



**Planning Board
155 Corey Avenue
12/20/2011**

4:00 p.m.

**Call to Order
Pledge of Allegiance
Roll Call**

Regular Meeting

A. Acceptance of Minutes:

- 9/22/2011
- 10/26/11

B. Action Items: Public Hearings

- 1. Ordinance 2011-37- Change of Future Land Use designation for 701 Gulf Way from Residential Office Retail (ROR) to Community Redevelopment District – Eighth Avenue (CRD-EA). *(Legislative)***
- 2. Ordinance 2011-38 - Change of Zoning designation for 701 Gulf Way from ROR to CRD-EA. *(Quasi-Judicial)***
- 3. Ordinance 2011-39 – Amending the 8th Ave Special Area Plan to add 701 Gulf Way to the Map, add single family residential as a permitted use, and amend the allowable temporary lodging density from 30 to 50 units per acre. *(Legislative)***
- 4. Ordinance 2011-40 Amending the text of the Future Land Use Plan Element and the text of the Future Land Use Map Element in the Comprehensive Plan to increase the permitted temporary lodging density from 30 to 50 units per acre in the Community Redevelopment Area – Eighth Avenue Future Land Use designation. *(Legislative)***

5. **Ordinance number 2011-42 Amending Division 26 of the Land Development Code to establish sign regulations for the TC-2, DCR, UPV, BHC, BR, AC, CC-1, and CC-2 zoning districts. *(Legislative)***

C. Adjourn

APPEAL

If a person decides to appeal any decision made at this meeting, they will need a record of the proceeding and, for such purpose, may need to ensure that a verbatim record of the meeting is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105) The City does not furnish verbatim transcripts; interested parties should make the necessary arrangements for verbatim transcripts.

AMERICAN DISABILITIES ACT

In Accordance with the American's with Disabilities Act and F.S. 286.26, persons with disabilities needing special accommodations to participate in this meeting should contact City Hall at (727) 367-2735 no later than (4) days prior to the meeting for assistance.

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

Minutes for Acceptance

PLANNING BOARD MEETING

MINUTES

September 22, 2011

4:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Ward Friszolowski, Chairman
Ron Holehouse, Member
Mike Lehman, Member
Will Jacoby, Member
Don Breitweiser, Vice Chairman

ALSO PRESENT

Catherine Hartley, Senior Planner
Pamala Prell, Deputy City Clerk

1. Action Item

A. AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, PROVIDING FOR AMENDMENTS TO THE LAND DEVELOPMENT CODE AS THEY RELATE TO THE COMMUNITY REDEVELOPMENT DISTRICT; ESTABLISHING LAND DEVELOPMENT REGULATIONS TO IMPLEMENT THE COMMUNITY REDEVELOPMENT DISTRICT AND OTHER COMPREHENSIVE PLAN AMENDMENTS ADOPTED IN ORDINANCE 2008-15; CREATING NINE ZONING DISTRICTS CORRESPONDING TO AND CONSISTENT WITH THE CHARACTER DISTRICTS ESTABLISHED IN THE COMPREHENSIVE PLAN; REGULATING SITE DESIGN STANDARDS INCLUDING BUT NOT LIMITED TO PERMITTED AND PROHIBITED USES, DENSITY, INTENSITY, HEIGHT, AND OTHER RELATED SITE DESIGN REGULATIONS AS ILLUSTRATED IN EXHIBIT "B"; AMENDING THE OFFICIAL ZONING MAP AS ILLUSTRATED IN EXHIBIT "A" ATTACHED HERETO AND ADOPTED HEREIN; PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Board discussed each character district as proposed and made several recommended changes to the ordinance. Ms. Hartley will amend the ordinance and present it to the City Commission.

Chairman Friszolowski apologized for needing to leave the meeting early and asked Vice Chairman Breitweiser to preside over the remainder of the meeting.

Vice Chairman Breitweiser opened the Public Hearing. There were no comments. The Public Hearing was closed.

Member Jacoby made a motion to approve Ordinance No. 2010-21 as amended. The motion was seconded by Member Holehouse and unanimously approved by roll call vote.

(A copy of the amended ordinance is attached hereto and made a part of these official minutes).

b. General Discussion

There were no discussion items.

2. Adjournment

There being no further business to come before the board, the meeting was adjourned at 6:40 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Ward Friszolowski Chairman

Minutes approved on: _____

PLANNING BOARD

MINUTES

October 26, 2011

4:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

**Don Breitweiser, Member
Mike Lehman, Member
Ward Friszolowski, Chairman
Ron Holehouse, Member**

NOT PRESENT:

Will Jacoby, Member

ALSO PRESENT:

**Catherine Hartley, Senior Planner
Pamala Prell, Deputy City Clerk**

1. Minutes September 16, 2011

Member Holehouse made a motion to approve the Minutes of September 16, 2011, as written. The motion was seconded by Member Lehman. The motion was approved by unanimous roll call vote.

2. Ordinance No. 2011-33, Change of Land Use 1307 Gulf Way.

Senior Planner Catherine Hartley reported that the applicant requested this case be continued to November 15, 2011. (See motion below).

3. Ordinance No. 2011-34, Change of Zoning 1307 Gulf Way.

Ms. Hartley reported that the applicant requested this case be continued until November 15, 2011.

Member Holehouse made a motion to continue Ordinance No. 2011-33 and 2011-34 until November 15, 2011 at 4:00 p.m. The motion was seconded by Member Breitweiser and approved by a unanimous roll call vote.

4. Ordinance No. 2011-21, Amending Divisions 3 and 4 of the Land Development Code to add applications requirements for variance and conditional use applications.

Senior Planner Hartley stated that the Board reviewed this Ordinance several months ago and the City Commission asked that they review it again to consider adding certain items that must be submitted with the application to make it easier to make a decision.

The Board recommended changing the survey requirement to read “that the survey cannot be any older than 10 years”.

Ms. Hartley pointed out that the requirement is that the survey and site plan both be signed and sealed when submitted. She advised that the staff will be doing site visits for these applications.

Member Breitweiser pointed out that the same changes should be made to Section 4.2 (4).

The Board agreed to the application deadline being 30 days prior to the next meeting.

Chairman Friszolowski stated that the section regarding variances should contain the same requirements.

Senior Planner Hartley agreed to the amendments.

Member Breitweiser made a motion to approve and forward Ordinance 2011-21, as amended, to the City Commission. The motion was seconded by Member Holehouse and approved by a unanimous roll call vote.

5. Ordinance No. 2011-32, Repealing Division 30 and 35 of the Land Development Code as they relate to the TC-1 and Large Resort zoning districts, and adopting new Divisions 30 and 35 for the TC-1 and Large Resort zoning districts.

Senior Planner Hartley explained that the City Attorney requested that Divisions 30 and 35 be repealed and readopted. She then outlined the following changes to Divisions District; Section 30.5; deleted newspaper racks and dog kennels; removed billboards; 30.6 General Requirements removed paragraph (a); (b) deleted residential use not allowed; (c) removed reference to Floor Ration Area and impervious surface; (d) referring to new construction being required to have a 6 ft open balcony on the second and third stories change “to may have”; (d) referring to 8th Avenue add language to Section 30 that arcades and colonnades are encouraged, and will be reviewed on a case by case basis; and added requirements for signage and landscaping.

Ms. Hartley noted that the design guidelines were moved to Division 39, which will be reviewed at a future meeting.

Ms. Hartley displayed maps outlining the boundaries of the TC-1 District and the Large Resort District.

Ms. Hartley outlined the following changes to Division 35 Large Resort District: added definition of small scale development; clarified non-motorized commercial water sports as a secondary use; outlined the Preservation District; amended prohibited uses; amended permitted uses; beach access and sidewalk easements language was moved to Division 39; amended variance section to read plan standards are not eligible for variances; deleted impervious surface language; amended parking structure requirements; removed any reference to stories; amended language regarding setbacks for large and small scale developments; changed setbacks to 20 foot minimum; added no parking allowed in front; removed requirement for second story to be 75 feet of the lot width; reduced side yard setback from 15 feet to 30 feet; amended the setback requirement for existing non-conforming buildings for redevelopments and added vehicle charging stations.

The Board asked Ms. Hartley to point out to the City Commission that under this ordinance motorized commercial water sports are a prohibited.

Member Breitweiser made a motion to approve and forward Ordinance No. 2011-32, as amended, to the City Commission. The motion was seconded by Member Holehouse and approved by a unanimous roll call vote.

There were no public comments.

6. Discussion Items

There were no discussion items.

7. Next Meeting

The next meeting will be on November 15, 2011 at 4:00 p.m.

8. Adjournment

Being no further business to come before the Board the meeting was adjourned at 5:40 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Ward Friszolowski, Chairman

Minutes approved on: _____

Ordinance 2011-37

Change of Future Land Use designation for 701 Gulf Way from Residential Office Retail (ROR) to Community Redevelopment District – Eighth Avenue (CRD-EA). *(Legislative)*

Ordinance 2011-38

Change of Zoning designation for 701 Gulf Way from ROR to CRD- EA. *(Quasi-Judicial)*

City of St. Pete Beach
Planning Board/Local Planning Agency
Public Hearings
Ordinance # 2011-37
Ordinance # 2011-38
December 20, 2011

Property Information

Address: 701 Gulf Way
Owners: Multiple – Please refer to Exhibit A submitted by applicant's agent
Agent: Deborah Martohue
Existing Use: Multifamily
Proposed Use: Temporary Lodging
Parcel Size: 7,980 square feet MOL

Applicant Requests: Change of Future Land Use Designation from Residential Office Retail to CRD-EA
Change of Zoning from ROR to CRD-EA

Background Information:

The property was formerly an 11-unit apartment complex. Between roughly 2006 and 2007, the property was renovated and the number of units was reduced to 8 units. The certificate of occupancy issued at the completion of the project states the structure was at the time of issuance "in compliance with the various ordinances of the City regarding building construction or use for the following: 8 unit apartment building". The Certificate of Occupancy is dated March 28, 2008. According to Property Appraiser public records, all of the units were sold between July - August 2008.

Shortly after the Certificate of Occupancy was issued, the City initiated a Future Land Use Map (FLUM) change to the area known as the CRD-EA or Community Redevelopment Area- 8th Avenue (Ordinance 2008-24). The area was also subject to a Special Area Plan and Countywide Land Use Map change. ***(Please note: The property subject to this application, 701 Gulf Way, was not included in the 2008 FLUM Amendment or Special Area Plan.)***

The dates of the public hearings/election for the FLUM change are as follows:

Planning Board: 5/22/2008

City Commission 1st reading: 6/10/2008

City Commission 2nd reading: 8/26/2008

Voter Approval: 3/10/2009

Pinellas Planning Council: 2/17/2010

Pinellas County Board of County Commissioners acting as the Countywide Planning Authority:
3/16/2010

This aerial map displays a residential neighborhood in San Diego, California. The streets shown include 7th Ave, 8th Ave, 9th Ave, and 10th Ave running horizontally, and Gulf Way and Pass A Grille Way running vertically. A large parking lot is visible on the left side of the map. A body of water, labeled 'Baja Ciega Bay', is on the right. A small building is labeled '900' in the top left corner. Numerous lots are outlined in red and labeled with numbers, including 809, 801, 113, 109, 107, 105, 0, 808, 804, 800, 709, 701, 110, 108, 0, 106, 104, 102, 102, 101, 702, 111, 109, 105, 103, 611, 609, 106, 104, 102, and 101. The map also shows a small building labeled '900' in the top left corner.

The existing ROR zoning further limits the density for both residential and temporary lodging at 15 units per acre. While residential uses are permitted by right in this district, “motels and bed and breakfasts” are conditional uses. There is no record of the developer requesting a conditional use for a motel or bed and breakfast for the subject property.

In May 2011, one of the unit owners received a Notice of Violation for allegedly renting the unit for less than 30 days, which is in violation of the Land Development Code. The applicants have

requested the change in Future Land Use and Zoning to allow for short term rentals (less than 30 days).

Under the proposed CRD-EA FLUM and zoning regulations, the site would be permitted to have 5 transient units. It should be noted that the City Commission directed Staff to initiate a change to the Eighth Avenue Special Area Plan and text of the Comprehensive Plan to allow for 50 transient units per acre, which are addressed in Ordinance numbers 2011-39 and 2011-40, respectively. This change in density, along with the change in Future Land Use and zoning, would make the property as used as a temporary lodging use both conforming by use and density. Currently, the site does not contain any off-street parking; however, pursuant to Division 23.5 of the land Development Code, transient uses in the CRD-EA zoning are exempt from providing off-street parking.

Staff Analysis

Consistency of the request with the Comprehensive Plan:

The following goals, objectives, and policies are germane to the application:

Policy 2.1.5

Through the enforcement of the land development regulations, existing residential areas shall be protected from the encroachment of incompatible uses; likewise, other land use areas shall be protected from the encroachment of incompatible residential uses.

Policy 2.1.6

The conservation, maintenance and rehabilitation of existing residential areas shall be encouraged through provisions contained in the land development regulations and other applicable City codes.

Objective 2.4

Consistent with this comprehensive plan, as amended, the City of St. Pete Beach shall enhance and protect the City's character through the encouragement of redevelopment which ensures an orderly and aesthetic mixture of land uses.

Policy 2.4.1

The City shall, through administration of the LDC, encourage the redevelopment or rehabilitation of existing non-residential areas and uses.

Standards for review of FLUM changes:

Future Land Use Map amendments are a legislative function of local government under Florida law, which holds the governing authority to a general standard of reasonableness in making the determination. In addition, Future Land Use Map changes should be broadly consistent with relevant Comprehensive Plan policies, including not degrading infrastructure Levels of Service.

The applicant has not submitted evidence of meeting level of service standards pursuant to the Comprehensive Plan. As the developer had represented to the City that the building would be residential – not temporary lodging, which would constitute a change in use – staff offers the following observations:

The existing ROR Future Land Use category currently permits transient accommodations, which is also consistent with the CRD-EA category. The only difference lies in the number of units per acre permitted.

While temporary lodging uses typically generate higher impacts on public facilities such as transportation, potable water and wastewater, the existing facilities have the capacity to handle possible increases (impacts would be negligible- St. Pete Beach is a retail customer in terms of potable water, and the St. Petersburg Sewage treatment facility has several million gallons of capacity).

Standards for review of for changes to the Official Zoning Map:

Section 3.9 of the Land Development Code sets forth the standards for review of requests for rezonings:

Standards for review. In reviewing the application for a rezoning, the staff, the planning board and the city commission shall consider whether the proposed rezoning is consistent with and furthers the goals, policies and action strategies of the comprehensive plan.

In addition, the planning board and city commission shall consider the following:

- a. Whether the proposed change would be contrary to the land use plan and would have an adverse effect on the plan. The planning board and city commission shall review the request considering the most intense use permitted in the requested zone district;*
- b. Compatibility with adjacent properties and the existing land use pattern;*
- c. Possible creation of an isolated district unrelated to adjacent and nearby districts;*
- d. The population density pattern and increase in demand for public utilities or services, including potable water supply, sanitary sewer capacity, law enforcement or fire suppression;*
- e. Any increase in use of city infrastructure, including stormwater management facilities, streets and roads, water lines, sewer lines or lift stations;*
- f. Whether existing district boundaries are logically drawn in relation to existing conditions on the property proposed for change;*
- g. Whether changed or changing conditions make the passage of the proposed amendment necessary;*
- h. Whether the proposed change will adversely affect drainage.*
- i. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations;*
- j. Whether the proposed change will constitute a grant of special privileges to an individual owner as contrasted with the public welfare; and*
- k. Whether the change suggested is out of scale with the needs of the neighborhood or the city.*

Although not reflected on the zoning map, Pass-a-Grille is a mixed-use area containing a variety of land uses including single family residential, multifamily residential, temporary lodging, office, retail, restaurants and other commercial uses, recreational uses, and institutional uses such as churches and clubs. Although the zoning map represents a strict separation of land uses, the actual uses on the ground are considerably more mixed.

The change in zoning would not be inconsistent with the Future Land Use Plan Map if the request for a change to the Future Land Use Map is granted. There are goals, objectives, and policies in the comprehensive plan that support both the maintenance of residential areas and encouraging mixed use development.

The property immediately adjacent to the subject property is a conforming temporary lodging use in terms of permitted uses in both the Comprehensive Plan and the Land Development Code. It could be argued that the change from a residential use to a temporary lodging use would be compatible with the surrounding area. Although the properties east of the subject property are predominately residential in character and use, the zoning and Future Land use allow for non-residential uses.

There is no significant impact on public facilities anticipated by the change in land use or zoning, as stated above.

The applicant has identified a change in condition that would warrant the change in future land use or zoning: The owners of the existing units allegedly relied on information provided by the developer that the units could be used as short term rentals.

Impacts to drainage are not anticipated, as any new construction will be compelled to follow any regulations regarding drainage and stormwater mitigation. No new construction has been proposed for this site.

Development allowed under the proposed zoning is generally consistent in size and mass to that allowed under the present zoning. The mass and scale would be slightly less than what is allowed under the CRD-EA zoning. The “needs” of the community as expressed in economic terms have not been clearly defined and are therefore difficult to assess. No studies have been conducted which clearly establish the economic value of the tourist lodging facilities in Pass-a-Grille as opposed to residential uses.

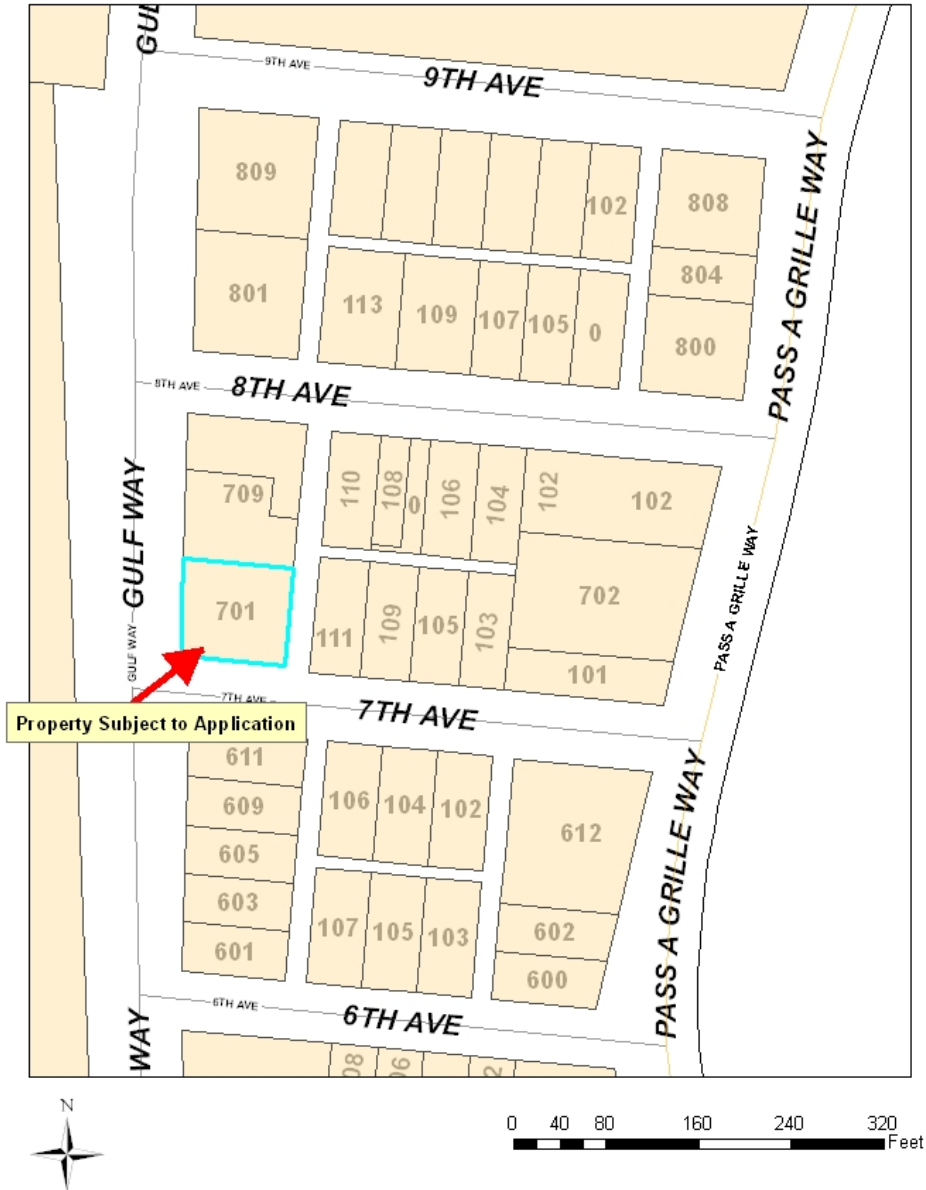
Summary and Conclusion

Certainly, there are policies in the Comprehensive Plan that support both mixed use development and the maintenance of single family neighborhoods. However, the existing zoning and FLUM designations are mixed use. Both single family and mixed uses – including temporary lodging – are proximate to the subject property. Multiple public meetings have been conducted over the last year in which both the public and elected officials have stated that the preferred location of temporary lodging uses are on Gulf Way and Pass-a-Grille Way versus the interior streets where single family residences are the predominate uses. The only issue at hand is whether or not to

allow the existing 8 units to be permitted to rent short term (less than 30 days) more than three times per year.

Respectfully submitted: Catherine M. Hartley, AICP, CNU-a
Senior Planner

Ordinance # 2011-37 Change of Future
Land Use from Residential Office Medium to
Community Redevelopment District - Eighth Avenue
Ordinance # 2011-38 Change of Zoning from
ROR to CRD-EA
701 Gulf Way





CITY OF ST PETE BEACH

CERTIFICATE OF OCCUPANCY

This Certificate is issued pursuant to the requirements of the Florida Building Code and the Land Development Code, certifying that at the time of issuance, this structure was in compliance with the various ordinances of the City regulating building construction or use, for the following:

DESCRIPTION & ADDRESS OF BUILDING: 8 Unit Apartment Building 701 Gulf Way, St Pete Beach, FL 33706

LOT: 10 & 11 **BLOCK:** 6 **SUBDIVISION:** Morey Beach

USE CLASSIFICATION: Residential **GROUP:** R-2 **FIRE DISTRICT:** No

BUILDING PERMIT NUMBER: 20061384

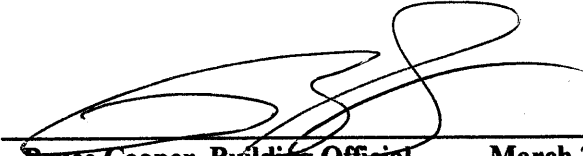
OWNER OF BUILDING: S C USA Pass-A-Grille LLC

ADDRESS: PO Box 10279, Tampa, FL 33679-0279

CONTRACTOR: Hussung Construction Inc.

ADDRESS: 246 17th Ave NE, St Petersburg, FL 33704

NOTES: Existing 11 unit apartment renovated and converted to 8 units.


Bruce Cooper, Building Official

March 28, 2008



Village Center on Grand Central
2429 Central Avenue, Suite 203
Saint Petersburg, Florida 33713
Telephone: 727.321.5263
Facsimile: 727.321.8584
dmartohue@martohuelaw.com
www.martohuelaw.com

October 13, 2011

VIA HAND DELIVERY

Mr. Karl Holley, AICP
Director of Community Development
155 Corey Avenue
St. Pete Beach, FL 33706

RE: Joint Application for Future Land Use Map Amendment and Rezoning
Subject Property Location: 701 Gulf Way

Dear Mr. Holley:

This law firm represents Beach Club at Pass-A-Grille Condominium Association, Inc., and its eight (8) member Unit Owners representing all Unit Owners of the Association by and through its authorized representative, Robert Kilgo, the Association's President (hereinafter the "Association" or "Applicant") with respect to the captioned Property and Joint Application. The Association respectfully requests approval of a future land use map (FLUM) amendment from the existing ROR designation to the CRD-EA designation as an expansion of the existing CRD-EA district immediately abutting the subject Property along its North property boundary. In addition, concurrent with and contingent upon the approval of the FLUM amendment, the Association requests approval of the corresponding zoning designation of CRD-EA from the existing ROR designation. The Applicant offers the following justification and enclosed documentation in support of its Application for the aforesaid requests. The Association and its members are seeking the CRD-EA FLUM and Zoning designation in order to operate transient tourist rentals in a lawful manner.

Site History

Historically the subject Property was owned and operated as an 11-unit apartment building until 2007. According to the City in 2006, the parcel and the apartment building was a grandfathered use as the improvements existed prior to the enactment of the the current zoning Code designating the property Residential Office Retail ("ROR"). In 2006, the then owner-developer of the subject Property, RPS Commercial Properties, Inc., ("Developer") converted the 11-unit apartment building to an 8-unit condominium property maintaining the ROR zoning designation. However, as part of that conversion process, the Developer sought and obtained approval of several setback variances and variance to wall height. (See enclosed Development Order#20060020, survey, renderings and site plan; additional historical information can be obtained in the property file located

in the Community Development Department). The condo conversion entailed not only a wholesale remodel of the exterior and interior of the building and property as the enclosed supporting documentation for the variance application demonstrates, it also reduced the existing intensity of the building footprint and reduced the Property density from 11 units to 8 units. The ROR zoning district permits 15 units per acre. The Property is 0.189 acres and thus the permitted density is 2.79 units or only 2 residential units would legally be permitted on the subject Property, both then and now. As a result, the Property under its current ROR FLUM and Zoning designations remains over the permitted density and thus, non-conforming.

Unbeknownst to the current owners who primarily purchased Units within the Property in 2008-09, the City was undergoing the CRD-EA FLUM designation in 2008-09 which was eventually approved by the voters in March of 2009 (Ordinance 2008-24) after approval by the County and State. It is unknown to the current owners why the then Developer did not participate in that process during that time, one can only speculate it was because he had obtained his zoning variance approvals in 2006, implemented his redevelopment plan in 2007 and was selling the Units in 2008-09. It appears that the notices fell through the "crack" in terms of timing during the transition from the Developer to current owners. Regardless, it would be speculation to answer historical questions of why the subject Property was not included in the FLUM CRD-EA at that time but as the Application justification below will demonstrate, it makes rational planning sense to include the subject Property in the CRD-EA district now based upon compatibility and to cure existing non-conformities.

