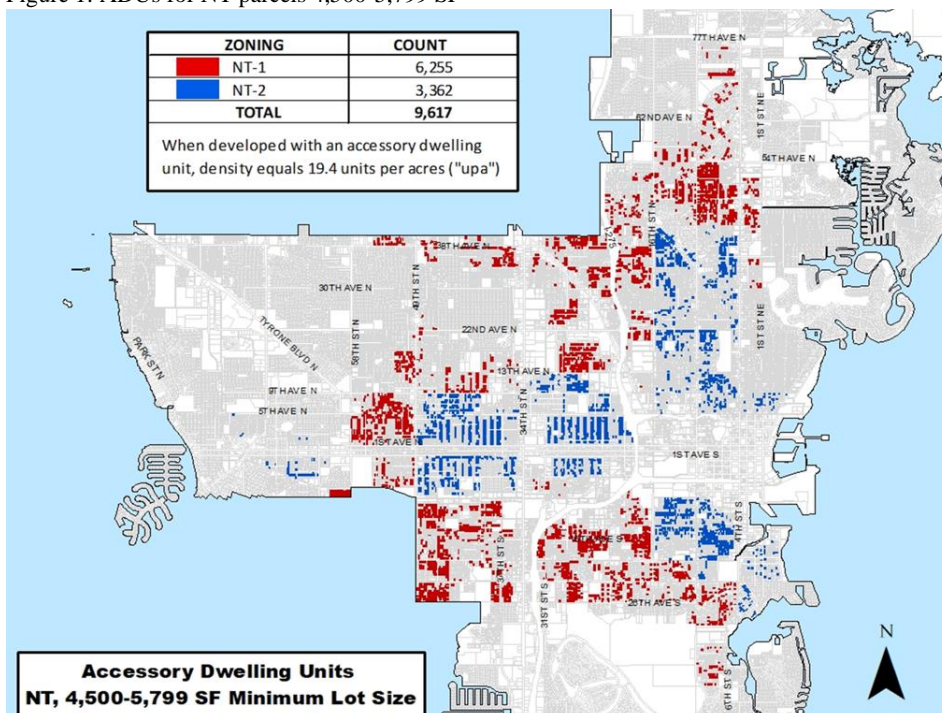
2015-2019: Housing Information Sessions and Amendments to ADUs

In 2015, City staff began a comprehensive review of the City’s existing housing programs and land use and zoning strategies. This work began with a review of the residential development standards and resulted in numerous improvements, including clarification between an ADU and Accessory Living Space, elimination of the requirement that ADUs be subordinate in height to the principal building, and eliminated the minimum unit size for an ADU. (Ordinance 287-H, July 20, 2017)

On March 22, 2018, and again on April 19, 2018, the City Council convened as the Committee of the Whole (“COW”) and received detailed presentations from the City’s Housing Department and Planning and Development Services Department. The purpose of the first meeting was to review existing programs, land use and zoning policies. The second meeting reviewed key considerations and possible next steps. Following the COW, a series of public engagement meetings were hosted at the Main Library throughout the Summer 2018.

These efforts addressed several housing needs, one of which included ADU-related amendments to expand the number of qualified properties by reducing the minimum lot area requirement and eliminating the minimum unit size requirement. These proposed amendments qualified an additional 9,617 parcels (more or less). This minimum lot size reduction directly enabled the construction of 22 ADUs between January 2020 and December 2021. (Ordinance 375-H; September 5, 2019)

Figure 1: ADUs for NT parcels 4,500-5,799 SF



2019-2021: StPete2050 Plan:

In the Fall of 2019, an updated long-range visioning and planning process was commenced to evaluate the status of the existing Vision 2020 Plan and include new feedback from a changing community about their priorities and aspirations for the future of St. Petersburg. Known formally as “StPete205: A Vision Plan for St. Petersburg,” the Plan is organized around ten (10) community themes, including *Housing*. One component of the Plan included a community survey with over 4,000 responses. Responses relating to the *Housing* theme are briefly summarized on page 20 of the Plan and organized into five (5) preferred strategies, one (1) of which is to, “Allow accessory dwelling units in all zoning districts that allow single-family homes.”

A Joint Resolution expressing the support of both the City Administration and City Council for the Plan was subsequently adopted on May 13, 2021 (Resolution 2021-209). Shortly afterwards, Planning and Development Services Staff began a series of public workshops and meetings to identify housing strategies that would improve housing diversity and increase the total number of housing units, while protecting neighborhood character and attempting to address housing affordability. These engagements have led to the creation of three (3) distinct applications for review and adoption; this is the first application and relates to ADU text amendments:

1. ADU text amendments
2. Neighborhood Traditional Mixed-Residential (NTM-1) map amendments
3. Increased Maximum Densities within existing Corridor and Center zoning categories

REQUEST

The specific set of recommendations included hereafter were derived from more than recently presented to City Council’s Committee of the Whole (“COW”) on February 24, 2022. Following the staff presentation and discussion, Committee members requested that City Staff initiate an application including the proposed text amendments, as follows and attached.

Expand ADU allowance into the NT-3 (Neighborhood Traditional) zoning category

Despite the predominance of historic ADUs throughout the NT-3 zoning category, existing ADUs are only recognized as a *grandfathered* use and new ADUs are prohibited. This request for text amendment proposes to re-establish ADUs as a permitted, principal use (accessory to primary residence) within the NT-3 zoning category. Specifically, City Code, Chapter 16, Section 16.20.020.1, Matrix: Use Permissions and Parking Requirements Matrix and Zoning Matrix, shall be amended from “G” to “P” for “Accessory, Dwelling Unit” within the NT-3 zoning category.

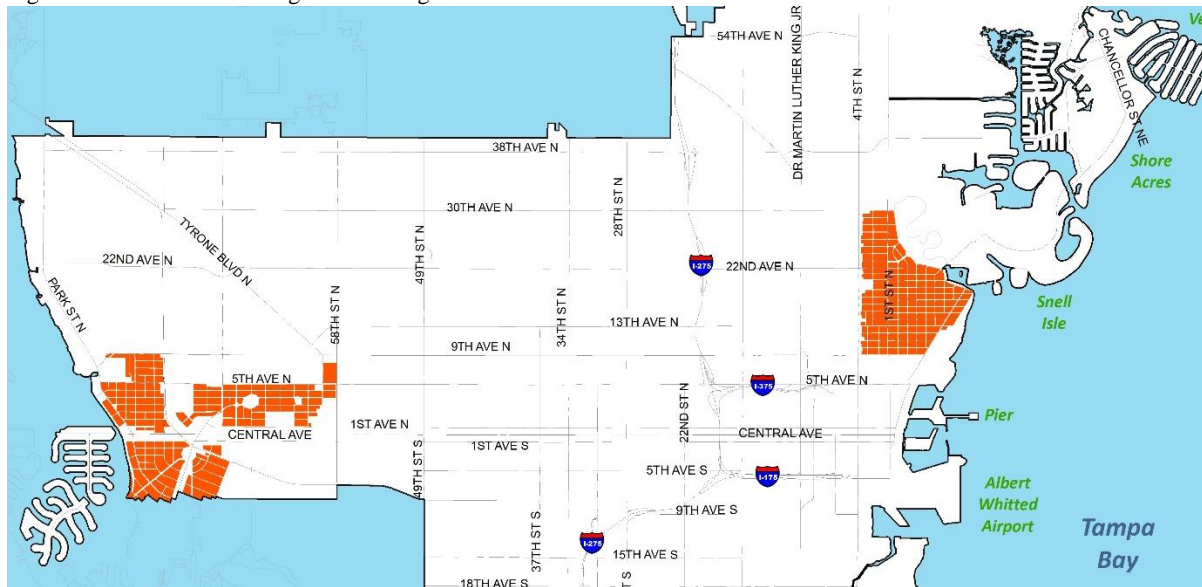
Adopting this change is consistent with the historic development pattern for traditional neighborhoods, which are typically platted with rear-loading alleys and often include ADUs and small to medium-scale multi-family buildings. If approved, this amendment will qualify approximately 3,495 parcels located within the following neighborhood and civic associations:

