



**JOINT MEETING
BETWEEN
PLANNING BOARD
AND
BEACH STEWARDSHIP COMMITTEE**

155 Corey Avenue
St. Pete Beach, FL 33706

**Tuesday, 1/17/2017
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. Joint Discussion with Planning Board and Beach Stewardship Committee regarding biodegradable serveware**
 - b. Beach Stewardship Committee Adjourns**

c. Planning Board Minutes for Acceptance:

October 18 and November 15 corrected and December 13, 2016

d. Ordinance 2016-19: Review and make recommendation to the City Commission to repeal and replace of Division 20 of the Land Development Code, PAG Pass-A-Grille Overlay District.

e. Ordinance 2017-01: Review and make recommendation to the City Commission to repeal and replace of Division 29 of the Land Development Code; Concurrency Management.

4. Other items

5. Adjournment

APPEAL

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

AMERICANS WITH DISABILITIES ACT

In Accordance with the Americans with Disabilities Act and 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.

St. Pete Beach Planning Board
Background reading for discussion on biodegradables, 12.13.16
(A very partial list of resources, submitted by Member Michael Lehman)

LEGAL

<http://www.natlawreview.com/article/states-move-to-enact-laws-to-prevent-local-plastic-bag-bans-and-taxes>
<http://lawstreetmedia.com/issues/energy-and-environment/ban-bag-getting-plastic-coastal-communities/>

ADVOCACY GROUPS (includes studies)

<http://www.plasticpollutioncoalition.org/>
<http://www.surfrider.org/programs/plastic-pollution>
<https://www.change.org/p/senator-joseph-abruzzo-ban-on-free-plastic-bags-in-florida>
<http://ecologycenter.org/plastics/ptf/report3/>

NEWS

<https://www.theguardian.com/environment/2016/may/23/biodegradable-plastic-false-solution-for-ocean-waste-problem>
<http://storyofstuff.org/blog/styrofoam-bans-are-sweeping-across-the-nation/>
<http://www.sciencealert.com/san-francisco-just-banned-all-styrofoam-products-in-the-city>
<http://www.tampabay.com/news/localgovernment/treasure-island-moves-to-ban-plastic-straws-from-beach/2254495>
<http://www.tampabay.com/news/localgovernment/treasure-island-decides-not-to-ban-plastic-straws-on-beach/2262054>
<http://www.cnn.com/2016/06/30/world/plastic-plague-oceans/>

STUDIES

<http://www.unep.org/about/sgb/Portals/50153/UNEA/Marine%20Plastic%20Debris%20and%20Microplastic%20Technical%20Report%20Advance%20Copy.pdf>
http://www.dep.state.fl.us/waste/quick_topics/publications/shw/recycling/retailbags/Retail-Bag-Report_01Feb10.pdf
<https://www.sciencedaily.com/releases/2013/01/130123133928.htm>
<https://plastics.americanchemistry.com/Plastics-and-Sustainability.pdf>
https://www.ellenmacarthurfoundation.org/assets/downloads/EllenMacArthurFoundation_TheNewPlasticsEconomy_15-3-16.pdf
<http://www.explainthatstuff.com/bioplastics.html>

PLANNING BOARD MINUTES

OCTOBER 18, 2016

4:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Tiffany Secka, Chairwoman
Michael Lehman, Vice Chairman
Linda Chaney, Member
Martin Lott, Member
Jack Ohlhaber, Member

ALSO PRESENT:

Andrew Dickman, City Attorney
Jennifer Bryla, Community Development Director
Ian Wade, Project Manager
Mary Jo Murphy, Deputy City Clerk

1. Changes to the Agenda

Chairwoman Secka made an announcement that the Planning Board meeting dates and times for November and December had been changed to the following schedule:

- November 15, 2016 at 2:00 p.m.
- December 13, 2016 at 2:00 p.m.

2. Audience Comments

There were no audience comments.

3. Agenda Items

- a. Minutes for Acceptance: September 20th, 2016

Member Ohlhaber commented that three items were not included in the minutes and suggested adding the following items to the minutes:

1. Following Mr. Bogott's summary, one hour and fifty-six minutes into the video, Member Ohlhaber asked Mr. Bogott a question as to how the TradeWinds

could prevent the cost of additional sewage upgrades necessary to provide and meet the needs of the proposed project from falling onto the citizens as a cost.

Member Chaney made a motion to accept the amendment to the minutes as stated by Member Ohlhaber. The motion was seconded by Vice Chairman Lehman and unanimously approved by a roll call vote (4 yeses – 1 member abstained, Member Lott).

2. Mr. Bogott's reply - he stated that he agreed and welcomed the opportunity to lead a project in coordination with the City to accomplish just those objectives.

Member Chaney made a motion to accept Member Ohlhaber's recommendation that we put into the minutes Mr. Bogott's promise to work with the City to do sewer improvements regarding his project, understanding this is on record in the minutes only. The motion was seconded by Vice Chairman Lehman and unanimously approved by a roll call vote (4 yeses – 1 member abstained, Member Lott).

3. Two hours and fifty-nine minutes into the tape, Ms. Chaney questioned a unified site agreement and a reply was given. Mr. Bogott stated his understanding was that our City Attorney had reviewed it and approved it. City Attorney Dickman went on to discuss the Unity of Title.

At this time there was board discussion in regard to adding the above-mentioned item to the September 20, 2016 minutes. Member Ohlhaber suggested tabling the last item to be added to the minutes and addressing it during the October meeting.

City Attorney Dickman suggested postponing voting on these minutes and to bring the minutes back to the October meeting and have Member Ohlhaber meet with the Clerk about the additions to the minutes.

Member Lott made a motion to move the minutes of September 20th to the November 15th meeting. The motion was seconded by Member Chaney and unanimously approved by a roll call vote (5 yeses – 0 nos.)

b. Ordinance 2016-19

In regard to Ordinance 2016-19, Ms. Bryla updated the Planning Board that due to the information that was received from public comments, changes and refinements were being made to the ordinance. Ms. Bryla stated her goal was to present the ordinance to the Historic Preservation Board and ask for a recommendation, and then present it to the Planning Board and ask for a recommendation.

Ms. Bryla introduced Tara Salmieri from PlanActive Studio, and Ms. Salmieri gave a presentation to the Planning Board members in regard to the Pass-A-Grille Overlay Update.

At the completion of Ms. Salmieri's presentation, Ms. Bryla commented that as soon as a draft is completed, it will be loaded on the City website and St. Pete Beach Connect and sent to people that are on the newsletter list.

Chairwoman Secka asked for audience comments or input.

The following people spoke in regard to Ordinance 2016-19:

- Ralph Lickton, 1706 Pass-A-Grille Way
- Joe Caruso, 1301 Gulf Way
- Jim Anderson, 301 41st Avenue

Chairwoman Secka asked for public comment. Hearing none, Chairwoman Secka proceeded to Item C.

c. Conditional Use 2016-0015

City Attorney Dickman introduced Item C, the Conditional Use 2016-0015 application. Due to Item C being a Quasi-Judicial proceeding, City Attorney Dickman asked the Deputy City Clerk, Mary Jo Murphy, to swear in people that would be speaking or testifying. Deputy City Clerk Murphy complied with City Attorney Dickman's request.

City Attorney Dickman asked anyone having ex parte communications to disclose them at the present time. Having spoken with Member Lott, Attorney Dickman stated it was in the best interest for Member Lott to abstain because of a possible voting conflict. Furthermore, due to this being the last item on the agenda, Attorney Dickman asked the board to excuse Member Lott for the remainder of the meeting.

Member Lott stated he had a possible voting conflict and respectfully recused himself.

City Attorney Dickman stated he would be researching whether there is a continuing issue with this matter and will bring it back to the Planning Board. Attorney Dickman instructed Member Lott to complete and submit the voting conflict form to the Clerk and stated for the record that Member Lott would be excused for the remainder of the meeting. Chairwoman Secka agreed, and Member Lott exited the meeting.

Chairwoman Secka asked Planning Board members to disclose any ex parte communications at this time. The Planning Board members disclosed their ex parte communications.

Ms. Bryla gave a presentation in regard to the Conditional Use 2016-0015 to the Planning Board.

Ian Wade, City Engineer, City of St. Pete Beach, spoke in regard to the following items: number of units, number of people accounted for and the number of facilities provided;

stormwater exemption; Southwest Florida Water Management District; water quality; and underground storage vaults, sedimentation and a maintenance program.

Chairwoman Secka asked the applicant to come forward.

Elise Batsel, Phelps Dunbar, attorney for the applicant, gave a presentation to the Planning Board members in regard to the Conditional Use Case No. 2016-0015 and distributed books to the Deputy City Clerk and the Planning Board entitled "Conditional Use Case No.: 2016-0015, 6390 Gulf Boulevard."

Attorney Batsel asked Jerry Dabkowski to speak in regard to the traffic study. City Attorney Dickman stated for the record that Jerry Dabkowski is the City's expert, working for the City of St. Pete Beach, and that Mr. Dabkowski reviewed the applicant's plans.