The City Commission currently has approved the CRD-EA zoning designation for the CRD-EA FLUM Special Area District upon first reading in September 2011 and final approval upon second reading is pending at the time of this application. The subject Property, although noticed for the CRD-EA rezoning, could not participate and request the same CRD-EA zoning because it did not have the CRD-EA FLUM designation in place. Thus, the need for the Joint Application requests for both the FLUM and Zoning CRD-EA designations.

Site Description

The Developer submitted a survey with its variance application in 2006 upon which Development Order #20060020 is based. The Property's physical configuration and size remains unchanged from that date of the variance application in 2006. The subject Property is slightly irregular in shape but generally rectangular, containing 8100 square feet, more or less, or 0.189 acres. The four-sided site has the following general dimensions as measured by the existing survey maintained in the City's file for the subject Property: 91.75 feet on the south property line; 84.43 feet on the west; 100.26 feet on the north; and 84.31 feet on the east. The Property is located in Flood Zone VE. Mandatory flood insurance purchase requirements apply in this zone per FEMA.

The Property was converted in 2006-07 from an 11-unit apartment building to a Condominium comprised of eight 1 and 2 bedroom units totaling 5,564 square feet of building. The conversion included remodeling the exterior elevation to include painting and balconies for the second floor 2-bedroom units, adding a new pool and pool deck, landscaping, installing a 6' high

concrete wall, central heat and air, security gates and fences, concrete walks, hurricane grade windows and doors, and upgraded electrical. In sum, the conversion resulted in a significant structural and aesthetic upgrade for the subject Property enhancing the 8th Avenue district neighborhood.

Surrounding Uses

North – CRD-EA Land Use and ROR Zoning¹; Existing Use Transient Condominiums
East – 18' Wide Alleyway, ROR/PAG Overlay Land Use and Zoning; Existing Residence
South – 7th Avenue – 55' ROW; RLM Land Use and RLM2-PAG Overlay Zoning
West – Gulf Way (60' asphalt width – ROW width varies), Pass-A-Grille Beach

Application Requests

The Joint Application seeks to amend the FLUM and Zoning Maps from ROR to CRD-EA. These land use and zoning amendments, if approved, would remedy the non-conformity both in terms of density and use. Currently, unknown to all 8 Unit owners at the time of purchase in 2007-09 and until very recently, the ROR zoning district does not allow them to rent their condominiums on a transient basis. The 8 Units were sold to some of the current owners at the peak of the real estate boom and others were purchased in a duress bulk sale, and all were sold to out-of-state non-homesteaded owners being told they could rent the Units on a transient basis. It has recently come to the attention of the Association and its members that the ROR land use and zoning designation does not lawfully permit this type of transient rental. Thereafter, the Association sought my legal counsel as to the best option to remedy the situation so each Unit could be used in a lawful manner in accordance with local zoning ordinances and each Owner's intended use when they purchased their Unit.

After a pre-application consultation with Senior Planner, Catherine Hartley, regarding the various options available, it was mutually decided that a joint application for a FLUM and Zoning Map amendment to CRD-EA would be the logical and rational planning option as a result of:

1. The Property's location abutting the existing CRD-EA Special Area district;
2. The existing transient rentals on the property located immediately north of the subject Property located in the CRD-EA Special Area District and zoned ROR with the CRD-EA rezoning pending is operating at a higher density than the subject Property;
3. The Property's location abutting Gulf Way, the north-south throughfare, and its proximity to Pass-A-Grille Beach – the primary tourist destination in Pass-A-Grille; and
4. The City's intent to initiate an amendment to the CRD-EA to increase transient density from 30 units/acre to 50 units/acre.²

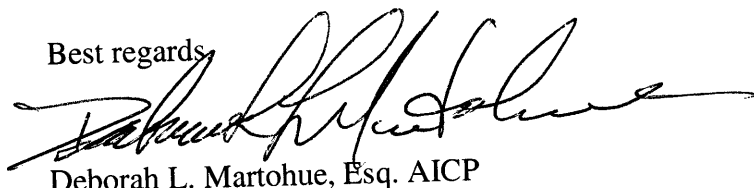
¹ Ordinance 2010-18 for CRD-EA zoning in the FLUM CRD-EA Special Area District is pending second reading approval by the City Commission at the time of this Application.

Upon learning of the City's intent to initiate a FLU text and map amendment to increase the allowable density in the CRD-EA district from 30 to 50 units/acre, the Applicant, in consultation with your Department Staff, is seeking to coordinate its FLUM and Zoning requests in consideration of the City-initiated density amendment to the CRD-EA. The subject Property density is 43 units/acre. This density is grandfathered but exceeds the existing ROR permitted density by 6 units. If redesignated under the current CRD-EA, the Property would still be non-conforming but exceed the permitted density by only 3 units, half of the current non-conformity. However, if redesignated as CRD-EA land use and zoning under the City's proposed density amendment, the subject property would be fully conforming both in terms of use and density.

Accordingly, the Applicant's requests would not only remedy its existing non-conforming use and density, it would be compatible with the transient rentals on the property located immediately north of the subject Property which is a more appropriate use for property across from Pass-A-Grille Beach and fronting Gulf Way, one of two north-south thoroughfares in Pass-A-Grille. In addition, by allowing the Property to be designated CRD-EA, this would allow transient rentals which creates a significantly greater economic engine to support the local retail and restaurant businesses in the 8th Ave Business District, far surpassing the economic impact generated by the occasional occupancy of out-of-state owners or seasonal residents should the use remain strictly residential with the severe limitations on rentals that accompany that designation in the ROR district.

Based upon the foregoing and the supporting documentation enclosed, the Applicant respectfully requests favorable Staff consideration of the Joint FLUM/Zoning application requests, as well as a recommendation of approval by the Planning Board and approval by the City Commission. If you have any questions or need additional supporting information or clarification, please contact me at the email address or phone number listed at the top of this letter. I look forward to working with you, Catherine Hartley and City Manager Bonfield on this Application.

Best regards,



Deborah L. Martohue, Esq. AICP

Enclosures – Application and Supporting Documentation

CH # 1124 - # 1638 60 - Application fee

Cc: Client

² This City amendment was initiated by Staff at the request of the District Commissioner independent of and prior to the Applicant's inquiry as to possible land use and zoning remedies available to allow the Property to become both density and use conforming.



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

I, the 2 members of the Beach Club at Pass-A-Grille
Condominium Association

hereby authorize Deborah L. Marchese Esq., of Marchese
Land Use Law Group P.A.

to represent me/us in an application for Land Use and Zoning Amendment
(type of application, variance, land use, zoning, special use, etc.)

The Beach Club at Pass-A-Grille
Condominium Association

By: [Signature]
Signature of owner

Robert Kilgo
Print name of owner
It is President

[Signature]
Signature of owner

[Signature]
Print name of owner

The foregoing instrument was acknowledged before me this 11 day
of October 2011, by Robert Kilgo who
is personally known _____ or produced Florida Driver License as
identification.

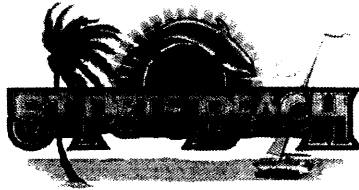
[Signature]
(Notary Signature)

10/11/11
(Date)

My commission expires Sept 21, 2015



PLEASE TYPE OR
PRINT LEGIBLY



APPLICATION

(Check appropriate boxes)

Complete the information required below, read and initial the caveats on PAGE 2 of this form, sign below where indicated and attach a recent survey of the subject property and any supporting drawings and documents you think will enhance your application.

☒ Future Land Use Map change ☒ Rezoning

PROPERTY:

Legal

Description Morey Beach Block 6, Lots 10 and 11

Address: 701 Gulf Way, St. Pete Beach, FL 33706

Parcel ID: See Attached Exhibit A

Current	Proposed	Current	Proposed
Zoning: <u>ROR</u>	Zoning: <u>CRD-EA</u>	FLUM	FLUM
		Category: <u>ROR</u>	Category: <u>CRD-EA</u>

Lot area: 8100 sq.ft., mol or 0.189 acres

APPLICANT/AGENT:

Martohue Land Use Law Group PA

Name: Deborah L. Martohue, Esq. AICP

Address: 2429 Central Ave., Ste 203

City: St. Petersburg State: FL

Zip: 33713 Telephone: 727-321-5263

PROPERTY OWNER:

Beach Club at Pass-A-Grille

Name: Condominium Association, Inc.

Address: 4165 14th St. NE

City: St. Petersburg State: FL

Zip: 33703 Telephone: 727-434-1465

See Ex. A for List of Individual
Unit Owners

DETAILS OF THE REQUEST (Add additional sheets if necessary):

See attached Letter of Intent and Justification Statement enclosing
supporting documentation and survey

By: [Signature], Agent

October 13, 2011
Signature of Applicant & Date

For office use only:

Case Number: _____ Scheduled PB Meeting: _____ Fees: _____

PB Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied

Forwarded to City Commission: Date Sent: _____

Scheduled for: _____

City Commission Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied

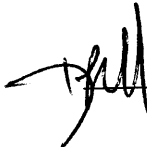
File Closed: _____

Property address 701 Gulf Way (continued)

THE FOLLOWING ITEMS MUST BE INITIALED BY APPLICANT OR AGENT:

 I understand that the Planning Board's action is not final. It must be approved by the City Commission, and I further understand that the Commission may modify the conditions of approval or deny the application.

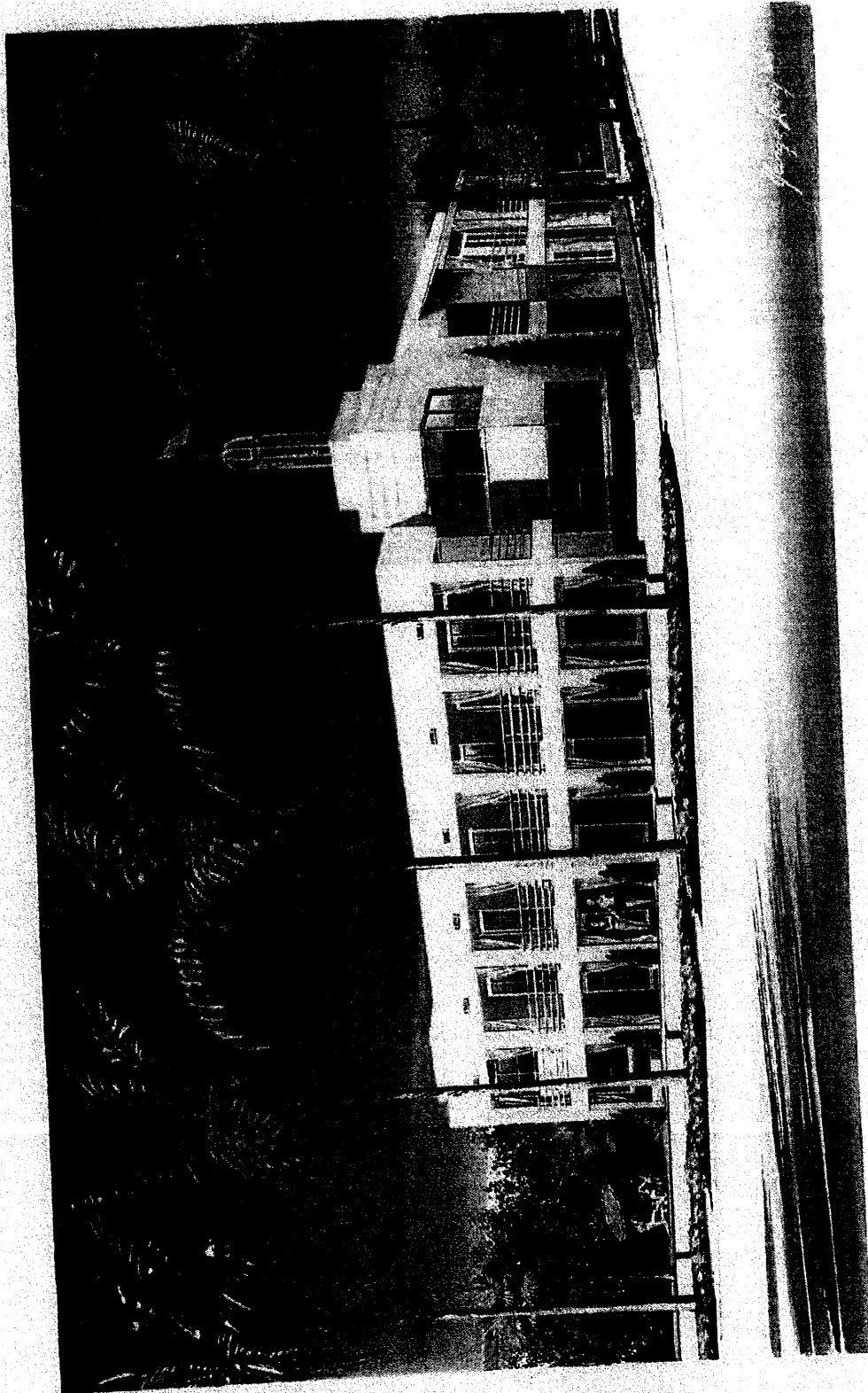
 I understand that any person aggrieved by the final decision has the right to file a petition in the Pinellas County Circuit Court within **30 days** after the Commission decision, otherwise, the decision shall be final.

 I understand that I, as the applicant, or an authorized representative must be present at all scheduled public meetings on the application.



20060020

BEFORE CONVERSION



AFTER CONVERSION

20060020



CITY OF ST. PETE BEACH

SC USA Pass A Grille, LLC
4165 – 14th St. N.E.
St. Petersburg, Florida 33703

DEVELOPMENT ORDER #20060020

The Board of Adjustment approved your application for variances in the above-captioned case April 26, 2006.

Address: 701 Gulf Way

PIN: 193216589320060100

ORDERED:

Approve the variance to Section 13.7(a)(2) requirement of 10.0' to permit the reduction of the secondary front yard to 1.0' for a covered balcony.

Approve the variance to Section 13.7(a) (3) requirement of 8.0' to permit the reduction of the side yard setback to 1.0' for swimming pool equipment.

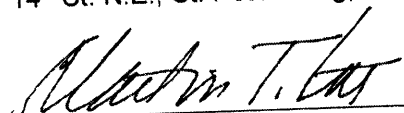
Approve the variance to Section 6.14 requirement of 16.0' to permit the reduction of the rear yard setback to 3.0' for swimming pool equipment.

Approve the variance to Section 6.15 requirement of a maximum 4.0' high wall to increase to a 6.0' wall within the required 10.0' secondary front yard

Any person aggrieved by this order may appeal the order to the circuit court on or before thirty (30) days from the date of the order.

Approval of a variance is valid for one year, within which time a development permit must be issued.

A copy of this Development Order was sent to Robert Sulte, SC USA Pass A Grille, LLC, 4165 – 14th St. N.E., St. Petersburg, Florida, 33703 on the 8th day of May, 2006.

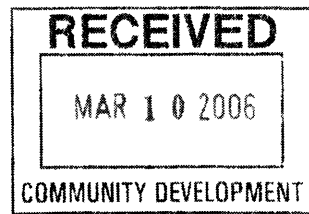


Martin Lott
Chairman

5.8.06

Date

VARIANCE APPLICATION



Case Number: 20060020

APPLICANT/AGENT:

Name: Robert R. Sulte
 Address: 4165-14TH ST. NE
 City: ST. PETE State: FL
 Zip: 33703 Phone: (727) 744-7170

PROPERTY OWNER:

Name: SC USA Pass-u-Grille, LLC
 Address: 4165-14TH ST. NE
 City: ST. PETE State: FL
 Zip: 33703 Phone: 744-7170

PROPERTY:

Address: 701 GOLF Way, ST. PETE Beach, FL 33706
 Parcel ID: 19-32-16-58932-006-0100
 Current Zoning: ROR Current Land Use: ROR Lot Area: 8,100±

DETAILS OF THE REQUEST: (Add additional sheets if necessary)

See Attached Letter

This application, together with all required supporting document, shall be submitted by 12:00 noon on the stated filing date for the Board of Adjustment/City Commission. Failure to do so will delay your application to a later date.

Robert R. Sulte 3/10/06
 Signature of Applicant/Authorized Agent and Date

For office use only:

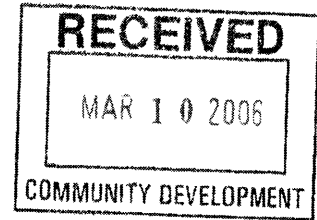
Hearing Date: April 26 2006 Fees: 425.00

BOA Action: ☒ Approved as requested ☐ Approved with conditions ☐ Denied ☐ Continued

City Commission Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied ☐ Continued



Community Development Department – Zoning
155 Corey Avenue
727.363.9267
email: amarr@stpetebeach.org



VARIANCE 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.

RPS 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 variance. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a variance.

RPS On all variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.

RPS I understand that if a variance is approved by the BOA/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 Board/City Commission becomes voided.

RPS I understand that if a variance is denied by the BOA/City Commission **no** subsequent applications seeking substantially the same or similar approval shall be filed within six (6) months of the final decision on the original application, unless such application is denied without prejudice by the board hearing the request. Applications which are withdrawn in writing at least 48 hours prior to the public hearing at which they are to be heard shall be considered to have been withdrawn without prejudice and may be resubmitted immediately.

RPS 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.

RPS I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application.

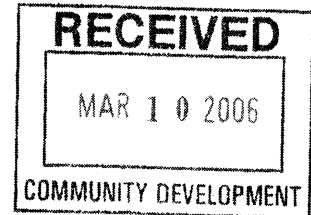
After acknowledgement of these conditions, complete the application form on the next page.

Robert M. Smith 3/10/06
Signature of Applicant/Authorized Agent and Date

RPS COMMERCIAL PROPERTIES, INC.

March 10, 2006

Board of Adjustment
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL 33706



Re: Requested Variances for 701 Gulf Way

Members of the Board of Adjustment and City Staff:

We are respectfully requesting two variances for the renovation of the 11 unit apartment building at 701 Gulf Way. Our plans entail reducing the density and square footage of the building to 8 units and reopening an enclosed breeze way. We will also be re-landscaping the entire property including the city's right of way, removing most of the masonry paving along 7th Avenue. The court yard will be replaced with a pool and deck area. The court yard will also include an exterior bath room and elevator lift system to meet ADA and Department of Health standards.

The first variance involves the replacement of an existing stairway and landing on the south elevation of the building with a balcony. The balcony will be 5 feet in width along the second floor unit. In replacing the stairway, we eliminate a secondary point of access as well as increasing the design and appeal of the building's southern elevation along 7th Avenue.

The second variance involves the placement of the pool equipment. In order to maintain a functional deck area surrounding the pool, we are proposing to place the pool equipment at the northeast corner of the site. At this location the equipment will be adjacent to the alley and the back corner of the existing co-op building. The pool equipment will have a dimension of 4 feet by 9 feet and be enclosed, substantially reducing any noise. The pool will be heated and require a heater unit with a dimension of 3 feet by 4 feet, that can be placed next to the pool equipment either to the west or south side of the pool equipment, reducing the encroachment by the heater. The equipment will be separated by a wall and will be adjacent to an existing compressor unit as well as several wall units of the co-op building hopefully further mitigating any noise intrusion.

Prepared and Submitted by:
[Signature] Street [Signature] Date: 3/10/06

20060020

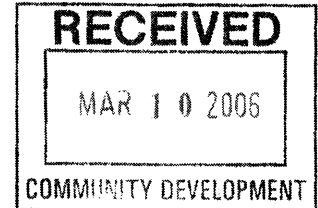
Thank you for your consideration and I hope you will take into account that we will be renovating a property that has been minimally maintained for years, significantly enhancing the appeal of the Pass-A-Grille community.

Sincerely,

RPS Commercial Properties, Inc.



Robert P. Sulte
President



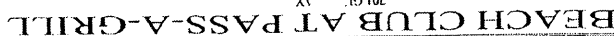
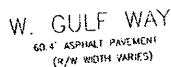
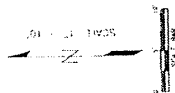
20060020

20060020

COMMUNITY DEVELOPMENT

33

COMMUNITY DEVELOPMENT



PAGE 13 AND 14, BOOK 4, DEEDS, ACCORDING TO THE WAY DE NOTED:
 WERE AS RECORDED IN PLAT BOOK 1, PAGE 62 OF THE PUBLIC RECORDS
 OF THE STATE OF FLORIDA, COUNTY OF HILLSDALE, AND DEEDS
 PAGE 13

EXISTING/REMODEL SITE PLAN

26-60 2N 50°

A2.1

STREET CARS NOTING

THE following street cars were noted on the streets of this city during the week ending August 14, 1904:

WHEELER—No. 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 90

RECEIVED
MAR 10 2006
COMMUNITY DEVELOPMENT

THOMAS EVERETT LAMB
 DESIGN AND DEVELOPMENT
 101 G ST. PETERS
 BEACH, FLORIDA

DATE: 03-08-06
 PROJECT: BEACH CLUB AT PASS-A-GRILL

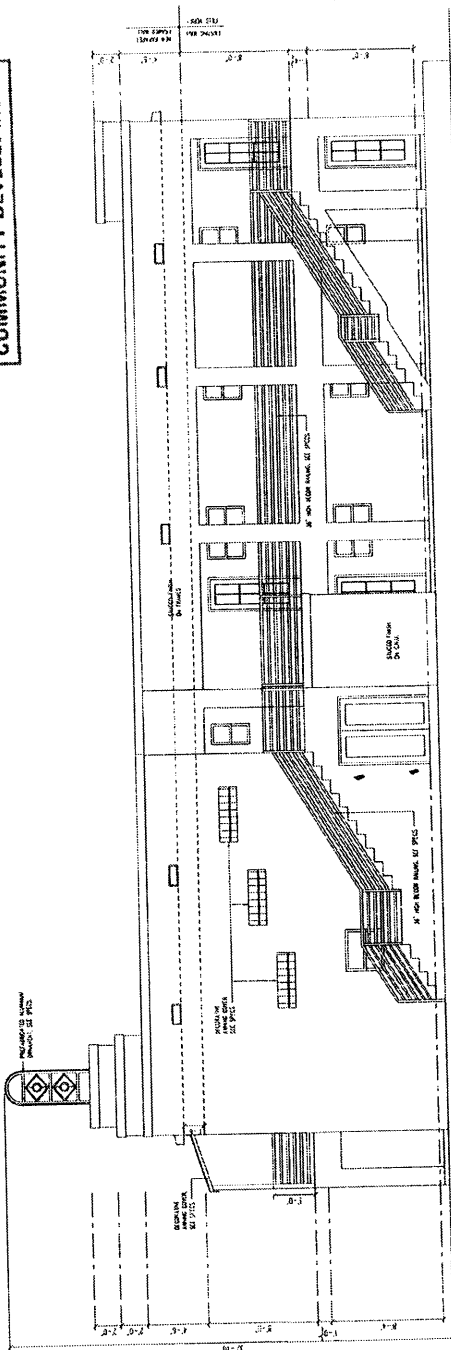
BEACH CLUB AT PASS-A-GRILL

701 G ST. PETERS
 BEACH, FLORIDA

DATE: 03-08-06
 PROJECT: BEACH CLUB AT PASS-A-GRILL

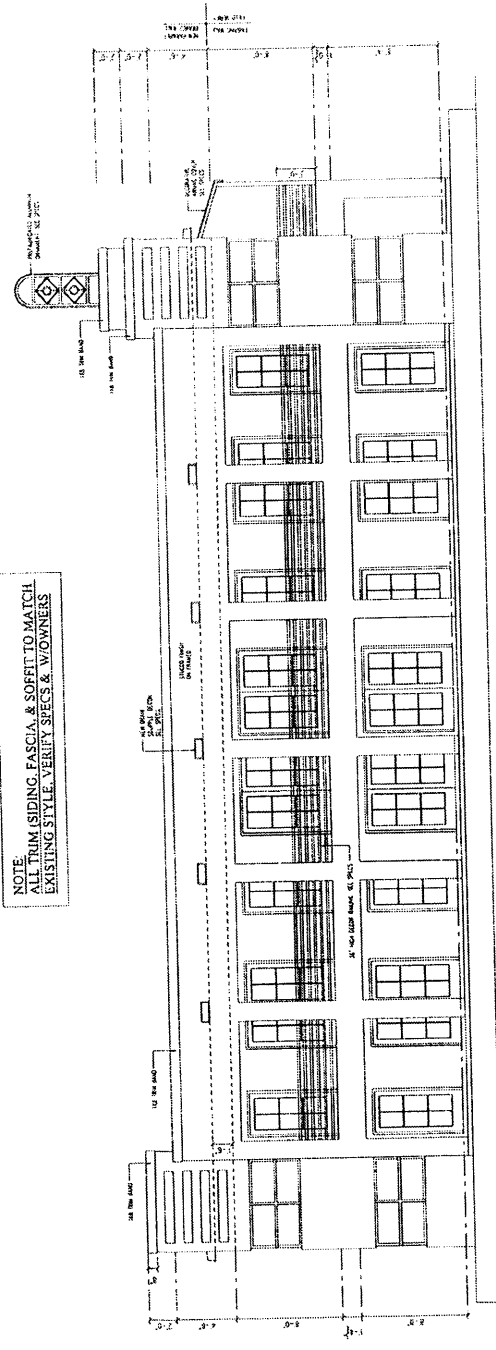
GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA BUILDING CODE AND THE FLORIDA ELECTRICAL CODE.
2. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE FLORIDA DEPARTMENT OF COMMUNITY DEVELOPMENT.
3. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE AND BONDING.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES LOCATIONS.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EROSION CONTROL MEASURES.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TRAFFIC CONTROL MEASURES.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ENVIRONMENTAL APPROVALS.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY HISTORIC PRESERVATION APPROVALS.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ARCHITECTURAL REVIEW APPROVALS.