- Historic Old Northeast Neighborhood Association
- Pasadena Bear Creek Neighborhood Association
- Lake Pasadena Neighborhood Association
- Historic Park Street Neighborhood Association
- Azalea Homes Civic Association

- Pasadena Vista NA Neighborhood Association (Not Active)
- Old Pasadena Neighborhood Association (Not Active)

At a November 15, 2021, meeting with the Historic Old Northeast Neighborhood Association, residents expressed concerns relating to existing parking congestion on the public streets and potential drainage impacts relating to new development footprints. City staff confirmed that any proposal for a new ADU must comply with the minimum number of parking spaces required; a parking reduction for ADUs is proposed only for those which are located within 1/8-mile of a High Frequency Transit Route, described below. Moreover, this proposal does not include any text amendment to the existing maximum impervious surface ratio.

Figure 2: Parcels with existing NT-3 zoning



Expand ADU allowance into the NS-1 and NS-2 (Neighborhood Suburban) zoning categories

The NS-1 and NS-2 zoning categories are commonly applied to single-family neighborhoods and do not currently allow ADUs. (See Figure 3 below.) Suburban neighborhood characteristics include single-use development, horizontally oriented architecture, relatively large lots and frontages, deeper front yard setbacks, and buildings that respond to the needs of automobile travel. Alleys are not prevalent, so parking and garages are typically accessed from the roadway creating driveways in the front yard as a common feature. There are approximately 35,506 parcels zoned NS-1, NS-2, and NS-E (Neighborhood Suburban Estate); NS-E currently allows ADUs by right.

These neighborhood characteristics present several unique challenges when considering how to retrofit ADUs and vehicle access and parking onto properties that have no rear loading alleys. To balance different concerns, City staff presented a diversity of solutions across numerous stakeholder meetings. Feedback was then narrowed to three (3) principal criteria for determining where ADUs may be allowed on qualified parcels within the NS-1 and NS-2 zoning categories:

1. Parcels located on rear or side-loading alleys and meet minimum lot size for respective NS-1 and NS-2 zoning categories. (See Figure 4 below.); or
2. Parcels located on the corner of two (2) intersecting roadways and meet minimum lot size for respective NS-1 and NS-2 zoning categories; or

3. Parcels measuring equal to or more than 10,000 square feet in total land area. (See Figure 5 below.)

Figure 3: All parcels with existing NS-1 and NS-2 zoning.

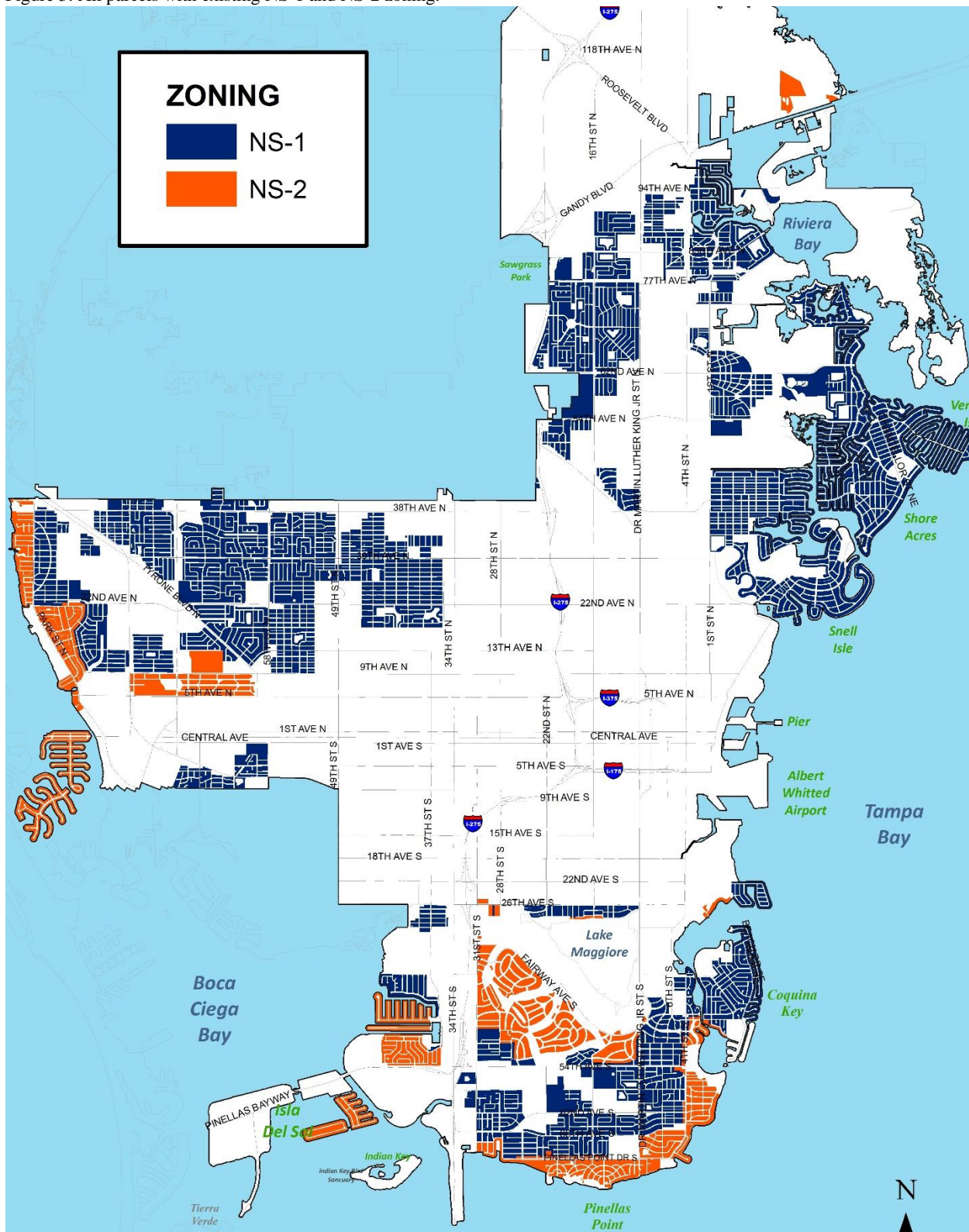


Figure 4: All parcels with existing NS-1 and NS-2 zoning located on an alley. Approximately 2,271 parcels.

