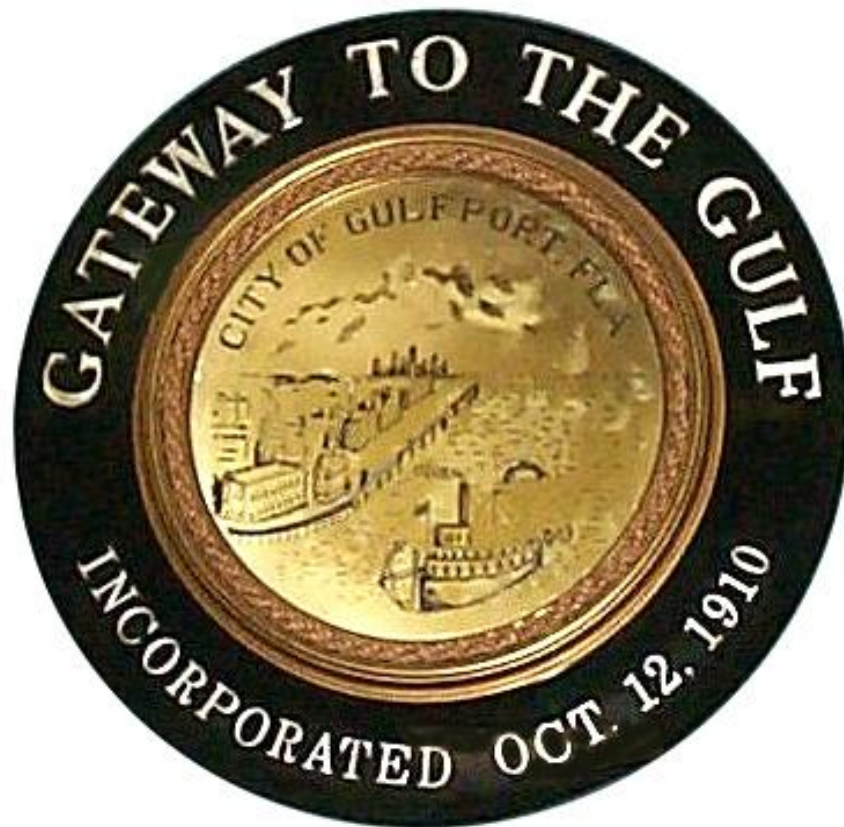


CITY OF GULFPORT
49th STREET OVERLAY DISTRICTS



ADOPTED SEPTEMBER 7 2010
ORDINANCE 2010-09

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INTRODUCTION

Ordinance 2010-09 was the culmination of almost 2 years of work. The first step in this project began with a desire of the City Council to look at innovative ways to encourage redevelopment in the City's two redevelopment districts, the Waterfront and 49th Street redevelopment areas.

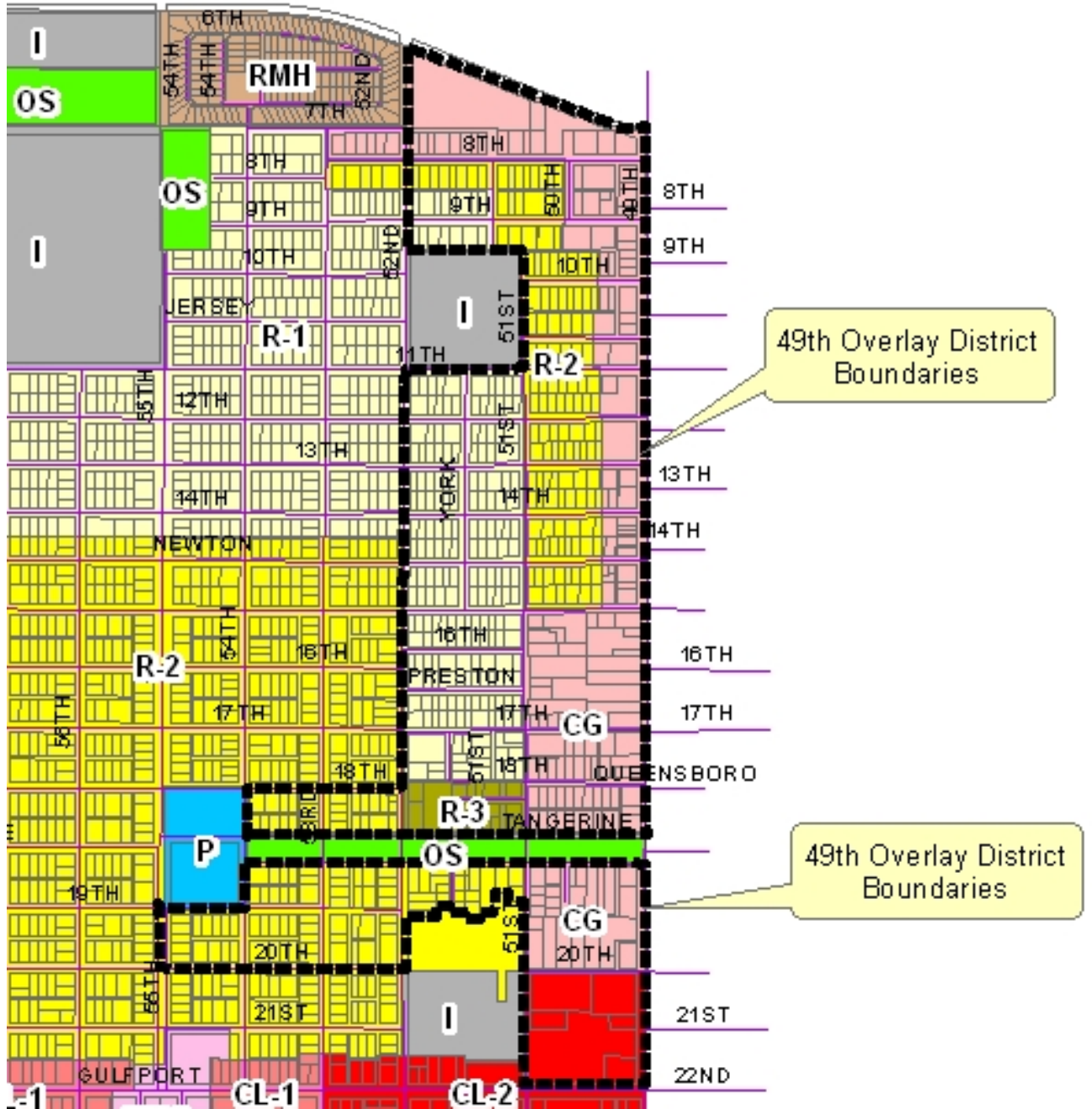
While both projects involved similar mixed use overlay concepts the 49th Street area has a larger residential component. Allowing for a greater mixture in what is primarily one and two family residential areas was a major ingredient in the initial stages of the 49th Street project. The City enlisted the help of Cardno/TBE to assist in the development of amendments to the City's *49th Street Corridor Community Redevelopment Plan*. The plan amendments set forth the framework for a land use amendment and associated land development regulations.