EXTERIOR (EAST) ELEVATION - REMODEL
 SCALE: 1/8" = 1'-0"

NOTE:
 ALL TRIM (SIDING, FASCIA, & SOFFIT) TO MATCH
 EXISTING STYLE. VERIFY SPECS & WORKMANSHIP.



EXTERIOR (WEST) ELEVATION - REMODEL
 SCALE: 1/8" = 1'-0"

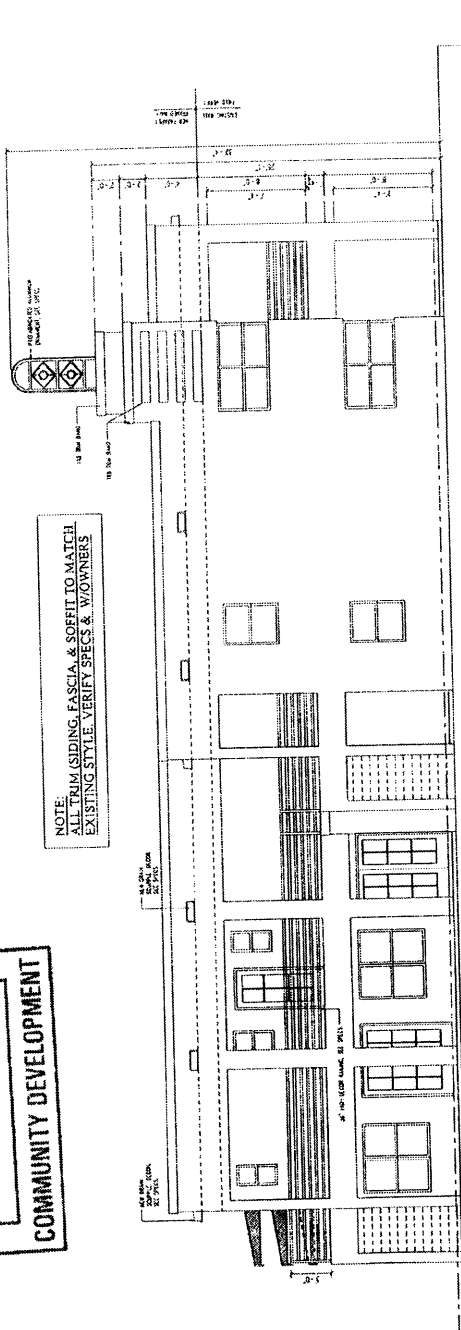
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RECEIVED
MAR 10 2006
COMMUNITY DEVELOPMENT

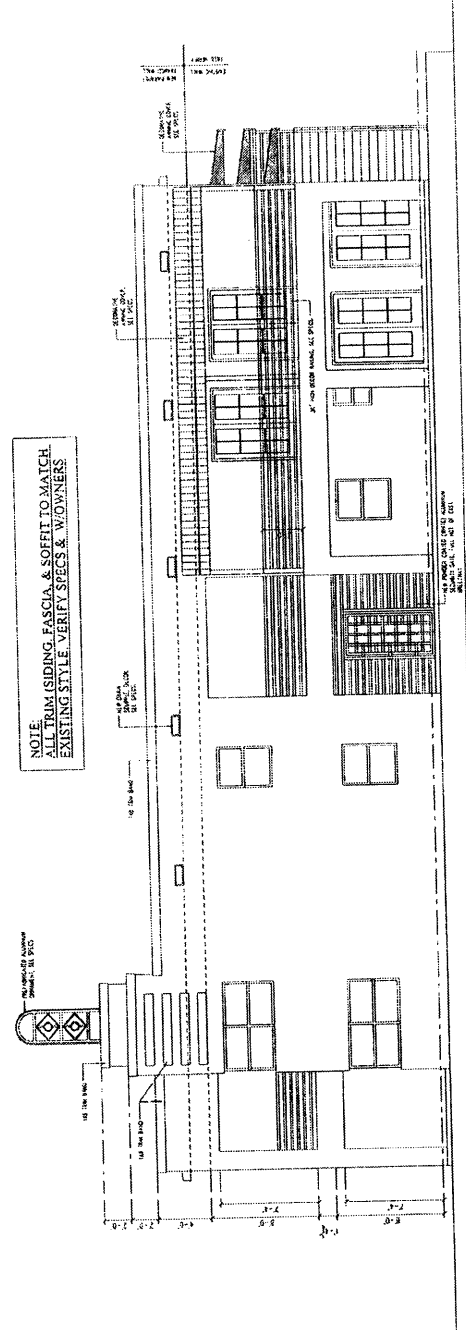
GENERAL NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES. FRACTIONS SHALL BE SHOWN AS 1/8", 1/4", 3/8", 1/2", 5/8", 3/4", 7/8", 1 1/8", 1 1/4", 1 3/8", 1 1/2", 1 5/8", 1 3/4", 1 7/8", 2 1/8", 2 1/4", 2 3/8", 2 1/2", 2 5/8", 2 3/4", 2 7/8", 3 1/8", 3 1/4", 3 3/8", 3 1/2", 3 5/8", 3 3/4", 3 7/8", 4 1/8", 4 1/4", 4 3/8", 4 1/2", 4 5/8", 4 3/4", 4 7/8", 5 1/8", 5 1/4", 5 3/8", 5 1/2", 5 5/8", 5 3/4", 5 7/8", 6 1/8", 6 1/4", 6 3/8", 6 1/2", 6 5/8", 6 3/4", 6 7/8", 7 1/8", 7 1/4", 7 3/8", 7 1/2", 7 5/8", 7 3/4", 7 7/8", 8 1/8", 8 1/4", 8 3/8", 8 1/2", 8 5/8", 8 3/4", 8 7/8", 9 1/8", 9 1/4", 9 3/8", 9 1/2", 9 5/8", 9 3/4", 9 7/8", 10 1/8", 10 1/4", 10 3/8", 10 1/2", 10 5/8", 10 3/4", 10 7/8", 11 1/8", 11 1/4", 11 3/8", 11 1/2", 11 5/8", 11 3/4", 11 7/8", 12 1/8", 12 1/4", 12 3/8", 12 1/2", 12 5/8", 12 3/4", 12 7/8", 13 1/8", 13 1/4", 13 3/8", 13 1/2", 13 5/8", 13 3/4", 13 7/8", 14 1/8", 14 1/4", 14 3/8", 14 1/2", 14 5/8", 14 3/4", 14 7/8", 15 1/8", 15 1/4", 15 3/8", 15 1/2", 15 5/8", 15 3/4", 15 7/8", 16 1/8", 16 1/4", 16 3/8", 16 1/2", 16 5/8", 16 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1/2", 80 5/8", 80 3/4", 80 7/8, 81 1/8", 81 1/4", 81 3/8", 81 1/2", 81 5/8", 81 3/4", 81 7/8, 82 1/8", 82 1/4", 82 3/8", 82 1/2", 82 5/8", 82 3/4", 82 7/8, 83 1/8", 83 1/4", 83 3/8", 83 1/2", 83 5/8", 83 3/4", 83 7/8, 84 1/8", 84 1/4", 84 3/8", 84 1/2", 84 5/8", 84 3/4", 84 7/8, 85 1/8", 85 1/4", 85 3/8", 85 1/2", 85 5/8", 85 3/4", 85 7/8, 86 1/8", 86 1/4", 86 3/8", 86 1/2", 86 5/8", 86 3/4", 86 7/8, 87 1/8", 87 1/4", 87 3/8", 87 1/2", 87 5/8", 87 3/4", 87 7/8, 88 1/8", 88 1/4", 88 3/8", 88 1/2", 88 5/8", 88 3/4", 88 7/8, 89 1/8", 89 1/4", 89 3/8", 89 1/2", 89 5/8", 89 3/4", 89 7/8, 90 1/8", 90 1/4", 90 3/8", 90 1/2", 90 5/8", 90 3/4", 90 7/8, 91 1/8", 91 1/4", 91 3/8", 91 1/2", 91 5/8", 91 3/4", 91 7/8, 92 1/8", 92 1/4", 92 3/8", 92 1/2", 92 5/8", 92 3/4", 92 7/8, 93 1/8", 93 1/4", 93 3/8", 93 1/2", 93 5/8", 93 3/4", 93 7/8, 94 1/8", 94 1/4", 94 3/8", 94 1/2", 94 5/8", 94 3/4", 94 7/8, 95 1/8", 95 1/4", 95 3/8", 95 1/2", 95 5/8", 95 3/4", 95 7/8, 96 1/8", 96 1/4", 96 3/8", 96 1/2", 96 5/8", 96 3/4", 96 7/8, 97 1/8", 97 1/4", 97 3/8", 97 1/2", 97 5/8", 97 3/4", 97 7/8, 98 1/8", 98 1/4", 98 3/8", 98 1/2", 98 5/8", 98 3/4", 98 7/8, 99 1/8", 99 1/4", 99 3/8", 99 1/2", 99 5/8", 99 3/4", 99 7/8, 100 1/8", 100 1/4", 100 3/8", 100 1/2", 100 5/8", 100 3/4, 100 7/8

THOMAS EVERETT LAMB
ARCHITECT
DESIGN AND DEVELOPMENT INC.
ST. PETERSBURG, FLORIDA 33701
701 GULF BEACH, FLORIDA
ST. PETERSBURG, FLORIDA 33701
A5.2



EXTERIOR (NORTH) ELEVATION - REMODEL



EXTERIOR (SOUTH) ELEVATION - REMODEL

20060000

Pinellas County Address Query

Click on the 18 digit parcel number to see General Information
Click on the "X" to view the map or short legal description

New Search: Owner Address Parcel Number Sub or Condo/PLD Plat Book/Page Advanced/Sales Criteria OR Book/Page									
Property Address	Parcel Info	Ownership	Property Use	Map	Subdivision/Condo Name	Plat Book/Page	OR Book/Page	Tax Dist	Short Legal
701 GULF WAY ST PETE BEACH 33706-	19-32-16-05874-000-0010	HOBBS, MICHAEL H / HOBBS, MARIAN G	Condo Conversion - apartments/Platted Condo with apartment use	X	BEACH CLUB AT PASS-A-GRILLE	153/079 16327/0597	SPB	X	
701 GULF WAY ST PETE BEACH 33706-	19-32-16-05874-000-0080	CORTLAND REALTY PARTNERS II LLC	Condo Conversion - apartments/Platted Condo with apartment use	X	BEACH CLUB AT PASS-A-GRILLE	153/079 16414/1383	SPB	X	
701 GULF WAY ST PETE BEACH 33706-	19-32-16-05874-000-0020	CORTLAND REALTY PARTNERS II LLC	Condo Conversion - apartments/Platted Condo with apartment use	X	BEACH CLUB AT PASS-A-GRILLE	153/079 16414/1383	SPB	X	
701 GULF WAY ST PETE BEACH 33706-	19-32-16-05874-000-0060	CORTLAND REALTY PARTNERS II LLC	Condo Conversion - apartments/Platted Condo with apartment use	X	BEACH CLUB AT PASS-A-GRILLE	153/079 16414/1383	SPB	X	
701 GULF WAY ST PETE BEACH 33706-	19-32-16-05874-000-0060	VERNA, LLC	Condo Conversion - apartments/Platted Condo with apartment use	X	BEACH CLUB AT PASS-A-GRILLE	153/079 16339/1675	SPB	X	

Ex. A

WAY ST PETE BEACH 33706-	16- 05874- 000- 0040	ANTHONY / VERNA, ANGELINA	apartments/Platted Condo with apartment use		PASS-A-GRILLE				
701 GULF WAY ST PETE BEACH 33706-	19-32- 16- 05874- 000- 0030	CORTLAND REALTY PARTNERS II LLC	Condo Conversion - apartments/Platted Condo with apartment use	X	BEACH CLUB AT PASS-A-GRILLE	153/079	16414/1383	SPB	X
701 GULF WAY ST PETE BEACH 33706-	19-32- 16- 05874- 000- 0070	CORTLAND REALTY PARTNERS II LLC	Condo Conversion - apartments/Platted Condo with apartment use	X	BEACH CLUB AT PASS-A-GRILLE	153/079	16414/1383	SPB	X
701 GULF WAY ST PETE BEACH 33706-	19-32- 16- 05874- 000- 0050	SKAGEN, CLAYTON / SKAGEN, JAMIE	Condo Conversion - apartments/Platted Condo with apartment use	X	BEACH CLUB AT PASS-A-GRILLE	153/079	16289/0155	SPB	X



CITY OF ST. PETE BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
Mailing date: December 1, 2011

Planning Board
NOTICE OF PUBLIC HEARING FOR A CHANGE OF ZONING AND
CHANGE TO THE FUTURE LAND USE MAP
DECEMBER 20, 2011
4:00 p.m.

You are hereby notified that the City of St. Pete Beach has received applications requesting the following:

Ordinance 2011-37- Change of Future Land Use designation for 701 Gulf Way from Residential Office Retail (ROR) to Community Redevelopment District – Eighth Avenue (CRD-EA).

Ordinance 2011-38 - Change of Zoning designation for 701 Gulf Way from ROR to CRD-EA .

The applications are on file with the Community Development Department, which is located on the first floor in City Hall, 155 Corey Avenue, St. Pete Beach. **It is the intent of the Planning Board to conduct a public hearing on the proposed changes on Tuesday December 20, 2011 at 4 p.m. or as soon as the agenda permits.** Interested persons are urged to examine the ordinance prior to the scheduled hearing date.

Individuals who wish to object to the future land use and zoning changes may either appear at the hearing or file their objection in writing with the Community Development prior to the hearing date. If the objection is in writing, it should specify the grounds for the objection. Written objections will be presented to the City Commission. **The Community Development Department may be contacted by telephone at 727-363-9266 or by email at c.hartley@stpetebeach.org .**

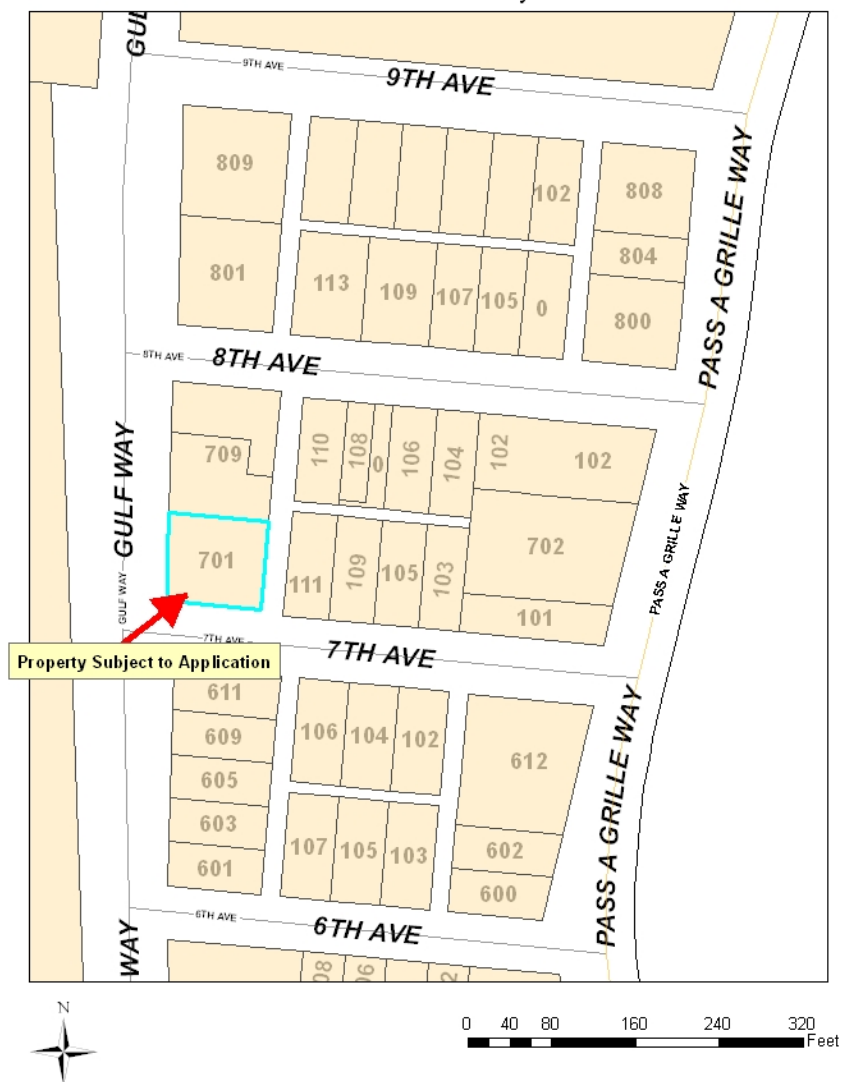
The rezoning public hearing is part of a quasi-judicial proceeding and subject to special rules and procedures relative to evidence and appeals, which include prohibited discussion with Board members. Comments should be directed to Community Development Department staff in writing prior to the public hearing, and those documents will be presented to the Board.

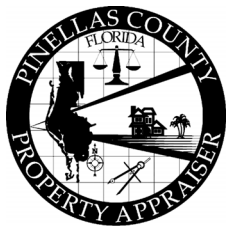
Persons appealing a decision will need a record of the proceedings and may need to ensure that a verbatim record is made, including testimony and evidence upon which the appeal is based. Any

persons who may need such a record may retain the services of a court reporter to attend the public hearing.

NOTE: In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact Public Services, no later than four days prior to the proceeding at (727) 363-9243 for assistance; if hearing impaired, contact the Florida Relay Service Numbers, (800) 955-8771 (TDD).

Ordinance # 2011-37 Change of Future
Land Use from Residential Office Medium to
Community Redevelopment District - Eighth Avenue
Ordinance # 2011-38 Change of Zoning from
ROR to CRD-EA
701 Gulf Way





PAM DUBOV, CFA, CAE

Pinellas County Property Appraiser

www.pcpao.org

pam@pcpao.org

Run Date: 01 Dec 2011

Subject Parcel: 19-32-16-05874-000-0001

Radius: 500 feet

Parcel Count: 148

Note: Parcels with protected address status are not included in this report.

Total pages: 12

Public information is furnished by the Property Appraiser's Office and must be accepted by the recipient with the understanding that the information received was developed and collected for the purpose of developing a Property Value Roll per Florida Statute. The Pinellas County Property Appraiser's Office makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability or suitability of this information for any other particular use. The Pinellas County Property Appraiser's Office assumes no liability whatsoever associated with the use or misuse of such information.

☒ **MAIN BRANCH- COURTHOUSE**

315 Court St. – 2nd Floor
Clearwater, FL 33756
MAIL: PO Box 1957
Clearwater, FL 33757
TEL: (727) 464-3207
FAX: (727) 464-3448
HEARING IMPAIRED: (727) 464-3370

EXEMPTIONS:

TEL: (727) 464-3294
FAX: (727) 464-3408
COMMERCIAL APPRAISALS:
TEL: (727) 464-3284
RESIDENTIAL APPRAISALS:
TEL: (727) 464-3643 (C/W)

☐ **NORTH COUNTY**

29269 US Highway 19 N
Clearwater, FL 33761
TEL: (727) 464-8780
FAX: (727) 464-8794

☐ **TYRONE (SOUTH)**

1800 66TH St. N
St. Petersburg, FL 33710
TEL: (727) 582-7652
FAX: (727) 582-7610

☐ **MID-COUNTY**

CUSTOMER SERVICE CENTER – WALK-IN
13025 Starkey Rd., Largo (Tax Collector)
TANGIBLE PERSONAL PROPERTY
TPP TEL: (727) 464-8484
TPP FAX: (727) 464-8488
MAIL: PO Box 1957 – Clearwater, FL 33757

MALANOS, MARILYN
MALANOS, JAMES
1432 TERMON AVE
PITTSBURGH PA 15212-1843

MALANOS, MARILYN
MALANOS, JAMES
1432 TERMON AVE
PITTSBURGH PA 15212-1843

FALKENSTEIN, MARY TRUST
FALKENSTEIN, MARY TRE
1705 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4243

FALKENSTEIN, BRUNO R
FALKENSTEIN, DOMONICK J
801 GULF WAY
ST PETERSBURG FL 33706-4218

ST PETE BEACH, CITY OF
155 COREY AVE
ST PETE BEACH FL 33706-1839

JACKSON, MAE C
602 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4333

ALLISON, RICHARD H
PO BOX 46464
ST PETE BEACH FL 33741-6464

JONES, JOHN B
JONES, GRETCHEN C
7582 LUPINE CT
ARVADA CO 80007-7899

MOORE, BRADLEY G
MOORE, RUTH L
3112 PAPER MILL RD
PHOENIX MD 21131-1432

KERR, TERRENCE P
KERR, KATHRYN P
555 GULF WAY # 2-S
ST PETE BEACH FL 33706-4343

SIMS, RUTH D TRE
125 56TH AVE S #305
ST PETERSBURG FL 33705-5455

FRANCESE, DONALD P
FRANCESE, PATRICIA J
30 LONGRIDGE RD
MONTVALE NJ 07645-1036

BACH, MICHAEL J JR
BACH, MARGARET
403 GULF WAY # 501
ST PETERSBURG FL 33706-4341

PASS-A-GRILLE PLACE CONDO ASSN
107 8TH AVE
ST PETE BEACH FL 33706-4371

PASS-A-GRILLE BEACH MOTEL INC
250 104TH AVE
TREASURE ISLAND FL 33706-4846

HOLEHOUSE, RONALD F
125 28TH ST N
ST PETERSBURG FL 33713-8616

PASS-A-GRILLE BEACH CONDO PHASE II ASSN INC
535 CENTRAL AVE
ST PETERSBURG FL 33701-3703

CORTLAND REALTY PARTNERS II LLC
695 CENTRAL AVE STE 150
ST PETERSBURG FL 33701-3663

HOLLENBACK, CARL TRE
HOLLENBACK, JACQUELINE A TRE
PO BOX 46408
ST PETERSBURG FL 33741-6408

MOUNTCASTLE, DANIEL J
MOUNTCASTLE, CHERYL A
102 22ND AVE
ST PETE BEACH FL 33706-4106

FRANKLIN, PETER W
42 CARTER RD
HASKELL NJ 07420

SCHEFSTAD, THERESA
555 GULF BLVD # 6-S
ST PETE BEACH FL 33706-4319

DE MASI, MARYANN T REVOCABLE TRUST
4956 ROCKEFELLER RD
AUBURN NY 13021

LOVELL, DAVID
LOVELL, JENNIFER
PO BOX 46486
ST PETERSBURG FL 33741-6486

NEUHOFF, GEOFF L
403 GULF WAY # 404
ST PETE BEACH FL 33706-4341

PELTIER LELAND J
ERDLITZ, ROBERT K
14 WANSHOP RD
READING PA 19606-9323

PLETCHER, ROBERT E
PLETCHER, GERALDINE E
102 6TH AVE
ST PETE BEACH FL 33706-4312

HOLLENBACK, CARL TRE
HOLLENBACK, JACQUELINE A TRE
PO BOX 46408
ST PETERSBURG FL 33741-6408

BEACH CLUB AT PASS-A-GRILLE CONDO ASSN INC
PO BOX 10279
TAMPA FL 33679-0279

RICHARDS, DAVID B
108 5TH AVE
ST PETE BEACH FL 33706-4310

LUPICA, ANTHONY
225 RANDALL AVE
POINT PLEASANT BEACH NJ 08742-3128

ELLSWORTH, ROBERTA C TRUST
ELLSWORTH, ROBERTA C TRE
40634 N LAKE BLUFF DR
ANTIOCH IL 60002-8839

HOLEHOUSE, RONALD F
125 28TH ST N
ST PETERSBURG FL 33713-8616

RAHO OF PASS-A-GRILLE INC
125 28TH ST N
ST PETERSBURG FL 33713-8616

HOLBROCK, JOHN G
HOLBROCK, MARY E
550 S D ST
HAMILTON OH 45013-3350

STURGEON, BRENDA L LIV TRUST
6762 E COUNTY ROAD 750 S
MOORESVILLE IN 46158-7796

MORRIS, STEWART L
NORRIS, KENNETH L JR
119 N CLIFTON AVE
LOUISVILLE KY 40206-2401

PETERSON, GLORIA F
709 GULF WAY # 17
ST PETE BEACH FL 33706-4370

METZ, HARRY P
METZ, MOON O
504 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4332

HOBBINS, MICHAEL H
HOBBINS, MARIAN G
14649 YORKSHIRE RUN DR
ORLANDO FL 32828-7818

FRENCH, LAWRENCE IRVINE
FRENCH, SANDRA SYBIL
3802 BAY TO BAY BLVD
TAMPA FL 33629-6817

MC ELROY, MARGARET M ADMINISTRATIVE TRUST
102 7TH AVE
ST PETE BEACH FL 33706-4314

STEVENSON, GAIL
974 ALCAZAR WAY S
ST PETERSBURG FL 33705-4602

RAHO OF PASS-A-GRILLE INC
125 28TH ST N
ST PETERSBURG FL 33713-8616

FALKENSTEIN, MARY TRUST
FALKENSTEIN, MARY TRE
1705 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4243

S P B 109 LLC
702 1/2 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4335

BEAM, DAYNE T
BEAM, DIANE D
106 7TH AVE
ST PETE BEACH FL 33706-4314

LAND, CHERYL J
555 GULF WAY # 4-S
ST PETE BEACH FL 33706-4344

WOODS, JOHN F
WOODS, BETTE E
103 5TH AVE
ST PETE BEACH FL 33706-4309

MARONE, CHRIS
107 5TH AVE
ST PETE BEACH FL 33706-4309

NORA PROPERTIES LLC
21060 OZARK CT BOX 296
SCANDIA MN 55073

ST PETE BEACH, CITY OF
C/O PASS-A-GRILLE BAIT & TACKLE CO
155 COREY AVE
ST PETE BEACH FL 33706-1839

CATANZRITA, JOAN
109 7TH AVE
ST PETE BEACH FL 33706-4313

JONES, WALDO B
601 GULF WAY
ST PETE BEACH FL 33706-4324

JAMISON, JOYCE A TRE
555 GULF WAY # 3-S
ST PETE BEACH FL 33706-4344

BROWN, MARY L
555 GULF WAY # 5-N
ST PETE BEACH FL 33706-4344

WOLEVER, RICHARD T
128 PRICE AVE
COLUMBUS OH 43201-5406

PHILLIPS, JOHN R TRE
PHILLIPS, MARGARET A TRE
403 GULF WAY # 304
ST PETE BEACH FL 33706-4356

SIBUCAO, ROBIN
SIBUCAO, SHERRY
701 66TH AVE S
ST PETERSBURG FL 33705-5935

RAHO INC
125 28TH ST N
ST PETERSBURG FL 33713-8616

STEVENSON, GAIL
974 ALCAZAR WAY S
ST PETERSBURG FL 33705-4602

SMITH, DAVID R
SMITH, JUDITH K
1880 LYNBROOK DR
TOLEDO OH 43614-3631

NEUMAN, JEROME DENNIS
4533 BETH MANOR DR # D
MONTGOMERY AL 36109-5341

BOLIN, LARRY P
BOLIN, MARCIA L
68 ABNER CREEK PKWY
AVON IN 46123-9576

SEA BISCUIT PROPERTIES LLC
702 1/2 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4335

CORTLAND REALTY PARTNERS II LLC
695 CENTRAL AVE STE 150
ST PETERSBURG FL 33701-3663

O'TOOLE, ROSE GARCIA
703 S PACKWOOD AVE
TAMPA FL 33606-2544

VAN DIJS, JAN & SYBIL 2008 TRUST
VAN DIJS, JAN TRE
3601 E 10TH ST
LONG BEACH CA 90804-3907

DION, ALBERT F
DION, BARBARA DE BLASIS
14921 DEVONSHIRE WOODS PL
TAMPA FL 33624-2239

NEWSOM, JERRY L
1919 15TH ST
COLUMBUS IN 47201-5301

FALKENSTEIN, MARY TRUST
FALKENSTEIN, MARY TRE
1705 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4243

FALKENSTEIN, MARY TRUST
FALKENSTEIN, MARY TRE
1705 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4243

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FALKENSTEIN, MARY TRE
1705 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4243

FALKENSTEIN, MARY TRUST
FALKENSTEIN, MARY TRE
1705 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4243

FEINBERG, M DAVID JR
FEINBERG, HELEN HOUGH
702 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4335

SULTE, NANCY R
609 GULF WAY
ST PETE BEACH FL 33706-4324

SEA BISCUIT PROPERTIES LLC
702 1/2 PASS-A-GRILLE WAY
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PASS-A-GRILLE--Do We Really Want to Change It?

