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COMMISSION MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Tuesday, February 14, 2017
6:00 PM

Call to Order
Pledge of Allegiance
Invocation
Roll Call

REGULAR MEETING

1. **Presentations** - Presentations shall be limited to 5 minutes for non-city government related items.
2. **Changes to the Agenda** - Any agenda items to be added, moved, or deleted will be addressed at this time. Added items will be assigned agenda item numbers and moved items should remain with the same item numbers. Notation will be made that those items will be taken out of order. Consent items may be removed for discussion, changes, and/or anticipation of a non-unanimous vote and considered separately on the request of anyone on the Commission or by a majority vote of the City Commission upon request of an audience member.
3. **Audience Comments** - Comments shall be limited to 3 minutes per person to issues not on the agenda, 21 minutes in total.
4. **Consent**
 - a. **Approval of the minutes from the January 24, 2017 City Commission Workshop.**
 - b. **Authorization to approve a special event application request for beach fire on Upham Beach on Saturday, March 18, 2017**
 - c. **Authorize the City Manager to sign a no-cost Addendum to the purchase agreement with Alto**

**Construction Company, Inc. for the 37th Avenue
Pavement Repairs.**

5. Action Items

- a. Conditional Use 2016-0065, authorization for an outdoor dining area located in City Right-of-way, associated with a full service restaurant at 338 Corey Avenue.**
- b. Approval of New Member to the General Employees' Pension Board**
- c. Authorize the City Manager to approve Change Order # 12 with Nelson Construction for the Pass-A-Grille Way Reconstruction Project in the amount of \$39,338.08.**
- d. Authorize the City Manager to execute Change Order # 7 with USA Voltage, LLC in the amount of \$46,250 to provide underground utility service connections for the Pass-A-Grille Way North Reconstruction project.**

6. Ordinances

- a. Ordinance 2017-02, First Reading and Public Hearing, an Ordinance of the City of St. Pete Beach, Pinellas County Florida, providing for a supplemental appropriation for fiscal year 2017 to the General, Wastewater, Reclaimed Water, Stormwater and Capital Improvement Funds, providing for funding, providing for severability, and providing for an effective date.**
- b. Ordinance 2016-19, First Reading and Public Hearing, repeal and replace Division 20 of the Land Development Code, PAG Pass-A-Grille Overlay District.**
- c. Ordinance 2017-03, First Reading and Public Hearing, an Ordinance codifying Comprehensive Plan Amendment #03-16. An amendment to modify the Capital Improvements Element of the City's Comprehensive Plan to reflect legislative changes and to remove the Capital Improvements Schedule from the Element and provide for adopting the Schedule annually via Ordinance as allowed by 163.3177(3)(b) Florida Statutes.**
- d. Ordinance 2017-01, First Reading and Public Hearing, repeal and replacement of Division 29- Concurrency, of the City's Land Development Code to reflect changes**

**to the Capital Improvement Element and to
incorporate concurrency tracking methodology.**

7. Resolutions – No items submitted at this time.

8. Items for Discussion – No items submitted at this time.

9. Audience Comments 2 - Comments shall be limited to 3 minutes per person to issues not on the agenda, 21 minutes in total.

**10. City Clerk, City Manager, City Attorney and City
Commission Reports**

11. Adjournment

APPEAL: In accordance with Florida Statute 286.0105, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not furnish verbatim transcripts. Interested parties should make the necessary arrangements for verbatim transcripts.

AMERICANS WITH DISABILITIES ACT: In accordance with the Americans with Disabilities Act and Florida Statutes, Chapter 286.26, persons needing special accommodations to participate in a meeting should contact City Hall at (727) 367-2735 no later than four (4) days prior to the meeting for assistance.

**The public is cordially invited to attend this meeting.
All agenda material is available for review at City Hall.**

CITY COMMISSION MEETING - WORKSHOP

MINUTES

JANUARY 24, 2017

4:30 P.M.

CALL TO ORDER

Mayor Schechner called the meeting to order at 4:30 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENT:

Deborah Schechner, Mayor
Rick Falkenstein, Vice Mayor
Terri Finnerty, Commissioner
Ward Friszolowski, Commissioner
Melinda Pletcher, Commissioner

ALSO PRESENT:

Wayne Saunders, City Manager
Andrew Dickman, City Attorney
Rebecca C. Haynes, City Clerk
Jennifer Bryla, Community Development Director
Mike Clarke, Public Works Director

1. Placemaking/Branding Presentation and Discussion

Jennifer Bryla, Community Development Director, introduced the consultant, Jonathan Mugmon, from Jonathan Mugmon Design.

Mr. Mugmon led the Commission through the scope of services that included the project description and the creation of a brand design. Mr. Mugmon presented graphics and images representing St. Pete Beach and requested the Commission's input in order to develop a foundation for depicting the character of the City.

Mr. Mugmon noted that he will return with several concepts for Commission and staff review.

2. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 5:25 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Deborah Schechner, Mayor

Minutes approved on: _____

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Authorization to approve a special event application request for beach fire on Upham Beach on Saturday, March 18, 2017

Date: February 14, 2017

Prepared By: Jennifer McMahon, Recreation Director

Summary of Issue: St Pete Beach resident, Tom DeYampert, is requesting to have a beach fire on public beach on March 18, 2017 from dusk until 10pm. In addition to the fire, live music is planned on the beach. Tom will secure 2 off duty officers for the event. Tom is hoping this becomes an annual event on Upham. Beach fires on public beaches require approval from fire marshal, city manager and commission. Before fire marshal issues a permit she will ensure the organizers uses wood that is clean wood, no nails on pallets, and a hole to be a maximum 4ft in diameter, area roped off 20ft in diameter around the fire. These stipulations will be on the permit certificate once the approval is granted.

Funding: N/A

Requested Motion: "I move to authorize the approval of special event application request for beach fire on Upham Beach on Saturday, March 18, 2017."

Attachments: Event application

**Reviewed by
City Manager** *WS*



City of St. Pete Beach Recreation
Department

Event Application

Applicant

Name of Applicant: Tom de YAMPERT Title (if applicable): _____

Name of Organization (if applicable): _____

Tax Exempt? ☐ Yes ☒ No Non-Profit? ☐ Yes ☒ NO If yes on either, please provide documentation

Mailing Address: 510 78th AVE, ST. PETE BEACH, FL 33706

Cell Phone: 727-420-2669 Email: TOMDEYAMPERT@GMAIL.COM

Event Information

Event Title: BEACH BONFIRE Event/Organization Web Address: _____

Event Location(s): UPHAM BEACH

Event Date(s) & Time(s)

Date	Day of the Week	Start Time	End Time
<u>3-18-2017</u>	<u>SATURDAY</u>	<u>6 PM</u>	<u>10 PM</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Set Up Date(s): 3-18-2017 Time(s) NOON to 6 PM

Cleanup Date(s): 3-18-2017 Time(s) 10 PM to 11 PM

Description of Event: BEACH BONFIRE

Will this be an Annual Event? ☒ Yes ☐ No If yes, next year's date(s): FRIDAY 3-16-2018

Event Logistics

Estimated Attendance 200 UNKNOWN
(includes event crew, participants, and spectators) This Year Last Year (if Applicable)

List all event activities: BONFIRE & BEACH MUSIC

List all food and beverage vendors (Event Promoter is responsible for obtaining copies of all licenses and insurance forms from each vendor)

NONE

Will alcohol be served or sold? Served Sold ✓ No Alcohol

List all other vendors (may need to provide copy of certificate of insurance) NONE

Event Equipment (include dimensions, seating, staging, tents, platforms, booths, scaffolding, truck, etc. on site map) FIRE PIT & STAGGING

All the above require a temporary structure permit. Cost for each is \$25.

Entertainment (Detail type, bands, DJs, dancers, clowns, etc) BAND

List times of music and/or amplified sound (list PA systems, microphone, speakers, amps) 6 PM to 10 PM

Electricity Needed ✓ Yes No Source: ON SITE OR GENERATOR

Will portable restrooms be used? Yes ✓ No If yes (include on site plan): One ADA compliant toilet for every 10 per location

Will Dumpsters be used? Yes ✓ No If yes (include on site plan)
How Many? Size: Installation Date: Removal Date:

Please list any admission charges, donations, parking, registration or other fees and how much? NONE

Does Event require any Road or Sidewalk Closures? Yes ✓ No

If yes, you must include **all the details** in the **site plan** including streets and times

Road	Start Intersection	End Intersection	Date	Times
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

As the Applicant, I hereby accept and understand the responsibility to oversee all contractors, vendors, or parties affiliated with the event and to insure compliance with the special event guide, the event rules guidelines, requirements for tents and all policies, rules, regulations, and code provisions of the City of St. Pete Beach. I understand that any violations may result in immediate cancellation and revocation of the Event permits. I further certify that all the facts contained in this request are accurate.

For events on Public property, I agree to obtain and furnish the City of St. Pete Beach with a certificate of general liability insurance in the amount of at least one million dollars (\$1,000,000) or greater as deemed satisfactory by the city. The insurance must name the City of St. Pete Beach as an additional insured.

I understand incomplete application or any outstanding financial obligations with any department with in the City of St. Pete Beach may result in a denial of my request.

THOMAS K. deYAMPERT
Print Name

[Signature]
Signature

Corporation Name (if applicable) _____

1-17-2016
Date



**City of St. Pete Beach Recreation
Department
Event Application**

Please Include:

- Site Map
- Traffic & Parking Plan
- Safety Plan
- Certificate of Insurance
- Day of Event Contact Person and Cell Phone Number
- Tax Exempt Documentation (if applicable)
- Non-Profit Documentation (if applicable)

Please send application to:

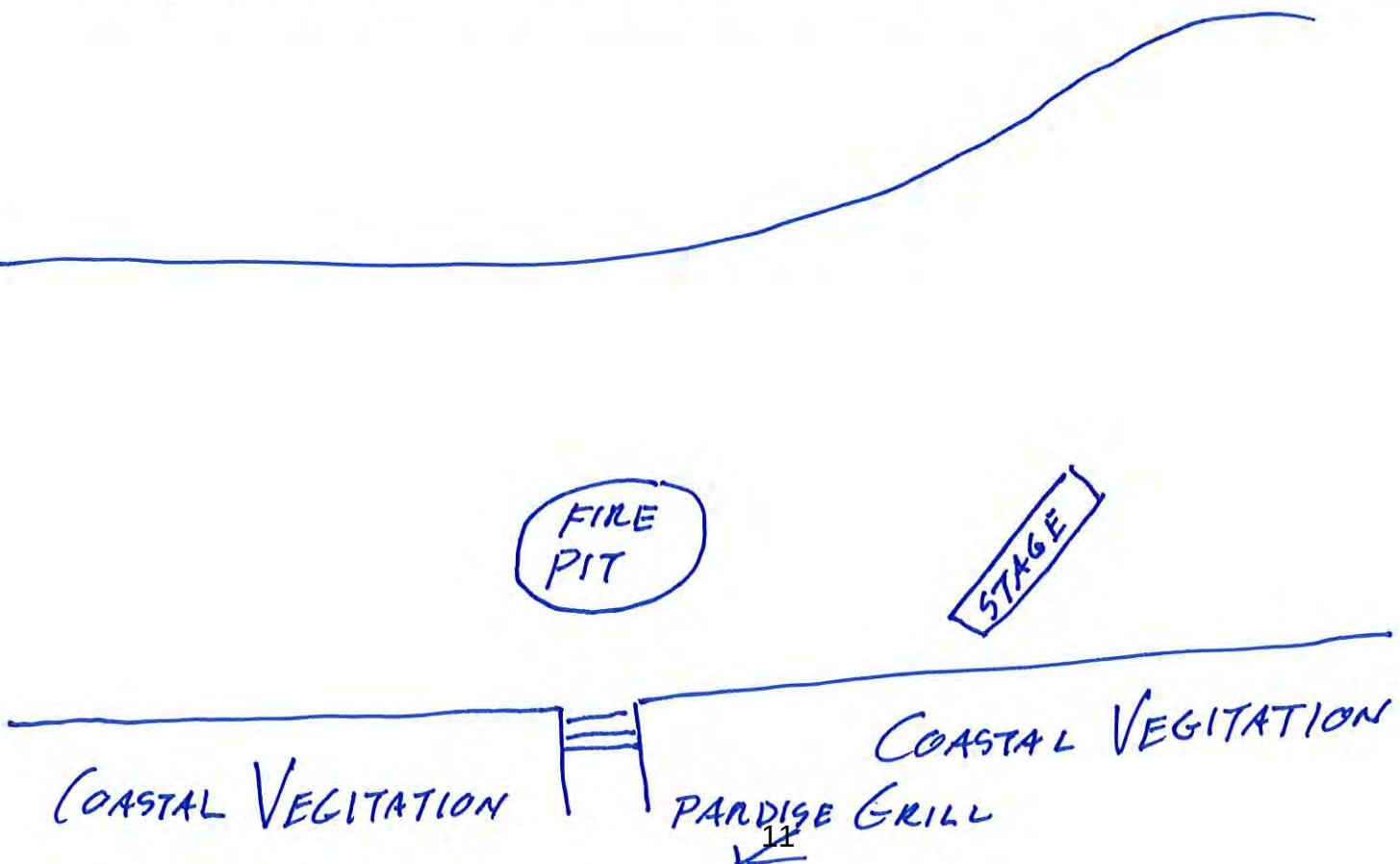
City of St. Pete Beach
Jennifer McMahon, Recreation Director
155 Corey Ave
St. Pete Beach, FL 33706

Or email to: Rddirector@stpetebeach.org

Phone: 727-363-9274

Fax: 727-363-9246

Upon approval, an Event Permit will be sent to the Applicant. Permit fees are due within 10 days of approval.





BEACH FIRE PERMIT APPLICATION

Application must be submitted 14 days in advance of event date

COMPLETE AND RETURN TO:

St Pete Beach Recreation Department
7701 Boca Ciega Dr.
St Pete Beach, FL 33706
(727) 363 - 9245

Date of Beach Fire: 3/18/17 Hours: 6 (AM/PM) to 10 (AM/PM)

Beach Fire Location: Upham Beach Property Owner Sign-
(Authorization is required from the property owner)

Tom DeYampert
Event Coordinator/Applicant:

Title:

Phone: 727-420-2669

Organization: Resident

Summary of Event Activities: Live music and beach fire

Estimated Attendance: 200

Only clean, dry, non-pressure treated wood will be used
Beach fires must be a maximum diameter of 4 feet
Beach fires shall not be left unattended and shall be extinguished by the Applicant at the completion of the event
Wind velocity must not exceed 15 mph
Extinguisher must be present (either pressurized H2O or 2A 10-BC dry powder)
Roped off area 20 feet in diameter around the fire
No sea oats within 75 feet of pit area
Fires must be extinguished by 10:30 p.m.
From May 1 through Oct 31 permission must be obtained from the Florida Dept. of Environmental Protection
Each facility is limited to three (3) beach fires per month

DO YOU HAVE PROOF OF PERMISSION FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THIS EVENT?
YES NO X (Required during the turtle nesting season, May 1st. through Oct. 31st.) To obtain a State permit, call (850) 922-4330.

DO YOU HAVE PROOF OF LIABILITY INSURANCE FOR THIS EVENT? Yes X No NO (The City may require that a liability bond be posted to insure that no damage is done; the amount of which is to be determined by the Risk Management according to the intensity of the event.) Purchase from city

I HEREBY CERTIFY THAT I/WE WILL BE RESPONSIBLE FOR THE PRESERVATION, SANITATION, AND CLEANUP OF THE AREAS USED FOR THIS EVENT. ADDITIONALLY, I/WE CERTIFY THAT THERE IS NO MISREPRESENTATION IN THE FOREGOING STATEMENTS AND ANSWERS.

[Signature]
(Applicant Signature)

570 78th AVE, ST. PETE BEACH, FL 33706
(Address)

727-420-2669
(Phone)

Applications for beach fires on the Public Beach **REQUIRES** approval by the City of St Pete Beach, City Manager and/or the City Commission.

APPROVED: () DENIED: ()

(Signature of City Manager or his/her designee & Date)

(Signature of designee for the City Commission & Date)

BEACH FIRE PERMITS MAY BE REVOKED BY ANY CITY OFFICIAL WHEN CONDITIONS BECOME A NUISANCE OR A PUBLIC SAFETY HAZARD DUE TO SMOKE, FUMES OR ADDITIONAL FIRE OR LIFE/PUBLIC SAFETY HAZARDS, INCLUDING A "BURN BAN" ISSUED BY THE FLORIDA DIVISION OF FORESTRY.

FLORIDA FIRE PREVENTION CODE
ST. PETE BEACH CITY ORDINANCE:
PINELLAS COUNTY ORDINANCE:

F.S.S. 633
ARTICLE II, SPECIAL EVENT PERMITS, CD26:3
OPEN BURNING, REFERENCE PC80-10 FSS590

BY ORDER OF:

(Signature of: Fire Chief or Fire Marshal and/or his/her designee)

(DATE)

**St. Pete Beach City Commission
Agenda Report**

Issue

Considered: Authorize the City Manager to sign a no-cost Addendum to the purchase agreement with Alto Construction Company, Inc. for the 37th Avenue Pavement Repairs.

Date: February 14, 2017

Prepared By: Mike Clarke, Public Services Director

**Summary
Of Issue:**

During Tropical Storm Hermine, the City's wastewater system was inundated with rain water and tidal surges. As a result, the system experienced overflows at several locations throughout the City, including near the intersection of 37th Avenue and El Centro Street. In order to minimize the volume of these overflows, the City enlisted the services of several septic truck companies to pump from the surcharged manhole and transport excess flow directly to our master pump station. As a result of the high number of trucks which traveled 37th Avenue and the lean pavement section in this area, the block between El Centro Street and Gulf Boulevard experienced structural roadway failure.

On November 10th, 2016, the City received sealed bids from three contractors to perform the pavement repairs. After a review of the lump sum prices provided, Alto Construction, Inc. was determined to be the lowest qualified bidder. The purchase agreement with Alto was approved by Commission and signed on December 12, 2016.

It is the City's intention to seek reimbursement from the Federal Emergency Management Agency (FEMA) for services provided under this purchase agreement. Based on additional contractual requirements recently identified by FEMA, the City drafted the subject Addendum to the agreement.

Funding: N/A

Requested Motion: "I move to authorize the City Manager to no-cost Addendum to the purchase agreement with Alto Construction Company, Inc. for the 37th Avenue Pavement Repairs."

Attachments: Addendum to Purchasing Agreement

**Reviewed by
City Manager:** WS

FIRST ADDENDUM TO
37th AVENUE EMERGENCY
PAVEMENT REPAIRS AGREEMENT

THIS ADDENDUM ("Addendum") is made specifically to the 37th Avenue Emergency Pavement Repairs Contracts ("Agreement") by and between CITY OF ST. PETE BEACH ("City") and ALTO CONSTRUCTION COMPANY, INC. ("Vendor") in connection with emergency pavement repairs on 37th Avenue, St. Pete Beach, Florida. The City and Vendor together shall be referred to as the ("Parties").

WHEREAS, an agreement was entered into on December 12, 2016 between Vendor and the City for pavement repairs; and

WHEREAS, the City has entered into an agreement with Federal Emergency Management Agency ("FEMA") to be reimbursed for multiple contracts; and

WHEREAS, for a contract to be reimbursable under the FEMA agreement it must include specific mandatory contract clauses; and

WHEREAS, the purpose of this addendum is to include the specific mandatory contract clauses required by FEMA to ensure the City is reimbursed.

NOW THEREFORE, for and consideration of mutual benefits contained herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties hereto hereby agree to the following:

Requirements under the Uniform Rules. A non-Federal entity's contracts must contain the applicable contract clauses described in Appendix II to the Uniform Rules:

- 1) Remedies. Unless otherwise provided in this contract, all claims, counter-claims, disputes and other matters at issue between the City and the Vendor, arising out of or related to this Addendum, or the breach of it, will be decided by arbitration, if the Parties mutually agree. If the Parties do not agree to arbitration the issue will be handled in a Florida court where jurisdiction is proper.
- 2) Termination. This Agreement may be terminated by any of the Parties in the event of a "substantial failure to perform" of another party to fulfill its obligation under this Agreement through no fault of the terminating party. The terminating party shall provide the other party with no less than ten (10) business days written notice of intent to terminate (delivered by certified mail, return receipt requested). The Vendor, however, shall only be entitled to receive payment for all work completed as of the date of termination.
- 3) Equal Employment Opportunity. During the performance of this Agreement, the Vendor agrees as follows:
 - a) The Vendor will not discriminate against any employee or applicant for

employment because of race, color, religion, sex, or national origin. The Vendor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Vendor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

- b) The Vendor will, in all solicitations or advertisements for employees placed by or on behalf of the Vendor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, or national origin.
- c) The Vendor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other agreement or understanding, a notice to be provided advising the said labor union or workers' representatives of the Vendor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- d) The Vendor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- e) The Vendor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- f) In the event of the Vendor's noncompliance with the nondiscrimination clauses of this Agreement or with any of the said rules, regulations, or orders, this Agreement may be canceled, terminated, or suspended in whole or in part and the Vendor may be declared ineligible for further Government agreements or federally assisted construction agreements in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions as may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- g) The Vendor will include the portion of the sentence immediately preceding paragraph (1) of this Addendum and the provisions of paragraphs (1) through (7) of this Addendum in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Vendor will take such action with respect to any subcontract or purchase order as the administering agency

may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event a Vendor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the Vendor may request the United States to enter into such litigation to protect the interests of the United States.

- 4) Davis Bacon Act and Copeland Anti-Kickback Act. In accordance with the statute, Vendors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, Vendors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award an agreement or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

a) Compliance with the Copeland “Anti-Kickback” Act.

- i. Vendor. The Vendor shall comply with 18 U.S.C. § 874, 40 U.S.C. § 3145, and the requirements of 29 C.F.R. pt. 3 as may be applicable, which are incorporated by reference into this Agreement.
- ii. Subcontracts. The Vendor or subcontractor shall insert in any subcontracts the clause above and such other clauses as the FEMA may by appropriate instructions require, also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime Vendor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all of these Agreement clauses.
- iii. Breach. A breach of the Agreement clauses above may be grounds for termination of the Agreement, and for debarment as a Vendor and subcontractor as provided in 29 C.F.R. § 5.12.

5) Contract Work Hours and Safety Standards Act.

- a) Overtime requirements. No Vendor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.
- b) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (1) of this Addendum the Vendor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such Vendor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated

damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1) of this Addendum, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1) of this Addendum.

- c) Withholding for unpaid wages and liquidated damages. The City shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the Vendor or subcontractor under any such Agreement or any other Federal Agreement with the same prime Vendor, or any other federally-assisted Agreement subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime Vendor, such sums as may be determined to be necessary to satisfy any liabilities of such Vendor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2) of this Addendum.
- d) Subcontracts. The Vendor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1) through (4) of this Addendum along with a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime Vendor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1) through (4) of this Addendum.
- 6) Rights to Inventions Made Under a Contract or Agreement. No reports, maps, or other documents produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of the Vendor. FEMA and the City shall possess all rights to invention or discovery, as well as rights in data which may arise as a result of the Vendor's services.
- 7) Clean Air Act and the Federal Water Pollution Control Act.
 - a) Clean Air Act.
 - i. The Vendor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq.
 - ii. The Vendor agrees to report each violation to the City and understands and agrees that the City will, in turn, report each violation as required to assure notification to the Vendor, Federal Emergency Management Agency, and the appropriate Environmental Protection Agency Regional Office.
 - iii. The Vendor agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FEMA.

b) Federal Water Pollution Control Act.

- i. The Vendor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq.
- ii. The Vendor agrees to report each violation to the City and understands and agrees that the City will, in turn, report each violation as required to assure notification to the Vendor, Federal Emergency Management Agency, and the appropriate Environmental Protection Agency Regional Office.
- iii. The Vendor agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FEMA.

8) Debarment and Suspension.

- a) This Agreement is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such the Vendor is required to verify that none of the Vendor, its principals (defined at 2 C.F.R. § 180.995), or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).
- b) The Vendor must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into.
- c) This certification is a material representation of fact relied upon by Vendor. If it is later determined that the Vendor did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to City the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment.
- d) The bidder or proposer agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C while this offer is valid and throughout the period of any Agreement that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

9) Byrd Anti-Lobbying Amendment.

- a) Vendors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal Agreement, grant, or any other

award covered by 31 U.S.C. § 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.

- b) The undersigned Vendor certifies, to the best of his or her knowledge, that: No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal Agreement, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal Agreement, grant, loan, or cooperative agreement.
- c) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal Agreement, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form- LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- d) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and Agreements under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure. The Vendor certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Vendor understands and agrees that the provisions of 31 U.S.C. § 3801 *et seq.*, apply to this certification and disclosure, if any.

10) Procurement of Recovered Materials.

- a) In the performance of this Agreement, the Vendor shall make maximum use of products containing recovered materials that are EPA- designated items unless the product cannot be acquired:
 - i. Competitively within a timeframe providing for compliance with the Agreement performance schedule;
 - ii. Meeting Agreement performance requirements; or
 - iii. At a reasonable price.
- b) Information about this requirement is available at EPA's Comprehensive Procurement Guidelines web site, <http://www.epa.gov/cpg/>. The list of EPA-designate items is available at <http://www.epa.gov/cpg/products.htm>.

11) Additional FEMA Requirements.

- a) Access to Records.
 - i. The Vendor agrees to provide City, the FEMA Administrator, the Comptroller General of the United States, or any of their authorized representatives access to any books, documents, papers, and records of the Vendor which are directly pertinent to this Agreement for the purposes of making audits, examinations, excerpts, and transcriptions.
 - ii. The Vendor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.
 - iii. The Vendor agrees to provide the FEMA Administrator or his/her authorized representatives access to construction or other work sites pertaining to the work being completed under the Agreement.

12) DHS Seal, Logo, and Flags. The Vendor shall not use the DHS seal(s), logos, crests, or reproductions of flags or likenesses of DHS agency officials without specific FEMA pre-approval.

13) Compliance with Federal Law, Regulations, and Executive Orders. This is an acknowledgement that FEMA financial assistance will be used to fund the Agreement only. The Vendor will comply with all applicable federal law, regulations, executive orders, FEMA policies, procedures, and directives.

14) No Obligation by Federal Government. The Federal Government is not a party to this Agreement and is not subject to any obligations or liabilities to the non-Federal entity, Vendor, or any other party pertaining to any matter resulting from the Agreement.

15) Program Fraud and False or Fraudulent Statements or Related Acts. The Vendor acknowledges that 31 U.S.C. Chap. 38 (Administrative Remedies for False Claims and

Statements) applies to the Vendor's actions pertaining to this Agreement.

16) This Addendum is attached to and made a part of the Agreement. In the event of any inconsistency between the terms of this Addendum and the printed, typewritten or handwritten terms of the Agreement, the terms of this Addendum shall control.

17) This Addendum may be executed by the Parties in counterpart originals with the same force and effect as if fully and simultaneously executed as a single original document. The "Effective Date" of this Addendum shall be the date this Addendum has been executed by all Parties.

IN WITNESS, WHEREOF, the Parties have executed this Addendum on the day and year set forth below.

ALTO CONSTRUCTION COMPANY, INC.: **CITY OF ST. PETE BEACH:**

Signature: _____

Signature: _____

By: Chris Stephens

By: Wayne Saunders

Its: _____

Its: City Manager

Date: _____

Date: _____

APPROVED AS TO FORM:

ATTEST:

Andrew Dickman
City Attorney

Rebecca C. Haynes
City Clerk

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Public Hearing for Conditional Use Case 2016-0065.

Date: February 14, 2017

Prepared By: Jennifer Bryla, Community Development Director

Presented By: Wayne Saunders, City Manager

Summary of Issue: Applicant requests conditional use approval for the establishment of a 32 seat outdoor dining area adjacent to an existing full service restaurant.

The item was heard by the Technical Review Committee on November 2nd, 2016 and January 6th 2017. The TRC is recommending the following conditions:

1. A suitable barrier to a height of approximately 40" shall be installed around the perimeter of the seating area adjacent to Corey Avenue pursuant to Section 6.24(a)(d) of the LDC. The barrier shall be adequate to withstand vehicular traffic impact of approximately 30 mph and shall be approved by the Building Official. Such barrier shall be placed inconspicuously, either within the planters shown on the site plan dated 1/27/17 or otherwise hidden from view from the street.
2. The entire seating area shall be elevated to match the existing level of the adjacent sidewalk, using a manner acceptable by the Building Official. The platform shall allow water to pass underneath, so as not to impede stormwater drainage.
3. The signage, canopy, lighting, and egress points shall be those which were approved by TRC and on the site plan dated 1/27/17.

- Any change in the above must be reviewed by TRC prior to incorporation.
4. The tables and chairs used in the outdoor seating area shall be those which were approved by TRC. Any change in furniture must be reviewed by TRC prior to incorporation.
 5. The outdoor seating area shall not exceed 32 seats, as shown on the site plan dated 1/27/17.
 6. Amplified sound systems and live music shall be prohibited in the outdoor seating area.
 7. A maintenance schedule shall be provided to the City, ensuring that the dining area and adjacent sidewalk will remain clean and unobstructed at all times.
 8. There shall be no outdoor food preparation allowed within the outdoor seating area; and no food or beverage shall be taken outside the designated seating area.
 9. Upon the issuance of a tropical storm or hurricane warning, all tables, chairs and other equipment shall be securely stored inside.
 10. The hours of operation for the outdoor seating area shall be the same as that of the principal business, but shall remain open no later than 10:00pm.
 11. If the operator fails to comply with any of the above conditions or any requirements in the Code, or if the property/business changes ownership, the City may revoke this conditional use permit.
 12. The City shall continue to be named as a policer holder on the Certificate of Liability Insurance.

Requested Motion:

“I move to approve conditional use case 2016-0065 with the conditions as presented by the TRC”

Attachments:

Staff Report

Survey
Site Plan
Application

**Reviewed by
City Manager:**

WS

	St. Pete Beach City Commission 155 Corey Avenue St. Pete Beach, FL 33706 727-367-2735								
2/14/17									
Conditional Use Case#: 2016-0065 (Outdoor Dining in City Right-of-Way) Agent/Owner Raandi Morales/ Corey Properties II LLC Location 340 Corey Avenue Unit 338 Commission District District 1 Staff Representative Chelsey Welden, Community Development Findings Findings are further explored in the Justification/Technical Review portion of this Staff Report. Staff has determined the following, pursuant to Division 4 of the LDC (Conditional Use Approval Criteria): 1. The proposed application is consistent with Florida Statutes. 2. The proposed application is	ITEM SUMMARY: The applicant is requesting conditional use approval for an outdoor dining area located in City owned right-of-way pursuant to Section 6.24 of the City's Land Development Code. The seating area was previously approved via right-of-way utilization permit in 2013. The City subsequently passed Ordinance 2015-21 requiring conditional use approval for outdoor drinking and dining spaces located within public right-of-way. When the restaurant (previously Jackie's Bistro) changed ownership, the right-of-way permit became null and void as the permit was attached to the ownership. The applicant is requesting to keep the same area and furnishings as the previous owner, which comprises an area of approximately 500 square feet with a maximum occupancy of 32 seats. The proposed space occupies three (3) un-metered public parking spaces on the south side of Corey Avenue and directly abuts the 10 ft. wide sidewalk in front of the full-service restaurant which it will serve. Existing Use: Three (3) Public Parking Spaces Proposed Use: Outdoor Dining Area Associated with a Full-Service Restaurant Adjacent Uses: <table> <tr> <td>North:</td> <td>Corey Avenue & Commercial Strip Center with Sidewalk</td> </tr> <tr> <td>South:</td> <td>Commercial Strip Center with Sidewalk</td> </tr> <tr> <td>East:</td> <td>Corey Avenue</td> </tr> <tr> <td>West:</td> <td>Corey Avenue</td> </tr> </table>  PUBLIC NOTICE:	North:	Corey Avenue & Commercial Strip Center with Sidewalk	South:	Commercial Strip Center with Sidewalk	East:	Corey Avenue	West:	Corey Avenue
North:	Corey Avenue & Commercial Strip Center with Sidewalk								
South:	Commercial Strip Center with Sidewalk								
East:	Corey Avenue								
West:	Corey Avenue								

consistent with the Comprehensive Plan. 3. The proposed application is compatible with the character of the existing area. 4. The proposed application will not have a negative impact on off-street parking or transportation. 5. The proposed application will not negatively affect public health, safety, or welfare. 6. The proposed application is consistent with the policies established for the Downtown CRD and will not negatively impact adjacent properties. Staff Recommendation <i>Approval with outlined conditions.</i>	Notice of public hearing has been advertised and notice has been provided as required by State Statutes including mailings within 500 feet of the subject property, posting of the property, and newspaper advertisement. As of the date of this report, no written comments have been received. Oral and written comments may be presented at the public hearing. COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE: The subject property has a future land use designation of TC-1 (Town Center Core) in the City of St. Pete Beach Comprehensive Plan, which is located in the Downtown Community Redevelopment District. Primary permitted uses are office and commercial, which includes restaurants. The subject property is also zoned TC-1 (Town Center Core) in the City of St. Pete Beach Land Development Code (LDC) which allows a variety of uses including eating and drinking establishments with or without outdoor seating. Section 6.24 allows for outdoor drinking and dining in the public right-of-way with conditional use approval, and outlines requirements for such applications pertaining to safety, aesthetics, and operations. JUSTIFICATION / TECHNICAL REVIEW: City Staff has evaluated the standards for review in Division 4 of the LDC and has determined the following: Sec. 4.4 of the LDC Standards applicable to all conditional uses. When considering an application for approval of a conditional use, the city commission review shall consider the following standards: (1) Whether the conditional use is consistent with the goals, objectives, and policies of the Comprehensive Plan, any adopted special area plan and these regulations; <i>The application is consistent—specifically, with Future Land Use Element Goal #1 for the Downtown Redevelopment District which encourages revitalization through redevelopment that is designed to attract residents and visitors in a manner that enhances pedestrian and non-vehicular mobility.</i> <i>Additionally, Future Land Use Element Objective 1.8 for the Downtown Redevelopment District directs the City to expand neighborhood retail and business activities through the recognition of unique features of various Downtown neighborhoods. The proposed (commonly called a curb extension/bulb-out) is a unique feature often used as a traffic calming technique to reduce vehicular speeds by visually narrowing the roadway. Outdoor cafes also create streetscape character, as they are</i>
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unique in themselves.

Finally, the Purpose and Intent from the General Provisions of the Downtown Redevelopment District is to create a traditional village community with a “sense of place” which emphasizes pedestrian mobility over vehicular mobility, which the project does.

(2) Whether the proposed use will be compatible with the character of the existing area, including existing structures and structures under construction, existing public facilities and public facilities under construction, and residential, commercial and/or service facilities available within the existing area. More specifically:

a. Whether the overall appearance and function of the area will be significantly affected. Consideration shall be given to the existence of other uses in the area, based on the number, size, and location of the uses and the intensity and scale of the proposed and existing uses in the area; *The application is consistent with other uses in the area—there are several other restaurants (Chill, Swigwam) along Corey Avenue who have shown interest or applied for approval for outdoor dining in the right-of-way along Corey Avenue, although none have been approved to date.*

b. Whether the application will preserve any city, state or federally designated historic, scenic, archaeological, or cultural resources; *The City is unaware of any such resources but if there are any, the applicant will comply.*

c. Whether the application will be compatible with adjacent development, if any, based on characteristics such as size, building style and scale; or whether such incompatibilities are mitigated through such means as screening, landscaping, setbacks, and other design features; *The application is compatible with adjacent development in terms of style and scale, as it reflects the “village-like character and human scale at the street level” identified as the direction for Corey Avenue in Future Land Use Objective 3.3 for the Downtown CRD.*

d. Whether the application will have significant adverse impacts on the livability and usability of nearby land due to noise, dust, fumes, smoke, glare from lights, late-night operations, odors, vehicular traffic, truck and other delivery trips, the amount, location, and nature

of any outside activities, potential for increased litter, or privacy and safety issues. *City Codes and the conditions contained herein strive to anticipate and mitigate such adverse impacts if any should arise; the City has the ability to revoke the permit if such offenses become problematic.*

(3) Whether the transportation system is capable of adequately supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, if any, site access requirements, neighborhood impacts, and pedestrian safety;

On-street parking will continue to be negatively impacted due to the loss of three (3) public parking spaces. However, the downtown offers ample free parking--along the entirety of Corey Avenue as well as free parking lots nearby at City Hall and the library. Parking at these nearby locations gives downtown patrons the opportunity to walk along the commercial corridor in order to get to their destination. This in turn provides more pedestrian traffic to all of the business and ultimately results in a more vibrant downtown.

Future Land Use Objective 2.3 for the Downtown CRD calls for a Master Streetscape Plan to “be implemented to enhance the comfort and safety of the pedestrian environment in the Downtown area, provide for bicycle or other non-vehicular parking and safe circulation, improve traffic circulation and provide traffic calming...” As mentioned in (1) above, bulb-outs are traffic calming techniques and support the direction of the Comprehensive Plan.

Additionally, Future Land Use Policy #8 for the Downtown CRD encourages shared parking wherever possible.

A protective barrier will be installed around the perimeter of the seating area to provide that the safety of the area is maintained.