The Redevelopment Plan was amended on August 4, 2009 with the adoption of ordinance 2009-08. The Future Land Use Map (FLUM) designation of the area was changed to Community Redevelopment District (CRD) with the passage of ordinance 2010-01. This amendment was necessary to allow for more flexibility than the previous FLUM categories could accommodate.

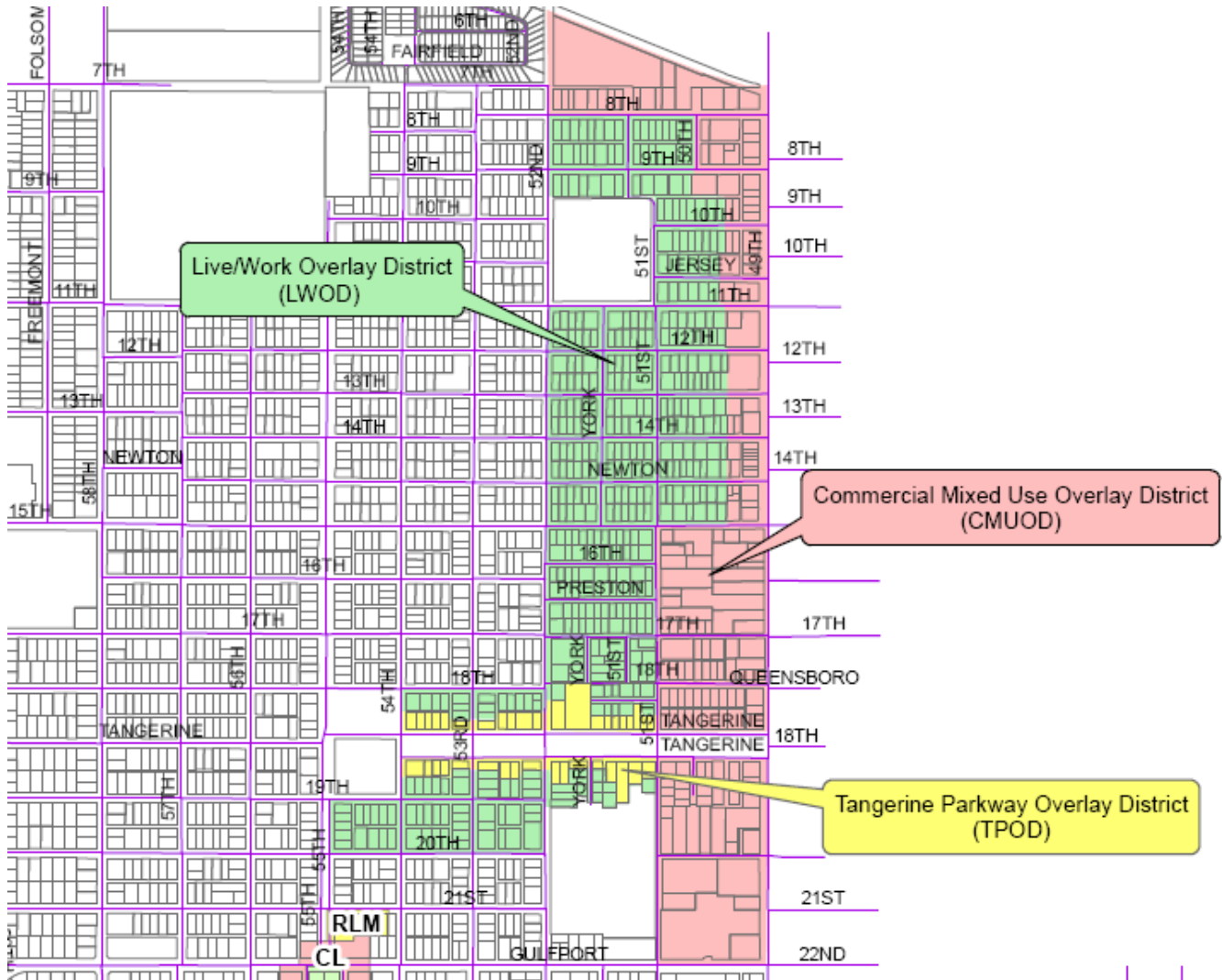
The Redevelopment Plan and FLUM amendments set the foundation for the overlay districts. Ordinance 2010-09 was passed on 2nd and final reading on September 7, 2010. The underlying zoning designations in the redevelopment area did not change. The overlays merely augment the existing permitted and conditional uses in the associated zoning districts. While ordinance 2010-09 amends Chapter 22 of the City Code of Ordinances and makes reference to other sections of the City's Zoning Code, this document contains only the overlay regulations.

MAP 1

49TH STREET REDEVELOPMENT MASTER OVERLAY DISTRICT (49THMOD)



MAP 2
OVERLAY DISTRICTS



49th STREET OVERLAY REGULATIONS

Section 22-2.02, Definitions.

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

Temporary/Tourist Lodging Unit. An individual room, rooms or suite within a temporary lodging use designed to be occupied as a single unit for temporary occupancy.

Temporary/Tourist Lodging Use. A facility containing one or more temporary lodging units, the occupancy of which occurs, or is offered or advertised as being available, for a term of less than one (1) month, more than three (3) times in any consecutive twelve (12) month period. In determining whether a property is used as a temporary lodging use, such determination shall be made without regard to the form of ownership of the property or unit, or whether the occupant has a direct or indirect ownership interest in the property or unit; and without regard to whether the right of occupancy arises from a rental agreement, other agreement, or the payment of consideration.