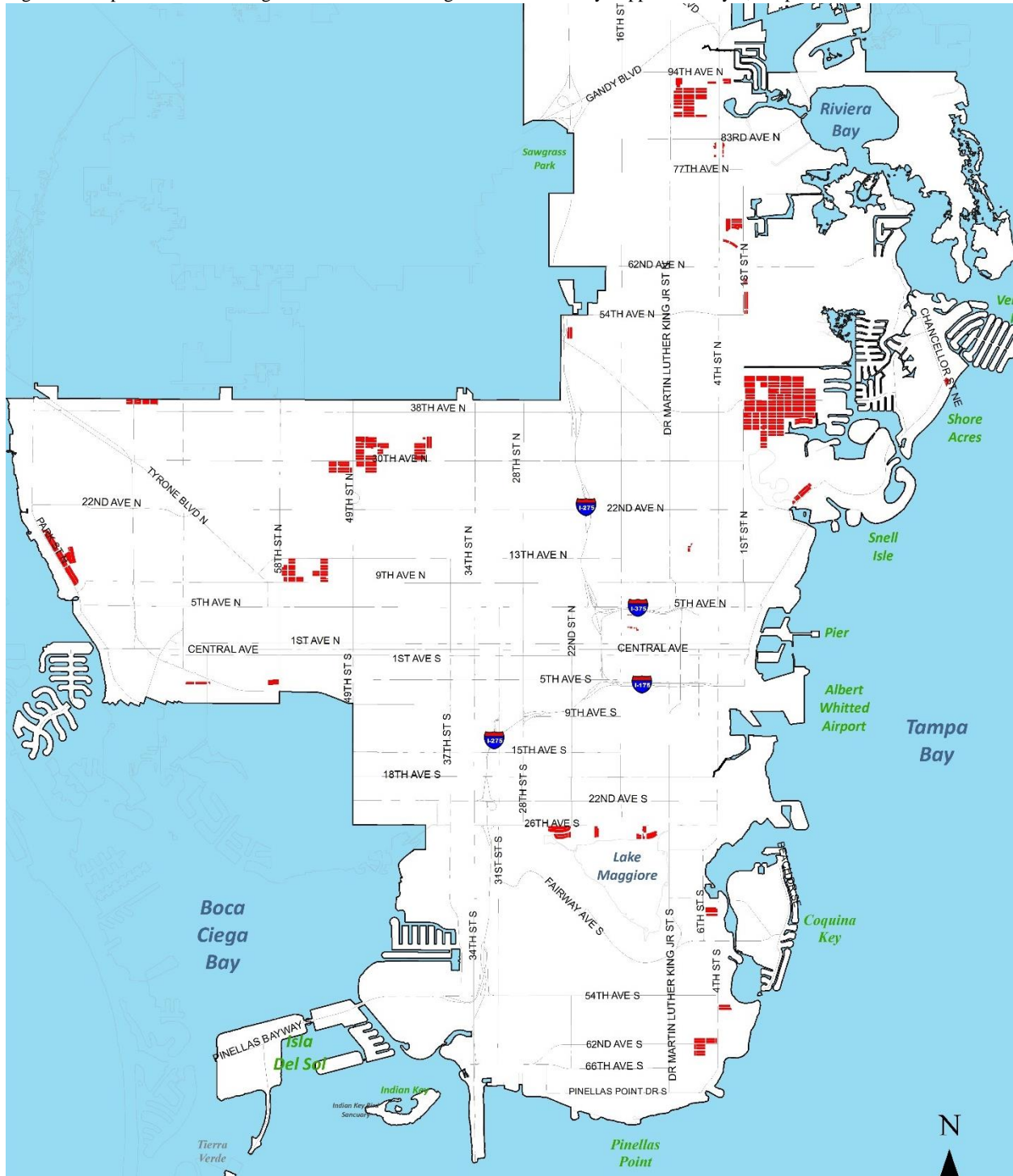
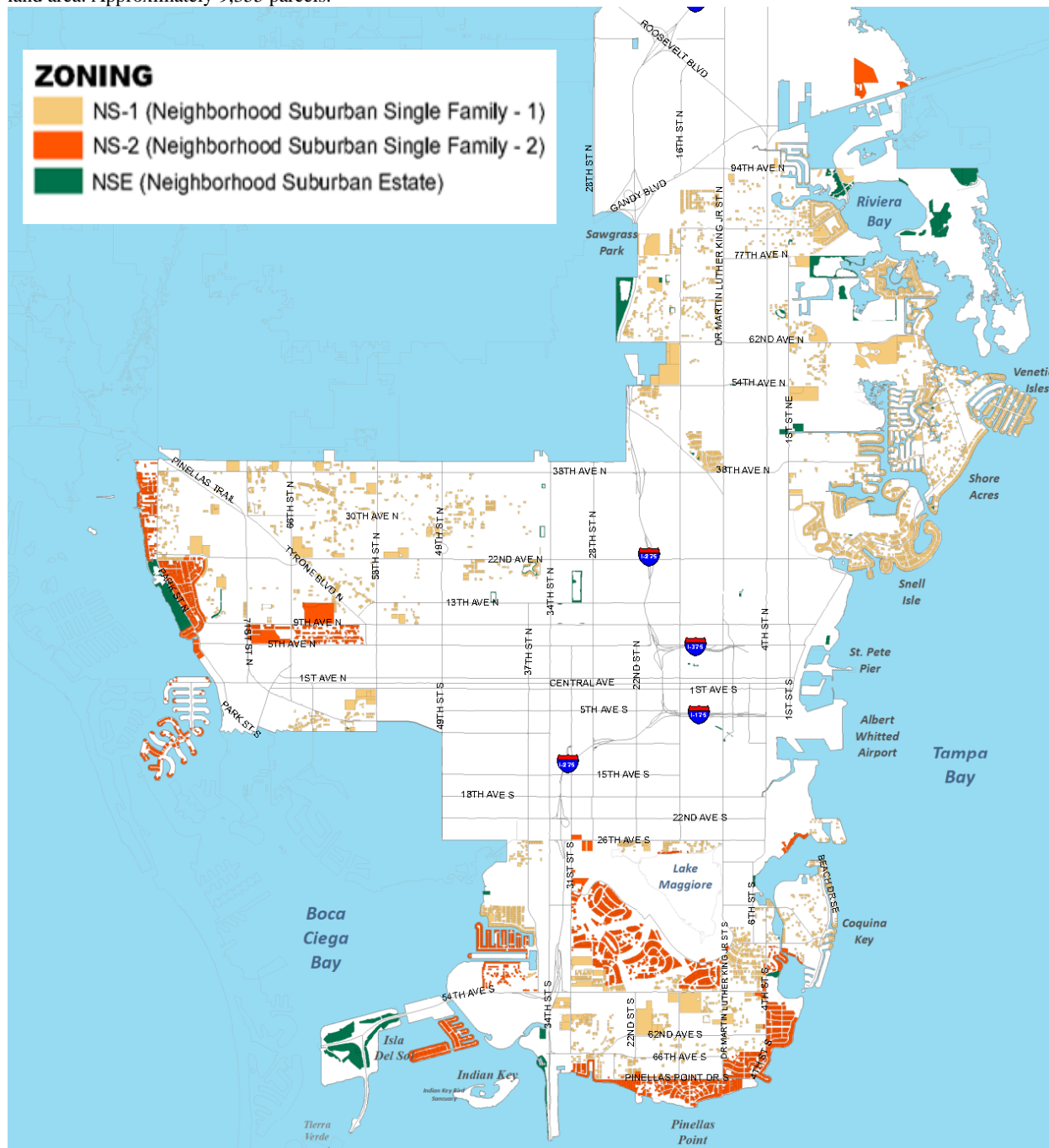


Figure 5: All parcels with existing NS-1 and NS-2 zoning category measuring equal to or more than 10,000 square feet in total land area. Approximately 9,355 parcels.