(4) Whether the minimum off-street parking area required and the amount of space needed for the loading and unloading of trucks, if applicable, will be provided and will function properly and safely; *Off-street parking not applicable to this application; Sec. 23.5(a) of the LDC exempts 500 square feet of outdoor dining area from parking requirements.*

Further, the proposed dining area is in accordance with Future Land Use

Policy 2.1.2 for the CRD, which states that “livable roadway strategies and features shall be pursued within the CRD ...with a particular emphasis on Gulf Blvd, Corey Avenue...” One of the examples listed in the Policy as a suggested feature is bulb-outs.

The space for loading and unloading for trucks will be unaffected, as it is located in the alley to the rear of the property.

(5) Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made; *The application will generally not affect the health safety and welfare of the community, as protective barriers will be installed to shield the outdoor dining patrons from adjacent traffic along Corey Avenue.*

(6) Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to guarantee the provision of such improvements and mitigation; *The applicant provided proof of insurance and indemnification as required by Sec. 6.24 of the LDC and is included herein as a condition of approval.*

(7) Whether the proposed use complies with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the regulations of the City of St. Pete Beach. *The proposed application use complies with all other provisions of the Code.*

Sec. 4.12 of the LDC. Standards applicable to conditional uses within the CRD.

In addition, the following criteria are to be used to evaluate the extent that the proposed project can demonstrate that no unreasonable or disproportionately negative impacts are imposed upon adjacent or nearby properties:

- (1) Utility infrastructure, including sanitary sewer, reclaimed water, potable water, electric and natural gas services, and data transmission and telecommunication services

The application will have no additional impact on City infrastructure.

- (2) Transportation infrastructure, including ingress and egress from public right-of-way, traffic control devices and signalization, internal vehicle circulation of the site, design and function of parking areas, loading and

unloading areas, pedestrian transit infrastructure and amenities, and public sidewalks and roadways.

There have been no vehicular conflicts with the outdoor seating area since its inception in 2013. A negative impact on the City could be construed, in that the business has been occupying three public parking spaces with no financial compensation or relocation of the spaces elsewhere. However, the benefits discussed herein regarding the application's consistency with and furthering of the Comprehensive Plan's Goals, Policies, and Objectives should be considered as providing balance for such perceived negative impacts.

(3) Hydrological features and stormwater management infrastructure

The application will have no additional impact on such infrastructure, as the development is required to allow for existing storm water to continue to flow along the curblane.

(4) Aesthetic and architectural features of the development, including site layout, physical dimensions of structures such as height and massing, design and appearance of building facades, exterior building materials, advertising and directional signage and the provision and maintenance of Gulf and Bay view and vistas.

The proposed furniture and planters are of an aesthetic quality material acceptable to the City.

(5) Site landscaping, open space provision and impervious surface limitations.

The proposed request is not subject to open space or ISR requirements, but will be required to incorporate appropriate plant material into the design that meets the standard for Florida No. 1 or better, pursuant to Sec. 22.4 of the LDC.

(6) Operational and functional requirements of facilities, including hours of operation, provision of required services or amenities, lighting requirements, noise abatement requirements, residency limitations and facilities maintenance.

The proposed project meets or exceeds the criteria expressed in the City guiding documents.

(7) Fire suppression and facility security.

The proposed project meets or exceeds the criteria expressed in the City guiding documents.

(8) Emergency management and hurricane evacuation provisions.

This requirement does not pertain to the proposed project.

- (9) For temporary lodging uses taller than 50 feet in height or a density greater than 30 units per acre, the following additional issues shall be considered:

This requirement does not pertain to the proposed project.

The Technical Review Committee reviewed the application on Nov. 2nd, 2016 and Jan. 6th, 2017 and is recommending the following conditions:

- 1) Recreation: None.
- 2) Building: See conditions below.
- 3) Fire: None.
- 4) Public Services: None.
- 5) Code Enforcement: None.
- 6) Planning & Zoning: See conditions below.

STAFF RECOMMENDATION:

Upon review of the City's guiding documents, Staff recommends approval with the following conditions:

1. A suitable barrier to a height of approximately 40" shall be installed around the perimeter of the seating area adjacent to Corey Avenue pursuant to Section 6.24(a)(d) of the LDC. The barrier shall be adequate to withstand vehicular traffic impact of approximately 30 mph and shall be approved by the Building Official. Such barrier shall be placed inconspicuously, either within the planters shown on the site plan dated 1/27/17 or otherwise hidden from view from the street.
2. The entire seating area shall be elevated to match the existing level of the adjacent sidewalk, using a manner acceptable by the Building Official. The platform shall allow water to pass underneath, so as not to impede stormwater drainage.
3. The signage, canopy, lighting, and egress points shall be those which were approved by TRC and on the site plan dated 1/27/17. Any change in the above must be reviewed by TRC prior to incorporation.
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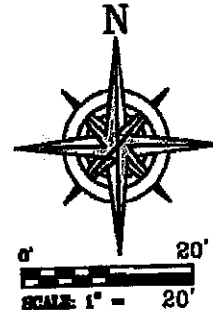
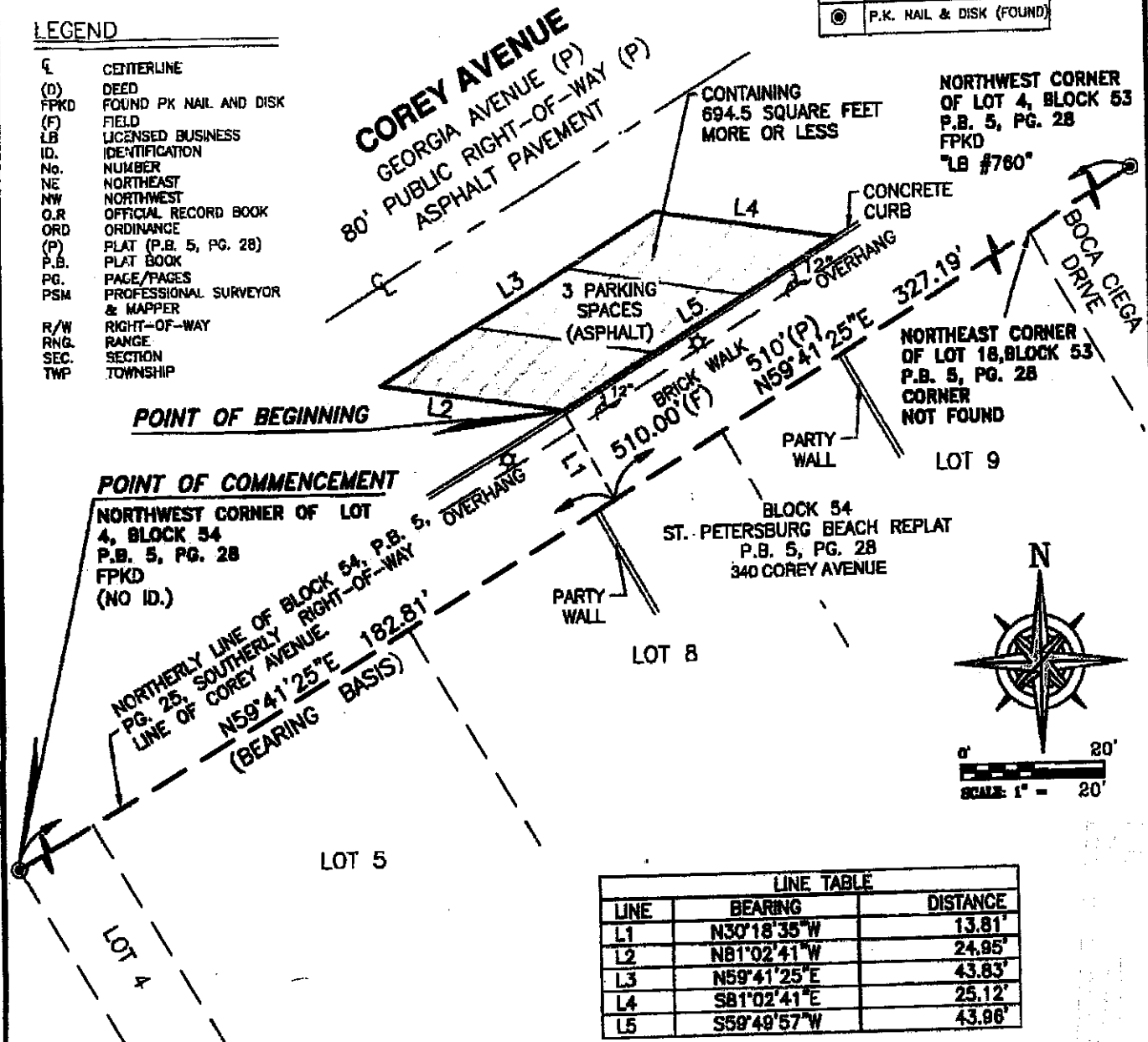
THIS IS NOT A SURVEY.
THERE MAY BE ADDITIONAL RESTRICTIONS AFFECTING THIS
PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF
THIS COUNTY.
THIS LEGAL DESCRIPTION AND SKETCH WAS PREPARED WITHOUT
THE BENEFIT OF A TITLE INSURANCE.

SEC.36 , TWP. 31S., RNG. 16E.

LEGEND

C CENTERLINE
 (D) DEED
 FPKD FOUND PK NAIL AND DISK
 (F) FIELD
 LB LICENSED BUSINESS
 ID. IDENTIFICATION
 No. NUMBER
 NE NORTHEAST
 NW NORTHWEST
 O.R. OFFICIAL RECORD BOOK
 ORD ORDINANCE
 (P) PLAT (P.B. 5, PG. 28)
 P.B. PLAT BOOK
 PG. PAGE/PAGES
 PSM PROFESSIONAL SURVEYOR
 & MAPPER
 R/W RIGHT-OF-WAY
 RNG. RANGE
 SEC. SECTION
 TWP. TOWNSHIP

SYMBOL LEGEND	
☆	LIGHT POLE
~	PALM
⊙	P.K. NAIL & DISK (FOUND)



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N30°18'35"W	13.81'
L2	N81°02'41"W	24.95'
L3	N59°41'25"E	43.83'
L4	S81°02'41"E	25.12'
L5	S59°49'57"W	43.96'

NOTES:

1. BEARINGS FOR THIS SKETCH & DESCRIPTION ARE BASED ON THE NORTHERLY LINE OF BLOCK 54, ST. PETERSBURG BEACH REPLAT, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 25, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, HAVING AN ASSUMED BEARING OF N59°41'25"E.
2. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED.
3. THIS SKETCH & DESCRIPTION IS BASED ON U.S. SURVEY FEET.
4. THIS LEGAL DESCRIPTION AND SKETCH WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND MAY BE SUBJECT TO EASEMENTS, RESTRICTIONS, RIGHTS-OF-WAY AND OTHER MATTERS OF RECORD. THE GEOMETRY AS DESCRIBED ON THE RECORDED DOCUMENTS AS NOTED HEREIN AND IS SUBJECT TO AN ACCURATE FIELD BOUNDARY SURVEY.

DEUEL & ASSOCIATES

CONSULTING ENGINEERS LAND SURVEYORS LAND PLANNERS

565 SOUTH HERCULES AVENUE
CLEARWATER, FL 34614
PH 727.622.4151 FAX 727.621.7385
WWW.DEUELENGINEERING.COM
CERTIFICATE OF AUTHORIZATION NUMBER 26520
LICENSED BUSINESS NUMBER 107

THIS DOCUMENT IS NOT VALID WITHOUT THE
SIGNATURE AND ORIGINAL RAISED SEAL OF A
FLORIDA LICENSED SURVEYOR AND MAPPER.

SKETCH & DESCRIPTION

Dana A. Wylie 9/5/13
DANA A. WYLIE, PSM, LS 5874

PINELLAS COUNTY

FLORIDA

WORK ORDER	2013-1105
DATE:	08-08-2013
DRAWN:	D.H.
SCALE:	1" = 20'
SHEET NO.	2 OF 2

THIS IS NOT A SURVEY.

THERE MAY BE ADDITIONAL RESTRICTIONS AFFECTING THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

SEC. 36, TWP. 31S., RNG. 16E.

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF GEORGIA AVENUE (COREY AVENUE), ST. PETERSBURG BEACH REPLAT, AS RECORDED IN PLAT BOOK 5, PAGE 28, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LYING IN SECTION 36, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 4, BLOCK 54, ST. PETERSBURG BEACH REPLAT, AS RECORDED IN PLAT BOOK 5, PAGE 28, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE ALONG THE NORTHERLY LINE OF SAID BLOCK 54, SAME BEING THE SOUTHERLY RIGHT-OF-WAY LINE OF COREY AVENUE, N59°41'25"W, A DISTANCE OF 182.81 FEET; THENCE DEPARTING SAID NORTHERLY LINE OF BLOCK 54, N30°18'35"W, A DISTANCE OF 13.81 FEET TO THE POINT OF BEGINNING; THENCE N81°02'41"W, A DISTANCE OF 24.95 FEET; THENCE N59°41'25"E, A DISTANCE OF 43.83 FEET; THENCE S81°02'41"E, A DISTANCE OF 25.12 FEET; THENCE S59°49'57"W, A DISTANCE OF 43.96 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 694.5 SQUARE FEET, MORE OR LESS.

NOTES:
1. BEARINGS FOR THIS SKETCH & DESCRIPTION ARE BASED ON THE NORTHERLY LINE OF BLOCK 54, ST. PETERSBURG BEACH REPLAT, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 28, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, HAVING AN ASSUMED BEARING OF N59°41'25"E.
2. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED.
3. THIS SKETCH & DESCRIPTION IS BASED ON U.S. SURVEY FEET.
4. THIS LEGAL DESCRIPTION AND SKETCH WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND MAY BE SUBJECT TO EASEMENTS, RESTRICTIONS, RIGHTS-OF-WAY AND OTHER MATTERS OF RECORD. THE GEOMETRY AS DESCRIBED ON THE RECORDED DOCUMENTS AS NOTED HEREIN AND IS SUBJECT TO AN ACCURATE FIELD BOUNDARY SURVEY.

DEUEL & ASSOCIATES
CONSULTING ENGINEERS LAND SURVEYORS LAND PLANNERS

805 SOUTH HIGHLAND AVENUE
SUITE 200
TAMPA, FLORIDA 33606
CERTIFICATE OF AUTHORIZATION NUMBER: 00000
LICENSED SURVEYOR NUMBER: 100

THIS DOCUMENT IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SKETCH & DESCRIPTION

WORK ORDER: 2013-1105
DATE: 09-05-2013
DRAWN: D.H.
SCALE: 1" = 20'
SHEET NO. 1 OF 2

Dana A. Wyllie 9/5/13

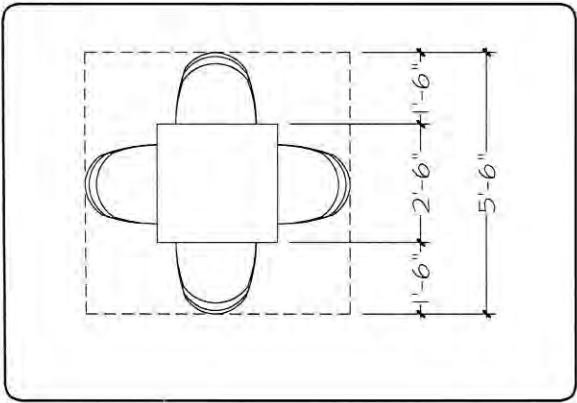
DANA A. WYLLIE, PSM, LS 5874

PINELLAS COUNTY

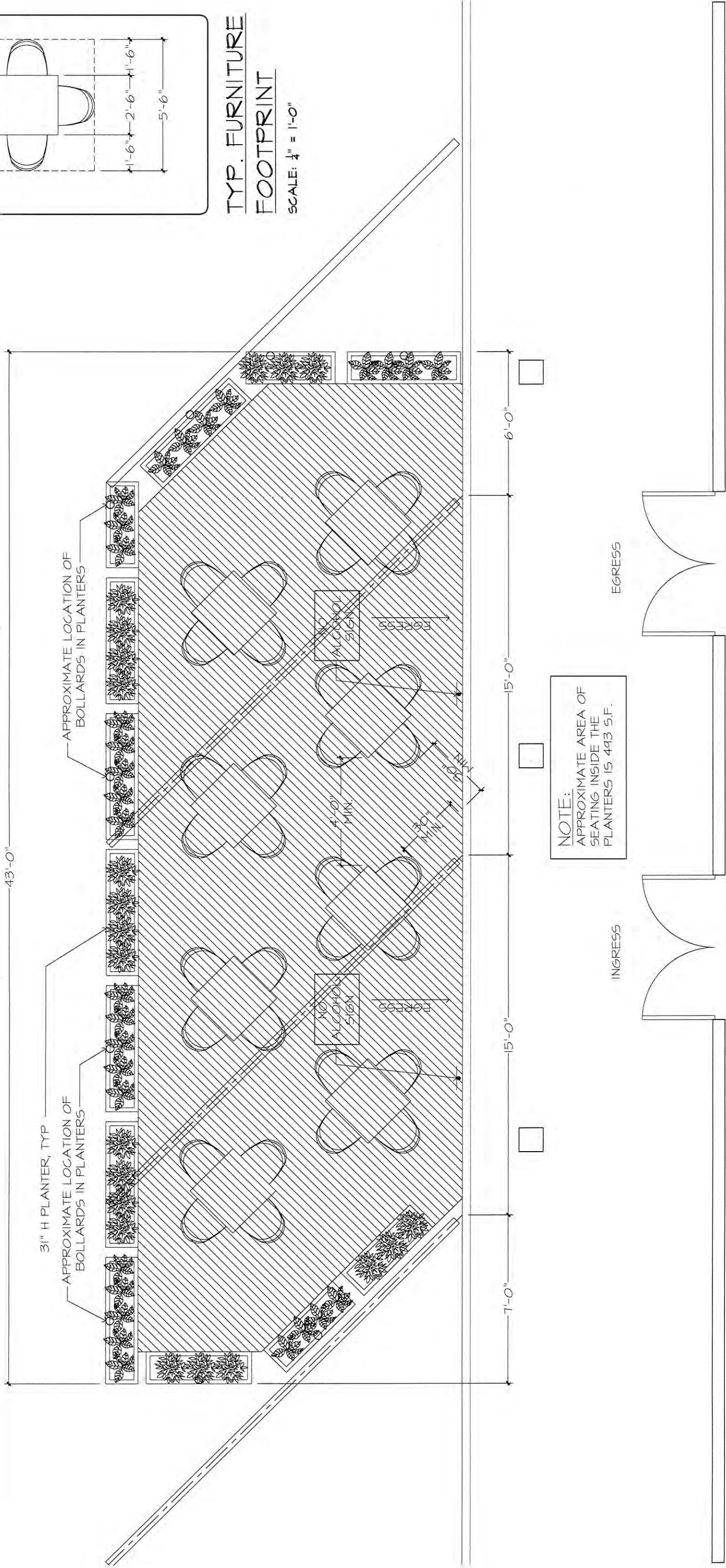
FLORIDA

Sep 05, 2013 - 11:43am X:\200 Projects\Projects\2013-1105-1105 340 Cary Ave. 57 Data\Survey\Need\2013-1105-1105-13.dwg

BOLLARDS SHALL BE
38" H. X Ø 5" DIA.,
APEX MODEL
5FB-M30



TYP. FURNITURE
FOOTPRINT
SCALE: 1/4" = 1'-0"



OUTDOOR SEATING PLAN

SCALE: 1/4" = 1'-0"

Jackie's Bistro
340 Corey Avenue
Unit 338
St. Pete Beach





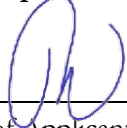
Community Development
Department
155 Corey Avenue
St. Pete Beach, Florida 33706
727.363.9265
cddirector@stpetebeach.org

AMENDED CONDITIONAL USE APPLICATION

Applicants must acknowledge understanding of the following. Initial each of the statements below. If you do not understand any of these, staff will explain them to you.

- ☒ I understand that the City will not accept or process an incomplete application.
- ☒ I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a conditional use. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a conditional use.
- ☒ On all conditional uses, a majority vote is required. Action on this application by the City Commission may be continued to a later meeting.
- ☒ I understand that if a conditional use is approved by the City Commission, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval from the City Commission becomes voided.
- ☒ I understand that any person aggrieved by the final decision has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.
- ☒ I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application.

After acknowledgement of these conditions, complete the application form on the following pages



Signature of Applicant

10-10-16

Date

AMENDED CONDITIONAL USE APPLICATION

Case Number: 2016-0065

PROPERTY FOR PROPOSED CONDITIONAL USE

Legal Description: SEE ATTACHED
Parcel ID: 36-31-15-77994-054-0050
Address: 338 COREY AVENUE ST PETE BEACH FL 33706
(part of 340 Corey Ave)
Current Zoning: TC-1 FLUM Designation: TC-1 Lot Area: 10,974 SF
Existing Use: Bar/Rest Proposed Use: Bar/Rest

APPLICANT/AGENT:

Name: Raandi Morales
Address: 2816 BEACH BLVD S.
City: Gulfport FL 33707 State:
Zip: Phone: 727-455-9675
Email: RMORALES@SUNESQ.COM

PROPERTY OWNER:

Name: Corey Properties II LLC
Address: 14152 Jennifer Trace
City: Largo State: FL
Zip: 33774 Phone:
Email: JACK.BUNS@VERIZON.NET

DETAILS OF THE REQUEST: Cite code sections for which conditional use is requested: (Add additional sheets if necessary)

OUTDOOR DINING AND DRINKING AREA FOR APPROXIMATELY 32 SEATS FOR JACKIES BISTRO

PURSUANT TO SECTION 6.24 LDC

WE DO NOT INTEND TO USE THE SIDEWALK FOR ANY SEATING OR SERVICE

Attach the following supporting documentation to this application:

- Recent survey of the property
- A site plan, drawn to scale, illustrating the proposed conditional use

This completed application, together with all required supporting documents and fees, shall be submitted by 12:00 noon on the stated filing date for the Technical Review Committee meeting. Failure to do so will delay your application to a later date. If any materials are missing or any part of this application is left blank, staff may refuse the

application until such time as it is completed by the applicant. _____ (applicant's initials)



Application Checklist:

Check here if document is attached	Required Document
x	Recent Survey of the property illustrating all boundaries, easements, and physical improvements.
x	Site Plan drawn to scale showing proposed deviations of the code.

In order for an application for a conditional use to be approved or approved with conditions, the City Commission must make a positive finding with regard to each of the provisions below. The applicant has the burden of proof demonstrating that the application for the conditional use complies with each of the requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

1. Whether the conditional use is consistent with the goals, objectives, and policies of the Comprehensive Plan and any adopted special area plan.

THE PROPOSED USE IS CONSISTENT IWTH THE GOALS OBJECTIVES AND POLICIES OF THE COMPREHENSIVE PLAN AND WILL HELP IMPLEMENT GOAL 3 OBJECTIVES FOR THE DOWNTOWN REDEVELOPMENT DISTRICT AND HELP MAKE THE COREY AVENUE DISTRICT MORE VIBANT

2. Whether the proposed use will be compatible with the character of the existing area, including existing structures and structures under construction, existing public facilities and public facilities under construction, and residential commercial and/or service facilities available within the existing area. More specifically:

- a. Whether the overall appearance and function of the area will be significantly affected consideration shall be given to the existence of other uses in the area, based on the number, size, and location of the uses and the intensity and scale of the proposed and existing uses in the area;

THE PROPOSED USE SHALL ENHANCE THE OVERALL APPEARANCE AND FUNCTION OF THE AREA BY ADDING TO THE VILLAGE-LIKE CHARACTER OF THE DISTRICT

- b. Whether the application will preserve any city, state, or federally designated historic, scenic, archaeological, or cultural resources (check with Community Development to determine historic resource status);

THE PROPOSED USE DOES NOT AFFECT ANY CITY STATE OR FEDERALLY DESIGNATED HISTORIC, SCENIC, ARCHAEOLOGICAL OR CULTURAL RESOURCES

- c. Whether the application will be compatible with adjacent development, if any, based on characteristics such as size, building style and scale, or whether such incompatibilities are mitigated through such means as screening, landscaping, setbacks, and other design features;

THE AREA IS SCREENED WITH ATTRACTIVE PLANTERS AND LIGHTING THAT IS COMPATIBLE WITH THE EXISTING IMPROVEMENTS

- d. Whether the application will have significant adverse impacts on the livability and usability of nearby land due to noise, dust, fumes, smoke, glare from lights, late-night operations, odors, vehicular traffic, truck and other delivery trips, the amount, location, and nature of any outside activities, potential for increased litter, or privacy and safety issues;

THE PROPOSED USE IS REQUESTED FOR THE PURPOSE OF CONTINUING THE CURRENT USE WHICH HAS NOT GENERATED EXCESSIVE NOISE, INCREASED LITTER AND HAD NOT ADVERSELY IMPACTED ANYONE'S PRIVACY OR SAFETY

- e. Whether the transportation system is capable of adequately supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, if any, site access requirements, neighborhood impacts, and pedestrian safety (a traffic study may be required);

THE PROPOSED USE IS REQUESTED FOR THE PURPOSE OF CONTINUING THE EXISTING USE PRIOR TO APPLICANT'S ACQUISITION OF THE BUSINESS AND NO ADVERSE IMPACTS TO TRAFFIC HAVE BEEN DOCUMENTED.

- f. Whether the minimum off-street parking area required and the amount of space needed for the loading and unloading of trucks, if applicable, will be provided and will function properly and safely (please provide current and proposed number of parking and loading spaces);

THE PROPOSED USE DOES NOT AFFECT SPACE NEEDED FOR LOADING AND UNLOADING OF TRUCKS

- g. Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made;

THE PROPOSED USE SHALL NOT NEGATIVELY IMPACT THE PUBLIC HEALTH SAFETY AND WELFARE AS THE OUTDOOR SEATING AREA SHALL BE HIGHLY VISIBLE, BUFFERED AND WELL MARKED

- h. Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to guarantee the provision of such improvements and mitigation; and,

NO IMPROVEMENTS OR MITIGATION ARE REASONABLY NECESSITATED BY THE REQUESTED CONDITIONAL USE

- i. Whether the proposed use complies with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the regulations of the City of St. Pete Beach.

THE PLAN INCLUDES THE REQUISITE LANDSCAPE BUFERS, INSURANCE REQUIREMENTS ARE MET; ALL REQUIREMENTS OF SECTION 6.24 OF THE LAND DEVELOPMENT CODE EITHER HAVE BEEN OR WILL BE COMPLIED WITH

	11-21-16		
Signature of Applicant	Date	Signature of Authorized Agent	Date

For office use only:

Hearing Date: _____ Fees: _____

Board Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied ☐ Continued

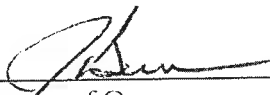


Owner's Authorization for Agent
Community Development Department
City of St. Pete Beach, Florida

I/WE Corey Properties II LLC (Jack E. Buns, Manager)
(print name of property owner)

hereby authorize Raandi Morales
(print name of agent)

to represent me/us in an application for Conditional Use Permit
(type of application: variance, conditional use, zoning, etc.)

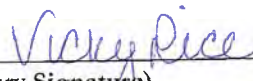

Signature of Owner

Jack E. Buns, Manager
Print Name of Owner

Signature of Owner

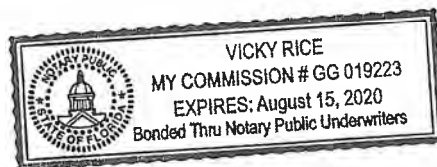
Print Name of Owner

The forgoing instrument was acknowledged before me this 2 day of October - Nov 2018, by JACK E. BUNS, AS MGR who is personally known _____ or produced Florida Drivers license identification.


(Notary Signature)

11/2/16
(Date)

My Commission Expires 8/15/2020



**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Approval of New Member to the General Employees' Pension Board

Date: February 14, 2017

Prepared By: Rebecca C. Haynes, City Clerk

Prepared Through: Wayne Saunders, City Manager

Summary of Issue: The appointment will fill a vacancy for the board-nominated, Commission-approved seat. The board nominated Ms. Samantha Brem at its January 19, 2017 meeting.

Funding: None

Requested Motion: "I move to approve Ms. Samantha Brem as a member of the General Employees' Pension Board of Trustees."

Attachments: Resume of Samantha Brem

**Reviewed by
City Manager:** *WS*

SAMANTHA BREM
1400 45TH Avenue North
St. Petersburg, FL 33703
727-424-1597 (mobile) ♦ 727-522-8119 (home)
E-mail: sabrem@eckerd.edu

PROFESSIONAL SUMMARY:

Energetic and hard-working legal executive whose combination of in-house/corporate and litigation experience results in a unique perspective on contract negotiations, problem solving, risk analysis and mitigation. Proven ability to use business acumen and legal knowledge to craft creative, pragmatic solutions and to successfully collaborate with cross-functional and cross-cultural teams to resolve issues in Asia, Europe, and North America.

EXPERIENCE:

JABIL CIRCUIT, INC., St. Petersburg, FL

2001 – November 2016

Vice President, Global Legal Affairs (2010 - 2016)

Senior Legal Counsel (2004 - 2010)

Attorney (2001 – 2004)

- Managed day to day affairs of global Legal Department for a Fortune 200 company with over 150,000 employees and operations in 28 countries (NYSE: JBL)
- Regular communication and interaction with Executive Management to advise on risk analysis & mitigation, strategy, contract negotiations, litigation, and customer claims
- Successfully collaborated with various departments and groups within the Company, and across all geographic regions & cultures, to effectively resolve issues
- Negotiated various types of contracts in US, Europe, and Asia (with business value of <\$10M to >\$6B) with customers in a broad range of industries, including healthcare, automotive, consumer products, industrial, mobility, telecom, packaging, enterprise & infrastructure, aerospace & defense, IOT, and energy
- Performed risk analysis and presented results with mitigation ideas to Executive Management on potential new business areas, new business models, and possible acquisitions
- Mergers & Acquisitions –
 - Conducted due diligence, negotiated various agreements in asset sale and stock purchase transactions in the US and overseas
 - Created post-closing integration protocol showing tasks to be complete and managed by Legal Department following closure of deal
- Litigation –
 - Oversaw all litigation for the company, including witness preparation, depositions, issuance of hold notices, document/data collection for discovery responses, managing outside counsel, and quarterly reporting to external auditors
 - Designed and implemented new quarterly reporting system for claims and litigation (globally) utilizing the Serengeti Tracker system. Jabil received a "Golden Cheetah" award for best process improvement.
- Reviewed risk factors and SEC filings in collaboration with outside counsel
- Partnered with Global Compliance and HR on investigations and other confidential matters
- Coordinated with outside counsel on Jabil's responses to inquiries from governmental agencies, including SEC third party subpoena
- Managed and mentored legal teams in US, Europe, and Asia comprised of attorneys and paralegals
- Trained business teams and legal staff worldwide on contracts and negotiation

ABBIE, ADAMS, BYELICK & KIERNAN, St. Petersburg, FL 1995 – 2001

Associate Attorney – Insurance Defense & Coverage Litigation

- Regularly attended depositions, mediations, and hearings
- Lead attorney for County Court, PIP and small claims trials
- Second chair trial attorney for jury trials in State and Federal courts
- Successfully argued Motions for Summary Judgment
- Reviewed policy provisions and prepared case evaluations

BLASINGAME, FORIZS & SMILJANICH, St. Petersburg, FL 1991 – 1995

Associate Attorney – Environmental Coverage Litigation, Insurance Defense, Asbestos Litigation throughout southeastern US for several major insurance companies

- Prepared discovery responses in complex, multistate litigation
- Reviewed policy provisions and prepared case summaries & evaluations
- Drafted motions and supporting memoranda of law
- Conducted legal research,

EDUCATION/BAR ADMISSIONS:

- Admitted to Practice in Florida and Pennsylvania (inactive)
- Stetson University College of Law, St. Petersburg, FL
 - J.D. - *Stetson Law Review*, Moot Court
- Eckerd College, St. Petersburg, FL
 - B.A., Psychology - Dean's List, Honor Roll

PROFESSIONAL DEVELOPMENT/CERTIFICATIONS:

- Harvard Program on Negotiation for Senior Executives
- Essentials Conference, Society of Corporate Secretaries & Governance Professionals
- Lean Six Sigma Bronze Certification

MEMBERSHIPS:

- Association of Corporate Counsel
- Forerunners Track Club

INTERESTS/COMMUNITY SERVICE:

- Yoga
- Running
- Volunteer – St. Petersburg Junior Golf Association

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Authorize the City Manager to approve a change order to the purchase agreement with Nelson Construction for the Pass-A-Grille Way Reconstruction Project in the amount of \$39,338.08 for changes order 12.

Date: February 12, 2017

Prepared By: Mike Clarke, Public Services Director

Summary of Issue: The attached Change Order 12 presents eight items not contained in the City's original contract with David Nelson Construction for the Pass-a-Grille Way Reconstruction (W. Maritana Drive to 19th Avenue) project, including:

- Asphalt around sanitary manholes between 32nd and Cabrillo
- Concrete slab demo at Cabrillo and PAGW
- 30th Ave widening for tractor trailers turning onto Sunset Way
- Sidewalk between W. Maritana and El Centro
- Sanitary main standby at Cabrillo West
- Mast arm foundation conflicts at 21st Ave
- Frontier conduit changes between 20th and 22nd Avenues
- Fire Station conduit and water service at 20th Ave street end (as requested by SPB FD)

A detailed explanation of each is presented in Change Order 12.

Funding: CIP – Pass-A-Grille Way Reconstruction Project

Requested Motion: “I move to authorize the City Manager to approve a change order to the purchase agreement with Nelson Construction for the Pass-A-Grille Way Reconstruction Project in the amount of \$39,338.08 for changes order 12.”

Attachments: Change Order #12

Reviewed by
City Manager: _____ WS

CHANGE ORDER NO. 12

CHANGE ORDER NO. 12

Contract Sum with prior approved Change Orders was: \$ 10,054,490.44

The Contract Sum will be increased by this Change Order
for the items described above in the amount of: \$ 39,338.08

The new Contract Sum, including this Change Order, will be: \$ 10,093,828.52

The Contract Time will be changed as follows: + 7 days

Execution of this Change Order shall constitute a final settlement of all matters relating to the change in the Work as described above which is the subject of this Change Order. The change approved by this Change Order shall result in an addition of 7 calendar days to the Contract Time.

OWNER/CITY:

CONTRACTOR:

By: _____

By: _____

Name: Wayne Saunders

Name: _____

Title: City Manager, St. Pete Beach

Title: _____

Date: _____

Date: _____



**General Contractors
Heavy Construction
Engineers
Site Work**

"An Equal Opportunity Employer"

Date: December 2, 2016

To: Ian Wade
Project Manager
City of St Pete Beach
155 Corey Ave
St Pete Beach, FL 33706
Tel: 727.363.9254
iwade@stpetebeach.org

Re: **ASPHALT LEVELING AROUND EXISTING SANITARY MANHOLES BETWEEN 32ND AVE AND CABRILLO EAST**

At the City's request in weekly progress meetings, Nelson placed additional asphalt around the existing sanitary manholes on Pass A Grille Way between 32nd Ave and Cabrillo East. This lessened the "cone" around these manholes, which reduced potential vehicular damage when cars chose to drive over these manholes. This cost is for the placement of asphalt, and does not include the previous work done at 32nd Ave to tack-weld the existing cover to the existing ring to stop it from coming off every time a heavy vehicle drove over the top.

I am available to meet with you should further explanation be necessary.

Sincerely,

William Stock
David Nelson Construction Co.
Project Manager
727-784-7624
wstock@nelson-construction.com

David Nelson Construction Co.

CGC012229

(727) 784-7624 Pinellas
(813) 228-8616 Tampa
(727) 786-8894 Fax

www.nelson-construction.com

**3483 Alternate 19
Palm Harbor, Florida 34683**



**General Contractors
Heavy Construction
Engineers
Site Work**

"An Equal Opportunity Employer"

Date: December 2, 2016

To: Ian Wade
Project Manager
City of St Pete Beach
155 Corey Ave
St Pete Beach, FL 33706
Tel: 727.363.9254
iwade@stpetebeach.org

Re: **CONCRETE SLAB DEMO AT SW CORNER OF CABRILLO WEST AND PASS A GRILLE WAY**

On Monday, 04/04/2016, Nelson forces experienced a conflict/delay in conduit installation at the southwest corner of Cabrillo West and Pass A Grille Way. Roughly two feet below the surface, Nelson encountered a concrete slab roughly 7 feet wide, 2 feet thick, and approximately 20 feet long, stretching across both City right of way and onto private property. This concrete slab was not shown on the plans. We obtained a jack hammer attachment for our skidsteer that same morning, and removed the concrete slab within the City's right of way, allowing us to continue with our conduit installation. This created a one day delay.

I am available to meet with you should further explanation be necessary.