Sec. 22-5.16. 49th Street Redevelopment Master Overlay District (49thMOD).

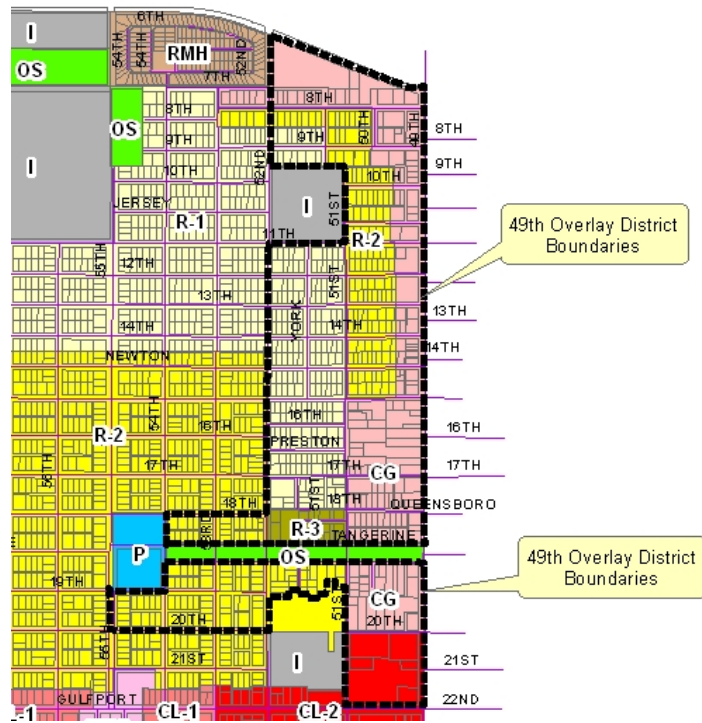
(a) *Purpose.*

The purpose of the 49thMOD (49th Street redevelopment master overlay district) is to establish development standards which will enhance redevelopment opportunities within the district and implement the City of Gulfport's adopted 49th Street Corridor Community Redevelopment Plan, herein referred to as the Redevelopment Plan. The 49thMOD is intended to be consistent with the Community Redevelopment District (CRD) land use category of the Gulfport Comprehensive Plan. The district is intended to encourage and promote the revitalization of the 49th Street Corridor Community Redevelopment Plan area and to maintain the unique characteristics of the area. This is to be achieved by allowing a wide variety of mixed uses, preserving existing residential neighborhoods and establishing development regulations which will promote reinvestment in the district.

(b) *Boundary.*

The 49thMOD follows the same boundaries as set forth in the Redevelopment Plan with the exclusion of areas with an Institutional (I), Public (P), or Open Space (OS) zoning district designation. The boundaries are generally as follows:

Starting at the intersection of the Pinellas Trail and 49th Street South south to Gulfport Boulevard South; west to 51st Street South; north to 20th Avenue South; west to 55th Street South; north to 18th Avenue South; east to 52nd Street South; north to the Pinellas Trail; east to beginning.

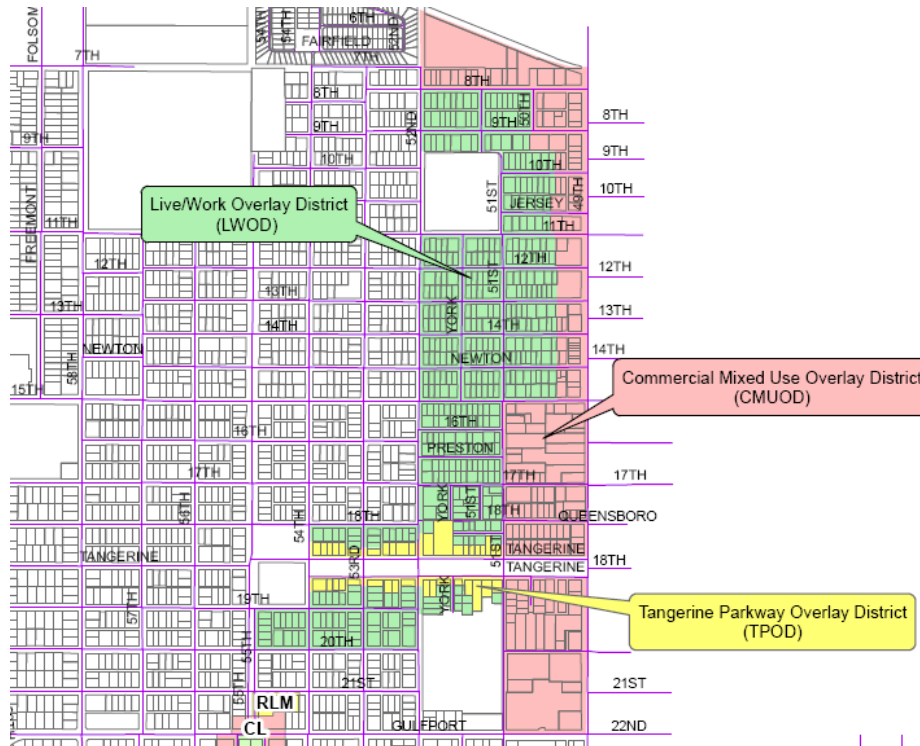


(c) *Applicability.*

The 49thMOD is comprised of three overlay districts: Commercial/Mixed Use Overlay District (CMUOD), Live-Work Overlay District (LWOD) and the Tangerine Parkway Overlay District (TPOD). The three overlay districts as they relate with the existing zoning districts are as follows:

