



PLANNING BOARD MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Tuesday, 8/16/2016
4:00 p.m.

Call to Order
Pledge of Allegiance
Roll Call

- 1. Changes to the Agenda** – Agenda items to be added, moved or deleted will be addressed at this time. Items added will be assigned agenda item numbers and items that are moved will retain the same item numbers. A notation will be made that those items will be taken out of order.
- 2. Audience Comments** – Comments shall be limited to three minutes per person to issues not on the agenda.
- 3. Agenda Items**
 - a. Minutes for Acceptance:**
July 19th, 2016
 - b. Ordinance 2016-08** – an amendment to Division 6, Supplemental Regulations of the City of St. Pete Beach Land Development Code
 - c. Ordinance 2016-013** – an amendment to Chapter 82, Traffic and vehicles, of the City of St. Pete Beach Code of Ordinances

4. Other items

5. Adjournment

APPEAL

If a person decides to appeal any decision made at this meeting, he or she 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.

AMERICANS WITH DISABILITIES ACT

In Accordance with the Americans 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 four days prior to the meeting for assistance. The public is cordially invited to attend. All agenda material is available for review at City Hall.

PLANNING BOARD MINUTES

JULY 19, 2016

4:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Tiffany Secka, Chairwoman
Michael Lehman, Vice Chairman
Ron Holehouse, Member
Martin Lott, Member

ABSENT:

Jack Ohlhaber, Member

ALSO PRESENT:

Andrew Dickman, City Attorney
Jennifer Bryla, Community Development Director
Mike Clarke, Public Services Director
Mary Jo Murphy, Deputy City Clerk

1. Changes to the Agenda

There were no changes made to the agenda.

2. Audience Comments

There were no audience comments.

3. Agenda Items

- a. Minutes for Acceptance: June 21, 2016

Member Holehouse made a motion to approve the June 21, 2016 meeting minutes. The motion was seconded by Member Lott.

Chairwoman Secka requested the following changes be made to the minutes:

- Page 2, first paragraph, change “unidentified speaker” to Attorney Ed Armstrong.

Bill Pyle, 6600 Sunset Way, suggested the words “unidentified speaker” be corrected to the person’s name.

Chairwoman Secka agreed with Mr. Pyle and stated the minutes will be corrected as stated previously in the meeting.

Chairwoman Secka called for the vote with the above-mentioned changes.

The June 21, 2016 meeting minutes were unanimously approved as amended by a roll call vote (4 yeses – 0 nos).

- b. CPA 02-16 – an amendment to the Future Land Use Element amending the Boutique Hotel District of the City of St. Pete Beach Comprehensive Plan

Ms. Bryla reviewed amendment CPA 02-16 with the Planning Board.

City Attorney Dickman made procedural comments to the board in regard to CPA 02-16 and Ordinance 2016-05.

Chairwoman Secka asked the applicant to come forward.

Attorney Ed Armstrong, 600 Cleveland Street, Suite 800, Clearwater, Florida, Attorney with Hill Ward Henderson and representing the owners of the Plaza Beach property, spoke in favor of the request.

Cyndi Tarrapani, Florida Design Consultants, 3030 Starkey Blvd., New Port Richey, Florida, gave an explanation of the request to the Planning Board members.

Chairwoman Secka asked for public comment.

Ken Weiss, Treasure Island, Florida, Attorney representing Ron Struthers, Bill Jacobs, and DMC, LLC, spoke in regard to the proposed Allure development.

Chairwoman Secka asked for additional public comments.

Bill Pyle, 6600 Sunset Way, speaking as a citizen, objected to Agenda Item 3b and Agenda Item 3c and spoke in opposition to Agenda Item 3b.

Jim Anderson, 301 41st Avenue, objected to amending CPA 02-16 and Ordinance 2016-05.

Timothy H. Powell, President of TSP Companies, Inc., P.O. Box 1016, Tampa, Florida, 33601, spoke on the following topics: a previous variance granted before the City Commission, Floor Area Ratio, and the applicant, Mr. Czyszczon.

Clair McCoy, Lido Condo, spoke in opposition to high rise hotels, barbecue trucks selling food in the parking lot, and a tiki hut not being removed.

Chairwoman Secka asked for additional public comments. There were no audience comments.

Chairwoman Secka asked the applicant to come forward.

Attorney Ed Armstrong, 600 Cleveland Street, Suite 800, Clearwater, Florida, stated his closing would be in regard to adjusting planning concerns and response to comments.

Cyndi Tarrapani, Florida Design Consultants, 3030 Starkey Blvd., New Port Richey, Florida, spoke in regard to the following: previous meetings with Lido property owners, verified that they are not asking for change in density, height or setback but asking to build a financially viable project.

Mr. Robert Czyszczon, 4506 Gulf Boulevard, St. Pete Beach, Florida 33706, applicant, addressed the differentiation between the Large Hotel District, the Boutique Hotel District and the desire to build a hotel.

Attorney Ed Armstrong, 600 Cleveland Street, Suite 800, Clearwater, Florida, addressed issues raised by Attorney Weiss and asked the board to recommend approval of these requests to the City Commission.

Bill Pyle, asked to speak in regard to Item No. 3c after Item No. 3b is voted on.

Vice Chairman Lehman asked Ms. Bryla to state and clarify Staff's recommendations. Ms. Bryla complied with Vice Chairman Lehman's request.

There was board discussion with City Attorney Dickman in regard to the settlement agreement and amendments to the Comprehensive Plan.

Ken Weiss, Treasure Island, Florida, approached the dais.

Chairwoman Secka stated public comment was closed.

Ken Weiss, Treasure Island, Florida, asked a question in regard to calculating the Floor Area Ratio.

Chairwoman Secka asked Staff for clarification in regard to density. Ms. Bryla responded that the density was not being increased.

Chairwoman Secka asked Staff for clarification in regard to the Floor Area Ratio. Ms. Bryla responded that Staff's recommendation is for the Floor Area Ratio to be 1.4, including common areas and interior areas of the building.

Vice Chairman Lehman made a motion to recommend approval of an Ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing

for an amendment to the Boutique Hotel/Condo District of the Future Land Use Element of the Comprehensive Plan; amending Policy 7 of the Boutique Hotel/Condo District (d) intensity standards (e) height (f) impervious surface ratio standards; providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; providing for severability; and providing an effective date with the recommendations of Staff. The motion was seconded by Member Holehouse and unanimously approved by a roll call vote (4 yeses – 0 nos).

- c. Ordinance 2016-05 – an amendment to Section 46, the Boutique Hotel/Condo District of the City of St. Pete Beach Land Development Code

Chairwoman Secka asked for public comments.

City Attorney Dickman verified with the applicant, Mr. Robert Czyszczon, and Attorney Weiss that the original comments will be included with the above-mentioned Item No. 3c. The applicant and Attorney Weiss agreed the original comments were included.

Bill Pyle, 6600 Sunset Way, speaking as a citizen, reiterated his comments made previously with Item No. 3b. With respect to Item No. 3c, Mr. Pyle commented on the proposal to change the rear yard setback and objected to the potential destruction of the beach through development.

Cyndi Tarrapani, Florida Design Consultants, 3030 Starkey Blvd., New Port Richey, Florida, spoke in regard to the setback being measured zero feet from the Coastal Construction Control Line (CCCL).

Ken Weiss, Treasure Island, Florida, spoke in regard to the CCCL, the beach and adjacent properties.

Chairwoman Secka closed public comment and asked for board deliberation.

Member Holehouse asked Ms. Bryla where the abutting properties are located in relation to the CCCL. Ms. Bryla replied she would research the information.

Vice Chairman Lehman made a motion, with Staff's recommendations, to recommend approval of Ordinance 2016-05 of the City of St. Pete Beach, Pinellas County, Florida, providing for an amendment of Chapter 46 – Boutique Hotel/Condo District, of the City of St. Pete Beach Land Development Code Section(s) 46.6-46.9, pertaining to development criteria for the Boutique Hotel District; 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.

Member Holehouse suggested amending the motion in regard to building height, and there was board discussion in regard to the building height. City Attorney Dickman suggested adding the following verbiage: Such features or amenities shall be open

and not produce the appearance of increased massing. Member Holehouse agreed to the verbiage; Vice Chairman Lehman accepted the amendment.

Furthermore, add the following sentence to Sec. 46.7 (e) – building height and front yard setbacks: Such features or amenities shall be open and not produce the appearance of increased massing. The motion was seconded by Member Holehouse and unanimously approved by a roll call vote (4 yeses – 0 nos).

d. Process and CIP Flow Chart Review

Ms. Bryla reviewed Item No. 3d with the Planning Board and introduced Mike Clarke, Public Services Director, to the Planning Board members. Mr. Clarke was present to answer any questions in regard to the CIP process.

Mike Clarke, Public Services Director, spoke to the board in regard to the CIP, early design review, stormwater management, water quality, and seeking magnificence for St. Pete Beach through construction.

Member Holehouse asked Mr. Clarke if a representative of the Planning Board could attend meetings in regard to projects within the Public Services Department. Mr. Clarke suggested a member of the Planning Board be added to the list of people the designs are sent to from the Public Services Department and to have an individual meeting between Mr. Clarke and the nominated member to review the projects.

City Attorney Dickman made the following suggestions to the Planning Board: a resolution from the City Commission to have the Planning Board more involved in major Capital Improvement Project Reviews at an early stage or direct the City Manager to have the Public Services Director coordinate with the Planning Board.

Member Holehouse made a motion to ask the City Commission for approval to designate a member from the Planning Board to be a liaison on CIP projects. Furthermore, Vice Chairman Lehman will coordinate with the City Manager to get the aforementioned item placed on a future City Commission agenda. The motion was seconded by Member Lott and unanimously approved by a roll call vote (4 yeses – 0 nos).

4. Other Items

There were no other items presented.

5. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 6:41 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Tiffany Secka, Chairwoman

Minutes approved on: _____

ORDINANCE NO. 2016-08

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING SECTION 2.1 OF THE CITY OF ST. PETE BEACH LAND DEVELOPMENT CODE PROVIDING FOR A DEFINITION OF PORTABLE TOILETS; AMENDING SECTION 6.12 AND SECTION 6.13 PROVIDING FOR REGULATION OF PORTABLE TOILETS AS ACCESSORY STRUCTURES FOR COMMERCIAL AND RESIDENTIAL USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission recognizes the need to regulate portable toilets in the City; and

WHEREAS, the City Commission has found this Ordinance to be in the best interest of the health, safety, and welfare of the citizens of the city;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

SECTION 1. Section 2.1 of the Land Development Code is amended as follows:

Sec. 2.1. - Words, terms and phrases defined.

Portable toilet means one or more commercially manufactured or assembled self-contained toilet facility that is portable and is not designed or intended for connection to a sewer system with a standard connection.

SECTION 2. Section 6.12 of the Land Development Code is amended as follows:

Sec. 6.12. - Commercial accessory and temporary equipment, structures, portable buildings, and trailers, dumpsters and commercial tents.

(g) Portable toilets shall be regulated as follows:

- (1) Nothing in this chapter shall alter the regulations or use of portable toilets in relation to any construction project as set by Florida Statutes or Pinellas County.
- (2) The use of portable toilets shall be strictly prohibited, except during emergency interruption of sewer service or in conjunction with a special event, building, temporary use or conditional use permit, subject to approval.
- (3) The location of portable toilets shall be approved at the time of issuance of the above-stated permits.
- (4) Portable toilets associated with a building permit shall be in accordance with the regulations pertaining to “chemical toilets” and “portable toilets” set forth in Sec. 98-70 of the Code of Ordinances.

- (5) Portable toilets shall be kept clean at all times and shall not emit an odor which is noticeable from adjacent properties.
- (6) Portable toilets shall be removed from the premises immediately following the close of the development permit, special event, or emergency interruption.
- (7) Portable toilets shall be located as far from the public right-of-way as possible, or otherwise shielded from view by fencing or landscaping.
- (8) Any portable toilet currently either located on a site or in a manner which is in violation of the provisions of this chapter shall be removed within ten (10) days of the effective date of this Ordinance.
- (9) Violation of this chapter shall be declared to constitute a public nuisance and shall be processed in accordance with Chapter 46 of the Code of Ordinances.

SECTION 3. Section 6.13 of the Land Development Code is amended as follows:

Sec. 6.13. - Residential accessory structures.

(f) The use of portable toilets shall be strictly prohibited, except in conjunction with an active building permit, and

- (1) Shall be regulated in accordance with Sec. 98-70 of the Code of Ordinances; and
- (2) Shall be removed from the premises immediately following the close of the building permit.
- (3) Violation of this chapter shall be declared to constitute a public nuisance and shall be processed in accordance with Chapter 46 of the Code of Ordinances.

SECTION 4. This Ordinance shall be published in accordance with the requirements of law.

SECTION 5. This Ordinance shall become effective immediately upon final passage and adoption.

PASSED ON FIRST READING: _____, a.d. 2016

PASSED ON SECOND AND FINAL READING _____, a.d. 2016

MAYOR

FIRST READING: _____

PUBLISHED: _____

SECOND READING: _____

PUBLISHED: _____



St. Pete Beach Planning Board

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

8/16/2016

Item Number
Ordinance #2016-08

Type of Application

Amendment to Land Development Code Division 2 - definitions, and Division 6 – Commercial accessory and temporary equipment, structures, portable buildings, and trailers, dumpsters and commercial tents.

Applicant

City of St. Pete Beach

Location

Citywide

Project Planner(s)

Jennifer Bryla, AICP/
Chelsey Welden

Requested Action

Recommendation of Approval of Ordinance 2016-08 to the City Commission

Staff

Recommendation
Approval

ITEM SUMMARY:

It has come to the attention of the City Commission that commercial properties are placing temporary toilets on their properties in a permanent capacity. The City Commission has directed staff to draft an ordinance addressing this “Port-a-let” trend within the City. This Ordinance would be constructed under the commercial accessory structure section of Land Development Code. This ordinance would not supersede the requirements for chemical toilets that is a component of the Florida Building code.