Sincerely,

William Stock
David Nelson Construction Co.
Project Manager
727-784-7624
wstock@nelson-construction.com

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Date: December 2, 2016

To: Ian Wade
Project Manager
City of St Pete Beach
155 Corey Ave
St Pete Beach, FL 33706
Tel: 727.363.9254
iwade@stpetebeach.org

Re: **30TH AVE WIDENING FOR TRACTOR TRAILERS TURNING ONTO SUNSET WAY**

At the direction of the City, Nelson staked the right of way boundaries at the northwest corner of the 30th Ave and Sunset Way intersection. Once the City's right of way was established and visible, the City then directed Nelson to reclaim approximately 50 feet of the City's right of way along the north side of 30th Ave approaching Sunset Way. This involved the removal of a number of palms, sea grapes and other vegetation, which was handled by Nelson's subcontractor. Nelson then removed the soil and built out a base and asphalt section. A 12 foot by 12 foot triangle of the City's right of way was also reclaimed on the northwest corner of 30th Ave and Sunset Way. The City removed the trees from this corner, and is responsible for replacing all the trees and other vegetation along their right of way. The restoration costs included are to remove the asphalt and base placed by Nelson, replace the curb removed, and replace the soil that was removed from the City's right of way, outside the original road profile.

The purpose of this work was to allow tractor trailers to swing south onto Sunset Way from 30th Ave, which is necessary when the detour is in place between 30th Ave and 28th Ave, to take the traffic off of Pass A Grille Way going south bound.

I am available to meet with you should further explanation be necessary.

Sincerely,

William Stock
David Nelson Construction Co.
Project Manager
727-784-7624
wstock@nelson-construction.com

David Nelson Construction Co.

CGC012229

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Palm Harbor, Florida 34683**



**General Contractors
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"An Equal Opportunity Employer"

Date: December 2, 2016

To: Ian Wade
Project Manager
City of St Pete Beach
155 Corey Ave
St Pete Beach, FL 33706
Tel: 727.363.9254
iwade@stpetebeach.org

Re: **SIDEWALK SCOPE GROWTH BETWEEN WEST MARITANA AND EL CENTRO**

At the direction of the City, Nelson made a few changes to the sidewalk configuration between West Maritana and El Centro.

1. On the west side of Pass A Grille the sidewalk width was changed from 5 feet as shown on the plans, to 6 feet to match the existing sidewalk.
2. The bus pad was also re-poured on the west side to match the new curb and sidewalk elevation in front of the Don Vista.
3. On the east side of Pass A Grille the transition to the existing bus pad was changed to match the revised sidewalk location, which was moved closer to Pass A Grille Way.

I am available to meet with you should further explanation be necessary.

Sincerely,

William Stock
David Nelson Construction Co.
Project Manager
727-784-7624
wstock@nelson-construction.com

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**3483 Alternate 19
Palm Harbor, Florida 34683**



**General Contractors
Heavy Construction
Engineers
Site Work**

"An Equal Opportunity Employer"

Date: September 30, 2016

To: Ian Wade
Project Manager
City of St Pete Beach
155 Corey Ave
St Pete Beach, FL 33706
Tel: 727.363.9254
iwade@stpetebeach.org

Re: **SANITARY MAIN REPLACEMENT STANDBY AT CABRILLO WEST**

Nelson is aware that the City has faced significant problems with their sanitary sewer system over the course of this project. Unfortunately, Nelson has been warning the City since last year, that the sanitary system has been surcharging at times through the length of the project, often to within two feet of the top of manholes, (and these common occurrences were not during or after storm events).

Through July and August Nelson worked closely with the City, their contractor at Dabazan park Wharton Smith, and Wharton Smith's bypass pump supplier United Rentals, in order to attempt to minimize the impact of these surcharges on our contract. On August 4th we formally notified the City of the impacts and delays of the sanitary system surcharging and preventing us from accomplishing replacement of sanitary sewer laterals, which started on July 29th. We also notified the City at multiple weekly progress meetings regarding both the laterals and the scheduled 18 inch sanitary main replacement operation at Cabrillo West. We then notified the City in writing on August 17th of the concerns we had regarding the surcharging of the sanitary system and its impacts on our ability to perform our sanitary main replacement work at Cabrillo West.

On Monday morning, August 22nd, 2016, Nelson had everything setup and in place to perform our main replacement. This included a temporary lane shift on the left shoulder, and a sanitary sewer bypass pumping system. When our subcontractor attempted to install the plugs in the main, (which is what stops the flow of sewage), they found they were unable, first because the manhole was surcharged. We immediately brought this to the City's attention, and they assisted by getting a vac truck onsite to help draw down the sewage in the manhole. When our sub went to install the plugs a second time, they were unable because the pipe was filled halfway or more with silt and debris, which the vac truck was able to clean enough to get the plugs installed. Once the plugs were installed and the bypass pumps started, it was found that the manhole receiving the bypass sewage could not handle the flow, causing us to have to pull the plugs and abandon the bypass. We were therefore unable to start the main replacement.

We were told by the City that they would have a crew onsite first thing Tuesday morning to clean the main and allow our operation to continue. We therefore started our pipe crew a couple hours late, and assisted the City with coordinating cleaning efforts to remove the debris that was causing the system to surcharge. The cleaning crew not only arrived late, but was unable to complete the operation due to equipment problems. By midafternoon on Tuesday, the main had not been cleaned past the downstream bypass manhole.

On Wednesday the City assisted Nelson by providing a cleaning crew and vac trucks as necessary to put the sewage bypass system into operation, and to keep the bypass operation functioning without overwhelming the receiving manhole. Unfortunately, due

David Nelson Construction Co.

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Palm Harbor, Florida 34683**

to the tardiness of the cleaning crew and the second vac truck, operations were not able to start on time. Once operations did begin, we experienced high flows of clear water with a chlorine odor coming from the 8" main feeding off El Centro Street. We have worked on this 8" sanitary main on multiple occasions and never experienced any high flows, let alone high flows of clear water with a strong chlorine odor. (Is it possible that the Don Cesar has a pool drain line connected to the City's sanitary main on the back side of El Centro?) Between the late arrival of assistance crews and this problem of chlorinated water, Nelson forces lost three hours on Wednesday morning, and had to work until 9:30 pm that evening to finish replacing the sanitary main and leave the operation in a safe condition.

Because of rain on Tuesday and Wednesday evening, the crushed concrete road base used to build the lane shift on the west shoulder had to be repaired on Wednesday and Thursday mornings.

The additional costs shown on the attached pages include a number of items:

- The unproductive time associated with the pipe crew
- The additional costs associated with repairing the gravel lane shift necessary to keep traffic flowing in both directions around this sanitary main replacement operation
- The unproductive time of our soil density technician. The technician was scheduled to come out Monday to take soil densities in our backfill operation, only to find that the operation did not take place.
- The added rental costs for the bypass pumping system. The operation was supposed to be a one day rental, and ended up being three days.

I am available to meet with you should further explanation be necessary.

Sincerely,

William Stock
David Nelson Construction Co.
Project Manager
727-784-7624
wstock@nelson-construction.com



General Contractors
Heavy Construction
Engineers
Site Work

"An Equal Opportunity Employer"

Date: December 2, 2016

To: Ian Wade
Project Manager
City of St Pete Beach
155 Corey Ave
St Pete Beach, FL 33706
Tel: 727.363.9254
iwade@stpetebeach.org

Re: **MAST ARM FOUNDATIONS CONFLICTS AT 21ST INTERSECTION WITH PASS A GRILLE WAY**

Two existing mast arm foundations were found on the southeast and northwest corners of 21st Ave intersection with Pass A Grille Way. Neither of these foundations were shown on the plans.

The first was found during installation of the conduit system on the east side of Pass A Grille Way, just a few inches under the sidewalk. This foundation was in conflict with the conduit system and had to be removed.

The second was found during installation of the potable and reclaim mains on the west side of Pass A Grille Way, again just a few inches under the sidewalk. This mast arm foundation was in conflict with installation of the 16" reclaim main and therefore had to be removed.

The following costs include the crew time to dig up and remove the foundations, as well as the costs to haul and dispose of the foundations. Nelson is also requesting an additional 1 contract day to recover the lost time spent on these unknown conflicts.

I am available to meet with you should further explanation be necessary.

Sincerely,

William Stock
David Nelson Construction Co.
Project Manager
727-784-7624
wstock@nelson-construction.com

David Nelson Construction Co.

CGC012229

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Palm Harbor, Florida 34683



**General Contractors
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Engineers
Site Work**

"An Equal Opportunity Employer"

Date: December 2, 2016

To: Ian Wade
Project Manager
City of St Pete Beach
155 Corey Ave
St Pete Beach, FL 33706
Tel: 727.363.9254
iwade@stpetebeach.org

Re: **FRONTIER CONDUIT CHANGES BETWEEN 20th AVE & 22ND AVE**

The costs included are to accommodate Frontier changes as described in my email to the City, dated November 16, 2016, and included herein. Also included are the Frontier plan sheets with annotated changes, as well as the original request for information written in February stating that no action would be needed by the City or Nelson.

Please note that on the pricing sheets a new item had to be created for Frontier conduit. Earlier in the project Frontier changed their plans and increased their quantity of conduit, but reduced the size of their conduit from 4-inch to 2-inch. At the time, Nelson stated that these would be a wash, and therefore there would be no change order required. Now that there is a new change in Frontier's scope, a new item for 2-inch conduit needed to be created. This was done providing the Frontier 2" conduit at the cheapest 2-inch unit rate in the schedule of values.

The re-trenching (rework) associated with these changes will require one additional contract day.

I am available to meet with you should further explanation be necessary.

Sincerely,

William Stock
David Nelson Construction Co.
Project Manager
727-784-7624
wstock@nelson-construction.com

David Nelson Construction Co.

CGC012229

(727) 784-7624 Pinellas
(813) 228-8616 Tampa
(727) 786-8894 Fax

www.nelson-construction.com

3483 Alternate 19
Palm Harbor, Florida 34683



**General Contractors
Heavy Construction
Engineers
Site Work**

"An Equal Opportunity Employer"

Date: December 2, 2016

To: Ian Wade
Project Manager
City of St Pete Beach
155 Corey Ave
St Pete Beach, FL 33706
Tel: 727.363.9254
iwade@stpetebeach.org

Re: **FIRE STATION BOAT DOCK CONDUIT AND WATER SERVICE AT 20TH AVE STREET END**

At the request of St Pete Beach Fire Department, one 2-inch conduit and one potable water service will be extended to the sea wall at the 20th Ave street end, east of Pass A Grille Way. The City/Fire Department will work directly with others for installation of an electric cable inside the conduit and for an electric panel at the sea wall.

I am available to meet with you should further explanation be necessary.

Sincerely,

William Stock
David Nelson Construction Co.
Project Manager
727-784-7624
wstock@nelson-construction.com

David Nelson Construction Co.

CGC012229

(727) 784-7624 Pinellas
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3483 Alternate 19
Palm Harbor, Florida 34683

**St. Pete Beach City Commission
Agenda Report**

Issue

Considered: Authorize the City Manager to execute a change order to the existing contract with USA Voltage, LLC in the amount of \$46,250 to provide underground utility service connections for the Pass-a-Grille Way North Reconstruction project.

Date: February 14, 2017

Prepared By: Mike Clarke, Public Works Director

Summary of Issue: The undergrounding of overhead utility lines is included in the scope of services to be performed during the Pass-a-Grille Way North Reconstruction project. This includes service lateral connections for each residential and commercial property on Pass-a-Grille Way. The General Contractor selected for this project, David Nelson Construction, had included in their bid an estimated cost of \$840,000 for these connections.

In an attempt to reduce the overall cost of the project, the City elected to remove this item (along with a few others) from Nelson's scope and solicit this service directly. As a result of this solicitation, the City received a single sealed bid from USA Voltage, Inc. which contained unit rates for residential and commercial connections with and without existing undergrounded electric service. Upon subsequent determination of 42 service connections, the application of these unit rates results in a proposed total cost of \$211,200 for underground utility service connections.

This total cost calculation was based on a number of assumptions with regard to the standardized nature of each residential and commercial connection, including a 60 foot service length from Duke's pedestal to the connection on each residence. As the work has progressed, the actual length of the service connection at each location continues to be determined. To account for the difference in actual length versus the assumed 60 foot length, USA voltage has presented the City with two documents (one of which is for credits owed for service connections less than 60 feet) to be combined for this change order request.

Funding: CIP – Pass-a-Grille Way North Reconstruction

Requested Motion: “I move to authorize the City Manager to generate a change order to the existing contract with USA Voltage, LLC in the amount of \$46,250 to provide underground utility service connections for the Pass-a-Grille Way North Reconstruction project.”

Attachments: Change Order Documents (Change Order 7 and Credit 2)

Reviewed by City Manager: _____ WS _____



USA Voltage LLC, Electrical Contractors

11060 70th Ave. Seminole, FL33772

License EC13004856

727-798-9501

Job #15-139

Change Order Request 7

12-12-16

Customer Information:

CPWG Engineering

708 Lithia Pinecrest Rd. STE 101

Brandon, FL 33511

Project Information:

Additional footages

Pass-A-Grille Way

Pass-A-Grille, FL

2405 Pass-A-Grille way

80' of 2-2" conduit in lieu of 60' _____ \$1,000.00

2501 Pass-A-Grille way

110' of 2-2" conduit in lieu of 60' _____ \$2,500.00

2503 Pass-A-Grille Way

110' of 2-2" conduit in lieu of 60' _____ \$2,500.00

2803 Pass-A-Grille Way

145' of 2-2" conduit in lieu of 60' _____ \$4,250.00

2807 Pass-A-Grille Way

130' of 2-2" conduit in lieu of 60' _____ \$3,500.00

2809 Pass-A-Grille Way

120' in lieu of 60' _____ \$3,000.00

2811 Pass-A-Grille Way

150' in lieu of 60' _____ \$4,500.00

2815 Pass-A-Grille Way

200' in lieu of 60'	\$7,000.00
2817 Pass-A-Grille Way	
200' in lieu of 60'	\$7,000.00
2901 Pass-A-Grille Way	
200" in lieu of 60'	\$7,000.00
2903 Pass-A-Grille Way	
160' in lieu of 60'	\$5,000.00
2907 Pass-A-Grille Way	
110' in lieu of 60'	\$2,500.00
2909 Pass-A Grille Way	(See Credits)
2911 Pass-A-Grille Way	
70' in lieu of 60'	\$500.00
2913 Pass-A-Grille Way	(See Credits)
2917 Pass-A-Grille Way	
100' in lieu of 60'	\$2,000.00
3001 Pass-A-Grille Way	
80' in lieu of 60'	\$2,000.00
3003 Pass-A-Grille way	
300 amp in lieu of 200 amp	\$1,000.00
TOTAL THIS CHANGE ORDER REQUEST	
	\$55,250.00



USA Voltage LLC, Electrical Contractors

11060 70th Ave. Seminole, FL33772

License EC13004856

727-798-9501

Job #15-139

CREDIT 2

12-12-16

Customer Information:

CPWG Engineering

708 Lithia Pinecrest Rd. STE 101

Brandon, FL 33511

Project Information:

Change approximately
50 homes from overhead
to underground utilities

Ian,

Per our discussions, we have credits to be returned to the City for the Pass-A-Grill project.
There are a couple different types of credits, please see the description below.

2605 Pass-A-Grille way
30' in lieu of 60' _____ (-2,000.00)

2607 Pass-A-Grill Way
30' in lieu of 60' _____ (-\$2,000.00)

2701 Pass-A-Grille Way
30' in lieu of 60' _____ (-\$2,000.00)

2909 Pass-A-Grille Way
40' in lieu of 60' _____ (-\$1,500.00)

2913 Pass-A-Grille Way
40' in lieu of 60' _____ (-\$1,500.00)

TOTAL CREDIT _____ (-\$9,000.00)

St. Pete Beach City Commission
Agenda Report

ISSUE CONSIDERED: First Reading: Ordinance 2017-02 providing a supplemental appropriation for fiscal year 2017 to the General, Wastewater, Reclaimed Water, Stormwater and Capital Improvement funds and providing for funding.

DATE: February 14, 2017

PREPARED BY: Elaine Edmunds, Administrative Services Director

SUMMARY OF ISSUE: Ordinance 2017-02 provides a supplemental appropriation to the General, Wastewater, Reclaimed Water, Stormwater and Capital Improvement Funds for a total amount of \$10,068,237. The adjustments are as follows:

- Outstanding encumbrances from fiscal year 2016 being brought forward which total \$8,532,882. The breakdown by fund is as follows:
 - General Fund - \$206,311
 - Wastewater Fund - \$452,371
 - Reclaimed Water Fund - \$124,662
 - Stormwater Fund - \$40,021
 - Capital Projects Fund - \$7,709,517
- An additional adjustment to the General Fund in the amount of \$40,992 to fund the place making project that was budgeted in 2016 but not initiated before fiscal year end (\$20,000) and monies for the replacement of the Vina Del Mar playground (\$20,992) which was approved by the City Commission on September 20, 2016.
- The BP Oil monies received in FY16 in the net amount of \$1,200,000 were recorded in the General Fund and are included in the FY16 General Fund reserves. These funds are being transferred to the Wastewater Fund to be used toward the Wastewater I & I project.
- An additional adjustment to the Wastewater Fund of \$53,900 to roll over monies budgeted in FY16 for sewer inflow and infiltration that was not completed.
- An additional adjustment to the Capital Improvement Fund of \$120,463 to roll over monies budgeted in FY16 for following projects that were not completed:
 - \$100,000 for Egan Park.
 - \$11,590 for the Upham Beach Concession
 - \$8,873 for the Warren Webster
- An inter-local agreement with Pinellas County to install 2 dune walkovers. This project is funded by a 100% reimbursable grant not to exceed \$120,000.

Funding for the above listed projects will come from the following:

- \$ 1,447,303 from General Fund Reserves
- \$ 506,271 from Wastewater Fund Reserves
- \$ 124,662 from Reclaimed Water Fund Reserves
- \$ 40,021 from Stormwater Fund Reserves
- \$7,829,980 from CIP Fund Reserves
- \$ 120,000 from Pinellas County Grant monies

REQUESTED MOTION: “I move to approve Ordinance 2017-02, (read title)...

ATTACHMENTS: Ordinance 2017-02
Appendix A

REVIEWED BY
CITY MANAGER: WS

ORDINANCE 2017-02

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, PROVIDING FOR A SUPPLEMENTAL APPROPRIATION FOR FISCAL YEAR 2017 TO THE GENERAL, WASTEWATER, RECLAIMED WATER, STORMWATER AND CAPITAL IMPROVEMENT FUNDS; PROVIDING FOR FUNDING; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach wishes to amend the fiscal year 2017 budget; and

WHEREAS, notice of this ordinance has been provided in accordance with applicable law; and

WHEREAS, estimated revenues and expenditures are provided in Ordinance 2016-18, Budget Ordinance; and

WHEREAS; the authority for appropriation amendments is provided in Article III, Section 3.13 (a) of the City Charter; and

WHEREAS, the City Commission wishes to recognize revenues available for encumbrances from fiscal year 2016 as well as additional projects for fiscal year 2017.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:

Section One. Recitals. The above recitals are hereby adopted as legislative findings, purpose and intent of the City Commission.

Section Two. Increases in the General fund of \$1,447,303, Wastewater Fund of \$506,271, Reclaimed Water Fund of \$124,661, Stormwater Fund of \$40,021 and Capital Improvement Fund of \$7,949,980 with corresponding funding as outlined and attached hereto in Exhibit A.

Section Three. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the ordinance.

Section Four. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Publication. This Ordinance shall be published in accordance with the requirements of law.

Section 6. Effective Date. This Ordinance shall become effective immediately upon final passage and adoption.

* * * * *

Deborah Schechner, Mayor

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2017.

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

Andrew Dickman, City Attorney

Ordinance 2017-02

Appendix A

	Account	Department	Amount
General Fund:			
Encumbrances:			
Plan Active Studio	Planning & Engineering	C.D.D.	\$15,600
Imagenet Consulting	Professional/Contractual	C.D.D.	\$14,137
Avocette Technologies	Office Equipment	C.D.D.	\$7,600
MCC Innovations	R & M Equipment	Admin. Svces	\$1,575
Full Compass	Other Equipment	Admin. Svces	\$3,108
Holmes & Brackel	Furniture	Admin. Svces	\$5,518
Digital Eel	Professional/Contractual	Admin. Svces	\$2,400
Lifescan Wellness	Professional/Contractual	Fire	\$3,746
Municipal Emergency Supplies	Uniforms	Fire	\$1,016
Always McCafferty	Uniforms	Fire	\$1,500
Phillips Healthcare	Other Equipment	Fire	\$2,579
Bayside Window Cleaning	Professional/Contractual	Public Works	\$2,036
Woods Consulting	Professional/Contractual	Public Works	\$1,700
Perry's Nursery	Professional/Contractual	Public Works	\$670
Creekside Nursery	Professional/Contractual	Public Works	\$1,520
Mendit Asphalt	Professional/Contractual	Public Works	\$3,291
Certus Builders	R & M Other	Public Works	\$94,831
Certus Builders	Pavement Marking	Public Works	\$13,028
Recycled Plastic	Operating Supplies	Public Works	\$2,004
Morelli Landscaping	Operating Supplies	Public Works	\$8,100
Luke Brothers	Professional/Contractual	Public Works	\$6,652
Green Expectations	Professional/Contractual	Public Works	\$2,664
Athletic Turf Care	Professional/Contractual	Public Works	\$2,475
Smith Fence	R & M Buildings & Grounds	Public Works	\$1,940
Southern Equipment	R & M Buildings & Grounds	Recreation	\$2,765
Vermont Systems	Other Equipment	Recreation	\$3,857
Total Encumbrances			\$206,311
Additional Expenses:			
Johnathan Mugman Design	Placemaking	C.D.D.	\$20,000
Miller Recreational Equipment	Vina Del Mar Playground	Public Works	\$20,992
Interfund Transfer	BP Oil monies to Wastewater Fund		\$1,200,000
			\$1,240,992
Total increase in General Fund			\$1,447,303
Funding Source:			
Fund Balance Reserves			\$1,447,303

Ordinance 2017-02

Appendix A

	Account	Amount
Wastewater Fund:		
Revenues:		
Interfund Transfer	General Fund	\$1,200,000
Encumbrances:		
Wharton Smith	Professional/Contractual	\$317,140
Heyward Florida Odor Control	Professional/Contractual	\$24,750
Kimley Horn	Professional/Contractual	\$6,308
UIT LLC	I & I Program	\$84,212
Kimley Horn	I & I Program	\$16,392
Kimley Horn	Pump Replacements	\$3,570
Total Encumbrances		\$452,371
Additional Expenses:		
Rollover of monies not spent in FY16 Sewer I & I		\$53,900
Total increase in Wastewater Fund		\$506,271
Funding Source:		
Fund Balance Reserves		\$506,271
Reclaimed Water Fund:		
Encumbrances:		
Pinellas County	Capital Improvements	\$124,661
Funding Source:		
Fund Balance Reserves		\$124,661
Stormwater Fund:		
Encumbrances:		
USA Services	Professional/Contractual	\$23,621
Mark Smith Excavating	Professional/Contractual	\$16,400
Total Encumbrances		\$40,021
Funding Sources:		
Stormwater Fund Reserves		\$40,021

Ordinance 2017-02

Appendix A

	Account	Amount
Capital Improvement Fund:		
Encumbrances:		
Land & Water Engineering	Egan Park	\$4,375
C.P.W.G.	Warren Webster	\$15,971
Whitaker Contracting	Warren Webster	\$17,774
Ajax Paving	Various Streets	\$238,528
G.G. I.	75th Avenue	\$975
C.P.W.G.	Underground Design	\$1,184
Taborelli Construction	Upham Beach Deck Repair	\$78,510
Michael Baker	B.P.R. Reconstruction	\$36,654
Metzger and Willard	Pass A Grille Way Phase I	\$15,660
Duke Energy	Binding Fee - PAG Way	\$1,975
David Nelson Construction	Pass A Grille Way Phase I	\$6,627,837
Ferguson Enterprises	Pass A Grille Way Phase I	\$114,548
Old Castle Precast	Pass A Grille Way Phase I	\$41,292
County Materials & Supply	Pass A Grille Way Phase I	\$85,830
Professional Services - Geotech	Pass A Grille Way Phase II	\$6,740
C.P.W.G.	Pass A Grille Way Phase II	\$298,192
USA Voltage	Pass A Grille Way Phase I	\$120,927
Besel Plumbing	Pass A Grille Way Phase I	\$1,480
George F Young	Egan Park Shoreline	\$500
George F Young	Seawalls	\$565
Waterfront Property	Seawalls	
Total Encumbrances		\$7,709,517
Additional Expenses:		
Projects not completed in FY16:		
Egan Park		\$100,000
Upham Beach Concession		\$11,590
Warren Webster		\$8,873
Dune Walkovers		\$120,000
Total Additional Expenditures		\$240,463
Total Increase to CIP Fund		\$7,949,980
Funding Sources:		
Pinellas County Dune Grant		\$120,000
Reserves - CIP		\$7,829,980
Total Funding Sources		\$7,949,980

St. Pete Beach City Commission Agenda Report

Issue Considered: Ordinance No 2016-19 – Repeal and Replacement of Division 20 – PAG Pass-A-Grille Overlay.

Date: February 14th, 2017

Prepared By: Jennifer Bryla– Community Development Director

Through: Wayne Saunders – City Manager

Summary of Issue This is a City initiated repeal and replacement of the current overlay language found in Division 20 of the City's Land Development Code. The revised overlay will provide for a form based zoning code that will continue to support the historic patterns and uses that created the eclectic mix of Pass-a-grille.

The revised code specifically allows for:

- Allowing for existing residential lots, specifically single family lots, the ability to develop under the existing zoning standards.
- A consistent public realm or front entry sequence that mirrors the historic patterns for the neighborhood.
- Consistency with historic housing stock forms by incorporating commonly known architectural components into the expectations for new structures.
- Prohibiting the ability for lots to be aggregated together or split apart unless approved by the City Commission.
- Allowing for properties that are currently non-conforming for density to become conforming and be able to redevelopment with consistent form and density, without increasing the existing square footage.
- Provide incentives for choosing the forms presented, including additional square footage.

The Historic Preservation Board heard the Ordinance on January 5th, 2017 and the Planning Board heard the Ordinance on January 17th, 2017. Both Boards recommended approval with the conditions outlined in the staff report.

Requested Motion: “I move to approve Ordinance 2016-19 on first reading.”

Attachment: Agenda Report
Staff Report
Ordinance 2016-19
Exhibit A – Division 20
Exhibit B – Department of State Memo

Exhibit C – Forward Pinellas letters of approval
Exhibit D – Flood Plain Manager Memo
Exhibit E – Comment Spreadsheet
Exhibit F – Letter of Ojection

**Reviewed by the
City Manager**

WS



St. Pete Beach City Commission

155 Corey Avenue
St. Pete Beach, FL 33706
727-367-2735

2/14/17

Ordinance 2016-19
Repeal and replace
Division 20, PAG Pass-
A-Grille Overlay

Applicant
City Initiated

Location
Pass-a-grille 32nd Ave
south

**Commission
District**
District 4

Staff Representative
Jennifer Bryla, AICP

Findings:

In its review of the
proposed application,
staff has determined:

1. The proposed application is consistent with Florida Statutes.
2. The proposed application is consistent with the Pinellas County Plan.
3. The proposed application is consistent with the intent of the Goals and Objectives of the St. Pete Beach Comprehensive Plan.

TRC Review:
1/4/2017
No Comments.

ITEM SUMMARY:

ITEM SUMMARY:

The City has initiated the revised language to the Pass-a-grille overlay district in response to residents' frustration with the Euclidian Zoning standards that were superimposed over the historic district through Ordinance 03-07. The Ordinance presented covers those lands from 32 Avenue south excluding the area that is the CRD-EA. Generally 9th Ave south to 7th Ave and between Gulf Way and Pass-A-Grille Way.

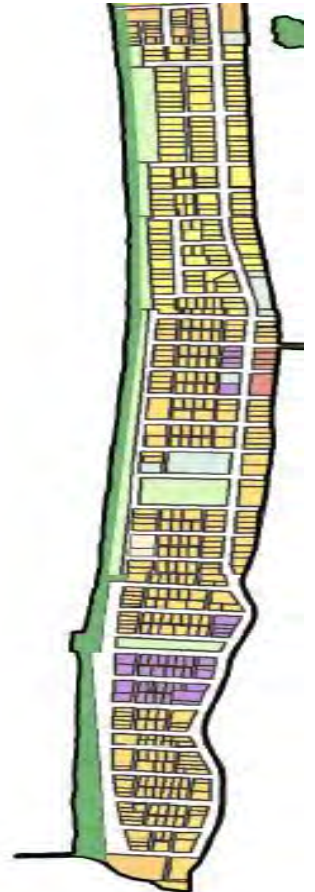
The revised overlay will provide for a form based zoning code that will continue to support the historic patterns and uses that created the eclectic mix of Pass-a-grille.

The revised code specifically allows for:

- Allowing for existing residential lots, specifically single family lots, the ability to develop under the existing zoning standards.
- A consistent public realm or front entry sequence that is consistent with the historic patterns for the neighborhood.
- Consistency with historic housing stock forms by incorporating commonly known architectural components into the expectations for new structures.
- Prohibiting the ability for lots to be aggregated together or split apart unless approved by the City Commission.
- Allowing for properties that are currently non-conforming for density to become conforming and be able to redevelopment with consistent form and density, without increasing the existing square footage.
- Provide incentives for choosing the forms presented, including additional square footage.

Some things that have not changed with the new overlay standards.

- The criteria set for the height of structures has not and will not change.



Historic Preservation Board: 1/5/17
4-0 (Weymouth, Jacobus)

Planning Board Review:
Recommended Approval with two conditions as outlined 5-0 (Lehman, Shavlin)

City Commission Review:
First reading 2/14/2017

Staff Recommendation
Approval as presented

- The density allowed for properties will not change.
- Expansion of development is prohibited.
- Residential parking standards.

PUBLIC NOTICE:

Notice of public hearing has been advertised as required by State Statutes. As of the time of this report, one written comment of objection has been received and one written request for additional information was received. Both are attached for the Board's information at Exhibit "F". Oral and written comments may be presented at the public hearing. In addition to the required advertisement of the Ordinance, Staff has held 3 Community Meetings and taken comment at 3 public hearings, one of which included a City Commission meeting. Staff also sent public notice of the Ordinance to each affected property within the District and held public open house at City Hall for the purpose of taking questions and testing the code. Exhibit "E" outlines all the comments that have been received from this extensive public outreach.

PROJECT DESCRIPTION / BACKGROUND:

1. Project Description:

The Pass-a-grille community was first settled in 1884 by Captain Zephaniah Phillips a Union veteran of the Civil War. The name was thought to come about because of the fact that the area was frequented by fisherman who came ashore to cook or grill their catch. Hence Pass of the Grill. The proposed Ordinance recognizes the unique qualities of the Pass-a-grille community and that the Euclidean, or strict performance based zoning standards, that were incorporated into the Land Development Code in 2003 did not allow for some areas of the community to be renovated or improved as so many properties were considered "legal non-conforming" properties. This mean that they are permitted to continue to exist but could not be considered permitted even though they existing structures.

The City Commission recognized this and hired a consultant in 2016 to develop a code that would recognize the unique character of the community and allow for re-investment without compromising the historic integrity of the community. The consultant has identified thirteen (13) different place "types" of the structure, each type dealing with the land use of the property and/or lot size. The place types or typologies are given form characteristics that each uniquely possess. As owners of single-family properties choose to redevelop or improve their properties, they may choose the underlying zoning districts performance based zoning standards or the "form based" zoning standards associated with the size of their lot and use.

The proposed Ordinance also brings some standard design principals to the code in order to ensure consistent form and shape which replicates the historic patterns is represented. These design

standards are basic elements of proportion and scale and should not be onerous for the property owner to achieve.

The proposed Ordinance has no effect on the City's Level of Service as single family residential units are exempt from concurrency standards per Section 29.5(2) of the Land Development Code and no expansion of existing structures is being proposed.

JUSTIFICATION / TECHNICAL REVIEW

1. Consistency with the City of St. Pete Beach Comprehensive Plan
Staff is offering the following for support of consistency with the Comprehensive Plan

FUTURE LAND USE ELEMENT

Section II ,Future Land Use Plan Element, Green Mission Statement , Page 4

...

"(b) It is the intent of the City of St. Pete Beach to allow for the continuance of existing non-conforming residential and temporary lodging units under the circumstances outlined below:

1. **Catastrophic Events.** In the case of natural disaster or other catastrophic event over which the owner is presumed to have had no control, residential and temporary lodging properties that were in existence prior to the event may be reconstructed with the same number of units, subject to the LDC requirements other than density and intensity, Florida Building Code requirements and FEMA regulations, in effect at the time of reconstruction.
2. **Routine Maintenance.** In the event a residential or temporary lodging use would be considered a non-conforming use under the land use category designated for its property as adopted herein, it is the intent of the City to permit the routine maintenance of these residential or temporary lodging structures which pre-date the adoption of the Comprehensive Plan in 2009 that would prohibit their construction today.
3. **FEMA Compliance Required.** Notwithstanding any statements to the contrary, there is no intention of superseding any regulations of the Federal Emergency Management Agency (FEMA) or National Flood Insurance Program requirements regarding the protection of properties from flood damage.
4. **Expansion Prohibited.** There also is no intention of allowing for the expansion of non-conforming uses or an increase in a non-conforming density or intensity of a use as determined by the Future Land Use Plan and Map designation and implementing zoning regulations effective at the time of the event.
5. **Existing platted lots of record** that are located in the Residential Urban, Residential Low Medium, Residential Medium, and Residential High land use categories shall not be prohibited from the construction of one residential unit due to a non-conforming lot size.

Analysis: The proposed Pass-a-grille overlay supports and continues the intent to allow for the continuance of existing non-conforming residential and temporary lodging units as outlined above. Specifically Section 20.07 allows for the rebuilding of residential developments with the same density as the existing structures. This policy is in direct

conflict with language in the Land Development Code and as the Comprehensive Plan is the Guiding Document for the City, it take precedence over all other lesser local codes.

GOAL 2:

The City shall ensure that the residential character of the City of St. Pete Beach is maintained and protected while:

- **Maximizing the potential for economic benefit resulting from the tourist trade and the enjoyment of natural and man-made resources by residents and visitors alike.**
- **Minimizing the threat to health, safety, and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation.**
- **Maintaining the community's recreation, open space and beaches.**

Analysis: The proposed Pass-a-grille overlay supports and continues the intent to allow for the continuance of the unique residential character of the existing housing stock in the Pass-A-Grille community by allowing the mixture of typologies that support the historic pattern of development and mixture of housing types. Section 20.11 maintains the existing building types and also prohibits the aggregation of lots for increased square footage or the subdivision of lots for increased density in the district.

Objective 2.6

As of the effective date of this comprehensive plan, as amended, development activities shall be required to ensure the protection of historic and architecturally significant structures and resources.

Analysis: The proposed Pass-a-grille overlay supports the protection of historic and architecturally significant structures and resources and further explores the incorporation of historic form and patterns that have existed in the community for 100 years. Section 20.15 outlines the typologies from the existing development patterns to ensure that the form and mass continues rather than removal and replacement of stock that have no historic basis.

Objective 2.13

The City shall promote the preservation and redevelopment of temporary lodging uses.

Analysis: The proposed Pass-a-grille overlay supports and continues the intent to allow for the preservation and redevelopment of temporary lodging uses within the Pass-a-Grille community as is evidenced by the Boutique Hotel typology found in Section 20.15. This inclusion ensures that as properties are redeveloped they will be consistent with the historic patterns of the Community without increasing density or intensity.

GOAL 6:

Full compliance with Chapter 88-464, Laws of Florida, as amended, by participating in the Countywide planning process through representation on and coordination with the Pinellas Planning Council and by ensuring consistency between the City and Countywide comprehensive plans.

Objective 6.1

The Future Land Use Element of the City of St. Pete Beach Comprehensive Plan shall be consistent with the Countywide Future Land Use Plan and Rules.

Analysis: The proposed Pass-a-grille overlay supports Goal 6 and Objective 6.1. Staff submitted the draft code to the Pinellas Planning Council for review and comment to ensure compliance with the Countywide Rules and determination was made that the proposed Ordinance was consistent. Staff was commended for working to try and preserve the existing patterns of the district.

Housing Plan Element

Objective 1.4

In accordance with this comprehensive plan the City shall work to extend the useful life of the existing housing stock while maintaining the neighborhood quality through land development regulations.

Analysis: The proposed Pass-a-grille overlay supports extending the useful life of existing housing stock in the community through allowing the existing stock to be improved. Currently if a structure is nonconforming it cannot be altered or improved.

Policy 1.4.3

The City shall, in as much as FEMA regulations permit, allow for older, traditionally non-conforming, residential structures to be rebuilt and maintained as domiciles at their existing densities.

Analysis: The proposed Pass-a-grille overlay supports and continues the intent to allow for the continuance of existing non-conforming residential units as outlined above. Specifically Section 20.07 allows for the rebuilding of residential developments with the same density as the existing structures.

Policy 1.6.2

The City shall encourage housing improvement and replacement projects through the land development regulations.

Analysis: The proposed Pass-a-grille overlay encourages the improvement of existing housing stock through legalizing the non-conforming densities and thereby allowing there improvement.

2. Compatibility with Adjacent Uses

The proposed Ordinance would be consistent and compatible to the residential uses to the East and to the North as the Ordinance encourages the enhancement of residential structures and historic uses of the District.

3. Consistency with Florida State Historic Preservation Office in the Department of State

The Department provided the following: Form Based Coding is the most complimentary zoning fit for a historic area. The Department shared some concern with allowing only single family homes to replace the multi-unit buildings as this would alter the historic mix of uses that exist in the District. The Department was unwilling to provide written comments as they are not charged as a regulatory agency. The memo outlining the conversation with the Department is attached as Exhibit

“B”.