Expand ADU allowance into the NSM and NMH zoning categories

This request for text amendment proposes to allow ADUs as a permitted, principal use (accessory to primary residence) where a single-family house is located within the existing multi-family categories of NSM-1 and NSM-2 (Neighborhood Suburban Multi-Family) and NMH (Neighborhood Suburban Mobile Home). Specifically, City Code, Chapter 16, Section 16.20.020.1, Matrix: Use Permissions and Parking Requirements Matrix and Zoning Matrix, shall be amended from “G” to “P” for “Accessory, Dwelling Unit” within the NS-1, NS-2, and NMH zoning categories. Despite multi-family zoning, ADUs are currently prohibited in these instances,

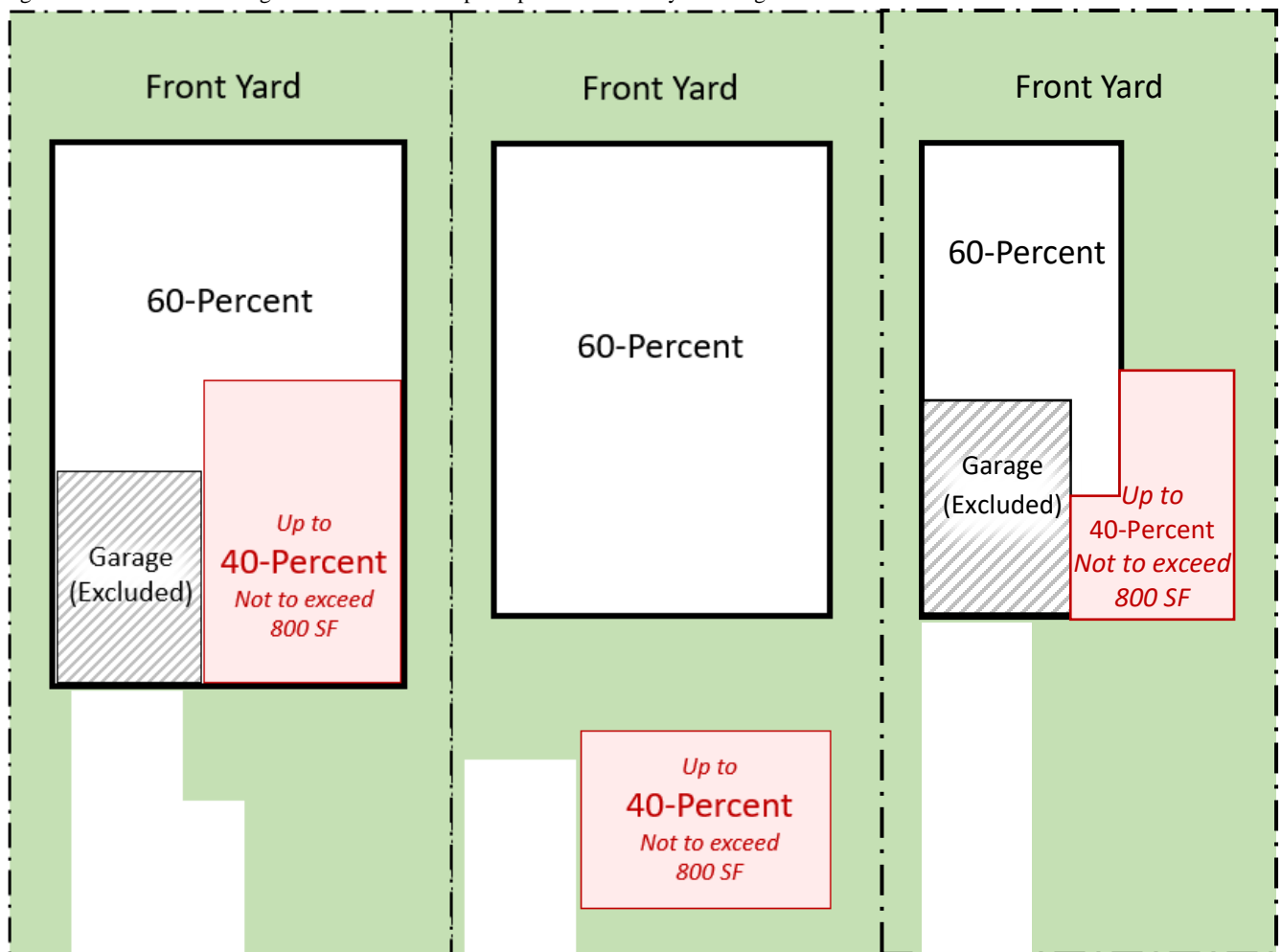
Amend the general design standards for an ADU

General design standards for an ADU are regulated through City Code, Chapter 16, Section 16.50.010, Use Specific Development Standards: Accessory Dwelling. The following criteria are proposed for amendment:

Increase the maximum unit size from 750- to 800-square feet. This proposed amendment increases the maximum unit size from 750-square feet to 800-square feet. While considered to be a relatively small amendment of only 50-square feet, this change was requested by several builders to allow more flexibility in meeting associated building code requirements.

Provide clarifying language to define subordinate in size. This proposed amendment establishes that an accessory dwelling unit may not exceed 67-percent of the principal structure square footage, up to a maximum 800 square feet, whichever is less. Any enclosed parking space is excluded. The purpose of this amendment is to clarify the existing regulation specifying that the ADU is to be subordinate in size, which has been the subject of past debate, while also ensuring the protection of neighborhood character and reinforcing the *accessory* nature of an ADU.

Figure 6: Exhibition showing the ratio in size of a principal and accessory dwelling unit



Delete the 50-percent floor area restriction for a two-story building. City Code, Chapter 16, Section 16.50.010.5.2.1 requires, “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* [emphasis added] 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.” The 50-percent limit was intended to discourage the illegal conversion of accessory spaces into ADUs. These concerns were overstated and should no longer prohibit, or unnecessarily complicate, the adaptive reuse or construction of new ADUs. The new regulations proposed here to include the ADU and Accessory Living Space will continue to mitigate size and scale.

Delete the requirement for a paved parking space. City Code, Chapter 16, Section 16.50.010.5.4 requires, “*Paved* [emphasis added] off-street parking spaces shall be provided for all uses on the site as required in the Matrix: Use Permissions and Parking Requirements”; however, Section 16.40.090.3.3.9 regulating surface materials for one- and two-family properties also allows, “...grid pavers, crushed stone, rock, gravel or other materials approved by the POD (Person Officially Designated).” Despite the obvious contradiction between one section that states “paved” and the other that refers to “two-family properties” being allowed to use alternative surface materials, the goal here is to reduce construction costs and incentivize the creation of new ADUs. The same amendment is requested for City Code, Chapter 16, Section 16.50.011.6.1 regulating paved parking for an Accessory Living Space. The requirement for a paved parking space should be removed from both sections.

Delete the requirement for an unenclosed parking space. City Code, Chapter 16, Section 16.50.010.5.4.4 requires, “At least one of the required parking spaces shall be an unobstructed, *unenclosed* [emphasis added] surface space for exclusive use by occupants of the accessory dwelling unit.” The requirement for an unenclosed parking space unnecessarily complicates the provision of parking spaces and possibly prohibits the addition of an ADU due to space constraints. For example, a three-car garage is not practical on smaller, traditional sites. The requirement for an unenclosed parking space should be removed.

Establish a 10-foot side yard setback when located within the NS zoning categories. Providing an additional setback along shared property lines will reinforce suburban neighborhood character that traditionally includes larger building setbacks and additional greenspace.

Waive on-site parking requirement for an ADU with proximity to public transit, with conditions

Pursuant to City Code, Chapter 16, Section 16.10.020.1, the minimum number of parking spaces required for an ADU is, “1 space for units with up to 2 bedrooms; plus 0.5 for each additional bedroom.” City staff presented several options across numerous stakeholder meetings for reducing or eliminating the parking requirement; however, there were persistent concerns especially within the NT-3, NS-1, and NS-2 zoning categories where ADUs are proposed to be allowed. City staff is recommending a targeted approach with location standards near High Frequency Transit Routes, as these routes are supported with frequent transit service and include other multi-modal options. Specifically, no on-site parking space would be required for an ADU where all three (3) of the following criteria are met:

1. Within 1/8-mile (660-feet) of a High Frequency Transit Route; and
2. The ADU is equal to or less than 600 square feet; and
3. All required parking spaces for the single-family house be provided and be accessed from the alley and there is no front-loading driveway.