The City presently has no specific regulation regarding temporary toilets. This lack of guidance from the City’s code has resulted in several instances of business owners providing temporary toilets anywhere from a few days to greater than 30 days or in some cases permanently. Temporary toilets should never be intended to circumvent proper waste water utility removal. Ordinance 2016-08 will provide surety to businesses and citizens alike as to City’s expectation for business owners.



PUBLIC NOTICE:

Notice of public hearing has been advertised as required by State Statutes. As of the date of this report, no oral or written comments have been received. Oral and written comments may be presented at the public

Planning Board

Hearing 8/16

City Commission

First Reading (8/23/2016)

Final Reading (9/13/2016)

Findings

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

1. The proposed Ordinance is consistent with Florida Statutes.
2. The proposed Ordinance is consistent with the Pinellas County Regional Policy Plan.
3. The proposed Ordinance is consistent with the St. Pete Beach Comprehensive Plan.
4. The proposed Ordinance is consistent with the intent of the LDC.

hearing.

COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE:

The proposed Ordinance is consistent with the City of St. Pete Beach's Comprehensive Plan, which does not regulate temporary or portable toilets.

The proposed Ordinance is also consistent with the intent of the Land Development Code and further augments the regulation for accessory commercial structures.

PLANNING BOARD:

The Planning Board will hear Ordinance 2016-08 on August 16th, 2016 and provided a recommendation to the City Commission.

STAFF RECOMMENDATION:

Upon review of the above guiding documents, staff recommends approval of Ordinance 2016-08 as presented.

Attachments

- (1) **Exhibit A** – Ordinance 2016-08
- (2) **Exhibit B** – Staff Report
- (3) **Exhibit C** – Section 6.12, Land Development Code with edits indicated in underline/strikethrough

Sec. 6.12. - Commercial accessory and temporary equipment, structures, portable buildings and trailers, dumpsters and commercial tents.

(a) Commercial accessory structures may be allowed as follows:

- (1) Commercial accessory structures shall be limited to storage uses only.
- (2) The accessory structure shall be no larger than 150 square feet.
- (3) The structure will either be designed and constructed in the same architectural style as the principal structure, or it shall be screened from public view by the same type enclosure that is required for the dumpster.
- (4) No more than one accessory structure shall be placed or erected on a zoning lot.
- (5) An accessory structure may occupy one required parking space for a period not to exceed 30 days, once per calendar year.
- (6) No accessory structure shall be located closer to the public right-of-way than the structure to which it is accessory.

(b) Commercial equipment may be allowed as follows:

- (1) All commercial equipment shall be located within an enclosure or otherwise screened from public view. Equipment shall be limited to tools, machinery, or enclosed storage containers.
- (2) Commercial equipment, except for properly enclosed waste or refuse containers, shall not be located within any yard that abuts a public street without the specific approval of the appropriate board of authority.
- (3) Vending machines may be located in front of a business premises, provided the location is not on a public right-of-way, does not otherwise impede pedestrian access and circulation, and the total area devoted to vending machines shall not exceed 18 square feet. However, vending machines that are visible from the public right-of-way shall be screened from public view.

(c) Construction trailers or portable buildings may be allowed as follows:

- (1) Construction trailers may only be placed on a construction site operating under a valid building permit. A permit for a construction trailer shall be obtained from the city prior to placing the trailer on the site. A construction trailer may only be used as an office for the contractor(s) on the site and for storage of equipment and construction material for the site.
- (2) Trailers or other portable buildings to be used for storage on a business premises may be permitted by the city for a period of time not to exceed 120 days; provided that such trailers or temporary buildings shall be located on the property in such a manner as to not be visible from the public rights-of-way. This provision shall not apply to trucks or trailers parked on a premises for the purposes of making a delivery to the business; provided that such delivery vehicles shall not remain on the property for more than two consecutive days.

(d) Dumpsters, commercial waste or refuse containers shall be regulated as follows:

- (1) All new or replacement dumpsters shall have lids that shall be remain closed except for the deposit of waste materials in the dumpster. This provision shall not apply to dumpsters larger than eight-yard capacity.
- (2) All dumpsters, commercial waste and refuse containers, except those that are specifically approved for temporary location and use, shall be located on the same property with the use it serves and fully enclosed as follows:
 - a. All dumpsters, commercial waste and refuse containers shall be located as far from public streets and adjacent property as is practical, and dumpsters shall be located on a properly constructed concrete pad.

- b. All dumpsters, commercial waste and refuse containers shall be located within a proper opaque enclosure of sufficient height to fully screen the dumpster, commercial waste or refuse container.
- (3) Dumpster enclosures shall require a building permit and shall be constructed to meet all applicable building standards.
- (4) Where certain circumstances, special conditions may prevent the location and enclosure of a dumpster in accord with paragraph (2) above, the city may grant use of the city right-of-way if it finds that any one of the following conditions would result from locating the dumpster in strict compliance with the regulations:
 - a. On-site location of the dumpster would decrease the number of existing parking spaces below that required under the district regulations.
 - b. On-site location of the dumpster would prevent or materially impair reasonable ingress and egress to the property.
 - c. Access by the dumpster service contractor for pickup and dumping into a loader/packer type garbage truck would be materially impaired.
- (5) Temporary dumpsters for construction projects shall be located as approved at the time a building permit is issued, and temporary dumpsters permitted for temporary uses shall be located in accordance with the approved site plan for the temporary use permit.
- (e) Residential/commercial sales, management and leasing offices may be permitted in a new residential development in accordance with the following:
 - (1) The office may be permitted as an accessory use on the same lot, but shall not be used except by the company developing the site and in connection with the development within which it is located. A building permit is required.
 - (2) The office, if located within a temporary structure, may not be used as an office for more than 12 months, and thereafter shall be removed.
 - (3) At least three off-street parking spaces shall be provided on the same lot as the office and shall be maintained so long as the office is used as such.
 - (4) In a multi-family development, a management and/or leasing office may be maintained within one of the residential buildings, or within a permanent accessory building which was approved as part of the original site plan; provided, that such office, if located within an accessory building, shall not be the principal use of the accessory building, and said accessory building shall be architecturally compatible with the principal structures in the development.
- (f) Tents may be erected and maintained by a business within the RFM or CG-1 zoning districts, provided:
 - (1) No tent shall be erected within any public right-of-way or within 75 feet of the back edge of a curb, public sidewalk or roadway, whichever is most restrictive.
 - (2) Tents shall also be required to meet the side and rear required yards of the zoning district in which the tent is located;
 - (3) Tents shall not be located on a parking lot or pedestrian walkway in such a manner that the normal flow of traffic on the site cannot be maintained nor shall any tent render useless more than ten percent of the parking required for the business;
 - (4) Tents shall be maintained so as not to constitute a nuisance or hazard;
 - (5) Tents used for public assembly or cooking or within which any combustible material will be used or stored must meet all requirements of the Florida Fire Prevention Code and be approved by the fire marshal prior to their use.

- (6) Tents which are placed upon any public beach must be approved through the city's special event permitting process and be approved by the fire marshal prior to their use.

(g) Portable toilets shall be regulated as follows:

- (1) Nothing in this chapter shall alter the regulations or use of portable toilets in relation to any construction project as set by Florida Statutes or Pinellas County.
- (2) The use of portable toilets shall be strictly prohibited, except during emergency interruption of sewer service or in conjunction with a special event, building, temporary use or conditional use permit, subject to approval.
- (3) The location of portable toilets shall be approved at the time of issuance of the above-stated permits.
- (4) Portable toilets associated with a building permit shall be in accordance with the regulations pertaining to "chemical toilets" and "portable toilets" set forth in Sec. 98-70 of the Code of Ordinances.
- (5) Portable toilets shall be kept clean at all times and shall not emit an odor which is noticeable from adjacent properties.
- (6) Portable toilets shall be removed from the premises immediately following the close of the development permit, special event, or emergency interruption.
- (7) Portable toilets shall be located as far from the public right-of-way as possible, or otherwise shielded from view by fencing or landscaping.
- (8) Any portable toilet currently either located on a site or in a manner which is in violation of the provisions of this chapter shall be removed within ten (10) days of the effective date of this Ordinance.
- (9) Violation of this chapter shall be declared to constitute a public nuisance and shall be processed in accordance with Chapter 46 of the Code of Ordinances.

(Ord. No. 03-7, § 3, 5-1-03; Ord. No. 2004-33, § 1, 12-14-04)

Sec. 6.13. - Accessory residential structures.

Accessory residential structures may be permitted only on zoning lots having one or more existing residential dwelling units and shall be regulated as follows:

- (a) Garage, private residential, as defined, fall into one of two types, either attached to or detached from the principal residential structure. Under the terms of this section, the term "garage" shall also include carports. For the purposes of this Code, a garage shall be deemed to be attached only when it shares at least 75 percent of the length of one wall in common with the principal structure to which it is an accessory.
 - (1) Attached garage. An attached garage shall be subject to the same required yard and height requirements as the principal structure.
 - (2) Detached garage. Detached garages shall be regulated as follows:
 - a. Required yards:

Front yard:	20 feet
Secondary front yard:	As required for the principal structure
Side yards:	As required for the principal structure
Rear yard:	Ten feet if accessible from an alley; otherwise 20 feet

- b. Maximum height: 12 feet above the crown of any street abutting the property.
 - c. In no case shall a detached garage have any sleeping room, kitchen facilities or plumbing
- (b) Residential storage buildings. Residential storage buildings may be permitted as an accessory on a residential property. Only one such residential storage building is allowed, and the residential storage building shall be further regulated as follows:
 - (1) The residential storage building shall be used exclusively for storage of household items, and no mechanical equipment shall be operated within or attached to such building.
 - (2) The placement of a residential storage building shall require a building permit, meet all applicable building codes, and shall be properly anchored.
 - (3) All storm water runoff shall be directed and maintained on the property upon which the building is located.
 - (4) The residential storage building shall be located a minimum of 60 feet from the front property line and 20 feet from the secondary front yard, provided no residential storage building shall be permitted within the required yard for a waterfront yard.
 - (5) Residential storage buildings shall be subject to the following dimensional and required yard requirements.
 - a. Maximum size: 80 square feet in area.
 - b. Maximum height: Eight feet in height as measured from grade to the highest point on the structure.
 - c. Location: May be located along any side or rear property line, except in secondary front yards and waterfront yards as provided in paragraph (4) above; and must be separated at least six feet from any other accessory structure.
- (c) Special accessory structures. Special accessory structures include, but are not limited to, swimming pools, pool enclosures, decks, patio covers, gazebos, fountains, garden trellises and children's playground equipment. Tree houses are specifically excluded as special accessory structures.
 - (1) Swimming pools and spas may be permitted by the city and shall be regulated as follows:
 - a. Pool setbacks shall be measured from the edge of the water.
 - b. Swimming pools, spas and their accessory decks that will exceed two feet above grade shall meet all yard requirements for the district within which they are located. Other swimming pools and spas shall be regulated by paragraph c. below.

- c. Required yards: Front, secondary front and side yards shall be as required within the district for a principal structure

The required rear yard shall be nine feet; however, on a waterfront property when the pool is proposed closer than 20 feet to the seawall, the application shall be accompanied by plans and specifications prepared and sealed by a registered engineer showing how the seawall will be protected.

- (2) Screened pool enclosures may be permitted by the city and shall be regulated as follows:
 - a. Pool enclosures for swimming pools, spas and their accessory decks that will have a finished floor elevation in excess of two feet above grade shall meet all yard requirements for the district within which they are located. Other pool enclosures shall be regulated as follows:
 - b. Required yards: Front and side yards shall be as required within the district for a principal structure. The minimum rear yard shall be eight feet.
 - c. Maximum height: Pool enclosures within the setbacks required for principal structures may be constructed to the height allowed for the principal structure. For other pool enclosures, the maximum permitted height shall be 14 feet to the highest point of the enclosure
- (3) Decks and patios with a finished floor elevation no higher than two feet above grade, other than those associated with swimming pools as regulated in paragraph (1) preceding, shall be regulated as follows:
 - a. Required yards: Shall not encroach into any required front, secondary front or side yard and shall not encroach more than ten feet into any required rear yard
- (4) Deck and/or patio covers consisting of the covering material and the minimum support mechanism or structure necessary to ensure its wind loading stability may be permitted by the city; provided that no such patio cover shall be permitted to be initially constructed or later enclosed in such a manner that it could be construed as living space. Structural elements of such patio covers shall not be permitted to exceed the dimensions of the patio more than six inches in any direction. Up to a one-foot overhang may be permitted.
 - a. Required yards: Shall not encroach into any required front, secondary front or side yard and shall not encroach more than five feet into any required rear yard.
- (5) Gazebos may be permitted by the city under the following conditions:
 - a. Maximum size: 64 square feet in area.
 - b. Maximum height: 12 feet above grade to the highest point of the roof.
 - c. Required yards: Shall not encroach into any required front, secondary front or side yard and shall not encroach more than 15 feet into any required rear yard, except no gazebo shall be permitted to encroach into a required waterfront yard
- (6) Fountains and waterfalls may be permitted by the city as a decorative element of and shall be regulated as follows:
 - a. Maximum height: Five feet above grade.
 - b. Required yards: Shall not encroach into any required yard more than 15 feet.
- (7) Garden trellises shall be allowed without a permit, provided such trellis meets the following requirements:
 - a. Maximum height: Eight feet
 - b. Maximum width: Five feet, including walk through opening.
 - c. Maximum dimension front to back: 35 inches.

- d. Shall not encroach onto public sidewalks, streets or alleys.
- (8) Children's playground equipment shall be allowed without a permit, provided such equipment is located within the rear yard.
 - a. Children's playground equipment shall not exceed 12 feet in height.
- (9) Other special accessory structures which cannot be located in accordance with the requirements of the preceding may be permitted after review in accordance with Division 5 of this Code.
- (d) Satellite and amateur radio antennas. The City of St. Pete Beach recognizes that satellite and amateur radio antennas should be regulated in order to protect the health, safety and general welfare of the public. The city recognizes that these antennas pose special problems because of their unique size, orientation requirements, construction and design considerations that set them apart from roof-mounted antennas. The city, therefore, finds it necessary to set the following requirements in order to mitigate potential adverse construction and aesthetic impacts. Where any provision of this section is found to be in conflict with Chapter 131 of the St. Pete Beach Code of Ordinances, Chapter 131 shall prevail.