4. Compatibility with County Wide Rules

The proposed Ordinance would be consistent and compatible with the Pinellas Countywide Rules as is required by Pinellas County. A letter from the Division Planning Manager is attached as Exhibit “C”.

5. Compatibility with FEMA

The proposed Ordinance would be consistent and compatible with the FEMA criteria the City must comply with as is evidenced by memo from the City’s Flood Plain Manager Bruce Cooper. The memo is attached as Exhibit “D”.

HISTORIC PRESERVATION BOARD:

The City’s Historic Preservation Board heard Ordinance 2016-19 and provided a recommendation of approval 4-0 (Weymouth, Jacobus) with the following additions:

- i. Cupolas shall be permitted on sloped roofs and are exempt from the height limitations up to twelve feet above the roof line.
- ii. Section 20.23(d) General Building Design (non-residential) shall remove the first sentence in line 33 and move it to an optional item in that same section thereby becoming item number (14) following cupolas.
- iii. Section 20.22(b) General Building Design (residential) shall remove #2, Window size is consistent.
- iv. The Boutique Hotel typology shall be amended to allow structures along Gulf Way to increase building height to 35’ but for every 1’ increased above the standard 32’, the applicant shall increase the front setback one additional foot.

PLANNING BOARD:

The City’s Planning Board heard Ordinance 2016-19 and recommended approval 5-0 (Lehman, Shavlin). The Board affirmed all of the recommendations provided by the Historic Preservation Board. In addition the Planning is recommending the following:

- i. Section 20.07 Density, intensity and assembly of parcels.
(b) The existing residential density, exceeding one density unit, of an existing residential structure shall be permitted to rebuild on the existing parcel of land, with the same density as the existing structure(s) has, if the building was constructed prior to (adoption date) and can meet the lot requirements, by building type, in Sec. 20.15 of this Division. In addition, any new construction cannot exceed the existing developed square footage and must match the existing form and mass as defined in Sec. 20.22 herein.
- ii. The height of structures in the Boutique Hotel Place Type may exceed the height up to 35’ as outlined by the code if the property is along Gulf Way and that portion of the building that exceeds the 32’ in height shall be set back an additional one foot from the front setback line for every foot in height increase.

STAFF RECOMMENDATION:

Upon review of the Comprehensive Plan, Staff concludes that the proposed Ordinance not be detrimental to the goals objectives and policies of the City's Comprehensive Plan. Staff also concludes that as the Ordinance seeks to provide options for property owners to enhance their quality of life and add to the aesthetic of the neighborhood, while respecting the historic mass and scale of the neighborhood that Staff recommends approval.

Further, the Ordinance does not allow for the expansion of properties and as such, does not incentivize the demolition of existing structures. Conversely the Ordinance does allow improvement of non-conforming structures, which currently is not permitted, thus preserving not only historic forms but use patterns as well. Replacing the multi-unit structures with a single family home would be in direct conflict with the Historic Designation as the District was awarded the designation on the basis of settlement patterns and entertainment/recreation.

ORDINANCE #2016-19

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, REPEALING AND REPLACING DIVISION 20 OF THE LAND DEVELOPMENT CODE, PAG PASS-A-GRILLE OVERLAY DISTRICT, INCORPORATING LANGUAGE AS OUTLINED IN EXHIBIT A; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of St. Pete Beach Land Development Code implements the goals and policies of the City's Comprehensive Plan and encourages the preservation of residential neighborhoods; and

WHEREAS, the Pass-A-Grille neighborhood is essentially a "built out" community with the first structures being erected in roughly 1900; and

WHEREAS, the City Commission has a commitment to preserve the overall character within the Pass-a-Grille neighborhood, generally from 32 Avenue South to the end of the island; and

WHEREAS, the City Commission recognizes the constraints that have been imposed on the district with the incorporation of Euclidean performance based zoning codes; and

WHEREAS, the City Commission approved a consultant to begin working on a form base code for the neighborhood in September of 2015; and

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:

Section 1. Recitals. The above recitals ("Whereas" clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

Section 2. The Pass-A-Grille Overlay, Division 20 of the Land Development Code, is repealed and replaced in its entirety as illustrated in "Exhibit A".

Section 3. All Ordinances or parts of Ordinances, in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 4. If any portion or part of this Ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 5. This Ordinance shall become effective within 30 days of adoption.

PASSED ON FIRST READING _____, a.d. 2017

PASSED ON SECOND AND FINAL READING _____, a.d. 2017

ORDINANCE #2016-19

MAYOR

FIRST READING: _____

PUBLISHED: _____

SECOND READING: _____

PUBLISHED: _____

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2017.

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

City Attorney
Andrew Dickman, Esq.

Exhibit A.

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DIVISION 20 - PASS-A-GRILLE OVERLAY DISTRICT

Sec 20.01 Purpose and intent.

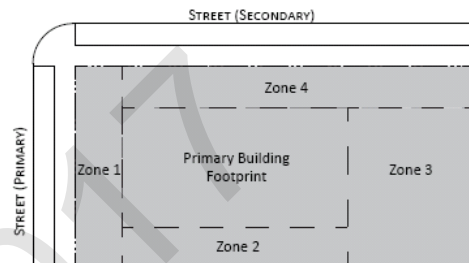
The City recognizes that the Pass-a-Grille Area was developed prior to the the development of suburban zoning regulations. The (PAG) Pass-a-Grille Overlay District is intended to allow for structures that are considered contributing to the National Register Historic District to be considered conforming regarding base flood elevations and uses of property within the Pass-a-Grille area situated south of 32nd Avenue, in order to ensure that structures and uses will be compatible with the character of existing development, including the area within the designated Pass-a-Grille Historic District. Also, to recognize that the existing parcel size's, uses and overall character of the PAG shall be permitted to continue as viable uses while allowing for improvements to existing structures, additions and new development that is consistent with the existing mass and scale within the District.

Sec 20.02 Definitions

- (a) Accessory structure envelope means provisions for the setbacks and maximum building footprints permitted for accessory structures.
- (b) Balance means the relationship among the elements of a building on either side of an imaginary centerline through the middle of a building. Buildings are either symmetrically or asymmetrically balanced.
- (c) Balanced, Asymmetrically means the shape(s) and design of a building may not match exactly, but instead have equal visual weight they are still visually balanced.
- (d) Balanced, Symmetrically means the shapes on one side of the centerline match the shapes on the other side. The two halves are visually equally.
- (e) Building height: Provisions for permitted heights in feet (ft). The maximum height for first floor residential development shall be fourteen (14) feet and twenty (20) feet for non-residential. The maximum height for second story and higher shall not exceed fourteen (14) feet. Each building lot typology provides the range of height appropriate for the building type. No new or substantially improved building within the PAG Overlay District and having the underlying zoning designation of THD, RU-2 Residential, RLM-2 Residential, or RM Residential shall be constructed not to exceed 28 feet in height to the midpoint of a sloped roof or top of the parapet of a flat or low sloped roof, and measured from the base flood elevation determined under the most restrictive applicable standard for the building site, further provided that the overall roof height shall not exceed 32 feet. base flood elevation requirements are outlined in Sec. 98-33 of the City's Code of Ordinances.
- (f) Building envelope: Provisions for the minimum and maximum setbacks permitted by front, side, and rear yards. There is a minimum and maximum setback for each lot type. The maximum and minimum frontage refers to the proportion of the lot width along which the primary building façade must be within the minimum and maximum front setback.
- (g) Compatible design means architectural design and construction that will fit harmoniously into the district based on scale, materials, and quality of construction with adjacent buildings and structures.

- (h) Lot requirements: Provisions for minimum and maximums, lot depth, lot size and the permitted lot coverage.
- (i) Mass, Primary: largest shape of a building.
- (j) Mass, Secondary: additional shapes that form the façade of the building
- (k) Parking provisions: The amount of parking shall be determined by Division 23 of the Land Development Code. Parking provisions provide zones where parking is permitted. The parking zone refers to any uncovered parking area located on the parcel. Driveways are permitted in any zone provided the frontage requirements have been met as required by building type. The diagram illustrates a Primary and Secondary street. Primary streets are streets that are addressed to the parcel of land. Secondary streets may or may not have access to the parcel. Zones are defined and illustrated by the lot area between the principal building frontage and:

- 1) Zone 1: the right-of-way of any primary street.
- 2) Zone 2: any common interior lot line.
- 3) Zone 3: any rear lot line.
- 4) Zone 4: the right-of-way of any secondary street.



- (l) Private frontages, refers to the area that is attached or integrated into the primary building.
- (m) Proportion means the relationships of one part of a façade to the whole. A house that is correctly proportionate establishes a visual relationship between all parts of its exterior. The voids, primary, and secondary masses should all be proportional to one another in order maintain architectural harmony.
- (n) Proximity means that objects that are close together should complement each other.
- (o) Rhythm means the use of repetitive elements in order to establish architectural harmony. It is based off of **three main principles**: the principle of **Proximity**, the principle of **Similarity**, and the principle of **Continuation**. These principles are part of a larger set known as *Gestalt Principles*.
- (p) Similarity means how our eyes are easily able to group objects together that share common textures, colors, or features
- (q) Voids means windows, doors, or other openings that create negative space allowing for breaks within a primary or secondary mass.

Sec 20.03 Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the PAG Overlay District are as follows:

- (a) All uses permitted in the underlying Zoning District; and
- (b) Transient occupancy in single-family or multi-family dwellings, so long as any such transient occupancy of less than 30 days does not occur more than three times in any 12-month period on any parcel.
- (c) Uses that are in existence, upon date of adoption, shall be permitted as limited uses within an existing structure. Additions, improvements and renovations will be permitted, if the building meets the standards set forth in this Division of the Code.

1 **Sec 20.04 Permitted accessory uses and structures.**

- 2 (a) Uses and structures, as regulated in sections 6.12 and 6.13, which are customarily accessory and
3 clearly incidental and subordinate to permitted or permissible uses and structures, and are not of a
4 nature prohibited under section 20.5.
- 5 (b) Home occupations, subject to the conditions set forth in section 6.5 of this Code.
- 6 (c) Residential docks, including tie poles, shall be in conformance with the provisions of section 6.23 and
7 other applicable codes and ordinances of the city, county or state.
- 8 (d) Temporary structures shall follow the provisions of section 6.11.

9 **Sec 20.05 Allowable conditional use.**

10 Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable
11 conditional uses in the PAG Overlay District are as follows:

- 12 (a) All permitted conditional uses allowed for in the underlying zoning district.

13 **Sec 20.06 Prohibited uses and structures.**

14 All uses and structures not of a nature specifically or provisionally permitted herein or within the underlying
15 Zoning District are hereby prohibited in the PAG Overlay District.

16 Any use which the City Commission, upon appeal, and after investigating similar uses elsewhere, shall
17 determine to be potentially noxious, dangerous or offensive to residents of the PAG Overlay District or to
18 those who pass by on public roadways, by reason of odor, smoke, noise, glare, fumes, gas, fire, explosion
19 or emission of particulate matter or likely for other reasons to be incompatible with the character of the PAG
20 area, is hereby prohibited in the PAG Overlay District.

21 **Sec 20.07 Density, intensity and assembly of parcels.**

- 22 (a) The maximum residential density permitted in the PAG Overlay District shall not exceed the
23 number of units per acre permitted by the underlying Future Land Use map for undeveloped
24 parcels of land.
- 25 (b) The existing residential density, exceeding one density unit, of an existing residential structure
26 shall be permitted to rebuild on the existing parcel of land, with the same density as the existing
27 structure(s) has, if the building was constructed prior to (insert adoption date) and can meet the lot
28 requirements, by building type, in Sec.20.15 of this Division .In addition, any new construction
29 cannot exceed the existing developed square footage and match the existing form and mass as
30 defined in Sec. 20.22 herein.
- 31 (c) The existing Hotel/Motel units shall be permitted to rebuild on the existing parcel of land, with the
32 same number of units that already exist as a rental/leasable room within the existing built hotel if
33 the building was constructed prior to (insert adoption date) and can meet the lot requirements of a
34 Boutique Hotel Building Type as provided in Sec. 20.15 of this Division.
- 35 (d) No more than two lots of record may be combined to accommodate additions to existing structures.

36 **Sec 20.08 Maximum floor area ratio.**

37 Maximum floor area ratio (FAR) for non-residential uses: Underlying Zoning District requirements.

38 **Sec 20.09 Maximum impervious surface ratio.**

39 If a parcel opts for new construction or addition to a single family home using the underlying zoning district
40 standards, the ISR shall be determined by the underlying zoning district. The ratio's listed below are subject
41 to any of the building types, defined in Sec. 20.15 that are used.

Maximum impervious surface ratio (ISR) for residential and transient accommodation uses: 0.70.

Maximum impervious surface ratio (ISR) for non-residential uses: Underlying Zoning District requirements or existing building footprint.

Sec 20.10 Reduced setbacks for contributing structures granted a certificate of appropriateness.

Proposed additions to contributing structures may be eligible for a reduction in setback requirements if the proposed plans have been reviewed, approved, and issued a certificate of appropriateness by the Historic Preservation Board pursuant to Division 28. The purpose of this regulation is to ensure the design is compatible design with neighboring structures.

Design review shall be based on the requirements set forth in the underlying zoning district and the PAG Overlay District herein and for consistency with the Secretary of Interior's Standards for Rehabilitation. If the Historic Preservation Board finds that an addition is consistent with the Secretary of the Interior's Standards and that the addition would not preclude the structure's continued designation as a contributing structure, and approves a certificate of appropriateness for the plans, then the applicant can request a reduction to any and all of the setbacks, provided the setbacks are consistent within the same block of the proposed addition by providing the historical setback data for the street block (both faces) the parcel is on and the historical setbacks along that particular street that will be evaluated by the Historic Board. The following setbacks shall be considered:

Setback	
Front yard	10 feet
Secondary front yard	5 feet
Side yard	10 percent of the lot width (each)
Rear yard	10 feet

The addition must still meet impervious surface, floor area, height, herein and the landscaping, and buffering standards as identified in this Division. The reductions in setbacks do not abrogate the responsibility of the designer or homeowner to incorporate these requirements into the plan.

Sec 20.11 Minimum building type requirements.

Lots of record within the PAG Overlay District shall be deemed conforming despite the width and size regulations in the building types, so long as the lots are not further subdivided, and the condition existed prior to the adoption of the Division. No more than two lots of record may be combined to accommodate additions to existing structures.

Sec 20.12 Subdivision of lots

Lots within the PAG Overlay District shall not be subdivided to a size smaller than the platted lot of record and/or building lot types in this Division. Existing structures that are listed as contributing structures in the most recent Historic Resources Survey or that are locally designated historic structures are exempt from the setbacks imposed by this Division; however, additions and accessory structures shall comply with the standards in Section 20.15, by building type. All other structures shall also comply with the setbacks and required yards imposed by the building types in this Division, Sec. 20.15.

Sec 20.13 Residential development option for single-family homes

Any parcel within the PAG Overlay District with a Residential Zoning District designation of RU-2, RLM-2, or RM may develop a single family residential house using the underlying residential zoning standards for additions or new construction: If an applicant uses the underlying residential zoning district standards, for new construction or additions the following standards shall be met:

- (a) Underlying Zoning Districts minimum lot requirements,
- (b) Underlying Zoning Districts Minimum yard requirements,
- (c) Underlying Zoning Districts Maximum floor area ratio standards; and
- (d) Height shall not exceed 28 feet in height to the midpoint of a sloped roof or top of the parapet of a flat or low sloped roof, and measured from the base flood elevation determined under the most restrictive applicable standard the the building side, further provided that the overall roof height shall not exceed 32 feet.

Any other applicable standards within this Division, not expressly stated in this Section, shall apply to new development and redevelopment as outlined in this Division.

Sec 20.14 Vacant parcels

The following procedures shall be followed

- (a) For parcels of land within a residential zoning district and :

Any parcel of land that is vacant, at the time of adoption, shall only be permitted either:

- 1) A residential building type found in Sec 20.15 that is consistent with the underlying uses permitted in the Zoning District and Sec 20.07. The parcel of land shall meet the lot width and lot depth as identified, by building type found in Sec 20.15, to determine the appropriate standards to apply to that parcel, or
- 2) Provisions listed in Sec 20.13 of this Division

- (b) Parcels of land within non-residential land use districts:

Any parcel of land that is vacant, at the time of adoption of the PAG Overlay District, shall be permitted any of the non-residential building types found in Sec 20.15 that are consistent with the existing lot width/depth of the parcel of land.

- (c) Assembly or parcel splits shall only be permitted through the City Commission, to determine the compatibility and respect for the existing character of the PAG Overlay District.

Sec 20.15 Permitted building types

Building types are permitted by the following criteria:

- (a) Existing Parcel Size, and
- (b) Existing Density, Units and Rooms

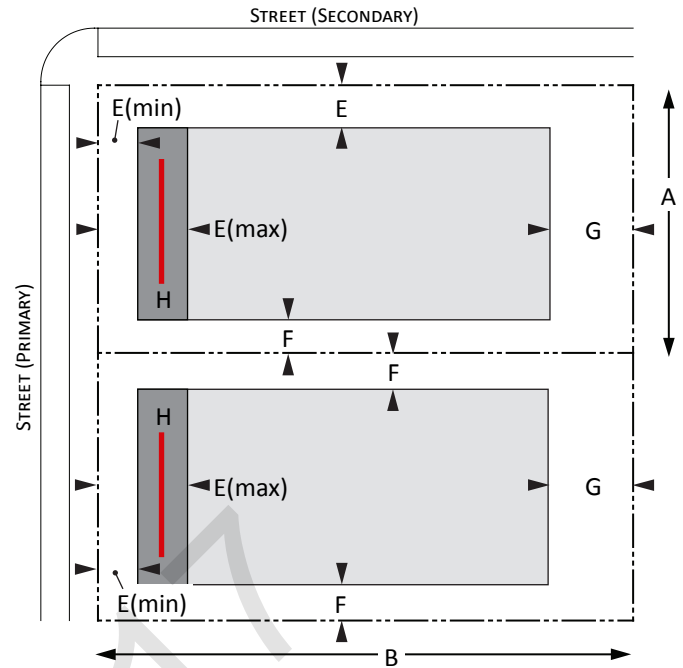
An applicant must provide a survey of the parcel to verify the actual parcel size (lot width/lot depth) or use the City's parcel data information. If the applicant believes the lot width and depth are different than the City's records, the applicant will be required to have a survey of the lot for verification.

A building lot located and designed to accommodate a detached building with large side, rear and front yards.

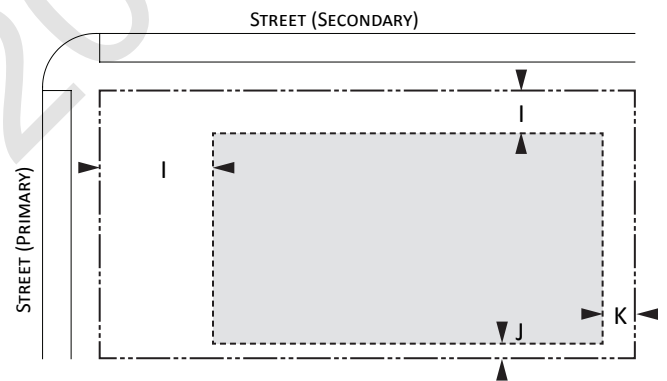
LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	60	--
B - Lot Depth (ft)	100	--
C - Lot Size (sf)	6,000	--
D - Lot Coverage (%)	--	60
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	10	15
Secondary Street Setback	7	--
F - Side Setback (ft)	7	--
G - Rear Setback (ft)	15	--
Garage Adjacent to Alley	5	--
H - Frontage Buildout (%)	50	--
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	10	--
J - Side Setback (ft)	25	--
K - Rear Setback (ft)	--	80
L - Building Footprint (sf)	--	800
BUILDING HEIGHT		
N - Accessory Structure(s) (ft)	--	28-32' as defined in Sec. 20.17
N - Accessory Structure(s) (ft)	--	28'
PARKING PROVISIONS		
Location	Zone 1,2,3, and 4	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	P, S, CY	

(1) a lot that is adjacent to the bay or beach is permitted to exceed the maximum setback requirements.

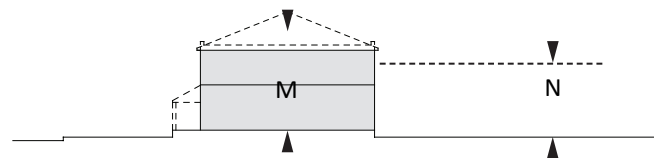
LOT REQUIREMENTS AND BUILDING ENVELOPE



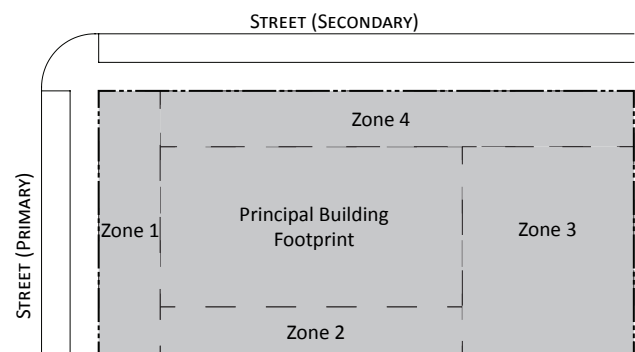
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT

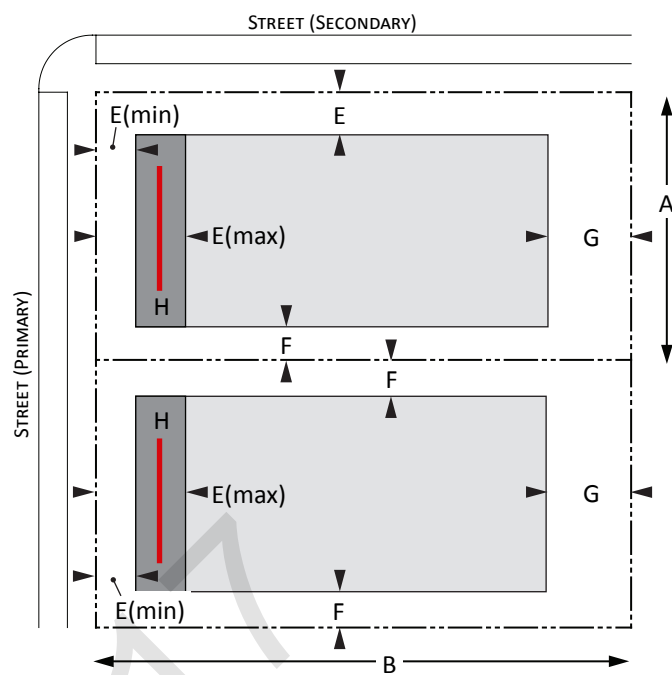


PARKING LOCATION

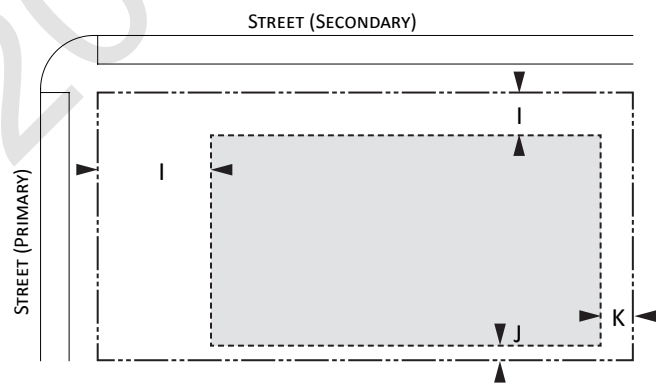


A building lot located and designed to accommodate a detached building with small side yards and a large front yard.

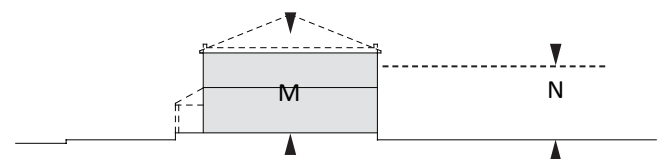
LOT REQUIREMENTS AND BUILDING ENVELOPE



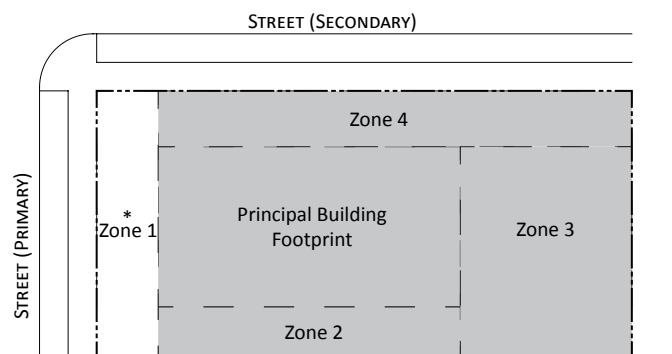
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



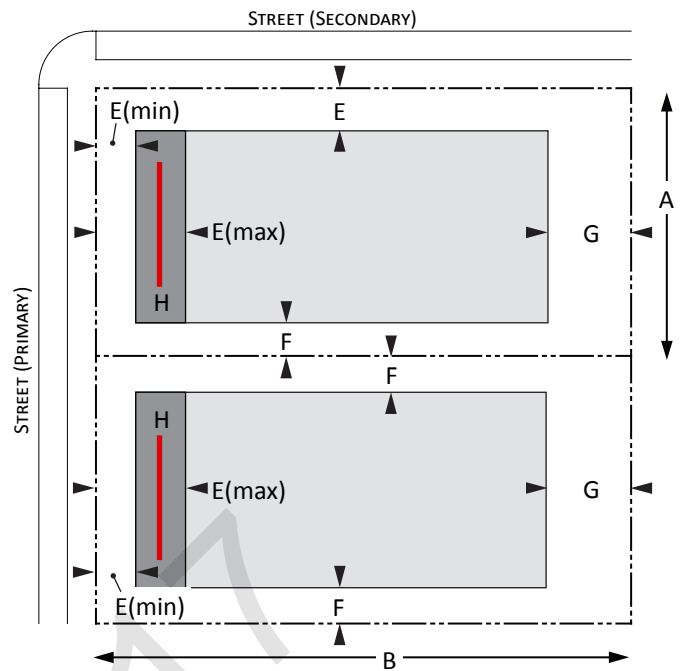
LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	40	55
B - Lot Depth (ft)	100	--
C - Lot Size (sf)	4,000	--
D - Lot Coverage (%)	--	70
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	10	15
Secondary Street Setback	5	--
F - Side Setback (ft)	5	--
G - Rear Setback (ft)	15	--
Garage Adjacent to Alley	5	--
H - Frontage Buildout (%)	50	--
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (ft)	--	'28-32' as defined in Sec. 20.17
N - Accessory Structure(s) (ft)	--	28'
PARKING PROVISIONS		
Location	Zone 2,3, and 4	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	P, S, CY	

(1) a lot that is adjacent to the bay or beach is permitted to exceed the maximum setback requirements.

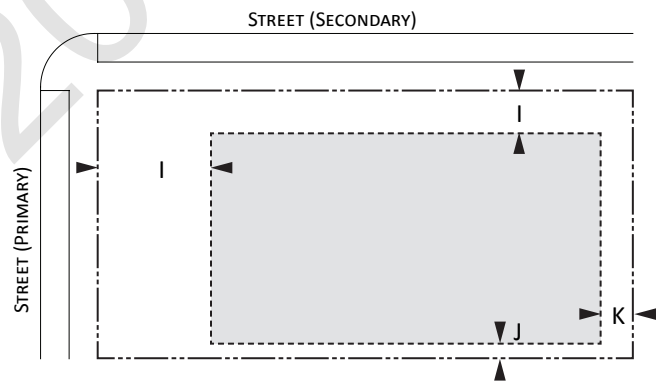
A building lot located and designed to accommodate a small detached building with small side and front yards. A maximum of one dwelling unit is permitted.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	32	40
B - Lot Depth (ft)	50	120
C - Lot Size (sf)	1,600	4,800
D - Lot Coverage (%)	--	90
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	5	10
Secondary Street Setback (ft)	5	--
F - Side Setback (ft)	3	--
G - Rear Setback (ft)	10	--
Garage Adjacent to Alley	5	--
H - Frontage Buildout (%)	50	--
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	400
BUILDING HEIGHT	MIN	MAX
M - Principal Building (ft)	--	'28-32' as defined in Sec. 20.17
N - Accessory Structure(s) (ft)	--	28'
PARKING PROVISIONS		
Location	Zone 2,3,4	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	P, S, CY	

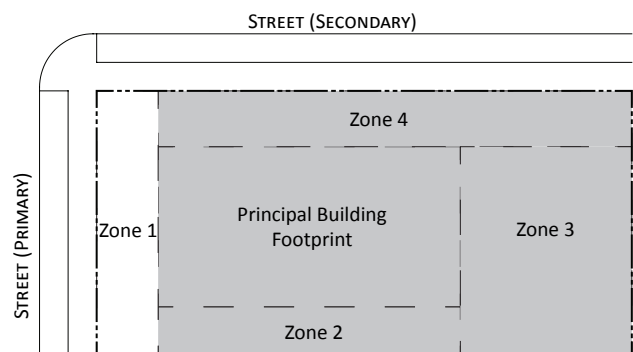
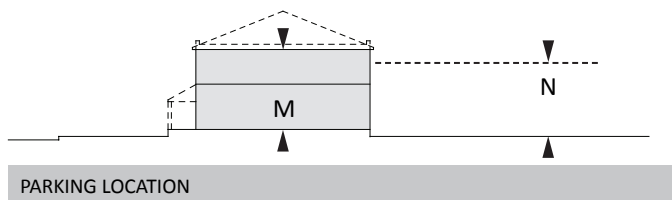
LOT REQUIREMENTS AND BUILDING ENVELOPE



ACCESSORY STRUCTURE ENVELOPE



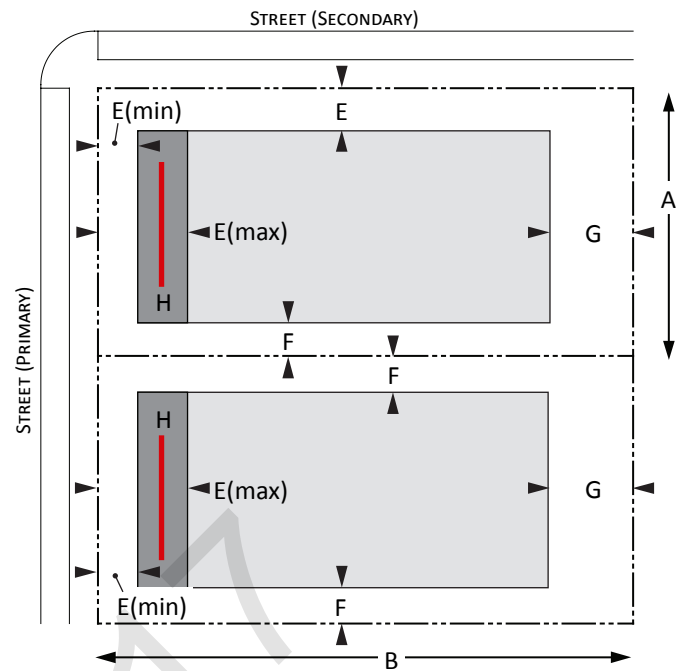
BUILDING HEIGHT



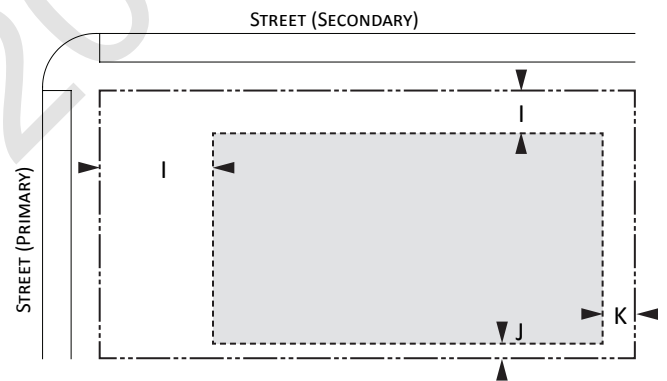
A building lot located and designed to accommodate a detached building which resembles a large house but which contains multiple dwellings above and beside each other. A maximum of 4 units are permitted in this building lot. (The units have to be existing prior to redevelopment as stated in Sec.20.07 Density, intensity and assembly of parcels).

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	40	55
B - Lot Depth (ft)	80	--
C - Lot Size (sf)	3,200	--
D - Lot Coverage (%)	--	70
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	10	15
Secondary Street Setback (ft)	5	--
F - Side Setback (ft)	5	--
G - Rear Setback (ft)	15	--
Garage Adjacent to Alley	5	--
H - Frontage Buildout (%)	60	--
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	--	'28-32' as defined in Sec. 20.17
N - Accessory Structure(s) (ft)	--	2
PARKING PROVISIONS		
Location	Zone 2, 3 and 4	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	P, S, CY	

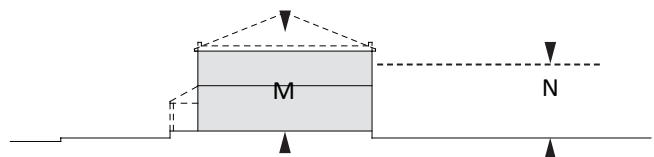
LOT REQUIREMENTS AND BUILDING ENVELOPE



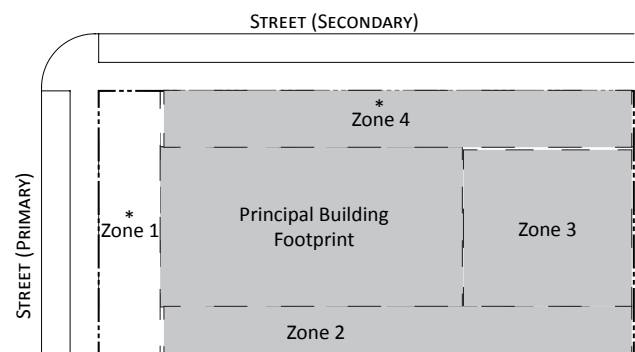
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



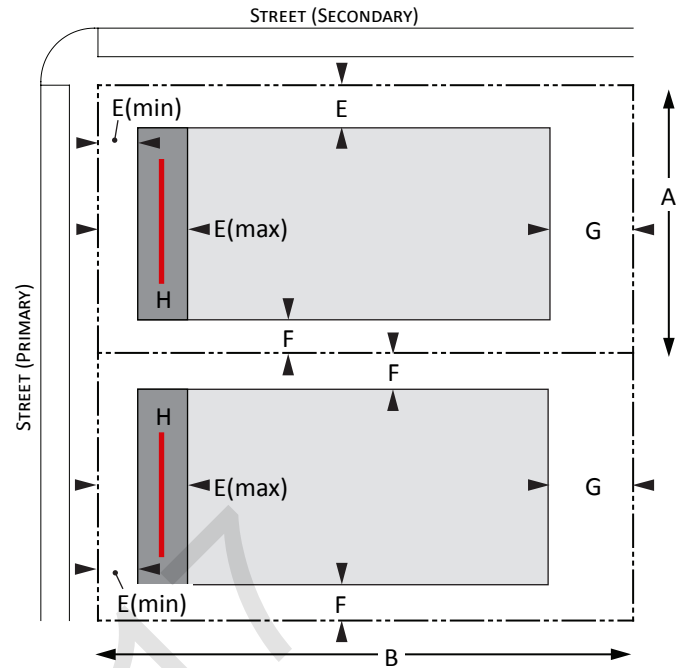
PARKING LOCATION



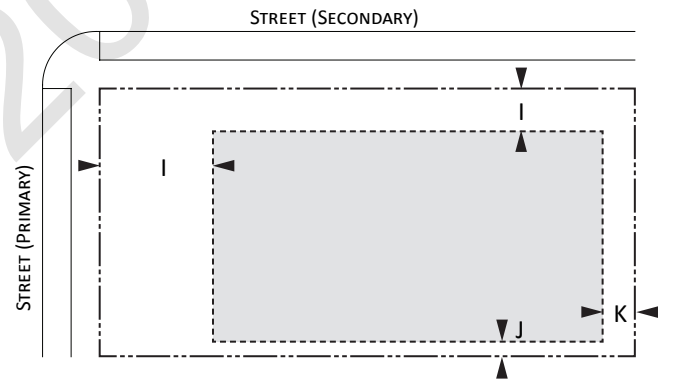
A building lot located and designed to accommodate multiple dwellings above or beside each other in a building that occupies most of its building lot width and is placed close to the sidewalk. (The units have to be existing prior to redevelopment as stated in Sec.20.07 Density, intensity and assembly of parcels).

