



**Planning Board
155 Corey Avenue
11/20/2012**

4:00 p.m.

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

Regular Meeting

1. Acceptance of Minutes:

- **10/16/2012**

2. Action Items:

Public Hearings-Legislative

- A) AN ORDINANCE TO BE ENTITLED, AMENDING THE TEXT OF THE LAND DEVELOPMENT CODE AS IT RELATES TO SECONDARY USES; AMENDING DIVISION 2 TO ADD A DEFINITION OF SECONDARY USES; AMENDING SECTION 35 TO DELETE THE REQUIREMENT THAT SECONDARY COMMERCIAL USES CAN ONLY BE CONSTRUCTED WITH A TEMPORARY LODGING USE.
- B) AN ORDINANCE TO BE ENTITLED, AMENDING DIVISION 39.3 OF THE LAND DEVELOPMENT CODE, DELETING THE PROHIBITION OF THE USE OF PRIMARY OR SECONDARY COLORS FOR EXTERIOR PAINT COLORS.
- C) AN ORDINANCE TO BE ENTITLED, AMENDING DIVISION 39.7 OF THE LAND DEVELOPMENT CODE TO DELETE THE PROHIBITION OF THE OUTDOOR DISPLAY OF MERCHANDISE.

D) AN ORDINANCE TO BE ENTITLED, AMENDING DIVISION 6 OF THE LAND DEVELOPMENT CODE TO ADD REGULATIONS AND CONDITIONS FOR THE OUTDOOR DISPLAY OF MERCHANDISE AND TO ADD REGULATIONS FOR TEMPORARY CONSTRUCTION FENCING.

3. Discussion Items

- Proposed text changes to the 8th Avenue zoning district: Adding single family residential as a permitted or conditional use and increasing temporary lodging density to 50 units per acre.
- Other discussion

4. Adjourn

APPEALS

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 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.

ADA

Agenda Material is available for review at City Hall. 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 seven days prior to the proceeding at (727) 363-9243 for assistance; if hearing impaired, contact the Florida Relay Service Numbers, (800) 955-8771 (TDD).

PLANNING BOARD

MINUTES

October 16, 2012

4:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Ward J. Friszolowski, Chairman
Tom DeYampert, Member
Mike Lehman, Member
Ron Holehouse, Member
Don Breitweiser, Member

ALSO PRESENT:

George Kinney, Director of Community Development
Catherine Hartley, Senior Planner
Pamala Prell, Deputy City Clerk, MMC

1. Approval of Minutes - August 21, 2012

Member Breitweiser made a motion to approve the August 21, 2012 minutes, as written. The motion was seconded by Member Lehman and unanimously approved by a roll call vote.

2. Discussion Items

Senior Planner Catherine Hartley advised that Tom Rogers, Vice President of the Corey Avenue Business Association, was in attendance and would like to give a presentation on Corey Avenue improvements.

a. Corey Avenue Improvements – Tom Rogers

Mr. Tom Rogers, Vice President of the Corey Avenue Business Association, gave a presentation regarding landscaping ideas for Corey Avenue. Mr. Rogers explained that the proposal would include a

monument tower, to be placed where the historic marker is currently located, that will display Corey Avenue events, new lighting, new trees planted and new outdoor café seating. Mr. Rogers pointed out that several parking spaces will be lost.

Mr. Rogers explained that the goal is to attract patrons to Corey Avenue during the evening hours to shop, dine and enjoy the special events.

The Board held a general discussion regarding parking, main street grants and the status of the City's funding for landscaping improvements.

a. Tampa Bay Regional Planning Council's proposed Catalyst Plan for Economic Revitalization, dated August 2012.

Director Kinney explained a Proposal by the Tampa Bay Regional Planning Council, entitled Catalyst Plan for Economic Revitalization, dated August 2012. Mr. Kinney pointed out that the objective is to build upon visioning and urban planning, to revitalize the economic core of the City, including determining the strengths and weaknesses of the City's economic core, and what actions should be taken to invigorate the City's economy, develop community assets and increase the tax base.

Member Holehouse made a motion to approve the proposal by Tampa Bay Regional Planning Council and recommends that the City Commission move the plan forward. The motion was seconded by Member Lehman and unanimously approved by a voice vote.

b. CRD-EA (Eighth Avenue) Land Development Code Text Changes

Senior Planner Hartley explained that the City Commission requested that the Land Development Code be amended as follows:

1. Amend the Special Area Plan to allow single family residential as a permitted use based on an existing residence on Pass-a-Grille Way. (The owners testified at the first public hearing that they were opposed to their single family residence becoming a non-conforming use).
2. Changing the Temporary Lodging Density from 30 to 50 units per acre.