Bob Sauerwine, 6300 Gulf Boulevard, St. Pete Beach, general manager of the Post Card Inn, spoke on behalf of the applicant.

City Attorney Dickman mentioned Attorney Timothy Weber was present and submitted a letter stating that he was representing Silver Sands Beach and Racquet Club Master Association and all constituent association members.

Jerry Dabkowski, George F. Young, traffic consultant for the City of St. Pete Beach, spoke in regard to Conditional Use 2016-0015.

Timothy Weber, Weber Crabb Wein, attorney representing Silver Sands Beach and Racquet Club Master Association spoke about the concerns with the conditional use application and project such as noise, the walkway, traffic on 64th and the parking structure.

Chairwoman Secka asked for public comment.

The following people spoke in regard to Conditional use 2016-0015:

- Fred Seis (phonetic), Silver Sands
- Ralph Lickton, 1706 Pass-A-Grille Way, Unit 3
- Jim Anderson, 301 41st Avenue
- Mark Davis, Silver Sands
- Julie Clarke, Silver Sands
- Bill Pyle, Silver Sands
- Joe Kody, B214, Silver Sands
- Bob South, Silver Sands
- Bob Sauerwine, General Manager of Post Card Inn
- Rich Underwood, Toasted Monkey Restaurant
- Edgar (inaudible), works in conjunction with the Post Card Inn
- Doug Izzo, Tampa Bay Beaches Chambers of Commerce
- Penny Davis, Silver Sands

Chairwoman Secka asked for Attorney Batsel's rebuttal.

Attorney Batsel gave her rebuttal at this time.

Cole Lane, Anderson Lane, engineer for the applicant, addressed the stormwater system, vaults and the 30-foot buffer.

Chairwoman Secka closed public comment at this time.

There was a five-minute recess taken at 7:00 p.m., and the meeting reconvened at 7:05 p.m.

Chairwoman Secka asked for board deliberation. There was board discussion between the Planning Board members and the following people:

- Cole Lane, Anderson Lane, engineer for the applicant
- Elise Batsel, Phelps Dunbar, attorney for the applicant
- Larry Nuzum, Chancey Design Partnership, Tampa, Florida, managing partner
- City Attorney Dickman, attorney for the City of St. Pete Beach

Timothy Weber, Weber Crabb Wein, attorney, asked Chairwoman Secka to be recognized for 30 seconds. Chairwoman Secka and City Attorney Dickman informed Mr. Weber that audience comments were closed.

Member Chaney requested to discuss recommendations.

Member Chaney made a motion that the recommendation, a condition of the permitting, is that they remove the four parking spaces on 64th as you turn right coming out of the garage.

City Attorney Dickman made a suggestion that the board compose a list of additional conditions that the board wants to recommend and make a motion based on the list of additional conditions.

The motion died due to lack of a second.

There was board discussion in regard to possible additional conditions.

Jerry Dabkowski, George F. Young, traffic consultant for the City of St. Pete Beach, spoke in regard to the flow of traffic, and the subject parking garage and submitted a traffic circulation plan to the Planning Board members.

Further board deliberation continued in regard to composing a list of additional conditions.

After board deliberation, Chairwoman Secka stated the following recommendations as additional conditions:

1. Remove all of the parking meters on 64th Avenue along the block on the south side.

2. Landscape buffer to 30 feet in height and the full length of the garage.
3. Change the appearance of the parking sign to not look like a public parking garage.
4. Investigate ways to reduce noise.
5. File a routine maintenance plan for the vaults.
6. Investigate ways to reduce the amount of traffic that egresses to 64th.
7. DOT working on the buffer; the board wants Ms. Bryla to continue to pursue.

Timothy Weber, Weber Crabb Wein, attorney, asked Chairwoman Secka to be recognized with respect to the new option as far as removing the ingress/egress from 64th. Chairwoman Secka informed Mr. Weber that audience comments were closed.

Chairwoman Secka asked for a motion.

Vice Chairman Lehman made a motion to approve with the list of additional conditions. The motion was seconded by Member Ohlhaber and failed by a roll call vote (2 yeses – Vice Chairman Lehman and Chairwoman Secka; 2 nos - Member Ohlhaber and Member Chaney).

City Attorney Dickman stated the recommendation for approval with the added conditions failed.

Member Ohlhaber made a motion that these conditions be listened to by the applicant and that the board ask the applicant to return with better solutions and a clearer plan at a later time.

City Attorney Dickman commented that procedurally the applicant can choose to go forward with the tie vote to the City Commission or could return to the Planning Board.

Deputy City Clerk asked for verification of the motion stated by Member Ohlhaber.

The motion died due to lack of a second.

Elise Batsel, Phelps Dunbar, attorney for the applicant, stated she would like to go forward with the City Commission.

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 7:55 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Tiffany Secka, Chairwoman

Minutes approved on: _____

PLANNING BOARD MINUTES

NOVEMBER 15, 2016

2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Tiffany Secka, Chairwoman
Michael Lehman, Vice Chairman
Linda Chaney, Member
Jack Ohlhaber, Member
Marvin Shavlan, 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

Ms. Bryla, Community Development Director, asked that the following changes be made to the agenda:

- Item 3a, "Minutes for Acceptance," the 10/18/16 minutes and the 9/20/16 minutes were not included in the 11/15/16 agenda packet. The minutes are being reviewed by the City Clerk and the City Attorney and will be presented at the December 13, 2016 meeting.
- Item 3c, "Ordinance 2016-23," will be presented at the December 13, 2016 Planning Board meeting.

2. Audience Comments

Bill Pyle, 6600 Sunset Way, spoke in regard to the following items: Planning Board minutes and Member Shavlan.

3. Agenda Items

- a. ~~Minutes for Acceptance: October 18, 2016~~

Item 3a was pulled from the agenda during Item 1, "Changes to the Agenda."

- b. CPA 03-16: Amendment to the Capital Improvements Element of the City of St. Pete Beach Comprehensive Plan.

Ms. Bryla reviewed CPA 03-16 with the Planning Board, and there was board and staff discussion in regard to the Comprehensive Plan amendment.

City Attorney Dickman explained and reviewed the following items with the board: development orders, development agreements, and contractual agreements.

Member Chaney requested that the Planning Board make all the language consistent in regard to the time of impact of development and to reflect the language that is in Policy 1.3.4.

City Attorney Dickman suggested making a recommendation to search through the element to ensure that the intent is that facilities are in place concurrent with the impact and not necessarily the issuance of a development order to develop.

In regard to Policy 1.2.5, Vice Chairman Lehman asked for an explanation as to the 10 percent that is stated. Ms. Bryla replied and offered that she would contact the finance director, Elaine Edmunds, to speak about Policy 1.2.5 in the future.

At the conclusion of the board discussion, Chairwoman Secka asked for audience comments.

Cyndi Tarrapani, Florida Design Consultants, 3030 Starkey Blvd., New Port Richey, Florida, representing the TradeWinds Resort, spoke in support of the plan amendments and the capital improvement schedule and discussed the following items: local governments taking schools, parks and recreation out of concurrency; 5-year schedule of capital improvements; plan amendments; concurrency; level of service; development orders; sanitary sewer, solid waste, drainage and roads.

Chairwoman Secka asked for any further audience comments. Hearing none, Chairwoman Secka closed audience comments

Chairwoman Secka asked for any additional board deliberation or a motion.

Vice Chairman Lehman made a motion to approve CPA 03-16, the amendment to the Capital Improvements Element of the City of St. Pete Beach Comprehensive Plan. The motion was seconded by Member Shavlan and approved by a roll call vote (4 yeases; Vice Chairman Lehman, Member Shavlan, Member Chaney, Chairwoman Secka – 1 no, Member Ohlhaber).

- c. ~~Ordinance 2016-23: Review and recommendation to the City Commission for acceptance of the proposed Capital Improvements Schedule.~~

Item 3c was pulled from the agenda during Item 1, "Changes to the Agenda," and moved to date certain of December 13, 2016.

- d. Ordinance 2016-09: Review and recommendation to the City Commission regarding amendments to Chapter 6 – Alcoholic Beverages of the Code of Ordinances.

Ms. Bryla reviewed Ordinance 2016-09 with the Planning Board members.

There was board and staff discussion in regard to Ordinance 2016-09.

Chairwoman Secka asked for audience comments.

Penny Davis, 6658 Sunset Way, spoke against drinking at the cabanas on the beach.

Tim Bogott, CEO of the TradeWinds organization, commented in regard to the following items: cost of the beach requires some return on the amount invested, property rights, liquor license gives the owner of the liquor license the right to serve on the beach, TradeWinds employs over 1100 employees, biodegradables and it's the hotel's responsibility to keep the beach policed.

Deborah Nicklaus, Sirata Beach Resort, spoke in regard to the following items: business tax, cabana rental tax and definition of a cabana.