Small satellite receiving antennas, properly installed and associated with digital satellite television, or "DIRECTV," as an alternative to cable television shall be exempt from the provisions of this section, provided such satellite receiving antennas are no larger than 24 inches in diameter.

- (1) Otherwise, in all zoning districts, the following regulations apply:
 - a. Satellite and amateur radio antennas shall be considered accessory structures and shall be located in the rear yard and meet the following requirements:
 - Maximum height: 70 feet from grade
 - Required yards: The entire antenna shall meet the minimum side yard requirements for the district in which it is located and be at least 15 feet from the rear property line.
 - b. The antenna shall meet all manufacturer's specifications.
 - c. The antennas shall be non-reflective and their color shall blend in with the surroundings.
 - d. The antenna shall be installed and maintained in compliance with the requirements of the building code and electrical code. A building permit shall be required prior to construction.
 - e. No advertising or signage of any type is permitted on an antenna.
- (e) Portable storage units (PSU), as defined, shall be regulated as follows:
 - (1) A PSU shall not exceed eight feet in width, 16 feet in length and nine feet in height.
 - (2) A PSU shall be placed either on a driveway, approved parking area or in the buildable portion of the lot and shall not be placed in a public right-of-way except as allowed in subsection (3).
 - (3) When physical limitations of the property prevent locating the PSU within the areas designated in subsection (2), the police department may approve the placement of the PSU in a public right-of-way as follows:
 - a. The PSU may only be placed within an area approved for parking;
 - b. The public right-of-way shall be adjacent to the property using the PSU;
 - c. The PSU shall have safety reflectors on all sides of the container facing oncoming traffic;

- d. The PSU shall be removed within 72 hours of placement or the city may remove it at the PSU owner's expense;
 - e. Placement of the PSU shall not create any unsafe condition; and
 - f. The police department shall be authorized to place any other restriction deemed necessary to avoid creating a threat to the safety of persons or property.
- (4) PSUs shall not exceed the following duration of stay. An "event" shall mean the delivery and pickup of the PSU. Events shall be nonconsecutive.
- a. Residential use: A maximum of seven calendar days per event with a maximum of four events per dwelling unit per calendar year.
 - b. Nonresidential use: A maximum of seven calendar days per event, with a maximum of four events per calendar year per each nonresidential unit on a property. Longer term storage of up to one 30-day event per calendar year shall be allowed for a nonresidential unit, provided the PSU is placed in a designated parking area on the property, and the parking area is located so that it has the least visibility from adjoining street rights-of-way. Placement of a PSU for longer term storage only shall require submittal and approval of a site plan by the city.
- (5) The PSU shall have clearly posted on the exterior of the unit, the name, current phone number and address of the company providing the PSU, and the date the PSU was placed at the site.
- (6) The PSU shall be locked and secured by the owner or tenant of the unit or property at all times when loading or unloading is not taking place. Storage of hazardous materials is prohibited.
- (7) If the National Weather Advisory Service or other qualified weather advisory service identifies weather conditions which are predicted to include winds of 75 MPH or greater, every PSU shall be removed from all properties and placed in approved storage locations at least 24 hours prior to the predicted onset of such winds or as soon as reasonably practical if less notice is provided. Removal of a PSU under the provisions of this subsection shall not be considered an "event."

(f) The use of portable toilets shall be strictly prohibited, except in conjunction with an active building permit, and

- (1) Shall be regulated in accordance with Sec. 98-70 of the Code of Ordinances; and
- (2) Shall be removed from the premises immediately following the close of the building permit.
- (3) Violation of this chapter shall be declared to constitute a public nuisance and shall be processed in accordance with Chapter 46 of the Code of Ordinances.

ORDINANCE 2016-13

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ST PETE BEACH, FLORIDA, AMENDING CHAPTER 82, TRAFFIC AND VEHICLES, OF THE CITY OF ST PETE BEACH CODE OF ORDINANCES, BY AMENDING SECTION 82-137 OF DIVISION 3 OF ARTICLE III RELATED TO PROHIBITED PARKING; AMENDING SECTION 82-202 REMOVING THE PROVISION FOR NON-RESIDENT PARKING PASSES; AND AMENDING SECTION 82-245, PROVIDING FOR “C” TEMPORARY HANG TAGS; AMENDING THE LAND DEVELOPMENT CODE SECTION 17.3 “ALLOWABLE CONDITIONAL USES” REMOVING (g) “PARKING LOTS, COMMERCIAL AND / OR OFF-PREMISE”; PROVIDING FOR AMENDMENT OF THE CITY PARKING MAPS; CORRECTING SCRIVENER’S ERRORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to improve the traffic and parking control regulations pertaining to city streets and city-controlled parking areas within the city; and

WHEREAS, the City Commission has found this ordinance to be in the best interest of the health, safety, and welfare of the citizens of the city;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ST PETE BEACH, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

SECTION 1. Section 82-137 of the Code of Ordinances is amended as follows:

(m) Parking on one side of the following city streets shall be prohibited at any time, as designated on the city parking maps:

1st Avenue between Gulf Way and Pass-A-Grille Way;

10th Avenue to 22nd Avenue between Gulf Way and Pass-A-Grille Way;

23rd Avenue to 30th Avenue between Sunset Way and Pass-A-Grille Way;

32nd Avenue between 1st Street West and Pass-A-Grille Way;

El Centro at the Don Vista Center;

West Maritana Drive between Alhambra Street and South Maritana Drive;

South Maritana Drive between West Maritana Drive and Granada Street;
Alhambra Street between West Maritana and West Debazan Avenue;
West Debazan Avenue between East Debazan and South Maritana;
Debazan Avenue between Casablanca and Alhambra Street;
East Debazan between Alhambra Street and South Debazan Avenue;
Alfonzo Street between West Maritana Drive and West Debazan Avenue;
Granada Street between East Debazan Avenue and East Maritana Drive;
Barcelona Street between Debazan Avenue and East Maritana Drive;
Casablanca Avenue between 37th Avenue and Pinellas Bayway;
East Maritana Drive between 37th Avenue and Pinellas Bayway;
Belle Vista Drive between 41st Avenue and Belle Vista Drive East;
~~Lido Drive between 1st Street East and Plaza Way;~~
36th Avenue between El Centro and East Maritana Drive;
41st Avenue between Belle Vista Drive and Poinsettia Drive;
46th Avenue between Gulf Boulevard and the east end of Lido Park;
49th Avenue;
51st Avenue between Gulf Boulevard and the beach;
51st Avenue between Gulf Boulevard and the east end;
55th Avenue between Aloha Drive and Leilani Drive;
Boca Ciega Isle Drive at the entrance;
58th Avenue between Gulf Boulevard and 2nd Street East;
64th Avenue between Gulf Winds Drive and 430 64th Avenue;
Gulf Winds Drive between 2nd St. East and 71st Avenue;

64th Avenue to 73rd Avenue between Sunset Way and Gulf Boulevard;

Sunset Way between 23rd Avenue and 24th Avenue;

Sunset Way between 25th Avenue and 26th Avenue;

Sunset Way between 29th Avenue and 30th Avenue;

Sunset Way between 64th Avenue and 67th Avenue;

1st Street West between 31st Avenue and 32nd Avenue;

Casablanca Avenue between 37th Avenue and Cabrillo Avenue; and

78th Avenue to 87th Avenue between Blind Pass Road and Boca Ciega Drive; and Corey Circle.

- (n) Parking on each side of the following city streets shall be prohibited at any time, as designated on the city parking maps:

Pass-A-Grille Way between 13th Avenue and 32nd Avenue;

14th Avenue to 20th Avenue between Pass-A-Grille Way and the east end;

30th Avenue between Sunset Way and the beach;

31st Avenue between Sunset Way and Pass-A-Grille Way;

2nd Street West;

Cabrillo Avenue;

West Maritana Drive between Casablanca Avenue and Alhambra Street;

Belle Vista Drive between 44th Avenue and 41st Avenue;

37th Avenue between Gulf Blvd. and east Maritana;

44th Avenue between Gulf Boulevard and Moody Street;

45th Avenue between Gulf Boulevard and 2nd Street East;

Lido Drive between 1st Street East and 2nd Street East

Punta Vista Drive;
Boca Ciega Isle Drive between Plaza Way and 520 Boca Ciega Isle Drive;
52nd Avenue between Gulf Boulevard and the beach;
55th Avenue between Gulf Boulevard and Aloha Drive;
Aloha Drive;
59th Avenue between Gulf Boulevard and Bimini Way;
Gulf Winds Drive between 2nd St. East and Gulf Blvd.;
64th Avenue between 1st Palm Point Street and 425 64th Avenue;
64th Avenue between Gulf Blvd. and Gulf Winds Drive;
67th Avenue between Gulf Blvd. and Gulf Winds Drive;
Sunset Way between 70th Avenue and 71st Avenue;
1st Street East between Lido Drive and 45th Avenue;
2nd St. East between Lido Drive and 45th Avenue; and
2nd St. East between 60th Avenue and Gulf Winds Drive.

SECTION 2.

Sec. 82-202. – “B” parking decals

- (a) “B” parking decals, exempting the holder from parking meter fees, may be issued to the following persons:
- (1) Any Resident of the city, as defined in Sec. 82-1, or nonresident owning property within the city may purchase a parking decal for a fee established by resolution of the city commission and listed in appendix A to this Code.
 - (2) ~~Any nonresident of the city may purchase a parking decal for a fee established by resolution of the city commission and listed in appendix A to this Code.~~
 - (3) City employees, board members and volunteers shall be provided with one free parking decal for their personal use by the City manager. Non-resident city employees may purchase one additional decal at the resident rate.

* * *

SECTION 3.

Sec. 82-245. – “C” residential parking permits.

- (a) A controlled parking residential area is hereby established, to include the streets listed in Sec. 82-137(v), generally described as the residential side streets on East Maritana Drive and Gulf Boulevard, Casablanca Avenue between 367th Avenue and Pinellas Bayway.
- (1) Any resident of the city, as defined in Sec. 82-1, who resides on and who has a vehicle registered to a “C” street as defined in Sec. 82-137(v) shall be allowed to purchase a “C” parking permit, in the form of a decal, for a fee established by resolution of the city commission and listed in appendix A to this Code.
- (2) “C” parking decals shall be valid from January 1 through December 31 of each year. The purchase price of a parking decal shall not be prorated or reduced if the parking decal is purchased after January 1.
- (3) Each dwelling shall also be allowed to purchase two temporary “C” hang tags per month for their visitors, not to exceed 3 consecutive months.
- (4) “C” hang tags shall be valid from the date of purchase to the same date of the next succeeding month, and shall not be purchased more than three months in advance. The date of purchase shall be plainly stamped on each permit.

SECTION 4. Division 17-3 of the Land Development Code shall be amended as follows:

Sec. 17.3. – Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the INS Institutional District are as follows:

- (a) Places of worship with 100 seats or more in the main sanctuary.
- (b) Residential structures as an ancillary use to the institution.
- (c) Commercial docks - Classes B and C only.
- (d) Clubs, private and community service.
- (e) Schools, public, private or charter.
- (f) Social service agencies.
- ~~(g) Parking lots, commercial and/or off premise.~~

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

SECTION 6. This Ordinance shall become effective immediately upon final passage and adoption.

PASSED ON FIRST READING _____, a.d. 2016

PASSED ON SECOND AND FINAL READING _____, a.d. 2016

Deborah Schechner , MAYOR

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLISHED: _____

	St. Pete Beach Planning Board 155 Corey Avenue St. Pete Beach, FL 33706 727-367-2735
8/16/2016	
Item Number Ordinance #2016-13 Type of Application Amendment to Chapter 82 of the Code of Ordinances Applicant City of St. Pete Beach Location City wide Project Planner(s) Jennifer Bryla, AICP, Chelsey Welden Requested Action Recommendation of Approval of Ordinance 2016-13 to the City Commission Staff Recommendation Approval Planning Board Hearing 8/16 City Commission First Reading (8/23/2016) Final Reading (9/13/2016)	ITEM SUMMARY: The City Commission amended the City’s parking Ordinance (Chapter 82 of the Code of Ordinances) in March of 2016. That effort was undertaken in an effort to: 1) More clearly define the different types of parking permits issued by the City; 2) Simplify the posted times of restricted parking areas; and 3) Add application submittal requirements. With the amendment, a “C” parking permit was created. This new “C” permit was created for those areas generally described as east of Gulf Boulevard, west of Maritana Drive, south of 37th Avenue and north of the Pinellas Bayway. While a new parking permit was created, the ability to provide residents temporary “hang tags” was overlooked. The residents of the “C” area currently have no ability to have visitors park along the streets of their neighborhood. Providing residents hang tags is presently a City practice in “D” parking areas and for certain business in Pass-a-grille businesses. The Ordinance also clarifies the parking areas in the Lido Beach subdivision. Apparently some areas of the neighborhood provided for the ability to 

Findings

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

1. The proposed Ordinance is consistent with Florida Statutes.
2. The proposed Ordinance is consistent with the Pinellas County Regional Policy Plan.
3. The proposed Ordinance is consistent with the St. Pete Beach Comprehensive Plan.
4. The proposed Ordinance is consistent with the intent of the LDC.

park in areas that were prohibited by Ordinance. The presented amendment rectifies the discrepancy.

The proposed Ordinance also removes the ability for a non-resident of St Pete Beach to purchase a beach parking permit. With the adoption of the revised Fee Ordinance (Ord 2016-12) in June 2016, the City Commission removed the ability for non-residents to buy a beach parking pass. As this fee has been removed the language must also be removed from the Ordinance for consistency with Commission direction.