Zoning	Permitted Uses*	Conditional Uses*	Overlay Uses
Commercial/Mixed Use Overlay District (CMOD)			
Commercial General (CG)	Retail Sales, Office, Public Use, Indoor Storage, Restaurant, Commercial Entertainment, Automotive Sales and Service, Vessel Repair and Sales, Warehouses, Trade Shop	Wholesale Sales, Tavern, Package Store, Distribution Center, Telecommunication Towers, Day Care Center	Creative Industries, Mixed Use
Commercial Limited - 2 (CL-2)	Retail Sales, Office, Public Use, Personal Services, Restaurant, Commercial Entertainment, Automotive Washing, Church, Civic or Community Organization, Funeral Home,	Automotive Service Station, Christmas Tree Sales, Clinic, Day Care Center, Accessory Drive-through Facilities, Transient Accommodations, Trade School, Tavern, Package Store, Public Park, Telecommunication Towers	
Tangerine Parkway Overlay District (TPOD)			
R-2 (One/Two Family Residential)	SF, Duplex, Public Park	Church, Civic or Community Center, School	Live-Work permitted, Stand Alone conditional, uses include B&B, professional office other than medical, personal or business services, low intensity retail, creative industries, similar uses as meets purpose of overlay district.
R-3(Multi-Family Residential)	SF, Duplex, MF, Public Park	Church, Civic or Community Center, Club or Lodge, Dormitories, ALFs, Fraternity or Sorority House, Nursing or Convalescent Home, School, Day Care Center, Off-street Parking	
Live Work Overlay District (LWOD)			
R-1 (Single-Family Residential)	Single-family dwelling (SF), Public Park	Church, Civic or Community Center, School	Live-Work only, uses include professional office other than medical, personal or business services, creative industries, similar uses as meets purpose of overlay district.
R-2 (One/Two Family Residential)	SF, Duplex, Public Park	Church, Civic or Community Center, School	
R-3(Multi-Family Residential)	SF, Duplex, Multi-Family (MF), Public Park	Church, Civic or Community Center, Club or Lodge, Dormitories, ALFs, Fraternity or Sorority House, Nursing or Convalescent Home, School, Day Care Center, Off-street Parking	
* from zoning code regulations - see Chapter 22 code of ordinances			

The three overlay districts augment but do not otherwise replace the existing zoning districts. The site development parameters provided herein supersede any other requirements contained elsewhere in this Land Development Code. Where this section is silent regarding any such development parameters the user shall default back to the underlying zoning district. All parcels outside the area provided in this section are not affected by the contents herein. In addition, those parcels within the Public (P), Open Space (OS) and Institutional (I) zoning districts are also excluded from any of the regulations contained herein.



(d) *Permitted principle uses and structures.*

Uses and structures permitted within the 49thMOD and associated density (units per acre), intensity (floor area ratio, impervious surface ratio), and building height standards shall be consistent with the text, illustrations and maps within in the Redevelopment Plan. The following shall be permitted uses and development standards applicable to each of the following areas of the 49thMOD:

(1) Commercial/Mixed Use Overlay District (CMUOD) area.

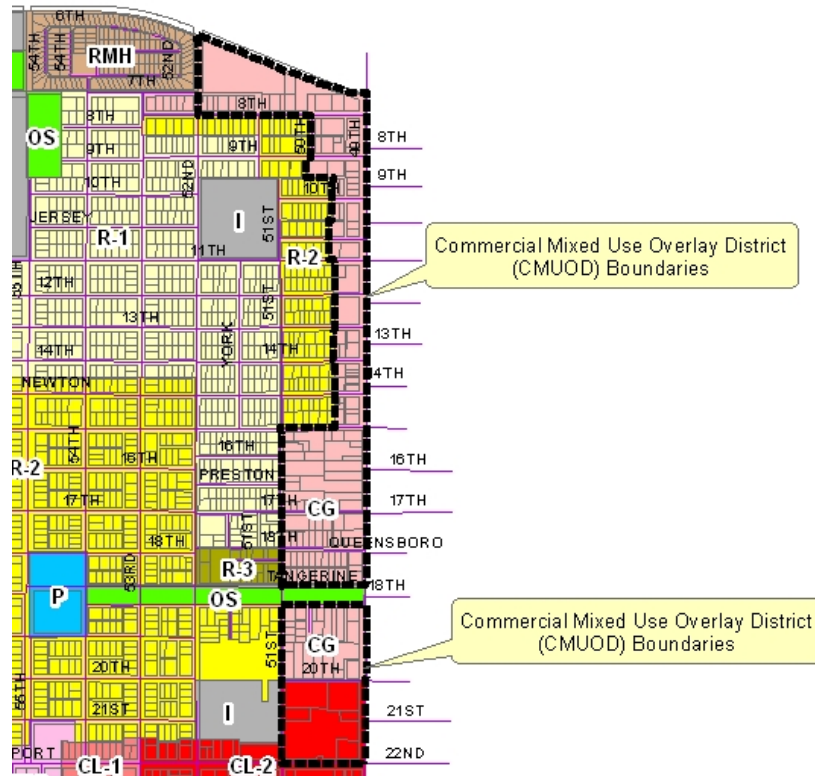
a. *CMUOD Purpose.*

The purpose of the CMUOD is to establish development standards which will enhance redevelopment opportunities within the district and implement the City of Gulfport's adopted 49th Street Corridor Community Redevelopment Plan. The CMUOD is intended to be consistent with the Community Redevelopment District (CRD) land use category of the Gulfport Comprehensive Plan and the adopted 49th

Street Corridor Community Redevelopment Area Plan. The district is intended to encourage and promote the revitalization of the 49th Street Corridor Community Redevelopment Area by allowing for a mix of non-residential and mixed-use uses consistent with the commercial character of the area, the street configuration and design, as well as its operational characteristics.

b. *CMUOD Boundary.*

The CMUOD generally includes those parcels directly along 49th Street South within the CG and CL-2 zoning districts.



c. *CMUOD Permitted principal uses and structures.*

The following uses and structures are permitted in addition to those uses and structures as otherwise permitted by the underlying zoning districts.

1. Creative Industries (as defined in Section 22-2.02. Specific Terms) ; and
2. Mixed-use (as defined in Section 22-2.02. Specific Terms): All permitted uses as combined with residential uses.

d. *CMUOD Maximum building coverage.*

1. For non-residential developments within the Commercial General (CG) zoning district refer to the Commercial General (CG) Future Land Use Plan classification within the Comprehensive Plan.

2. For non-residential developments within the Commercial Retail (CL-2) zoning district refer to the Commercial Limited (CL) Future Land Use Plan classification within the Comprehensive Plan.
 3. All mixed-use uses, regardless of zoning district, shall not exceed a FAR of 0.75.
- e. *CMUOD Minimum green space requirement:*
1. For parcels within the Commercial General (CG) zoning district refer to the Commercial General (CG) Future Land Use Plan classification within the Comprehensive Plan.
 2. For parcels within the Commercial Retail (CL-2) zoning district refer to the Commercial Limited (CL) Future Land Use Plan classification within the Comprehensive Plan.
- f. *CMUOD Maximum density.*
1. Temporary/Tourist Lodging: a maximum density of 40.0 units per acre; or
 2. Residential: a maximum density of 24.0 dwelling units per acre (as part of a mixed-use development only); or
 3. Residential Equivalent of 48.0 beds per acre.