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	60	90
B - Lot Depth (ft)	100	120
C - Lot Size (sf)	6,000	10,800
D - Lot Coverage (%)	--	75
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	15	20
Secondary Street Setback (ft)	7	--
F - Side Setback (ft)	7	--
G - Rear Setback (ft)	20	--
Garage Adjacent to Alley	5	--
H - Frontage Buildout (%)	60	--
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (ft)	--	'28-32' as defined in Sec. 20.17
N - Accessory Structure(s) (ft)	--	28'
PARKING PROVISIONS	Zone 2 and 3	
Location	Zone 2 and 3	
PRIVATE FRONTAGES (PF)	P, F, S, CY	
Select a minimum of 1 PF_	P, F, S, CY	

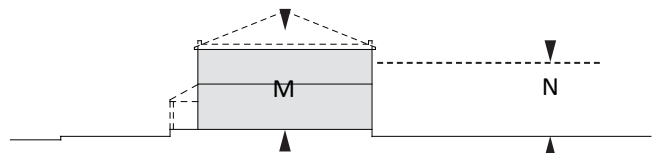
LOT REQUIREMENTS AND BUILDING ENVELOPE



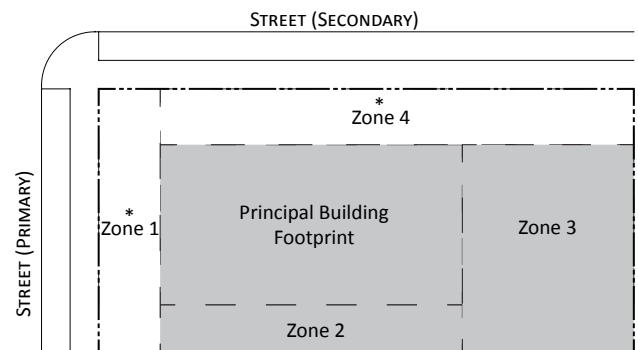
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



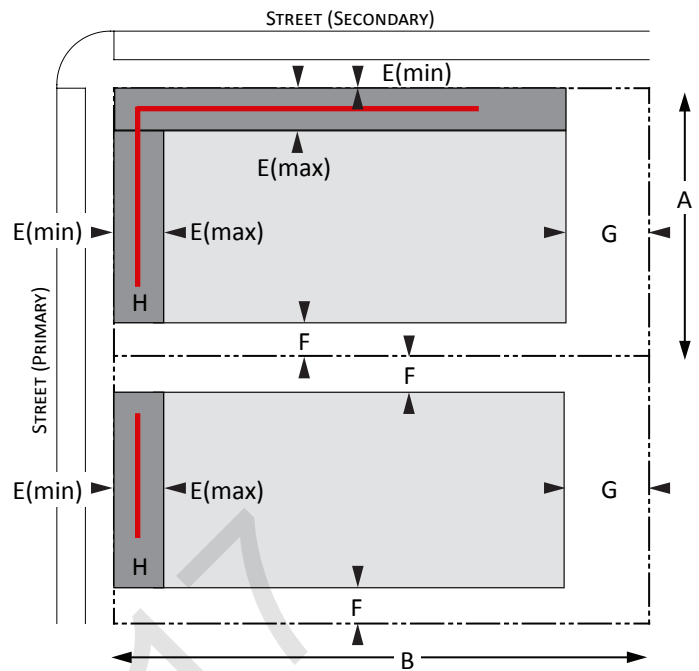
PARKING LOCATION



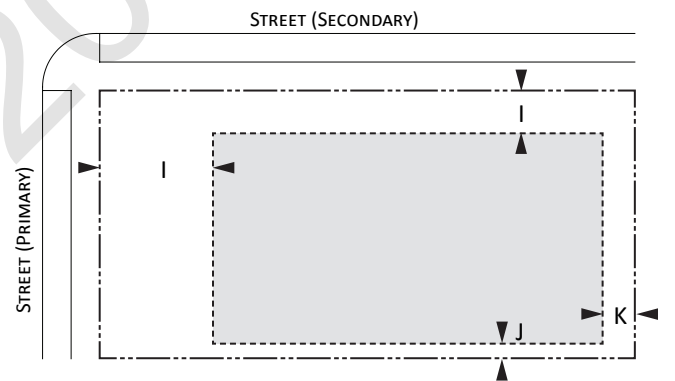
A building lot located and designed to accommodate multiple dwellings above or beside each other in a building that occupies most of its building lot width and is placed close to the sidewalk. (The units have to be existing prior to redevelopment as stated in Sec.20.07 Density, intensity and assembly of parcels).

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	90	200
B - Lot Depth (ft)	120	120
C - Lot Size (sf)	10,800	24,000
D - Lot Coverage (%)	--	75
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	15	25
Secondary Street Setback (ft)	10	--
F - Side Setback (ft)	10	--
G - Rear Setback (ft)	15	--
Garage Adjacent to Alley	5	--
H - Frontage Buildout (%)	60	--
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (ft)	--	'28-32' as defined in Sec. 20.17
N - Accessory Structure(s) (ft)	--	28'
PARKING PROVISIONS	Zone 2 and 3	
Location	Zone 2 and 3	
PRIVATE FRONTAGES (PF)	Select a minimum of 1 PF listed	
	CY, P, F, S	

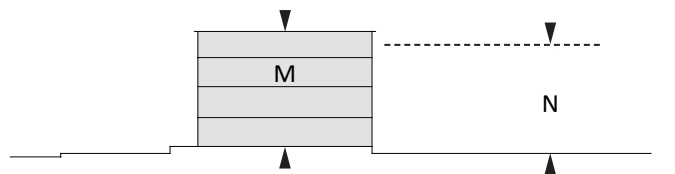
LOT REQUIREMENTS AND BUILDING ENVELOPE



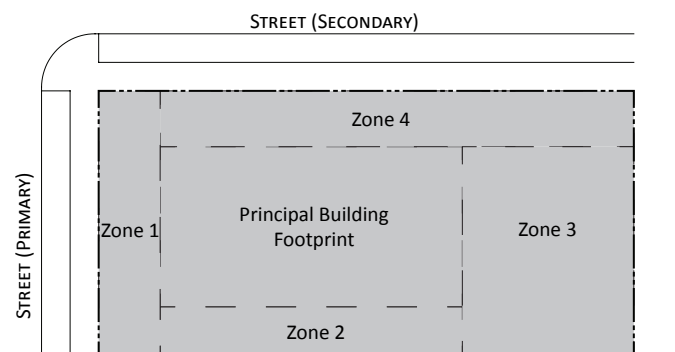
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



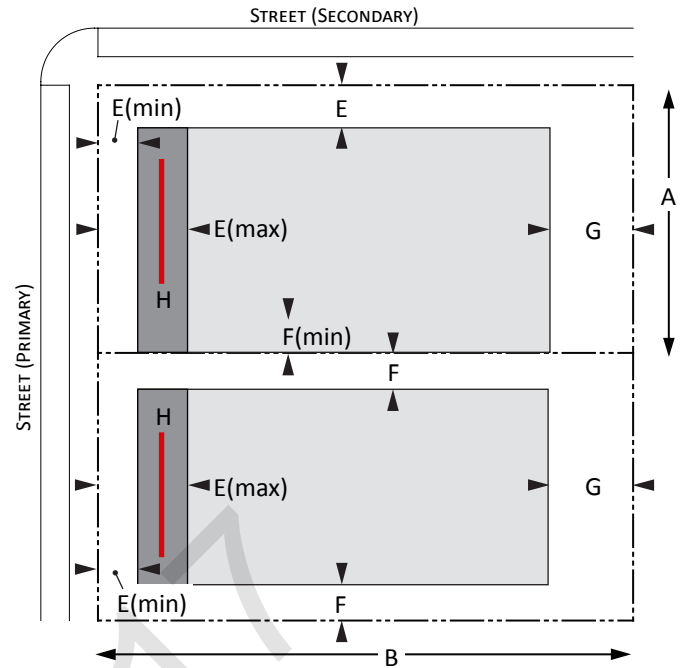
PARKING LOCATION



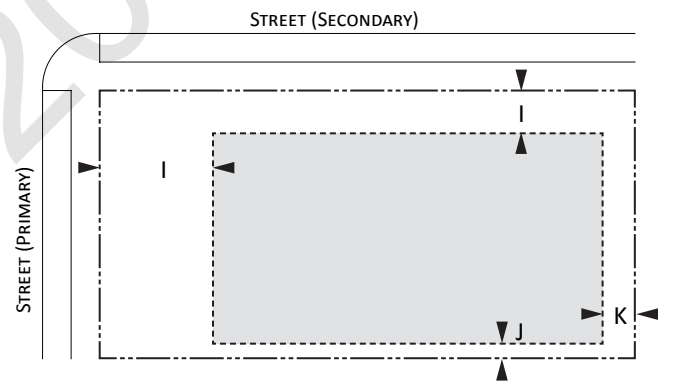
A building lot located and designed to accommodate multiple dwellings arranged around and fronting on a central garden or courtyard that may be partially or wholly open to a street and/or alleyway. (The units have to be existing prior to redevelopment as stated in Sec.20.07 Density, intensity and assembly of parcels).

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	50	200
B - Lot Depth (ft)	80	120
C - Lot Size (sf)	4,000	24,000
D - Lot Coverage (%)	--	80
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	10	15
Secondary Street Setback (ft)	5	--
F - Side Setback (ft)	5	--
G - Rear Setback (ft)	20	--
Garage Adjacent to Alley	5	--
H - Frontage Buildout (%)	60	--
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (ft)	--	'28-32' as defined in Sec. 20.17
N - Accessory Structure(s) (ft)	--	28'
PARKING PROVISIONS	Zone 2 and 3	
Location	Zone 2 and 3	
PRIVATE FRONTAGES (PF)	F	
Select a minimum of 1 PF listed	F	

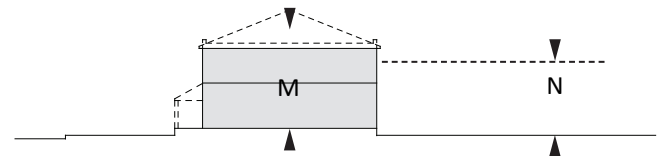
LOT REQUIREMENTS AND BUILDING ENVELOPE



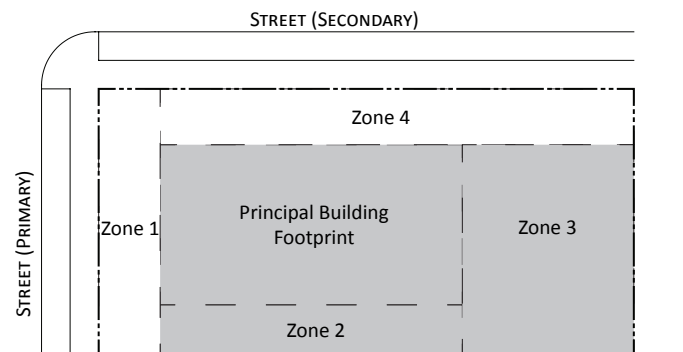
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



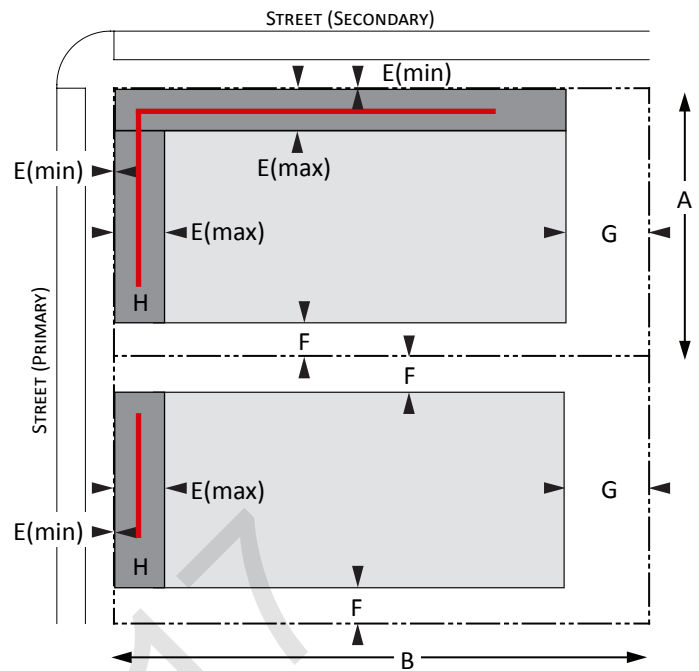
PARKING LOCATION



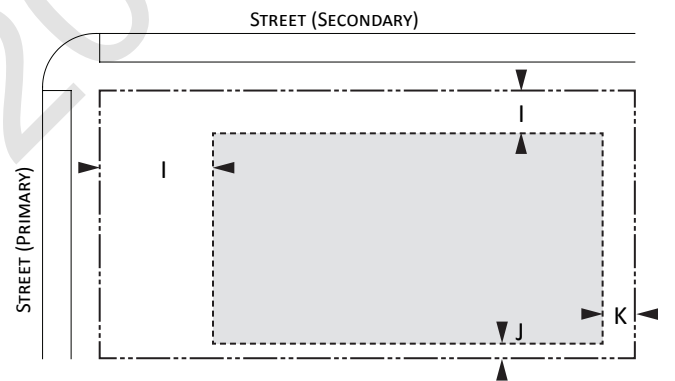
A building lot located and designed to accommodate a multi story building with commercial, office and/or multiple dwellings in any story that is designed for smaller lot sizes.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	20	60
B - Lot Depth (ft)	80	120
C - Lot Size (sf)	1,600	7,200
D - Lot Coverage (%)	--	80
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	10	15
Secondary Street Setback (ft)	5	--
F - Side Setback (ft)	0	--
G - Rear Setback (ft)	15	--
Alley	5	--
H - Frontage Buildout (%)	60	--
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	600
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	--	underlying zoning district
N - Accessory Structure(s) (ft)	--	25
PARKING PROVISIONS	Zone 2 and 3	
Location	Zone 2 and 3	
PRIVATE FRONTAGES (PF)	Select a minimum of 1 PF listed	
	C	

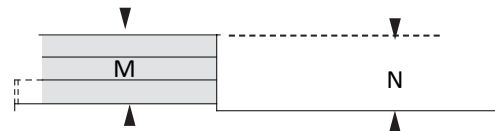
LOT REQUIREMENTS AND BUILDING ENVELOPE



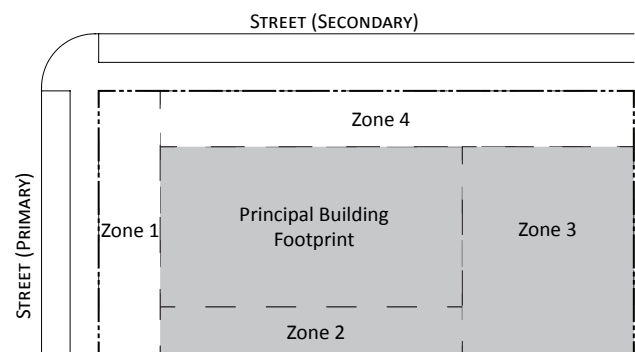
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



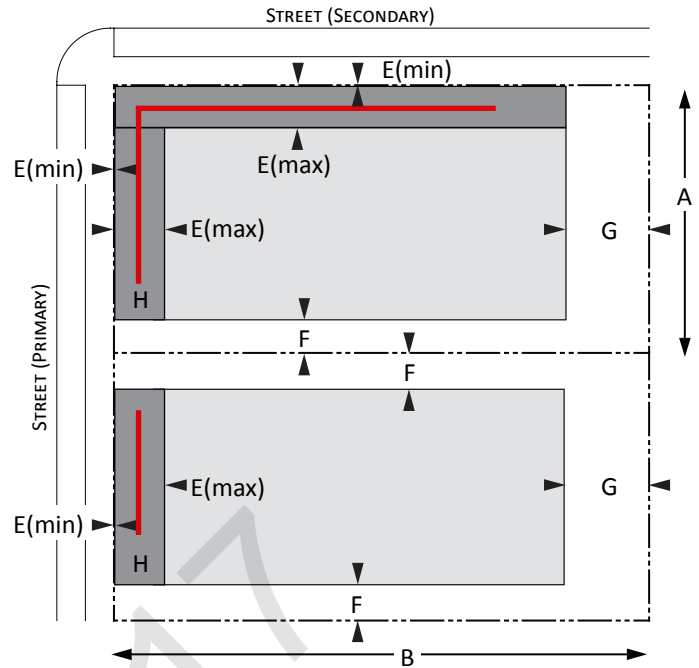
PARKING LOCATION



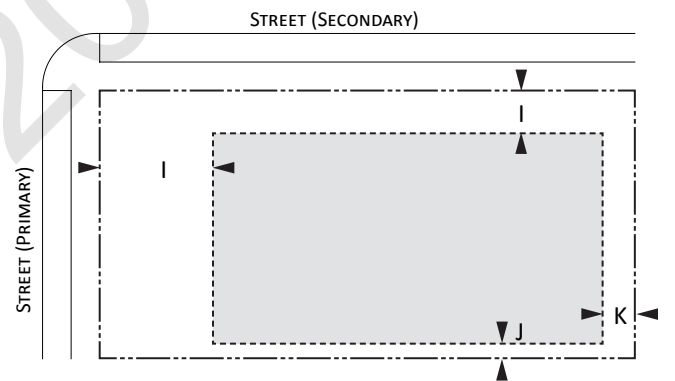
A building lot located and designed to accommodate a multi story building with commercial, office and/or multiple dwellings in any story that is designed for average lot sizes.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	60	150
B - Lot Depth (ft)	--	350
C - Lot Size (sf)	--	52,500
D - Lot Coverage (%)	--	90
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	10	15
Secondary Street Setback (ft)	5	--
F - Side Setback (ft)	0	--
G - Rear Setback (ft)	20	--
Alley	5	--
H - Frontage Buildout (%)	60	--
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	--	underlying zoning district
N - Accessory Structure(s) (ft)	--	25
PARKING PROVISIONS		
Location	Zone 2 and 3	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	C	

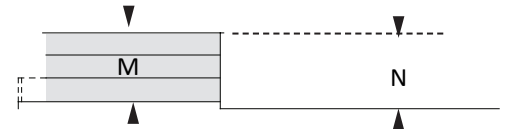
LOT REQUIREMENTS AND BUILDING ENVELOPE



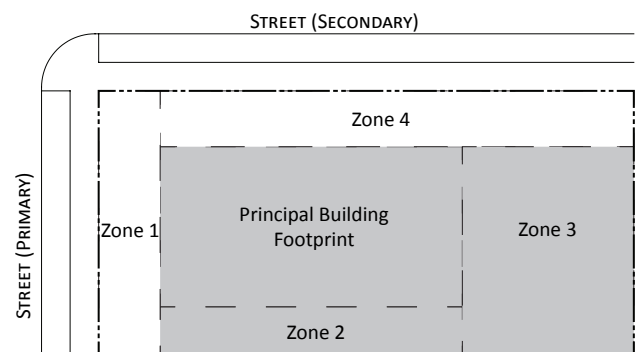
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



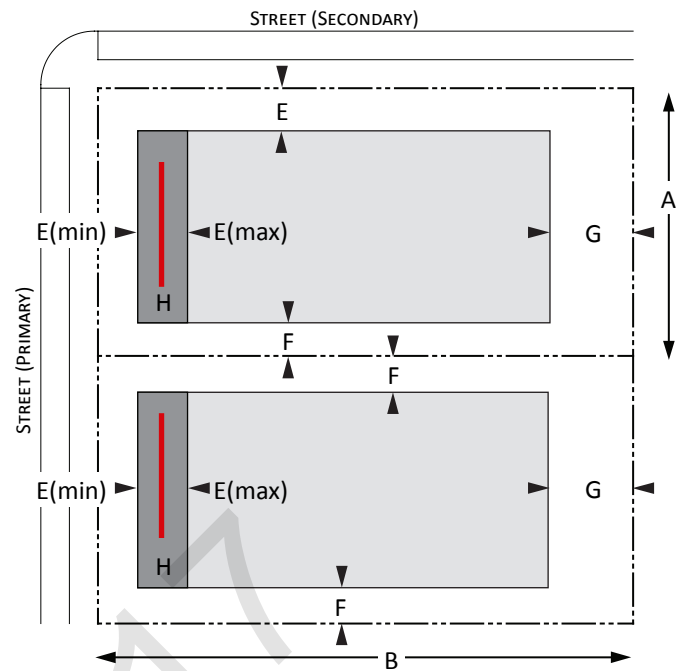
PARKING LOCATION



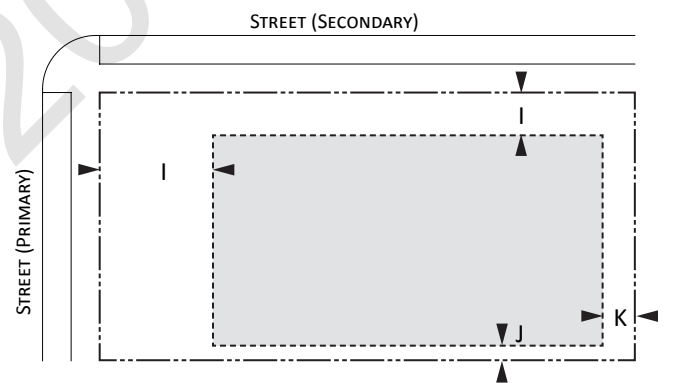
A building lot located and designed to accommodate lodging. The number of rooms will be confirmed by existing operating hotel rooms. (The units have to be existing prior to redevelopment as stated in Sec.20.07 Density, intensity and assembly of parcels).

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	40	105
B - Lot Depth (ft)	90	125
C - Lot Size (sf)	--	13,125
D - Lot Coverage (%)	--	80
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	15	20
Secondary Street Setback (ft)	10	--
F - Side Setback (ft)	10	--
G - Rear Setback (ft)	15	--
Garage Adjacent to Alley	5	--
H - Frontage Buildout (%)	60	--
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (ft)	--	'28-32' as defined in Sec. 20.17
N - Accessory Structure(s) (ft)	--	28'
PARKING PROVISIONS		
Location	Zone 2,3, and 4	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed		C, P, F, CY,S

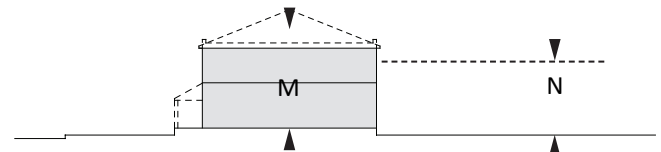
LOT REQUIREMENTS AND BUILDING ENVELOPE



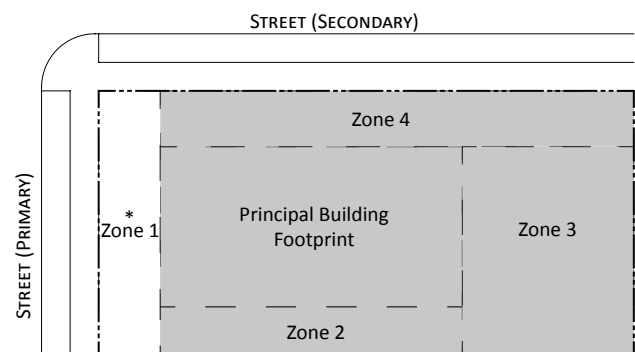
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION

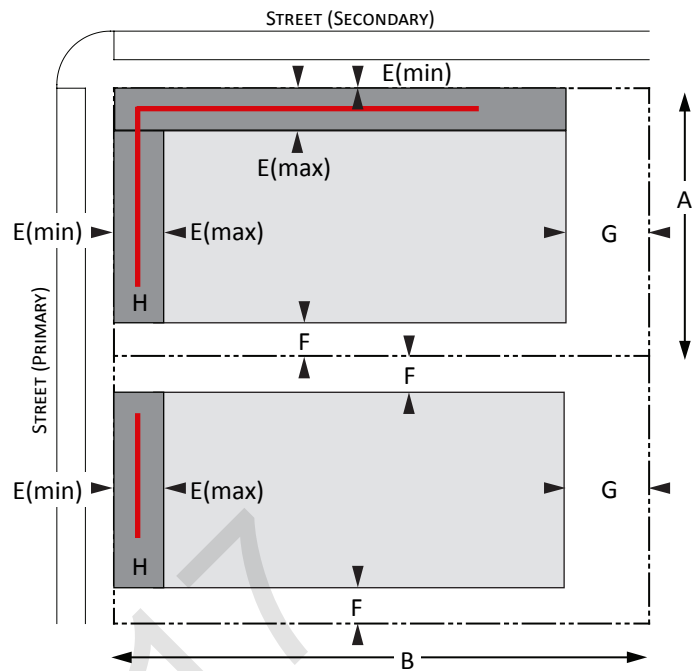


SINGLE STORY COMMERCIAL BUILDING-SMALL

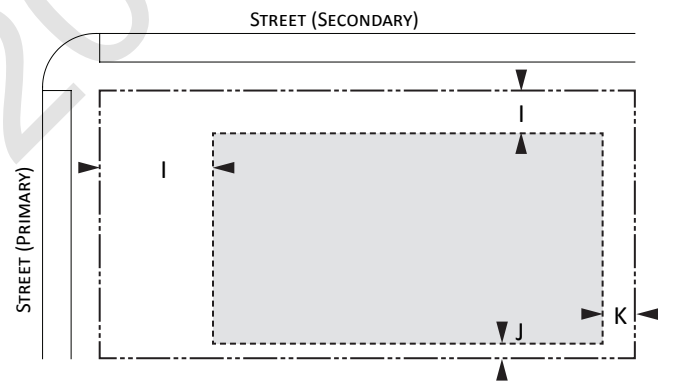
A building lot located and designed to accommodate single use office and retail.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	30	50
B - Lot Depth (ft)	80	120
C - Lot Size (sf)	4,000	6,000
D - Lot Coverage (%)	--	80
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	10	15
Secondary Street Setback (ft)	5	--
F - Side Setback (ft)	0	--
G - Rear Setback (ft)	20	--
Alley	5	--
H - Frontage Buildout (%)	60	--
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (ft)	--	underlying zoning district
N - Accessory Structure(s) (ft)	--	25
PARKING PROVISIONS		
Location	Zone 2,3, and 4	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	C, G, A	

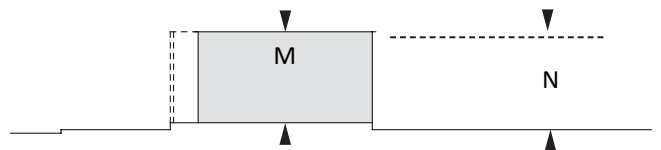
LOT REQUIREMENTS AND BUILDING ENVELOPE



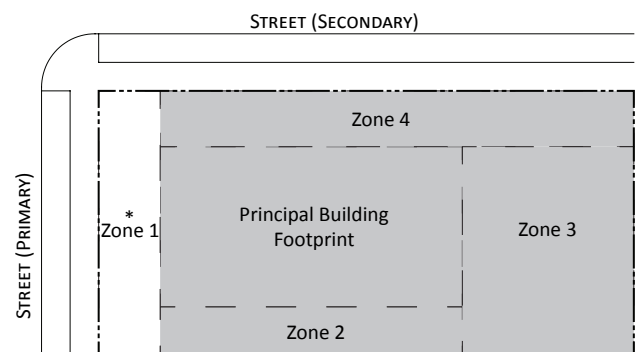
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION

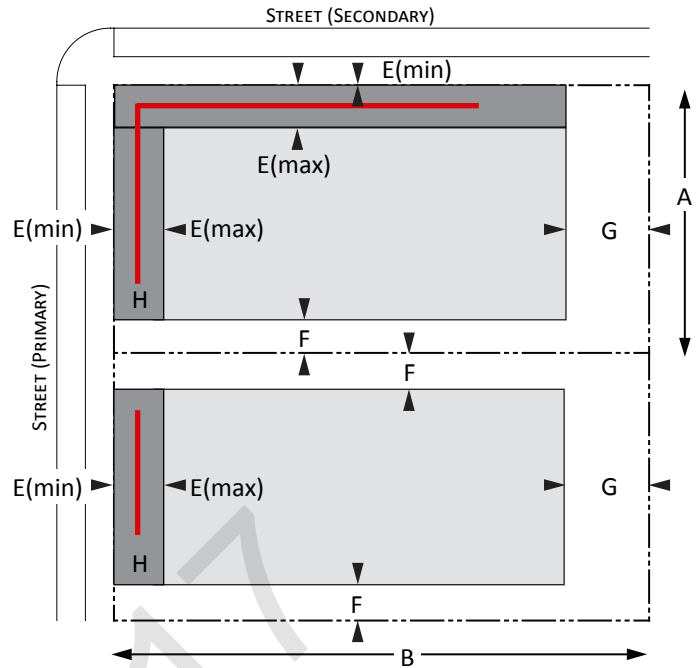


SINGLE STORY COMMERCIAL BUILDING-MEDIUM

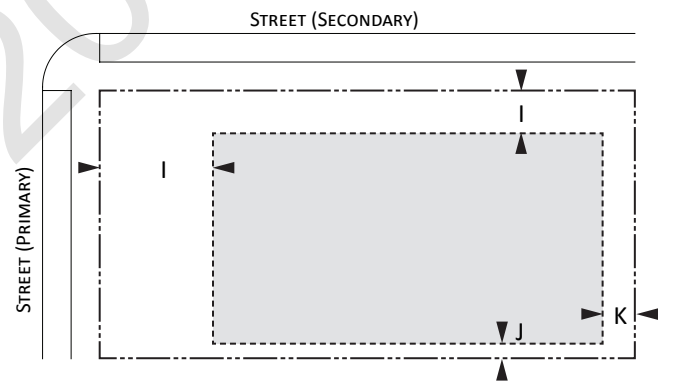
A building lot located and designed to accommodate single use office and retail.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	60	150
B - Lot Depth (ft)	--	350
C - Lot Size (sf)	--	52,500
D - Lot Coverage (%)	--	90
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	10	15
Secondary Street Setback (ft)	5	--
F - Side Setback (ft)	0	--
G - Rear Setback (ft)	20	--
Alley	5	--
H - Frontage Buildout (%)	60	--
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	--	underlying zoning district
N - Accessory Structure(s) (ft)	--	25
PARKING PROVISIONS		
Location	Zone 2 and 3	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	C	

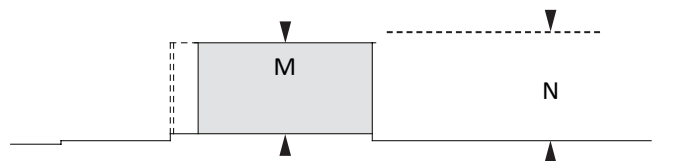
LOT REQUIREMENTS AND BUILDING ENVELOPE



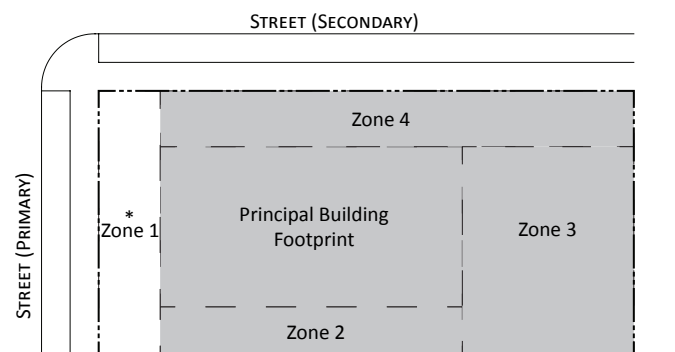
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



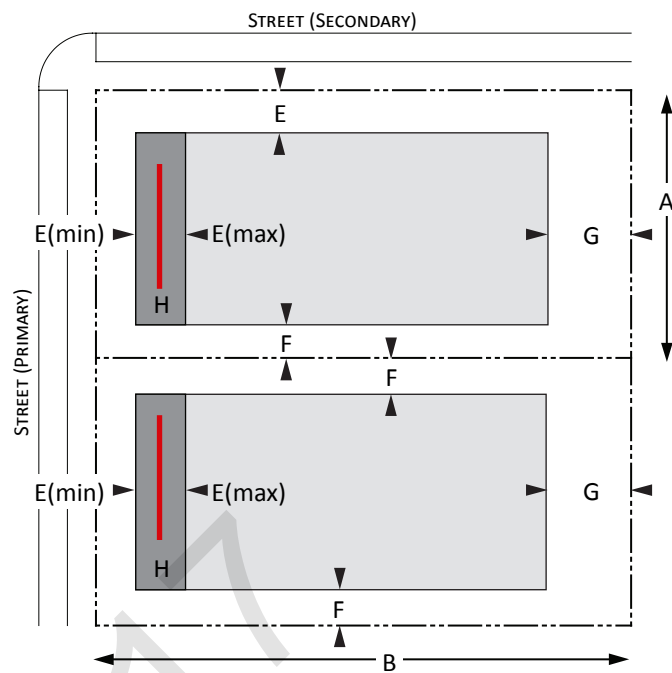
PARKING LOCATION



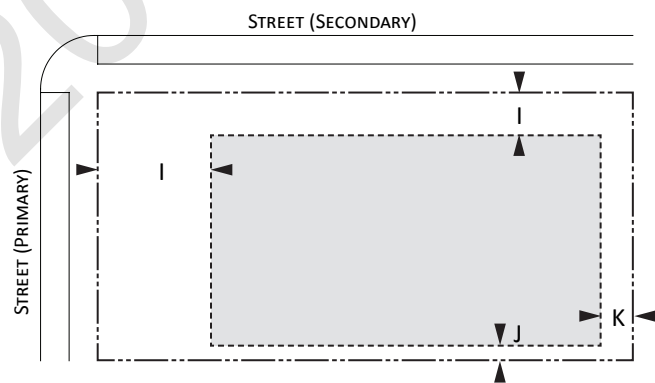
A building lot located and designed to accommodate a building containing public or civic uses such as community services, day care, education, government, places of worship, or social services. This typology is only for permitted and existing institutional buildings.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	--	--
B - Lot Depth (ft)	--	--
C - Lot Size (sf)	--	--
D - Lot Coverage (%)	--	--
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	10	25
Secondary Street Setback (ft)	10	--
F - Side Setback (ft)	10	--
G - Rear Setback (ft)	15	--
Alley	5	--
H - Frontage Buildout (%)	50	--
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (ft)	--	35
N - Accessory Structure(s) (ft)	--	28'
PARKING PROVISIONS		
Location	Zone 2,3, and 4	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	no requirement	

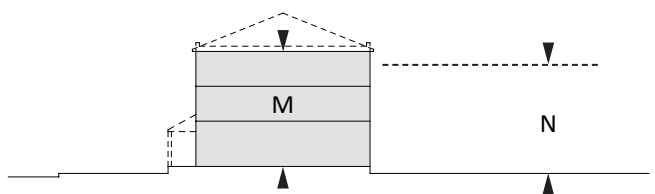
LOT REQUIREMENTS AND BUILDING ENVELOPE



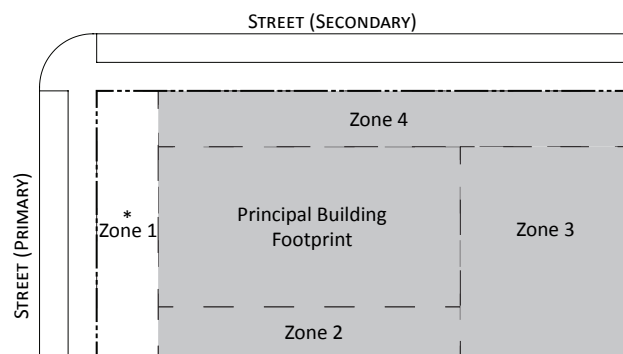
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION

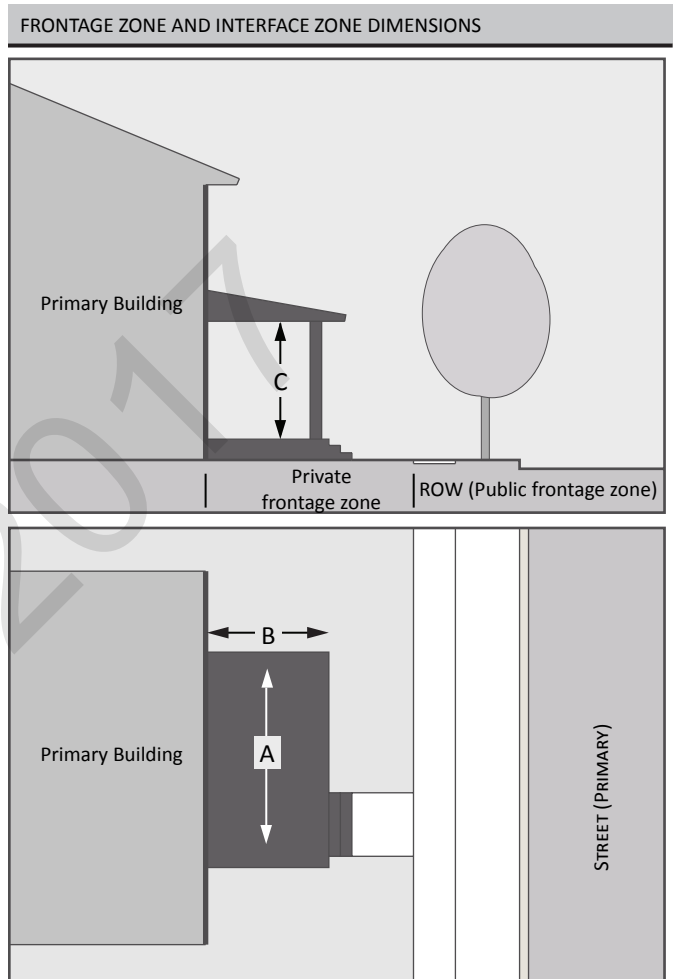


P

PORCH

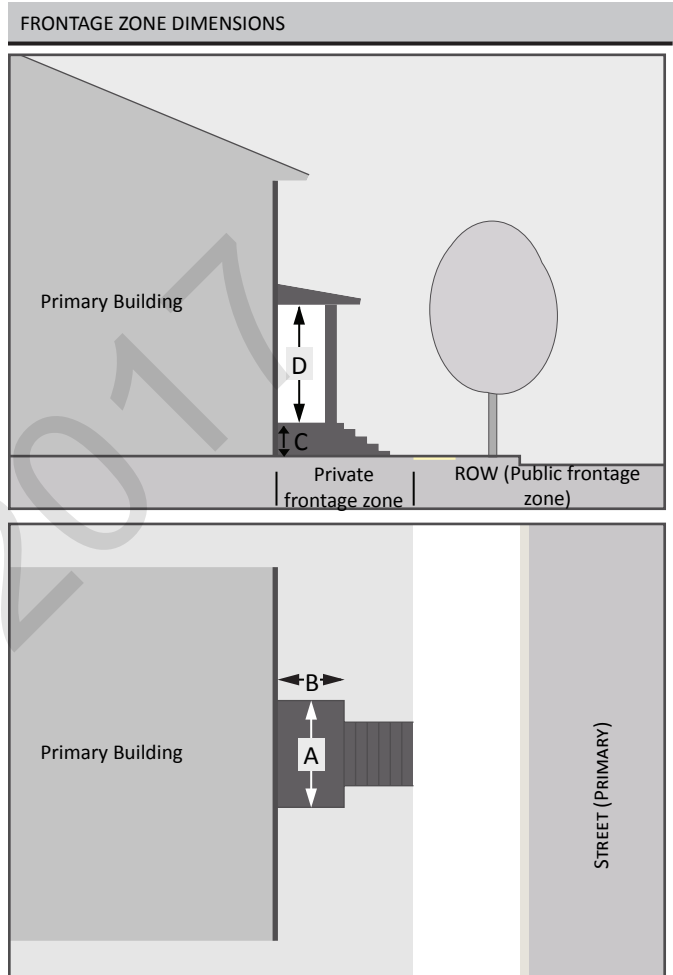
The façade is setback from the front lot line per applicable street setback requirements. The façade includes an attached front porch structure. A wide variety of porch designs are possible.