Bill Pyle, 600 6600 Sunset Way, spoke against the ordinance in regard to the following items: large crowds of people, rowdy behavior, arm bands, sewer system, and the Technical Review Committee.

Bob Sauerwine, general manager of the Postcard Inn, spoke in regard to guest service, guest experience, increased security, taxpayers, and cabana rental process.

Managing director of the Don CeSar Hotel, spoke about making guests happy and that there is confusion among their guests and team members.

Robert Steins, Attorney with Phelps Dunbar, representing the Carlyle Group, owner of the Postcard Inn, spoke in favor of the ordinance with one concern being the 75 feet provision having a desperate impact on the business of the Postcard Inn.

Missy Cradle (phonetic), Bon Aire, posed questions in regard to her concern of the clarity of guests, alcohol and cabanas.

Chairwoman Secka asked for any further audience comments. Hearing none, Chairwoman Secka opened board discussion. The board discussed the following changes to be made to Ordinance 2016-09:

- Change "Only guests of the transient lodging facility may be served alcohol, ~~guests of the patron may not be served...~~" to "Only guests of the transient lodging facility may be served alcohol or invitees of the guests which are registered at the transient lodging facility..."

- Change “Cabana service area can be no closer than 75’...” to “Cabana service area can be no closer than is consistent with the property line side setback...”
- State the definition of “cabana.”

Vice Chairman Lehman **made a motion to approve Ordinance 2016-09**, an ordinance of the City Commission of the City of St. Pete Beach, Florida, amending Chapter 6, Alcoholic Beverages, Article 1, in general of the City of St. Pete Beach Code of Ordinances by amending Section 6.5, public consumption or possession relating to restrictions and permitting of public alcohol consumption on sand beach areas; providing for publication in accordance with the requirements of law; and providing for an effective date and including the amendments stated. The motion was seconded by Member Shavlan and approved by a **roll call vote** (3 yeses; Member Shavlan, Vice Chairman Lehman, Chairwoman Secka – **2 nos**, Member Ohlhaber, **Member Chaney**).

- d. Ordinance 2016-24: Review and recommendation to the City Commission regarding amendments to Division 26 – Sign Ordinance of the Land Development Code.

Ms. Welden reviewed Ordinance 2016-24 with the Planning Board, and there was Staff and board discussion.

Chairwoman Secka opened audience comments. Hearing none, Chairwoman Secka closed audience comments and called for additional board deliberation.

Member Chaney made a motion to recommend to the Commission Division 26 of the Land Development Code. The motion was seconded by Member Ohlhaber and unanimously approved by a roll call vote (5 – 0).

4. Other Items

Mike Clarke, Public Services Director, updated the Planning Board on Pass-A-Grille Phase 1 and 2.

Member Chaney requested that a future agenda item be an ordinance addressing biodegradable serving materials on the sandy beach. Vice Chairman Lehman asked that the board make a recommendation to the City Commission to research the aforementioned subject matter.

Mr. Clarke continued to speak in regard to biodegradable materials on the beach and stated he would include the item of biodegradables in his staff update to the Beach Stewardship Committee during the November 16, 2016 meeting.

City Attorney Dickman reiterated to the board the following procedure for making a recommendation to the City Commission:

- Ask Staff to list a proposed ordinance addressing biodegradable serving materials on the sandy beach as an agenda item.

- Planning Board will formally craft some language for the proposed ordinance.
- Send the recommendation to the City Commission through the City Manager's designee, Jennifer Bryla.
- City Manager will present the recommendation from the Planning Board to the City Commission.
- Board members can individually discuss the subject item with their Commissioner.

Ms. Bryla stated she will list the topic of biodegradables as an agenda item for the December 13, 2016 Planning Board meeting.

5. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 4:45 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Tiffany Secka, Chairwoman

Minutes approved on: _____

PLANNING BOARD MINUTES

DECEMBER 13, 2016

2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Michael Lehman, Vice Chairman
Linda Chaney, Member
Jack Ohlhaber, Member
Marvin Shavlan, Member

ABSENT:

Tiffany Secka, Chairwoman

ALSO PRESENT:

Andrew Dickman, City Attorney
Jennifer Bryla, Community Development Director
Mary Jo Murphy, Deputy City Clerk

1. Changes to the Agenda

There were no changes made to the agenda.

2. Audience Comments

Bill Pyle, 6600 Sunset Way, spoke about his desire to speak in regard to each of the minutes set for approval, and Vice Chairman Lehman confirmed that Mr. Pyle would have an opportunity to speak in regard to the minutes.

There were no further audience comments.

3. Agenda Items

- a. Minutes for Acceptance: September 20, 2016

Member Chaney made a motion to approve the September 20, 2016 meeting minutes. The motion was seconded by Member Shavlan.

Bill Pyle commented on drafting minutes.

The September 20, 2016 meeting minutes were unanimously approved by a roll call vote (4 yeses – 0 nos).

Minutes for Acceptance: October 18, 2016

Member Shavlan made a motion to approve the October 18, 2016 meeting minutes. The motion was seconded by Member Chaney.

Bill Pyle commented on drafting minutes.

There was board discussion in regard to the October 18, 2016 minutes.

Member Chaney made a motion to amend the motion to accept the October 18, 2016 Planning Board minutes and to include the city's traffic engineer presenting additional traffic pattern options and that there was a document and/or plan presented. The motion was seconded by Member Shavlan. The October 18, 2016 meeting minutes were unanimously approved as amended by a roll call vote (4 yeses – 0 nos).

Minutes for Acceptance: November 15, 2016

Member Shavlan made a motion to approve the November 15, 2016 meeting minutes as written. The motion was seconded by Member Ohlhaber.

Bill Pyle requested that his address be corrected and commented on drafting minutes.

Member Chaney asked that the minutes be reviewed and corrected to reflect her vote as a no in regard to the motion for approving Ordinance 2016-09.

Vice Chairman Lehman asked for the roll call vote.

City Attorney Dickman stated the roll call vote will indicate that the November 15, 2016 minutes be brought back to the January meeting with the correction of Member Chaney's vote.

The November 15, 2016 meeting minutes were approved, by a roll call vote, to be brought back to the January 17, 2017 meeting with the correction of Member Chaney's vote (4 yeses – 0 nos).

- b. Ordinance 2016-23: Review and recommendation to the City Commission for acceptance of the proposed Capital Improvements Schedule

Ms. Bryla reviewed Ordinance 2016-23 with the Planning Board.

At this time Deputy City Clerk Murphy reported that the recording of the meeting had stopped, and there was a brief pause in the meeting as Sean Dunham, Information Technology Specialist I, resolved the computer issue.

After the meeting resumed, Ms. Bryla continued to speak about the Capital Improvements Element and the Capital Improvements Schedule.

Elaine Edmunds, Administrative Services Director, spoke in regard to Penny for Pinellas and informed the board that the money is specifically for undergrounding.

There was board discussion in regard to sewer system expenses and the Capital Improvements Schedule.

Ms. Edmunds spoke to the board about the following topics: enterprise funds, capital projects funds, audit benchmarks, City's debt, revenue bond, revenue streams for payments, BP oil settlement, and funding for sewer expansions.

Member Shavlan made a motion to approve Ordinance No. 2016-23, an ordinance of the City Commission of the City of St. Pete Beach, Florida, amending the Capital Improvements Element of the City's Comprehensive Plan, adopting the approved Capital Improvements Schedule as per Chapter 163.3177(3)(b) F.S. providing for publication in accordance with the requirements of law; and providing for an effective date. The motion was seconded by Member Ohlhaber and unanimously approved by a roll call vote (4 yeses – 0 nos).

- c. Discussion of Biodegradables – At the November meeting the Board wanted to craft language to address biodegradables on the beach.

Member Chaney spoke in regard to the following topics: performed research of other beach communities, food service ware, banning Styrofoam, recyclable materials, and submitted examples of ordinances to Staff.

Member Chaney suggested adopting and implementing an ordinance to enforce keeping the beach clean and to protect the animals.

There was board discussion in regard to biodegradables with the following suggestions:

- community meeting
- develop a committee
- craft language for an ordinance
- set fines for littering with cigarette butts, children's toys, and food service ware
- coordinate a joint meeting between the Planning Board and Beach Stewardship to have a work session
- schedule workshops
- Planning Board members invite experts to attend workshops

Vice Chairman Lehman asked for audience comments.

Mike Welch, 3410 East Debazan, spoke in regard to no littering on the beach, no smoking on the beach and signage encouraging no littering.

Kirsten Krawthamer, 500 55th Avenue, spoke in regard to no littering on the beach, signs of encouragement, and developing methods to keep the beach clean.

Mike Welch, 3410 East Debazan, spoke in regard to having a workshop or community meeting on a week night after work hours or on a Saturday.

City Attorney Dickman suggested having the workshop and/or community meeting during a weekday in order to have Staff support.

4. Other Items

Member Shavlan suggested having a conversation on setbacks in the Large Resort District during the next Planning Board meeting.