Lastly, the Ordinance removes the ability for uses within an Institutional zoning district to request conditional use approval for a commercial or off-premise parking lot. This ability was granted through Ordinance (Ord 2015-03) in May of 2015. This change resulted in a situation that caused great concern for the residents in District 4. As such it has been determined that removing the ability would be in the best interest of the City. This will return the Institutional zoning district's allowable conditional uses to those prior to the change in 2015.

PUBLIC NOTICE:

Notice of public hearing has been advertised as required by State Statutes. As of the date of this report, no oral or written comments have been received. Oral and written comments may be presented at the public hearing.

COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE:

The proposed Ordinance is consistent with the City of St. Pete Beach's Comprehensive Plan, which does not regulate parking or give any guidance as to how parking regulations should be formulated.

The proposed Ordinance is also consistent with the Land Development Code, which regulates the form and location of parking spaces, lots, and structures. Specifically, Division 23 (Off-Street Parking and Loading) provides dimensional standards for parking areas, as well as dictates the number of parking spaces required for each type of use.

The goal of Chapter 82 of the Code of Ordinances is to complement the regulations provided in Division 23 of the Land Development Code to make sure that business, residences, and visitors all have a place to park without conflict.

PLANNING BOARD:

The Planning Board will hear Ordinance 2016-13 on August 16th, 2016 and provided a recommendation to the City Commission.

	STAFF RECOMMENDATION: Upon review of the above guiding documents, staff recommends approval of Ordinance 2016-13 as presented. Attachments (1) Exhibit A – Ordinance 2016-13 (2) Exhibit B – Staff Report (3) Exhibit C – Chapter 82, Code of Ordinances with edits indicated in underline strikethrough
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Chapter 82 - TRAFFIC AND VEHICLES¹¹

Footnotes:

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Cross reference— Consumption or possession of open containers of alcoholic beverages in public places prohibited, § 6-5; identification of commercial vehicles required, § 26-2; emergency procedures during hurricanes, § 34-1; distribution of handbills restricted, § 46-1; noise regulations, § 46-131 et seq.; motor vehicle noise restrictions, § 46-147; skateboards and motorized vehicles restrictions in parks and recreation areas, § 58-6; streets and sidewalks, ch. 74; skateboarding prohibited, § 74-1; vehicles for hire, ch. 90; permits required for vehicles on the beach, § 94-73.

State Law reference— Municipal Home Rule Powers Act, F.S. ch. 166; Florida Uniform Traffic Control Law, F.S. ch. 316; restrictions on power of municipality to regulate traffic, F.S. §§ 316.006—316.008.

ARTICLE I. - IN GENERAL

Sec. 82-1. - Definitions.

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

Commuter vehicle means a motor vehicle parked in a residential area by a person who is not a resident of the designated residential area.

Controlled parking residential area means a contiguous or nearly contiguous area containing streets or parts thereof primarily abutted by property which has a specific residential zone designation on the official zoning map and which is designated for restricted residential parking by the city manager, pursuant to criteria and procedures established in this division.

Dwelling means a room or group of rooms forming a single independent habitable unit used for or intended to be used for living, sleeping, sanitation, cooking, and eating purposes by one family only; for owner occupancy or for lease; and containing independent kitchen, sanitary and sleeping facilities. A dwelling does not include motels, hotels, and other transient accommodation uses.

Resident means a person who owns or leases real property for at least (6) six consecutive months within the city, as evidenced by a form listed in Sec. 82-2.

Residential parking permit means a special permit issued under this division for the privilege of parking on a street designated as a "controlled parking residential area."

Cross reference— Definitions generally, § 1-2.

Sec. 82-2. Requirements for issuance of parking permits.

The following shall be required at the time of issuance:

- (a) A valid driver's license.
- (b) Proof of residency in one of the following forms shall be required for all annual parking permits:
 - (1) Voter Registration Card
 - (2) Real Estate Tax Bill

- (3) Lease Agreement for a period of at least 6 consecutive months within the year of issuance
 - (4) Driver's License with current address
 - (5) Utility Bill with current address
 - (6) Three pieces of mail with current address
- (c) Proof of employment in one of the following forms shall be required for all annual parking permits for employees and owners of businesses in accordance with Sec. 82-202:
- (1) A current paycheck stub with the applicant's name,
 - (2) A letter signed by the owner of the business stating the applicant is currently employed at that location.
 - (3) A current business tax license issued by the City of St. Pete Beach that contains the applicant's name.
- (d) In the event that a resident cannot produce any of the above documents, the resident will immediately be referred to a supervisor who will assist the resident by looking for other possible ways to provide satisfactory proof of residency that may be approved by the Community Development Director.
- (e) Current vehicle registration shall also be required for issuance of all annual parking permits. Hang tags shall be exempt from this requirement.
- (f) Payment in accordance with Appendix A of this Code.

Sec. 82-3. - Penalty.

Except as otherwise provided, anyone violating the provisions of this chapter shall be punished according to the penalties set out in F.S. § 316.655.

(Code 1960, § 24-1; Ord. No. 216, § 10; Code 1983, § 21-4)

Sec. 82-4. - Unattended motor vehicles.

No person driving or in charge of any motor vehicle, except a licensed delivery truck or other delivery vehicle making deliveries, shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key. No vehicle shall be permitted to stand unattended upon any perceptible grade without stopping the engine and effectively setting the brake thereon.

(Code 1960, § 24-28(a); Ord. No. 216, § 4; Ord. No. 275, § 1; Ord. No. 399, § 2; Code 1983, § 21-22)

State Law reference— Similar provisions, F.S. § 316.1975.

Secs. 82-5—82-29. - Reserved.

ARTICLE II. - SPECIFIC STREET REGULATIONS^[2]

Footnotes:

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Cross reference— Streets and sidewalks, ch. 74.

DIVISION 1. - GENERALLY

Sec. 82-30. - Traffic control devices.

All traffic control devices erected and in place on all city streets within the city as of April 1, 2006 shall be deemed valid for all purposes in the location where the same have been erected, and the violation of any such device by any person shall be deemed a violation of the applicable state control law pertaining to such device.

(Ord. No. 06-14, § 1, 4-25-06)

Sec. 82-31. - One way streets.

The following streets, roadways and avenues shall be designated as one way.

- (1) East Maritana Drive between 35th Avenue and 36th Avenue.
- (2) 22nd Avenue west bound between Gulf Way and Pass-A-Grille Way.
- (3) 16th Avenue west bound between Gulf Way and Pass-A-Grille Way.
- (4) 15th Avenue east bound between Gulf Way and Pass-A-Grille Way.
- (5) 9th Avenue east bound between Gulf Way and Pass-A-Grille Way.
- (6) El Centro south bound between 37th Avenue and 35th Avenue.
- (7) 10th Avenue westbound between Pass-A-Grille Way and Gulf Way.
- (8) Alley between 16th Avenue and 17th Avenue.

(Ord. No. 98-76, § 1, 12-15-98; Ord. No. 99-40, § 1, 8-3-99; Ord. No. 06-16, § 1, 5-9-06; Ord. No. 10-06, § 1, 5-25-10; Ord. No. 10-30, § 1, 9-28-10)

Secs. 82-32—82-60. - Reserved.

DIVISION 2. - SPEED LIMITS^[3]

Footnotes:

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Editor's note—Ord. No. 02-08, § 1, adopted Feb. 19, 2002, repealed former §§ 82-61—82-65, which pertained to posting; fifteen miles per hour; twenty miles per hour; twenty-five miles per hour; thirty-five miles per hour. Section 2 of said ordinance enacted provisions designated as § 82-61 to read as herein set out. See the Code Comparative Table.

State Law reference— Speed limits generally, F.S. §§ 316.183—316.1906; municipal authority as to speed limits, F.S. §§ 316.007, 316.008(1)(j), 316.189.

Sec. 82-61. - Speed limits.

- (a) The applicable speed limit for all city streets within the city shall be 30 miles per hour for all commercial areas and 25 miles per hour for all residential areas, unless otherwise provided by ordinance.
- (b) Notwithstanding subsection (a) hereof, the following speed limits shall be applicable on the following city streets:

20 mph:	
Gulf Way	From 1st Avenue to 22nd Avenue
44th Avenue	From Gulf Boulevard to Poinsettia Drive
41st Avenue	From Belle Vista Drive to Poinsettia Drive
Belle Vista Drive	From 39th Avenue to Oleander Way

- (c) The city manager shall post appropriate speed limit signs that meet the requirements of state law for all speed limits established in this section. All speed limits in effect at the time of adoption of this section shall remain effective unless amended hereby or hereafter by ordinance. It shall be unlawful for any person to exceed any speed limit established under this section.

(Ord. No. 02-08, § 2, 2-19-02; Ord. No. 06-14, § 2, 4-25-06)

Secs. 82-62—82-94. - Reserved.

DIVISION 3. - WEIGHT LIMITS

Sec. 82-95. - Definitions.

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

Bus means any vehicle designed or operated for the transportation of persons, other than an ordinary automobile, station wagon, camper, motor home, truck as defined in this section or van with a capacity of carrying persons, rather than property, provided, further, that the carrying of luggage is not consistent with this definition.

Bus route means certain streets, as designated in this division, over and along which buses shall operate within the city during designated hours.

Deviating truck means any truck in the restricted vehicle classification which travels over a street other than a designated truck route.

Truck means any vehicle designed for the transportation of property in the following classifications:

- (1) Unrestricted vehicles (light/medium trucks) means pickups, vans and panels with a maximum length of 21 feet and a maximum gross vehicle weight (GVW) of 8,000 pounds and single-unit, single-rear-axle trucks with a maximum length of 35 feet and a maximum GVW of 35,000 pounds.
- (2) Restricted vehicles (heavy trucks) means single-unit, multi-rear-axle trucks with a maximum length of 40 feet and a maximum GVW of 60,000 pounds, including dumptrucks and concrete mixers, and all tractor-trailer and semitrailer combinations with a maximum length of 55 feet and a maximum GVW of 80,000 pounds.

Truck route means certain streets, as designated in this division, over and along which trucks in the restricted vehicle classification shall operate within the city during designated hours.

(Code 1960, § 24-7; Ord. No. 273, §§ 1—4; Ord. No. 294, § 1; Ord. No. 313, §§ 1—3; Ord. No. 82-49, § 1; Code 1983, § 21-3(a))

Cross reference— Definitions generally, § 1-2.

Sec. 82-96. - Truck routes and bus routes established; map.

There is established within the city a system of truck routes and bus routes as shown on a map on file in the office of the city clerk. Streets indicated as truck routes on the map, and no others, shall be used for truck traffic. The streets indicated as bus routes on the map, and no others, shall be used for bus traffic.

(Code 1960, § 24-7; Ord. No. 273, §§ 1—4; Ord. No. 294, § 1; Ord. No. 313, §§ 1—3; Ord. No. 82-49, § 1; Code 1983, § 21-3(b))

Sec. 82-97. - Posting of truck and bus routes; signs.

For the purpose of this division, the city manager shall cause truck routes to be clearly posted and shall cause bus routes to be clearly posted. The city manager is authorized to install appropriate signs along designated roadways to control truck operations and to control bus operations, in accordance with this division. Signs will conform to those shown in the Manual of Uniform Traffic Control Devices, and their use shall be as designated therein.

(Code 1960, § 24-7; Ord. No. 273, §§ 1—4; Ord. No. 294, § 1; Ord. No. 313, §§ 1—3; Ord. No. 82-49, § 1; Code 1983, § 21-3(f))

Sec. 82-98. - Enforcement; penalties.

Any person who shall violate this division shall be subject, upon conviction, to fine or imprisonment as provided in section 1-14. Such moneys, excluding those previously committed, shall be held in trust by the city for use in signing and for physical improvements to the city and to maintain facilities on the truck route system and on the bus route system.

(Code 1960, § 24-7; Ord. No. 273, §§ 1—4; Ord. No. 294, § 1; Ord. No. 313, §§ 1—3; Ord. No. 82-49, § 1; Code 1983, § 21-3(g))

Sec. 82-99. - Observance of truck routes and bus routes; exceptions.

- (a) All buses and all trucks in the restricted vehicles classification within the city shall be operated only over and along the bus routes and truck routes established pursuant to section 82-96.
- (b) This division shall not prohibit operation on streets of destination if authorized truck routes and bus routes are used until reaching the intersection nearest the destination point and such destination is proven upon request through possession of a valid and current delivery ticket or other dispatch order.
- (c) Authorized emergency vehicles are exempt from this division.
- (d) Detoured trucks on an officially established detour, if such trucks could lawfully be operated upon the street for which the detour is established, are exempted from this division.

(Code 1960, § 24-7; Ord. No. 273, §§ 1—4; Ord. No. 294, § 1; Ord. No. 313, §§ 1—3; Ord. No. 82-49, § 1; Code 1983, § 21-3(c))

Sec. 82-100. - Manner of utilization of bus routes and truck routes.

- (a) Bus traffic and truck traffic of outside origin. Bus traffic and truck traffic of outside origin shall be subject to the following:
 - (1) Inside destination point. All restricted buses and trucks entering the city for a destination point in the city shall proceed only over an established bus or truck route and shall deviate only at the intersection with the street upon which the traffic is permitted, nearest the destination point. Upon leaving the destination point, a deviating truck or bus shall return to the truck route by the shortest permissible route.
 - (2) Multiple inside destination points. All restricted buses and restricted trucks entering the city for multiple destination points shall proceed only over established bus routes or truck routes and shall deviate only at the intersection with the street upon which bus traffic or truck traffic is permitted, nearest the first destination point. Upon leaving the first destination point, a deviating truck or deviating bus shall proceed to other destination points by the shortest direction and only over truck routes or bus routes. Upon leaving the last destination point, a deviating truck or deviating bus shall return to the truck route or the bus route by the shortest permissible route.
- (b) Truck traffic or bus traffic of inside origin. Truck traffic or bus traffic of inside origin shall be subject to the following:
 - (1) Outside destination point. All restricted trucks or restricted buses on a trip originating in the city and travelling in the city for a destination point outside the city shall proceed to the nearest intersection of a designated bus route or a designated truck route and travel from that point to the city limits only over designated truck routes or designated bus routes.
 - (2) Inside designated points. All restricted buses or restricted trucks on a trip originating in the city and traveling in the city for destination points in the city shall proceed only over designated truck routes or designated bus routes.