FRONTAGE ZONE (FZ)	MIN	MAX
Porch structure requirements:		
A - Width (clear) (ft)	10	--
B - Depth (clear) (ft)	5	--
C - Height (clear) (ft)	7	--
INTERFACE ZONE (IZ)		
Landscape with path (3' wide min) from sidewalk to structure		



The façade is set back from the front lot line per applicable street setback requirements. The façade includes an attached entry stoop (an elevated landing with stairs) that is placed at or near the front lot line. The ground floor is elevated to provide privacy. The stoop may include a roof, however it is not required.

FRONTAGE ZONE (FZ)	MIN	MAX
Stoop structure requirements:		
A - Width (clear) (ft)	5	10
B - Depth (clear) (ft)	3	8
C - Height (stoop) (in)	18	24
D - Height (clear) (ft)	7	--
INTERFACE ZONE (IZ)		
Landscape with path (3' wide min) from sidewalk to structure		



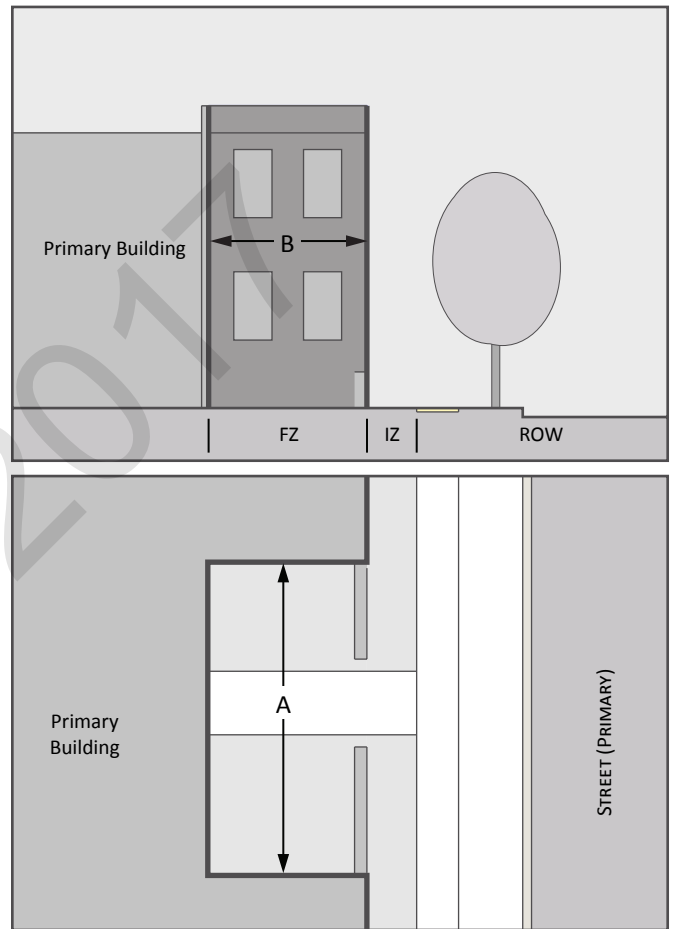
F

FORECOURT

The façade is set back from the front lot line per applicable street setback requirements. A portion of the façade is recessed to form an uncovered court. The court is suitable for outdoor dining, gardens, vehicle drop-offs, formal entries etc. A fence or wall may be used to define the private space of the court. The court may be elevated behind a retaining wall at or near the front lot line with entry steps to the court. The forecourt area may not have a permanent roof structure. Cafe's, seating area's may provide shade, umbrella's or any temporary shelter(s) that provide shade.

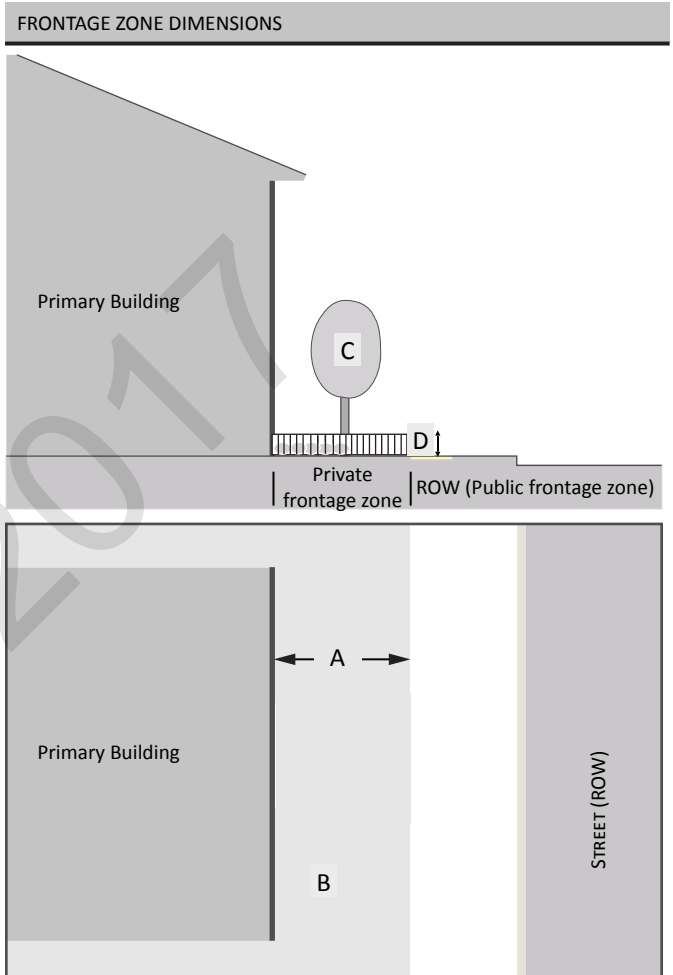
FRONTAGE ZONE (FZ)	MIN	MAX
Courtyard requirements:		
A - Width (clear) (ft)	12	--
B - Depth (clear) (ft)	12	50
INTERFACE ZONE (IZ)		
Landscape with path (6' wide min) from sidewalk to structure		
OTHER REQUIREMENTS		
None		

FRONTAGE ZONE AND INTERFACE ZONE DIMENSIONS



The façade is set back from the front lot line per applicable street setback requirements. The common yard may include a two to four foot in height decorative fence that shall be constructed of wood, shell, or concrete material. The frontyard is required to have a minimum of 1 canopy tree, shrubs, and ground cover.

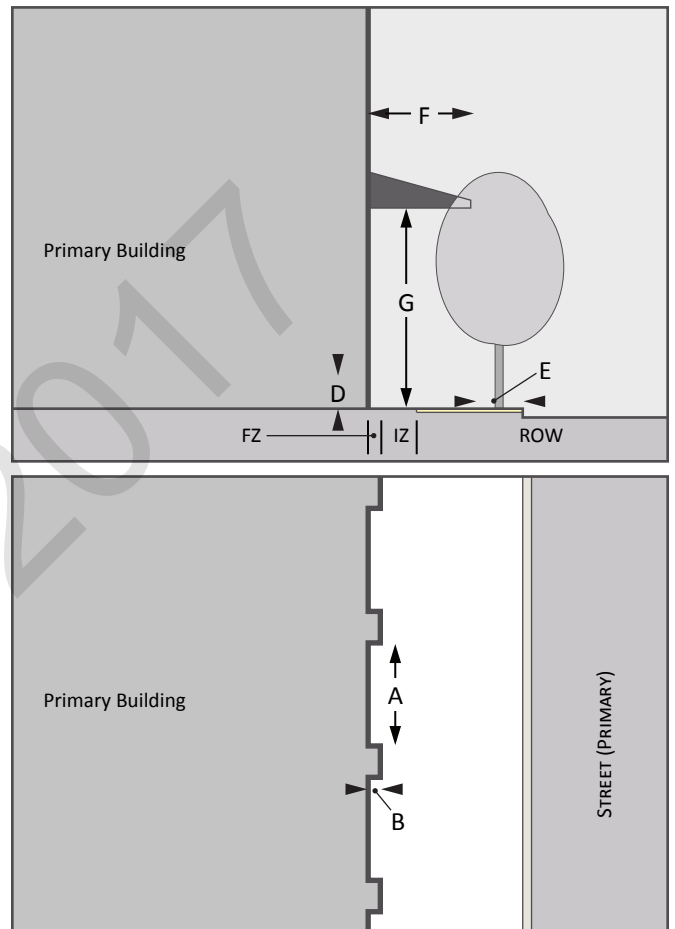
FRONTAGE ZONE (FZ)	MIN	MAX
Stoop structure requirements:		
A - Landscape	grass and or ground cover	
B - Shrubs, ground cover	10 (3 gallon)	--
C - Tree (canopy tree)	1	--
D- Fence Height (feet)	2'	4'



The façade is setback from the front lot line per applicable street setback requirements, typically at or near the front lot line with the entrance at sidewalk grade. The façade may include an awning, shed roof, or gallery (a lightweight colonnade with no habitable building space above it) that covers the sidewalk and may extend into the right-of-way. The facade has a substantial amount of glazing at the sidewalk level. Recessed entrances are acceptable.

FRONTAGE ZONE (FZ)	MIN	MAX
Building facade requirements:		
A - Distance between openings (ft)	10	20
B - Door recess (ft)	--	5
C - Ground floor transparency (%)	60	--
D - Height to bottom of window (ft)	--	2.5
INTERFACE ZONE (IZ)		
Extended sidewalk from right-of-way edge to structure		
OPTIONAL ELEMENTS	MIN	MAX
AWNING or GALLERY		
E - Setback from curb (ft)	2	--
F - Depth (clear) (ft) *(Gallery min 8')	4	10
G - Height (clear) (ft)	8	--
OTHER REQUIREMENTS		
None		

FRONTAGE ZONE AND INTERFACE ZONE DIMENSIONS



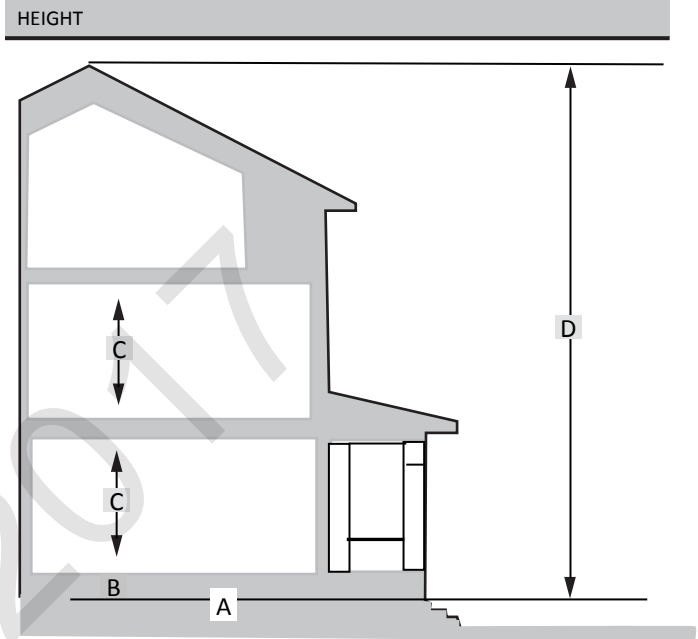
H

BUILDING HEIGHT

Pass-A-Grille is located in a flood zone and has special requirements that shall be met in Sec. 98-33 of the City's Code of Ordinances for base flood elevations (BFE). The graphic below provides overall guidance on the design of floors, the measuring of the finished floor.

	MIN	MAX
Building facade requirements:		
A - Base Flood Elevation (BFE) refer to Sec. 98-33		
B - Finished Grade (FG)	Determined by the BFE & FG	
C - Height of Floors (liveable)	8	14
D - Total Height (Measurement from the BFE)	--	--
Residential*	--	28-32*
Commercial (non-residential)	--	Refer to Underlying Zoning District

*Not to exceed 28 feet in height to the midpoint of a sloped roof or top of the parapet of a flat or low sloped roof, and measured from the base flood elevation determined under the most restrictive applicable standard for the building site, further provided that the overall roof height shall not exceed 32 feet.



Sec 20.16 Private frontage

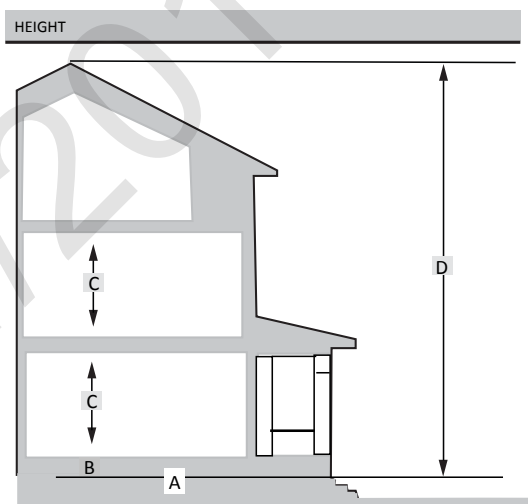
The building types in Sec. 20.15 provide the acceptable private frontages (i.e. porches, stoops, etc.) for that building type. If there are multiple frontages provided in the table, the applicant may choose what private frontage to provide per building. A minimum of one frontage will be required for new construction when listed on the chart, by Building Type. The private frontage area may count towards the calculation of the frontage build out requirement under the "Building Envelope" category, by building type, in Section 20.15.

Sec 20.17 Building height

Each building lot typology in Sec. 20.15 provides the range of height appropriate for the building type. No new or substantially improved building within the PAG Overlay District and having the underlying zoning designation of THD, RU-2 Residential, RLM-2 Residential, or RM Residential shall be constructed not to exceed 28 feet in height to the midpoint of a sloped roof or top of the parapet of a flat or low sloped roof, and measured from the base flood elevation determined under the most restrictive applicable standard for the building site, further provided that the overall roof height shall not exceed 32 feet. Base flood elevation requirements are outlined in Sec. 98-33 of the City's Code of Ordinances.

	MIN	MAX
Building facade requirements:		
A - Base Flood Elevation (BFE) refer to Sec. 98-33		
B - Finished Grade (FG)	Determined by the BFE & FG	
C - Height of Floors (liveable)	8	14
D - Total Height (Measurement from the BFE)	--	--
Residential*	--	28-32*
Commercial (non-residential)	--	Refer to Underlying Zoning District

*Not to exceed 28 feet in height to the midpoint of a sloped roof or top of the parapet of a flat or low sloped roof, and measured from the base flood elevation determined under the most restrictive applicable standard for the building site, further provided that the overall roof height shall not exceed 32 feet.



Sec 20.18 Minimum off-street parking requirements.

- Residential: Shall be in accordance with the requirements of Division 23 of the Land Development Code, Off Street Parking and Loading.
- Nonresidential: may reduce the number of spaces, if on-street parking is available, then an applicant can count any on-street parking within 500 feet of the parcel.

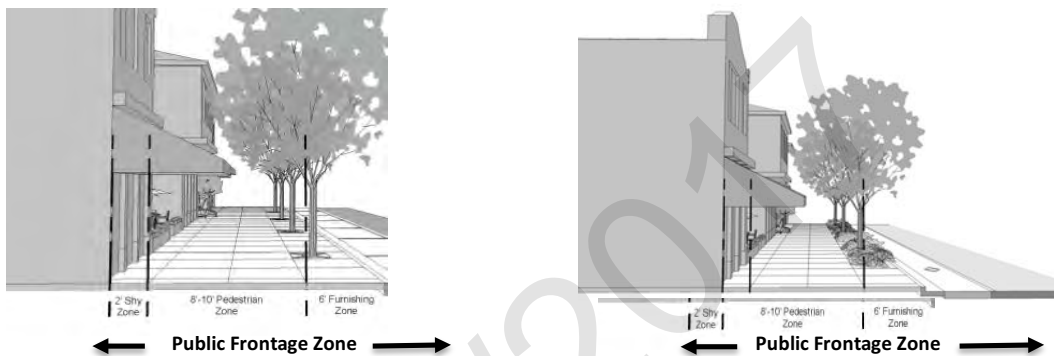
Sec 20.19 Alleyways

- The PAG Overlay District has existing alleyways that shall be maintained as an alleyway.
- Under no circumstance shall an existing alley be reduced in the width and length.
- Parking is permitted adjacent to an Alleyway or where the City has identified, through signage, that vehicles may park within the alleyway. Under no circumstance shall a parked vehicle impede the vehicular movement.
- Alleyways shall not be permanently closed or vacated.

Sec 20.20 Landscaping Standards

(a) Streetscape Standards. When the City requires improvements to the "Public Frontage" Zone which includes: Furnishing zones, pedestrian zones and a shy zone, the following standards shall apply.

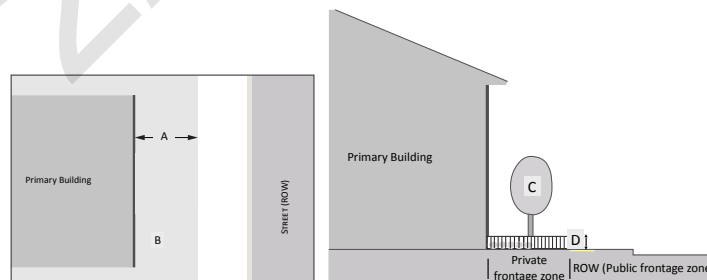
- 1) Furnishing Zone that is a minimum of six feet in depth and may include street lights, benches and canopy trees. A furnishing zone shall include one of the following: Tree Grate Standards. One canopy tree per 30 feet in lineal building shall be provided the entire length of the parcel the building is fronting.
- 2) Planter Beds. A minimum width of 6 feet with a maximum length of 25 feet that contains 1 canopy tree per bed and 100 percent ground cover.
- 3) Pedestrian Zone, 8-10 feet of unobstructed sidewalk
- 4) Shy zone, comprised of 12 inches to 2 feet that includes the area from the edge of the building to the edge of the pedestrian zone.



(b) Landscape Buffers shall not be required between any uses within the PAG Overlay District.

(c) Front Buffers for all Residential building types, excluding the Apartment Building, shall provide the following:

- 1) Front fence or landscape buffer shall be provided and include the following:
 - i. An opaque hedge, height not to exceed 3 feet when fully matured and/or
 - ii. Knee wall and/or fence. Permitted materials are wood, shell or concrete material consistent with the overall architecture and design of the primary residence.



FRONTAGE ZONE (FZ)	MIN	MAX
Stoop structure requirements:		
A - Landscape	grass and or ground cover	
B - Shrubs, ground cover	10 (3 gallon)	--
C - Tree (canopy tree)	1	--
D - Fence Height (feet)	2'	4'

Sec 20.21 Screening of elevated buildings.

A building required by Section 98-33 of the City's Code of Ordinances, to be elevated more than three feet above grade shall mask the fact that it is elevated through the use of appropriate architectural screening so that the building, when viewed from public rights-of-way, appears to have been constructed at, or near, natural grade as follows:

(a) Architectural screening shall:

1) Create a visual continuity that is integrated with the overall design and architecture of the home using doors, garage doors, entryways, staircase and/or archways.

2) No more than 20% of the area being screened can be transparent.

(b) Landscape screening shall be installed:

1) A minimum 3-foot-wide landscape area

2) One understory tree per 20 lineal feet (or portion thereof) of the elevated building length/width viewed from public rights-of way.

3) Planted with shrubs, ornamental grasses and groundcovers to provide 100% coverage of the landscape area within one growing season. The landscape design shall (unless spatially impractical) provide layering of plant materials that includes larger background shrubs and low foreground groundcovers. All plant material should be Florida Friendly plantings as defined and identified by University of Florida/IFS horticulture experts.

4) Permanent mulch materials, such as organic mulches, stones, and recycled inorganic groundcover materials are not permitted in lieu of vegetation, unless they are provided as accent or focal points that enhance the landscape design.

(c) Apartment Building Types (Apartment House, Apartment Building Small and Apartment Building Medium shall also meet the following standards:

a. Parking may only be accessed from the side or rear of the building

b. No portion of the primary building shall have garage doors facing any street.

c. Parking may be located within the BFE provided the primary face of the building is architecturally designed to be consistent with front entryways of homes that are integrated and not visually seen from any street.

Sec 20.22 General building design (residential)

In addition to the required private frontages and the standards provided in each frontage, the following standards shall be applied to all residential building types (House and Apartment Building Types) in order to maintain the overall mass and scale, of the PAG community's existing housing stock.

The following standards are included to provide a minimum criteria needed to review the overall design, mass and scale as outlined below while allowing an applicant flexibility in the design of the building. The design criteria are typical design elements used by architects to ensure a higher quality development.

Any single family or attached residential structure that follows the criteria outlined in 20.15 must design the building with the following architectural elements:

(a) The mass of a building must include:

1) Primary Mass. The building shall have a distinct primary mass

- 2) Secondary Mass. A building should also include secondary mass (private frontage requirements) that form the façade of the building.
- 3) Voids that allow for natural breaks in the mass
- (b) Proportional design elements shall include:
 - 1) Windows in varying, yet similar arrangements
 - 2) Window size is consistent
 - 3) Appropriate vertical visual consistency at the centerline of the façade
 - 4) Appropriate ratios of visual width between top and bottom halves of the elevation (bottom ½ clearly supports the top)
 - 5) Overall design shall be symmetrically or asymmetrically balanced.
- (c) Design must include the following rhythms:
 - 1) Proximity (objects close together complement each other).
 - 2) Similarity- common textures, colors or features.

Sec 20.23 General building design (non-residential)

In addition to the required private frontages and the standards provided in each frontage, the following standards shall be applied to non-residential building types only.

- (a) Public entrance. Buildings that are open to the public shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be a distinctive and prominent element of the architectural design, and shall be open to the public during business hours. Buildings shall incorporate lighting and changes in mass, surface or finish which places an emphasis to the entrance.
- (b) Building orientation. The primary building entrances shall be visible and directly accessible from a street or park space that has a sidewalk or pedestrian path.
- (c) Storefront character. Buildings shall express a “storefront character”. This guideline is met by providing all of the following features along the building frontage as applicable.
 - 1) Regularly spaced and similar-shaped windows with window hoods or trim (all building stories).
 - 2) Large display windows on the ground floor. All street-facing, park-facing and plaza-facing structures shall have windows covering a minimum of 40% and a maximum 80% of the ground floor of each storefront’s linear frontage. Blank walls shall not occupy over 50% of a street-facing frontage and shall not exceed 20 linear feet without being interrupted by a window or entry. Mirrored glass, obscured glass and glass block cannot be used in meeting this requirement. Display windows may be used to meet this requirement if the first floor has not been design as a flood proof first floor.
- (d) Building façade. Buildings shall provide a foundation or base, typically from ground to bottom of the lower windowsills, with changes in volume or material. A clear visual division shall be maintained between the ground level floor and upper floors with either a cornice line or awning from 12’ to 16’ above grade, whichever applies to the proposed development. No more than 20 feet of horizontal distance of wall shall be provided without architectural relief for building walls and frontage walls facing the street. All buildings excluding single family detached homes shall utilize at least three of the following design features to provide visual relief along all elevations of the building:
 - 1) Divisions or change in materials (materials should be drawn from a common palette).
 - 2) Window bays.
 - 3) Separate entrances and entry treatments, porticoes extending at least five (5) feet.
 - 4) Variation in roof lines.
 - 5) Balconies: 6’ maximum may project into the front or side street setbacks.
 - 6) Dormers.

- 7) Canopies, extending at least five (5) feet.
- 8) Gables.
- 9) Overhang extending at least five (5) feet.
- 10) Recessed entries (at least three [3] feet from the primary façade).
- 11) Protruding entries (at least three [3] from the primary façade).
- 12) Covered porch entries.
- 13) Cupolas.

Sec 20.24 Design review and required drawings

An applicant shall be subject to the City's permit process. In addition, any development within the PAG Overlay District using the building types, as provided in this Division, shall submit architectural elevations of all facades of all structures subject to this Division and shall be a required exhibit for plan approval which does not subrogate any requirements outlined in Division 5, Site plan approval procedures, and building permit process. Such exhibits shall include colors, materials, building dimensions, mass and scale proportions, location of service areas and mechanical equipment, screening devices, parking, site furnishings, lighting fixtures, all signage, and any other information as determined necessary to ensure consistency with the intent of this Division. All elevations and overall design must be signed and sealed by a licensed architect registered in the State of Florida and must provide a summary and illustrations that identify each standard listed in Section 20.22 or 20.23 of this Division. The City may request review by the Historic Preservation Board to ensure compatibility of new construction or additions within the PAG overlay district.

Memorandum



To: Jennifer Bryla, AICP
From: Tara Salmieri, AICP
Date: December 13, 2016
Re: Summary Discussion with Bureau of Historic Preservation, Ruben A. Acosta

Conference Call

The State Historic Preservation Office was provided a review of PAG overlay Draft for comments, suggestions primarily to seek input on if the proposed draft ordinance would interfere with the National Designation of PAG as a Historic Area. Tara Salmieri discussed the overall intent of the ordinance with Mr. Acosta, ask for feedback on November 9, 2016. The following are highlights from the call:

- The HPO is not a regulatory agency for local regulations, they appreciated the opportunity to review the ordinance. Overall, the HPO office suggested the best approach for preservation of buildings would be to adopt a local historic district and suggested that a general overlay, such as the PAG overlay should not be used to preserve buildings since there is a local designation process with steps and authority that are best suited for that type of approach.
- In general, the HPO finds the use of Form Based Codes to be the most complimentary zoning fit for historic areas and liked the overall approach of the ordinance.
- The HPO office had some concern removing the ability to rebuild a multi-unit building and only permitting a single family residence as this use and density change could change the diversity, mix of housing stock and uses that are part of the National Registry Designation. The HPO maintained that the mix of use is just as important as the building stock and without a local designation both would be subject to modification through zoning.
- The HPO also mentioned in 2017 hosting some training and would reach out the City's Historic Preservation to invite the board to participate.

Exhibit C

Jennifer Bryla

From: Chatman, Rodney S <rschatman@co.pinellas.fl.us>
Sent: Monday, October 24, 2016 9:16 AM
To: Jennifer Bryla
Cc: Blanton, Whit; Parinello, Alicia
Subject: RE: PAG overlay question

Jenni,

We have completed a cursory review of the proposed amendments to the Pass-a-Grille Overlay District as presented to the St. Pete Beach Planning Board on October 18, 2016. Based on the proposed changes to Division 20, we have determined that this potential change in your land development regulations **DO NOT** violate the Countywide Rules. Furthermore, we compliment staff in its efforts to use a form-based code as a means to preserve the existing character of this historic part of the City. Please let me know if you need anything else.



Rodney S. Chatman, AICP
Planning Division Manager
Main: 727-464-8250
Direct: 727-464-8214
www.forwardpinellas.org

Forward Pinellas serves as the planning council and metropolitan planning organization for Pinellas County.

All government correspondence is subject to the public records law.

From: Jennifer Bryla [<mailto:jbryla@stpetebeach.org>]
Sent: Wednesday, October 19, 2016 4:42 PM
To: Chatman, Rodney S <rschatman@co.pinellas.fl.us>
Subject: FW: PAG overlay question

Rodney,

Can you please provide an answer for me regarding the below? Thanks!

-jb

Jennifer C. Bryla, AICP
Community Development Director

City of St. Pete Beach
Sunset Capital of Florida
155 Corey Avenue
St. Pete Beach Florida 33706
jbryla@stpetebeach.org
727.363.9265 – voice
727.363.9222 – fax

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From: Tara Salmieri [<mailto:tara@planactivestudio.com>]
Sent: Wednesday, October 19, 2016 4:39 PM
To: Jennifer Bryla
Subject: PAG overlay question

Hi Jenni

Given the comment that came out of yesterday's Planning Commission meeting in regards to violating the Pinellas County's Countywide Plan with the proposed Pass-a-Grille Overlay, I thought it would be helpful to send the County a question to confirm what we have been saying. The proposed PAG overlay has no intention of increasing housing units. The overlay is set to permit existing housing units to rebuild, rennovate and have additions without any increase in the existing density. Will this violate the countywide map?

Tara Salmieri, AICP

PlanActive Studio
[Orlando, FL 32803](#)
Phone [\(407-454-1291\)](#)
Tara@planactivestudio.com
www.planactivestudio.com
collaborate.innovate.engage.reform

**OFFICE OF THE
BUILDING
OFFICIAL/FLOODPLAIN
MANAGER**

Memo

To: Jennifer Bryla
From: Bruce Cooper, CBO, CFM
Date: 1/3/2017
Re: Pass-A-Grille Overlay District

I have reviewed the draft dated 11/23/16 for the above referenced proposal and have determined that this draft has no effect to the City's adopted Floodplain Ordinance.

	DIVISION 20 - PAG PASS-A-GRILLE ZONING DISTRICT	Page	Line	Comment	Response/Resolution
Sec 20.01	Purpose and intent.	2			
				The proposed PAG Overlay is intended to prevent the construction of more residential structures that have a predominantly “boxy” look about them caused by a sheer, vertical front extending from the ground to the 28’ high top permitted by existing standards. This will be accomplished by a requirement that the top floor (usually the second living space floor) must have a minimum 10’ setback from the front edge of the lower floors. To make up for the living space lost through this setback, the minimum front setback will be reduced to 10’ from the present 20’, the rear setback reduced to 15’ from the present 20’, with the side setbacks remaining the same at 5’. Permissible height will remain exactly the same at 28’ to a parapet top or midspan of a sloped roof (the top of which cannot exceed 32’), with all such elevations measured from the minimum, FEMA-required 12’ above base flood. (Most PAG property sites are 6’ above base flood, with some as low as 4’ and others as high as 8’.) The Overlay is intended to permit reasonable space for under-the-building parking, and headroom in the upper living floors that work well in the premium housing market at Pass-a-Grille and in other comparable communities. The permitted, livable space under existing standards and the proposed Overlay will be roughly equivalent.	We kept the purpose and intent intact, while some of this information is correct, it isn't a thorough response to all of PAG, it is only focused on the single family home.
Sec 20.02	Permitted principal uses and structures.	2			
				How does the apply to AMI? I believe that they are a non conforming special exception use. The reason I ask is that it is my understanding that this property is about to go on the market. We need the property to revert back to it’s zoned use	The property is currently listed as institutional on the FLU and Zoning maps. These would need to be changed to accommodate any different use other than institutional.
				Unless the City is going to enforce this, including the collection of taxes, it should be removed from the Code	This is a citywide policy that should be consistent citywide. If the elected officials want to change the transient occupancy policies, PAG would also be updated to reflect any updates to the citywide policy.

	DIVISION 20 - PAG PASS-A-GRILLE ZONING DISTRICT	Page	Line	Comment	Response/Resolution
Sec 20.03	Permitted accessory uses and structures.	2			
		2	26	refers to sections that are not included in this paperwork. I recommend that they be included. (I do not have the time to go looking for them, the City's website is terrible	This is not new language, has existed in the current overlay and important in our enforcement of short term rentals
Sec 20.04	Allowable conditional use.	2			
Sec 20.05	Prohibited uses and structures.	3			
				Prohibit national chains and franchise establishments within the PAG overlay	
		3	4	I think that the "offensive to residents" is too broad and will be abused. What is offensive to one of my neighbors is every day life to the rest of us	The sentence has a clear maeaning without interprettio and means "by reason of odor, smoke, noise, glare, fumes, gas, fire, explosion or emission of particulate matter
Sec 20.06	Density.Intensity, and assembly of Parcels	3			
				HPB board does not want any buildings that are greater than a single family home to be able to demolish and rebuild if the building. Didn't specify whether it the building would need to be part of the "contributing" structures. Only catastrophic events and renovations/additions as long as the primary face doesn't require BFE to change	
		3	15	Please clarify the XX of the code	XX was a place holder for "adoption date". Once the date of adoption is confirmed, the code will insert the updated text.