There was board discussion between City Attorney Dickman and Planning Board members in regard to biodegradables, public health and welfare, police powers, preemptive state and federal statutes, and rights of municipalities.

5. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 3:25 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Tiffany Secka, Chairwoman

Minutes approved on: _____

ORDINANCE #2016-19

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

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

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

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

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

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

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

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

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

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

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

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

PASSED ON FIRST READING _____, a.d. 2016

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

ORDINANCE #2016-19

MAYOR

FIRST READING: _____

PUBLISHED: _____

SECOND READING: _____

PUBLISHED: _____

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2016.

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

City Attorney
Andrew Dickman, Esq.

Attachment A

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DIVISION 20 - PASS-A-GRILLE OVERLAY DISTRICT

Sec 20.01 Purpose and intent.

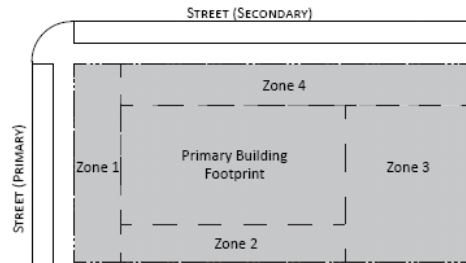
The City recognizes that the Pass-a-Grille Area was developed prior to the the development of suburban zoning regulations. The (PAG) Pass-a-Grille Overlay District is intended to allow for structures that are considered contributing to the National Register Historic District to be considered conforming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

Sec 20.02 Definitions

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

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

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



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

Sec 20.03 Permitted principal uses and structures.

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

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

Sec 20.04 Permitted accessory uses and structures.

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

Sec 20.05 Allowable conditional use.

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

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

Sec 20.06 Prohibited uses and structures.

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

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

Sec 20.07 Density, intensity and assembly of parcels.

- (a) The maximum residential density permitted in the PAG Overlay District shall not exceed the number of units per acre permitted by the underlying Future Land Use map for undeveloped parcels of land.
- (b) The existing residential density, exceeding one density unit, of an existing residential structure shall be permitted to rebuild on the existing parcel of land, with the same density as the existing structure(s) has, if the building was constructed prior to (insert adoption date) and can meet the lot requirements, by building type, in Sec.20.152 of this Division .In addition, any new construction cannot exceed the existing developed square footage and match the existing form and mass as defined in Sec. 20.22 herein.
- (c) The existing Hotel/Motel units shall be permitted to rebuild on the existing parcel of land, with the same number of units that already exist as a rental/leasable room within the existing built hotel if the building was constructed prior to (insert adoption date) and can meet the lot requirements of a Boutique Hotel Building Type as provided in Sec. 20.15 of this Division.
- (d) No more than two lots of record may be combined to accommodate additions to existing structures.

Sec 20.08 Maximum floor area ratio.

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

Sec 20.09 Maximum impervious surface ratio.

If a parcel opts for new construction or addition to a single family home using the underlying zoning district standards, the ISR shall be determined by the underlying zoning district. The ratio's listed below are subject to any of the building types, defined in Sec. 20.15 1-14 that are used.

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

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

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

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

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

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

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

Sec 20.11 Minimum building type requirements.

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

Sec 20.12 Subdivision of lots

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

Sec 20.13 Residential development option for single-family homes

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

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

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

Sec 20.14 Vacant parcels

The following procedures shall be followed

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

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

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

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

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

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

Sec 20.15 Permitted building types

Building types are permitted by the following criteria:

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

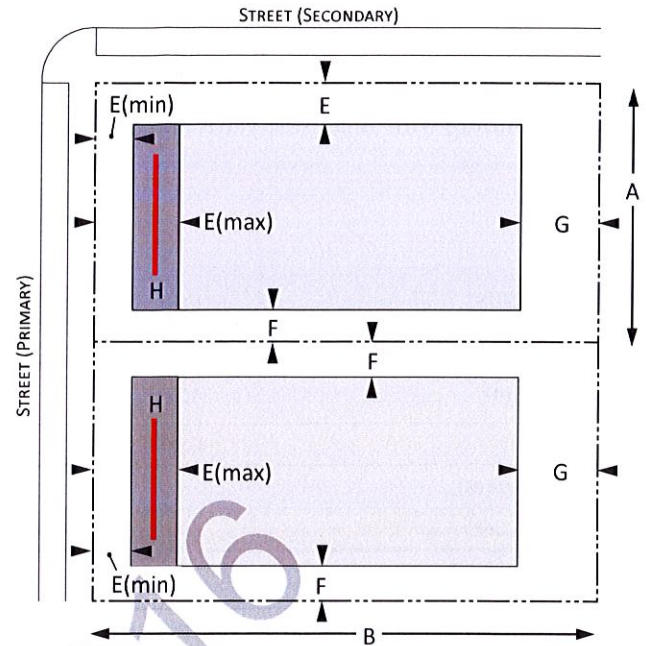
An applicant must provide a survey of the parcel to verify the actual parcel size (lot width/lot depth) or use the City's parcel data information. If the applicant believes the lot width and depth are different that the City's records, the applicant will be required to have a survey of the lot for verification.

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

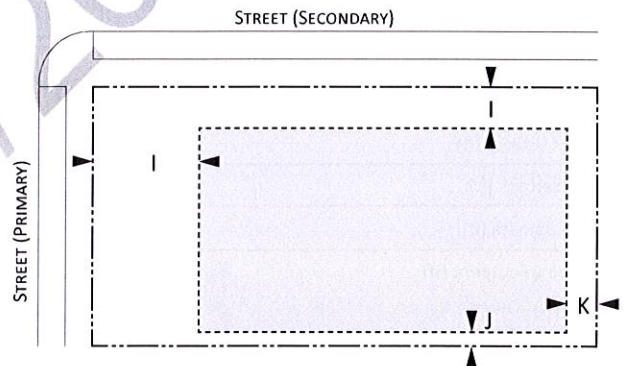
LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	60	--
B - Lot Depth (ft)	100	--
C - Lot Size (sf)	6,000	--
D - Lot Coverage (%)	--	60
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	10	15
Secondary Street Setback	7	--
F - Side Setback (ft)	7	--
G - Rear Setback (ft)	15	--
Garage Adjacent to Alley	5	--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

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

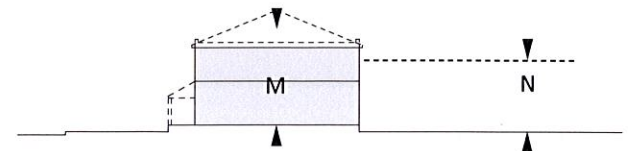
LOT REQUIREMENTS AND BUILDING ENVELOPE



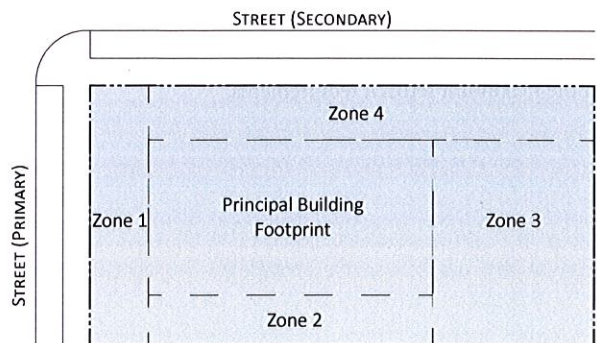
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION

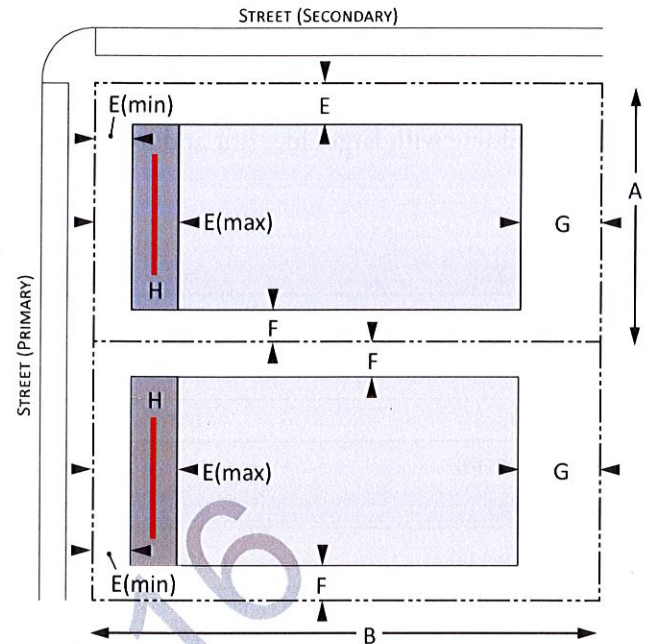


A building lot located and designed to accommodate a detached building with small side yards and a large front yard.