Member DeYampert suggested that the Historic Preservation Board review these changes.

Chairman Friszolowski requested that Ms. Hartley express the Board's concerns regarding allowing residential uses on 8th Avenue, to the Historic Preservation Board.

Senior Planner Hartley pointed out that the Board will need to hold a public hearing on the changes at a future meeting.

c. Window Signage

Senior Planner Hartley explained that the sign regulations were changed to allow 100% coverage of windows with signage until December 31, 2012 and to reduce it to 50% coverage starting January 1, 2013. Ms. Hartley asked if the Board wanted to continue with the 100% coverage or reduce it to 50% coverage at the end of the year.

Senior Planner Hartley pointed out that businesses that have 100% window coverage will have to reduce that coverage to 50%, if the ordinance is amended.

Member DeYampert made a motion to allow the 100% window coverage to expire on December 31, 2012 and on January 1, 2013 reduce it to 50% coverage. The motion was seconded by Member Breitweiser and unanimously approved by a voice vote.

d. Murals

Senior Planner Hartley explained that there are no regulations on murals other than in Division 39 of the Land Development Code.

The Board agreed to delete the language in Division 39.3 of the Land Development Code: "Black, florescent or pure primary or secondary colors is prohibited"; and to add language that, if a businesses name is contained within the mural it becomes a sign, along with a definition of a mural.

e. Outdoor Display of Merchandise

Senior Planner Hartley advised that outdoor display of merchandise is prohibited under the Land Development Code, unless it is a permitted sidewalk sale.

The Board agreed not to regulate the outdoor display of merchandise.

f. Commercial Water Sports

Senior Planner Hartley asked if the Board wanted to make any amendments to the water sports regulations.

Senior Planner Hartley suggested adding the activity in the preservation zoning district and allowing commercial water sports to operate out of a commercial business.

The Board agreed with Ms. Hartley's suggestion.

g. Temporary Fencing

Senior Planner Hartley advised that the Code does require a temporary fence during a construction project and many times those fences remain long after the project is completed or abandoned. She advised that staff issues the temporary fence permits and they could require a white fence and nice landscaping.

The Board was in agreement to revise the temporary fence regulations as recommended by Ms. Hartley and to require a temporary fence to be removed after 30 days of the project being completed or the permit expiring.

Senior Planner Hartley advised that this amendment is to the Code of Ordinances and will be sent directly to the City Commission.

3. Adjournment

There being no further discussion to come before the Board, the meeting was adjourned at 6:25 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Ward J. Friszolowski, Chairman

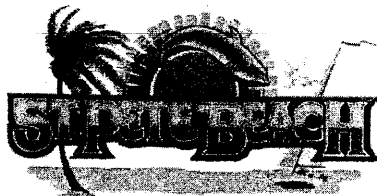
Minutes approved on: _____

Agenda Item 2 A.

AN ORDINANCE TO BE ENTITLED, AMENDING THE TEXT OF THE LAND DEVELOPMENT CODE AS IT RELATES TO SECONDARY USES; AMENDING DIVISION 2 TO ADD A DEFINITION OF SECONDARY USES; AMENDING SECTION 35 TO DELETE THE REQUIREMENT THAT SECONDARY COMMERCIAL USES CAN ONLY BE CONSTRUCTED WITH A TEMPORARY LODGING USE.

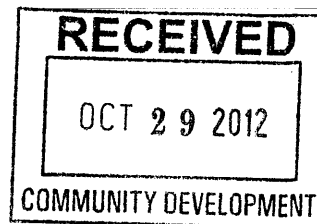
This item is an application from a business owner who wishes to construct a restaurant/bar in the large resort district. The code currently states that commercial uses can be constructed but only with a 200 unit resort. This amendment would allow for secondary (i.e. less important) uses to be constructed in the large resort zoning district without having to be developed with a hotel.

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 ☒ Text Change

PROPERTY (N/A for text changes):

Legal
Description

Address:

Parcel ID:

Current Zoning:	Proposed Zoning:	Current FLUM Category:	Proposed FLUM Category:
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Lot area:

APPLICANT/AGENT:

Name: MIKE ANDERSON

Address: 318 8th AVENUE #3

City: TIERRA VERDE State: FL

Zip: 33715 Telephone: 727 4330127

PROPERTY OWNER:

Name: _____

Address: _____

City: _____ State: _____

Zip: _____ Telephone: _____

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

SEE ATTACHED

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: _____

erty address n/a (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.