CMUOD				
Zoning	Use	Max Bldg. Coverage (FAR)	Min. Green Space (ISR)	Max. Density
CG	Non-Res.	0.55	0.9	N/A
	Mixed Use	0.75		24 units/acre
CL-2	Non-Res.	0.45	0.85	N/A
	Mixed Use	0.75		24 units/acre
* taken from zoning code regulations and comprehensive plan land use classifications				
** FAR - Floor Area Ratio, ISR - Impervious Surface Ratio				

g. *CMUOD Off-street parking and service requirements.*

The off-street parking provisions of Article VI of this chapter shall apply in the CMUOD, with the following modifications:

- a. Mixed-use:
 - i. Residential component: 1.5 spaces per dwelling unit;
 - ii. Non-residential component: 70 percent of the otherwise required parking requirement.
- b. For properties equal to or less than 5,000 square feet in area a maximum of four (4) parking spaces shall be allowed on site.
- c. Parking shall be in the rear of the building whenever feasible. Alley access shall be utilized if available to the site.
- h. *CMUOD Special Criteria for Mixed Use developments:*
 - a. Mixed residential/commercial use development may be exempt from the proportionate share calculations in relation to the area of the parcel and may use any combination of allowable density for residential uses and FAR for non-residential uses for mixed use development upon conditional site plan approval unless specified differently elsewhere in this section.
 - b. Residential uses are only permitted as part of a Mixed-use development;
 - c. Mixed use development that has office and retail uses on the first floor and residential uses above shall be encouraged with the exception of retrofitting existing single story buildings; however non-residential uses shall be placed prominently in the front with residential uses in the rear.
 - d. Temporary/tourist lodging may not be included as part of a mixed use development.
 - e. Residential components of Mixed-use developments shall not occupy more than 40 percent of the permitted maximum gross FAR of 0.75 nor less than 30 percent of the maximum permitted density.
 - (i.) notwithstanding the minimum requirement for mixed use density set forth in section e above, non-residential tenant spaces may have one residential unit per business, however such space shall not occupy more than 30 percent of the overall tenant space.

Example for mixed use calculations: a one-acre site will permit a maximum 32,670 square feet of gross floor area. Non-residential uses must occupy **at least** 19,602 square feet of that area. A minimum of seven dwelling units up to 24 dwelling units may be located within the remaining 13,068 square feet.

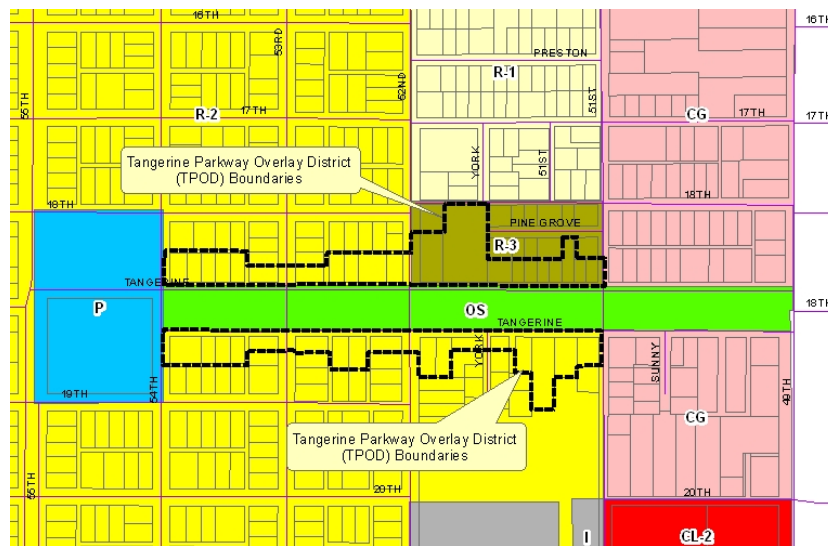
(2) Tangerine Parkway Overlay District (TPOD) area.

a. *TPOD Purpose.*

The purpose of the TPOD (Tangerine Parkway Overlay District) zoning district is to establish development standards which will enhance redevelopment opportunities within the district and implement the City of Gulfport's adopted 49th Street Corridor Community Redevelopment Plan. The TPOD zoning district is designed to be consistent with the Community Redevelopment District (CRD) land use category of the Gulfport Comprehensive Plan and the adopted 49th Street Corridor Community Redevelopment Area Plan. The district is intended to encourage and promote the revitalization of the 49th Street Corridor Community Redevelopment Area by allowing for a mix of residential and non-residential uses consistent with the residential character of the area, the street configuration and design, as well as its operational characteristics. This is to be achieved by allowing a variety of mixed use/live-work and low intensity stand-alone non-residential arrangements, preserving the existing residential character and scale of the existing neighborhood and establishing development regulations which will promote reinvestment in the district. New uses and conversions must retain a single-family residential appearance.

b. *TPOD Boundary.*

The TPOD consists of those properties with frontage directly along Tangerine Parkway and within the R-2 and R-3 zoning districts.



c. *TPOD Permitted principal uses and structures.*

The following uses and structures are permitted in addition to those uses as otherwise permitted by the underlying zoning districts.

1. Live-Work (as defined in Section 22-2.02. Specific Terms): The following uses as combined with a residential use where the principal operator of a business (as

included in the list below) also maintains a portion of the building as a primary residence:

- (i) Bed and Breakfast subject to the provisions of Sec. 22-5.16 (i).
- (ii) Professional office other than medical (e.g. law, accountant, architectural, planning, engineering, brokerage services and similar uses which meet the purpose of this district and are approved by the City);
- (iii) Personal or business services such as Beauty/barber shop, Music Studio/Lessons, Photography studio, Tailor/seamstress, Locksmith
- (iv) Low Intensity Retail Sales and Service such as Florist, Art gallery/studio, Antique shops (indoor sales only), Watch, clock, jewelry (sales and service);
- (v) Creative Industries (as defined in Section 22-2.02. Specific Terms); and
- (vi) Uses that are not specifically listed but which meet the purpose of this district and are approved by the City.