Figure 7: Map showing all neighborhood single-family zoning within 1/8-mile from High Frequency Transit Routes.

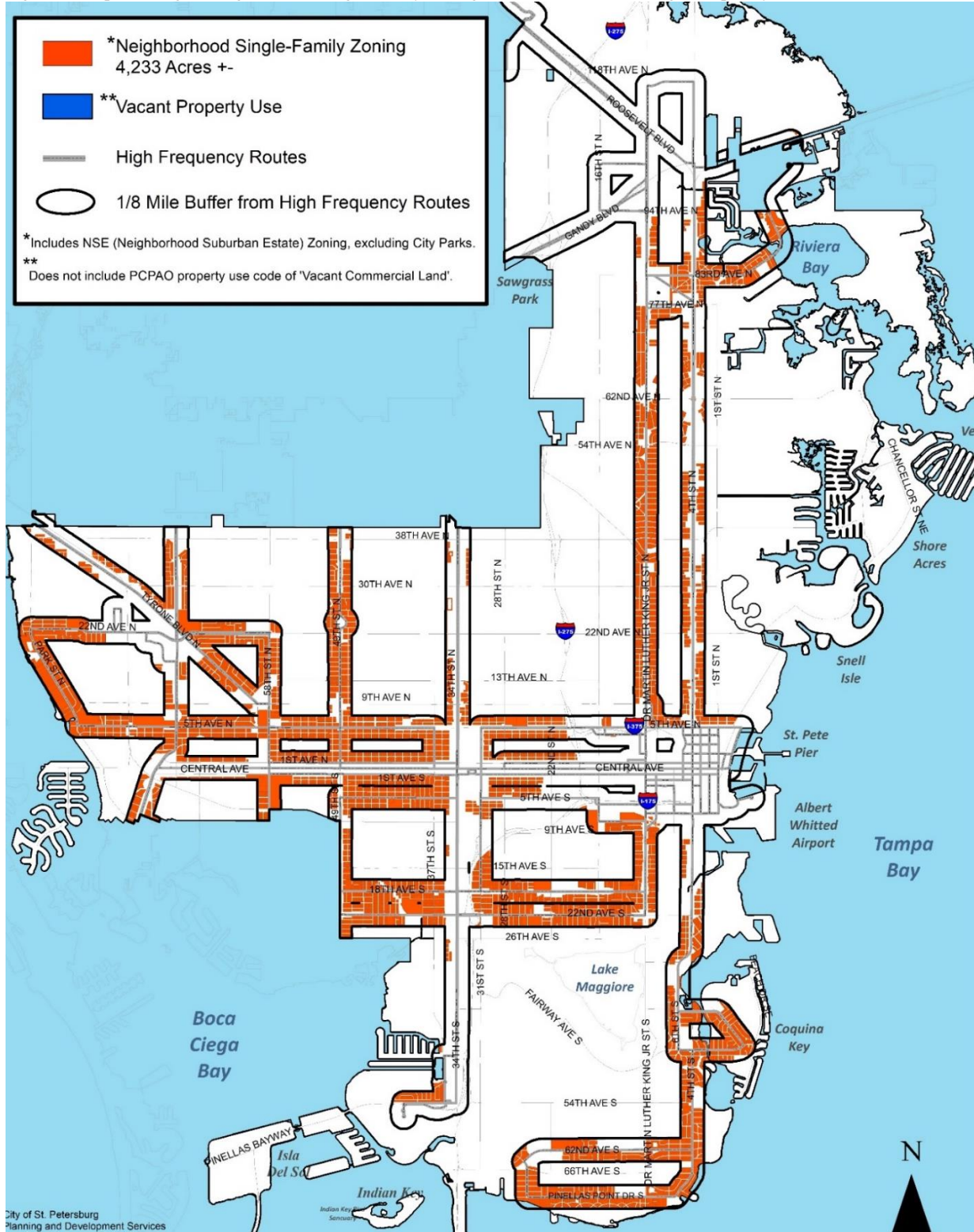
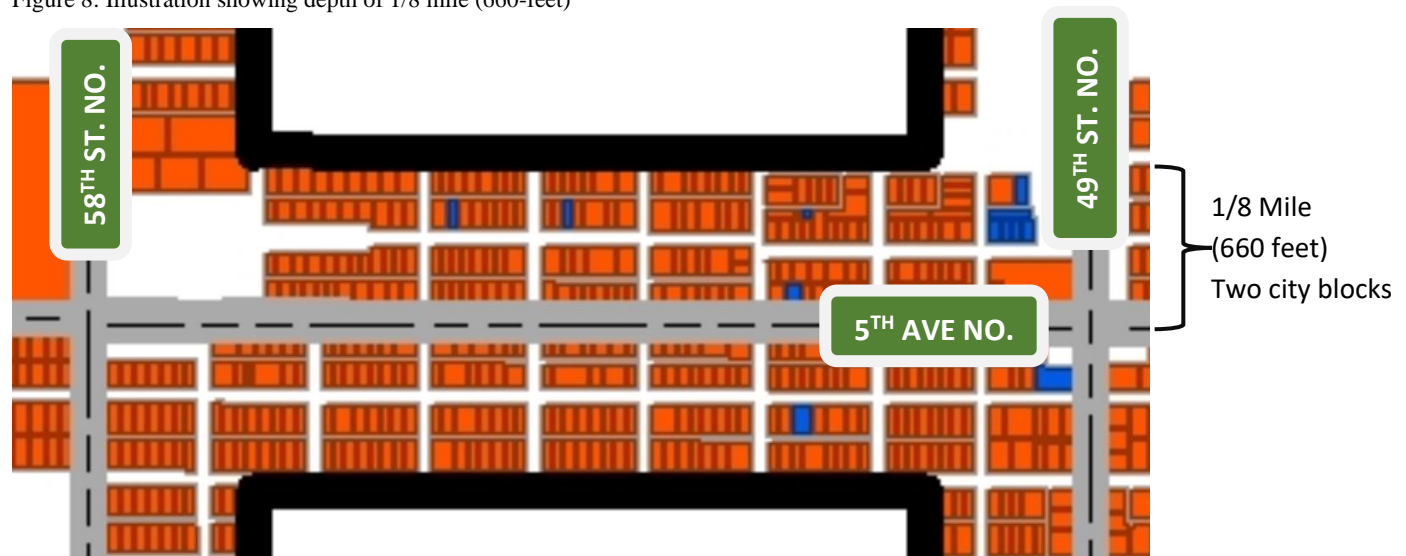


Figure 8: Illustration showing depth of 1/8 mile (660-feet)



Amend Accessory Living Space to coordinate with Recommended ADU changes

Accessory Living Space is defined separate from an ADU and is regulated within City Code, Chapter 16, Section 16.50.011. Several text amendments are proposed to synchronize the Accessory Living Space standards with recommended changes to the ADU standards, including a reference to laundry facilities and clarification on how the square footage is calculated as a percentage of the principal unit and possible ADU.

Frequently Asked Questions

The following general questions were routinely asked throughout the evaluation process.