Division 2 Land Development Code

Definitions

Secondary Use - A secondary use, identified under the use characteristics of each category. These categories of uses are those which the category is designed to accommodate as a secondary priority.

Sec. 35.3. - Permitted principal and secondary uses and structures

(b)

Secondary uses. ~~Secondary commercial uses may be developed as an additional nonresidential use bonus floor area that is not located within the principal building, provided that the secondary commercial development is constructed with a minimum of 200 temporary lodging units.~~ Secondary permitted commercial uses include:

- (1) Retail;
- (2) Eating and drinking establishments, including bars and cocktail lounges, with or without outdoor seating;
- (3) Indoor commercial entertainment facilities;
- (4) Vehicles for hire.

Agenda Item 2 B

AN ORDINANCE TO BE ENTITLED, AMENDING DIVISION 39.3 OF THE LAND DEVELOPMENT CODE, DELETING THE PROHIBITION OF THE USE OF PRIMARY OR SECONDARY COLORS FOR EXTERIOR PAINT COLORS.

This item was discussed at the October 16, 2012 Planning Board meeting. The Board agreed to delete the prohibition of certain paint colors in the Community Redevelopment District. This item is now ready for public hearing.

Sec. 39.3. - Site design for the Downtown Redevelopment District.

(a) Buildings shall form a consistent, distinct edge, spatially delineating the public street through maximum building setbacks that vary by no more than ten feet from those of the adjacent building.

(b) Building frontages shall occupy no less than 75 percent of a "Main Street" street and 50 percent of an "A" street facing entrance. If site constraints exist, a knee wall may be constructed with the following provisions:

- (1) Only 25 percent of the required frontage may be credited as part of a knee wall.
- (2) A knee wall must be constructed in accordance with the design criteria specified herein.
- (3) The knee wall should be the length of the primary building frontage.

(c) Buildings that are open to the public shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be attractive and functionally be a distinctive and prominent element of the architectural design, and shall be open to the public during business hours. Buildings shall incorporate lighting and changes in mass, surface or finish to give emphasis to the entrances. The primary building entrances shall be visible and directly accessible from a public street. Building massing such as tower elements shall be used to call-out the location of building entries.

(d) Buildings shall provide a foundation or base, typically from ground to bottom of the lower windowsills, with changes in volume or material. A clear visual division shall be maintained between the ground level floor and upper floors with either a cornice line or awning from 12 feet to 16 feet above base flood elevation or grade, whichever applies to the proposed development. No more than 20 feet of horizontal distance of wall shall be provided without architectural relief for building walls and frontage walls facing the street. All buildings excluding single-family detached homes shall utilize at least three of the following design features to provide visual relief along all elevations of the building:

- (1) Divisions or breaks in materials (materials should be drawn from a common palette).
- (2) Window bays.
- (3) Separate entrances and entry treatments, porticoes.
- (4) Variation in rooflines.
- (5) Awnings.
- (6) Dormers.
- (7) Gables.
- (8) Recessed entries.
- (9) Covered porch entries.
- (10) Cupolas.

(e) Commercial and mixed-use buildings shall express a "storefront character". This guideline is met by providing all of the following architectural features along the building frontage as applicable:

- (1) Corner building entrances on corner lots.

(2) Regularly spaced and similar-shaped windows with window hoods or trim (all building stories)

(3) Large display windows on the ground floor. All street-facing, park-facing and plaza-facing structures shall have windows covering a minimum of 50 percent and a maximum 80 percent of the ground floor of each storefront's linear frontage. Blank walls shall not occupy over 50 percent of a street-facing frontage and shall not exceed 20 linear feet without being interrupted by a window or entry. Mirrored glass, obscured glass and glass block cannot be used in meeting this requirement. Display windows may be used to meet this requirement if the first floor has not been design as a flood proof first floor.

(f) The use of black or fluorescent colors, ~~or pure primary and secondary colors, unless mixed in combination of three or more, or mixed with white,~~ is prohibited as the predominant exterior building color(s). ~~Black may be used for trim, windows, doors, and awnings. Building trim and accent areas may feature any color(s) limited to ten percent of the affected facade segment, with a maximum trim height of 24 inches total for its shortest distance.~~

(g) The first 20 feet of depth of the first floor of any multifamily structure's primary building frontage facing a street shall be constructed as commercial space.