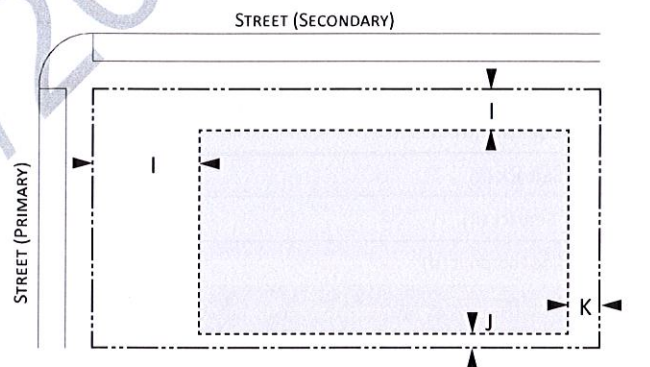
LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	40	55
B - Lot Depth (ft)	100	--
C - Lot Size (sf)	4,000	--
D - Lot Coverage (%)	--	70
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	10	15
Secondary Street Setback	5	--
F - Side Setback (ft)	5	--
G - Rear Setback (ft)	15	--
Garage Adjacent to Alley	5	--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

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

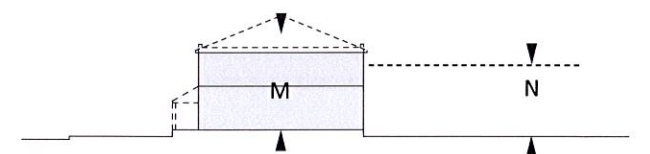
LOT REQUIREMENTS AND BUILDING ENVELOPE



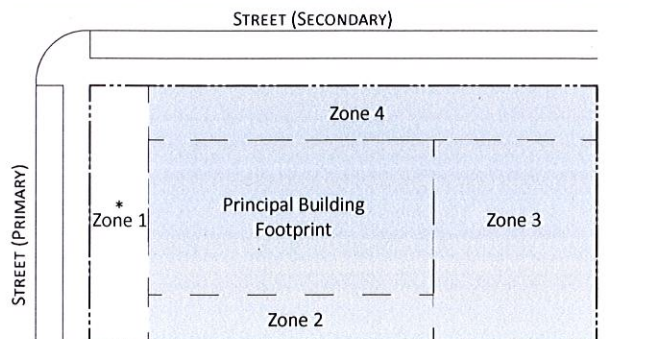
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



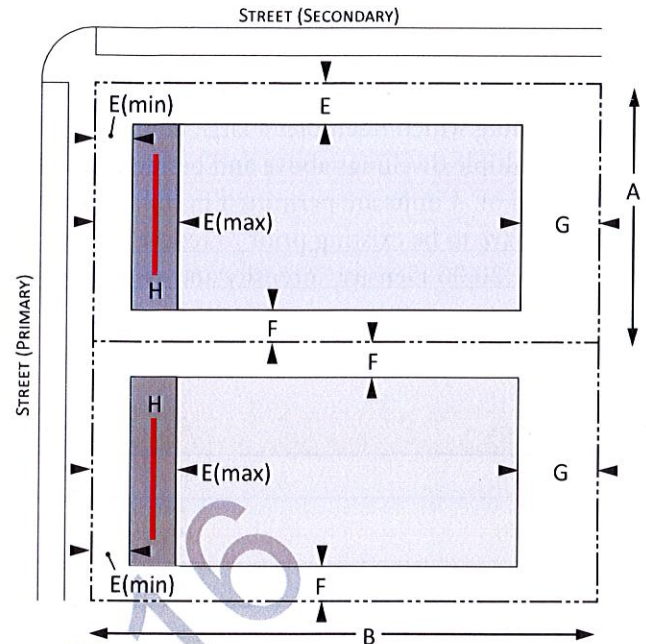
HOUSE-SMALL

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

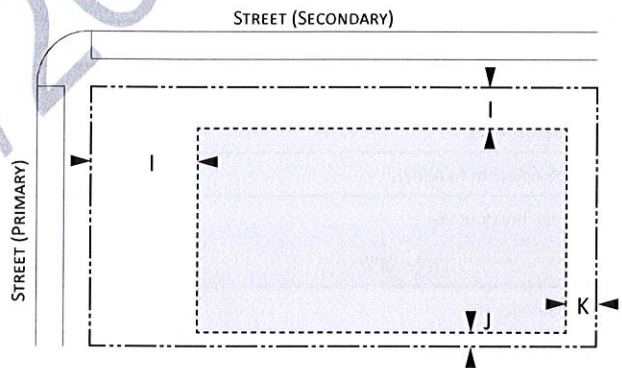
LOT REQUIREMENTS		MIN	MAX
A - Lot Width (ft)		32	40
B - Lot Depth (ft)		50	120
C - Lot Size (sf)		1,600	4,800
D - Lot Coverage (%)		--	90
BUILDING ENVELOPE		MIN	MAX
E - Street Setback (ft)		5	10
Secondary Street Setback (ft)		5	--
F - Side Setback (ft)		3	--
G - Rear Setback (ft)		10	--
Garage Adjacent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

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

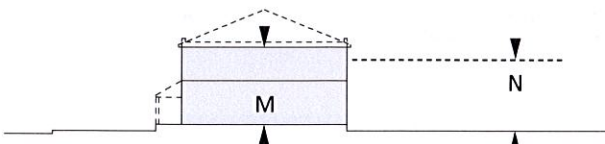
LOT REQUIREMENTS AND BUILDING ENVELOPE



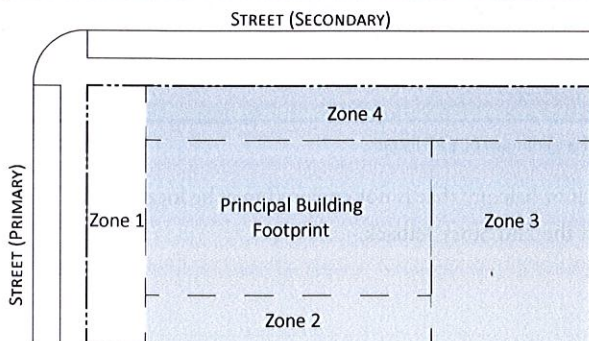
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION

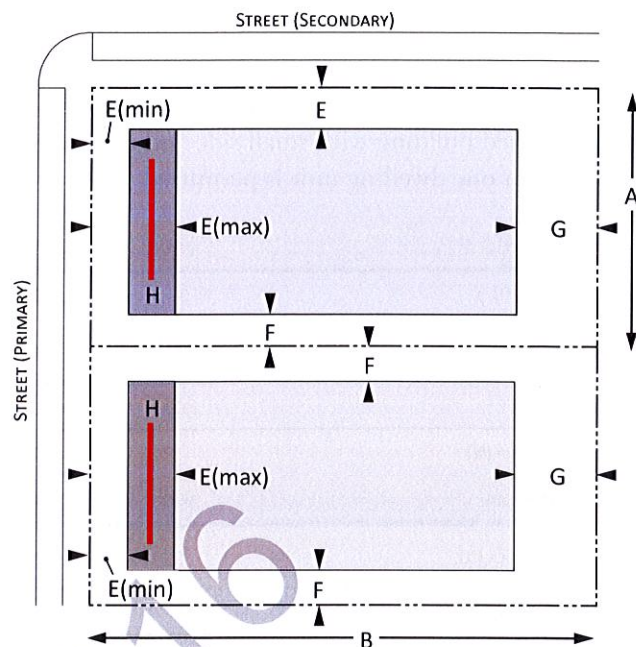


A building lot located and designed to accommodate a detached building which resembles a large house but which contains multiple dwellings above and beside each other. A maximum of 4 units are permitted in this building lot. (The units have to be existing prior to redevelopment as stated in Sec.20.06 Density, intensity and assembly of parcels).

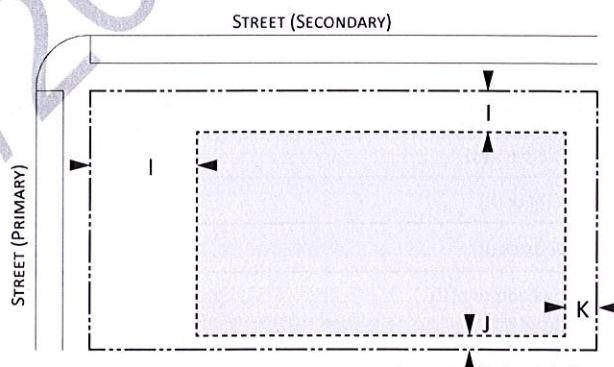
LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	40	55
B - Lot Depth (ft)	80	--
C - Lot Size (sf)	3,200	--
D - Lot Coverage (%)	--	70
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	10	15
Secondary Street Setback (ft)	5	--
F - Side Setback (ft)	5	--
G - Rear Setback (ft)	15	--
Garage Adjacent to Alley	5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

* Porch or balcony that is not enclosed may be located within the 2nd Story setback.