Pass-A-Grille is a unique part of St. Pete Beach (SPB). Unlike Treasure Island (which emphasizes a “party” atmosphere) and the Traditional Hotel District of SPB (which has a large (and growing?) number of temporary lodging units), Pass-A-Grille is a quiet family beach and residential area. Such areas are fast becoming extinct from Clearwater Beach all the way down the island chain to Pass-A-Grille. Where else on this island chain can you sleep at night with windows open to the Gulf breezes and not be disturbed by traffic sounds and late-night partying? We feel that Pass-A-Grille needs to be preserved for both the sake of its permanent residents who came here for its quiet family atmosphere and for its uniqueness which attracts visitors to Pass-A-Grille and to SPB as a whole.

DO WE REALLY WANT TO CHANGE PASS-A-GRILLE?

The idea of allowing one property to be rezoned from an apartment/condo complex to a temporary lodging complex may, in isolation, seem to have a limited impact. However, the actual impacts and long-term impacts need to be examined very closely.

1. Where will the rezoning stop if the City starts allowing such changes? The City has the right to vote against this rezoning request on any reasonable basis, to include the objections of the neighbors and to preserve the uniqueness of Pass-A-Grille. However, once any one rezoning request is approved, the City is legally required to approve all such rezoning requests from similarly situated apartment/condo owners. Any rejection by the City of the second such request or the 50th such request may well result in lawsuits alleging unequal treatment. So once this rezoning starts, where does it end? (Of course, if the property is rezoned, the City is likely to be sued for the decrease in land values or other issues by property owners who object to allowing the rezoning.) The key distinction between a lawsuit by the property owners of the first such rezoning request and potential lawsuits by all others (subsequent requesters seeking equal treatment and owners affected by any approval of the first such rezoning request) is that any lawsuit by the first rezoning requesters should be easily won by the City (perhaps even summarily dismissed) if the decision to reject that request is made in good faith and in the best interests of the citizens of SPB.

2. If the rezoning does not stop with 701 Gulf Way, how far might it go? There are between 209 and 467 units on properties zoned “Apartment/Condominium” between 20th Avenue and 1st Avenue in Pass-A-Grille. All arguably are within walking distance of 8th Avenue and arguably (absent a lawsuit to establish otherwise) are similarly situated to 701 Gulf Way. Attachment 1 lists these properties by address. **On what legally defensible basis would subsequent requests to rezone these properties be denied by the City if the first such rezoning request is approved?** That question should to be answered before the City takes an irreversible step down the rezoning path to destroying Pass-A-Grille. How would properties zoned for “duplex, triplex, or fourplex” be

classified in this discussion? (See Attachment 3 for a partial listing of such properties.)

3. Even if SPB were willing to accept the risks of altering the uniqueness of Pass-A-Grille forever, what benefit exists to outweigh such damage or even just the chance of damage? Apartment/condo units are not inconsistent with the uniqueness of Pass-A-Grille. Any significant increase in temporary lodgings would be inconsistent. So it appears that the current rezoning request would benefit solely the owners of the property at 701 Gulf Way at the expense of the others who live and own property in Pass-A-Grille. Certainly the argument will be made that the higher traffic that comes from short-term tourists would better support the businesses on 8th Avenue, and no doubt "opinions" and speculation will be offered on that issue. Even if it were true, does it outweigh the damage that would be caused by unlimited rezoning within Pass-A-Grille or the likely lawsuits that would result from the City's denial of subsequent rezoning requests from similarly situated property owners on the attached list? There already are many temporary lodging units within Pass-A-Grille and just north in the rest of SPB. (Attachment 2 documents the properties presently zoned as temporary lodgings within Pass-A-Grille. No doubt the City has some count of the hotel/motel rooms available within the entire City of SPB)

4. If the City were to begin allowing such rezoning, how aggressively would the City deal with tourists who disrupt the peace and quiet and other enforcement issues?

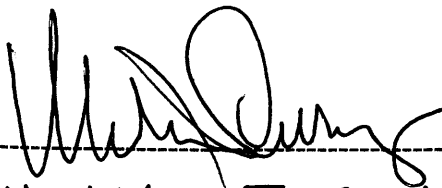
Has anyone considered these issues and the likely costs to the taxpayers? What is the per capita crime rate in the current traditional hotel district versus Pass-A-Grille? What would be the cost and other impacts if Pass-A-Grille's crime rate got as high? The neighbors near 701 Gulf Way can, and have, documented that short-term renters are not conducive to our quiet neighborhood atmosphere. These issues of enforcement and costs should be properly studied and documented before ANY consideration is given to any request to rezone any Pass-A-Grille property from apartment/condo units to temporary lodging units.

5. Consideration of tourist issues. Tourists (short-term visitors) to SPB should and do have temporary lodgings where they can drink, party, and be boisterous if they so choose. However, such activities are not appropriate for a residential "front porch" neighborhood such as Pass-A-Grille. These tourists can stay within the Traditional Hotel District and make the short ride to Pass-A-Grille to enjoy its restaurants, beaches, and shops.

We as property owners and residents of Pass-A-Grille strongly object to the rezoning of 701 Gulf Way for the reasons given above.

NAME _____ ADDRESS _____

Brittany Mytman 100 6th Ave. St. Pete Beach
Jean Callegante 109 7th Ave St. Pete Beach



WILLIAM T. CURRY

111 7TH AVE

ST PETE BEACH

HARRY METZ

504 PASS-A-GRILLE WAY

DAWN T. BEAM

106 7TH AVE., SPB

DIANE B. BEAM

106 7TH AVENUE, SPB

more signature will be provided

ORIGINAL document submitted 11/14/2011

AT
MEETING
OF
PLANNING
BOARD

Ordinance 2011-39

Amending the 8th Ave Special Area Plan to add 701 Gulf Way to the Map, add single family residential as a permitted use, and amend the allowable temporary lodging density from 30 to 50 units per acre.

CITY OF ST. PETE BEACH, FLORIDA EIGHTH AVENUE COMMERCIAL DISTRICT SPECIAL AREA PLAN

DECEMBER 2011

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OVERVIEW

This Special Area Plan is intended to address the unique planning goals for the mixed-use area within the City of St. Pete Beach known as the Eighth Avenue Commercial District in Pass-a-Grille. This Planning Area encompasses the north and south sides of Eighth Avenue, as well as the south side of Ninth Avenue.

Concerns regarding the ability to maintain the current physical character of Eighth Avenue while potentially attracting new development to fill in vacant parcels have been an ongoing issue of both the City's Historic Preservation Board and the Planning Board. These Boards held several joint meetings over the past few years (2006 and 2007) to discuss options for achieving their joint goals. Additionally, in 2006 City Staff gave two presentations to outline these objectives and possible solutions to the citizens of Pass-a-Grille.

This process will entail numerous steps, including:

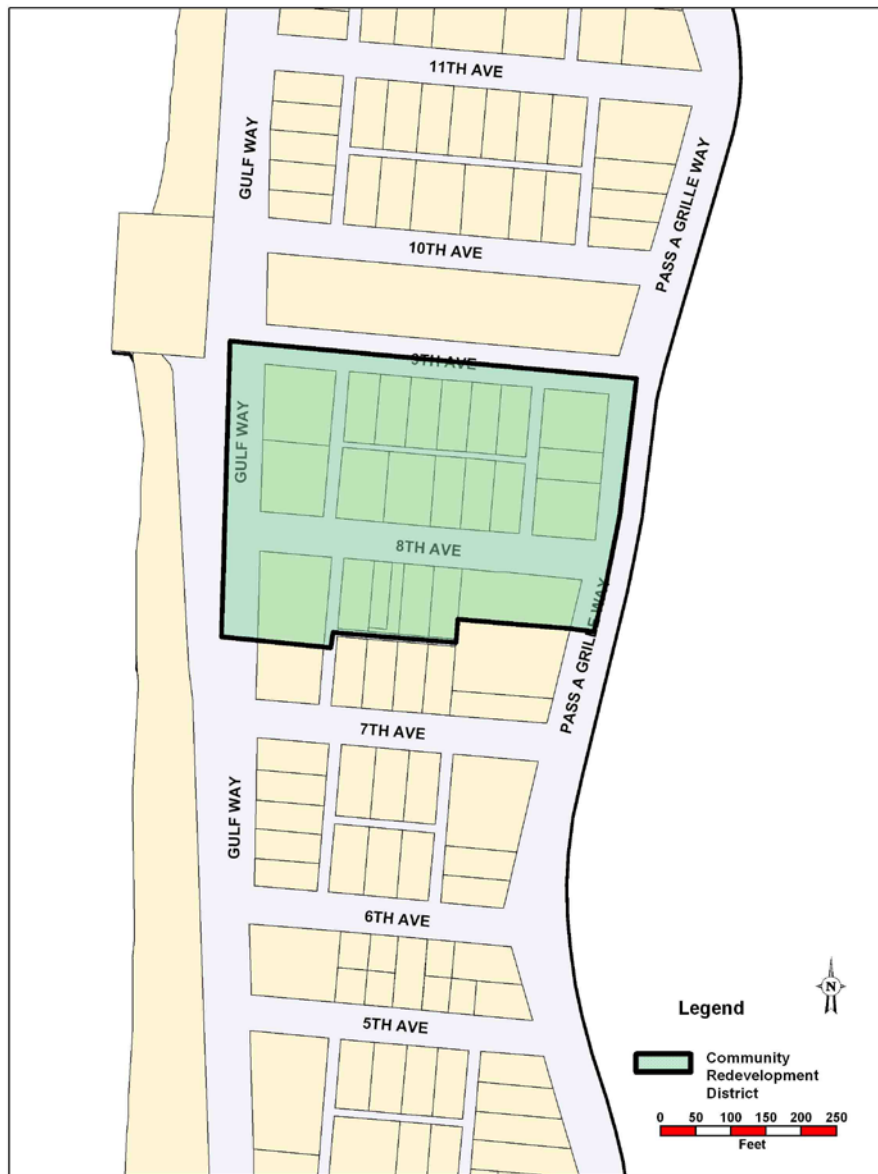
- Updating the City's Comprehensive Plan to include a Community Redevelopment District (CRD) category and to define specific density and intensity standards for the proposed Eighth Avenue Commercial District (CRD-EA)
- Amending the City's Future Land Use Map (FLUM) to designate the CRD-EA boundaries
- Amending the Countywide Future Land Use Plan Map to incorporate these changes
- Developing this Special Area Plan to address the planning aspects and impacts of the CRD-EA area
- Adopting land development regulations (LDRs) to apply specific standards to the proposed district.

These steps will be completed concurrently where possible in order to expedite this process. The remainder of this document comprises the Special Area Plan and will detail the provisions of the plan, address anticipated impacts on the City's system capacities if any, and discuss relevant Countywide considerations as required by the Countywide Plan Rules administered by the Pinellas Planning Council.

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Figure 1 ~~Existing~~ Community Redevelopment District - Eighth Avenue (CRD-EA)

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HISTORY OF PLANNING AREA

Although the Spanish explored much of what is now Pinellas County in the 16th Century, the first settler in Pass-a-Grille was Zephaniah Phillips in 1884. In 1895, the first platting of a subdivision, Morey Beach, occurred in Pass-a-Grille. The expected population boom, however, did not happen because the island was isolated and accessible only by infrequent ferry service.

Passage to Pass-a-Grille became easier by 1905 when the St. Petersburg and Gulf Electric Railroad extended its tracks to Gulfport, just across Boca Ciega Bay from Pass-a-Grille. From there, a shallow draft steam launch, the Althea, a 70-foot boat which carried about 50 passengers, made three trips a day to coordinate trips between Pass-a-Grille and Gulfport and connections with the railroad.

By 1911, Pass-a-Grille was incorporated as one of nine municipalities in the newly designated Pinellas County. The property owners of the town were eligible to vote and held elections, passed ordinances and established zoning regulations.

By 1930, the population of Pass-a-Grille was 233 people and was a community that reached across the spectrum of economic strata. Some of the population consisted of the fairly wealthy while others were commercial fishermen and about 15 percent of the resident population was black. In addition, the town was host to many visitors throughout the period.

In 1957, the Town of Pass-a-Grille merged with the other incorporated cities on the island (St. Petersburg Beach, Belle Vista Beach and Don CeSar Place) into the new municipality of St. Petersburg Beach, and in 1994, the voters agreed to change the name from St. Petersburg Beach to St. Pete Beach in hopes of coming out from under the shadow of St. Petersburg.

The Eighth Avenue Commercial District in Pass-a-Grille has historically been home to hotels, general stores, a Post Office, and a pavilion to serve tourists. The Post Office remains, surrounded by a mixed-use area of restaurants, stores, offices, and second floor residential. Many of the buildings along Eighth and Ninth Avenues were identified as contributing structures within the Pass-a-Grille Historic District, listed on the National Register of Historic Places.

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Figure 2 Images of Historic Eighth Avenue



Oleander Avenue (now Eighth Avenue) about 1914 when Pass-a-Grille was the Florida West Coast's most popular beach resort. Left to center are Girard Bros. store, Buckeye Hotel, and Joseph E. Merry's grocery. From right to center, Lizotte's Hotel, Mason House, and Holloway Hotel. Small building in center is ticket office for Favorite Line steamers. (Author's collection)



Joseph E. Merry's general store at the end of a dock at Eighth Avenue and Pass-a-Grille Way was the first retail business at the Gulf Beaches. In 1911, Merry moved his store to a new location at 107 Eighth Avenue. (courtesy of Capt. Kenneth B. Merry)

Source: *Surf, Sand, & Post Card Sunsets* by Frank T. Hurley, Jr.

PLAN ISSUES AND OBJECTIVES

When the comprehensive plan for the City was written in 1989, the Pass-a-Grille neighborhood (south of 32nd Avenue) was considered to be “primarily residential in character ... with neighborhood commercial and some seasonal tourist facilities” (City of St. Pete Beach Comprehensive Plan, 1989). As detailed previously, the Eighth Avenue Commercial District has historically been a mix of uses that support the neighborhood, other residents of the City and visitors to Pass-a-Grille Beach. This character is important to the residents of St. Pete Beach, and maintaining it is a major goal of this plan.

Existing Land Use and Related Characteristics of the Area

When future land uses were assigned within the City as part of the comprehensive planning process, it was the intent of the City to maintain the mix of residential and commercial uses existing within the Eighth Avenue district. Thus, the district is part of a slightly larger portion of Pass-a-Grille currently designated Residential/Office/Retail (ROR) on the City's

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Future Land Use Map (Figure 4) and current Zoning Map (Figure 5). Additional pockets of ROR areas exist further north within Pass-a-Grille, as well as on the northern portion of the island along Blind Pass Road.

The Eighth Avenue Plan Area consists of 24 parcels, totaling 3.58 acres of land. Over half of the lots within the area are between 40 to 45.3 feet wide by 100 feet deep (4,000 – 4,530 s.f.), although the lots along Gulf Way and Pass-a-Grille Way are larger. The majority of the existing structures along Eighth Avenue are built to the lot line, creating a pedestrian arcade and a traditional, walkable downtown feel (Figure 3).

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Figure 3 Images of Eighth and Ninth Avenues



As shown on the Existing Land Use Map (Figure 6), the majority of the parcels are classified as commercial by the Pinellas County Property Appraisers Office. These commercial properties within the District include several mixed use properties that are ground floor commercial with residential above, one operating motel (northwest corner of Eighth Avenue and Gulf Way), two vacant lots (Eighth Avenue, adjacent to eastern and western alleys

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connecting Eighth and Ninth Avenues), and several cleared lots on the south side of Ninth Avenue serving as parking for the Hurricane Restaurant (see Aerial, Figure 7). Several other restaurants, both freestanding and part of mixed-use properties, and a post office also serve the residents and visitors within the vicinity.

In St. Pete Beach, the ROR land use designation (within the Comprehensive Plan) allows for a maximum residential density of 18 units per acre, a maximum floor area ratio (FAR) of .40, and a maximum impervious surface ratio (ISR) of .85. The land development regulations (LDRs), however, currently limit the residential density to 15 units per acre, and the ISR for residential and transient accommodation uses to .70. The LDRs further establish minimum lot area and width standards that make it difficult to redevelop within the area without consolidating properties. Although the Eighth Avenue Commercial District Plan Area lies within the Pass-a-Grille Overlay District, established by the LDRs, most of the standards within the overlay defer to those established by the underlying zoning district.

Beyond making it difficult to redevelop any currently vacant lots within the district, the current regulations also would make it impossible for the current structures to be rebuilt in the same manner as they currently exist, so should a catastrophic event cause severe damage to this area, the resulting construction would be vastly different from the existing character the residents value and want to maintain.

The goal of this plan is to establish standards that are meaningful to this district, taking into account the existing conditions and the limited lot sizes.

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Figure 4 Current Future Land Use Classifications, Eighth Avenue and Surrounding Area

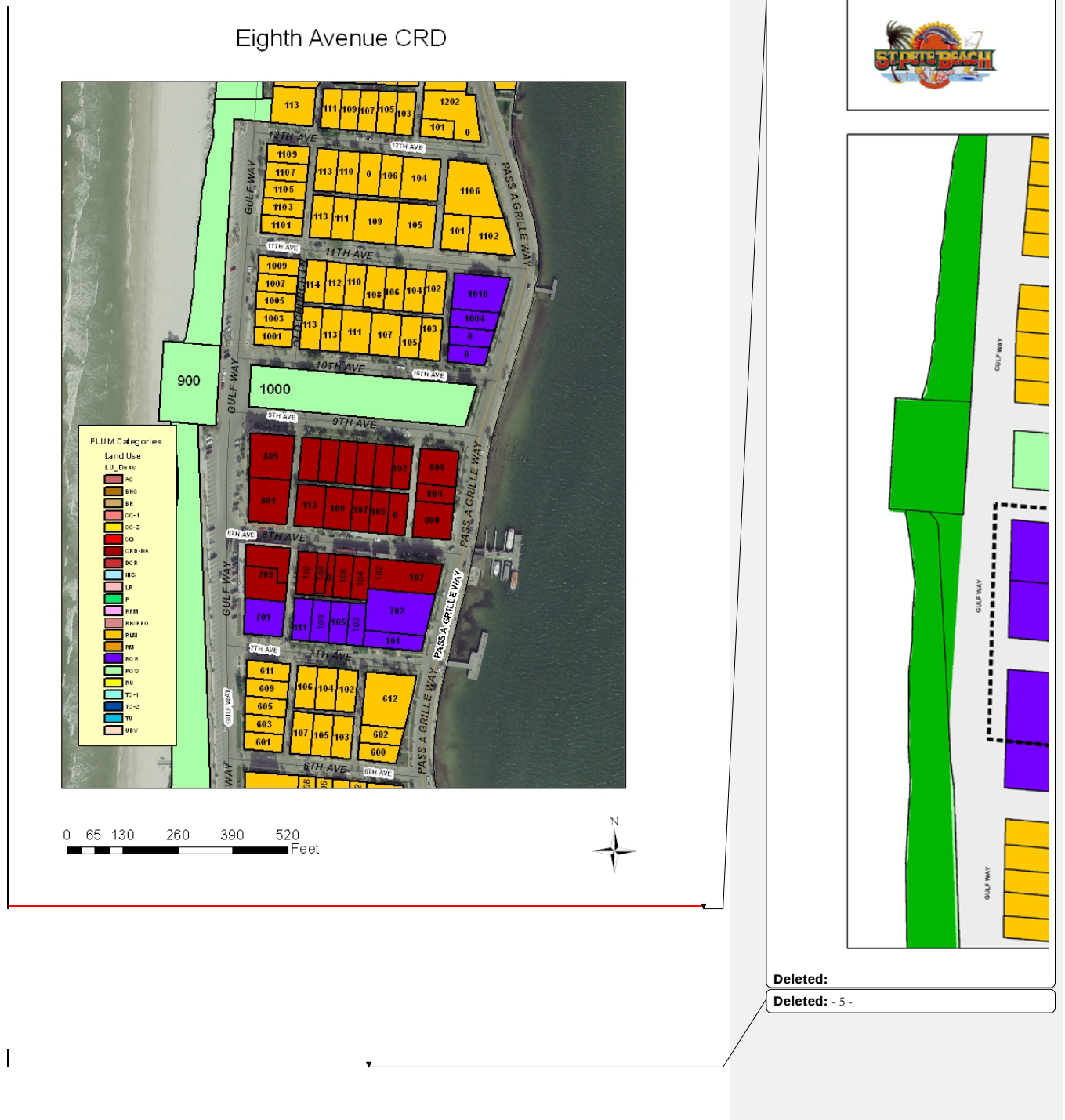
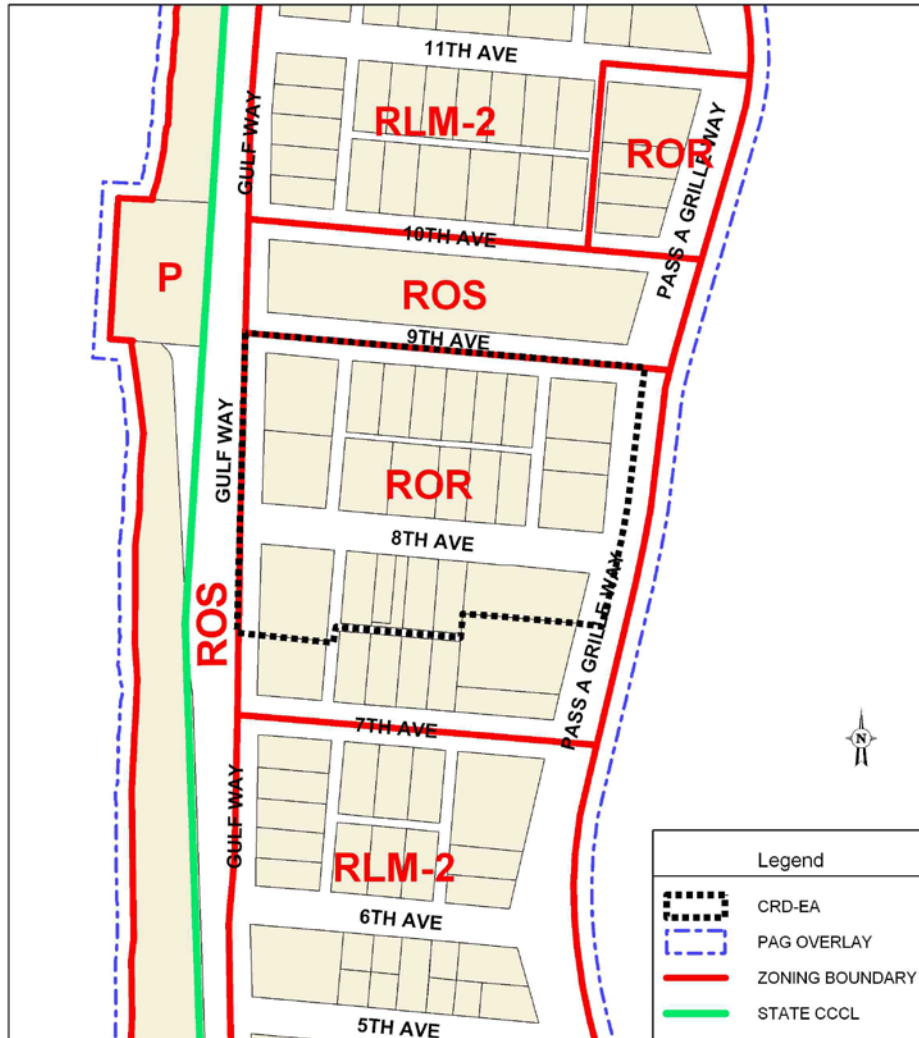
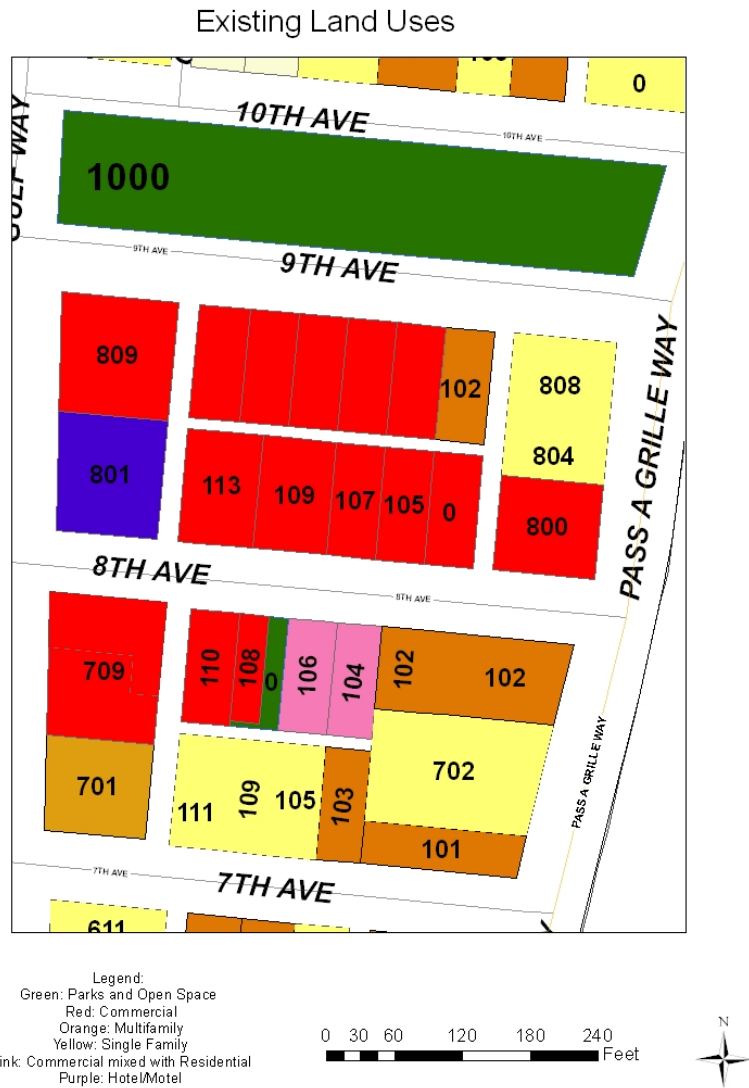


Figure 5 Current Zoning, Eighth Avenue and Surrounding Area (Change of Zoning to CRD-EA will become effective 12/22/2011).