Are ADUs allowed within the Coastal High Hazard Area (“CHHA”)? Adaptive reuse and new construction of ADUs within the CHHA is allowed since these are not counted against the otherwise applicable maximum dwelling units per acre density standard on the City’s Future Land Use Map. The Countywide Rules define ADUs within Division 8-2 stating, “Accessory dwelling units are not counted against the otherwise applicable maximum dwelling units per acre density standard.” Likewise, the City of St. Petersburg Comprehensive Plan defines an ADU within Chapter 1 stating, “Accessory dwelling units are not counted against the otherwise applicable maximum dwelling units per acre density standard.” This is further reinforced within the Future Land Use Element category descriptions stating, “Accessory dwelling units are permitted and may be excluded from the residential density calculation when accessory to a single-family dwelling unit, in accordance with the Land Development Regulations.” Several letters of public comment on this subject have been submitted and are attached.

How does this proposal impact drainage and stormwater runoff? Drainage and stormwater runoff are most significantly impacted by impervious surface materials. There are no recommended changes to the existing maximum impervious surface ratios. On November 10, 2020, Claude Tankersley, Public Works Administrator, met with the City’s Community Planning and Preservation Commission (“CPPC”) to discuss the general cause-and-effect of citywide issues relating to drainage and stormwater runoff. Stakeholders were referred to an archived video of this meeting for independent study.

Will building heights change to accommodate new construction? No, there are no recommended changes to the maximum allowed building height.

How does this proposal impact deed restricted communities? The proposed expansion of ADUs does not override any deed restriction or homeowners' association declaration restricting the use of ADUs.

Consistency and Compatibility (with Comprehensive Plan)

The following objectives and policies from the City's Comprehensive Plan are applicable to the attached proposal:

- H1.3 - Review ordinances, codes, regulations, and the permitting process for the purpose of eliminating excessive and overlapping requirements and resolving conflicting requirements and amending or adding other requirements in order to increase private sector participation in meeting housing needs, while continuing to insure the health, welfare and safety of the residents.
- LU3.6 Land use planning decisions shall weigh heavily the established character of predominately developed areas where changes of use or intensity of development are contemplated.
- LU3.8 The City shall protect existing and future residential uses from incompatible uses, noise, traffic and other intrusions that detract from the long term desirability of an area through appropriate land development regulations.
- LU21.1 The City shall continue to utilize its innovative development regulations and staff shall continue to examine new innovative techniques by working with the private sector, neighborhood groups, special interest groups and by monitoring regulatory innovations to identify potential solutions to development issues that provide incentives for the achievement of the goals, objectives and policies of the Comprehensive Plan.
- LU22.1 The City shall continue to pursue strategies which reduce GHG emissions and vehicle miles traveled.
- LU23.1 The City's development review policies and procedures shall continue to integrate land use and transportation planning so that land development patterns support mobility choices and reduced trip lengths.
- LU23.2 The City's development review policies and procedures shall acknowledge the GHG emission reduction impacts of higher density development and the negative impacts of sprawling, low-density development.
- LU23.3 The City's LDRs shall continue to support greater development intensity within the Corridor and Center zoning districts, particularly where located along fixed transit lines and around transit stops and stations.

PROPOSED TEXT AMENDMENTS

See Attached shown in strikethrough and underline

PUBLIC OUTREACH

Starting on May 19, 2021, and continuing through April 27, 2022, Planning and Development Services Department staff responded to individual inquiries and hosted at least 40 public meetings, including:

- 23 - Neighborhood, Civic, and Business Associations
- 2 - City Council's Committee of the Whole ("COW")
- 2 - City Council's Housing, Land Use, and Transportation Committee ("HLUT")
- 2 - Community Planning and Preservation Commission ("CPPC")
- 2 - Development Review Commission ("DRC")
- 1 - Affordable Housing Advisory Committee ("AHAC")
- 6 - Community Workshops
- 3 - Council of Neighborhood Associations ("C.O.N.A.")

Four (4) neighborhood association meetings are scheduled between the writing of this report and May 31, 2022. Additional feedback from these meetings will be included in a memorandum provided to the City Council.

Public feedback included a diversity of subjects, comments, and concerns that are reflected in the evolution of different drafts previously presented and final set of recommendations proposed herein. During the DRC workshop on April 18, 2022, one (1) additional concern was expressed relating to new construction of ADUs in the floodplain and whether additional building setback should be required to account for the additional height necessary to comply with the design flood elevation line. A complete list of public outreach meetings is attached.

PUBLIC HEARING PROCESS

The proposed ordinance associated with the LDR text amendment requires one (1) public hearing before the Development Review Commission (DRC) and two (2) City Council public hearings. When proposing to amend the actual list of permitted, conditional, or prohibited uses within a zoning category zoning districts permitted uses, Florida Statutes requires two (2) City Council public hearings instead of the standard one (1) public hearing.

RECOMMENDATION

Staff recommends that the Development Review Commission, in its capacity as the Land Development Regulation Commission, make a finding of consistency with the City's Comprehensive Plan.

HOUSING AFFORDABILITY IMPACT STATEMENT

City of St. Petersburg Housing Affordability Impact Statement

Each year, the City of St. Petersburg receives approximately \$2 million in State Housing Initiative Partnership (SHIP) funds for its affordable housing programs. To receive these funds, the City is required to maintain an ongoing process for review of local policies, ordinances, resolutions, and plan provisions that *increase the cost of housing construction, or of housing redevelopment*, and to establish a tracking system to estimate the cumulative cost per housing unit from these actions for the period July 1– June 30 annually. This form should be attached to all policies, ordinances, resolutions, and plan provisions which increase housing costs, and a copy of the completed form should be provided to the City's Housing and Community Development Department.

I. Initiating Department: Planning & Development Services Development

II. Policy, Procedure, Regulation, or Comprehensive Plan Amendment Under Consideration for adoption by Ordinance or Resolution:

See attached amendment to Chapter 16, City Code of Ordinances (City File LDR 2022-01).

III. Impact Analysis:

A. Will the proposed policy, procedure, regulation, or plan amendment, (being adopted by ordinance or resolution) increase the cost of housing development? (i.e. more landscaping, larger lot sizes, increase fees, require more infrastructure costs up front, etc.)

No ☒ (No further explanation required.)

Yes ☐ Explanation:

If Yes, the **per unit cost increase** associated with this proposed policy change is estimated to be: \$_____.

B. Will the proposed policy, procedure, regulation, plan amendment, etc. increase the time needed for housing development approvals?

No ☒ (No further explanation required)

Yes ☐ Explanation:

IV: Certification

X: It is important that new local laws which could counteract or negate local, state and federal reforms and incentives created for the housing construction industry receive due consideration. If the adoption of the proposed regulation is imperative to protect the public health, safety and welfare, and therefore its public purpose outweighs the need to continue the community's ability to provide affordable housing, please explain below:

☐ The proposed regulation, policy, procedure, or comprehensive plan amendment will **not** result in an increase to the cost of housing development or redevelopment in the City of St. Petersburg and no further action is required. (Please attach this Impact Statement to City Council Material and provide a copy to Housing and Community Development department.)

/s/ Elizabeth Abernethy

Director, Planning & Development Services (signature)

04-28-2022

Date

Copies to: City Clerk; Joshua A. Johnson, Director, Housing and Community Development

**Strikethrough and Underline Text Amendments
Public Outreach
Public Comments Received**

City of St. Petersburg

Planning & Development Services Department

LDR Update – Accessory Dwelling Units

Updated May 3, 2022

Background

StPete2050 Vision

At the February 24th City Council (meeting as the Committee of the Whole) considered expanding the geographic footprint of accessory dwelling units, increasing the maximum density allowed in our corridor categories, and applying the NTM-1 zoning category to qualified parcels, as written.