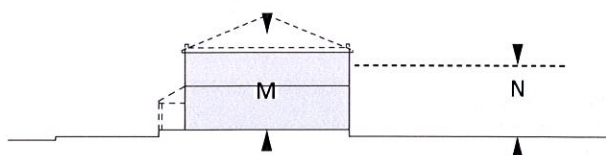
LOT REQUIREMENTS AND BUILDING ENVELOPE



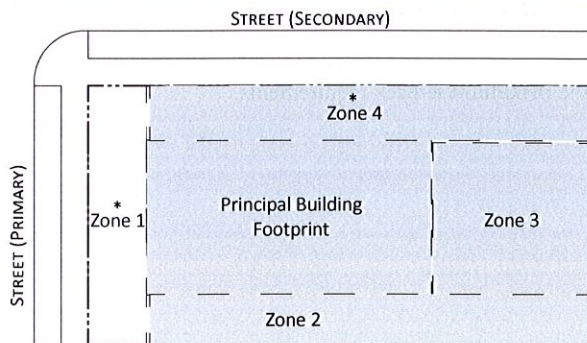
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION

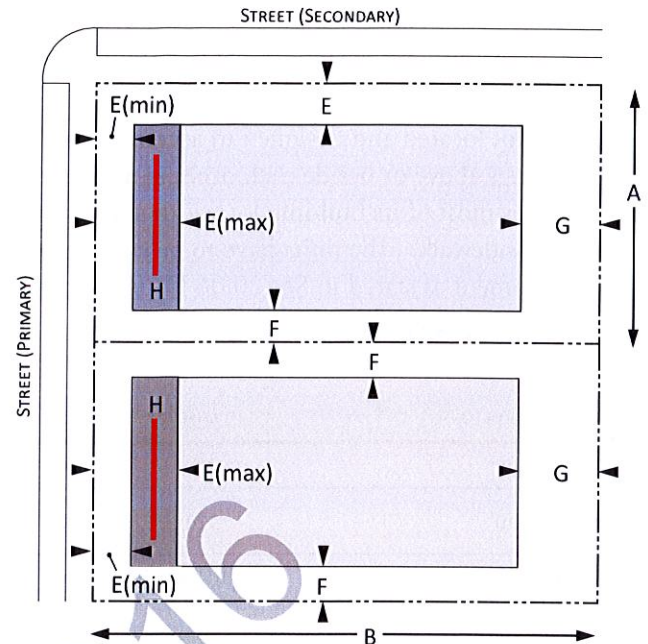


A building lot located and designed to accommodate multiple dwellings above or beside each other in a building that occupies most of its building lot width and is placed close to the sidewalk. (The units have to be existing prior to redevelopment as stated in Sec.20.06 Density, intensity and assembly of parcels).

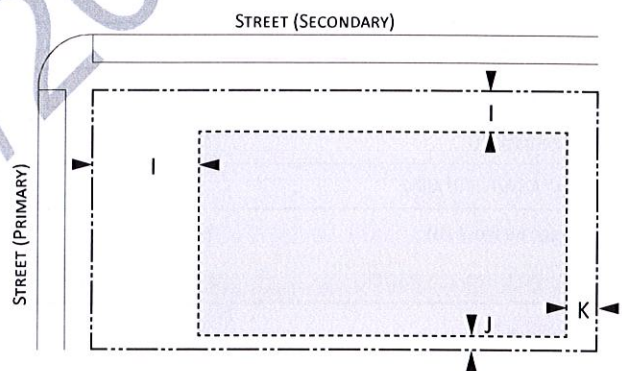
LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	60	90
B - Lot Depth (ft)	100	120
C - Lot Size (sf)	6,000	10,800
D - Lot Coverage (%)	--	75
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	15	20
Secondary Street Setback (ft)	7	--
F - Side Setback (ft)	7	--
G - Rear Setback (ft)	20	--
Garage Adjacent to Alley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

* Porch or balcony that is not enclosed may be located within the 2nd Story setback.

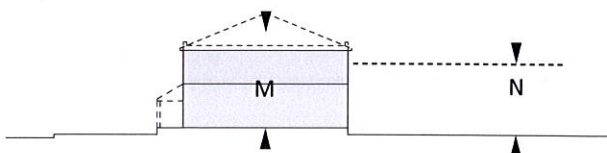
LOT REQUIREMENTS AND BUILDING ENVELOPE



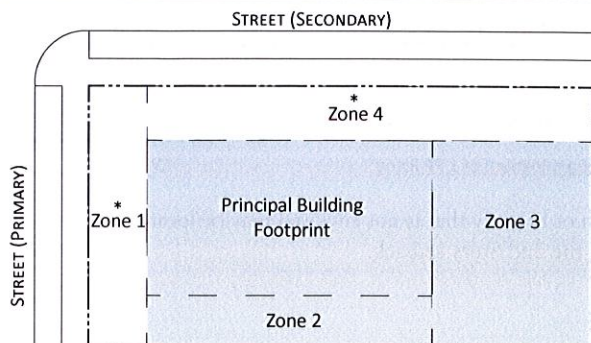
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION

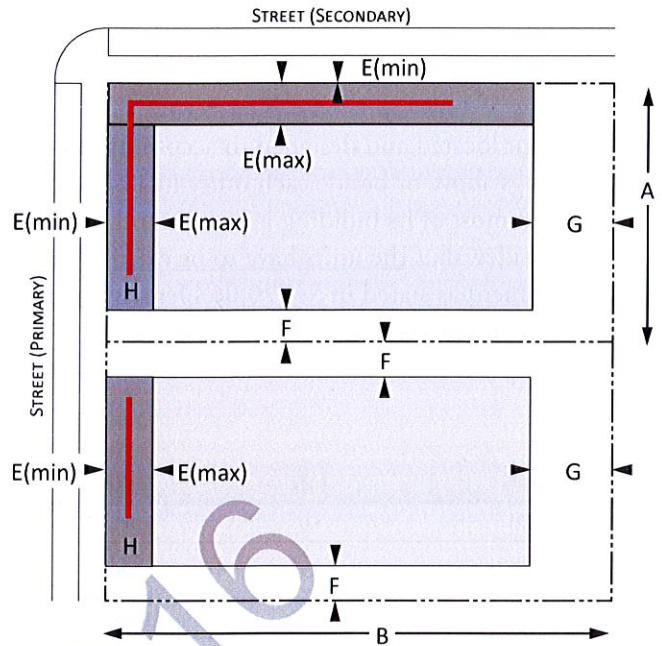


A building lot located and designed to accommodate multiple dwellings above or beside each other in a building that occupies most of its building lot width and is placed close to the sidewalk. (The units have to be existing prior to redevelopment as stated in Sec.20.06 Density, intensity and assembly of parcels).

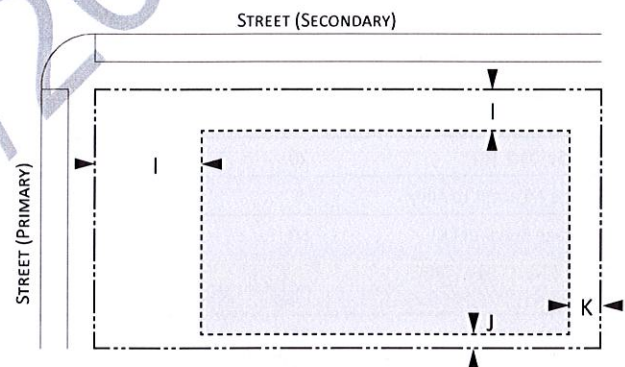
LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	90	200
B - Lot Depth (ft)	120	120
C - Lot Size (sf)	10,800	24,000
D - Lot Coverage (%)	--	75
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	15	25
Secondary Street Setback (ft)	10	--
F - Side Setback (ft)	10	--
G - Rear Setback (ft)	15	--
Garage Adjacent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

* Porch or balcony that is not enclosed may be located within the 2nd Story setback.