2. *TPOD Special criteria for Live-Work uses:*

- (i) No more than fifty (50) percent of the gross floor area of any dwelling shall be used for a non-residential use.
- (ii) Such occupation shall be conducted wholly within the dwelling or accessory structure.
- (iii) Traffic generated by the occupation shall not exceed the Metropolitan Planning Organization traffic generation standard for single-family dwelling use by more than twenty-five (25) percent.
- (iv) Any construction or remodeling shall be in keeping with the residential character of the area.
- (v) Structures shall have a residential appearance, e.g. no commercial-style glass exterior doors or outdoor storage of equipment, supplies, or vehicles.
- (vi) Delivery/pick-up of goods by trucks with more than four axels or greater than 24 feet in length shall be limited to once per week in order to minimize truck traffic in the area.
- (vii) No more than two pick-ups or deliveries of goods shall occur on weekdays other than those made by the business itself (i.e. delivery of flowers to a customer). Daily delivery of residential mail via a U.S. postal carrier, consistent with that received by single-family residential uses, is excluded from thresholds set forth herein.

(viii) Showcase windows – see section k below for appearance standards.

3. *TPOD Conditional Uses:*

The following uses and structures may be permitted as stand-alone uses as part of a conditional use approval process:

- (i) Bed and Breakfast subject to the provisions of Sec. 22-5.16 (i) of this section;
- (ii) Professional office other than medical (e.g. law, accountant, architectural, planning, engineering, brokerage services and similar uses which meet the purpose of this district and are approved by the City);
- (iii) Personal or business services such as Beauty/barber shop, Music Studio/Lessons, Photography studio, Tailor/seamstress, Locksmith;
- (iv) Low Intensity Retail Sales and Service such as Florist, Art gallery/studio, Antique shops (indoor sales only), Watch, clock, jewelry (sales and service);
- (v) Creative Industries (as defined in Section 22-2.02. Specific Terms); and
- (vi) Uses that are not specifically listed but which meet the purpose of this district and are approved by the City.

d. *TPOD Minimum green space requirement:*

- 1. For parcels within the R-1 and R-2 zoning districts refer to the Residential Urban (RU) Future Land Use Plan classification within the Comprehensive Plan.
- 2. For parcels within the R-3 zoning district refer to the Residential Low Medium (RLM) Future Land Use Plan classification within the Comprehensive Plan.

e. *TPOD Maximum building coverage:*

- 1. For parcels within the R-1 and R-2 zoning districts:
 - (i) Maximum building coverage for residential use is forty (40) percent.
 - (ii) Nonresidential use shall not exceed a floor area ratio (FAR) as provided within the Residential Urban (RU) Future Land Use Plan classification within the comprehensive plan.
- 2. For parcels within the R-3 zoning district:
 - (i) Single-family and duplex dwelling(s) shall not exceed a maximum building coverage of forty (40) percent.

(ii) Multiple-family dwelling(s) shall not exceed a maximum building coverage of thirty (30) percent.

(iii) Nonresidential use shall not exceed a floor area ratio (FAR) as provided in the Residential Low Medium (RLM) Future Land Plan Classification in the comprehensive plan.

f. *TPOD Maximum density.*

1. For parcels within the R-1 and R-2 zoning districts refer to the Residential Urban (RU) Future Land Use Plan classification within the Comprehensive Plan.
2. For parcels within the R-3 zoning district refer to the Residential Low Medium (RLM) Future Land Use Plan classification within the Comprehensive Plan.
3. Temporary Lodging: three units per permitted dwelling unit.

TPOD						
Zoning District	Use	Min. Green Space (expressed as %)	Max. Bldg. Coverage (expressed as % or FAR)	Max. Non-Res. % for mixed use	Max. Traffic Generation for mixed use	Max. Density
R1	Residential	35%	40%	50%	25% over SF use	7.5 units/acre
	Non-Residential	35%	0.40 FAR			
R2	Residential	20%	40%			
	Non-Residential	35%	0.4 FAR			
R3	SF & duplex Residential	20%	40%			10 units/acre
	MF Residential	20%	30%			
	Non-Residential	25%	0.50 FAR			

* taken from zoning code regulations and comprehensive plan land use classifications
 **FAR - Floor Area Ratio, SF - Single family, MF - Multi family

Example a 20,000 square foot lot within the R-2 zoning district allows up to three dwelling units at 7.5 dwelling units per acre. With one dwelling unit allotted for the property owner two excess dwelling units or six overnight accommodation units would remain.

g. *TPOD Site plan review.*

All permitted and conditional uses shall be subject to the provisions of Article VII of this chapter.

h. *TPOD Off-street parking and service requirements.*

The off-street parking provisions of Article VI of this chapter shall apply in the TPOD, with the following exemptions/modifications:

- (i) Live-Work: residential uses shall have a minimum of two (2) spaces per dwelling unit;
- (ii) A maximum of four (4) parking spaces shall be allowed on site. Parking shall be in the rear of the building whenever feasible. Alley access shall be utilized if available to the site. On-site parking shall be a pervious material such as mulch, shell or turf-block or a combination thereof. An existing driveway may be used for parking provided that no more than 20 percent new, impervious material (of the existing driveway) is constructed except for handicap parking and access thereto.

i. *TPOD Appearance.*

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

(3) Live-Work Overlay District (LWOD) area.