Summary of Proposed Accessory Dwelling Unit Changes:

Design standard modifications:

- Increase maximum unit size from 750 square feet to 800 square feet and add percentage limit to define subordinate in size as no more 67% of the principal use, whichever is less. This equates to a limit of 40% of the total FAR on the property.
- Clarify that subordinate in location for an attached ADU allows an ADU to be located on the side of the principal use, provided that the entrance to the ADU is on the side or rear and not visible from the street.
- Remove 50-percent floor area restriction for 2-story buildings
- Eliminate additional one on-site parking space if:
 - Within 1/8-mile (660-feet) of high frequency transit route; AND
 - Unit size is equal to or less than 600 square feet; AND
 - Unit is located on an alley, with all required parking spaces for the single-family home are accessed from the alley, and there is no front-loading driveway.
- Remove paved and unenclosed parking restriction
- Require 10-foot side yard setback for NS detached ADUs

Locational standard modifications:

- Allow for single-family houses in all multi-family zoning districts
- Allow in NT-3 zoning districts
- Allow in NS-1 and NS-2 without alleys, subject to minimum lot size (10,000 s.f.)
- Allow in NS-1 and NS-2 with alleys and on corner lots, on conforming lots:
NS-1 = 5,800 s.f.; NS-2 = 8,700 s.f.

The following changes are shown in Strike-through/Underline Format

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 unless the lot is located on an alley or corner on lots which conform to the district minimum lot area 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 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 is within 1/8-mile (660 feet) of high frequency transit route, the unit size is equal to or less than 600 square feet, the unit is located on an alley, all required parking spaces for the single-family home are accessed from the alley and 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 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 ~~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.

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

Use											Definition
	NEIGHBORHOOD										
	CITYWIDE										
Accessory Use and Structure	P	P	P	P	P	P	P	P	P	P	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. <u>In all districts, except IT and IS, the total gross floor area of all accessory uses and structures shall not exceed 67% of the principal use.</u>
RESIDENTIAL USES											
Accessory, Dwelling Unit	P	P	P	P	P	P	P	P	P	P	An ancillary or secondary living unit that has a separate kitchen, bathroom, and sleeping area, existing either within that same structure, or on the same lot, as the primary detached single-family house. Accessory dwelling units are not counted against the otherwise applicable maximum dwelling units per acre density standard. (See Use Specific Development Standards).
Accessory, Living Space	P	P	P	P	P	P	P	P	P	P	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. (See Use Specific Development Standards)

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.

16.40.090.3.2. - Minimum number of parking spaces required.

C. Administrative adjustment of standards.

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.

16.20.010.5. - Maximum development potential.

- (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.

PUBLIC OUTREACH

05/19/2021	Council of Neighborhood Associations (CONA)
05/26/2021	Community Workshop No. 1
06/09/2021	Community Workshop No. 2
06/16/2021	Chamber's Housing, Land Use, & Development Committee
06/21/2021	Historic Old Northeast Neighborhood Association
06/23/2021	Community Workshop No. 3
06/24/2021	Historic Roser Park Neighborhood Association
07/14/2021	Community Workshop No. 4
07/27/2021	Downtown Developer's Council
08/26/2021	City Council: Committee of the Whole (COW)
09/01/2021	Crescent Lake Neighborhood Association
09/14/2021	Chamber Housing, Land Use, & Development Committee
09/14/2021	Council of Neighborhood Associations (CONA)
09/15/2021	Bicycle and Pedestrian Action Committee
09/21/2021	Complete Streets Committee
09/28/2021	Downtown Developers Council
09/29/2021	Community Workshop No. 5
10/04/2021	Campbell Park Neighborhood Association
10/13/2021	Community Workshop No. 6 (Repeat No. 5)
10/13/2021	St. Petersburg Downtown Neighborhood Association
10/14/2021	City Council: Housing, Land Use and Transportation Committee
11/15/2021	Historic Old Northeast Neighborhood Association
12/14/2021	Community Planning and Preservation Commission (CPPC) Workshop
12/16/2021	City Council: Housing, Land Use and Transportation Committee
01/19/2022	Holiday Park Neighborhood Association
02/15/2022	Council of Neighborhood Associations Leadership Training (CONA)
02/24/2022	City Council Committee of the Whole (COW)
03/07/2022	Crescent Heights Neighborhood Association
03/15/2022	Affordable Housing Advisory Committee (AHAC) Workshop
04/12/2022	Alliance for the Pinellas Bayway
04/12/2022	Disston Heights Civic Association
04/12/2022	Community Planning and Preservation Commission (CPPC) Workshop
04/13/2022	Downtown Neighborhood Association
04/18/2022	Development Review Commission (DRC) Workshop
04/26/2022	Greater Pinellas Point Civic Association
04/27/2022	Bay Area Apartment Association
05/04/2022	Historic Kenwood Neighborhood Association
04/18/2022	Development Review Commission (DRC) Public Hearing
05/16/2022	Shore Acres Civic Association
05/17/2022	Snell Isle Neighborhood Association
05/31/2022	Central Oak Park Neighborhood Association



**The Council of Neighborhood Associations of South Pinellas County, Inc.
P.O. Box 13693 St. Petersburg, Florida 33733**

April 26, 2022

Honorable Kenneth T. Welch
Mayor's Office
175 Fifth Street North
Saint Petersburg, Florida 33701

**SUBJECT: AUXILIARY DWELLING UNIT EXPANSION INTO COASTAL HIGH
HAZARD AREAS**

Dear Mayor Welch,

This letter addresses the pending proposals to extend Auxiliary Dwelling Units (ADU) further into the Coastal High Hazard Area (CHHA). The Council of Neighborhood Associations Executive Committee requests that such extension be reconsidered.

Our beautiful city is at great risk for flooding due to climate change and associated storm intensification and sea level rise. Parts of our city are already experiencing “sunny day” flooding. Minor high-tide flooding is twice as likely now as it was 20 years ago. There have been a series of studies addressing the great risk of flooding in Tampa Bay. The most recent is the Tampa Bay Partnership study which concludes that **the cost of hardening Pinellas County will be \$2.6 billion over the next 25 years and an additional \$2.3 billion between 2045 and 2070.**

St. Petersburg has estimated a cost of \$3 billion in its Integrated Water Resources Master Plan (IWRMP) for improvements related to potable water, wastewater, reclaimed water, and stormwater, but that plan does not address seawall replacement and raising, nourishment, and elevation and flood proofing of structures all of which are included in the Partnership Study. Only recently has the City commenced a two-year study of City-owned sea walls (not those privately owned).

The Partnership Study calls for “carefully considering and addressing the risk of flood damage in land use and infrastructure planning decisions, as well as zoning, building codes, and other local regulations....use incentive zoning to encourage developers to build in lower-risk areas and take actions to improve resilience” (*Id.* p. 20).

The Council of Neighborhood Associations of South Pinellas County, Inc. is a 501(c)(3) nonprofit organization.
Donations are tax-deductible to the extent allowed by law. EIN 59-2921651
WEBSITE: www.stpetecon.org FORUMS: www.conaforums.org EMAIL: president@stpetecon.org

Honorable Kenneth T. Welch
April 26, 2022
Page 2

In presenting the Partnership Study, Brian Auld, president of the Tampa Bay Rays and chair of the Partnership Resilience Task Force, also noted that possible new stadium sites that once appeared to be “great places” to build a ballpark are now expected to be underwater, and mentioned flooding a foot deep at Al Lang Stadium’s locker room.

City Staff Reports indicate that present planning for expansion of Auxiliary Dwelling Units would range between 10,000 and 15,000 parcels. There are no recommendations for reducing the risk of building ADUs in the High Hazard Area by increasing building standards, or detailed measures for assuring that such structures are compatible with neighborhood character. This may potentially result in a density increase of 50% and more in some neighborhoods, including those located in the Coastal High Hazard Area. Additional residents and property would be placed at risk and further add to the cost of hardening our city against increased flooding and associated storm intensification.