(h) Garages are required for attached and detached homes subject to the following provisions:

(1) Front garages must be set back a minimum of five feet from the primary structure.

(2) Rear garages must be setback a minimum of four feet from an alley or rear access drive.

(3) Side garages may have an access from the street, and are required, at a minimum, to be setback in line with the primary structures side setback.

(4) Ground floor parking, including garages that are located inside the internal block are permitted on the first floor of a structure provided that the street facing side view of the garage must blend in with the primary building frontage by incorporating the same design elements.

(j) Front driveway's are required to have a shared driveway and shall be located along the centerline on the common side lot line.

AN ORDINANCE TO BE ENTITLED, AMENDING DIVISION 39.7 OF THE LAND DEVELOPMENT CODE TO DELETE THE PROHIBITION OF THE OUTDOOR DISPLAY OF MERCHANDISE.

This item was discussed at the October 16th Planning Board meeting. It is now ready for public hearing. This eliminates the prohibition of outdoor display of merchandise in the Community Redevelopment District. This item relates to Item 2 D, which regulates outdoor display City-wide.

Sec. 39.7. - Street-level facades.

The human scale and aesthetic appeal of street-level facades, and their relationship to the sidewalk, are essential to a pedestrian-friendly environment. Accordingly, at least 50 percent of the street level facades of buildings used for nonresidential purposes which abut a public street or pedestrian access way, will be transparent. For the purpose of this standard:

(a) Street level facade means that portion of a building facade from ground level to the allowable first story height;

(b) Transparent means windows or doors that allow pedestrians to see into:

(1) The building, or

(2) Landscaped or hardscaped courtyard or plazas, where street level facades are set back at least 15 feet from the edge of the sidewalk and the area between the sidewalk and the facade is a landscaped or hardscaped courtyard or plaza.

(c) Parking structures should utilize architectural details and design elements such as false recessed windows, arches, planter boxes, metal grillwork, etc. instead of transparent alternatives. When a parking garage abuts a public road or other public place, it will be designed such that the function of the building is not readily apparent except at points of ingress and egress.

(d) Window coverings and other opaque materials may cover no more than ten percent of the area of any street-level window in a nonresidential building that fronts on a public right-of-way.

(e) Building entrances should be aesthetically inviting, easily identified, preferably with a recessed entrance and also distinctive and visually interesting paving pattern.

~~(f) Goods for sale will not be displayed outside of a building, except as a permitted temporary use. This standard does not apply to outdoor food service establishments.~~

(fg) Awnings and other structures that offer pedestrians cover from the elements are recommended. Awnings help define entryways and provide storefront identity to both pedestrians and drivers.

AN ORDINANCE TO BE ENTITLED, AMENDING DIVISION 6 OF THE LAND DEVELOPMENT CODE TO ADD REGULATIONS AND CONDITIONS FOR THE OUTDOOR DISPLAY OF MERCHANDISE AND TO ADD REGULATIONS FOR TEMPORARY CONSTRUCTION FENCING.

This item was discussed at the October 16, 2012 Planning Board meeting. It has been advertised for public hearing. This ordinance proposes several policies:

1. It adds regulations to our 'sidewalk sale' provisions, which really only addressed events in the right of way, like the Corey market. It is impractical to send every event to the City Commission for approval; therefore we are proposing that this be approved internally. Several provisions were added for health and safety purposes, such as ADA and fire clearances. It also removes the limitation of only a few events per year.
2. The second part of this section regulates the outdoor display of merchandise on private property. This is cross referenced to item 2 C, which currently prohibits outdoor display in the CRD. This ordinance regulates outdoor display city-wide. Staff has proposed that the items for display only be outside while the business is open, that the items on display relate to the business (i.e. one business cannot put their goods out for sale on another business' property), and that the items be contained within 100 square feet which will not block visibility.
3. Lastly, the ordinance proposes to require that temporary fencing be removed once a construction permit is closed or inactive. The owner may then either not fence the property at all or fence it in with fences permitted in all districts (meeting height and materials, etc). It also proposes minimal design standards, like requiring a chain link fence to have a top rail.

Sec. 6.9. - ~~Sidewalk sales and display.~~ Outdoor sales or outdoor display of merchandise.