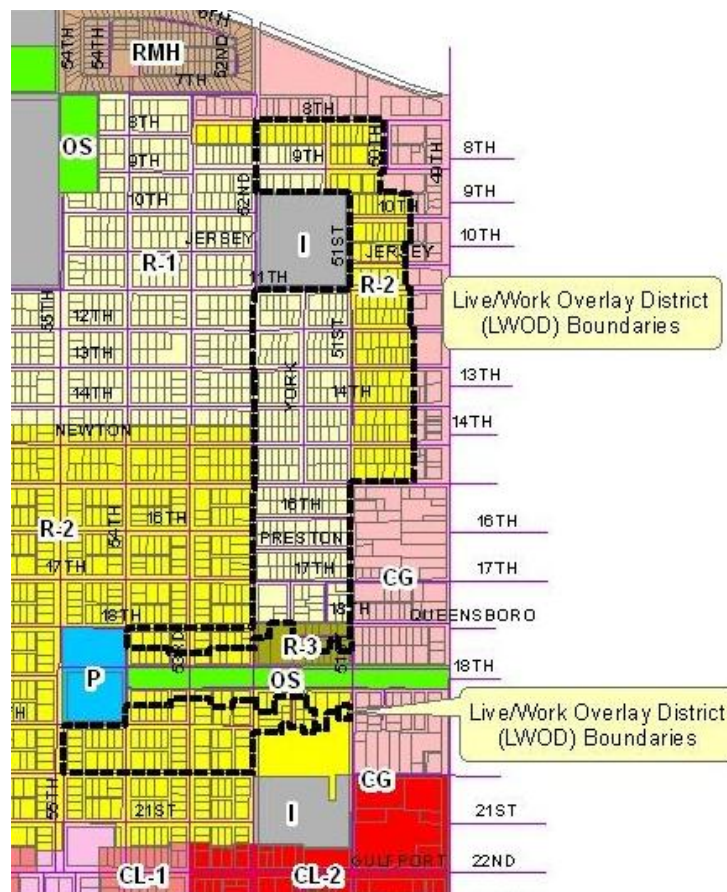
a. *LWOD Purpose.*

The purpose of the LWOD is to establish development standards which will enhance redevelopment opportunities within the district and implement the City of Gulfport's adopted 49th Street Corridor Community Redevelopment Plan. The LWOD is

intended to be consistent with the Community Redevelopment District (CRD) land use category of the Gulfport Comprehensive Plan and the adopted 49th Street Corridor Community Redevelopment Area Plan. The district is intended to encourage and promote the revitalization of the 49th Street Corridor Community Redevelopment Area by allowing for a mix of residential and live-work uses consistent with the residential character of the area, the street configuration and design, as well as its operational characteristics.

b. *LWOD Boundary.*

The LWOD contains all parcels within the R-1, R-2 and R-3 zoning districts with the exception of those parcels within the TPOD.



c. *LWOD Permitted principal uses and structures.*

The following uses and structures are permitted in addition to those uses as otherwise permitted by the underlying zoning districts.

1. Live-Work (as defined in Section 22-2.02. Specific Terms): The following uses as combined with a residential use where the principal operator of a business (as included in this list) also maintains a portion of the building as a primary residence:

- (i) Professional office other than medical (e.g. law, accountant, architectural, planning, engineering, brokerage services and similar uses which meet the purpose of this district and are approved by the City);
- (ii) Personal or business services such as Beauty/barber shop, Music Studio/Lessons, Photography studio, Tailor/seamstress, Locksmith;
- (iii) Creative Industries (as defined in Section 22-2.02. Specific Terms); and
- (iv) Uses that are not specifically listed but which meet the purpose of this district and are approved by the City.

d. *LWOD Special criteria for Live-Work uses:*

1. No more than thirty (30) percent of the gross floor area of any dwelling shall be used for a non-residential use.
2. Such occupation shall be conducted wholly within the dwelling or accessory structure;
3. Traffic generated by the occupation shall not exceed the metropolitan planning organization traffic generation standard for single-family dwelling use by more than twenty (20) percent.
4. Any construction or remodeling shall be in keeping with the residential character of the area.
5. Structures shall have a residential appearance, e.g. no commercial-style glass exterior doors or outdoor storage of equipment, supplies, or vehicles.
6. Delivery/pick-up of goods by trucks with more than four axels or greater than 24 feet in length shall be limited to once per week in order to minimize truck traffic in the area.
7. No more than two pick-ups or deliveries of goods shall occur on weekdays other than those made by the business itself (i.e. delivery of flowers to a customer). Daily delivery of residential mail via a U.S. postal carrier, consistent with that received by single-family residential uses, is excluded from thresholds set forth herein.
8. No display of goods, sales or outside storage of equipment or materials used in the occupation shall be permitted;
9. No person shall be employed on the premises other than members of the family residing thereon.

10. Any construction or remodeling shall be in keeping with the residential character of the area. Structures shall have a residential appearance, e.g. no glass exterior doors or outdoor storage of equipment, supplies, or vehicles.
 11. Delivery of, or pick-up of goods by trucks will be low volume in order to minimize truck traffic in the area.
 12. No pick-up or delivery of goods shall occur on the weekends.
 13. No more than two pick-ups or deliveries of goods shall occur on weekdays.
 14. Showcase windows are prohibited.
- e. *LWOD Minimum green space requirement:*
- Refer to R-1, R-2 and R-3 zoning district regulations.
- f. *LWOD Maximum building coverage:*
- Refer to R-1, R-2 and R-3 zoning district regulations.
- g. *LWOD Maximum density:*
1. For parcels within the R-1 and R-2 zoning districts refer to the Residential Urban (RU) Future Land Use Plan classification within the Comprehensive Plan.
 2. For parcels within the R-3 zoning district refer to the Residential Low Medium (RLM) Future Land Use Plan classification within the Comprehensive Plan.

LWOD						
Zoning District	Use	Min. Green Space (%)	Max. Bldg. Coverage (%)	Max. Non-res. (%)	Max. Traffic Generation	Max. Density
R1	Residential	35%	40%	30%	20% over SF use	7.5 units/acre
R2	Residential - SF & Duplex	20%	40%			
R3	SF & duplex Residential	20%	40%			10 units/acre
	MF Residential	20%	30%			
* taken from zoning code regulations and comprehensive plan land use classifications						
**FAR - Floor Area Ratio, SF - Single family, MF - Multi family						

h. *LWOD Off-street parking and service requirements:*

The off-street parking provisions of Article VI of this chapter shall apply in the LWOD, with the following exemptions/modifications:

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

i. *LWOD Appearance.*

1. Mixed use or commercial conversions must retain a single-family residential appearance and be in character with the existing neighborhood. They shall relate to human scale.
2. Any construction or remodeling shall preserve the existing single-family residential character of the area.
3. Any construction or remodeling shall preserve the existing single-family residential character of the area.
4. There shall be no outdoor storage of equipment, supplies, or vehicles other than those normally associated with single family uses.
5. Showcase windows are prohibited.