(Code 1960, § 24-7; Ord. No. 273, §§ 1—4; Ord. No. 294, § 1; Ord. No. 313, §§ 1—3; Ord. No. 82-49, § 1; Code 1983, § 21-3(d))

Sec. 82-101. - Hours of operation; time of day restrictions.

Trucks and buses shall be able to travel upon truck routes or bus routes at all hours of the day unless duly authorized signs are installed limiting the hours of use on a particular street or portion of a street for either buses or trucks. Those streets which are designated as partially restricted bus routes or

truck routes shall be off limits to trucks or buses in the restricted classification during the hours of 6:00 p.m. to 6:00 a.m. Any restricted truck or restricted bus attempting to utilize a partially restricted truck route or partially restricted bus route during a restricted time period shall be regarded as a deviating truck or as a deviating bus.

(Code 1960, § 24-7; Ord. No. 273, §§ 1—4; Ord. No. 294, § 1; Ord. No. 313, §§ 1—3; Ord. No. 82-49, § 1; Code 1983, § 21-3(e))

Secs. 82-102—82-130. - Reserved.

ARTICLE III. - STOPPING, STANDING AND PARKING^[4]

Footnotes:

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Cross reference— Streets and sidewalks, ch. 74.

State Law reference— Municipal authority relative to stopping, standing and parking, F.S. §§ 316.007, 316.008(1)(a); stopping, standing and parking generally, F.S. §§ 316.1945—316.1967.

DIVISION 1. - GENERALLY

Sec. 82-131. - Parking at Don Vista Community Center.

- (a) The parking lot at the Don Vista Community Center shall be used for parking only by permit issued to persons who are using the community center. Persons not having a permit and using the community center are prohibited from parking in the center's parking lot.
- (b) The city shall post signs which provide, in some manner or form, that the parking lot at the Don Vista Community Center is reserved for parking for a vehicle whose operator has a permit and is using the community center. The signs may also provide for no parking for persons not using the community center.

(Code 1960, § 24-35; Ord. No. 341, §§ 1—3; Code 1983, § 21-21)

Sec. 82-132. - Special restrictions for buses and taxicabs.

The operator of a bus, including a tour bus of any kind, nature or description, wherein passengers are carried through the city or a taxicab shall not stop, stand or park upon any street in any district at any place or at any time other than at a bus stop or taxicab stand, respectively. However, this section shall not prevent the operator of any such vehicle from temporarily stopping in accordance with other stopping, standing or parking regulations at any place for the purpose of and while engaging in the expeditious unloading or loading of passengers.

(Code 1960, § 24-28(b); Ord. No. 216, § 4; Ord. No. 275, § 1; Ord. No. 399, § 2; Code 1983, § 21-23)

Sec. 82-133. - Parking on unimproved property.

- (a) It shall be unlawful for any person to park any motor vehicle on the unimproved property of another person where such property has been posted with a notice prohibiting parking. Any person who parks any motor vehicle on the unimproved property of another person shall have the burden of proving that permission or consent therefor has been granted, either by the owner of the property or by the city manager.
- (b) Penalties for violation of subsection (a) of this section shall be assessed in accordance with section 1-14.

(Code 1983, § 21-29; Ord. No. 84-35, §§ 1, 2, 7-17-84)

Sec. 82-134. - Parking within marked parking stalls.

- (a) Parking restrictions. The following shall apply wherever the city has provided marked parking stalls, either upon city streets or upon city-maintained parking areas, except as provided in subsection (b) of this section:
 - (1) All vehicles shall only be permitted to park within the marked stalls which have been provided on such streets or parking areas.
 - (2) No vehicle shall be entitled to be parked in more than one stall at any one time, unless its overall length is greater than the length of one stall.
 - (3) A vehicle must be parked with all of its wheels inside the parked stall unless, due to overall length as provided in subsection (a)(2) of this section, the vehicle's overall length is greater than the overall length of the provided stall.
 - (4) Only two vehicles shall be parked within a single stall at any one time.
 - a. When the stall is metered parking, only a single meter fee is required; however, both occupants shall be responsible to ensure that the meter fee is paid.
 - b. This subsection shall apply to both parallel and diagonal parking stalls.
 - (5) The city manager may waive the restrictions of this section in order to allow permitted special events or under such other circumstances as are deemed appropriate in the sole discretion of the city manager.
- (b) Exceptions. The city maintains a municipal boatramp situated at West Maritana and Casablanca, in the area between 30th and 35th Avenues, where the city has marked single vehicle parking stalls and installed metered parking. The restrictions provided in subsection (a) of this section shall not be applicable to metered stalls situated in this area for vehicles towing an attached boat trailer. One vehicle with attached boat trailer may occupy two marked parking stalls and pay only a single meter fee subject to the following:
 - (1) The vehicle and trailer are physically connected in the manner normally used for towing.
 - (2) The vehicle and the trailer occupy no more than two adjacent parking stalls.
 - (3) The regular meter fee shall be paid into the meter installed where the motor vehicle is parked. When the owner or operator of a motor vehicle with a boat trailer in tow complies with subsections (b)(1) and (2) of this section, no additional simultaneous meter fee would be required for the meter serving the stall occupied by the boat trailer.
 - (4) This exception shall apply only to parallel parking stalls.

(Code 1983, § 21-30; Ord. No. 84-60, §§ 1, 2, 12-18-84; Ord. No. 90-11, § 1, 6-19-90)

Sec. 82-135. - Parking in commercial district.

- (a) For the purpose of this section, the commercial business area is defined as Eighth Avenue in its entirety, east to west.
- (b) It shall be unlawful to park any vehicle between the hours of 8:00 a.m. and 8:00 p.m. on any day in any commercial business area for a period of longer than two hours where signs are officially posted. However, the city manager shall be authorized to further limit, restrict or prohibit parking within this area by the posting of official signs. The changing of the parked position of a vehicle from one parking space directly to another parking space within either side of the same street or roadway shall be deemed one continuous parking period. Vehicles displaying a valid "D" pursuant to section 82-239 of this chapter, city code permits are exempt from the limit of two hours.
- (c) The parking of any vehicle longer than the legal period of time as posted on official signs shall be unlawful and a violation of this section. No person shall cause, allow, permit or suffer any motor vehicle to be parked beyond the lawful or legal period of time permitted by subsection (a) of this section.

(Code 1983, § 21-31; Ord. No. 87-25, § 1, 7-21-87; Ord. No. 12-08, § 1, 5-22-12)

Sec. 82-136. - Parking of boats, campers and recreational and commercial vehicles on city rights-of-way.

The parking of boats, trailers, campers, recreational vehicles, commercial vehicles and trucks in excess of one ton cab weight shall be prohibited on any city rights-of-way between the hours of 12:00 midnight and 6:00 a.m. The city manager may waive this prohibition on a temporary basis where it is determined that such waiver is necessary.

(Code 1983, § 21-31; Ord. No. 95-34, § 1, 8-15-95; Ord. No. 03-14, § 1, 8-19-03)

Sec. 82-137. - Posted restricted parking zones.

- (a) The following city streets shall require a "D" permit for parking from 8:00 a.m. to 8:00 p.m. every on one side of the street, as designated on the city parking maps:

1st Avenue between Gulf Way and Pass A Grille Way;

12th Avenue thru 14th Avenue between Gulf Way and Pass A Grille Way;

17th Avenue thru 20th Avenue between Gulf way and Pass A Grille Way;

22nd Avenue between Gulf Way and Pass A Grille Way;

25th Avenue between Sunset Way and Pass A Grille Way;

27th Avenue thru 30th Avenue between Sunset way and Pass A Grille Way;

37th Avenue between Gulf Blvd. and El Centro;

Sunset Way between 23rd Avenue and 24th Avenue;

Sunset Way between 28th Avenue and 30th Avenue;

1st Avenue West between 31st Avenue and 32nd Avenue;

32nd Avenue between Sunset Way and the beach;

Casablanca Avenue at Cabrillo Avenue;

West Maritana Drive between Alahambra Street and South Maritana Drive;

South Maritana Drive between West Maritana Drive and Granada Street;

Alahambra Street between West Maritana and West Debazan Avenue;

West Debazen Avenue between East Debazen and South Maritana;

Debazen Avenue between Casablanca and Alahambra Street;

East Debazen between Alahambra Street and South Debazen Avenue;

Alfanzo Street between West Maritana Drive and West Debazen Avenue;

Granada Street between East Debazen Avenue and East Maritana Drive;

Barcelona Street between Debazen Avenue and East Maritana Drive;

Beach Plaza between 70th Avenue and 71st Avenue; and

Pass-A-Grille Way between 7th Avenue and 3rd Avenue;

18 parking spaces on the west side of Beach Plaza between 70th Avenue and 71st Avenue.

- (b) The following city streets shall require a "D" permit for parking from 8:00 a.m. to 8:00 p.m. every day on each side of the street, as designated on the city parking maps:

2nd Avenue to 5th Avenue;

Sunset Way between 24th Avenue and 25th Avenue;

Sunset Way between 22nd Avenue and 23rd Avenue;

32nd Avenue between 1st Street West and the beach; and

One parking space on the west side of Casablanca Avenue at Cabrillo Avenue.

- (c) The following city streets shall require a "D" permit for parking at any time every day on one side of the street, as designated on the city parking maps:

10th Avenue between Gulf Way and the alley before Pass-A-Grille Way;

11th Avenue between Gulf Way and Pass-A-Grille Way;

21st Avenue between Gulf Way and Pass-A-Grille Way;

23rd Avenue between Sunset Way and Pass-A-Grille Way; and

4 parking spaces on the south side of West Maritana Drive east of Casablanca Avenue;

36th Avenue between Gulf Boulevard and East Maritana Drive;

Casablanca Avenue between 37th Avenue and Pinellas Bayway;

East Maritana Drive between 37th Avenue and Pinellas Bayway.

- (d) The following city streets shall require a "D" permit for parking at any time every day on each side of the street, as designated on the city parking maps:

6th Avenue between Gulf Way and Pass-A-Grille Way; and

7th Avenue between Gulf Way and Pass-A-Grille Way.

- (e) The following city streets shall require a "B" permit for parking at any time every day on each side of the street, as designated on the city parking maps:

42nd Avenue between Belle Vista Drive and Poinsettia Drive; and

43rd Avenue between Belle Vista Drive and Moody Street.

- (f) The following city streets shall require a "B" permit for parking from 8:00 a.m. to 8:00 p.m. every day on one side of the street, as designated on the city parking maps:

18 parking spaces on the west side of Beach Plaza between 70th Avenue and 71st Avenue.

- (g) The following city streets shall require an "E" permit for parking from 8:00 a.m. to 8:00 p.m. every day on one side of the street, as designated on the city parking maps:

67th Avenue between Beach Plaza and Sunset Way; and

70th Avenue between Gulf Boulevard and Sunset Way; and

18 parking spaces on the west side of Beach Plaza between 70th Avenue and 71st Avenue.

- (h) The following city streets shall require an "E" permit for parking from 8:00 a.m. to 8:00 p.m. every day on each side of the street, as designated on the city parking maps:

68th Avenue to 70th Avenue between Beach Plaza and Sunset Way.

Beach Plaza between 70th Avenue and 71st Avenue

- (i) Parking in the locations designated on the following city streets shall be limited to thirty (30) minutes, as designated on the city parking maps:

3 parking spaces on the west side Pass-A-Grille Way south from 9th Avenue;

3 parking spaces on the north side of 10th Avenue west from Pass-A-Grille Way;

1 parking space on the east side of the 800 block of Gulf Way;

1 parking space on the east side of 1300 block of Gulf Way;

1 parking space on the south side of 26th Avenue west of Pass-A-Grille Way;

3 parking spaces on the north side of 32nd Avenue west of Pass-A-Grille Way; and the north side of the Don Vista Center.

- (j) Parking on each side of the following city street shall be limited to two (2) hours, between the hours of 8:00 a.m. and 6:00 p.m. every day, as designated on the city parking maps:

8th Avenue between Gulf Way and Pass-A-Grille Way. Vehicles displaying a valid "D" Permit are exempt from the limit of two hours.

- (k) Parking in the main Don Vista Center parking lot shall be prohibited unless an event is scheduled by the City at the Don Vista Center.

- (l) Parking on the west side of Gulf Way between 9th Avenue and 10th Avenue shall be limited to employees of the public concession stand at the beach.

- (m) Parking on one side of the following city streets shall be prohibited at any time, as designated on the city parking maps:

1st Avenue between Gulf Way and Pass-A-Grille Way;

10th Avenue to 22nd Avenue between Gulf Way and Pass-A-Grille Way;

23rd Avenue to 30th Avenue between Sunset Way and Pass-A-Grille Way;

32nd Avenue between 1st Street West and Pass-A-Grille Way;

El Centro at the Don Vista Center;

West Maritana Drive between Alahambra Street and South Maritana Drive;

South Maritana Drive between West Maritana Drive and Granada Street;

Alahambra Street between West Maritana and West Debazen Avenue;

West Debazen Avenue between East Debazen and South Maritana;

Debazen Avenue between Casablanca and Alahambra Street;

East Debazen between Alahambra Street and South Debazen Avenue;

Alfonzo Street between West Maritana Drive and West Debazen Avenue;

Granada Street between East Debazen Avenue and East Maritana Drive;

Barcelona Street between Debazen Avenue and East Maritana Drive;

Casablanca Avenue between 37th Avenue and Pinellas Bayway;

East Maritana Drive between 37th Avenue and Pinellas Bayway;

Belle Vista Drive between 41st Avenue and Belle Vista Drive East;

~~Lido Drive between 1st Street East and Plaza Way;~~

36th Avenue between El Centro and East Maritana Drive;

41st Avenue between Belle Vista Drive and Poinsettia Drive;

46th Avenue between Gulf Boulevard and the east end of Lido Park;

49th Avenue;

51st Avenue between Gulf Boulevard and the beach;

51st Avenue between Gulf Boulevard and the east end;

55th Avenue between Aloha Drive and Leilani Drive;

Boca Ciega Isle Drive at the entrance;

58th Avenue between Gulf Boulevard and 2nd Street East;

64th Avenue between Gulf Winds Drive and 430 64th Avenue;

Gulf Winds Drive between 2nd St. East and 71st Avenue;

64th Avenue to 73rd Avenue between Sunset Way and Gulf Boulevard;
Sunset Way between 23rd Avenue and 24th Avenue;
Sunset Way between 25th Avenue and 26th Avenue;
Sunset Way between 29th Avenue and 30th Avenue;
Sunset Way between 64th Avenue and 67th Avenue;
1st Street West between 31st Avenue and 32nd Avenue;
Casablanca Avenue between 37th Avenue and Cabrillo Avenue;
78th Avenue to 87th Avenue between Blind Pass Road and Boca Ciega Drive; and Corey Circle.