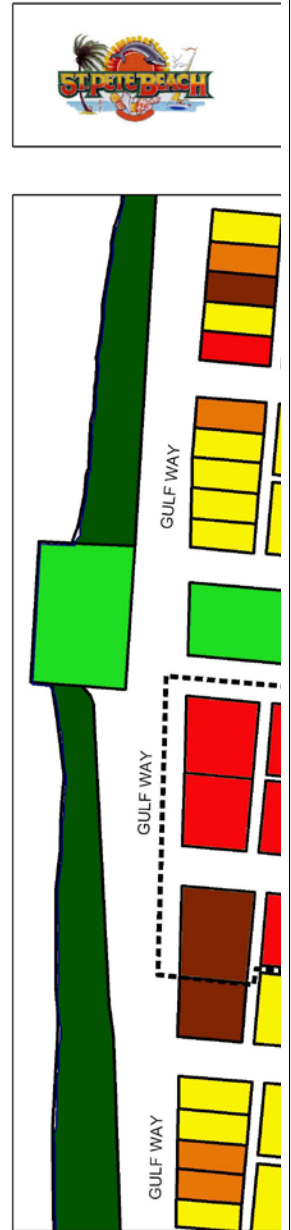


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Figure 6 Existing Land Uses, Eighth Avenue and Surrounding Area



Data Source: Pinellas County Land Use Classifications



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Special Area Plan Issues

The following section outlines the overall issues and objectives of this Special Area Plan. This Planning Area encompasses the north and south sides of Eighth Avenue, as well as the south side of Ninth Avenue (Figure 1).

- Preserve and promote the continuance of the existing development pattern within the Eighth Avenue district in Pass-a-Grille
- Perpetuate the character of the community by preserving the architectural aesthetic of the district
- Promote the viability of the businesses which form the Eighth Avenue Commercial District.
- Attract additional investment into existing structures and new development.
- Ensure that all development is in scale with Pass-a-Grille and supportable by existing infrastructure.

The City wants to maintain the unique quality of the mixed use commercial/residential focus of this area, especially for those properties already developed within Eighth Avenue. As previously discussed, the current Future Land Use classification and zoning regulations make it difficult to promote infill development. The developed and vacant properties within this area are very small and the current land use classification and regulations such as setbacks, FAR, and ISR prohibit reasonable use of the land. Compliance with existing regulations would erase the unique quality and character of the area such as the existing streetwall and pedestrian arcade that forms the cohesive design of the district.

The creation of this plan allows the City to move forward on the creation of land development regulations for the district that would not only reflect what was built before the City's Comprehensive Plan was adopted, but would also increase the economic viability of the District by allowing infill development that is appropriate for the smaller lot sizes within the area.

Plan Objectives in Relationship to St. Pete Beach Comprehensive Plan and Pinellas by Design: An Economic Development and Redevelopment Plan for the Pinellas Community

City of St. Pete Beach, Florida 2010 Comprehensive Plan

The City's Comprehensive Plan ~~has been~~ amended to incorporate the Community Redevelopment District land use category within its Future Land Use Element. All use limitations and other standards ~~have also been~~ included within the Future Land Use Map section of the Plan under a new Community Redevelopment District – Eighth Avenue (CRD-EA), which ~~applied~~ only to those parcels within the defined district shown in Figure 1. These standards ~~provided~~ for the increased ~~Density~~, FAR and ISR needed to address the issues identified in this Special Area Plan.

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The amendment is consistent with the following Goals, Objectives, and Policies of the Future Land Use Element:

- Objective 1.4 Consistent with this comprehensive plan, as amended, the City of St. Pete Beach shall enhance and protect the City's character through the encouragement of redevelopment which ensures an orderly and aesthetic mixture of uses
- Policy 1.4.1 The City shall, through administration of the land development regulations, encourage the redevelopment or rehabilitation of existing non-residential areas and uses.
- Policy 1.4.2 The City shall, through administration of the land development regulations, encourage the adaptive re-use of no longer viable commercial properties.
- Policy 1.4.3 The City shall, while emphasizing residential uses, encourage the creative redevelopment of non-viable properties by allowing for a mixture of compatible residential and non-residential uses within a single development site.
- Objective 1.6 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.
- Policy 1.6.3 The City shall adopt procedures to be incorporated into the land development regulations which ensure that new development does not adversely impact designated historic or architecturally significant structures and resources.

Pinellas by Design: An Economic Development and Redevelopment Plan for the Pinellas Community

Pinellas by Design recognizes that new development will take place only through infill construction and redevelopment of older properties. This Special Area Plan seeks to create a district, which will be smaller than those examples within *Pinellas by Design* but consistent with the intent described within the document.

Pinellas by Design also recognizes that "The rehabilitation and redevelopment of properties in the county have potentially been hampered by inappropriate or misapplied land development regulations and processes" (*Pinellas by Design*, p.4). It further emphasizes the need for flexibility while maintaining sensitivity to the characteristics of existing development. The City will review its existing regulations and make the necessary modifications to create more consistent standards for the development existing and desired within the Eighth Avenue Commercial District.

Chapter 7 of *Pinellas by Design* identifies many strategies that local governments might use in order to address the issues identified within the plan. St. Pete Beach is utilizing the following strategies in this process:

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“Preserve and protect, through neighborhood preservation plans and other proactive measures, existing neighborhoods in order to maintain their general character.”

Specifically, in the process of developing this Special Area Plan, the city has held public meetings in advance of public hearings, allowing for the identification of issues in advance. Additionally, the use of the Special Area Plan is allowing the City to address neighborhood concerns and to ensure that any redevelopment projects have a positive impact on the existing neighborhood.

“Develop special area plans that incorporate desired redevelopment land use patterns and design characteristics”

This Plan has intended to promote compact, mixed use development that is walkable, while still enhancing and preserving the historic architecture and cultural area of the Eighth Avenue Commercial District.

“Promote compact, mixed-use redevelopment land use patterns that include residential development as a component.”

One component of this process is to amend the Comprehensive Plan and LDRs to allow for residential use as part of mixed use developments, but with the caveat that the ground floor must be commercial use only. This mixture of uses is present within the District today, and is an integral part of the Plan to maintain the character in the future.

PLAN COMPOSITION

It is the intent of this plan to create a new Community Redevelopment District – Eighth Avenue (CRD-EA) land use classification with uses that are similar to the current ROR land use, but that will allow for a level of development consistent with the existing density and intensity already developed within the district. This process will require a comprehensive plan amendment.

Permitted Uses and Any Differentiation by Locations

The following uses are proposed for the new Community Redevelopment District – Eighth Avenue (CRD-EA) land use classification:

Primary uses -	Residential; Office; Retail Commercial; Personal/Business Service; Commercial/Business Service; <u>Temporary Lodging</u>
Secondary uses -	Residential equivalent; public/semi-public; ancillary non-residential; recreation/open space

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Density/Intensity Standards for Permitted Uses

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The following standards are proposed for the new Community Redevelopment District – Eighth Avenue (CRD-EA) land use classification:

- Density and Intensity of use for commercial and residential components shall be inclusive, i.e. the same land area may be used to support both use types without proration.
- Residential use - Shall not exceed 24 dwelling units per acre.
- Residential equivalent use (Bed and Breakfasts) - Shall not exceed an equivalent of 2.0 to 3.0 beds per permitted dwelling unit at 24 dwelling units per acre.
- Non-residential use - Shall not exceed a floor area ratio (FAR) of 1.0 for single use commercial structures or 1.50 for mixed-use development, nor an impervious surface ratio (ISR) of .90. The standard for the purpose of establishing relative intensity and potential impacts shall be an FAR of .75 and an ISR of .75.
- Transient accommodation use - Shall not exceed 50 units per acre.
- Public/semi-public; ancillary non-residential use - Shall not exceed a maximum area of three (3) acres. Any such use, alone or when added to existing contiguous like uses, which exceeds this threshold shall require a plan amendment which shall include such use and all contiguous like uses.

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Design Guidelines

Over the last 3 years, the Historic Preservation Board has discussed the adoption of design guidelines for Pass-a-Grille, including the Eighth Avenue area. However, no guidelines other than the Secretary of the Interior's Standards for Rehabilitation have been adopted.

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Affordable Housing Provisions

There is no intention to include any affordable housing provisions within the context of this plan.

Mixed-Use Provisions

The Eighth Avenue Commercial District is a mixed-use area where many buildings have second floor residential or commercial over first floor commercial/retail/office space. It is the intent of this plan to continue to encourage this type of development pattern, in a scale that is consistent with the existing development. The City's Comprehensive Plan and LDRs allow a variety of compatible uses, while the higher FAR and ISR will encourage implementation of such a mixture. Specific provisions currently allow residential only above a commercial use and only as part of a mixed-use project, in order to maintain the street-level commercial use important to such a district. However, as there are a few single family residential homes on Pass-A-Grille Way, the City will allow those uses to be conforming uses. Bed and Breakfasts and the adaptive re-use of existing residential structures are permitted.

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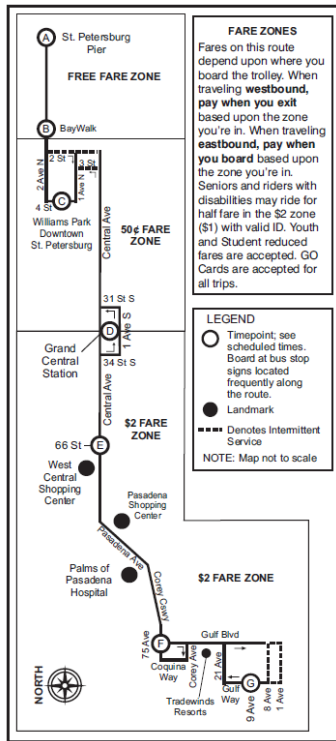
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Deleted: No stand-alone residential structures will be allowed within the CRD-EA plan area. However,

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Special Provision for Mobility and Circulation (Mass Transit, Access Management, Parking, Pedestrians, and Bicycles)



The mixed-use nature of the Eighth Avenue Commercial District creates a pedestrian oriented area with shops and restaurants that are primarily visited by neighbors and tourists within the Pass-a-Grille beach area. Maintaining this mixture of uses as well as the building arcade and street wall formed by the near zero-lot line development pattern of the buildings promotes the continuance of pedestrian activity within the area.

Pinellas Suncoast Transit Authority's (PSTA) Suncoast Beach Trolley services all of the City and a stop is located within the CRD-EA plan area, connecting it to the other beach communities and providing tourists with public transportation access to Pass-a-Grille.

Parking standards will be addressed within the LDRs that are developed for the District; surface parking will have to support whatever new development or redevelopment occurs. The City has established minimum requirements for the placement of bicycle racks as part of its efforts to become more "bicycle friendly".

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Land Development Regulations that Implement Plan

| Land Development Regulations (LDRs) have been developed specific to this area consistent with the new CRD-EA land use classification. These LDRs will allow for the increased FAR and ISR needed to allow new development consistent with the existing structures, as well as allowing current buildings to be rebuilt at the same density they currently have.

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| Figure 8 identifies issues with the existing Residential/Office/Retail (ROR) zoning as applied to the Eighth Avenue Commercial District. ▼

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Figure 7 Current Zoning Standards (ROR), Eighth Avenue Commercial District

Standard	Value	Problem	Potential Solution
Front	20 Feet	Moves buildings too far from sidewalk; not consistent with much of the existing pattern of development.	Set buildings closer to the front property line. Amend LDR's to allow some flexibility for recessed doorways, outdoor seating, etc
Secondary Front	10 Feet	Moves buildings too far from alleys; not consistent with existing structures	Amend LDR's to allow for minimal to no setbacks required for secondary front yard.
Side	10 Percent of Lot Width	Requires building separation; not consistent with existing structures	Allow zero or minimal setbacks (minimal setbacks allow for reduced cost of fire retardant materials in that will allow for building separation, and allows for courtyard areas).
Rear	20 Feet	Inconsistent with current building pattern; however current standard provides some room for surface parking.	Keep Standard to allow for parking or reduce rear yard setbacks.

In St. Pete Beach, the ROR zoning classification limits residential density to 15 units per acre. The LDRs further establish minimum lot area and width standards that make it difficult to redevelop within the area without consolidating properties.

Because many of the existing structures include several residential units above the existing ground floor commercial space, the new LDRs allow for enough residential density to permit at least two residential units per lot. This is a challenge when the smallest lot is 4,300 square feet. In order to support two units on a 4,300 square foot lot, slightly more than 20 units an acre in residential density must be allowed.

Additionally, consistent with most of the existing development in the area, front and side setback requirements will be reduced in order to allow new construction to mimic the historic pattern of development, while allowing for some flexibility for some architectural interest including features such as recessed doorways and small outdoor seating areas.

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Public and/or Private Improvements, Contributions and/or Incentives

None.

Local Government Plan Approval Process

The first phase of this process is to concurrently develop this Special Area Plan, and to adopt the comprehensive plan text and map amendments required to create the CRD category. The City's Comprehensive Plan will be amended to develop the basic standards for the Eighth Avenue (CRD-EA) district, and to apply them to the appropriate area on the Future Land Use Map. These comprehensive plan amendments will be submitted to the Department of Community Affairs to begin the review process, according to the procedures of the Growth Management Act. After DCA's review and finding of compliance, the City of St. Pete Beach citizens will have to approve these changes to the comprehensive plan by voter referendum (proposed for March 2009).

The Special Area Plan will serve not only as the accompanying data and analysis for the Comprehensive Plan amendment, but will accompany the application to amend the Countywide Future Land Use Plan Map according to the Countywide Plan Rules administered by the Pinellas Planning Council.

The required LDRs will be developed while the comprehensive plan amendment is proceeding through the review process. The development of these LDRs will be based on previous and new public input and will require public hearings of the City's Planning Board and Commission to adopt. They will not result in any changes of allowed use, since the intent is to maintain the character of the existing district but allow for the needed infill development on vacant lots.

PLAN IMPACTS

The Eighth Avenue Commercial District currently contains a mixture of temporary lodging, residential and non-residential uses. The intent of this plan is to maintain the existing character and to allow for the continuance of buildings at the same density and intensity as is already built today. The CRD-EA district will not create any significant impact on the City's overall system capacities (water, sewer, stormwater) or impact the respective adopted levels of service. Discussion regarding roadways is included under Relevant Countywide Considerations.

In accordance with accepted practices from the Florida Department of Community Affairs (DCA) and other review agencies, an impact comparison analysis of the proposed amendment has been completed. The analysis is based on the theoretical maximum development potential under the current future land use designation, versus the requested future land use designation (Figure 9). The existing future land use designation allows for mixed-use development of a residential/office/retail character consistent with surrounding uses, transportation facilities, and natural resource characteristics of the area¹. Given the

¹ The Countywide Plan Rules, Amended through March 19, 2007

Deleted: The LDRs will regulate building height by a limitation on the maximum number of stories within a higher overall height limitation. A builder would get a maximum of three stories within a maximum building height of 40 feet over flood elevation. Building heights would tend to be below maximum due to the limited functional requirements of each floor of the building. Commercial space can be flood-proofed at grade, further reducing the necessary for building height.

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overall size of the area (3.4 acres), a theoretical maximum of 214,751 square feet of non-residential and 81 residential units could be constructed if part of a mixed-use development within the proposed CRD-EA area. This “worst case” scenario would only result from a complete redevelopment of the proposed area, which is not the intent of this plan.

Figure 8 Evaluation of Densities and Maximum Impacts

	Density		Max Allowed to be Built (3.4 acres)		Potential Increase
	Current (ROR)	Proposed (CRD-EA)*	Current (ROR)	Proposed (CRD-EA)*	
Residential	18	24	61	81	20
Non-Residential	.40 FAR	1.0 FAR** / 1.5 FAR***	59,241 ft ²	148,104 ft ² / 214,750 ft ²	88,863 ft ² / 155,509 ft ²
	.85 ISR	.90 ISR			
Transient	0****	30	0	102	102

* Density and Intensity of use for commercial and residential components inclusive (i.e. the same land area may be used to support both use types without proration)

** Single use commercial structures

*** Mixed-use development

**** No standard within comprehensive plan, limited to 15 units per acre in ROR zoning, use restricted to bed & breakfast inns and motels

The remaining analysis on the impact to infrastructure is based on the assumed development at maximum residential and non-residential build out (mixed use, 1.5 FAR) with a mixture of restaurant and office uses allowed under the proposed CRD-EA standards, compared with two development scenarios allowed under the current ROR land use designation (100 percent residential, or 100 percent commercial). Commercial use was estimated to be half restaurant and half office, to reflect the mix of non-residential uses currently existing within the Eighth Avenue Commercial District.

Water

Overall System Capacity

Tampa Bay Water, the regional authority that supplies most of the wholesale potable water for Pinellas County, the City of St. Petersburg, and all other municipalities within Pinellas County, provides all the potable water needed by its six member governments (Hillsborough, Pasco, and Pinellas Counties, and the Cities of New Port Richey, St. Petersburg and Tampa). Since Oct. 1, 1998, Tampa Bay Water has been the sole and exclusive water provider to the six governments it serves.

Pinellas County is authorized to provide St. Pete Beach with water under Chapter 126 of the Pinellas County Code of Ordinances, which states:

That the board of county commissioners of Pinellas County, State of Florida, are hereby authorized and empowered to construct, own, maintain and operate a water supply and distribution system for the purpose of supplying drinkable water to the inhabitants of that certain chain of islands bordering

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on the Gulf of Mexico in said county, extending from Pass-a-Grille to Indian Rocks, and to furnish water to other districts or communities within said county. (Laws of Fla. Ch. 17644(1935), § 1).

Tampa Bay Water, therefore, provides the wholesale potable water supply to Pinellas County, and the Pinellas County Utilities Department owns and maintains the distribution system. The City is a retail customer of the Pinellas County Utilities Department and has no responsibility regarding the supply of potable water to its citizens.

According to the most current concurrency test statement, adopted by Pinellas County Ordinance #07-49, Tampa Bay Water is currently able to meet annual demand (existing LOS) within the Pinellas County Water Demand Planning Area (WDPA). Based on current population estimates and projections provided by Pinellas County Planning Department, the total population of St. Pete Beach comprises approximately 3 percent of the population served within the WDPA. St. Pete Beach's Comprehensive Plan includes policies to ensure potable water services to its residents, and to review all new development and redevelopment proposals under the City's Concurrency Management System Ordinance so there are no issues with maintaining LOS.

A rough calculation indicates that the percentage of water used by the City as a whole is approximately 3.5 percent of the total use by Pinellas County Utility customers. This is not expected to change throughout the planning horizon of the comprehensive plan.

Impact of Proposed Land Use Change

The current future land use designation would allow either 61 residential units (assumed to be multifamily residential) **or** 59,241 square feet of commercial space (assumed to develop at 50 percent restaurant and 50 percent office). Using standard City figures², the anticipated potable water usage would be 0.012 million gallons per day (mgd) if redeveloped at 100 percent residential, or 0.023 mgd if developed at 100 percent commercial under the current ROR land use designation.

The proposed future land use designation would allow a maximum of 81 residential units **and** 214,750 square feet of commercial space to be built concurrently on the site. Using the appropriate figures, the anticipated potable water usage would potentially be 0.099 mgd.

Figure 9 Potential Water Demand

	Development Potential (units or square feet)		Demand - Water (mgd)	
	Existing ROR	Proposed CRD-EA	Existing ROR	Proposed CRD-EA
100% Residential	61	81	0.012	0.016
100% Commercial	59,241	214,750	0.023	0.083
50% Restaurant	29,621	107,375	0.020	0.072
50% Office	29,620	107,375	0.003	0.011

² Pinellas County Water/Sewer Factors for use in Calculating Water/Sewer Demand, 10/10/00

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See Attachment A for additional details on these calculations.

Sewer

Overall System Capacity

St. Pete Beach currently contracts with the City of St. Petersburg to provide its wastewater treatment. The adopted level of service within the 1998 Comprehensive Plan is 149.4 gallons per day per capita (GPCD). Wastewater from St. Pete Beach is treated in St. Petersburg's Northwest water reclamation facility located at 7500 26th Avenue NW.

The Northwest facility has an adopted LOS of 170 GPCD. This facility has the capacity to process 20 mgd, and in 2007 was handling an average daily flow of 9.72 mgd, leaving an excess capacity of 10.28 mgd.

Impact of Proposed Land Use Change

Using the same maximum development potential figures as before, the anticipated sewer discharge would be 0.009 mgd if redeveloped at 100 percent residential, or 0.015 mgd if developed at 100 percent commercial under the current ROR land use designation. If all 3.4 acres within the proposed CRD-EA area were redeveloped at maximum residential and commercial densities and intensities, the anticipated potable sewer discharge would potentially be 0.066 mgd.

Figure 10 Potential Sewer Demand

	Development Potential (units or square feet)		Demand - Sewer (mgd)	
	Existing ROR	Proposed CRD-EA	Existing ROR	Proposed CRD-EA
100% Residential	61	81	0.009	0.012
100% Commercial	59,241	214,750	0.015	0.054
50% Restaurant	29,621	107,375	0.012	0.043
50% Office	29,620	107,375	0.003	0.011

Stormwater Drainage

Stormwater drainage in the City of St. Pete Beach must be designed to accommodate and treat the 25-year, 24-hour storm event without causing flooding or polluting the receiving water bodies. Any new development will be required to design and construct an approved stormwater facility, and will be assessed during the site plan review process.

Storm drainage in the lower Pass-a-Grille area south of 12th Avenue is a sheet flow from West to East. Once the runoff waters reach the west side of Pass-a-Grille Way the water falls into curb inlets and catch basins and proceeds east through pipe under Pass-a-Grille

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Way and outfalls through the seawall or bulkhead into Boca Ciega Bay. Eighth Avenue has a catch basin on both the northwest and southwest corner of PAG Way connected by pipe and then proceeds to drain under PAG Way east through the seawall to Boca Ciega Bay.

RELEVANT COUNTYWIDE CONSIDERATIONS

Consistency with Countywide Rules

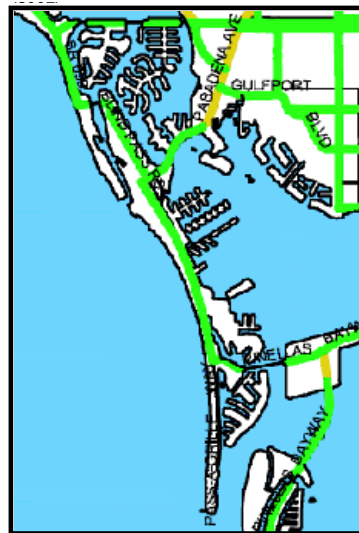
The Community Redevelopment District future land use plan category is being established consistent with the Countywide Rules. The Comprehensive Plan amendment includes the use and locational characteristics and other standards for the CRD future land use category within the descriptions of the plan categories of the Future Land Use Map as required. Additionally, the Community Redevelopment Area – Eighth Avenue future land use plan category is within the “special designation” plan classification, consistent with the Countywide Plan Rules. The Pinellas Planning Council has reviewed the Comprehensive Plan Amendments for consistency and the recommended changes were made prior to the transmittal hearing to ensure consistency. Overall consistency with the application of the CRD-EA future land use category is contingent on the approval of this special area plan, as required by the Countywide Rules.