	DIVISION 20 - PAG PASS-A-GRILLE ZONING DISTRICT		Page	Line	Comment	Response/Resolution	
Sec 20.07	Maximum floor area ratio.		3				
			3	24	please explain minimum FARs	THIS IS AN FLOOR AREA RATIO AND IMPERVIOUS SURFACE RATIO THAT IS IN THE UNDERLYING ZONING DISTRICTS AND THE COMPREHENSIVE PLAN AND VARIES BY ZONING DISTRICT FROM .40-.65 The existing overlay permits .70 max FAR	
Sec 20.08	Maximum impervious surface ratio.		3	25	Please explain maximum FARs	refer to above	
Sec 20.09	Reduced setbacks for contributing structures granted a certificate of appropriateness.		3				
			3	30	In the beginning it talks about relaxing the set back requirements if they meet certain conditions. While I support saving the historical structures, I think that there should be a hard line with regard to set backs. In other words, all residential structures must maintain XX feet setback from the sidewalk.	We did not change the overall standards, we are not able to change the ISR's that are in the comprehensive plan	
					Contributing structures: I believe that there is some concern and confusion about the applicability of the Overlay to historic and contributing structures. At present, modifications or demolition of such structures are subject to a review and advise process with the Historic Preservation Board, but HPB permission is not ultimately required. Is this being changed by Section 20.09 of the Overlay? Some people have told me that, as worded, 20.09 would cause some people to forego additions and just demolish the old structure.		
Sec 20.10	Minimum zoning lot requirements.		4				

	DIVISION 20 - PAG PASS-A-GRILLE ZONING DISTRICT			Page	Line	Comment	Response/Resolution
						I think that a certain percentage of this should be required to be annual lease, maybe 60%.	at this time, the city is not changing the approach
Sec 20.11	Subdivision of Lots	4				Then it states "The addition must still meet impervious surface, floor area, height, landscaping, and buffering standards in the code." When you put on an addition, you are most likely going to increase the impervious surface. How are people going to be able to take advantage of this opportunity?	the overaly provides a larger footprint and increase of ISR than the underlying
		4			7	Make sure you can only combine up to 2 parcels for new development (both residential and commercial)	the standards in sec. 20.11 says any parcel
Sec 20.12	Permitted building types	4					
		4			28	There are units that have been illegally subdivide. Does this mean that they are now legal?	If they exist and documented, they will be permitted to continue
						Consider different building types for 1- land locked propoerties, alley access, street access	The updated draft address the setback(s) unique to all three types of situations as described.
	general building type comment on parking location					Under Parking Provisions, I think that parking should only be allowed in two of the zones. It should also discourage parking in Zones 2 and 4. If a property is in the middle of the block, can they park in Zone 4? I also that that we need encourage people to use materials that allow drainage instead of concrete and asphalt.	the parking requirements are consistent with the overall character of PAG. Zone 4 is typically used for alley access, but a building can have a driveway that leads to the back of the parcel and parking can be provided
	House Type (any)					consideration for bay and ocean views and establishing maximum setbacks that impact the water views of those parcels	we have updated all three house types to permit flexibility on the maximum setback.
						Maximum Setbacks should consider driveways, ability for cars to use a driveway only	driveways can be placed further back then a building
						minimum setbacks are too small	the minimum setbacks were developed using the actual range of setbacks already built (historically) in PAG
						requiring a side setback on the 2nd livable story will not permit a homeowner to have access to the views they pay for.	This standard has been removed

	DIVISION 20 - PAG PASS-A-GRILLE ZONING DISTRICT			Page	Line	Comment	Response/Resolution
		House type-Large.		7		I think that the Side Set back on the 2nd story need to be more than the 1st floor, as it is in the Medium and Small houses. This will prevent the box houses.	2nd draft was updated to reflect this request
						the new setbacks will create larger first floors, not good for pedestrians, will be too large for the House type.	the setbacks have been adjusted, new provisions are required now for desgin of homes, apartments to ensure the design works for PAG.
		House Type- Small		9		5ft set back gives me concerns. I think it should be 10 like the Large and Medium houses	The depth of the homes that are small do not have a large enough building envelope
		Apartments/Boutique hotels				In the description section of a building type, the "up to units" should be clear that additional units are not permitted. Also if you are not going to require a set back on the 2nd floor of the hotels, you should not require it for the Apartments either	We removed the "up to" and refer to the Sec that clearly spells out no new units are permitted. Stepbacks have been removed for all building types.
		Apartment House		10		I think that 4 units are too many for a lot this size. I think it should be no more than 3 with a requirement that at leas one be used for annual rental	(this unit size exists, this will not provide new units, only existing units can use this, it is an up to.
		Apartment Building Medium		12		I do not want something like this in PAG. It would be too large and most like used for weekly transient lodging.	This currently exists in PAG, the building type may only be used by parcels that already have this size, only in a rebuild situatio
		Courtyard Apartments		13		How many units? Again a certain percentage of annual rentals should be required.	dependent on the existing apartment building- refer to Sec 20.06
		Commercia/Mixed Use Small		14		What are you trying to accomplish with this? There are only a few places that commercial should be allowed. This looks like to you are going to allow it in a residential area. I am so confused and concerned by this concept.	within the PAG Zoning Overlay there are parcels that already have Residential Office and Commercial General Zoning, we are not recommending any new commercial
						Under Private Frontages/ Required Frontages C. What does C refer to?	C is for commercial private frontage as defined on page 24

	DIVISION 20 - PAG PASS-A-GRILLE ZONING DISTRICT			Page	Line	Comment	Response/Resolution
						If the goal is to allow mixed use on 8th Ave, we need much better zoning than this. I can not think of any other place that this type of development would be appropriate	8th avenue is not part of the overlay, there is an existing overlay in place for this area
	Stoop		21			I do not think that we should allow Stoops.	stoops will be permitted within PAG, examples exist.
	Common yard		23			I really do not want to have fences and shrubs on every lot. This is just too much	the historical house and design includes this design feature
	Building Height		25			D - Total Height -- Commercial — 50ft. Really??? 50 ft commercial buildings. I do not support this.	The underlying zoning district (C-1) permits 50’ and no development rights are being removed as part of this overlay. Residential and Hotels will still maintain the 28' -32" depending on the roof design
Sec 20.13	Vacant parcels		4				
Sec 20.14	Building type glossary		4				
			6		3	Please clarify the parking standards	We will reference Division 23
Sec 20.15	Minimum off-street parking requirements.		24				
Sec 20.16	Alleways		24				

	DIVISION 20 - PAG PASS-A-GRILLE ZONING DISTRICT		Page	Line	Comment	Response/Resolution
					while many alleys have No parking signs now and residents park anyway and are not ticketed...I just want to make sure on our crowded weekends that beach goers don't start using alleys to park...not sure how this is handled...hopefully no more signage	the overlay is not requiring signage, this is a policy decision that is not put in the overlay
Sec 20.17	Landscaping Standards	24				
Sec 20.18	Screening of Elevated Buildings.	25				
		27		28	Please define “organic mulches”.	Organic mulches such as bark are usually a bi-product of other industries and decompose readily over time
Sec 20.19	Elevation Considerations.	26				
					2nd draft this section was removed because of a comment received regarding the "fairness" and option to be able to have flexibility in the house type to permit a garage in the first floor, BFE and permitting additional height for vehicles. Other comments regarding multi family structures, historically significant structures should have this requirement.	We added design criteria for Multi family building types and how the building shall face the street, no visible parking. Refer to sec. 20.19 ©
					allow under ground parking is a necessity and allows for better protection for storms (BFE elevation maximum height is problematic)	the maximum height has been removed from the overlay

	DIVISION 20 - PAG PASS-A-GRILLE ZONING DISTRICT			Page	Line	Comment	Response/Resolution
Sec 20.20	General Building Design	26					
						Elevator structures: Somewhere, somehow, elevator issues need to be considered, because the top parts of most elevators I have seen extend a bit above the top floors being served by the elevators. Most people in PAG would want elevators in 3-story buildings	the overall building height(s) will not change, the building department will review the elevator structures, when appropriate.
						Permit Circular Driveways	the overlay doesn't explicitly deny the construction of a circular drive. Multiple driveway cuts along a street would be reviewed by the traffic engineer for safety prior to permitting.
						Transparency requirements should be required for residential structures, so the adjacent parcel is not looking at a blank wall	updated design requirements for both residential and non residential parcels of land
		29		1		d. 5) Balconies :6' etc. (if this was on 8th Ave. is 6' enough to go over sidewalk to keep the balconies as others on street or is this covered in the overhang language...or am I reading it wrong.	the overlay doesn't affect 8th avenue After reviewing the underlying uses that are permitted by Zoning District, it was determined the best option to update performance standards was to amend the existing zoning overlay with additional provisions. The intent of the overlay is not to permit new uses, but to stay consistent with the rights of the area. In addition, any residential parcel of land zoning for a single family detached house that can meet the setbacks, parking, and impervious surface ratio's that are in the underlying zoning district will be able to chose the overlay or two zoning districts assigned to that require a
	Overall General Comments on Draft	N/A				The first draft (July 2016) was a Zoning District, 2nd draft is an Overlay. The city has done this to avoid notifying the area of the zoning updates.	minimum lot size for a single family home. RU-2 min standards are 60' lot width and a lot area of 6,000 sq.ft. RLM-2 is 40 foot lot width minimum, with a lot area of 4,400 sq.ft. The actual setback requirements may be met and the only way to identify nonconforming buildings is to survey each property of land which is too costly for
						The City should have a map that identifies each nonconforming lot and/or building located in PAG	

	DIVISION 20 - PAG PASS-A-GRILLE ZONING DISTRICT	Page	Line	Comment	Response/Resolution
				The PAG overlay violates the City's Comprehensive Plan and the Pinellas County Land Use Map	The PPC reviewed the draft and has provided a response. The County finds that the PAG is not in violation.
					The city doesn't have a local historic designation, PAG is on the national historic registry. Until the City goes through the formal designation for PAG, there will be little regulations to ensure the historic buildings remain intact.
					The PAG overlay is not a locally designated historic district which makes it difficult to stop property owners from improving their buildings. We have included architectural requirements, design criteria that is necessary for redevelopment
				Don't allow multi family buildings to rebuild unless a catastrophic event occurs	the city maintains one process citywide and will review this process to ensure clarity
				Considere a clear process for administrative approvals, variances	The setbacks provide a min and max range which provides flexibility, seaside has a "required" build to lines without any flexibility which is not how the PAG building types have been developed.
				Do not want a "seaside" or subdivision design and the new front setbacks would create this as well as the 2nd story setback requirement	A single family home can rebuild under the existing underlying zoning district or opt to use the appropriate building types in the overlay
				in the case of "catastronphic destruction" how is that measured for rebuilding as is or to the new code?	The residential zoning districts are the same for setbacks. Each building type will be modified by size and scale. For the conventional zoning, the setbacks are as follows: frontyard- 20 feet, secondary front yard- 10 feet, sideyard: 10% of the lot width, rear
				Its hard to see what the new code vs. old code is permitting, side by side comparison of setbacks is requested	

Exhibit F

Jennifer Bryla

From: Stan Garnett <stangarnett@aol.com>
Sent: Friday, December 30, 2016 11:01 AM
To: Jennifer Bryla
Subject: PAG Overlay

Hi Jenny,

I see that the PAG Overlay will be before the Historic Preservation Board on the 5th. While I shared my Overlay email to you of December 18th with a few friends, I did not send it to any commissioners nor City board members. Have you done so, or should I? I am looking forward to the community meeting on the 4th. It would be great if your presentation could proactively address the questions I raised. Your thoughts will be appreciated. And I'd like to wish you a Happy New Year.

Stan Garnett
2504 Sunset Way
Pass-a-Grille, FL 33706
727-480-0706
stangarnett@aol.com

December 27, 2016

Via Email to: cityattorney@stpetebeach.org

Andrew Dickman, Esq.
City Attorney
155 Corey Avenue
St. Pete Beach, FL 33606

Re: Ordinance 2016-19 Pass-A-Grille Form Based Code

Dear Andrew:

I am writing in reference to proposed Ordinance 2016-19, which I understand is being considered by the City's Historic Preservation Board on January 5, 2017. Specifically, Section 20.07(b) and (c) authorize non-conforming multi-family residential and temporary lodging structures to rebuild to non-conforming densities as of right.

However, the preamble to the Future Land Use Element (FLUE) of the City's Comprehensive Plan places restrictions on reconstruction of non-conforming uses as follows:

(b) Nonconforming Residential and Temporary Lodging Uses, Densities and Intensities - It is the intent of the City of St. Pete Beach to allow for the continuance of existing non-conforming residential and temporary lodging units under the circumstances outlined below:

1. Catastrophic Events. In the case of natural disaster or other catastrophic event over which the owner is presumed to have had no control, residential and temporary lodging properties that were in existence prior to the event may be reconstructed with the same number of units, subject to the LDC requirements other than density and intensity, Florida Building Code requirements and FEMA regulations, in effect at the time of reconstruction.

2. Routine Maintenance. In the event a residential or temporary lodging use would be considered a non-conforming use under the land use category designated for its property as adopted herein, it is the intent of the City to permit the routine maintenance of these residential or temporary lodging structures which pre-date the adoption of the Comprehensive Plan in 2009 that would prohibit their construction today.

3. FEMA Compliance Required. Notwithstanding any statements to the contrary, there is no intention of superseding any regulations of the Federal Emergency Management Agency (FEMA) or National

O: 727.828.9919
F: 727.828.9924

www.webercrabb.com

5999 Central Avenue, Ste. 203
St. Petersburg, Florida 33710

Flood Insurance Program requirements regarding the protection of properties from flood damage.

4. Expansion Prohibited. There also is no intention of allowing for the expansion of non-conforming uses or an increase in a non-conforming density or intensity of a use as determined by the Future Land Use Plan and Map designation and implementing zoning regulations effective at the time of the event.

5. Existing platted lots of record that are located in the Residential Urban, Residential Low Medium, Residential Medium, and Residential High land use categories shall not be prohibited from the construction of one residential unit due to a non-conforming lot size.

Also, under Goal 2 of the FLUE, Objective 2.5 provides:

Existing land uses or structures which are either incompatible or inconsistent with the adopted Future Land Use Element shall be deemed non-conforming as of the effective date of this comprehensive plan and be encouraged to be eliminated through redevelopment of such uses or structures; however, existing residential and temporary lodging use densities and intensities shall be grandfathered except when abandoned voluntarily as defined by the LDC.

Policy 2.5.1

Those residential uses and structures existing as of the effective date of this comprehensive plan, as amended, which were built and were conforming prior to such adoption, and which are hereby rendered non-conforming, shall be considered to be grandfathered, as defined in the LDC.

Policy 2.5.2

Those temporary lodging uses and structures existing as of the effective date of this Comprehensive Plan, as amended, which were built prior to such adoption, and which are hereby rendered non-conforming, shall be considered to be grandfathered, as defined in the LDC.

Section 3.10 of the City's Land Development Code provides in part:

(2) Uses that are nonconforming by reason of development density are regulated as follows:

- a. The recognized number of units on such property shall be determined by the number shown in the property records on file with the city as of the date of adoption of this section.
- b. There shall be no increase in the number of units by expansion or alteration of the use.
- c. Except as provided for elsewhere in this Code, **any property, upon which there are one or more buildings having such pre-existing nonconforming number of units shall be brought into conformity with the density requirements of this ordinance when any building is proposed to be substantially improved.**

(emphasis added). Thus, in the absence of a catastrophic event, FEMA requirement, or other permissible exception, it would appear to be inconsistent with the current Comprehensive Plan to allow non-conforming multi-family and temporary lodging structures to be rebuilt to the same non-conforming densities as of right.¹

If the City has made a differing interpretation of the Comprehensive Plan can you kindly advise and provide such interpretation so that I can advise my client accordingly?

Sincerely,

WEBER, CRABB & WEIN, P.A.

s/ Timothy W. Weber

Timothy W. Weber, Esq.
timothy.weber@webercrabb.com

cc: Jennifer Bryla (jbryla@stpetebeach.org)

¹ Also, this provision appears to encourage the knock down and reconstruction of historic structures, contrary to Objective 2.6 of the FLUE and its policies.

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Ordinance No 2017-03 for CPA 03-16 an Amendment to the Capital Improvements Element of the City of the St. Pete Beach Comprehensive Plan.

Date: February 14th, 2017

Prepared By: Jennifer Bryla– Community Development Director

Through: Wayne Saunders – City Manager

Summary of Issue The Ordinance enacts Comprehensive Plan Amendment 03-16 which was approved by the City Commission for transmittal to the Department of Economic Opportunity on December 13, 2016 as well as the required reviewing agencies. The City received letters of no objection from the Department of Economic Opportunity on January 19, 2017.

This is a City initiated amendment to the Capital Improvement Element to reflect Legislative changes in chapter 163 FS. The requested changes result in the removal of antiquated reviewing agencies, removal of the Capital Improvements Schedule, and the removal of School and Recreation facilities from concurrency review. These revisions are directed by Florida Statutes 163.3177(3)(b).

Requested Motion: “I move to approve Ordinance 2017-03 on first reading.”

Attachment: Agenda Report
Staff Report
Ordinance 2017-03
Exhibit A – CPA 03-16 Capital Improvement Element
Exhibit B – Letters of No Objection, or Objection

**Reviewed by the
City Manager**

WS

	St. Pete Beach City Commission 155 Corey Avenue St. Pete Beach, FL 33706 727-367-2735
2/14/2017	
Item Number Ord. 2017-03 for CPA # 03-16 Type of Application Ordinance Codifying Comprehensive Plan Amendment to the City's Capital Improvements Element Applicant City of St. Pete Beach Location City wide Project Planner Jennifer Bryla, AICP, Requested Action Approval of Ord. 2017-03 on first read Staff Recommendation Approval Planning Board Heard CPA 03-16 November 15, 2016. Recommended approval (4-1)	ITEM SUMMARY: This is a City initiated amendment to the Capital Improvement Element to reflect Legislative changes in chapter 163 FS. The requested changes result in the removal of antiquated reviewing agencies, removal of the Capital Improvements Schedule, and the removal of School and Recreation facilities from concurrency review. These revisions are directed by Florida Statutes 163.3177(3)(b). Concurrency language was enacted by the state through Rule 9J-5 F.A.C. as a component of the Growth Management Act of 1985. During the Legislative sessions between 2009 and 2011 the Rule was essentially replaced with the Community Planning Act. The Act amended Chapter 163, Florida Statutes. These changes effectively removed State-mandated portions of the concurrency management requirements, recognizing other mechanisms are in place to ensure Levels of Service, and provided local governments the option of establishing tools to better serve their communities.  PUBLIC NOTICE: Notice of public hearing has been advertised as required by State Statutes. As of the date of this report, one (1) written objection has been received. No oral comments were presented at the public hearing.

City Commission Transmittal Hearing (5-0) Approval (12/13/2016) Second Reading anticipated (2/28/2017) Findings In its review of the proposed application, staff has determined: 1. The proposed application is consistent with Florida Statutes. 2. The proposed application is consistent with the Pinellas County Regional Policy Plan. 3. The proposed application is consistent with the intent of the St. Pete Beach Comprehensive Plan. 4. The proposed application is consistent with the intent of the LDC.	COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE: The proposed Comprehensive Plan Amendment is consistent with the intent strategies of the City's Comprehensive Plan. Objectives and Policies that support the amendment are as follows, but not limited to: <i>Infrastructure Plan Element: Goal 1</i> <i>The City shall ensure that needed sanitary sewer, solid waste and potable water services be provided by a safe and efficient system which maintains adequate facilities and provides for orderly growth and expansion.</i> The revisions to the element support that facilities required for redevelopment will be available as needed. <i>Coastal and Conservation Element: Policy 2.1.3</i> <i>The City shall continue to plan and fund infrastructure and services consistent with the level of service adopted herein and shall ensure that permits for development and redevelopment activities are issued only if public facilities necessary to meet the level of service standards adopted pursuant to this Comprehensive Plan are available concurrent with the impacts of the development.</i> The revisions to the element support consistency between elements of the Comprehensive Plan. The language in the Land Development Code is consistent with those proposed. Specifically Division 3 – Administration of the Land Development Code, section 3.6(b) states that prior to the approval of any building permit, certificate of occupancy, site plan, or other applications related to land development, the availability of public infrastructure and services must be demonstrated... Also as a component of this exercise, the City will be revising Division 29 – Concurrency Management for implementation of the Element changes. PLANNING BOARD: The Planning Board heard CPA 03-16 on November 15, 2016 and provided a recommendation of approval to the City Commission (4-1). The motion was made by Member Lehman, Member Shavlan confirmed the motion and approved by a roll call vote (4 yes – 1 no). Member Ohlhaber was the dissenting vote. REVIEWING AGENCIES As required by Florida Statutes 163.3167 the proposed amendment was sent to the following agencies for review and comment: Department of Environmental Protection – Office of Intergovernmental Programs – <i>provided a recommendation of No Comment</i>, Department of State – Bureau of Historic Preservation <i>No Comment</i>, Department of Transportation – District Seven - <i>provided a recommendation of: change reference to from Pinellas Planning Council to Forward</i>
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	<i>Pinellas, so noted and changed in Exhibit A. Tampa Bay Regional Planning Council - provided a recommendation of No Comment, Pinellas County Planning Department and Forward Pinellas - provided a recommendation of No Comment.</i>
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STAFF RECOMMENDATION:

Upon review of the City's guiding documents and those of the County, staff recommends transmittal of CPA 03-16.

ORDINANCE #2017-03

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, PROVIDING FOR AN AMENDMENT TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE CITY'S COMPREHENSIVE PLAN AS OUTLINED IN "EXHIBIT A"; REMOVING METRICS IN ACCORDANCE WITH FLORIDA STATUTES; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City commission of the City of St. Pete Beach and the City of St. Pete Beach Comprehensive Plan recognizes that infrastructure should be in place prior to or concurrent with the impact of development; and

WHEREAS, the Planning Board sitting as the Local Planning Agency conducted a public hearing on November 15, 2016, noticed pursuant to Florida law, and determined the amendment consistent with the City's Comprehensive Plan; and

WHEREAS, the City Commission encourages the preservation of residential neighborhoods and supports the redevelopment of antiquated commercial properties; and

WHEREAS, the City Commission encourages the protection of the public health, safety, and welfare as new development is accommodated; and

WHEREAS, the Florida Legislature with the 2011 session made changes to Chapter 163 of the Florida Statutes regulating Capital Improvement Elements; and

WHEREAS, the Florida Department of Economic Opportunity has reviewed the proposed amendments and has made a finding of no objection;

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:

Section One. Recitals. The above recitals are hereby adopted as legislative findings, purpose and intent of the City Commission.

Section Two. The Capital Improvements Element of the City of St. Pete Beach Comprehensive Plan is hereby amended as illustrated in "Exhibit A".

Section Three. All Ordinances or parts of Ordinances, in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section Four. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,

sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Publication. This Ordinance shall be published in accordance with the requirements of law.

Section 6. Effective Date. This Ordinance shall become effective immediately upon final passage and adoption.

* * * * *

Deborah Schechner, Mayor

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2017.

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

Andrew Dickman City Attorney

EXHIBIT A

CPA 03-16

City of St. Pete Beach

THE GOALS, OBJECTIVES AND POLICIES SECTION OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN IS AMENDED TO READ AS FOLLOWS:

VIII. Capital Improvements

GOAL 1:

The City shall undertake fiscal actions necessary to provide and maintain public facilities for all residents, within its jurisdiction, at the adopted levels of service.

Objective 1.1

Capital improvements will be provided to correct existing deficiencies, to accommodate desired future growth, and to replace worn out or obsolete facilities, as indicated in the five-year schedule of improvements which are designed to correct existing deficiencies identified in this element.

Policy 1.1.1

The City shall ~~maintain a Capital Improvements Advisory Committee for the purpose of~~ evaluate ~~ing~~ and establish priorities for ~~ranking, in order of priority,~~ projects proposed for inclusion in the five-year schedule of improvements.

Policy 1.1.2

The City shall annually develop and update a multi-year Capital Improvement Plan (CIP).

Policy 1.1.3

The City of ~~St. Pete Beach~~ shall adopt a Capital Improvements budget and amend its Five-Year ~~Schedule of Capital Improvements~~ Schedule on an annual basis.

Policy 1.1.4

Proposed capital improvement projects shall be evaluated and priorities established and ~~ranked in order of priority~~ according to the following guidelines:

- Project is needed to eliminate a proven or obvious hazard to public health and safety;
- Project is needed to fulfill a legal commitment by the City;
- Project is needed to preserve, maintain, refurbish, achieve full use, or replace existing facilities;
- Project will provide or bring an existing facility up to an adopted level of service;

- Project will increase efficiency or use of existing facilities, prevents or reduces future improvement cost, or provides service to all residents equitably;
- Project furthers policies adopted in other elements of this plan;
- Project needed to accommodate facility demands resulting from new development or re-development;
- Project will increase the economic base or quality of life of the residents;
- Budget impact of project, both capital and operating, will be considered and committee will consider financial feasibility of project; and
- Project will be reviewed for consistency with plans of other agencies having responsibility for public facilities within the jurisdiction.

Policy 1.1. 5

As appropriate, efforts shall be made to secure grants or private funds on a continuing basis whenever available to finance capital improvements.

Policy 1.1.6

It is the policy of the City of ~~St. Pete Beach~~ to set a capital improvements cost threshold of \$~~100,000~~ 25,000 for projects to be included in the Capital Improvements Element of the City's adopted of ~~St. Pete Beach~~ Comprehensive Plan.

Policy 1.1.7

Existing and anticipated capacity deficiencies identified in other elements of this ~~P~~plan may be corrected according to the ~~Schedule of Capital Improvements adopted via Ordinance, through this policy of the City of St. Pete Beach Comprehensive Plan Capital Improvements Element~~ subject to the annual review of the CIE Capital Improvements Element by the City Commission. ~~Schedule of Capital Improvements FY 10 to FY 11.~~

Measure: Implementation of policies

	<u>FY 10 11</u>	<u>FY 11 12</u>	<u>FY 12 13</u>	<u>FY 13 14</u>	<u>FY 14 15</u>	<u>Total</u>
<u>Project</u>	<u>Street</u> <u>Rehabilitation</u>	<u>Street</u> <u>Rehabilitation</u>	<u>Street</u> <u>Rehabilitation</u>	<u>Street</u> <u>Rehabilitation</u>	<u>Street</u> <u>Rehabilitation</u>	<u>Street</u> <u>Rehabilitation</u>
<u>Cost</u>	<u>290,325</u>	<u>290,325</u>	<u>290,325</u>	<u>304,838</u>	<u>304,838</u>	<u>1,480,651</u>
<u>Funding Source</u>	<u>General Fund, Transportation Impact Fees, Penny for Pinellas (local option sales tax)</u>	<u>General Fund, Transportation Impact Fees, Penny for Pinellas (local option sales tax)</u>	<u>General Fund, Transportation Impact Fees, Penny for Pinellas (local option sales tax)</u>	<u>General Fund, Transportation Impact Fees, Penny for Pinellas (local option sales tax)</u>	<u>General Fund, Transportation Impact Fees, Penny for Pinellas (local option sales tax)</u>	<u>General Fund, Transportation Impact Fees, Penny for Pinellas (local option sales tax)</u>

	<u>sales tax</u>					
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Objective 1.2

The City shall manage its debt in a manner to retain the integrity of its fiscal resources.

Policy 1.2.1

The City shall not incur any form of indebtedness that would result in reducing its ability to be rated for a bond issue.

Policy 1.2.2

The City shall confine long-term borrowing to capital improvements too large to be financed from current revenues.

Policy 1.2.3

The City Commission will only approve bond issues structured to be paid back within a period not to exceed the expected useful life of the capital project.

Policy 1.2.4

Where possible, special assessment, revenue, or other self-supporting bonds will be used instead of general obligation bonds.

Policy 1.2.5

Total debt service for general obligation debt shall not exceed 10 percent of net operating revenues.

Measures: Bond Rating; Implementation of policies

Objective 1.3

The City shall utilize its fiscal resources to eliminate any identified existing deficiencies and ensure the provision of needed capital improvements at adopted levels of service as specified in the elements of the comprehensive plan.

Policy 1.3.1

The City, through its representative on the Pinellas Planning Council, shall work with other governmental jurisdictions to establish a strategy to ensure that the entire cost of providing necessary capital facilities, at adopted levels of service, for any future development or redevelopment within the jurisdiction shall not be borne by existing residents.

Policy 1.3.2

The City shall coordinate with the County, other state agencies, water management district, and other municipalities that provide public facilities within the City's jurisdiction to ensure projects are funded in a fiscally equitable manner, apportioning the costs of growth among those who are responsible for it.

Policy 1.3.3

The City shall, when appropriate, collect impact fees in cooperation with other levels of government.

Policy 1.3.4

The City shall issue development permits only when required capital facilities are present or will be available concurrent with the impact of development. All new development and redevelopment proposals shall be reviewed under the City's Concurrency Management System Ordinance to ensure the level of service standards established in this element shall be maintained.

Policy 1.3.5

Land use decisions and available or projected fiscal resources shall be coordinated with the ~~schedule of~~ Capital Improvements Schedule to ensure that level of service standards will be met.

Policy 1.3.6

The adopted levels of service for public facilities within the jurisdiction of the City of ~~St. Pete Beach~~ shall be those adopted in the other elements of the ~~e~~Comprehensive pPlan.

~~Measure: Maintenance of Levels of Service~~

Objective 1.4

In recognition of the fact the community is located within the identified Coastal High Hazard Area, as redefined by Chapter 163.3178(2)(h), Florida Statutes, public expenditures that subsidize development in Coastal High Hazard Areas shall be limited, to the extent practical, to those improvements necessary to existing development or new development that is consistent with the adopted ~~with the~~ Future Land Use Map ~~adopted in 1998~~.

Policy 1.4.1

The City shall expend funds in Coastal High Hazard Areas only for existing development or new development that is consistent with the adopted Future Land Use Map.

~~Measure: Implementation of policy~~

Objective 1.5

~~The City of St. Pete Beach, in coordination with the School District, shall ensure that the capacity of public schools is sufficient to support the anticipated students from residential site plans and final residential subdivision approvals consistent with the adopted level of service standard for public schools.~~

Policy 1.5.1

~~The City of St. Pete Beach shall utilize the following level of service standard for public school facilities, which shall be applied consistently district wide by the School District and by the local governments within Pinellas County that signed the Public Schools Interlocal Agreement (the partner local governments).~~

~~District wide Level of Service Standard: Student enrollment plus vested students divided by Florida Inventory of School Houses (FISH) School Capacity plus additional capacity does not exceed 100 percent.~~

This level of service standard shall apply to each type of public school facility.

Policy 1.5.2

~~Amendments to the adopted level of service standard shall be accomplished using the procedure contained in the Public School Facilities Interlocal Agreement.~~

Policy 1.5.3

~~The School Capacity and Level of Service Report, prepared by the School District, approved by the School Board, and delivered to the City of St. Pete Beach no later than November 30th of each year, and as adjusted throughout the year based on the official student enrollment count of the fall semester and the estimated number of vested students, shall be utilized by the City of St. Pete Beach as the basis for assessing the existing level of service conditions and the available capacity within each Concurrency Service Area.~~

Policy 1.5.4

~~By December 1st of each year, the City of St. Pete Beach shall adopt by reference the School District's Five Year Work Program to ensure the level of service standard is achieved and maintained during the period covered by the five year schedule within the Capital Improvements Element.~~

Policy 1.5.5

~~The School Board, in coordination with the partner local governments, will use the procedure in the Public Schools Interlocal Agreement to annually update the District's Five Year Work Program to maintain a financially feasible capital improvements program that is able to achieve and maintain the adopted level of service standard within the period covered by the five year schedule.~~

Policy 1.5.6

~~The City of St. Pete Beach hereby adopts by reference the School District's Five Year Work Program for FY 2009/10 through 2013/14, as adopted by the School Board on September 15, 2009.~~

Objective 1.5.6

Concurrency Management - The City shall use level of service standards to measure the adequacy of existing public facilities and to ensure that future development will be served with adequate public facilities.

Policy 1.5.6.1

~~Pursuant to Chapter 163, F.S., and Chapter 9J-5, F.A.C., the City shall require that the City shall not issue any development permits for development unless the applicant or developer submits an application for concurrency, utilizing best available data and professionally accepted methodologies, as well as documentation from the facility provider, that demonstrates to the City's satisfaction that public facilities required by the subject development will be in place concurrent with the impacts of development. Furthermore, the applicant shall assure the City that the subject development will not reduce the level of service associated with public facilities serving the development below the adopted level of service standards. Public facilities for the~~

purpose of concurrency shall mean facilities related to traffic, drainage, solid waste, potable water, and wastewater, schools, and parks and recreation.

Policy 1.5 ~~6.2~~

The following criteria shall be used to determine when concurrency has been satisfied for potable water, sanitary sewer, solid waste, and drainage:

- a. The necessary facilities and services are in place at the time the development order is issued;
- b. A development order is issued subject to the conditions that the necessary facilities and services will be in place when the impacts of development occur; or
- c. At the time the development order is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, to be available when the impacts of development occur.

Policy 1.5 ~~6.3~~

~~The following criteria shall be used to determine when concurrency has been satisfied for recreation and parks:~~

- ~~a. The necessary facilities and services are in place or under construction within one year of the time the development order is issued; or~~
- ~~b. A development order is issued subject to the condition that the acreage to serve the new development is dedicated or acquired by the City, or that funds in the amount of the development's fair share are committed by the developer.~~

Policy 1.5 ~~6.34~~

The following criteria shall be used to determine when concurrency has been satisfied for roads:

- a. The necessary facilities and services are in place or under construction at the time the development permit is issued;
- b. A development permit is issued subject to the condition that the necessary facilities and services needed to serve the new development are scheduled to be in place or under construction not more than three (3) years after the issuance of the development order, and the facilities and services are included in the City's five (5)-year schedule of capital improvements. The schedule of capital improvements may recognize and include transportation projects included in the first three (3) years of the Florida DOT five (5)-year work program; or
- c. At the time a development permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement to be available or under construction not more than three (3) years after the development permit is issued.

Policy 1.5 ~~6.45~~

As part of the preparation of the five (5)-year schedule of capital improvements, the City shall prepare an annual report that details the capacity or deficiency of the following public facilities: roads, sanitary sewer, solid waste, drainage, potable water, and parks and recreation based on best available data from the service provider. The annual report shall, at a minimum, include the following information for each facility:

- a. Adopted level of service standard;
- b. Existing deficiency or capacity;

- c. Reserved capacity for approved, but un-built, development;
- d. Improvements to be made by all approved developments; and
- e. Improvements to be made by the City or any other governmental agency.

Policy 1.5 ~~6.6-5~~

The City shall not issue a development permit within those areas of the City where public facilities do not meet the adopted level of service standards. The areas to be evaluated to determine whether public facilities meet the adopted level of service standard are described for each type of public facility, as follows:

- a. Roads -City-wide
- b. Sanitary sewer-City-wide;
- c. Solid waste- City-wide;
- d. Drainage- City-wide;
- e. Potable water-City-wide;
- f. ~~Parks and recreation -City wide; and~~
- g. ~~Schools - Concurrency Service Areas, consistent with the maps located in the Public School Facilities Element and interlocal agreement with Pinellas County.~~

Policy 1.5 ~~6.76~~

The City shall establish a monitoring system to monitor the remaining capacity and deficiencies of the public facilities addressed in the Capital Improvements Element and to determine whether concurrency certificates shall be issued.

Policy 1.5 ~~6.87~~

A concurrency certificate shall be required prior to the issuance of any final development permit. Final development permits shall contain a specific site plan for development including the densities and intensities of development.

Exhibit B

Ord. 2017-03

Letters of No Objection

Letter of Objection

Jennifer Bryla

From: Plan_Review (Shared Mailbox) <Plan.Review@dep.state.fl.us>
Sent: Tuesday, January 17, 2017 1:06 PM
To: Jennifer Bryla; DCPexternalagencycomments
Subject: St. Pete Beach 16-2ESR Proposed

To: Jennifer Bryla, Director

Re: St. Pete Beach 16-2ESR – Expedited Review of Proposed Comprehensive Plan Amendment

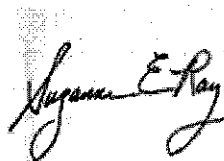
*Please note the new contact information below.

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Feel free to contact me at Suzanne.e.ray@dep.state.fl.us or (850) 717-9037 for assistance or additional information. Please send all amendments, both proposed and adopted, to plan.review@dep.state.fl.us or

Florida Department of Environmental Protection
Office of Intergovernmental Programs, Plan Review
2600 Blair Stone Rd. MS 47
Tallahassee, Florida 32399-2400





An Equal
Opportunity
Employer

Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899

(352) 796-7211 or 1-800-423-1476 (FL only)

WaterMatters.org

Bartow Office

170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Office

6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Office

7601 U.S. 301 North (Fort King Highway)
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

Randall S. Maggard
Chair, Pasco

Jeffrey M. Adams
Vice Chair, Pinellas

Bryan K. Beswick
Secretary, DeSoto, Hardee,
Highlands

Ed Armstrong
Treasurer, Pinellas

H. Paul Senft, Jr.
Former Chair, Polk

Michael A. Babb
Former Chair, Hillsborough

John Henslick
Manatee

George W. Mann
Polk

Kelly S. Rice
Citrus, Lake, Levy, Sumter

Mark Taylor
Hernando, Marion

Michelle Williamson
Hillsborough

Vacant
Hillsborough, Pinellas

Vacant
Charlotte, Sarasota

Brian J. Armstrong, P.G.
Executive Director

January 24, 2017

Ms. Jennifer Bryla
City of St. Pete Beach
Community Development Office
155 Corey Avenue
St. Pete Beach, Florida 33706

Re: **St. Pete Beach 16-2ESR**

Dear Ms. Bryla:

The Southwest Florida Water Management District reviewed the referenced plan amendment, and concluded that comments are not necessary. Thank you for the opportunity to participate in this review. For purposes of our records, a copy of the adopted plan amendment would be appreciated. Should you have any questions or require further assistance, please do not hesitate to contact us.

Sincerely,

Trisha Neasman, AICP
Planning Lead

TN

cc: Ray Eubanks, DEO



Florida Department of Transportation

RICK SCOTT
GOVERNOR

11201 N. McKinley Drive
Tampa, Florida 33612

JIM BOXOLD.
SECRETARY

January 19, 2017

Ms. Jennifer C. Bryla, AICP, Director
Community Development Office
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL 33706

Re: St. Pete Beach Comprehensive Plan Amendment 16-2 ESR

Dear Ms. Bryla:

We have reviewed the City of St. Pete Beach proposed Comprehensive Plan (the Plan) Amendment 16-2 ESR according to Chapter 163, Florida Statutes, and our review guidelines. The Department is providing the following assessment.

Background St. Pete Beach is the southernmost barrier island community in Pinellas County. The 2010 estimate of population was 9,346 (US Census). The City (approximately two square miles) is comprised mostly of residential, commercial, recreation/open space and public/semi-public land uses. SR 682 (Pinellas Bayway), SR 693 (75th Avenue) and SR 699 (Gulf Boulevard) are the only three state facilities in the city.

Proposal: The City proposes to modify their Capital Improvements Element, said changes resulting "in the removal of antiquated reviewing agencies, removal of the Capital Improvements Schedule, and the removal of School and Recreation facilities from concurrency review." This has caused the deletion of one objective and seven policies and changes to one other objective and 11 policies. References to Measures are also being removed. Additionally, the Capital Improvement Schedule for FY 2017 through FY 2021 is being proposed to be adopted, the projects within which include library renovations, stormwater improvements and street and alley rehabilitation

Technical Assistance Comments: Because the Capital Improvement Schedule includes wastewater, sewer expansion, reclaimed water and, most notably, Gulf Boulevard Undergrounding projects, the Department notes that any work within FDOT right-of-way should obtain a permit from the District 7 Office. The only other comment the Department has is to inquire as to whether the reference to the Pinellas Planning Council (Policy 1.3.1) should be changed to Forward Pinellas.

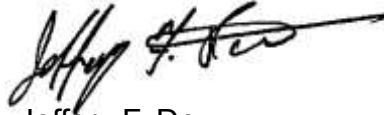
Ms. Jennifer Bryla

Page 2

January 19, 2017

Thank you for the opportunity to review this amendment. Please ensure that we receive a copy of the adopted amendment. Should you have any questions please do not hesitate to contact me at 813-975-6444 or at jeffery.dow@dot.state.fl.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffery F. Dow", with a long horizontal flourish extending to the right.