- (n) Parking on each side of the following city streets shall be prohibited at any time, as designated on the city parking maps:

Pass-A-Grille Way between 13th Avenue and 32nd Avenue;
14th Avenue to 20th Avenue between Pass-A-Grille Way and the east end;
30th Avenue between Sunset Way and the beach;
31st Avenue between Sunset Way and Pass-A-Grille Way;
2nd Street West;
Cabrillo Avenue;
West Maritana Drive between Casablanca Avenue and Alahambra Street;
Belle Vista Drive between 44th Avenue and 41st Avenue;
37th Avenue between Gulf Blvd. and east Maritana;
44th Avenue between Gulf Boulevard and Moody Street;
45th Avenue between Gulf Boulevard and 2nd Street East;
Lido Drive between 1st Street East and 2nd Street East
Punta Vista Drive;
Boca Ciega Isle Drive between Plaza Way and 520 Boca Ciega Isle Drive;
52nd Avenue between Gulf Boulevard and the beach;
55th Avenue between Gulf Boulevard and Aloha Drive;
Aloha Drive;
59th Avenue between Gulf Boulevard and Bimini Way;
Gulf Winds Drive between 2nd St. East and Gulf Blvd.;
64th Avenue between 1st Palm Point Street and 425 64th Avenue;
64th Avenue between Gulf Blvd. and Gulf Winds Drive;

67th Avenue between Gulf Blvd. and Gulf Winds Drive;

Sunset Way between 70th Avenue and 71st Avenue;

1st Street East between Lido Drive and 45th Avenue;

2nd St. East between Lido Drive and 45th Avenue;

2nd St. East between 60th Avenue and Gulf Winds Drive.

- (o) Parking on one side of the following city streets shall be limited to the time for which payment of the parking fee has been made, between the hours of 8:00 a.m. and 8:00 p.m. every day, as designated on the city parking maps:

Pass-A-Grille Way between 1st Avenue and 7th Avenue;

Casablanca Avenue between Pinellas Bayway and Cabrillo Avenue;

51st Avenue between Gulf Boulevard and the beach;

67th Avenue between Beach Plaza and Sunset Way;

Sunset Way between 68th Avenue and 70th Avenue;

Gulf Winds Drive between 64th Avenue and 2nd St. East;

64th Avenue between Gulf Blvd. and Sunset Way;

Sunset Way between 64th Avenue and 66th Avenue;

66th Avenue between Gulf Blvd. and Sunset Way.

- (p) Parking on each side of the following city streets shall be limited to the time for which payment of the parking fee has been made, between the hours of 8:00 a.m. and 8:00 p.m. every day, as designated on the city parking maps:

Gulf Way;

Pass-A-Grille Way between 7th Avenue and 12th Avenue unless otherwise posted; and

Beach Plaza between 67th Avenue and 70th Avenue.

- (q) Parking on the north side of 10th Avenue between Gulf Way and Pass-A-Grille Way shall require a "D" permit for parking at any time every day, or shall be limited to patrons of the museum, unless otherwise posted, as designated on the city parking maps.

- (r) Parking on the following city streets and parking lots shall be limited as hereafter designated, as shown on the city parking maps:

Lazarillo Park-Parking shall be for park users only;

Lido Park-45th Avenue Lot-Parking shall be for park users only;

Lido Park-46th Avenue Lot-Parking shall be for park users only, with the exception of four parking spaces designated "B" Permit Required from 8:00 a.m. to 8:00 p.m.;

Don Boat Ramp-"D" Permit or "B" Permit required with attached boat trailer, or any vehicle with attached boat trailer subject to payment of designated parking fee from 8:00 a.m. to 8:00 p.m.;

County Park-Parking is subject to payment of designated parking fee at any time.

44th Avenue Parking Lot-Five parking spaces designated "B", "D", or "E" Permit required; Two parking spaces designated "B" Permit Required "3" hour limit; One parking space designated "3" hour limit.

Ron McKenney Park-Parking shall be for park users only;

Sunset Park - "B" Permit required from 8:00 a.m. to 8:00 p.m. on the waterfront side;

Egan Park/Captiva Circle

North side: No parking

East side: Two waterfront parking spaces designated "Car parking only 24 hour limit"; 16 waterfront parking spaces designated "Vehicle with attached boat trailer only" and subject to payment of designated parking fee at anytime. Parking fee and vehicle with boat trailer attached restriction waived during adult softball games for the six southernmost waterfront spaces.

South Side-East end of Captiva Circle: Four parking spaces designated "No vehicle with boat trailer attached parking at anytime." South Side of Captiva Circle-Designated "No Parking Anytime."

Egan Park gravel parking lot-"B" permit required for Vehicle with attached boat trailer."

Don Vista Parking Lot

South side: Don Vista parking only, and

North side: 15 spaces, Don Vista parking only.

- (s) Parking in the locations designated on the following city streets shall be limited to 15 minutes, as designated on the city parking maps:

Corey Avenue parking spaces directly in front of the Post Office.

- (t) The following city streets shall require a "B" permit for parking from 9:00 a.m. to 5:00 p.m. Saturdays, Sundays and holidays on one side of the street, as designated on the city parking maps:

Gulf Winds Drive between 64th Avenue and Bay St;

64th Avenue between Gulf Winds Drive and First Palm Point.

- (u) The following city streets shall require a "B" permit for parking from 9:00 a.m. to 9:00 p.m. Saturdays, Sundays and holidays on each side of the street, as designated on the city parking maps:

64th Avenue between 425 64th Avenue and the east end of 64th Avenue;

67th Avenue between Gulf Winds Drive and Bay St;

Bay St. between Gulf Winds Drive and 64th Avenue;

First through Fourth Palm Points Streets.

(Ord. No. 07-18, § 1, 6-12-07; Ord. No. 07-35, §§ 1—8, 10-23-07; Ord. No. 08-43, §§ 1—3, 12-16-08; Ord. No. 09-08, §§ 1, 2, 5-26-09; Ord. No. 10-07, §§ 1—5, 5-25-10; Ord. No. 10-19, §§ 1—3, 7-27-10; Ord. No. 11-02, § 1, 1-25-11; Ord. No. 11-11, § 1, 4-26-11; Ord. No. 12-07, §§ 1—7, 5-22-12; Ord. No. 12-09, § 1, 6-26-12; Ord. No. 14-03, § 1, 4-22-14; Ord. 14-07, §§ 1—4, 9-10-14; Ord. No. 15-03, § 11, 5-26-15)

Secs. 82-138—82-165. - Reserved.

DIVISION 2. - ENFORCEMENT

Sec. 82-166. - Separate offenses for overtime or prohibited parking.

Any overtime parking or parking prohibited violation shall constitute a separate offense for every two hours that the motor vehicle remains in violation of such parking regulation. Any officer may ticket a motor vehicle parked in violation of this article or other city parking ordinances for each successive two-hour violation.

(Code 1960, § 24-28(d); Ord. No. 216, § 4; Ord. No. 275, § 1; Ord. No. 399, § 2; Code 1983, § 21-24)

Sec. 82-167. - Notice on illegally parked vehicle.

- (a) Whenever any motor vehicle without driver is found parked, stopped or standing in violation of any of the restrictions imposed by ordinance, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user. The officer shall conspicuously affix to such vehicle a traffic citation or notice in writing for the driver to answer the charge within such time specified on the traffic citation or notice and at such place as designated on the traffic citation or notice.
- (b) Any person issued a parking ticket by an officer shall be deemed to be charged with a noncriminal violation and shall comply with the directions on the ticket. A civil penalty in the amount set forth in section 82-171 of this chapter shall be imposed against the person issued the ticket. If payment is not received or a response to the ticket is not made within the time period specified on the ticket, the city shall notify the registered owner of the vehicle which was cited, by mail to the address given on the motor vehicle registration, of the ticket. Mailing the notice to this address shall constitute notification. Upon notification, the registered owner shall comply with the city's directive. Any person who fails to satisfy the city's directive shall be deemed to waive the right to pay the applicable civil penalty. Notwithstanding the foregoing, the city may take any action deemed necessary to collect any outstanding civil penalties against any person, in any manner allowed by law. The city manager or his/her designee may dismiss parking citations under certain extenuating circumstances. These circumstances may include, but are not limited to, an improperly displayed permit or meter receipt when a valid permit or receipt is later produced, disabled vehicle, verified official city business, ambulance transport, Sheriff's department undercover vehicles, utility service providers, or verified meter malfunction.
- (c) Any person who elects to appear before a designated official to present evidence shall be deemed to have waived his right to pay the civil penalty provisions of the ticket. The official, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty not to exceed \$100.00 plus court costs. Any person who fails to pay the civil penalty within the time allowed by the court shall be deemed to have been convicted of a parking ticket violation, and the court shall take appropriate measures to enforce collection of the fine.

(Code 1960, §§ 24-28(c), 24-29; Ord. No. 216, §§ 4, 5; Ord. No. 275, § 1; Ord. No. 399, § 2; Ord. No. 80-35, § 1; Code 1983, § 21-25; Ord. No. 85-25, § 1, 5-7-85; Ord. No. 2004-27, § 1, 11-23-04)

State Law reference— Parking tickets, F.S. §§ 316.1967, 316.650.

Sec. 82-168. - Evidentiary presumption.

- (a) In any prosecution charging a violation of any section of this article or any ordinance governing the stopping, standing, parking or operating of a vehicle, proof that the particular vehicle described in the complaint was parked or operated in violation of any such ordinance or regulation, together with proof that the defendant named in the complaint was at the time of such parking or operating the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who stopped, stood, parked or operated such vehicle at the point where and for the time during which such violation occurred.
- (b) The owner of a vehicle is responsible and liable for payment of any parking ticket violation unless the owner can furnish evidence that the vehicle was, at the time of the parking violation, in the care, custody, or control of another person. In such instances, the owner of the vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the city an affidavit setting forth the name, address, and driver's license number of the person who leased, rented or otherwise had the care, custody or control of the vehicle. The affidavit submitted pursuant to this subsection shall be admissible in a proceeding charging a parking ticket violation and shall raise the rebuttable presumption that the person identified in the affidavit is responsible for payment of the parking ticket violation. The owner of a vehicle is not responsible for a parking ticket violation if the vehicle involved was, at the time, stolen or in the care, custody or control of some person who did not have permission of the owner to use the vehicle.

(Code 1960, § 24-30; Ord. No. 216, § 6; Code 1983, § 21-26)

State Law reference— Similar provisions, F.S. § 316.1967(1).

Sec. 82-169. - Parking violation hearings.

- (a) A hearing may be requested by the person receiving a citation under this division of the cited vehicle's registered owner for the purpose of presenting evidence before a traffic hearing officer concerning an alleged parking violation. Any person requesting a hearing shall execute a statement on a form prepared by the city indicating his or her willingness to appear at such hearing at a time and place specified thereon. If a hearing is not requested, in writing, within 15 days of the issuance of the citation, the right to a hearing shall be deemed waived and no further hearing on the violation shall be required. The city commission shall designate one or more hearing officers from time to time to conduct hearings as provided herein. Said hearing officers shall be attorneys, members in good standing of the Florida Bar and shall have been practicing law in the State of Florida for at least five years.
- (b) All hearings under this section shall be conducted insofar as practical in accordance with the Florida Evidence Code. However, the general nature of the hearing shall be conducted in an informal manner. All irrelevant, immaterial or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonable and prudent persons in the conduct of their affairs shall be admissible whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form and all testimony of parties and witnesses shall be made under oath. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding, unless it would be admissible over objection in civil actions. Any interested party or person may make application and upon good cause shown may be allowed by the hearing officer, in the reasonable exercise of such officer's discretion, to intervene in a pending proceeding. At the conclusion of the hearing, the hearing officer may dismiss the citation or issue an appropriate fine in accordance with this division. All orders shall be in writing and shall be signed and dated by the hearing officer. Such fine may be collected by the city in any manner allowable by law. An order of the hearing officer may be appealed by any party receiving an adverse ruling by filing a petition for writ of certiorari in the circuit court within 30 calendar days from the date the order was issued.

(Code 1960, § 24-31; Ord. No. 216, § 7; Code 1983, § 21-28; Ord. No. 04-27, § 2, 11-23-04)

Sec. 82-170. - Notice of excessive parking violations to state.

The clerk of the court or the traffic violations bureau shall supply the state department of highway safety and motor vehicles with a magnetically encoded computer tape reel or cartridge or send by other electronic means data which is machine readable by the installed computer system at the department, listing persons who have three or more outstanding parking violations, including violations of F.S. § 316.1955 or F.S. § 316.1956. The state department of highway safety and motor vehicles shall mark the appropriate registration records of persons so reported. The provisions of F.S. § 320.03(8) shall apply to each person whose name appears on such list.

State Law reference— Authority to adopt, F.S. § 316.1967(6).

Sec. 82-171. - Fines for violations.