Adopted Roadway Level of Service (LOS)

The current minimum standard for all arterial and collector roads within the city is LOS D. The Pinellas County Metropolitan Planning Organization (MPO) prepares a report identifying operating conditions for these roads and identifies deficient roadways within the county. Within St. Pete Beach, the MPO is concerned with segments of Blind Pass Road and Gulf Boulevard that are part of State Road 699, which in 2007 were operating at an overall level of service of A, B, or C.

The Eighth Avenue Commercial District does not lie within this area. The entire district (3.4 acres), under its current ROR future land use designation, would generate approximately 336 trips per day per acre³. The subject area would therefore theoretically generate 1,143 trips per day. In order to compare this with the traffic potentially generated by same acreage under the CRD-EA future land use category, the mixture of actual uses is considered.

Figure 11 LOS, St. Pete Beach, Florida



Source: Pinellas County MPO, Level of Service '07

³ Traffic Generation Characteristics contained within the Pinellas Planning Council's *Countywide Plan Rules*, amended through March 19, 2007

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The intent of the CRD-EA land use category is to allow the existing structures to remain at their current densities. The mixture of residential, office, retail and restaurant uses creates a pedestrian friendly environment that draws foot traffic in addition to vehicles. As previously discussed, the PSTA Suncoast Beach Trolley line also serves the area. It is not anticipated that the application of the new land use category would dramatically increase the number of vehicle trips within the area.

Scenic/Noncommercial Corridors

Not Applicable.

Coastal High Hazard Area (CHHA)

The Eighth Avenue Commercial District lies within the Coastal High Hazard Area, as defined in the City's Comprehensive Plan as the area inundated from a category one hurricane as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) model and reflected in the most recent *Regional Evacuation Study, Storm Tide Atlas*, as does the majority of the City of St. Pete Beach. The small size of the amendment area and the existence primarily commercial properties within should have little to no impact on emergency shelter space or evacuation routes. The requested amendment will not require the expenditure of public funds for the construction of new infrastructure within the area, and will have no impact on the natural areas that buffer existing development from coastal storms.

The application of the CRD-EA future land use category is not intended to dramatically increase residential densities within the area, as the primary intent of the district is to maintain the commercial downtown district as an economically viable area. This is part of a longer-term vision for the area, requiring the City's Comprehensive Plan and Future Land Use Plan Map to be amended accordingly.

Designated Development/Redevelopment Areas

This Plan establishes a Community Redevelopment District (CRD) and Special Area Plan in accordance with the Countywide Plan Rules as administered by the Pinellas Planning Council. The Eighth Avenue Commercial District would be the first CRD within St. Pete Beach (CRD-EA). Use, locational, and other characteristics will be applied specifically to the Eighth Avenue Commercial District. Should additional CRDs be proposed in the future, individual Special Area Plans with details regarding use, locational characteristics, density/intensity standards, and other standards would be developed at that time.

Public Education Facilities

The application of the CRD-EA future land use category to the Eighth Avenue Commercial District (3.58 acres) is not expected to have any impact on the Public Schools system.

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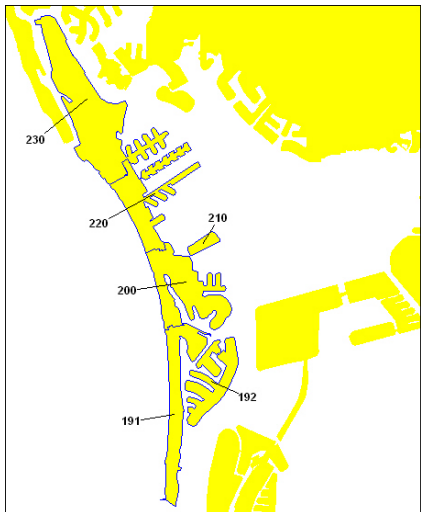
The number of school age children in St. Pete Beach is not expected to increase significantly over the next 15 years. The Pinellas County School Board tracks the enrollment of school

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age children in grids (Figure 13). In the 2000/01 school year, there were 430 total school age children residing within St. Pete Beach, 63 of whom lived in Grid 191 in which the Eighth Avenue Commercial District lies. This overall number fluctuated somewhat over the last eight years for which this data is available, but in the most recent school year (2007/08), the number of school age children residing in Grid 191 has declined to 51 (Figure 14).

Consistent with previously made comments, Marshall Touchton, demographer for the school board, indicated that based on trends of the past few years including rising home costs and the types of units being developed (condominiums and townhomes versus rental apartments and single-family homes), the population of school age children may not increase over the next planning period.

Figure 12 School Enrollment Grids (2008)



Source: Pinellas County School Board

Figure 13 St. Pete Beach, FL School Enrollment (2000/01 to 2007/08)

	191*	192	200	210	220	230	StPeteBeach Total
Elementary 2000/01	33	25	53	10	14	75	210
Elementary 2001/02	32	29	59	6	17	85	228
Elementary 2002/03	32	30	56	6	18	90	232
Elementary 2003/04	26	42	42	9	14	101	234
Elementary 2004/05	23	38	45	7	13	78	204
Elementary 2005/06	20	43	42	7	14	91	217
Elementary 2006/07	21	40	50	8	17	88	224
Elementary 2007/08	20	36	41	4	14	72	187

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Middle 2000/01	13	5	40	2	8	28	96
Middle 2001/02	12	7	41	1	6	33	100
Middle 2002/03	13	7	29	2	6	41	98
Middle 2003/04	14	13	25	3	3	38	96
Middle 2004/05	9	15	22	3	4	42	95
Middle 2005/06	11	15	22	4	5	40	97
Middle 2006/07	13	19	16	3	3	41	95
Middle 2007/08	14	23	18	6	8	41	110

High 2000/01	17	8	35	4	14	46	124
High 2001/02	17	9	37	4	13	41	121
High 2002/03	20	13	44	4	12	52	145
High 2003/04	15	15	46	6	11	45	138
High 2004/05	15	12	41	6	10	50	134
High 2005/06	16	10	43	8	7	54	138
High 2006/07	16	17	36	8	9	59	145
High 2007/08	17	19	36	5	4	62	143

KG-12 2000/01	63	38	128	16	36	149	430
KG-12 2001/02	61	45	137	11	36	159	449
KG-12 2002/03	65	50	129	12	36	183	475
KG-12 2003/04	55	70	113	18	28	184	468
KG-12 2004/05	47	65	108	16	27	170	433
KG-12 2005/06	47	68	107	19	26	185	452
KG-12 2006/07	50	76	102	19	29	188	464
KG-12 2007/08	51	78	95	15	26	175	440

*Proposed Redevelopment is in Grid 191

Source: Pinellas County School Board

The City completed an amendment to its Comprehensive Plan to create a Public School Facilities Element (adopted by City Ordinance 2007-32 on April 8, 2008 and approved by voters on June 3, 2008). As part of that amendment, an extensive analysis of the capacities and levels of service (LOS) of the Pinellas County school system was completed. The level-of-service standard (LOSS), for purposes of implementing school concurrency, is achieved when student enrollment plus vested students divided by existing FISH school capacity plus the additional capacity scheduled to be constructed in the next three years does not exceed 100%.

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For the 2006/2007 school year, the existing LOS condition for each school type, within its Concurrency Service Areas, was less than the adopted LOSS of 100 percent. CSA overcrowding is not anticipated in the Pinellas County School District because of the additional capacity currently available and the practically 'flat' projections for student enrollment. Projected enrollment for public school facilities for the next five years is based on birth rate information provided by the Department of Health. The Pinellas County School District anticipates only a slight increase in the number of students within the District, although infill development and redevelopment may create areas of higher densities and additional residents, the School District Facilities Ten and Twenty Year Long Range Plan projects that there will be 3,460 existing student stations removed between 2006 and 2025.

The Eighth Avenue Commercial District lies within CSA 'A' for elementary and middle schools. The most recent data included within the Public School Facilities Element for the 2007/2008 school year indicates that Attendance Area 'A' is at 80 percent utilization for Elementary and 70 percent utilization for middle school, and has a surplus capacity of over 3,600 students and almost 3,000 students respectively. Utilizing the student generation multiplier provided by the Pinellas County School Board (provided by Pinellas County Planning on July 22, 2008), the change in land use for the Eighth Avenue Commercial District might yield an additional six students (Figure 15).

Figure 14 Potential Public School Demand

	Development Potential (units or square feet)		Demand - Public Schools (students in KG-12)	
	Existing ROR	Proposed CRD-EA	Existing ROR	Proposed CRD-EA
100% Residential	61	81	20	26
Elementary			9	12
Middle			4	6
High School			6	8
100% Commercial	59,241	214,750	N/A	N/A
50% Restaurant	29,621	107,375		
50% Office	29,620	107,375		

The City will follow the terms of the Interlocal agreement on public school concurrency to ensure coordination with the School Board for any development agreements entered into within this district in the future.

Adjoining Jurisdictions

There are no anticipated impacts on the jurisdictions surrounding St. Pete Beach (St. Petersburg, Treasure Island, South Pasadena, or unincorporated Pinellas County).

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ATTACHMENT A

Figure 15 Calculation of Potential Water Demand, ROR to CRD-EA

	Development Potential (units or square feet)		Demand - Water (mgd)	
	Existing ROR	Proposed CRD-EA	Existing ROR	Proposed CRD-EA
100% Residential	61 (3.4 ac * 18 du/ac)	81 (3.4 ac * 24 du/ac)	0.012 (61 units * 200 gal/unit)	0.016 (81 units * 200 gal/unit)
100% Commercial	59,241	214,750	0.023	0.083
50% Restaurant	29,621	107,375	0.020 (29,621 sqft * 0.67 gal/sqft)	0.072 (107,375 sqft * 0.67 gal/sqft)
50% Office	29,620	107,375	0.003 (29,621 sqft * 0.1 gal/sqft)	0.011 (107,375 sqft * 0.1 gal/sqft)

Figure 16 Calculation of Potential Sewer Demand, ROR to CRD-EA

	Development Potential (units or square feet)		Demand - Sewer (mgd)	
	Existing ROR	Proposed CRD-EA	Existing ROR	Proposed CRD-EA
100% Residential	61 (3.4 ac * 18 du/ac)	81 (3.4 ac * 24 du/ac)	0.009 (61 units * 150 gal/unit)	0.012 (61 units * 150 gal/unit)
100% Commercial	59,241	214,750	0.015	0.054
50% Restaurant	29,621	107,375	0.012 [(29,621 sqft / 50 sqft/seat) * 20 gal/seat]	0.043 [(107,375 sqft / 50 sqft/seat) * 20 gal/seat]
50% Office	29,620	107,375	0.003 (29,621 sqft * 0.1 gal/sqft)	0.011 (107,375 sqft * 0.1 gal/sqft)

Figure 17 Calculation of Potential Public Schools Demand, ROR to CRD-EA

	Development Potential (units or square feet)		Demand - Public Schools (students in KG-12)	
	Existing ROR	Proposed CRD-EA	Existing ROR	Proposed CRD-EA
100% Residential	61 (3.4 ac * 18 du/ac)	81 (3.4 ac * 24 du/ac)	20 (61 units * 0.32 student multiplier*)	26 (81 units * 0.32 student multiplier)
Elementary			9 (61 units * 0.15 Elementary Student multiplier)	12 (81 units * 0.15 Elementary Student multiplier)
Middle			4 (61 units * 0.07 Middle Student multiplier)	6 (81 units * 0.07 Middle Student multiplier)
High School			6 (61 units * 0.1 High School Student multiplier)	8 (81 units * 0.1 High School Student multiplier)
100% Commercial	59,241	214,750	N/A	N/A
50% Restaurant	29,621	107,375		
50% Office	29,620	107,375		

* Student generation multiplier for first year, provided by PCSB; County average of 0.32 public school students per Residential Unit in Pinellas County

Ordinance 2011-40

Amending the text of the Future Land Use Plan Element and the text of the Future Land Use Map Element in the Comprehensive Plan to increase the permitted temporary lodging density from 30 to 50 units per acre in the Community Redevelopment Area – Eighth Avenue Future Land Use designation.

“Exhibit A”

Future Land Use Maps Element Proposed Changes:

- o **CRD- Eighth Avenue (EA)** - The following uses are proposed for the new Community Redevelopment District – Eighth Avenue (CRD-EA) land use classification:

Primary uses - Residential; Office; Retail Commercial; Personal/Business Service; Commercial/Business Service; Temporary Lodging

Deleted: Transient Accommodation

Secondary uses - Residential equivalent; public/semi-public; ancillary non-residential; recreation/open space

Density/Intensity Standards shall include the following:

- Density and intensity of use for commercial and residential components shall be inclusive, i.e. the same land area may be used to support both use types without pro-ration.
 - Residential use - Shall not exceed 24 dwelling units per acre.
 - Residential equivalent use - Shall not exceed an equivalent of 2.0 to 3.0 beds per permitted dwelling unit at 24 dwelling units per acre.
 - Non-residential use - Shall not exceed a floor area ratio (FAR) of 1.0 for single use commercial structures or 1.5 for mixed-use development, nor an impervious surface ratio (ISR) of .90. The standard for the purpose of establishing relative intensity and potential impacts shall be an FAR of .75 and an ISR of .75.
 - Transient accommodation use - Shall not exceed 50 units per acre.
- o Other standards shall include the following:
 - o Public/semi-public; ancillary non-residential use – shall not exceed a maximum area of three (3) acres. Any such use, alone or when added to existing contiguous like uses, which exceeds this threshold shall require a plan amendment which shall include such use and all contiguous like uses.

Deleted: 30

Future Land Use Element Changes:

CRD- Eighth Avenue (EA) - The following uses are proposed for the new Community Redevelopment District – Eighth Avenue (CRD-EA) land use classification:

Primary uses - Residential; Office; Retail Commercial; Personal/Business Service; Commercial/Business Service; Temporary Lodging

Deleted: Transient Accommodation

Secondary uses - Residential equivalent; public/semi-public; ancillary non-residential; recreation/open space

Density/Intensity Standards shall include the following:

- Density and intensity of use for commercial and residential components shall be inclusive, i.e. the same land area may be used to support both use types without pro-ration.
- Residential use - Shall not exceed 24 dwelling units per acre.
- Residential equivalent use - Shall not exceed an equivalent of 2.0 to 3.0 beds per permitted dwelling unit at 24 dwelling units per acre.
- Non-residential use - Shall not exceed a floor area ratio (FAR) of 1.0 for single use commercial structures or 1.5 for mixed-use development, nor an impervious surface ratio (ISR) of .90. The standard for the purpose of establishing relative intensity and potential impacts shall be an FAR of .75 and an ISR of .75.
- Transient accommodation use - Shall not exceed 50 units per acre.
- o Other standards shall include the following:
- o Public/semi-public; ancillary non-residential use – shall not exceed a maximum area of three (3) acres. Any such use, alone or when added to existing contiguous like uses, which exceeds this threshold shall require a plan amendment which shall include such use and all contiguous like uses.

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Ordinance 2011-42

Amending the text of the Future Land Use Plan Element and the text of the Future Land Use Map Element in the Comprehensive Plan to increase the permitted temporary lodging density from 30 to 50 units per acre in the Community Redevelopment Area – Eighth Avenue Future Land Use designation.

DIVISION 26 SIGN ORDINANCE

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[Sec. 26.32. INS Institutional District.](#)

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[Sec. 26.34. Large Resort District.](#)

[Sec. 26.35. Traditional Hotel District.](#)

[Sec. 26.36. Severability.](#)

Sec. 26.1. Purpose, intent and scope.

It is the purpose of this division to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards. The sign regulations in this division are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the secondary effects of speech and especially insofar as those secondary effects may adversely affect aesthetics and traffic and pedestrian safety. In order to preserve and enhance the city as a desirable community in which to live, vacation and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of signs within the city is a

highly contributive means by which to achieve this desired end. These sign regulations have been prepared with the intent of enhancing the visual environment of the city and promoting its continued well-being, and are intended to:

- (a) Encourage the effective use of signs as a means of communications in the city;
- (b) Maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth;
- (c) Improve pedestrian and traffic safety;
- (d) Minimize the possible adverse affect of signs on nearby public and private property;
- (e) Foster the integration of signage with architectural and landscape designs;
- (f) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;
- (g) Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- (h) Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with the category of use and function to which they pertain;
- (i) Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business;
- (j) Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains;
- (k) Categorize signs based upon the function that they serve and tailor the regulation of signs based upon their function;
- (l) Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;
- (m) Regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;
- (n) Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
- (o) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the city;
- (p) Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;
- (q) Protect property values by precluding to the maximum extent possible sign-types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- (r) Protect property values by ensuring that sign-types, as well as the number of signs, are in harmony with buildings, neighborhoods, and conforming signs in the area;
- (s) Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the city and that complements the natural surroundings in recognition of this city's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its resort community, as well as for its commercial properties; and
- (t) Enable the fair and consistent enforcement of these sign regulations.

(Ord. No. 03-10, § 1, 6-3-03)

Sec. 26.2. Definitions.

All words used in this division shall carry their customary dictionary meanings, except that 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:

Abandoned or discontinued sign or sign structure means a sign or sign structure is considered abandoned or discontinued when its owner fails to operate or maintain a sign for a period of six months or longer. The following conditions shall be considered as the failure to operate or maintain a sign: (i) a sign displaying advertising for a product or service which is no longer available or displaying advertising for a business which is no longer licensed, or (ii) a sign which is blank.

Advertising means sign copy intended to aid, directly or indirectly, in the sale, use or promotion of a product, commodity, service, activity, entertainment, or real or personal property.

Animated sign means a sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs set in motion by movement of the atmosphere, or made up of a series of sections that turn.

Area of ground supports means the total area of a freestanding sign's structural elements.

Artwork means a two- or three-dimensional representation of a creative idea that is expressed in a form and manner as to provide aesthetic enjoyment for the viewer rather than to specifically convey the name of the business or a commercial message about the products or services offered on the property upon which the artwork is displayed.

Attached sign means a wall sign, an integral roof sign, marquee sign or a canopy sign.

Banner means any sign or string of one or more signs, usually made of cloth or other lightweight material, which is used to attract attention, whether or not imprinted with words or characters, including but not limited to balloons and pennants. Flags shall not be considered banners.

Beacon means a stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which has the effect of attracting or diverting attention, except, however, this term does not include any kind of lighting device which is required or necessary under the safety regulations of the Federal Aviation Administration or other similar agency. This definition does not apply to any similar type of lighting device contained entirely within a structure and which does not project light to the exterior of the structure.

Billboard means a sign structure and/or sign utilized for advertising an establishment, an activity, a product, service or entertainment, which is sold, produced, manufactured, available or furnished at a place other than on the property on which said sign structure and/or sign is located.

Building frontage [See frontage, building](#) *Bus stop informational sign* means a freestanding or attached noncommercial sign located at a bus stop and providing information as to the route, hours or times of service.

Canopy sign means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Commercial message means any sign wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, service, sale or sales event or other commercial activity.

Deleted: means the length of the single face of a building or that portion of a building occupied by a single office, business or enterprise, commonly referred to as "store-front," which is abutting a street, parking area, or other means of customer access such as an arcade, a mall or a walkway. ¶

Construction sign means a temporary on-premise sign identifying the ongoing construction activity during the time that a building permit is active and prior to completion of the work for which the permit was issued, containing sign copy is limited to the ongoing construction activity and identifying the contractor and/or any subcontractor engaged to perform construction activity on the site.

Copy means the linguistic or graphic content of a sign.

Designer sign means a sign that is custom made wall or monument type signs, reviewed by the city manager or his designee and found to be of a higher creative, artistic and three-dimensional, or sculptural nature than the standard types of signs typically used within the sign industry.

Double-faced sign means a single sign with items of information relating to the same business on both sides of the sign and mounted as a single structure.

Drive-through menu sign means a sign placed so as to be viewed from a drive-through lane and which contains only a listing of the products, with prices, offered for sale by the business on which the sign is located and which may provide a mechanism for ordering the products while viewing the sign.

Eave mean the lowest horizontal line of a sloping roof.

Election sign means a temporary sign erected or displayed for the purpose of expressing support for or opposition to a candidate or stating a position regarding an issue upon which the voters of the city shall vote.

Erect means to build, construct, attach, hang, place, suspend or affix and includes the painting of wall signs.

Facade means the entire building front.

Flag means any fabric, or bunting containing distinct colors, patterns or symbols, used as an ornamental flag or as a symbol of government, political subdivision, corporation or business or other entity. (See also Ornamental flag.)

Flagpole means a pole on which to raise a flag.

Flashing sign means a sign which permits light to be turned on or off intermittently more frequently than once per minute.

Foot-candle means a unit of measure of luminosity of a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

Footlambert means the centimeter gram second unit of brightness equal to the brightness of a perfectly diffused surface that radiates or reflects one lumen per square centimeter.

Free expression sign means a sign, not in excess of three square feet in size (area) and the top of the sign is not more than six feet off the ground, communicating information or views on matters of public policy concern or containing any other noncommercial message, that is otherwise lawful.

Freestanding sign, monument or pole means a sign supported by structures or supports that are placed on or anchored in the ground or at ground level and which are independent of any building or other structure.

Frontage means the length of the property line of a parcel of land which runs parallel with and along a road right-of-way or street, exclusive of alleyways.

Frontage, Building means the length of the single face of a building or that portion of a building occupied by a single office, business or enterprise, commonly referred to as "store-front," which is abutting a street, parking area, or other means of customer access such as an arcade, a mall or a walkway.

Deleted: *Freestanding monument sign* means a freestanding sign whose ratio of width of sign to width of support is less than 3 to 1. ¶
Freestanding pole sign means a freestanding sign whose ratio of width of sign to width of support is equal to or greater than 3 to 1. ¶

Garage or yard sale or garage-yard sign means any onsite temporary sign pertaining to the sale of personal property in, at or upon any residentially-zoned property located in the city. Garage or yard sales shall include but not be limited to all such sales, and shall include the advertising of the holding of any such sale, or the offering to make any sale, whether made under any name such as garage sale, lawn sale, yard sale, front yard sale, back yard sale, home sale, attic sale, rummage sale, patio sale, flea market sale, or any similar designation.

Ground level means the finished grade of a parcel of land exclusive of any filling, berming or mounding. Ground level on marina docks or floating structures shall be the finished grade of the landward portion of the adjoining parcel.

Grand opening sign means an on-premise temporary sign announcing the opening of a newly licensed business, that does not exceed 16 square feet in sign area and that is not displayed for longer than 30 days after the issuance date of the occupational license for the new business.

Height means vertical distance measured from ground level nearest the base of the sign to the highest point on the sign.

Holiday and seasonal decorations mean decorations that pertain to legal or other recognized holidays or to a season of the year.

Illuminated sign means any sign or portion thereof which is illuminated by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light, whether or not the source of light is directly affixed as part of the sign.

Integral roof sign means any sign erected or constructed as an integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches. No integral portion of the roof shall extend more than five feet above the structural roof.

Lot. See definition of Parcel.

Maintenance means the replacing, repairing or repainting of a portion of sign structure, periodically changing changeable copy or renewing copy which has been made unusable by ordinary wear.

Marquee means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Marquee sign means any sign attached to a marquee.

Menu display sign means a fully enclosed or otherwise protected from the elements sign structure, including but not limited to a box, shadow box or cabinet, attached to a wall or freestanding, which is used solely for the purpose of displaying restaurant menus. A menu display may be used for a restaurant without drive-through service and for transient lodging facilities which have restaurant facilities open to the general public in addition to the registered guests. Menu display sign structures shall be limited to one per establishment, having a maximum surface area of not more than 12 square feet, and the zoning districts in which they are permitted.

Multi-tenant development means a development where more than one business may be located, including businesses located above the first floor or otherwise without frontage on a public right-of-way.

Nameplate sign or occupant identification sign means a sign indicating the name and/or profession or address of a person or persons residing on the premises or legally occupying the premises.

Non-commercial message means any message, which is not a commercial message.

Noncommercial on-site directional sign means an on-site sign providing direction or information to pedestrian or vehicular traffic that is related or reasonably necessary to the movement of pedestrian or vehicular traffic on the premises, and not displaying a commercial message, e.g., "entrance," "exit," "caution," "no parking," "one way only," "no trespassing," and the like.

Non-conforming sign means a sign which does not conform with the regulations provided in this division.

Off-premise sign or off-site sign means any sign relating in its subject matter to commodities, accommodations, services or activities on a premises other than the premises on which the sign is located. See also Billboard.

On-premise sign or on-site sign means any sign relating in its subject matter to the commodities, accommodations, service or activities on the premises on which it is located.

Ornamental flag means any fabric or similar material containing patterns, drawings or symbols used for decorative purposes and designed to be flown as a flag.

Parcel means land which has been or which is proposed to be used, developed, or built upon as a unit under single ownership.

Parapet means a false front or wall extension above the roof of a building.

Pennant means any series of small flag-like or streamer-like pieces of cloth, plastic, paper or similar material attached in a row to any staff, cord, building, or at only one or two edges, the remainder hanging loosely.

Permanent sign means any sign which, when installed, is intended for permanent use. For the purposes of this division any sign with an intended use in excess of 12 months from the date of installation shall be deemed a permanent sign.

Portable sign means any sign or poster that is not permanently attached to the ground or structure. For purposes of this division, a cold air inflatable sign shall be considered to be a portable sign.

Premises means any property owned, leased or controlled by the person actively engaged in business at that location.

Projecting sign means any sign affixed perpendicularly to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

Real estate sign means a sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed temporarily.

Revolving sign or rotating sign means any sign that revolves or rotates.

Roof sign means any sign erected and constructed wholly on or over the roof of a building, which is supported by the roof structure, or any sign that extends in whole or in part above the roofline of a building.

Roofline means the highest continuous horizontal line of a roof. On a sloping roof, the roofline is the principal ridgeline or the highest line common to one or more principal slopes of roof. On a flat roof, the roofline is the highest continuous line of a roof or parapet, whichever is higher.

Safety sign. See Warning sign.

Sandwich board sign means a portable double-faced, freestanding sign not exceeding 12 square feet in area that is designed such that it can be displayed during business hours and easily removed at the close of business.

Shopping center means a group of [five](#) or more independent commercial establishments owned and operated as a planned unit, with off-street parking provided on the property. A shopping

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center may include a building or structure owned in fee simple, condominium, cooperative, leasehold or other ownership.