(A) Outdoor Sidewalk sales or and outdoor display of merchandise within the public right of way shall be permitted only under the temporary use permit procedure outlined in Section 6.11 herein. Events that are sponsored by the City and/or held within City parks or on City-owned property other than within the right of way are exempt from these requirements. In addition to any special provisions set forth in the permitting process, the following regulations, except where in conflict with the conditions of the permit, shall apply to outdoor sidewalk sales or and outdoor display of merchandise within the public right of way:

(1a) Permits for outdoor sidewalk sales and/or display of merchandise shall be issued to an individual business or a group of businesses for a maximum of 3 consecutive days. on one property only two times, for a maximum of three consecutive days for each permit, in any one calendar year.

(2b) Outdoor storage is specifically prohibited in connection with any outdoor sidewalk sale and/or display of merchandise. Merchandise must be removed from the public right of way between the hours of midnight and 6 a.m.

(3e) Outdoor Sidewalk sales and/or outdoor display of merchandise shall be clearly related to the principal use of the site and shall be wholly conducted upon the site.

(4d) Outdoor Sidewalk sales or and outdoor display of merchandise shall not be allowed at any time the principal permitted use of the site is not open for business and shall not be allowed between the hours of 10:00 p.m. and 7:00 a.m.

(e) All sidewalk sales and display that will require the use of a public right of way shall require city commission approval prior to the issuance of a temporary use permit.

(5) A minimum of one unobstructed pedestrian path at least five feet wide shall be maintained, parallel to the abutting building(s) at all times;

(6) Unobstructed passage shall be provided to building entrances including at least a two-foot clearance on each side of any entrance, fire hydrants, or other fixture located within the display area;

(7) Furniture and equipment shall neither be permanently anchored to the sidewalk in the right-of-way nor shall they be attached or affixed to any tree, post, sign or other structure in any way;

(8) Access for a fire rescue vehicle and equipment shall be maintained in accordance with Section 98-26 of the City's Code of Ordinances;

(9) The owner or operator shall acquire and keep in full force and effect, at its own expense, the insurance in the following amounts and types:

(a) Commercial general liability in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage. The City must be named as an additional insured on this policy and an endorsement must be issued as part of the policy evidencing compliance with this requirement.

(b) Workers' compensation and employers' liability as required by the State of Florida.

(c) The City shall receive at least 30 days' written notice prior to any cancellation, non-renewal or material change in the coverage provided.

(d) Any person operating a sidewalk sale shall provide, and must have approved by the City, an original certificate of insurance as evidence that the above requirements have been met prior to the initiation of the merchandise display.

(10) Failure to comply with all the requirements in this section shall cause a suspension or revocation of the temporary use permit.

(B) Outdoor display of merchandise on private property shall be regulated as follows:

(1) Outdoor display of merchandise shall be a permitted accessory use to a permitted retail business in non-residential and mixed-use zoning districts. Outdoor display of merchandise is not permitted for any non-conforming use or within any residential zoning district.

(2) The area in which the merchandise is displayed shall be limited to 100 square feet.

(3) The merchandise displayed shall be related to the principal use of the property.

(4) Outdoor display of merchandise is prohibited at any time the establishment is not open for business and is prohibited between the hours of 10:00 p.m. and 7:00 a.m.

(5) No merchandise display shall obstruct pedestrian or vehicular traffic or located within in a visibility triangle.

Sec. 6.15. - Fences and walls.

Fences and walls are permitted, provided fences and walls shall not exceed four feet in height in required front yards and eight feet in height elsewhere; provided, however, fences and walls in waterfront yards shall not exceed four feet in height. See also section 6.21 for visibility requirements at street intersections.

(a) The height of a fence or a wall shall be determined from grade to the average top elevation of the fence or wall. Landscape berms, in conjunction with fences, shall be included in height determinations.

(b) No fence shall impede or divert the flow of water through any drainage way without the approval of the city.

(c) In general, the design of fences shall be in keeping with neighborhood appearance. Fences shall be constructed of commonly used materials such as chain link, masonry or wood. All fences except chain-link fences shall have upper and lower rails between posts. A chain-link fence shall have a top rail. Such materials as corrugated or sheet metal or any scrap or offensive material shall not be permitted. In addition, fences shall not contain any substance such as broken glass, spikes, barbs, nails, electronically charged wiring or similar materials designed to inflict pain or injury to any person or animal.

(d) Temporary fencing during construction is permitted and regulated in Section 98 of the Land Development Code. Once a building permit is closed or becomes inactive, the temporary construction fencing shall be removed. The parcel may remain without a fence or a permanent fence can be erected pursuant to this section.