The following fines shall be charged for certain parking violations:

		After 15 days
(1) Overtime parking	\$30.00	\$45.00
(2) Improper parking	\$30.00	\$45.00
(3) Double parking	\$40.00	\$55.00
(4) No parking zone	\$30.00	\$45.00
(5) Motor running, unattended	\$30.00	\$45.00
(6) Keys in ignition	\$30.00	\$45.00
(7) Other	\$30.00	\$45.00
(8) Parking for space reserved for disabled persons:	\$255.00	\$270.00
(9) Parking in front of fire hydrant:	\$100.00	\$115.00
(10) Parking on streets or lots restricted to specific permit parking:	\$40.00	\$55.00

(Code 1960, § 24-28.1; Ord. No. 409, § 1; Ord. No. 82-43, § 1; Code 1983, § 21-27; Ord. No. 84-41, § 1, 9-5-84; Ord. No. 84-59, § 1, 12-4-84; Ord. No. 85-35, § 1, 8-6-85; Ord. No. 86-14, § 1, 6-3-86; Ord. No. 86-49, § 1, 10-21-86; Ord. No. 99-45, § 1, 8-17-99; Ord. No. 01-40, § 1, 11-20-01; Ord. No. 09-27, § 1, 10-27-09; Ord. No. 11-27, § 1, 9-27-11)

State Law reference— Parking in space reserved for disabled person, F.S. §§ 316.1955, 316.1956.

Secs. 82-172—82-200. - Reserved.

DIVISION 3. - METERED PARKING

Sec. 82-201. - Time limits.

When parking meters are erected on any public thoroughfare giving notice thereof, no person shall stop, stand or park a vehicle in any metered parking zone for a period of time longer than designated by the parking meters upon the deposit of a coin of United States currency of the designated denomination.

(Code 1960, § 24-27; Ord. No. 216, § 3; Code 1983, § 21-41(a); Ord. No. 85-47, § 1, 9-17-85)

Sec. 82-202. – “B” parking decals.

- (a) “B” parking decals, exempting the holder from parking meter fees, may be issued to the following persons:
 - (1) Any resident of the city, as defined in Sec. 82-1, or nonresident owning property within the city may purchase a parking decal for a fee established by resolution of the city commission and listed in appendix A to this Code.
 - ~~(2) Any nonresident of the city may purchase a parking decal for a fee established by resolution of the city commission and listed in appendix A to this Code.~~
 - (3) City employees, board members and volunteers shall be provided with one free parking decal for their personal use by the city manager. Non-resident city employees may purchase one additional decal at the resident rate.
- (b) Not more than two parking decals shall be issued per dwelling, as defined in Sec. 82-1, for any class of persons described in subsection (a) of this section. Decals shall not be transferrable.
- (c) Parking decals shall be valid from January 1 through December 31 of each year. The purchase price of a parking decal shall not be prorated or reduced if the parking decal is purchased after January 1.
- (d) The city manager shall establish rules and regulations regarding the use of parking decals.
- (e) Each owner and full-time or part-time employee of on-premise businesses located on a street south of 31st Avenue or located on Beach Plaza shall be permitted to purchase one (1) parking decal with valid proof of employment or ownership in a form listed in Sec. 82-2.

(Ord. No. 82-32, §§ 1—4; Ord. No. 83-15; Code 1983, § 21-43; Ord. No. 85-60, § 1, 12-3-85; Ord. No. 95-42, § 1, 10-17-95; Ord. No. 03-05, § 1, 2-18-03)

State Law reference— User fee authorized, F.S. § 166.201.

Sec. 82-203. - Parking permits.

(a) Gulf Way and Eighth Avenue. "A" hang tag permits may be issued for Gulf Way and Eighth Avenue as follows:

- (1) Each owner of real property legally used as a residence or lodging in Pass-a-Grille, which abuts a street upon which the city has installed parking meters along the frontage of that real property or Eighth Avenue is entitled to purchase a permit exempting the holder thereof from the payment of parking meter fees anywhere within the Pass-a-Grille area.
- (2) Incorporated by reference in this subsection is exhibit B to this section, which is on file in the city clerk's office, which is a survey of "permits needed" for houses and apartments having street addresses on Gulf Way from First Avenue to 22nd Avenue and Eighth Avenue. Each owner of real property as set forth in exhibit B shall be entitled to purchase, at a cost established by resolution of the city and listed in appendix A to this Code, the following:
 - a. A number of permits equal to one-half of the number of the indicated "permits needed" per house or apartment.
 - b. Additional permits up to the total number of units.
 - c. If a street address has only one unit, a permit may be purchased for that unit.
 - d. Notwithstanding the provisions of exhibit B as cited above, each property on Gulf Way is entitled to a minimum of two permits.
- (3) Each property that qualifies under this subsection shall be authorized to receive as many permits as are necessary to meet the off-street parking requirements required by Division 23 of the Land Development Code.
- (4) These permits shall be controlled in such a way to restrict their use only to the property owners and bona fide guests residing on the property subject to receipt of the permits.
- (5) Permits shall be valid for the period from January 1 through December 31 of each year or any part thereof. Permits shall be renewed annually, and the city official administering this subsection shall maintain books and records on the collection of fees and issuance of permits.
- (6) Only vehicles displaying a permit obtained under this subsection shall be exempt from parking meter fees in the areas designated by this subsection. Vehicles displaying the permits issued under this subsection shall be entitled to park without payment of meter fees at parking metered spaces within Pass-a-Grille only.
- (7) The city may adopt reasonable rules and regulations necessary for the administration and enforcement of this subsection and may amend the survey referred to in subsection (a)(2) of this section from time to time as may be necessary or appropriate.
- (b) Vehicles utilized by persons attending services at the Pass-a-Grille Community Church shall be exempt from parking meter fees on 16th Avenue in Pass-a-Grille on Sundays between the hours of 7:00 a.m. and 1:00 p.m., and at such other times as specifically authorized by the city manager.

The Pass-a-Grille Community Church may also purchase temporary "B" hang tags at the cost of \$2.00 per permit. These permits shall exempt persons attending services at the Pass-a-Grille Community Church from parking fees at meters on Sundays between the hours of 7:00 a.m. and 1:00 p.m.

Permits shall be valid for the period from January 1 through December 31 of each year or any part thereof. Only vehicles displaying a permit obtained under this subsection shall be exempt from parking meter fees at metered spaces and shall be valid at parking meters between First Avenue and Twenty-First Avenue.

- (c) “B” Hang Tag Permits for watersport businesses at Merry Pier. Operators of commercial watersports business, who possess a current and valid occupational license for such business at the Merry Pier, may purchase one-day parking permits from the city for resale at the same price to their legitimate customers. The cost of the permits shall be established by resolution of the city commission and is listed in appendix A to this Code. Proper display of such permit will only exempt the permit holder from payment of parking meter fees in Pass-a-Grille when engaged in a commercial watersport through a vendor at the Merry Pier for the date which appears on the face of the permit. The parking permit must be properly displayed.
- (d) “E” Hang Tag Permits for Gulfwinds Condominium, Friendly Native Condominium and Ramar Apartments and Starlight Towers Condominium. Parking permits for Gulfwinds Condominium, Friendly Native Condominium, Ramar Apartments and Starlight Towers Condominium shall be obtained as follows:
 - (1) Issuance of permits shall be subject to the following:
 - a. The record title owner of a condominium unit at the Gulfwinds Condominium or Friendly Native Condominium or the lessee under written lease with a term of not less than one year for a unit at the Gulfwinds Condominium, Friendly Native Condominium, Ramar Apartments, or Starlite Towers Condominium may purchase one permit per each bedroom of the unit exempting the holder thereof from the payment of parking meter fees within the Upham Beach Area and shall allow the holder to park within spaces marked “B permit parking only” anywhere within the Upham Beach area, defined as the following: 6700-6900 Sunset Way; 6700-7000 Beach Plaza; 67th, 68th, 69th & 70th Avenues.
 - (2) The record title owner of a unit entitled to issuance of permits under this subsection may purchase permits at a cost established by resolution of the city commission and listed in appendix A to this Code.
 - (3) The holder of a permit shall allow it to be used only by himself or by his bona fide guests.
 - (4) Permits shall be valid for the period from January 1 through December 31 of each year. The purchase price shall not be prorated.
 - (5) The city may adopt reasonable rules and regulations deemed necessary for the administration and the enforcement of this subsection.
 - (6) The parking spaces which are marked 'B permit parking only' shall be restricted to the use by appropriate holders of the permits issued under this subsection between the hours of 8:00 a.m. and 8:00 p.m. every day.
 - (7) Any person who violates this subsection shall be penalized pursuant to section 1-14 relating to violations of city ordinances and relating to violations of persons illegally parked. Additionally, vehicles improperly parked may be towed and stored at the expense of the owner.
- (e) “B” Hang Tag Permits for Pass-a-Grille businesses: Business owners with valid occupational licenses in the Pass-a-Grille area will be permitted to purchase two hang tag permits per year. These permits will be used by patrons of the businesses only during actual business hours. Fees for such permits are provided for in Appendix A Fee Schedule.

(Code 1960, § 2-27.1; Ord. No. 427, §§ 1—4; Code 1983, § 21-44; Ord. No. 84-38, §§ 1—3, 9-18-84; Ord. No. 85-3, §§ 1—3, 2-5-85; Ord. No. 85-18, §§ 1—3, 4-16-85; Ord. No. 85-41, § 1, 8-20-85; Ord. No. 85-58, § 1, 12-3-85; Ord. No. 86-3, § 1, 3-4-86; Ord. No. 86-17, § 1, 6-17-86; Ord. No. 86-32, § 1, 8-19-86; Ord. No. 87-6, § 1, 3-3-87; Ord. No. 88-28, § 1, 7-19-88; Ord. No.

90-23, § 1, 9-18-90; Ord. No. 91-14, § 1, 6-4-91; Ord. No. 94-36, § 1, 9-6-94; Ord. No. 97-24, § 1, 9-16-97; Ord. No. 03-05, § 2, 2-18-03; Ord. No. 09-28, § 1, 10-27-09)

State Law reference— User fees authorized, F.S. § 166.201.

Sec. 82-204. - Waiver on Gulf Way and west side of Beach Plaza.

The city manager is authorized to waive the prohibition against parking at meters between 9:00 p.m. and 7:00 a.m. along Gulf Way and the west side of Beach Plaza when the city manager determines that such waiver is necessary to carry out a nonprofit civic or charitable event.

(Code 1983, § 21-45; Ord. No. 85-38, § 1, 8-20-85)

Sec. 82-205. - Rates generally.

Parking meter rates charged at all city parking meters shall be established by resolution of the city commission and are listed in appendix A to this Code.

(Code 1960, § 24-26; Ord. No. 80-36, § 2; Code 1983, § 21-42; Ord. No. 85-19, § 1, 5-7-85; Ord. No. 90-23, § 1, 9-18-90)

State Law reference— User fees authorized. F.S. § 166.201; exemption for certain vehicles transporting handicapped persons, F.S. § 316.1964.

Sec. 82-206. - Use of U.S. coins; damaging meters.

It is unlawful for any person to deposit or attempt to deposit in any parking meter anything other than a lawful coin of the United States or any coin that is bent, cut, torn, battered or otherwise misshaped. It is unlawful for any unauthorized person to remove, deface, tamper with, open, willfully break, destroy or damage any parking meter, and no person shall willfully manipulate any parking meter in such a manner that the indicator will fail to show the correct amount of unexpired time before a violation.

(Code 1960, § 24-27; Ord. No. 216, § 3; Code 1983, § 21-41(c); Ord. No. 85-47, § 1, 9-17-85)

Sec. 82-207. - Manner of parking vehicle.

Every vehicle shall be parked wholly within the metered parking space for which the meter shows parking privilege has been granted and with the front end of such vehicle immediately opposite the parking meter for such space.

(Code 1960, § 24-27; Ord. No. 216, § 3; Code 1983, § 21-41(b); Ord. No. 85-47, § 1, 9-17-85)

Sec. 82-208. - Free parking for special events.

The city commission may, by resolution, allow free parking at any or all of the metered parking spaces during special events or special occasions. The allowing of free parking for one special event or special occasion shall not constitute precedence for allowing free parking at any other time or for any other reason.

(Code 1960, § 24-27; Ord. No. 216, § 3; Code 1983, § 21-41(d); Ord. No. 85-47, § 1, 9-17-85)

Secs. 82-209—82-235. - Reserved.

DIVISION 4. - RESIDENTIAL PARKING PERMITS

(Code 1983, § 21-47; Ord. No. 84-44, § 2, 9-5-84; Ord. No. 95-41, § 1, 10-17-95)

Sec. 82-237. - Findings of fact; declaration of public interest.

The city commission finds and declares that:

- (1) It is in the best interests of the residents of the city to reduce vehicular congestion on residential streets and to facilitate the efficient movement of traffic by providing for residential parking preference during certain hours of the day, within certain areas of the city which meet the criteria set forth in this division;
- (2) Residential permit parking regulation is necessary to promote the health, safety and welfare of the residents of the city by providing adequate parking spaces adjacent to or close by the places of residence of such residents;
- (3) It is in the public interest to:
 - a. Reduce hazardous traffic conditions resulting from the use of streets located within congested residential areas for the parking of vehicles by persons using such residential areas to gain access primarily to the sand beaches, but also to other places;
 - b. Protect those areas from excessive noise;
 - c. Protect the residents of those areas from unreasonable burdens in gaining access to their residences;
 - d. Preserve the character of those areas as residential districts;
 - e. Promote efficiency in the maintenance of these streets in a clean and safe condition;
 - f. Preserve the value of the property in those areas;
 - g. Preserve the safety of children and other pedestrians; and
 - h. Promote traffic safety, clean air and the comfort, health, convenience and welfare of the inhabitants of the city.

(Code 1983, § 21-46; Ord. No. 84-44, § 1, 9-5-84)

Sec. 82-238. - Penalties.

Whoever violates this division shall be penalized pursuant to section 1-14 relating to violation of city ordinances, and persons illegally parked pursuant this division shall be fined in the manner provided in this chapter for illegal parking and their vehicles may be towed and stored at the owner's expense.