Sight visibility triangle means a triangular shaped portion of land established at street intersections or street and driveway intersections in which nothing is erected, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. For street intersections, this triangle is measured 20 feet in length from the intersection along the abutting curb lines to form a triangle; and for driveway intersections, this triangle is measured ten feet from the intersection along the curb line and along the driveway line to form a triangle. (See illustration in section 6.21.)

Sign means any device, fixture, placard or structure which uses color, form, graphics, illumination, architectural style or design with text, or writing to advertise, attract attention, announce the purpose of, or identify the purpose of any person or entity or to communicate information of any kind to the public. The term "sign" includes sign structure.

Sign area means the total square foot area of sign surface, including all parts thereof devoted to the background, computed by bounding the exterior of the sign structure or surface with a series of straight or curved lines tangent thereto (see illustrative examples in section 26.3). The area of a sign painted directly on a wall or awning and signs with letters attached directly to walls or awnings shall be calculated by constructing an imaginary series of straight lines or lines formed, bounded or characterized by curves around the outside of all elements of the sign. For a freestanding sign, the sign area shall include the area of ground support.

Sign face means the part of the sign that is or can be used to identify, display, advertise, communicate information, or for the visual representation which attracts or intends to attract the attention of the public for any purpose.

Sign structure means any structure which is designed specifically for the purpose of supporting a sign, which has supports or which is capable of supporting a sign. The definition shall include any decorative covers, braces, wires, supports, or other components attached to or placed around the sign structure.

Snipe sign means any sign tacked, nailed, posted, pasted, glued or otherwise attached to telephone poles, utility poles, or fences, with the message appearing thereon not applicable to the present use of the premises upon which the sign is located.

Statutory sign means a sign required by any statute of the State of Florida or the United States.

Street address sign means any sign denoting the street address of the premises on which it is attached or located.

Subdivision monument identification sign means a monument sign which contains only the name of a platted subdivision or other residential development.

Temporary sign means a sign intended for a use not permanent in nature. For the purposes of this division, a sign with an intended use of one year or less shall be deemed a temporary sign.

Time and temperature sign means a sign which displays the current time and temperature at intervals no more frequently than once per minute and which contains no other messages. Time and temperature signs are regulated within the zoning districts in which they are allowed.

Traffic control device sign means any sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard. A traffic control device sign includes those signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show

route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).

Vehicle sign means any sign or signs where the total sign area covers more than ten square feet of the vehicle.

Visibility triangle. See Sight visibility triangle.

Wall sign means a sign which is painted on, fastened to, or erected against the wall of a building with its face in a parallel plane with the plane of the building facade or wall, which is used for advertising.

Warning sign or safety sign means a sign which provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, etc.).

Waterside identification sign means a sign identifying a residential complex, single business property or shopping center and which can be only be viewed from the waters of the Gulf of Mexico, Boca Ciega Bay, the intracoastal waterway or any other navigable waterway.

Window sign means any sign painted on or mounted in any fashion on the interior or exterior of the surface of a window.

Wind sign means a sign, which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind, and shall include, pennants, ribbons, spinners, streamers or captive balloons to express a commercial message; however, the term wind sign shall not include flags.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2010-32, § 1, 1-11-11)

Cross references: Definitions, § 2.1.

Sec. 26.3. Illustrations of type of signs and methods of measurement.

The following diagrams illustrate the types of signs and methods of measurement:

GRAPHIC LINK:[Click here](#)

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(Ord. No. 03-10, § 1, 6-3-03)

Sec. 26.4. Prohibited signs.

The following signs and sign-types are prohibited within the city limits and shall not be erected.

Any lawfully existing permanent sign or sign-type which is among the prohibited signs and sign-types listed below shall be deemed a nonconforming sign subject to the provisions of section 26.5.

- (a) Billboards; off-site signs.
- (b) Revolving signs; rotating signs.
- (c) Flashing or animated signs.

- (d) Banners, except those used to advertise special events, approved with a special event permit. The banner may not be placed on the property in which the event is to take place more than 21 days prior to the special event.
 - (e) Wind signs.
 - (f) Portable signs, other than sandwich board signs as allowed within certain zoning districts pursuant to this division.
 - (g) Roof signs, other than integral roof signs in non-residential zoning districts.
 - (h) Abandoned and discontinued signs.
 - (i) Snipe signs.
 - (j) Bus bench advertising signs; bus shelter advertising signs.
 - (k) Signs that emit sound, vapor, smoke, odor, particles or gaseous matter.
 - (l) Signs that have unshielded illuminating devices.
 - (m) Signs that obstruct, conceal, hide or otherwise obscure from view any official traffic or governmental sign, signal or device.
 - (n) Any attached sign that exceeds 100 square feet in area.
 - (o) Any freestanding sign that is higher than 35 feet.
 - (p) Any freestanding sign that exceeds 135 square feet in sign area.
 - (q) Any sign within a sight visibility triangle that obstructs a clear view of pedestrian or vehicular traffic.
 - (r) Any sign in the public right-of-way, other than traffic control device signs, bus stop informational signs, warning signs or safety signs.
 - (s) Any sign attached to a seawall or pier, other than a warning sign or safety sign.
 - (t) Any sign other than a traffic control device sign that uses the word "stop" or "danger," or presents or implies the need or requirement of stopping or the existence of danger, or which is a copy or limitation of official traffic control device signs, and which is adjacent to the right-of-way of any road, street, or highway.
 - (u) Any sign nailed, fastened or affixed to any tree.
 - (v) Any sign prohibited by state or federal law.
 - (w) Vehicle sign or signs which have a total sign area on any vehicle in excess of ten square feet, when the vehicle is not "regularly used in the conduct of the business" advertised on the vehicle, and (a) is visible from a street right-of-way within 100 feet of the vehicle, and (b) is parked for more than two consecutive hours within 100 feet of any street right-of-way. A vehicle shall not be considered "regularly used in the conduct of the business" if the vehicle is used primarily (i) for advertising, or (ii) for the purpose of advertising, or (iii) for the purpose of providing transportation for owners or employees of the business advertised on the vehicle.
 - (y) Any sign located on real property without the permission of the property owner.
 - (z) Beacons, except as required by federal or state law.
- (Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2010-32, § 1, 1-11-11)

Sec. 26.5. Nonconforming signs.

A nonconforming sign that was lawfully erected may continue to be maintained: (a) until the nonconforming sign is substantially damaged or destroyed, or (b) until the real property on which the sign is located is redeveloped, whichever of the foregoing occurs first. At such time the sign is substantially damaged or destroyed or at such time the real property is redeveloped, the nonconforming sign must either (a) be removed or (b) be brought into conformity with this

division and with any other applicable law or regulation. For the purpose of this section, the term "redevelopment" shall mean a substantial improvement of the principal structure on the real property.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.6. Exemptions.

This division does not pertain to the following:

- (a) A sign, other than a window sign, located entirely inside the premises of a building or enclosed space.
- (b) A sign on a vehicle, other than a prohibited vehicle sign or signs.
- (c) A statutory sign.
- (d) Historic markers for locally designated historic resources.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.7. Building permits.

It shall be unlawful for any person or business or the person in charge of the business to erect, construct, alter or maintain an outdoor advertising display sign, as defined in the Florida Building Code, without first obtaining a building permit from the city in accordance with the provisions of the Florida Building Code and applicable law. Permit fees shall be paid in accordance with the applicable city fee schedules. The requirement of a building permit under the Florida Building Code is separate and independent of the requirement for a sign permit under this division.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.8. Shielding of illumination.

Illuminated signs, in addition to conforming to all other requirements of this division, shall be shielded in such a manner so that no direct source of light is cast into residential properties or into a public street or right-of-way. Illuminated signs shall not interfere with pedestrian or motorist vision. The illumination shall not be reflective or phosphorescent and shall perform in a steady non-fluctuating or non-undulating manner and shall be placed in a manner that will not create a nuisance to other premises or interfere with vehicular movements.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.9. Substitution of noncommercial speech for commercial speech.

Notwithstanding anything contained in this division or Code to the contrary, any sign erected pursuant to the provisions of this division or Code may, at the option of the owner, contain a non-commercial message unrelated to the business located on the premises where the sign is erected. The non-commercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to non-commercial messages, or from one non-commercial message to another, as frequently as desired by the owner of the sign, provided that the size, height, setback and other dimensional criteria contained in this division and Code have been satisfied.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.10. Content neutrality as to sign message (viewpoint).

Notwithstanding anything in this division or Code to the contrary, no sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such sign or displayed on such sign structure.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.11. Sign permit required.

(a) Allowed temporary and allowed permanent signs of the type described in section 26.25 shall be exempt from sign permitting hereunder.

(b) No sign permit shall be issued for the erection of a prohibited sign.

(c) Unless exempt from permitting, no permanent sign shall be erected, altered, relocated, maintained or displayed until a sign permit is obtained from and appropriate fee paid to the city.

(d) A sign lawfully erected under permit may be repainted or have ordinary and customary repairs performed, including replacement of plastic or glass panels, without a new sign permit; however, if such sign is to be structurally altered in any manner, a new sign permit shall be required and the altered sign must meet all requirements of this division and this Code.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2010-32, § 1, 1-11-11)

Sec. 26.12. Application.

(a) A sign permit application for a permanent sign shall be made upon a form provided by the city. The sign permit application is in addition to any building permit application required by the Florida Building Code. The sign permit application shall be accompanied by plans and specifications drawn to scale, together with any site plan required by Division 5 of the Land Development Code. The applicant shall furnish the following information on or with the sign permit application form:

(1) The legal description of the real property where the sign is proposed to be located.

(2) The zoning district for the real property on which the sign will be located.

(3) The name, mailing address and telephone number (where available) of the owner(s) of the real property where the sign is proposed to be located.

(4) A notarized statement of authorization signed by the owner(s) consenting to the placement of the proposed sign on the real property.

(5) The name, mailing address and telephone number of the sign contractor.

(6) Type of proposed sign (e.g. attached wall sign, freestanding monument sign).

(7) The square footage of the surface area of the proposed sign.

(8) The setbacks for the proposed sign.

(9) The cost of the proposed sign.

(10) If the proposed sign is a freestanding sign:

a. The lot frontage on all adjacent street rights-of-way.

b. The dimensions of the supporting structure.

c. The height of the proposed sign.

(11) If the proposed sign is an attached sign, the building frontage for the building to which the attached sign shall be affixed.

(12) The number, type, location, and surface area for all existing signs on the same lot and/or building on which the sign will be located.

(13) If the proposed sign is to be an illuminated sign, the type, placement, intensity and hours of operation.

(b) An applicant shall deliver a sign permit application for a permanent sign to the city's chief building official, or such other person as may be designated by the city. The sign permit application shall be reviewed for a determination of whether the proposed sign meets the applicable requirements of this division and any applicable zoning law.
(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.13. Fees.

(a) *Initial application fees.* Every person making an initial application for a sign permit shall pay fees to the city at the time of approval of the application. The fees shall be established by resolution of the city commission and shall be as stated in appendix A to this Code.
(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2010-32, § 1, 1-11-11)

Sec. 26.14. Duration of Sign Permit and Maintenance of Signs.

(a) *Duration of permit.* Each sign permit shall be valid for a period of one city fiscal year (October 1 through September 30). If the work authorized under a sign permit has not been completed within six months after the date of issuance, the permit shall become null and void and a new application for a sign permit shall be required. However, for just cause, one renewal period of 90 days may be granted.

(b) *Maintenance of signs.*

(1) All visible portions of a sign and its supporting structure shall be maintained in a safe condition, and neat appearance according to the following:

a. If the sign is lighted, all lights shall be maintained in working order and functioning in a safe manner.

b. If the sign is painted, the painted surface shall be kept in good condition.

c. Every sign shall be kept in such manner as to constitute a complete or whole sign.

(2) Lawfully erected nonconforming signs may suffer only ordinary and customary repairs and maintenance. As provided in section 26.11, a lawfully-erected non-conforming sign shall not be structurally altered except in full conformance with this division.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.15. Appeals.

(a) Whenever it is alleged that there has been an error in any order, action, decision, determination, or requirement by an administrative official in the enforcement and application of any provision contained within this division or any other provision of this Code pertaining to sign permits (including any allegation that an administrative official has failed to act within applicable time frames), the aggrieved party shall file a written appeal in accordance with Section 3.14 of the Land Development Code.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.16. Enforcing official.

The city manager shall be the enforcing official of this division. The enforcing official is charged with the duty of administering this division and securing compliance therewith. Further, the enforcing official shall make such inspection as may be necessary to ensure compliance with this division and shall initiate appropriate action, if any, to enforce the provisions of this division.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Deleted: Conditions

Deleted: .

Editor's note: Ord. No. 10-02, § 1(Att. A), adopted February 23, 2010, repealed the former section 26.16 in its entirety, which pertained to appellate decisions deemed final, subject to common law certiorari review to circuit court, and derived from Ord. No. 03-10, § 1, adopted June 3, 2003. Subsequently, the former sections 26.17--26.33 have been redesignated as sections 26.16--26.32. The historical notation has been preserved for reference purposes.

Sec. 26.17. Failure to comply.

If the city manager finds that any sign has been erected, altered or maintained in violation of this division, the city shall notify the owner of record of the property upon which such sign is located by either certified mail or by hand delivery that such violation exists. The owner shall cause the violation to be remedied or shall file an appeal of the violation within three working days after receipt of the notice. Where it is determined that such illegal sign poses an imminent threat to the health, safety or welfare of the public, the city may cause the immediate removal of the sign by its own action. Cost of such removal shall be paid by the property owner. In addition to removal, the city shall be entitled to proceed with alternative legal or equitable remedies, including injunctive relief.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Editor's note: See note at section 26.16.

Sec. 26.18. Violations and penalties.

(a) The acts enumerated in this section shall be a violation of this division and shall be subject to the enforcement remedies and penalties provided by this division, by other city codes, and by state law. Such remedies may be pursued simultaneously.

(b) It shall be a violation to:

- (1) Install, create, erect or maintain any sign in a way that is inconsistent with any approved plan or permit governing such sign or the site on which the sign is located.
- (2) Install, create, erect or maintain any sign requiring a permit without having first obtained such permit.
- (3) Fail to remove any sign that is installed, created, erected or maintained in violation of this division or for which the sign permit has lapsed.
- (4) Install, erect, place, or maintain any sign contrary to the provisions of this division, including any sign or sign structure not allowed within the applicable zoning district.
- (5) Continue any such violation.

(c) Each sign installed, created, erected or maintained in violation of this division shall be considered a separate violation, and each day of a continued violation shall be considered a separate violation.

(d) Any violation of this division or any condition or requirement adopted pursuant to this division may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to law. The remedies of the city shall include but not be limited to the following:

- (1) Issuing a stop work order for any and all work on any signs on the same site.
- (2) Seeking an injunction or other order of restraint or abatement that requires the removal of the sign or the correction of the violation.
- (3) For a sign which poses an immediate danger to the public health or safety, taking such measures as are available to the city under the applicable provisions of this division for such circumstances.

(e) A person in violation of this division shall be subject to prosecution and, upon conviction, shall be punished as set forth in section 1-14 of Chapter 1, St. Pete Beach Code of Ordinances. (Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Editor's note: See note at section 26.16.

Sec. 26.19. Adoption of zoning regulations.

The boundaries of the various districts shown upon the official zoning map and the regulations of the comprehensive zoning ordinance contained in Land Development Code, governing the use of land and buildings and other matters set forth therein are made part of this division. Except as provided in this division, no sign shall be erected, enlarged, reconstructed or structurally altered which does not comply with all the district regulations established by this division for the zoning district in which it is located.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Editor's note: See note at section 26.16.

Sec. 26.20. Freestanding signs.

~~(a) Freestanding signs shall not be permitted within any required side yard adjacent to property in an RU-1, RU-2, RLM-1 or RLM-2 district or within a required front yard established for protection of a right-of-way corridor.~~

~~(b) Freestanding signs shall not be located within any visibility triangle established for the intersections of public streets or the intersections of driveways providing ingress and egress from a property to a public street.~~

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Editor's note: See note at section 26.16.

Deleted: (a) Freestanding signs shall be set back at least two feet from any property line.¶
(b) Freestanding signs shall have a minimum sight clearance from three feet above grade to seven feet above grade when located within ten feet of a public right-of-way.¶

Deleted: c

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Sec. 26.21. Setback measurement.

Required setbacks for signs in all zoning districts shall be measured from the property line to the nearest part of the sign.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Editor's note: See note at section 26.16.

Sec. 26.22. Double-faced signs.

Double-faced signs shall be permitted in all zoning districts, provided the signs are designed and constructed such that the two sign faces are back to back and directionally oriented 180 degrees from each other. The maximum sign area allowed shall be permitted for each sign face.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Editor's note: See note at section 26.16.

Sec. 26.23. Illumination.

The following conditions and restrictions shall apply to illuminated signs:

Except as hereinafter provided in this section, illuminated signs, or illumination in show windows, display windows, in or upon any building shall have the source of light concealed from view from the exterior of the building or structure, except that where channel letters or figures are used for any sign the illumination thereof may be visible if recessed within the depth of the channel.

Illuminated signs are subject to the following maximum illumination intensity levels:

Maximum Illumination Intensity Level

TABLE INSET:

Type of Illumination	Located Within 500 Feet and Visible from a Residential District	Not Visible From a Residential District or Located Beyond 500 Feet of a Residential District
Direct, internal or back lighted	90 footlamberts	150 footlamberts
Indirect or reflected sign	10 foot-candles	25 foot-candles

Illuminated signs located within 500 feet of a residential zone, and which are visible from such residential zone shall be turned off not later than 11:00 p.m. each night.

No intermittent or flashing illumination will be permitted.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Editor's note: See note at section 26.16.

Sec. 26.24. Time and temperature signs.

Time and temperature signs may be utilized as part of an otherwise allowed freestanding or attached sign in RFM and CG-1 zoning districts; otherwise they are prohibited.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Editor's note: See note at section 26.16.

Sec. 26.25. All districts.

The regulations in this division apply in every zoning district in the city, except where otherwise specified or indicated. Sign permits are not required for signs and sign-types described and identified in this section, below.

(a) *Street address signs.* For each parcel within the city, one street address sign may be displayed for each public street or waterfront. For parcels in residential use, the street address sign shall not exceed two square feet in sign area. For each parcel in non-residential use, the street address sign shall not exceed six square feet in sign area.

(b) *Nameplate signs or occupant identification signs.* For each residence, business or other occupancy within the city, one nameplate sign may be displayed. For residences the nameplate or occupant identification signs shall not exceed two square feet in sign area. For any non-residential use, the nameplate or occupant identification sign shall not exceed six square feet in sign area.

(c) *Noncommercial onsite directional signs.* Noncommercial onsite directional signs, not exceeding four square feet in sign area, shall be allowed on each parcel within the city.

(d) *Noncommercial onsite parking space signs.* Noncommercial onsite parking space number signs, not exceeding one square foot of sign face per sign, shall be allowed on each parcel in noncommercial use having multiple parking spaces onsite. One such sign shall be allowed for each parking space.

(e) *Noncommercial onsite marina slip number signs.* Noncommercial onsite marina slip number signs, not exceeding one square foot of sign face per sign, shall be allowed for each marina having marina slips. One such sign shall be allowed for each marina slip.

(f) *Free expression signs.* For each parcel within the city and for each residential unit within a multifamily residence, one free expression sign not exceeding three square feet in sign area may be displayed. The free expression sign may be displayed as an attached sign or as a freestanding sign; if displayed as a freestanding sign, the free standing sign shall not exceed three feet in height. A free expression sign is in addition to any other sign permitted under this Code and is permitted in any zoning district. Only one such sign shall be permitted on each such parcel or each residential unit. The sign must be located within six feet of a building located on the lot or parcel; or if there is no building on the lot or parcel, the sign must be located at least 15 feet from any street.

(g) *Election signs.* For each parcel within the city, one election sign for each candidate and each issue may be displayed. An election sign may be displayed as an attached sign or as a freestanding sign. On parcels that are in residential use, the election sign shall not exceed three square feet in sign area; and, if the election sign is displayed as a freestanding sign on the parcel, the election sign shall not exceed three feet in height. On parcels that are in non-residential use, the election sign shall not exceed 12 square feet in sign area; and, if the election sign is displayed as a freestanding sign on the parcel, the election sign shall not exceed six feet in height. Freestanding election signs shall be set back at least three feet behind the sidewalk or, if there is no sidewalk, 10 feet from the edge of pavement. An election sign shall be removed within seven calendar days following the election to which it pertains.

(h) *Artwork.* Artwork is allowed in all districts.

(i) *Flagpoles.* One flagpole is allowed for each parcel in the city. Flagpoles in residential districts shall not exceed 20 feet in height, and flagpoles in nonresidential districts shall not exceed 30 feet in height.

(j) *Flags.* For each detached dwelling unit in a residential district, one flag not greater than 15 square feet in sign area may be displayed. For each parcel in a multi-family residential district and in a non-residential district, three flags not greater than twenty-four square feet in sign area (each) may be displayed.

(k) *Warning signs and safety signs.* Warning signs and safety signs, not exceeding four square feet in sign area, shall be allowed in all districts.

(l) *Machinery and equipment signs.* Machinery and equipment signs shall be allowed in all districts.

(m) *Construction signs.* One construction sign shall be allowed on each parcel within the city. Construction signs shall not exceed three square feet in sign area for residential properties, and 16 square feet in sign area for nonresidential properties.

(n) *Real estate signs.* For each parcel within the city, one real estate sign may be displayed on each parcel of land or part thereof that is for sale, lease, or rent; however, when more than one dwelling unit or non-residential space on a parcel of land is for sale, lease, or rent, there may be one real estate sign for each such unit or space. In addition, waterfront lots may display one additional real estate sign within the required waterfront yard. Real estate signs shall not exceed three square feet in sign area for residential properties, and sixteen square feet in sign area for nonresidential properties. The real estate sign shall be removed immediately upon the sale, lease or rent of the real estate that was offered for sale, lease, or rent.

(o) *Temporary garage-yard sale signs.* For each parcel with a lawful residential use, one temporary garage-yard sale sign may be displayed. A temporary garage-yard sale sign shall not exceed four square feet in sign area. A temporary garage-yard sale sign may not be displayed for

a period longer than two days during any calendar month and shall be removed upon the conclusion of the sale.

(p) *Temporary grand opening signs.* For each new business or business name change, one temporary grand opening sign shall be permitted for 30 days after the issuance of an occupational license for the new business or the business name change. A temporary grand opening sign shall not exceed 12 square feet in sign area. A temporary grand opening sign may be a temporary covering, such as a toaster cover, sign boot, or sign sock, which covers an existing permitted attached or freestanding sign.

(q) *Temporary seasonal signage.* During the period November 15 until January 7 each year, each business holding a valid Business Tax Receipt shall be allowed to display one additional sign of the types allowed for the applicable zoning district, excluding freestanding pole or monument signs. Such sign shall not require a permit, but must conform to the dimensional requirements of the code.

(r) *Window signs.* For each parcel within the city, one or more window signs may be displayed. On parcels that are in residential use, the window sign(s) shall not exceed an aggregate of three square feet in sign area. On parcels that are in non-residential use, the window sign(s) shall not be restricted from the date of adoption of this ordinance until December 31, 2012; following which such signage shall not exceed an aggregate of more than fifty (50) percent of any window surface.

(s) *Temporary holiday and seasonal decorations.* Temporary holiday and seasonal decorations shall be allowed in all districts.

(t) *Temporary valet parking station signs.* One temporary valet parking station sign no more than four square feet in sign area shall be allowed on each parcel. The temporary valet parking station sign shall only be visible during hours that the valet is operating.

(u) *Bus stop information signs.* Bus stop informational signs up to three square feet in area shall be allowed in all districts.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2010-32, § 1, 1-11-11)

Editor's note: See note at section 26.16.

Sec. 26.26. RU-1, RU-2, RLM-1 and RLM-2 Residential Districts.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, the following permanent signs are also allowed within RU-1, RU-2, RLM-1 and RLM-2 Residential Districts. The permanent signs described below require a sign permit.

(a) *Subdivision monument identification signs.* For each platted subdivision or neighborhood entrance within any RU-1, RU-2, RLM-1 and RLM-2 Residential Districts, one subdivision monument identification sign not exceeding six feet in height and 24 square feet in sign area shall be allowed.

(b) *Freestanding monument signs.* For each parcel with a lawful non-residential use within the RU-1, RU-2, RLM-1 and RLM-2 Residential Districts, one freestanding monument sign shall be allowed. The freestanding monument sign shall be subject to the following limitations:

(1) *Maximum height.* The monument sign shall not exceed six feet in height.

(2) *Maximum size.* The monument sign shall not exceed 18 square feet in sign area.

However, in the event that the parcel is greater than one acre in size and has two street frontages, two freestanding monument signs shall be allowed, but each freestanding monument sign shall be subject to the maximum height and maximum size criteria described above.

Deleted: n

(c) *Attached signs.* For each parcel with a lawful non-residential use within the RU-1, RU-2, RLM-1 and RLM-2 Residential Districts, one attached sign shall be allowed. The attached sign shall be subject to the following limitations:

(1) *Maximum size.* An attached sign shall not exceed six square feet in sign area.

(2) *Height restrictions.* An attached sign may not appear above the first floor of a building.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Editor's note: See note at section 26.16.

Sec. 26.27. RM [and DCR](#) Residential Districts.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, the following permanent signs are also allowed within RM Residential District. The permanent signs described below require a sign permit.

(a) *Subdivision monument identification signs.* For each platted subdivision or neighborhood entrance within any RM [or DCR](#) Residential District, one subdivision monument identification sign not exceeding six feet in height and 24 square feet in sign area shall be allowed.

(b) *Freestanding monument signs.* For each parcel with a lawful non-residential use within the RM [or DCR](#) Residential District, one freestanding monument sign shall be allowed. The freestanding monument sign shall be subject to the following limitations:

(1) *Maximum height.* The monument sign shall not exceed eight feet in height.

(2) *Maximum size.* The monument sign shall not exceed 24 square feet in sign area.