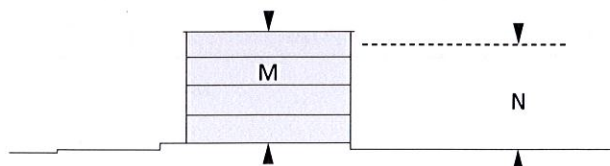
LOT REQUIREMENTS AND BUILDING ENVELOPE



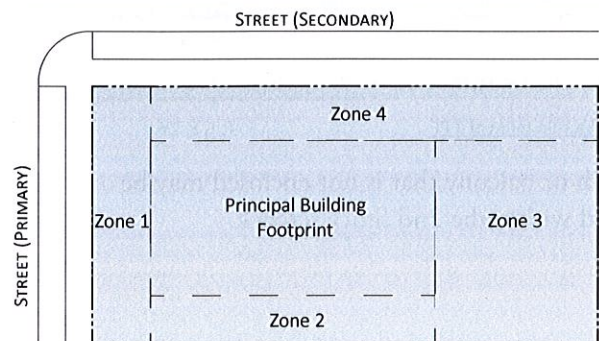
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION

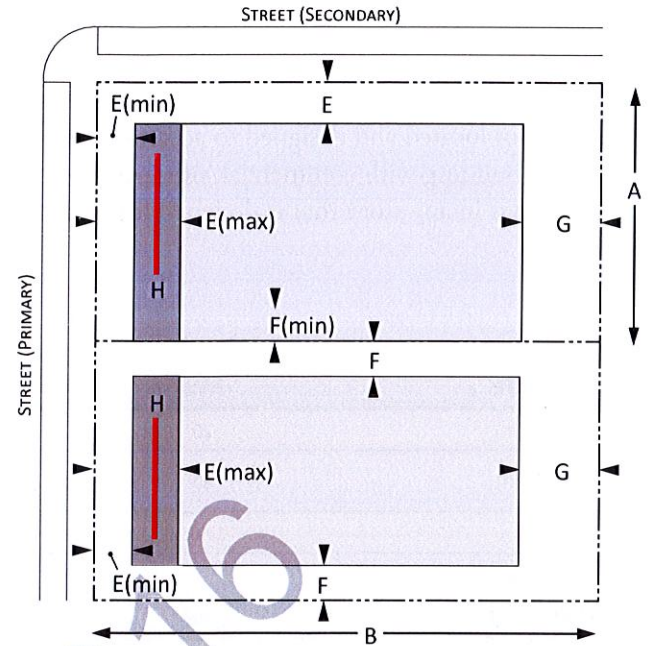


A building lot located and designed to accommodate multiple dwellings arranged around and fronting on a central garden or courtyard that may be partially or wholly open to a street and/or alleyway. (The units have to be existing prior to redevelopment as stated in Sec.20.06 Density, intensity and assembly of parcels).

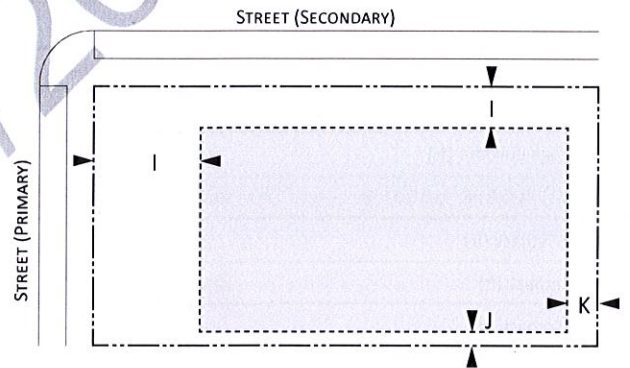
LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	50	200
B - Lot Depth (ft)	80	120
C - Lot Size (sf)	4,000	24,000
D - Lot Coverage (%)	--	80
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	10	15
Secondary Street Setback (ft)	5	--
F - Side Setback (ft)	5	--
G - Rear Setback (ft)	20	--
Garage Adjacent to Alley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

* Porch or balcony that is not enclosed may be located within the 2nd Story setback.

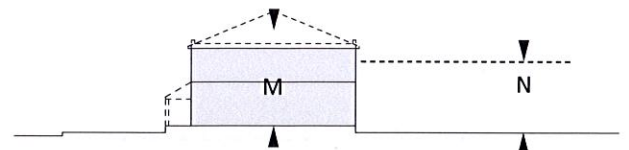
LOT REQUIREMENTS AND BUILDING ENVELOPE



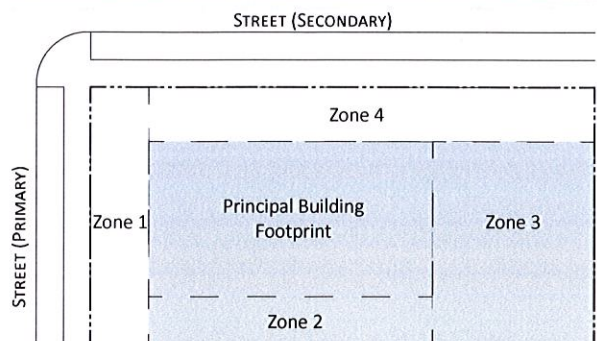
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



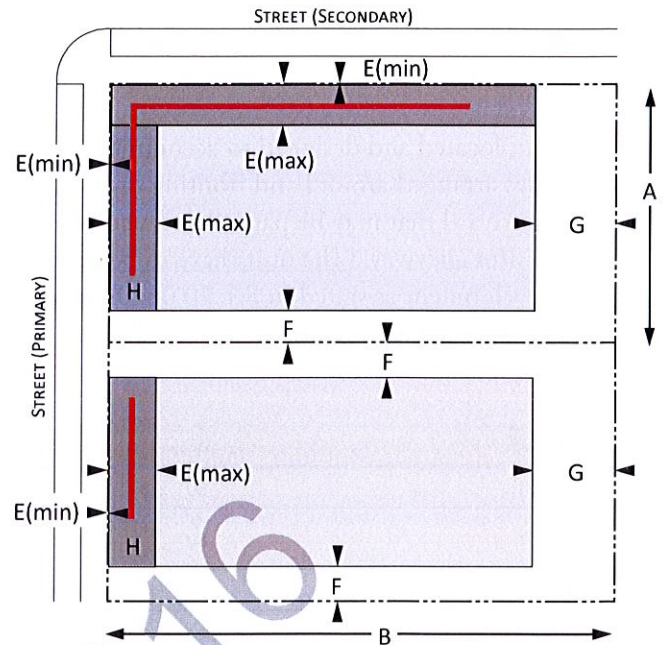
PARKING LOCATION



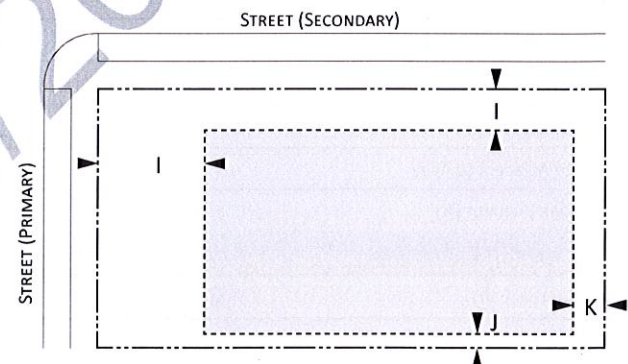
A building lot located and designed to accommodate a multi story building with commercial, office and/or multiple dwellings in any story that is designed for smaller lot sizes.

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

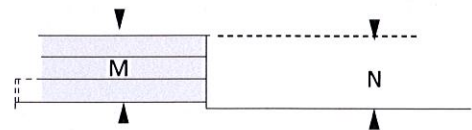
LOT REQUIREMENTS AND BUILDING ENVELOPE



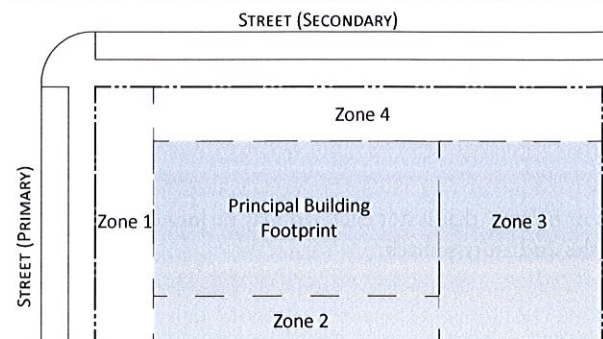
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



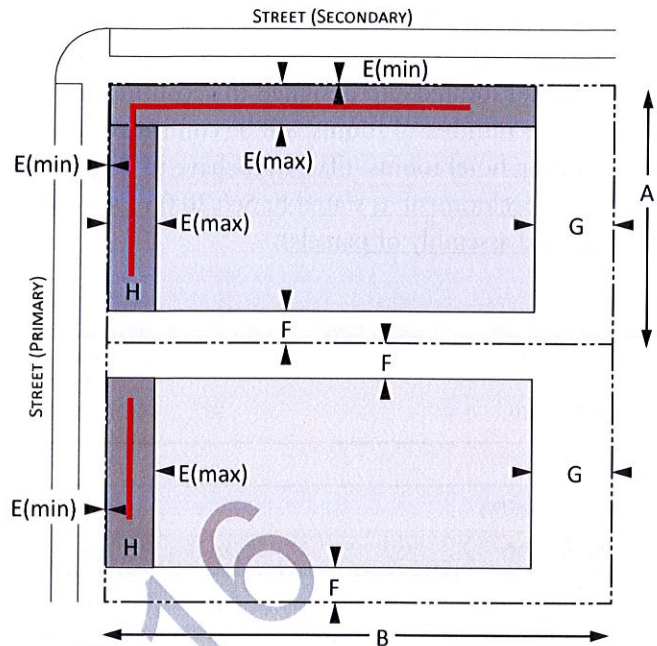
PARKING LOCATION



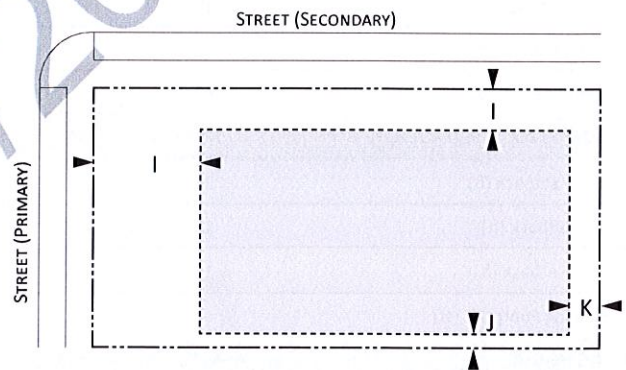
A building lot located and designed to accommodate a multi story building with commercial, office and/or multiple dwellings in any story that is designed for average lot sizes.