(Code 1983, § 21-53; Ord. No. 84-44, § 8, 9-5-84)

Sec. 82-239. - Designation of controlled parking residential areas.

The city manager is authorized to designate "controlled parking residential areas" by appropriate signs and the recording thereof on an appropriate city map or plat in which the parking of vehicles may be restricted on public streets at certain times during the day only to vehicles bearing a valid residential parking permit issued pursuant to this division. This authority shall be in addition to any other authority of the city to regulate the times and conditions of motor vehicles parking on public streets.

(Code 1983, § 21-48; Ord. No. 84-44, § 3, 9-5-84)

Sec. 82-240. - Eligibility and criteria for establishment of controlled parking residential areas.

- (a) A residentially zoned area shall be deemed eligible for designation as a controlled parking residential area for residential permit parking if parking therein is impacted by commuter vehicles during any hours of any day.
- (b) The following objective criteria are established to be used in evaluating the need for restricted parking in a residentially zoned area in accordance with this section. For an area, however big or small, to be eligible for residential permit parking, that area must meet the following criteria:
 - (1) During any period of the day, the number of vehicles legally or illegally parked or standing on the streets in the area is equal to 50 percent or more of the legal on-street parking capacity of the area. For purposes of this criterion, a legal parking space shall be 20 linear feet, measured parallel to the curb or pavement edge.
 - (2) During the same period as in subsection (b)(1) of this section, 25 percent or more of the vehicles parking or standing on the streets in the area are not registered in the name of persons residing in the area. For purposes of this criterion, the latest available information from the state department of highway safety and motor vehicles regarding registration of motor vehicles shall be used.
 - (3) In determining whether an area identified as impacted and eligible for residential permit parking shall be designated as a controlled parking residential area, the following factors shall be considered:
 - a. The local needs with respect to clean air and environment in residential areas.
 - b. The possibility of a reduction in total vehicle miles driven in the city.
 - c. The likelihood of alleviating traffic congestion, illegal parking and related health and safety hazards.
 - d. The proximity of public transportation to the residential area.
 - e. The desire and need of the residents for residential permit parking.
 - f. The need for parking regulation to maintain the residential character of the neighborhoods.

(Code 1983, § 21-49; Ord. No. 84-44, § 4, 9-5-84; Ord. No. 91-10, § 1, 5-7-91)

Sec. 82-241. - Procedure for determining controlled parking residential areas.

- (a) In order to determine whether a particular area should be designated as a controlled parking residential area, the city commission can request or the city manager may conduct, upon his own initiative or upon a petition of a majority of the households on a proposed residential block addressed to the city manager, a study to determine if the proposed area meets the criteria set forth in section 82-240. Following the study, the city manager shall determine whether to designate the proposed area under consideration as a controlled parking residential area or to remove the designation of a

previously established controlled parking residential area. The city commission may also request the city manager to designate an area as a controlled parking residential area based upon a study previously conducted, if the criteria set forth in section 82-240 are met.

- (b) If the city manager finds the criteria to designate have been met in a controlled parking residential area during the hours between 9:00 a.m. and 5:00 p.m., he shall cause the regulation to be recorded upon an appropriate map of the city and retained permanently in the office of the city clerk. If the city manager finds the criteria to designate have been met in a controlled parking residential area between the hours of 5:00 p.m. and 9:00 a.m., the findings shall be submitted to the city commission for approval by resolution, and the city manager shall then cause the regulation to be recorded upon an appropriate map of the city and retained permanently in the office of the city clerk. In addition, the city manager shall cause parking signs to be erected upon public streets in the area, indicating the times, locations and conditions upon which parking shall be by permit only. When an area has been approved, designated and posted as a controlled parking residential area, it shall be unlawful and a violation of this section to park a vehicle in an area restricted to decal parking only, without having a valid residential parking permit displayed according to the administrative regulations.

(Code 1983, § 21-50; Ord. No. 84-44, § 5, 9-5-84; Ord. No. 85-59, § 1, 12-3-85; Ord. No. 91-10, § 1, 5-7-91)

Sec. 82-242. - Special parking permits.

- (a) Following the official designation of a controlled parking residential area, the city, through the Sheriff's department, shall issue appropriate residential parking permits. A permit shall be issued only to the owner or operator of a motor vehicle who resides in the controlled parking residential area.

(Code 1983, § 21-51; Ord. No. 84-44, § 6, 9-5-84; Ord. No. 87-23, § 1, 7-7-87)

Sec. 82-243. - Privileges and restrictions on permits.

- (a) The holder of a residential parking permit shall be permitted to stand or park a motor vehicle displaying the permit and operated by him in any designated residential controlled parking area during such times and places as the parking of motor vehicles therein is permitted. While a vehicle for which a residential parking permit has been issued is so parked, such permit shall be permanently affixed on the left rear bumper of the vehicle. A residential parking permit shall not guarantee or reserve to the holder of the permit a parking space within a designated controlled parking residential area.
- (b) A residential parking permit shall not authorize the holder to stand or park a motor vehicle in such places or during such times as the stopping, standing or parking of a motor vehicle is prohibited or set aside for specified types of vehicles, nor shall it exempt the holder from the observance of any traffic regulation within the controlled parking residential area.
- (c) No person, other than the permittee named on the permit, shall use the residential parking permit or display it on a vehicle operated or parked, and any such use or display by a person other than the permittee shall constitute a violation of this division by the permittee and by the person who so used or displayed such parking permit.
- (d) It shall constitute a violation of this division for any person to falsely represent himself as eligible for a residential parking permit or to furnish any false information to obtain a residential parking permit.
- (e) The city, is authorized to revoke the residential parking permit of any permittee found to be in violation of this division and, upon written notification thereof, the permittee shall surrender such permit to the city. Failure, when so requested, to surrender a residential parking permit so revoked shall constitute a violation of this division.

- (f) Any permit issued under this division is nontransferable to another person or another vehicle.
- (g) The city, is authorized to adopt rules for the issuance of temporary parking permits to bona fide visitors and commercial service vehicles of residents of a designated controlled parking residential area. The fee for a temporary parking permit shall be established by resolution of the city commission and is listed in appendix A to this Code.
- (h) The city shall be authorized to adopt all reasonable rules and regulations necessary for the enforcement and administration of this division, including rules and regulations providing for specific time and day parking restrictions.

(Code 1983, § 21-52; Ord. No. 84-44, § 7, 9-5-84)

Sec. 82-244. – “D” residential parking permits.

- (a) A controlled parking residential area is hereby established, to include the streets listed in Sec. 82-137, generally described as the residential side streets in Pass-a-Grille and the surrounding area.
 - (1) Any resident of the city, as defined in Sec. 82-1, who resides on and who has a vehicle registered to a “D” street as defined in Sec. 82-137 shall be allowed to purchase a “D” parking permit, in the form of a decal, for a fee established by resolution of the city commission and listed in appendix A to this Code.
 - (2) Each dwelling shall also be allowed to purchase two temporary “D” hang tags per month for their visitors, not to exceed 3 consecutive months.
 - (3) “D” hang tags shall be valid from the date of purchase to the same date of the next succeeding month, and shall not be purchased more than three months in advance. The date of purchase shall be plainly stamped on each permit.
 - (4) “D” parking decals shall be valid from January 1 through December 31 of each year. The purchase price of a parking decal shall not be prorated or reduced if the parking decal is purchased after January 1.

Sec. 82-245. – “C” residential parking permits.

- (a) A controlled parking residential area is hereby established, to include the streets listed in Sec. 82-137(v), generally described as the residential side streets on East Maritana Drive and Casablanca Avenue between 37th Avenue and Pinellas Bayway.
 - (1) Any resident of the city, as defined in Sec. 82-1, who resides on and who has a vehicle registered to a “C” street as defined in Sec. 82-137(v) shall be allowed to purchase a “C” parking permit, in the form of a decal, for a fee established by resolution of the city commission and listed in appendix A to this Code.
 - (2) “C” parking decals shall be valid from January 1 through December 31 of each year. The purchase price of a parking decal shall not be prorated or reduced if the parking decal is purchased after January 1.
 - (3) Each dwelling shall also be allowed to purchase two temporary “C” hang tags per month for their visitors, not to exceed 3 consecutive months.
 - (4) “C” hang tags shall be valid from the date of purchase to the same date of the next succeeding month, and shall not be purchased more than three months in advance. The date of purchase shall be plainly stamped on each permit.

Secs. 82-246—82-259. - Reserved.

DIVISION 5. - GENERAL PARKING PERMITS

Sec. 82-260. - Metered and non metered parking space permits.

The city manager shall be authorized to issue daily or monthly parking permits, which shall authorize the parking of a motor vehicle without the payment of meter fees at any city metered parking space except the "county beach access lot" or any non metered city parking space requiring the display of a "B" permit on the date(s) indicated on the permit. A "metered parking space" means any parking space for which payment is required by a parking meter or parking pay station. In order for the permit to be valid, it must be displayed prominently in the driver-side front window and be visible to the city enforcement officer. The fee for said permit shall be as provided in appendix A to this Code.

(Ord. No. 99-48, § 1, 9-7-99; Ord. No. 12-11, § 1, 7-24-12)

Editor's note— Ord. No. 12-11, § 1, adopted July 24, 2012, changed the title of § 82-260 from day parking permits to Metered and non metered parking space permits.

Secs. 82-261—82-270. - Reserved.

ARTICLE IV. - IMPOUNDMENT OF CERTAIN VEHICLES

Sec. 82-271. - Authorized.

- (a) Members of the Sheriff's department are authorized to remove a vehicle from the public property or a right-of-way to a place of impoundment maintained or contracted by the city when:
- (1) Any illegally parked vehicle is left unattended and constitutes an obstruction to traffic or a hazard to the public.
 - (2) Any illegally parked vehicle constitutes an obstruction to traffic or a hazard to the public and the person in charge of the vehicle, being present, refuses or fails to reasonably correct the situation by safely moving or having the vehicle safely moved.
 - (3) Any vehicle is illegally parked in an area clearly posted "tow away zone" in such a way that it is clear that the penalty for illegal parking is towing and impoundment of the vehicle.
 - (4) A vehicle is found in unsafe condition or without current registration tag or license plate.
 - (5) Removal is necessary in the interest of public safety because of fire, flood, storm or other emergency.
 - (6) The operator of any vehicle is taken into custody by the Sheriff's department and such vehicle would thereby be left unattended.
 - (7) The person in charge of any vehicle is incapacitated to such an extent as to be unable to provide for its custody or removal.
 - (8) Any vehicle is wrecked, dismantled, or inoperative.

- (b) When any vehicle has been left continuously parked and unmoved for a period of seven days, it may be presumed that such vehicle is being stored on public property, provided that such vehicle does not bear a current vehicle registration and valid city parking permit, showing an address immediately adjacent to the location where the vehicle is parked. Such storage is prohibited, and the vehicle may be impounded. The Sheriff's department shall place a parking citation charging "vehicle stored on public property—will be impounded after 24 hours," on the vehicle for a period of 24 hours prior to actual impoundment.

(Code 1960, § 24-32(a); Ord. No. 216, § 8; Ord. No. 276, § 1; Ord. No. 398, § 1; Ord. No. 80-14, § 1; Ord. No. 83-37, § 1; Code 1983, § 21-56; Ord. No. 88-2, 2-2-88; Ord. No. 91-44, § 1, 1-7-92)

State Law reference— Similar provisions, F.S. § 316.194.

Sec. 82-272. - Notice.

- (a) Whenever an officer removes a vehicle as authorized in this article and the officer knows or is able to ascertain the name and address of the owner of the vehicle, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. If any such vehicle is stored in an authorized garage, a copy of such notice shall be given to the proprietor of such garage.
- (b) Whenever an officer removes a vehicle under this article, the officer shall within 24 hours send or cause to be sent a report of such removal by electronic communication to the department of highway safety and motor vehicles and shall notify the proprietor of any authorized garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored.

(Code 1960, § 24-33; Ord. No. 216, § 9; Code 1983, § 21-57)

Cross reference— Streets and sidewalks, ch. 74.

State Law reference— Reporting of unclaimed vehicles, F.S. § 715.05.

Sec. 82-273. - Fees.

There shall be levied a storage charge upon all motor vehicles impounded by the city and stored by the city on city-owned property. The fee shall be in an amount established by resolution of the city commission and listed in appendix A to this Code. In addition, a towing charge shall be levied on such vehicle.

(Code 1960, § 24-34(a); Ord. No. 268, § 1; Code 1983, § 21-58)

Sec. 82-274. - Release.

No vehicle impounded in an authorized garage as provided in this article shall be released therefrom until the charges for towing such vehicle into the garage and storage charges have been paid. The charge for towing or removal of any such vehicle and storage charges shall be fixed by the city commission. Such charges shall be based upon a computation of all actual expenses entering into the current cost of such services. Such charges shall be posted for public inspection in the traffic violations bureau and in any authorized garage.

(Code 1960, § 24-32(b); Ord. No. 216, § 8; Ord. No. 276, § 1; Ord. No. 398, § 1; Ord. No. 80-14, § 1; Code 1983, § 21-59)

Editor's note— The towing charge is established pursuant to a contract between the city and a private wrecker company.

Sec. 82-275. - Sale of impounded vehicles.

- (a) If the owner of a motor vehicle impounded pursuant to this article fails or refuses to pay the towing or storage charge within 30 days of making claim to such property, title to such property shall vest in the city. The city may, after giving public notice, hold an auction in front of a municipal building. The city shall sell the motor vehicle to the highest bidder and thereafter shall apply the proceeds of the sale toward the indebtedness due to the city.
- (b) The city shall be entitled to hold a public auction in order to sell the motor vehicle at any time after 90 days has passed from the date that the motor vehicle was first impounded and stored on city-owned property as provided in F.S. § 705.104.

(Code 1960, § 24-34; Ord. No. 268, §§ 2, 3; Code 1983, § 21-60; Ord. No. 85-23, § 1, 5-7-85)

State Law reference— Procedure for abandoned or lost property, F.S. §§ 705.103, 705.104.