Beyond increased infrastructure costs, current sea level rise projections show that new CHHA structures will not even reach an average structural mid-life of 20-30 years before severe flooding issues occur, even in the absence of a major storm. The cost to the City and all citizens to mitigate damage will become an additional, substantial tax burden. Furthermore, this approach may increase overall housing stock if homeowners are willing to take the risk, but given the economics of building near the water it is highly unlikely that significant affordable housing will be generated. Building away from the CHHA such as is proposed in the recently announced Fairfield Avenue development is an appropriate approach.

Additionally it is recommended the proposal to extend ADUs into the CHHA be communicated to FEMA to ascertain possible effect on community flood insurance ratings.

Thank you for your consideration.

Sincerely,

Tom Lally

President

cc: City Council
Community Planning and Preservation Commission
Development Review Commission
CONA Executive Committee
CONA Member Neighborhoods

Memorandum

TO: Mayor Kenneth T. Welch & City Council
FROM: Will Michaels, Ph. D.
SUBJECT: Auxiliary Dwelling Units and Neighborhood Character
DATE: April 28, 2022

Presently the City has pending a proposal to expand Auxiliary Dwelling Units (ADUs) into areas of the city where they are not now permitted, especially Suburban Zoned Neighborhoods, but also in Neighborhood Traditional-3 (NT-3) Zoned Neighborhoods. ADUs offer significant benefits to residents. These include additional living space for family members, possible rental income, and in some cases enable elderly residents to age in place and remain in their cherished neighborhood with long-time friends and familiar features. Also of importance is maintaining the special character of neighborhoods including how ADUs will impact neighborhood character where they are not presently permitted.

Vision2050

The recently enacted Vision2050 addresses the great importance of protecting community and neighborhood character. The Vision Document includes a section entitled “Community Character and Growth,” p. 79. The Mission Statement in this section states that, “The need to plan for and direct growth in St. Petersburg will be balanced with *protecting and enhancing community character*. Centers and corridors will be the focus of redevelopment,” p. 79. Also included in this section is the goal, “*Protect the character and viability of neighborhoods.*” Under the Housing Section there is also a goal, “Make housing and affordability options, including rental and ownership options and a variety of housing types, available in all neighborhoods throughout the city, *while maintaining community character,*” p. 73. [Emphasis added]

While considerable information has been provided the public regarding the *location* of additional ADUs throughout the city there has been comparatively little address of how such expansion would assure that the Vision2050 requirements for neighborhood character compatibility are assured. It is important that such purpose and criteria also be shared with neighborhoods well in advance of the public hearings so that they have adequate opportunity to review and offer input.

Definition of Neighborhood Character

It is noted that while Vision2050 values community and neighborhood character it lacks a definition of community and neighborhood character. The lack of such a definition makes enforcement difficult. A definition should be added to the ordinance. The following is suggested: “*Neighborhood character is those special physical attributes of a neighborhood which emotionally connect with residents, give a neighborhood its sense of place and special identity, and encourage long-term residency. These special attributes deserve protection and include such aspects as views, parks, open spaces and landscape, distinctive architecture, building parcel patterns, artwork, convenient nearby retail, and other special cultural features enhancing quality of life.*”

NTM Model

As a member of the Planning and Preservation Commission I supported the 2019 Neighborhood Traditional Mixed Residential District (NTM). The purpose of this new zoning category was to provide a variety of new “missing middle housing” (duplexes, triplexes, etc.) along “Future Major Streets” abutting Traditional Neighborhoods not located in the Coastal High Hazard Area (CHHA). This special zoning included strong language protecting neighborhood character: “The standards for the NTM-1 district are intended to allow for renovations and redevelopment within the traditional neighborhoods,

while respecting the existing development pattern and unique character of these areas.” The enabling ordinance included specific design guidelines “intended to insure compatibility with the existing character and pattern of these neighborhoods by requiring compatible building design...” etc. Design criteria included lot standards, lot coverage, density, intensity, building height, setbacks, building width, entrances, building materials and other factors. With regard to architectural style the NTM criteria required that for ADUs the architectural style of the existing principle residence should be used. Also a criterion addressing building mass and scale should be provided. It is noted many Suburban Neighborhoods lack alleys, and were not designed to accommodate ADUs. It would be helpful to neighborhoods if an image example of how ADU buildings in specific neighborhoods would appear.

In addition to the design criteria a number of neighborhoods have expressed concern regarding the reduction of parking requirements for ADUs. Streets in some neighborhoods are very narrow and permit parking on but one side of the street. Some neighborhoods lack sidewalks. Reduction of some current ADU parking requirements could make this situation worse.

Increased Real Density in the Coastal High Hazard Area

Also, it is the present intention of the City to permit additional ADUs in the Coastal High Hazard Area (CHHA). This was prohibited in the ordinance providing for NTM-1 zoning and should also be prohibited for any additional ADUs. It is understood that ADUs are now permitted by definition as part of the existing permitted density in single-family zoning (“not counted against the otherwise applicable maximum dwelling units per acre”). Nevertheless there is the real potential to add hundreds of additional structures and people into the CHHA increasing risk to people and property, and it is understood the City Council has the power to contain this. Numerous studies have documented the significant vulnerability of the CHHA, the most recent of which is from Tampa Bay Partnership. The Partnership estimates a cost of nearly \$5 billion to provide flood-protective infrastructure in Pinellas County, a substantial portion of which would apply to St. Petersburg (this is in addition to the \$3.1 billion need documented in the Integrated Water Resources Master Plan). Additionally, no improvement in the construction of ADUs in the CHHA to resist flooding and storm intensification due to climate change is being recommended as of yet by the City. Rain and flood permeability will also be negatively impacted by the addition of 800 square foot ADUs on residential parcels. Permitting significant numbers of additional ADUs in the CHHA may also adversely affect the city FEMA community flood insurance rating. The City should at least defer until a detailed flood vulnerability and mitigation assessment has been completed before extending ADUs into the CHHA.

The City is commended for its several recent efforts to expand affordable housing including its 10-Year \$60 Million Plan to provide 2,400 new housing units; local implementation of HB 1339 expediting affordable housing development on one acre or greater sites; increasing down-payment assistance for first-time home buyers; and expanding access to emergency rental assistance. These are important initiatives for addressing the critical need for affordable housing.

(These are my personal views and do not represent any other entity.)

Cc: Development Review Commission

Stephanie Owens

Elizabeth Abernathy

Derek Kilborn

Derek Kilborn

From: Valerie Hyman <>
Sent: Monday, March 14, 2022 10:37 PM
To: Gina L. Driscoll; Richmond J. Floyd; Brandi J. Gabbard; Lisa Wheeler-Bowman
Cc: Elizabeth Abernethy
Subject: ADU: Eliminating parking minimums

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi -

Many cities, including a number the size of St Pete and much larger, are enjoying the benefits of eliminating parking minimums. In some cases, as in Raleigh NC, the plan is to set maximums instead.

This interactive map tells you who's doing what. It's easy to navigate and really informative.

As you home in on a final decision regarding ADUs, please consider eliminating parking minimums. It would be yet another step toward making more workforce housing practical to build.

Thanks.

Valerie

https://www.strongtowns.org/journal/2021/11/22/announcing-a-new-and-improved-map-of-cities-that-have-removed-parking-minimums?apcid=006178522c0eb2d0a68fb401&utm_campaign=112221-monday-email&utm_content=&utm_medium=email&utm_source=autopilot