(e) *Existing Nonconformities.*

Existing nonconforming uses may remain and be repaired/maintained as necessary but may not be expanded or improved at any given time to an extent equal to or greater than 50 percent of the current assessed value of the principle structure per the Pinellas County Property Appraiser's office or per a certified appraisal. Nonconforming buildings and uses which are damaged or destroyed to an extent greater than 50 percent of the last assessed value of the building per the Pinellas County Property Appraiser's office may not be reestablished. Existing Single- and Multi-family dwellings in the CMOUD are encouraged to be converted into non-residential, mixed-use or live-work uses.

(f) *Public hearings.*

Whenever a public hearing is required by the provisions of this section the same shall be conducted by the City Council as set forth herein and notice of said hearing shall be provided in accordance with this chapter.

(g) *Site plan and conditional use review.*

Within the 49thMOD, any change in lot, building or structure shall be subject to site plan review and approval by the City Council. Procedures and requirements for site plan review and approval shall be as set forth in Article VII of this chapter, except that review and approval by the city council shall not be required. A public hearing shall be conducted by the City Council as provided herein. No site plan approval shall be required where the use of the subject property is single-family or duplex dwelling, both prior to and after any requested change in lot or structure. Conditional use review shall be conducted by the planning and zoning board and the City Council by public hearing as provided herein, and shall also be subject to the review and approval requirements provided in Article VIII and all other applicable provisions of this chapter.

(h) *Outdoor sales or displays.*

Outdoor sales or displays as defined in Article II, section 22-2.02, or outdoor commercial recreation/entertainment are allowed only as they are regulated within individual zoning districts. For permissible or conditional CMOUD uses, outdoor sales or displays, or commercial recreation/entertainment is only allowed with a special permit that has been approved by the City Council. A special permit may be approved by the City Council after conducting a public hearing as provided herein. The special permit shall be granted only upon a finding that the proposed use is compatible with surrounding uses and does not create any adverse effect on any surrounding property. The permit may be approved with conditions found necessary by the City Council. The permit issued hereunder shall be valid for any period deemed appropriate by the City Council. Nothing contained herein shall be construed to create any right in any property owner for the issuance or renewal of any special permit provided hereby. No notice and public hearing shall be required for special events organized or sponsored by the City of Gulfport. No special permit shall be required for artists working in public, so long as no product or service is offered or displayed for sale.

(i) *Special criteria for bed and breakfast.*

The following criteria shall apply to all bed and breakfast establishments within the 49thMOD:

(1) Guest rooms may share toilet and bathing facilities, however, in no instance shall the owner and guests have shared bathrooms.

(2) The maximum number of rooms for guests shall be as follows:

Building Size (gross floor area)	Maximum # Guest Rooms
Less than 1,200 sq. ft.	1
1,201 – 1,800 sq. ft.	2
1,801 – 2,400 sq. ft.	3
2,401 – 3,000 sq. ft.	4
3,001 – 3,600 sq. ft.	5
Over 3,600 sq. ft.	6

- (3) Rentals shall be on a daily basis only. The maximum stay for an individual guest shall be thirty (30) days.

(j) *Lighting.*

- (1) Lighting and light fixtures shall be part of an overall design plan and their design and placement appropriate to the building to which they will serve.
- (2) Light fixtures shall be designed to respect, enhance and contribute to the architectural style, detailing and elements of a building with regard to color, material, size, scale and shape.
- (3) Lighting shall illuminate without glare.
- (4) Light fixtures shall be cut-off lights where direct illumination is cut-off above 40 degrees below horizontal.
- (5) All outdoor light fixtures shall be located so that objects or land which are located beyond the boundaries of the parcel of land are not illuminated to an extent of producing more than a diffuse shadow.
- (6) Electrical wiring to all site lighting provided shall be underground.
- (7) Exterior lighting on properties within the LWOD and TPOD shall be residential in scope, scale and design.

(k) *Signs.*

All signs within the 49thMOD shall be regulated as set forth in Article XVII of this chapter and in accordance with the following:

- (1) The sign application shall include a scaled, rendered graphic representation of the proposed sign, including all colors and materials and copy to be located thereon;
- (2) Any redevelopment district entry signs shall be exempt from regulations set forth in Article XVII of this chapter;
- (3) The limitations provided in the following table shall supersede any restrictions provided in Article XVII of this chapter to the contrary, as to the height, area or projection of signs within the 49thMOD:

Overlay District	Freestanding Sign Max. Ht./No.	Maximum Area (sq.ft.)			
		Freestanding Sign	Marquee/Awning Sign*	Wall Sign*	Projecting Sign*
CMUOD	As provided in Article XVII				
LWOD	Not permitted	Not permitted	Not permitted	6	6
TPOD	Not permitted	Not permitted	8	8	6
* A business may have either one marquee/awning sign, wall sign or projecting sign.					

- (4) Signs within the TPOD shall only be lighted between the hours of 8:00 a.m. and 9:00 p.m.
- (5) Signs within the LWOD area shall not be lighted.
- (6) Projecting signs count as an attached sign. They shall be installed with a minimum eight-foot clearance from the bottom of the sign to grade or the sidewalk. The sign face of double-faced projecting signs is calculated by measuring one (1) face of the sign only.
- (7) Buildings on corner lots within the CMUOD may have one attached sign per each building façade facing a street however; no attached sign shall exceed the maximum area otherwise permitted per façade.
- (8) The shape, size and area of attached signs shall be proportional to the space to which they are attached.
- (9) Sign application shall include a scaled, rendered graphic representation of the proposed sign, including all colors and materials and copy to be located thereon.
- (10) Signs shall be harmonious with the surrounding properties and maintain the integrity of the neighborhood and be designed as part of an overall theme that respect, enhance and contribute to the architectural style, detailing and elements of a building.
- (11) Signs shall not be in violation of the provisions of article XVII of this Code, pertaining to signs.
- (12) The following are prohibited:
 - a. Box/cabinet style signs.
 - b. Signs utilizing LED or any other electronic changeable copy.

- c. Signs painted directly on the façade of a building unless documented as historical by physical/historical, documentary and/or pictorial evidence.
- d. Attached signs that cover windows or other architectural features.
- e. Projecting signs higher than the top of second story windows.
- f. More than one awning/marquee, wall or projecting sign per business.
- g. Awning signs which are affixed to the awning material by adhesive-backed letters or other non-permanent methods.
- h. Window signs which are affixed by tape or other non-permanent methods.
- i. Changeable copy area greater than 25 percent of the sign area.