However, in the event that the parcel is greater than one acre in size and has two street frontages, two freestanding monument signs shall be allowed, but each freestanding monument sign shall be subject to the maximum height and maximum size criteria described above.

(c) *Attached signs.* For each parcel with a lawful non-residential use within the RM districts, one attached sign shall be allowed. The attached sign shall be subject to the following limitations:

(1) *Maximum size.* An attached sign shall not have a sign area that exceeds (a) eight square feet or (b) one square foot for each linear foot of building frontage, whichever is less.

(2) *Height restrictions.* An attached sign may not appear above the first floor of a building.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Editor's note: See note at section 26.16.

Sec. 26.28. ROR Residential/Office/Retail District.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the ROR District may have up to three of the following signs in [subsections] (a)–(e) below, subject to permit approval and compliance with the conditions for each type of sign:

(a) *Subdivision monument identification signs.* For each platted subdivision or neighborhood entrance within any ROR Residential/Office/Retail District, one subdivision monument identification sign not exceeding six feet in height and 24 square feet in sign area shall be allowed.

(b) *Freestanding monument signs.* For each parcel with a lawful non-residential use within the ROR Residential/Office/Retail District, one freestanding monument sign shall be allowed. The freestanding monument sign shall be subject to the following limitations:

(1) *Maximum height.* The monument sign shall not exceed ten feet in height.

(2) *Maximum size.* The monument sign shall not exceed 40 square feet in sign area. However, in the event that the parcel is greater than one acre in size and has two street frontages, two freestanding monument signs shall be allowed, but each freestanding monument sign shall be subject to the maximum height and maximum size criteria described above.

(c) *Attached signs.* For each parcel with a lawful non-residential use within the ROR Residential/Office/Retail District, attached signs shall be allowed. Attached signs shall be subject to the following limitations:

(1) *Maximum size.* An attached sign shall not have a sign area that exceeds one square foot for each linear foot of building frontage.

(2) *Height restrictions.* An attached sign may not appear above the second floor of a building.

(d) One sandwich board sign or one designer sign, subject to the following:

(1) *Sandwich board--* Shall be located in front of the storefront for which it advertises and shall not be placed in the right of way, shall not be placed within the visibility triangle required for intersections at streets and driveways, as required by this LDC, be no larger than five (5) feet in height and twelve (12) square feet in area per face, shall have no illumination of any kind, and may be displayed only during the time when the business is open to the public.

(2) *Designer sign--* Shall not be located on public right of way or within the visibility triangle required by this LDC and shall be no larger than 5 feet tall by three feet wide by three feet deep.

(e) A projecting sign, provided that the sign is no larger than 12 square feet in area, does not project within 2 feet of any curb, and has a minimum ground clearance of 7 feet.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2010-32, § 1, 1-11-11)

Editor's note: See note at section 26.16.

Sec. 26.29. RFM Resort Facilities Medium District.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, the following permanent signs and temporary signs are also allowed within RFM Resort Facilities Medium District. The permanent signs described below require a sign permit.

(a) *Freestanding monument signs.* For each parcel with a lawful non-residential use within any RFM Resort Facilities Medium District, one freestanding monument sign shall be allowed. The freestanding monument sign shall be subject to the following limitations:

(1) *Maximum height.* The monument sign shall not exceed 20 feet in height.

(2) *Maximum size.* The monument sign shall not exceed 135 square feet in sign area.

However, in the event that the parcel is greater than one acre in size and has two street frontages or more than 400 feet along one street frontage, two freestanding monument signs shall be allowed, but each freestanding monument sign shall be subject to the maximum height and maximum size criteria described above.

(b) *Attached signs.* For each parcel with a lawful non-residential use within the RFM Resort Facilities Medium District, attached signs shall be allowed. Attached signs shall be subject to the following limitations:

(1) *Maximum number.* Up to three attached signs shall be allowed with a combined sign area not exceeding the maximum permitted in paragraph (c)(2); however, in the event the parcel contains a multi-tenant development, each individual business use may have one attached sign.

(2) *Maximum size.* An attached sign shall not have a sign area that exceeds one square foot for each linear foot of building frontage.

(3) *Height restrictions.* An attached sign may not appear above the second floor of a building.

Deleted: (b) *Freestanding pole signs.* In lieu of one freestanding monument sign, each parcel with a lawful non-residential use within the RFM Resort Facilities Medium District is allowed one freestanding pole sign. The freestanding pole sign shall be subject to the following limitations: ¶

(1) *Maximum height.* The pole sign shall not exceed 35 feet in height. ¶

(2) *Maximum size.* The pole sign shall not exceed one square foot in sign area for each linear foot of street frontage, subject to a maximum sign area of no more than 135 square feet. ¶

(3) *Setback.* The pole sign shall be set back at least ten feet from the property line. ¶

Deleted: c

- (c) *Drive-thru menu signs.* For each parcel with a lawful non-residential use that utilizes a drive-through lane within RFM Resort Facilities Medium District, one drive-through menu sign shall be allowed for each drive-thru lane. An allowed drive-thru menu sign may be either a free-standing sign or an attached sign, and shall not exceed 40 square feet in sign area and ten feet in height. Drive-thru menu signs shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.
- (d) *Attached menu display signs.* For each parcel within RFM Resort Facilities Medium District with (a) a restaurant without drive-through service or (b) with a transient lodging facility that has restaurant facilities open to the general public, one attached menu display sign shall be allowed. An attached menu display sign shall be a wall sign not exceeding 12 square feet in sign area. An attached menu display sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.
- (e) *Theater signs.* For each parcel with a theater within RFM Resort Facilities Medium District, one attached theater sign shall be allowed. An attached theater sign shall be a wall sign not exceeding 15 square feet in sign area for each auditorium within the theater, subject to a maximum limit of 64 square feet in sign area. An attached theater sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.
- (f) *Waterside identification signs.* For each parcel within RFM Resort Facilities Medium District with a residential complex, business property or shopping center theater that can only be viewed from a navigable waterway, one waterside identification sign shall be allowed. A waterside identification sign may be either a free-standing sign or an attached sign. A waterside identification sign shall not exceed eight feet in height and shall not exceed 20 square feet in sign area. A waterside identification sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.
- (g) *Boat or beach concession signs.* Each licensed boat or beach concession rental business operating along the Gulf of Mexico and on the site of a business having Gulf frontage may be permitted signs as follows:
- (1) *Permission required.* The applicant shall provide the city with a letter, granting approval for placement of the signs, from the owner of the real property upon which signs are to be located prior to the issuance of a permit.
 - (2) *Advertising permitted.* Signs at boat or beach concession rental business licensed sites shall only provide descriptions of the specific activities and services offered at the site where the sign is located. Such signs shall not be permitted to advertise or imply the availability of any activities or services that are not specifically available at the site.
 - (3) *Lighted signs.* Lighted signs shall be prohibited.
 - (4) *Sandwich board signs.* Operators may display sandwich board sign on the sandy beach during the hours of business operation in accordance with subparagraphs (i) through (iv) below. Such signs shall be removed from the beach when the business is closed.
 - (i) *Maximum area:* 12 square feet per face.
 - (ii) *Number permitted:* One.
 - (iii) *Maximum height:* Five feet.
 - (iv) *Setbacks:* 40 feet from the water's edge.
 - (5) *Tiki hut or ticket office signs.* Operators may display signs on the tiki huts or ticket offices as follows:
 - (i) *Maximum area:* Eight square feet per face.

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- (ii) *Number permitted:* Three per tiki hut; not more than two on one side.
 - (iii) *Location:* Signs may be attached to or painted on the sides of the tiki hut at a point no higher than four feet above the ground, provided however, that one of the signs may be raised and attached at a point on the side of the tiki hut just below the eave of the roof.
 - (6) *Operators without a tiki hut or ticket office.* Licensed board or beach concession rental businesses that do not use a tiki hut or other structure for their businesses shall be permitted to keep one sandwich board sign on the beach overnight, provided such sign is no larger than eight square feet in area per face and is located or protected so as to not be a hazard to people walking on the beach after dark.
- (Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2010-32, § 1, 1-11-11)

Editor's note: See note at section 26.16.

Sec. 26.30. CG-1 Commercial District.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the CG-1 District may have up to three of the following signs in [subsections] (a)–(f) below, subject to permit approval and compliance with the conditions for each type of sign (businesses with more than 300 feet of frontage may choose up to 4 signs from [subsections] (a)–(f)):

- (a) *Freestanding monument signs.* Up to two freestanding monument signs are permitted, provided that the sign face does not exceed 50 square feet in area, is not taller than 8 feet in height, and is not located within the visibility triangle as required by this LDC. The sign may be located within the front yard setback but shall be located at least ten feet from the front lot line, and shall not be located within any easement dedicated for pedestrian or utility improvements. If the business owner chooses to have one monument sign instead of two, the sign may be up to 100 square feet in area, but shall not exceed 8 feet in height. However, this sign shall be counted as two of the three or four permitted.
- (b) *Attached signs,* subject to the following:
 - (1) *Maximum size.* An attached sign shall not exceed a sign face area equal to one square foot for each linear foot of building frontage.
 - (2) *Height restrictions.* An attached sign may not appear above the second floor of a building.
 - (c) *Drive-thru menu signs.* For each parcel with a lawful non-residential use that utilizes a drive-through lane within the CG-1 Commercial District, one drive-through menu sign shall be allowed for each drive-thru lane. An allowed drive-thru menu sign may be either a free-standing sign or an attached sign, and shall not exceed 40 square feet in sign area and ten feet in height. Drive-thru menu signs shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.
 - (d) *Attached menu display signs.* For each parcel within the CG-1 Commercial District with a restaurant without drive-through service or with a transient lodging facility that has restaurant facilities open to the general public, one attached menu display sign shall be allowed. An attached menu display sign shall be a wall sign not exceeding 12 square feet in sign area. An attached menu display sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.
 - (e) *Theater signs.* For each parcel with a theater within the CG-1 Commercial District, one attached theater sign shall be allowed. An attached theater sign shall be a wall sign not exceeding 15 square feet in sign area for each auditorium within the theater. An attached theater sign shall

be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(f) *Waterside identification signs.* For each parcel within the CG-1 Commercial District with a residential complex, business property or shopping center theater that can only be viewed from a navigable waterway, one waterside identification sign shall be allowed. A waterside identification sign may be either a free-standing sign or an attached sign. A waterside identification sign shall not exceed eight feet in height and shall not exceed 20 square feet in sign area. A waterside identification sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2010-32, § 1, 1-11-11)

Editor's note: See note at section 26.16.

Sec. 26.31. CG-2 Commercial District.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the CG-2 District may have up to three of the following signs in [subsections] (a)–(f) below, subject to permit approval and compliance with the conditions for each type of sign (businesses with more than 300 feet of frontage may choose up to 4 signs from [subsections] (a)–(f)):

(a) *Freestanding monument.* Up to two freestanding monument signs are permitted, provided that the sign face does not exceed 50 square feet in area, is not taller than 8 feet in height, and is not located within the visibility triangle as required by this LDC. The sign may be located within the front yard setback but shall be located at least ten feet from the front lot line, and shall not be located within any easement dedicated for pedestrian or utility improvements. If the business owner chooses to have one monument sign instead of two, the sign may be up to 100 square feet in area, but shall not exceed 8 feet in height. However, this sign shall be counted as two of the three or four permitted.

(1) *Maximum height.* The monument sign shall not exceed 8 feet in height.

(2) *Maximum size.* The monument sign shall not exceed 50 square feet in sign area.

(3) *Setback.* The sign shall be set back at least ten feet from the property line.

(b) *Attached signs.* Attached signs shall be subject to the following limitations:

(1) *Maximum size.* An attached sign shall not exceed a sign face area equal to one square foot for each linear foot of building frontage.

(2) *Height restrictions.* An attached sign may not appear above the second floor of a building.

(c) *Attached menu display signs.* An attached menu display sign shall not exceed 12 square feet in sign area.

(d) *Theater signs.* For each parcel with a theater within the CG-2 Commercial District, one attached theater sign shall be allowed. An attached theater sign shall be a wall sign not exceeding 15 square feet in sign area for each auditorium within the theater. An attached theater sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(e) *Waterside identification signs.* For each parcel within the CG-2 Commercial District with a residential complex, business property or shopping center theater that can only be viewed from a navigable waterway, one waterside identification sign shall be allowed. A waterside identification sign may be either a free-standing sign or an attached sign. A waterside identification sign shall not exceed eight feet in height and shall not exceed 20 square feet in sign

area. A waterside identification sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(f) One sandwich board sign or one designer sign, subject to the following. (1) *Sandwich board*-- Shall be located in front of the storefront for which it advertises and shall not be placed in the right of way, shall not be placed within the visibility triangle required for intersections at streets and driveways, as required by this LDC, be no larger than five feet in height and twelve (12) square feet in area per face, shall have no illumination of any kind, and may be displayed only during the time when the business is open to the public.

(2) *Designer sign*-- Shall not be located on public right of way or within the visibility triangle required by this LDC and shall be no larger than 5 feet tall by three feet wide by three feet deep. (Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2010-32, § 1, 1-11-11)

Editor's note: See note at section 26.16.

Sec. 26.32. INS Institutional District.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each institution may choose up to three signs from [subsections] (a)--(c) below, subject to the limitations for each sign.

(a) *Freestanding monument signs.* For each parcel with a lawful non-residential use within any INS Institutional District, one freestanding monument sign shall be allowed. The freestanding monument sign shall be subject to the following limitations:

(1) *Maximum height.* The monument sign shall not exceed 8 feet in height.

(2) *Maximum size.* The monument sign shall not exceed 50 square feet in sign area. However, in the event that the parcel is greater than one acre in size and has two street frontages, two freestanding monument signs shall be allowed, but each freestanding monument sign shall be subject to the maximum height and maximum size criteria described above.

(b) *Attached signs.* For each parcel with a lawful non-residential use within the INS Institutional District, attached signs shall be allowed. Attached signs shall be subject to the following limitations:

(1) *Maximum number.* Only one attached sign shall be allowed.

(2) *Maximum size.* An attached sign shall not exceed a sign face area equal to (a) 24 square feet or (b) one square foot for each linear foot of building frontage, whichever is less.

(3) *Height restrictions.* An attached sign may not appear above the first floor of a building.

(c) One sandwich board sign or one designer sign, subject to the following.

(1) *Sandwich board*-- Shall be located in front of the storefront for which it advertises and shall not be placed in the right of way, shall not be placed within the visibility triangle required for intersections at streets and driveways as required by this LDC, be no larger than five feet in height and twelve (12) square feet in area per face, shall have no illumination of any kind, and may be displayed only during the time when the business is open to the public.

(2) *Designer sign*-- Shall not be located on public right of way or within the visibility triangle required by this LDC and shall be no larger than 5 feet tall by three feet wide by three feet deep. (Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2010-32, § 1, 1-11-11)

Editor's note: See note at section 26.16.

Sec. 26.33. TC-1 and TC-2 District

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In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the TC-1 [or TC-2](#) District may have up to three of the following signs in [subsections] (a)--(g) below, subject to permit approval and compliance with the conditions for each type of sign:

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(a) One sandwich board sign or one designer sign, subject to the following. (1) *Sandwich board*-- Shall be located in front of the storefront for which it advertises and will not be placed in the right of way, not be placed within the visibility triangle required for intersections at streets and driveways, as required by this LDC, be no larger than five (5) feet in height and twelve (12) square feet in area per face, shall have no illumination of any kind, and may be displayed only during the time when the business is open to the public.

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(2) *Designer sign*-- Shall not be located on public right of way or within the visibility triangle required by this LDC and shall be no larger than (5) feet tall by three (3) feet wide by three (3) feet deep.

(b) A marquee or canopy sign;

(c) A menu display sign;

(d) A projecting sign, provided that the sign is no larger than 12 square feet in area, does not project within 2 feet of any curb, and has a minimum ground clearance of 7 feet;

(e) A wall sign, provided the sign is not internally illuminated, unless such sign is on a parcel which abuts Gulf Boulevard south of 76th Avenue, in which case internal illumination shall be allowed. The area of the sign may be one square foot for every linear foot of building frontage, per business, not to exceed a total of 50 square feet.

(f) A Freestanding monument sign, provided that the sign face does not exceed 40 square feet in area, is not taller than 8 feet in height, does not block any pedestrian walkway, and is not located within the visibility triangle as required by this LDC. The sign may be located within the front yard setback.

[\(g\) Waterside identification signs. For facades of a building that can only be viewed from a navigable waterway, one waterside identification sign shall be allowed. A waterside identification sign may be either a free-standing sign or an attached sign. A waterside identification sign shall not exceed 40 square feet in sign area.](#)

(Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2010-32, § 1, 1-11-11)

Sec. 26.34. [LR and BHC](#) Districts.

Deleted: Large Resort

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the [LR or BHC](#) District that has an exclusive entrance to the interior of the building from the exterior of the building may have up to three of the following signs in [subsections] (a)--(e) below, subject to permit approval and compliance with the conditions for each type of sign (businesses with more than 300 feet of frontage may choose up to four from [subsections] (a)--(e) below):

Deleted: Large Resort

(a) A marquee or canopy sign;

(b) A menu display sign;

(c) A wall sign. The area of the sign may be one square foot for every linear foot of building frontage, per business, not to exceed a total of 70 square feet.

(d) Up to two Freestanding monument signs, provided that the sign face does not exceed 50 square feet in area, is not taller than 8 feet in height, and is not located within the visibility triangle as required by this LDC. The sign may be located within the front yard setback but shall

be located at least ten feet from the front lot line, and shall not be located within any easement dedicated for pedestrian or utility improvements. If the business owner chooses to have one monument sign instead of two, the sign may be up to 100 square feet in area, but shall not exceed 8 feet in height. However, this sign shall be counted as two of the four permitted.

(e) One sandwich board sign or one designer sign, subject to the following:

(1) *Sandwich board*-- Shall be located in front of the storefront for which it advertises and will not be located in the right of way, shall not be placed within the visibility triangle required for intersections at streets and driveways as required by this LDC, be no larger than five feet in height and twelve (12) square feet in area per face, shall have no illumination of any kind, and may be displayed only during the time when the business is open to the public.

(2) *Designer sign*-- Shall not be located on public right of way or within the visibility triangle required by this LDC and shall be no larger than 5 feet tall by three feet wide by three feet deep. (Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2010-32, § 1, 1-11-11)

Sec 26.35 CC-1 CC-2 Districts: In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business may have up to three of the following signs in [subsections] (a)--(f) below, subject to permit approval and compliance with the conditions for each type of sign (businesses with more than 300 feet of frontage may choose up to 4 signs from [subsections] (a)--(f)):

(a) Freestanding monument signs. Up to two freestanding monument signs are permitted, provided that the sign face does not exceed 50 square feet in area, is not taller than 8 feet in height, and is not located within the visibility triangle as required by this LDC. The sign may be located within the front yard setback but shall be located at least ten feet from the front lot line, and shall not be located within any easement dedicated for pedestrian or utility improvements. If the business owner chooses to have one monument sign instead of two, the sign may be up to 100 square feet in area, but shall not exceed 8 feet in height. However, this sign shall be counted as two of the three or four permitted.

(b) A marquee or canopy sign;

(c) A menu display sign not to exceed 12 square feet;

(d) A projecting sign, provided that the sign is no larger than 12 square feet in area, does not project within 2 feet of any curb, and has a minimum ground clearance of 7 feet;

(e) Wall signs, subject to the following:

(1) Maximum size. A wall sign shall not exceed a sign face area equal to one square foot for each linear foot of building frontage.

(2) Internally illuminated signs are discouraged but not prohibited. Externally illuminated signs are preferable with lighting from above or below casting light on the sign, but the lighting shall not shine directly onto adjacent properties or onto the right-of-way.

26.36 UBV - In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the UBV District may have up to three of the following signs in [subsections] (a)--(d) below, subject to permit approval and compliance with the conditions for each type of sign:

(a) A marquee or canopy sign;

- (b) A projecting sign, provided that the sign is no larger than 12 square feet in area, does not project within 2 feet of any curb, and has a minimum ground clearance of 7 feet;
- (c) A wall sign, provided the sign is not internally illuminated. The sign may be externally illuminated with lighting from above or below casting light on the sign, but the lighting shall not shine directly onto adjacent properties or onto the right-of-way. The area of the sign may be one square foot for every linear foot of building frontage, per business, not to exceed a total of 40 square feet;
- (d) A Freestanding monument sign, provided that the sign face does not exceed 40 square feet in area, is not taller than 5 feet in height, does not block any pedestrian walkway and is not located within the visibility triangle as required by this LDC. The sign may be externally illuminated with lighting from above or below casting light on the sign, but the lighting shall not shine directly onto adjacent properties or onto the right-of-way.

26.37 AC District:

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the AC District may have up to three of the following signs in [subsections] (a)–(f) below, subject to permit approval and compliance with the conditions for each type of sign (businesses with more than 300 feet of frontage may choose up to 4 signs from [subsections] (a)–(f)):

- (a) Freestanding monument signs. Up to two freestanding monument signs are permitted, provided that the sign face does not exceed 50 square feet in area, is not taller than 8 feet in height, and is not located within the visibility triangle as required by this LDC. The sign may be located within the front yard setback but shall be located at least ten feet from the front lot line, and shall not be located within any easement dedicated for pedestrian or utility improvements. If the business owner chooses to have one monument sign instead of two, the sign may be up to 100 square feet in area, but shall not exceed 8 feet in height. However, this sign shall be counted as two of the three or four permitted.
- (b) Attached signs, subject to the following:
 - (1) Maximum size. An attached sign shall not exceed a sign face area equal to one square foot for each linear foot of building frontage.
 - (2) Height restrictions. An attached sign may not appear above the second floor of a building.
- (c) Drive-thru menu signs. For each parcel with a lawful non-residential use that utilizes a drive-through lane within the AC District, one drive-through menu sign shall be allowed for each drive-thru lane. An allowed drive-thru menu sign may be either a free-standing sign or an attached sign, and shall not exceed 40 square feet in sign area and ten feet in height. Drive-thru menu signs shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.
- (d) Attached menu display signs. For each parcel within the AC Commercial District with a restaurant without drive-through service or with a transient lodging facility that has restaurant facilities open to the general public, one attached menu display sign shall be allowed. An attached menu display sign shall be a wall sign not exceeding 12 square feet in sign area. An attached menu display sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.
- (e) Theater signs. For each parcel with a theater within the AC District, one attached theater sign shall be allowed. An attached theater sign shall be a wall sign not exceeding 15 square feet in sign area for each auditorium within the theater. An attached theater sign shall be in addition

to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(f) Waterside identification signs. For facades of a building that can only be viewed from a navigable waterway, one waterside identification sign shall be allowed. A waterside identification sign may be either a free-standing sign or an attached sign. A waterside identification sign shall not exceed 40 square feet in sign area.

In addition to the number and types of signs listed in a-f above, Multitenant shopping centers in the AC district may have one additional monument sign listing each individual tenant all within the same sign face. The sign shall be no taller than 10 feet and no larger than 100 square feet per sign face. The sign shall not be located within any setback or within any pedestrian or utility easement.

26.38 BR District: In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the BR District may have up to three of the following signs in [subsections] (a)–(e) below, subject to permit approval and compliance with the conditions for each type of sign:

(a) A marquee or canopy sign;

(b) A projecting sign, provided that the sign is no larger than 12 square feet in area, does not project within 2 feet of any curb, and has a minimum ground clearance of 7 feet;

(c) A wall sign, provided the sign is not internally illuminated. The sign may be externally illuminated with lighting from above or below casting light on the sign, but the lighting shall not shine directly onto adjacent properties or onto the right-of-way. The area of the sign may be one square foot for every linear foot of building frontage, per business, not to exceed a total of 40 square feet;

(d) A Freestanding monument sign, provided that the sign face does not exceed 40 square feet in area, is not taller than 5 feet in height, does not block any pedestrian walkway and is not located within the visibility triangle as required by this LDC. The sign may be externally illuminated with lighting from above or below casting light on the sign, but the lighting shall not shine directly onto adjacent properties or onto the right-of-way.

(e) Waterside identification signs. For facades of a building that can only be viewed from a navigable waterway, one waterside identification sign shall be allowed. A waterside identification sign may be either a free-standing sign or an attached sign. A waterside identification sign shall not exceed 40 square feet in sign area.

Sec. 26.39. Traditional Hotel District.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the THD District may have up to three of the following signs in [subsections] (a)–(d) below, subject to permit approval and compliance with the conditions for each type of sign:

(a) A marquee or canopy sign;

(b) A projecting sign, provided that the sign is no larger than 12 square feet in area, does not project within 2 feet of any curb, and has a minimum ground clearance of 7 feet;

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(c) A wall sign, provided the sign is not internally illuminated. The sign may be externally illuminated with lighting from above or below casting light on the sign, but the lighting shall not shine directly onto adjacent properties or onto the right-of-way. The area of the sign may be one square foot for every linear foot of building frontage, per business, not to exceed a total of 40 square feet;

(d) A Freestanding monument sign, provided that the sign face does not exceed 20 square feet in area, is not taller than 4 feet in height, does not block any pedestrian walkway and is not located within the visibility triangle as required by this LDC. The sign may be externally illuminated with lighting from above or below casting light on the sign, but the lighting shall not shine directly onto adjacent properties or onto the right-of-way. The sign may be located within the front yard setback.

(Ord. No. 11-03, § 1, 5-24-11)

Sec. 26.40. Severability.

Deleted: 36

(a) *Generally.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division.

(b) *Severability where less speech results.* Without diminishing or limiting in any way the declaration of severability set forth above in section 26.34(a), or elsewhere in this division, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

(c) *Severability of provisions pertaining to prohibited signs.* Without diminishing or limiting in any way the declaration of severability set forth above in section 26.35(a), or elsewhere in this division, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under section 26.4 of this division. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 26.4 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 26.4.

(d) *Severability of prohibition on billboards.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division and/or any other code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on billboards as contained herein.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2011-03, § 1, 5-24-11)

Editor's note: Ord. No. 2011-03, § 1, adopted May 24, 2011, redesignated the former section 26.35 as section 26.36. The historical notation has been preserved for reference purposes.