Jeffery F. Dow
LGCP Coordinator

cc: Ray Eubanks, Plan Processing Administrator, DEO
Waddah Farah, PDA Administrator, FDOT District 7
Daniel Santos, AICP, Growth Management Supervisor, FDOT District 7

FORWARD PINELLAS

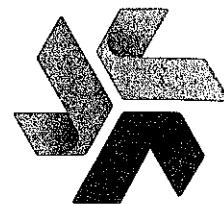
P: (727) 464.8250

F: (727) 464.8212

forwardpinellas.org

310 Court Street

Clearwater, FL 33756



December 22, 2016

Jennifer Bryla
City of St. Pete Beach
Department of Community Development
155 Corey Avenue
St. Pete Beach, FL 33706-1839

RE: Review of Draft Amendments to the St. Pete Beach Comprehensive Plan (CPA 03-16) for Consistency with the Countywide Rules

Dear Ms. Bryla,

Thank you for providing Council staff with the draft amendments to the comprehensive plan referenced above. Pursuant to Division 3.3 of the Countywide Rules, Council staff has reviewed the proposed amendments for consistency with the Countywide Rules, as follows:

- The amendments to the Comprehensive Plan's Capital Improvement Element are not governed by the consistency criteria of the Rules and therefore are not subject to the consistency provisions.

Thank you for transmitting these comprehensive plan amendments for review. Please note that upon adoption, a copy of the final ordinance as adopted, and any subsequent codification thereof, must be filed with us, so we can maintain a copy of your code. If you have any questions, please feel free to call me at 727-464-8250.

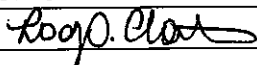
Sincerely,

A handwritten signature in cursive script that reads "Alicia Parinello". The signature is written in dark ink and is positioned above the printed name and title.

Alicia Parinello
Program Planner

cc: Commissioner Joanne "Cookie" Kennedy, Forward Pinellas Representative

Countywide Rules Determination of Consistency

Type of amendment:	Comprehensive Plan
Submitted by:	St. Pete Beach
Date received:	December 19, 2016
Subject of amendment(s):	Amendments to the Capital Improvement Element
Consistency status:	The amendments to the Capital Improvement Element are not governed by the consistency criteria of the Rules and therefore are not subject to the consistency provisions.
Reviewed by:	Alicia Parinello
Approved by:	



LGCPAR

Local Government Comprehensive Plan Amendment Review

4000 Gateway Centre Boulevard, Suite 100, Pinellas Park, FL 33782
(727) 570-5151 / www.tbrpc.org

LOCAL GOVERNMENT:	<u>City of St. Pete Beach</u>
STATE LAND PLANNING AGENCY REFERENCE:	<u>DEO #16-2ESR</u>
LOCAL GOVT REFERENCE:	<u>CPA03-16</u>
AMENDMENT TYPE:	<u>Text</u>
ELEMENTS/SECTIONS AFFECTED:	<u>Capital Improvements</u>
DATE RECEIVED FROM LOCAL GOVERNMENT:	<u>12/22/2016</u>

LINK TO PROPOSED AMENDMENT TRANSMITTAL PACKAGE:

<https://papers.deo.myflorida.com/FloridaPapers/FlashAug16/Model/documentView.cfm?UserID=6239&AreaID=11&DocumentID=469657>

AMENDMENT INITIATED BY: Local government

SUMMARY OF THE PROPOSED AMENDMENT:

This proposed amendment would make edits/additions/deletions to the text and tables contained within the Capital Improvements Element of the City of St. Pete Beach Comprehensive Plan. Generally, the purpose of these edits is to bring the policies and language in the Capital Improvements Element up-to-date, by removing references to outdated reviewing agencies, removing the Capital Improvements Schedule, and removing schools and recreation facilities from concurrency review. References to Rule 9J-5, F.A.C., repealed with the passage of the Community Planning Act of 2011 by the Florida Legislature, are also proposed to be removed. Language with the Capital Improvements Element is also edited to reflect current city practices and add clarification to certain policies.

REVIEW COMMENTS:

Pursuant to section 163.3184(3)(b), *Florida Statutes*, Tampa Bay Regional Planning Council (TBRPC) staff has reviewed the proposed comprehensive plan amendments, and identified no adverse effects on regional resources or facilities as identified in *Future of the Region: A Strategic Regional Policy Plan for the Tampa Bay Region*. Additionally, no extrajurisdictional impacts were identified that would be inconsistent with the comprehensive plan of any affected local government.

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

January 19, 2017

The Honorable Maria Lowe
Mayor, City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, Florida 33706-1839

Dear Mayor Lowe:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the City of St. Pete Beach (Amendment No. 16-2ESR), which was received on December 20, 2016. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comment related to important state resources and facilities within the Department of Economic Opportunity's authorized scope of review that will be adversely impacted by the amendment if adopted.

The City is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the City. If other reviewing agencies provide comments, we recommend the City consider appropriate changes to the amendment based on those comments. If unresolved, such comments could form the basis for a challenge to the amendment after adoption.

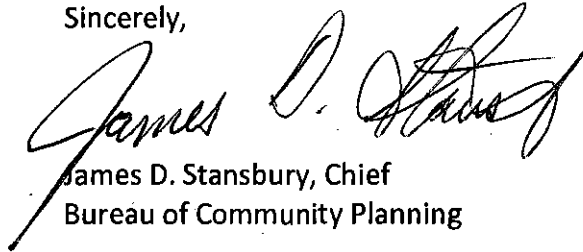
The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

If you have any questions concerning this review, please contact Valerie Jenkins, at (850) 717-8493, or by email at valerie.jenkins@deo.myflorida.com.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning

JDS/vj

Enclosure(s): Procedures for Adoption

cc: Ms. Jennifer C. Bryla, AICP, Director, Community Development, City of St. Pete Beach
Mr. Sean T. Sullivan, Executive Director, Tampa Bay Regional Planning Council

Jennifer Bryla

From: bamajda@aol.com
Sent: Tuesday, December 13, 2016 5:52 PM
To: Rebecca Haynes
Cc: Jennifer Bryla
Subject: Item number CPA #03-16

To: The Mayor and Commissioners of the City of St. Pete Beach:

My name is James Anderson and I own property at 301 41st Ave in the City of St Pete Beach, Florida.

I object to item number CPA #03-16. The Comprehensive Plan Amendment to the City's Capital Improvements Element.

James Anderson
301 41st Ave
St Pete Beach, FL 33706

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Ordinance No 2017-01 – Repeal and Replacement of Division 29 - Concurrency.

Date: February 14th, 2017

Prepared By: Jennifer Bryla– Community Development Director

Through: Wayne Saunders – City Manager

Summary of Issue The Ordinance repeals and replaces the language found in Division 29 of the City's Land Development Code. The changes were required due to the changes in the Capital Improvements Element of the City's Comprehensive Plan and to improve on the City's Concurrency Monitoring Systems consistent with our guiding documents. The Ordinance was heard by the Planning Board on January 17th and received a recommendation of approval 5-0.

Requested Motion: “I move to approve Ordinance 2017-01 on first reading.”

Attachment: Agenda Report
Staff Report
Ordinance 2017-01
Exhibit A – Division 29

Reviewed by the City Manager WS

	St. Pete Beach City Commission 155 Corey Avenue St. Pete Beach, FL 33706 727-367-2735
2/14/2017	
Item Number Ord #2017-01 Type of Application Ordinance to repeal and replace Division 29 – Concurrence of the City’s Land Development Code Applicant City of St. Pete Beach Location City wide Project Planner Jennifer Bryla, AICP, Requested Action Approval of Ordinance 2017-01 on first reading. Staff Recommendation Approval Planning Board Approval 5-0 (Ohlhaber, Shavlin) with recommendation outlined City Commission Second Reading anticipated (2/28/2017)	ITEM SUMMARY: This is an Ordinance is a result of a City initiated amendment to the Capital Improvement Element to reflect Legislative changes in chapter 163 FS. The Ordinance is addressing the necessary updates to Division 29 – Concurrence. These changes coincide with the changes that have been made to the Capital Improvement Element and the Capital Improvement Schedule. In addition to removing the recreation and public school facility language, the changes also provide for a mechanism for the City to track development and Levels of Service that will then be document prior to the Capital Improvement Schedule adoption annually. These changes were permitted by changes in the Florida Statutes 163.3180 that allows for the removal of the cited components. PUBLIC NOTICE: Notice of public hearing has been advertised as required by State Statutes. As of the date of this report, no oral or written comments have been received. Oral and written comments may be presented at the public hearing. COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE: The proposed Ordinance is consistent with 

Findings In its review of the proposed Ordinance, staff has determined: 1. The proposed application is consistent with Florida Statutes. 2. The proposed application is consistent with the Pinellas County Regional Policy Plan. 3. The proposed application is consistent with the intent of the St. Pete Beach Comprehensive Plan. 4. The proposed application is consistent with the intent of the LDC.	the changes to the Comprehensive Plan's Capital Improvements Element as reviewed by this Board in November of 2016 and including, but not limited to the following Goals, Objectives and Policies: FLUE Objective 3.3 The City shall assure that future developments are compatible with the topography, soil conditions and the availability of facilities and services. TRAN Policy 1.1.2 All new development and redevelopment proposals shall be reviewed under the City's Concurrency Management System Ordinance to ensure the level of service standards established in this element shall be maintained. INFRA Policy 1.1.5 The land development regulations and development review procedures shall be used to ensure that all adopted levels of service are maintained. All new development and redevelopment proposals shall be reviewed under the City's Concurrency Management System Ordinance to ensure the level of service standards established in this element shall be maintained. CIE Policy 1.3.4 The City shall issue development permits only when required capital facilities are present or will be available concurrent with the impact of development. All new development and redevelopment proposals shall be reviewed under the City's Concurrency Management System Ordinance to ensure the level of service standards established in this element shall be maintained. The Ordinance is consistent with the intent strategies of the City's Land Development Code. PLANNING BOARD: The Planning Board reviewed the Ordinance for consistency with the Comprehensive Plan on January 17, 2017. The Board made recommendation for approval with the following addition: second to last line of Exhibit A should read "<i>Capacity reservation shall be valid for 18 months <u>or as outlined and in conjunction with a valid Developer's Agreement.</u></i>" STAFF RECOMMENDATION: Upon review of the City's guiding documents and those of the County, staff recommends a recommendation of approval of 2017-001.

ORDINANCE #2017-01

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, REPEALING AND REPLACING DIVISION 29 OF THE LAND DEVELOPMENT CODE, CONCURRENCY MANAGEMENT, INCORPORATING LANGUAGE AS OUTLINED IN EXHIBIT A; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of St. Pete Beach Land Development Code implements the goals and policies of the City's Comprehensive Plan and encourages development when adequate system capacity is available to service such development; and

WHEREAS, the Concurrency is a matter of public policy that meet the criteria of the City of St. Pete Beach Comprehensive Plan and the Community Planning Act (F.S. 163.3161); and

WHEREAS, the City Commission has a commitment to preserve the services that are provided to all citizens and visitors within the City; and

WHEREAS, the City Commission recognizes the constraints that may occur to these services with development projects; and

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:

Section 1. Recitals. The above recitals ("Whereas" clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

Section 2. The Concurrency Management, Division 29 of the Land Development Code, is repealed and replaced in its entirety as illustrated in "Exhibit A".

Section 3. All Ordinances or parts of Ordinances, in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 4. If any portion or part of this Ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 5. This Ordinance shall become effective within 30 days of adoption.

PASSED ON FIRST READING _____, a.d. 2017

PASSED ON SECOND AND FINAL READING _____, a.d. 2017

ORDINANCE #2017-01

MAYOR Deborah Schechner

FIRST READING: _____

PUBLISHED: _____

SECOND READING: _____

PUBLISHED: _____

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2017.

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

City Attorney
Andrew Dickman, Esq.

Exhibit A

DIVISION 29 - CONCURRENCY MANAGEMENT^[1]

Footnotes:

--- (1) ---

Editor's note—Ord. No. 2006-04, § 1, adopted Jan. 24, 2006, amended Div. 29, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Div. 29 pertained to similar subject matter. See also the Table of Amendments.

Sec. 29.1. - Purpose and declaration of public policy.

- (a) The city commission declares as a matter of public policy that the concurrency requirements of the Local Government Comprehensive Planning and Community Planning Act [F.S. § 163.3180 et seq.] are a public necessity, and are important in the protection and enhancement of the quality of life in the city as well as the county and the state.
- (b) The purpose of this division is to ensure the availability of public facilities and the adequacy of those facilities at adopted levels of service concurrent with the impacts of development. This intent is implemented by means of a concurrency management system which shall measure the potential impact of a development permit application upon the adopted minimum acceptable level of services, as provided in the Capital Improvements Element of the Comprehensive Plan.

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.2. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptance of completed application means the application for a development order or development permit has been reviewed for completeness and found to have the adequate information necessary to allow continuing the review of the application.

Capital improvement means physical assets constructed or purchased to provide, improve, or replace a public facility; generally large scale, high in cost, nonrecurring, and which may require multi-year financing.

Certificate of concurrency means the document issued by the city manager certifying the concurrent availability of required public infrastructure and services. At a minimum, the certificate of concurrency shall provide information on the following:

- (1) Type of proposal.
- (2) Development potential, including site acreage, number of residential units, number of transient lodging units, nonresidential use, type of development, and building square footage.
- (3) Individual public facilities reports from the concurrency management team, if required.

- (4) Level of service capacity status review, if required.
- (5) Permitted impacts for each public facility and service, where applicable.
- (6) The date of issuance of certificate of concurrency.

CIE means the capital improvement element of the city's adopted comprehensive plan.

Concurrency means the provision of the necessary public facilities and services required to maintain the adopted level of service standards at the time the impacts of development occur.

Concurrency management system means the procedures and/or process that the city will utilize to assure that development orders and permits are not issued unless the necessary facilities are available concurrent with the impacts of development.

Concurrency management team means the city staff directed by the city manager to administer and manage the concurrency determination process.

Concurrency monitoring system means the data collection, processing, and analysis performed by the city to determine impacts on the established levels of service for potable water, sanitary sewer, drainage, solid waste, , and roads. For traffic circulation: data collection, processing and analysis will be utilized to determine traffic concern areas and traffic restriction areas in addition to impacts on the established levels of service. The traffic circulation data maintained by the concurrency management monitoring system shall be the most current information available to the city.

Development means the construction, reconstruction, redevelopment, conversion, structural alteration, relocation or enlargement of any structure; excavation, landfill or land disturbance, and use, change of use or expansion of the use of the land.

Development order means any order granting, denying, or granting with conditions, an application for development.

Development permit means any building permit, zoning permit, subdivision approval, certification, conditional use, variance, or any other official action of local government having the effect of permitting the development of the land.

FDOT means the Florida Department of Transportation.

Financial feasibility means that sufficient revenues are currently available or will be available from committed funding sources for the first three years, or will be available from committed or planned funding sources for years four and five, of a five-year capital improvement schedule for financing capital improvements, such as ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements identified in the comprehensive plan necessary to ensure that adopted level-of-service standards are achieved and maintained within the period covered by the five-year schedule of capital improvements. Level of service (LOS) means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

Proportionate fair share is a provision that allows for development projects to mitigate the impacts thereof through "fair-share" contributions to facilities identified for capacity improvements in the capital improvements schedule.

Public facilities and services means those facilities and services included in the St. Pete Beach Comprehensive Plan required by F.S. § 163.3177, and for which level of service standards have been adopted.

Remodeling as defined in the Florida Building Code, Chapter 4, Section 423.5., means the changing of existing facilities by rearrangement of space and/or change of use.

Renovations as defined in the Florida Building Code, Chapter 4, Section 423.5., means the rejuvenating or upgrading of existing facilities by installation or replacement of materials and equipment. The use and occupancy of the spaces remain the same.

Residential approval means a residential site plan or a final residential subdivision approval.

School board means the elected body presiding over the schools of Pinellas County, responsible for exercising all of the powers and duties associated with the District schools, in accordance with F.S. Ch. 1001.

Significantly degrade means a peak hour increase in traffic volume of five percent or a decrease in average travel speed of ten percent. This criteria shall be the means of evaluating the transportation impacts in traffic restriction areas upon roadway levels of service.

SIS means strategic intermodal system.

Traffic concern area means an area within which the level of service for a given road facility has been determined by data from the concurrency management monitoring system to have reached a level of service D during the peak hour or is expected to reach a level of service E or worse during the peak hour in the next five years and no construction improvements are planned in the next five years.

Traffic restriction area means an area in which the level of service for a given road facility has been determined by data from the concurrency management monitoring system to be below the acceptable level of service adopted in this article.

Transportation concurrency means transportation facilities needed to serve new development shall be in place, or under actual construction, within three years after the city approves a building permit or its functional equivalent that results in traffic generation.

Volume-to-capacity (v/c) ratio means the rate of traffic flow of an intersection approach or group of lanes during a specific time interval divided by the capacity of the approach or group of lanes. Volume-to-capacity ratios provide a measure of traffic congestion and are utilized in the concurrency management system to identify congested road segments and to minimize the transportation impacts of development projects that affect them.

(Ord. No. 2006-04, § 1, 1-24-06; Ord. No. 2007-01, § 1, 1-23-07; Ord. No. 2009-05, § 1, 4-28-09)

Sec. 29.3. - Levels of service adopted by reference.

The adopted levels of service standards, as stated in the City Comprehensive Plan, for public facilities and services are hereby adopted by reference.

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.4. - General requirements.

- (a) A certificate of concurrency shall be required prior to the issuance of any development permit for a non-exempt development project. The City of St. Pete Beach shall not issue any development order (excluding future land use or zoning map amendments) or building permit for any project that results in a reduction of the level of service requirements established and adopted in the City of St. Pete Beach Comprehensive Plan. An applicant must prepare and complete an application for a certificate of concurrency including an infrastructure study as determined to be necessary by the Technical Review Committee. If a development will require more than one development permit, the issuance of a certificate of concurrency shall occur prior to the issuance of the initial permit. Upon request by applicants, a preliminary concurrency review shall be performed and a conditional certificate of concurrency may be issued. This conditional certificate shall not be binding upon the city and shall only be effective for the year in which the annual concurrency monitoring report was issued. Only those certificates of concurrency issued for development permits shall be binding. Applicants may be charged a fee established by the city commission for certificates of concurrency.

- (1) Application for development. The property owner, or authorized representative, must provide a complete application for development containing the required documentation for the specific development order or permit. The Technical Review Committee shall then review the application for completeness in a timely manner to ensure that the required information is sufficient to accept the application and continue its review.
- (2) Development review. When the application for development has been accepted, it shall be processed and reviewed for impacts of the development on the public facilities and services identified in this division.
- (3) Concurrency review. The concurrency review shall compare the available and reserved capacity of the facility or service to the demand projected for the proposed development. The available capacity shall be determined by adding the total of the existing excess capacity and the total future capacity of any proposed construction or expansion that meets the requirements of section 29.6. The levels of service (LOS) of all facilities and services must be sufficient before a development permit can be issued.
 - a. Traffic restriction and traffic concern areas. Traffic restriction and concern areas shall be designated on an annual basis at the time the annual concurrency monitoring report is issued. These areas will be designated based on the criteria defined in section 29.2. Applications for development permits within these areas may require detailed traffic studies.
 1. If the development is found to be in a traffic restriction area, a traffic study shall be required. If the traffic study indicates that the affected roadway is not significantly degraded, the project will be found concurrent for traffic.
 2. If the development is found to be in a traffic concern area, a traffic study may be required. If the traffic study indicates that the affected roadway LOS may be lowered below the adopted LOS, the project will be found concurrent for traffic only if provisions and measures are attached as conditions to prevent the reduction of the LOS.
 3. If the development is found to be in a traffic restriction or traffic concern area and the traffic study indicates that the affected roadway is significantly degraded, the project will be found concurrent for traffic only if provisions and measures are attached as conditions to prevent the significant degradation of the affected roadway.
 4. If the development is not found to be in a traffic restriction or traffic concern area but the estimated traffic volumes resulting from the development degrade the peak hour LOS below the adopted LOS standard, the project will be found concurrent for traffic only if mitigation provisions are attached as conditions to prevent the degradation of the affected roadway below the adopted LOS standard.
- (4) Certificate of concurrency.
 - a. The certificate of concurrency shall indicate the date of issuance and shall automatically expire simultaneously with the expiration of the development permit to which it applies. In the event that a time extension is requested prior to the expiration of the development permit, then the accompanying certificate of concurrency may be renewed upon determination by the Technical Review Committee that the conditions of concurrency will still be met.
 - b. Any development order or permit that is issued within the effective period of a validly issued certificate of concurrency shall be vested for the purposes of concurrency until the expiration of that development order or permit, provided that development commences within the validity period of the development order or permit and continues in good faith.
- (5) Development order or development permit compliance.

- a. Any development orders and development permits approved and issued after the effective date of this division shall be based upon and in compliance with the certificate of concurrency issued for that application.
- (b) The burden of showing compliance with the adopted levels of service and meeting the concurrency evaluation shall be upon the applicant. For non-exempt development orders or projects, the applicant shall prepare and submit an infrastructure study that determines the extent of any degradation of the infrastructure below the adopted levels of service unless determined unnecessary by the City's Technical Review Committee based on an evaluation of potential impact relative to the nature, size, type, and location of the proposed development project or land use amendment application. Mitigation fees and/or physical or operational improvements determined to be reasonably required in proportion to the impacts caused by the increased density and/or intensity of new development in consideration of the long-term concurrency management plan of the local government who owns and operates the facility or system, shall be stipulated as conditions of approval as part of the development order. The Technical Review Committee shall document its findings pertaining to its review.

(Ord. No. 2006-04, § 1, 1-24-06; Ord. No. 2015-22, § 6, 12-15-15)

Sec. 29.5. - Exemptions.

The following developments are exempt from the requirements of this division in accordance with the provisions of F.S. § 163.3180:

- (1) Final approved development orders relating to a development of regional impact (DRI) project, pursuant to F.S. Chapter 380.
- (2) All single-family homes built upon individual zoning lots.
- (3) Any development which can be demonstrated to represent no net increase in density or intensity of land use as compared to the immediately previous use of the development site.

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.6. - Minimum requirements for concurrency.

An application for a development permit and/or order must comply with the following minimum concurrency requirements for each of the following public facilities and services:

- (a) For potable water, sanitary sewer, solid waste, and drainage one of the following are the minimum standards that must be met to satisfy the concurrency requirement:
 - (1) The necessary facilities and services are in place at the time a development permit or order is issued;
 - (2) A development permit or order is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur;
 - (3) The necessary facilities are under construction at the time a permit or order is issued;
 - (4) The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to F.S. § 163.3220, or an agreement or development order issued pursuant to F.S. Chapter 380.
- (b) For recreation and open space, one of the following are minimum standards that must be met to satisfy the concurrency requirement:
 - (1) Compliance with the standards in subsections (a)(1)—(4) of this section;

- (2) At the time the development permit or order is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of the actual construction of the required facilities, or the provision of services within one year of the issuance of the development permit or order;
- (3) The necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of facilities or the provision of services within one year of the issuance of the applicable permit or order. An enforceable development agreement may include, but is not limited to, development agreements pursuant to F.S. § 163.3220 or an agreement or development order issued pursuant to F.S. Chapter 380.
- (c) For roads and mass transit, where the city has committed to provide the necessary public facilities and services in accordance with the five-year schedule of capital improvements, the city will satisfy the concurrency requirement by complying with the standards in subsections (a)(1)—(4) and (b)(2) of this section and by assuring that the following provisions are met:
 - (1) The capital improvements element and schedule of capital improvements, in addition to meeting all of the other statutory and rule requirements, is financially feasible. The schedule of capital improvements may include those projects included in the county capital improvement element or in the first three years of the adopted state department of transportation five-year work program.
 - (2) The five-year schedule of capital improvements which includes both necessary facilities to maintain the adopted level of service standards to serve the new development proposed to be permitted and the necessary facilities and services required to eliminate that portion of existing deficiencies which are a priority to be eliminated during the five-year period.
 - (3) A financially feasible funding system based on currently available revenue sources which is adequate to fund the public facilities and services required to serve the development authorized by the development order and development permit and which are included in the five-year schedule of capital improvements.

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.7. - Action upon failure to show available capacity.

Where available capacity cannot be shown, the following methods may be used to maintain adopted level of service:

- (a) A plan amendment which limits the adopted level of service standard for the affected facilities and/or services.
- (b) A binding executed contract between the city and the applicant to provide the necessary improvements.
- (c) An enforceable development agreement, which may include, but is not limited to, development agreements pursuant to F.S. § 163.3220.
- (d) A change in the funding source.
- (e) A reduction in the scale or impact of the proposed development.
- (f) Phasing of the proposed project.
- (g) Transportation management or restriction programs that reduce the traffic impact of the development by mandating the use of mass transit, increasing effective roadway capacity, shifting the effects on peak hour, etc.

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.8. - Concurrency annual monitoring report.

- (a) On an annual basis, the city manager shall prepare a concurrency annual monitoring report. The city manager shall convey such annual report to the city commission.
- (b) The city manager shall establish and maintain a concurrency monitoring system for the purpose of monitoring the status of public facilities and services, and to be used in the establishment of each annual report.
- (c) The concurrency annual report shall be issued every year and will be effective for one year. Nothing herein precludes the issuance and effectiveness of more frequent concurrency reports, if updating or correction is deemed necessary, including but not limited to circumstances where: errors are noted; the impact of issued development orders, as monitored by the city manager, indicates a degradation to the adopted level of service; or where changes in the status of capital improvement projects changes the underlying assumptions of the concurrency annual report.
- (d) Under no circumstances will a more frequent concurrency report divest those rights acquired by a preceding concurrency annual report, except where a known danger exists to the health, safety or welfare of the general public.
- (e) The concurrency annual report shall include, at a minimum, a review of the levels of service and capacity for all the adopted levels of service standards included in the Comprehensive Plan.

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.9. - Providing for intergovernmental coordination.

- (a) The city as the provider of public facilities or services to other government entities.
 - (1) The city shall provide services to other local government entities within the county in accordance with the policies included in the Comprehensive Plan. The city shall administer this division such that the development in those areas shall be consistent with the comprehensive plan and implementing ordinance.
 - (2) The city shall require that all proposed development within these other local government entities which require city services be submitted to the city manager to disseminate the proposal to the appropriate review personnel. A certificate of concurrency from the city shall be required for any public facility or services provided by the city to any local government in which a permit or order is proposed to be issued.
- (b) The city as the recipient of public facilities or services from other government entities.
 - (1) The city shall recognize the level of service provided by other governmental entities who provide services or facilities to the city in accordance with the policies of the comprehensive plan. The city shall ensure that all development within its area shall be in accordance with such policies as identified in the comprehensive plan.
 - (2) The city shall work with other governmental entities to ensure appropriate intergovernmental coordination. Appropriate methodology for tracking concurrency will be coordinated with these other governmental entities.

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.10. - Providing for adequate funding.

The capital improvement element of the comprehensive plan was designed to meet requirements of the state law mandating that local governments provide sufficient capacity of public facilities concurrent with development.

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.11. - Enforcement.

- (a) Violations of this division shall be subject to prosecution and punishment pursuant to section 1-14 of the Code of Ordinances.
- (b) In addition to the penalties provided by subsection (a) of this section for violation of this division, any violation of this article shall be subject to appropriate civil action in the court of appropriate jurisdiction.

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.12. - Proportionate fair share program.

(a) General requirements.

- (1) An applicant may choose to satisfy the transportation concurrency requirements of the city by making a proportionate fair-share contribution, pursuant to the following requirements:
 - a. The proposed development is consistent with the comprehensive plan and applicable land development regulations; and
 - b. The five-year schedule of capital improvements for St. Pete Beach includes a transportation improvement(s) that, upon completion, will mitigate the transportation impacts of the proposed development in accordance with the requirements of this subsection.
- (2) The applicant may also choose to satisfy transportation concurrency by contributing to an improvement that, upon completion, will satisfy the requirements of this subsection, but that is not contained in the Schedule where the following apply:
 - a. St. Pete Beach adopts, by resolution or ordinance, a commitment to add the improvement to the schedule no later than the next regularly scheduled update. To qualify for consideration under this subsection, the proposed improvement must be determined to be consistent with the comprehensive plan, and in compliance with the provisions of this subsection. b. If the funds allocated for the Schedule are insufficient to fully fund construction of a transportation improvement required for the applicant to comply with the terms of this subsection, the city may enter into a binding proportionate fair-share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair-share is calculated if the proportionate fair-share amount in such agreement is sufficient to pay for one or more improvements which will significantly benefit the impacted transportation system.
 - c. The improvement or improvements funded by the proportionate fair-share component must be adopted into the Schedule.
 - d. Any improvement project proposed to meet the applicant's fair-share obligation must meet design standards of the city, county and FDOT as applicable.

(b) Proportionate fair share mitigation agreement.

- (1) Upon notification that a proposed development project is subject to transportation concurrency regulations and is eligible to participate in the proportionate fair share program, the applicant shall be notified in writing of such during the site plan review process pursuant to Section 5.1 of Division 5 herein..
- (2) If the applicant chooses to exercise this concurrency option, a meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If

the impacted facility is on the SIS, then the FDOT will be notified and invited to participate in the meeting.

- (3) Pursuant to F.S. § 163.3180(16)(e), proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the concurrence of the FDOT. Therefore, agreements involving improvements to SIS facilities will require approval by FDOT.
- (4) After a mitigation project is identified and agreed upon by the city, the applicant and FDOT (if the project affects an SIS facility), a proposed proportionate fair-share obligation and binding agreement will be prepared by the city or the applicant with direction from the city. The final agreement will become a part of the site plan submittal which will be delivered to the appropriate parties for review. Final approval of the site plan and agreement rests with the city manager.

(c) Determining proportionate fair-share obligation.

- (1) The proportionate fair-share obligation shall be based on the impact a development has on a transportation facility as determined by a traffic impact analysis that assesses the volume of traffic generated by the proposed development.
- (2) A facility shall be considered impacted when the net trips generated by the proposed development meets or exceeds five percent of the facility's peak hour capacity.
- (3) Should the impacted facility be operating at an LOS that meets the locally adopted LOS standard, it would not be eligible for the application of proportionate fair share provisions.
- (4) Should the impacted facility be operating at a substandard LOS based on existing conditions or as a result of the impacts of a proposed development, the facility would be identified as eligible for proportionate fair share provisions and the applicant would be notified as such.
- (5) Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.
- (6) A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.
- (7) The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in F.S. § 163.3180(12), as follows:

The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS.

OR

Proportionate Fair-Share = $\frac{\sigma[(\text{Development Trips}_{sub\sub;}) / (\text{SV Increase}_{sub\sub;})]}{\text{Cost}_{sub\sub;}}$ x

Where:

Development Trips_{sub\sub;} = Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the CMS;

SV Increase_{sub\sub;} = Service volume increase provided by the eligible improvement to roadway segment "i";

Cost/sub\sub; = Adjusted cost of the improvement to segment "i". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.

- (8) For the purposes of determining proportionate fair-share obligations, the city shall determine improvement costs based upon the actual cost of the improvement as obtained from the MPO transportation improvement program. Where such information is not available, improvement cost shall be determined using one of the methods described below.
 - a. An analysis by the city of construction costs that incorporates data from recent projects and is updated annually; or
 - b. The most recent issue of FDOT transportation costs, as adjusted based upon the type of cross-section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted FDOT work program shall be determined using this method in coordination with the FDOT district.
 - (9) The value of a proportionate fair share mitigation project proposed by the applicant and accepted by the city shall be determined using one of the methods provided in this subsection.
 - (10) The city may also accept right-of-way dedication for the proportionate fair-share payment credit for the dedication shall be based on fair market value established by an independent appraisal approved by the city and at no expense to the city. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the city at no expense to the city. If the estimated value of the right-of-way dedication proposed by the applicant is less than the estimated total proportionate fair-share obligation for that development, then the applicant must also pay the difference.
- (d) Impact fee credit for proportionate fair-share mitigation.
- (1) Proportionate fair-share contributions shall be applied as a credit against impact fees consistent with the terms of the impact fee section of section 41.6 of the Land Development Code.
 - (2) Impact fee credits for the proportionate fair-share contribution will be determined when the transportation impact fee obligation is calculated for the proposed development. Impact fees owed by the applicant will be reduced per the proportionate fair-share agreement as they become due per the impact fee section of section 41.6 of the Land Development Code. If the applicant's proportionate fair-share obligation is less than the development's anticipated road impact fee for the specific stage or phase of development under review, then the applicant or its successor must pay the remaining impact fee amount to the city.
- (e) Proportionate fair-share agreements.
- (1) Upon execution of a proportionate fair-share agreement, the applicant shall receive transportation concurrency approval or functional equivalent. Should the applicant fail to apply for a development permit in accordance with section 29.4(1), then the agreement shall be considered null and void, and the applicant shall be required to reapply.
 - (2) Payment of the proportionate fair-share contribution is due in full prior to issuance of the final development order or recording of the final plat and shall be non-refundable. If the payment is submitted more than 12 months from the date of execution of the agreement, then the proportionate fair-share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to section 29.11(c) and adjusted accordingly.
 - (3) All proportionate fair share mitigation improvements authorized under this subsection must be completed prior to issuance of a development permit, or as otherwise established in a binding agreement that is accompanied by a security instrument that is sufficient to ensure the

completion of all required improvements. It is the intent of this subsection that any required improvements be completed before issuance of building permits or certificates of occupancy.

- (4) Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to issuance of the final development order or recording of the final plat.
 - (5) Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.
 - (6) Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement.
 - (7) The city may enter into proportionate fair-share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.
- (f) Appropriation of fair-share revenues.
- (1) Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the CIE, or as otherwise established in the terms of the proportionate fair-share agreement. Proportionate fair-share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair-share revenues were derived. Proportionate fair-share revenues may also be used as the 50 percent local match for funding under the FDOT Transportation Regional Incentive Program (TRIP).
 - (2) In the event a scheduled proportionate fair share improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within the same corridor or planning sector that would mitigate the impacts of development pursuant to the requirements of section 29.11(a)(2)b.
 - (3) Where an impacted facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan, the city may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share contributions and public contributions to seek funding for improving the impacted regional facility under the FDOT TRIP. Such coordination shall be ratified by the city through an interlocal agreement that establishes a procedure for earmarking the developer contributions for this purpose.
 - (4) Where an applicant constructs a transportation facility that exceeds their proportionate fair-share obligation calculated under section 29.11(c)(7), the city shall reimburse them for the excess contribution using one or more of the following methods:
 - a. An impact fee credit account may be established for the applicant in the amount of the excess contribution, a portion or all of which may be assigned and reassigned under the terms and conditions acceptable to the city.
 - b. An account may be established for the applicant for the purpose of reimbursing the applicant for the excess contribution with proportionate fair-share payments from future applicants on the facility.
 - c. The city may compensate the applicant for the excess contribution through payment or some combination of means acceptable to the city and the applicant.
- (g) Cross jurisdictional impacts.
- (1) In the interest of intergovernmental coordination and to reflect the shared responsibilities for managing development and concurrency, the city may enter into an agreement with one or more adjacent local governments to address cross jurisdictional impacts of development on multi-jurisdictional transportation facilities. The agreement shall provide for application of the

methodology in this subsection to address the cross jurisdictional transportation impacts of development.

- (2) A development application submitted subject to transportation concurrency requirements and meeting all of the criteria listed below shall be subject to this subsection.
 - a. All or part of the proposed development is located within an area or corridor designated by an adjacent local government where development projects are subject to transportation concurrency requirements in accordance with their respective land development codes.
 - b. If the additional traffic from the proposed development would use five percent or more of the adopted peak hour LOS maximum service volume of a multi-jurisdictional transportation facility within the concurrency jurisdiction of the adjacent local government ("impacted multi-jurisdictional facility").
 - c. The impacted multi-jurisdictional facility is projected to be operating below the level of service standard, adopted by the adjacent local government, when the traffic from the proposed development is included.
- (3) Upon identification of an impacted multi-jurisdictional facility, the city shall notify the applicant and the affected adjacent local government in writing of the opportunity to derive an additional proportionate fair-share contribution, based on the projected impacts of the proposed development on the impacted adjacent facility.
- (4) The adjacent local government shall have up to 90 days in which to notify the city of a proposed specific proportionate fair-share obligation, and the intended use of the funds when received. The adjacent local government must provide reasonable justification that both the amount of the payment and its intended use comply with the requirements of F.S. § 163.3180. Should the adjacent local government decline proportionate fair-share mitigation under this subsection, then the provisions of this subsection would not apply and the applicant would be subject only to the proportionate fair share requirements of the city.
- (5) If the subject application is subsequently approved by the city, the approval shall include a condition that the applicant provides, prior to the issuance of any building permit covered by that application, evidence that the proportionate fair-share obligation to the adjacent local government has been satisfied.

29.13 Concurrency Monitoring System

The Community Development Department (in cooperation with the Building Official) shall be responsible for monitoring development activity to ensure that all development is consistent with the criteria outlined herein. All existing and committed development and its impact on the current facility capacity subject to level-of-service standards shall be documented. Monitoring of the systems shall occur at a minimum prior to the adoption of the Capital Improvements Schedule and shall include:

- a) All changes in zoning districts.
- b) A summary of all building permits
- c) A summary of all demolition permits
- d) Summary of all certificates of occupancy
- e) A summary of systems and the impacts incurred.

Compliance with the City's existing Levels of Service will be calculated and capacity reserved at the time of final action of an approved site plan or building permit if no site plan is required. If no site plan is required, or an enforceable Developers Agreement then

capacity shall be reserved at the time of final action. Capacity reservation shall be valid for 18 months. If construction is not initiated during this period, the reservation shall be terminated.

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