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

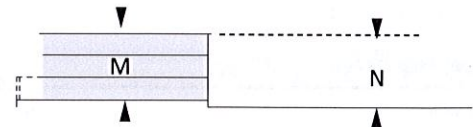
LOT REQUIREMENTS AND BUILDING ENVELOPE



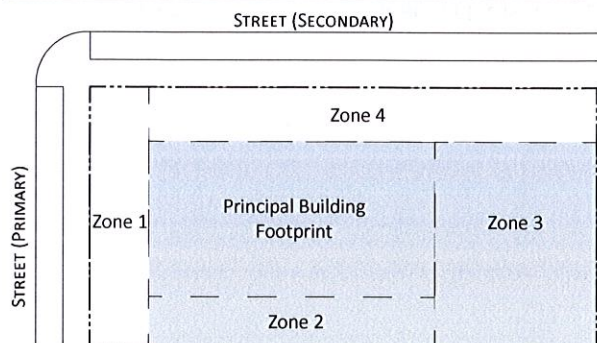
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



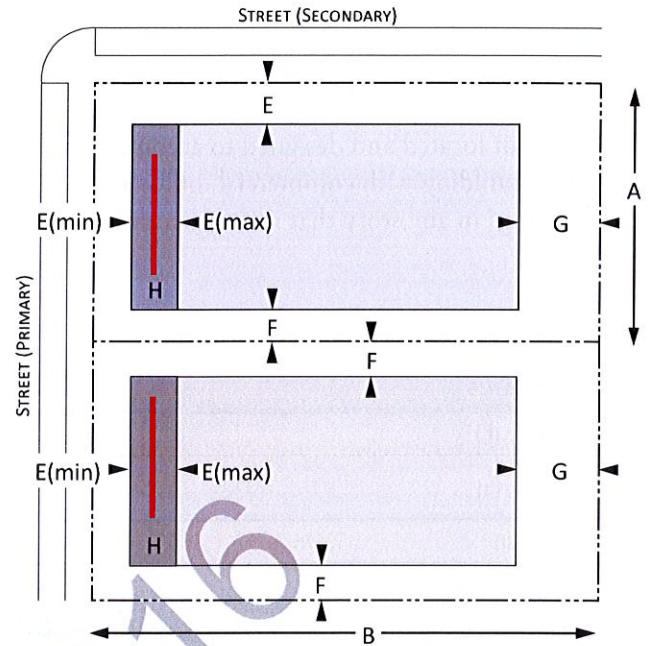
PARKING LOCATION



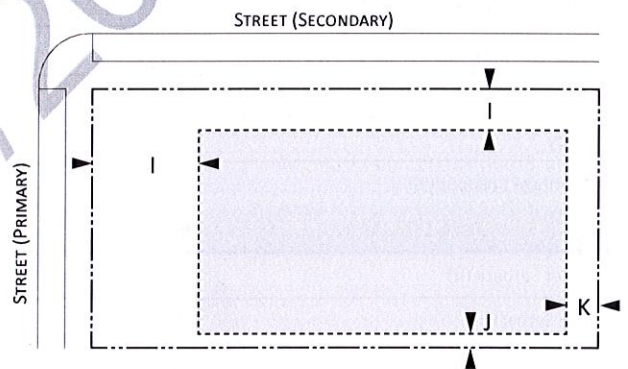
A building lot located and designed to accommodate lodging. The number of rooms will be confirmed by existing operating hotel rooms. (The units have to be existing prior to redevelopment as stated in Sec.20.06 Density, intensity and assembly of parcels).

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

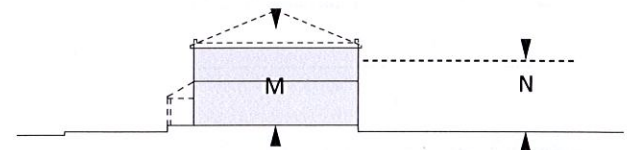
LOT REQUIREMENTS AND BUILDING ENVELOPE



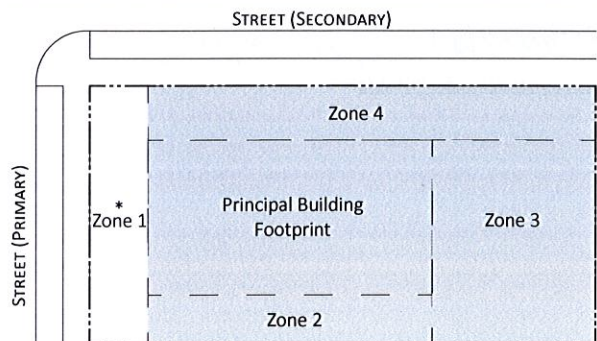
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION

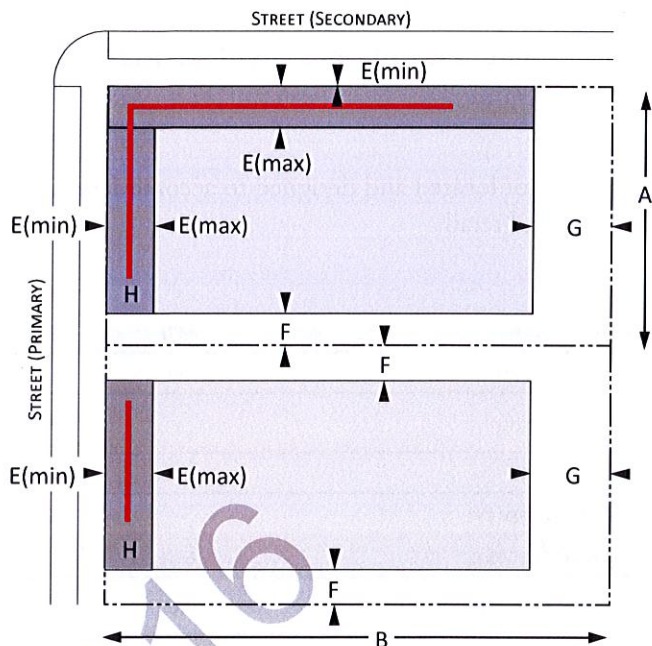


SINGLE STORY COMMERCIAL BUILDING-SMALL

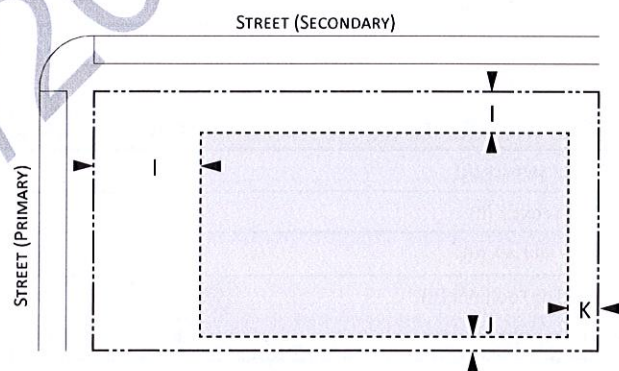
A building lot located and designed to accommodate single use office and retail.

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

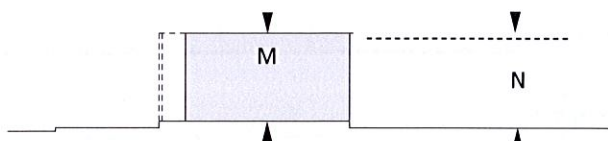
LOT REQUIREMENTS AND BUILDING ENVELOPE



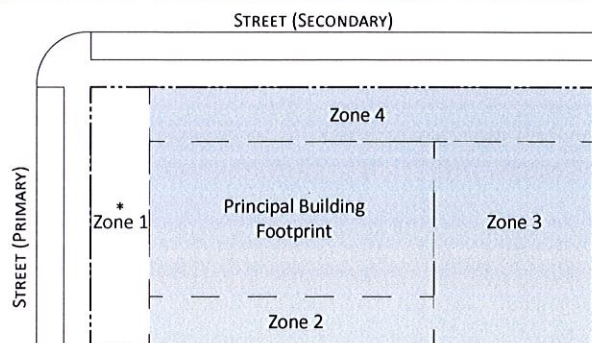
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION

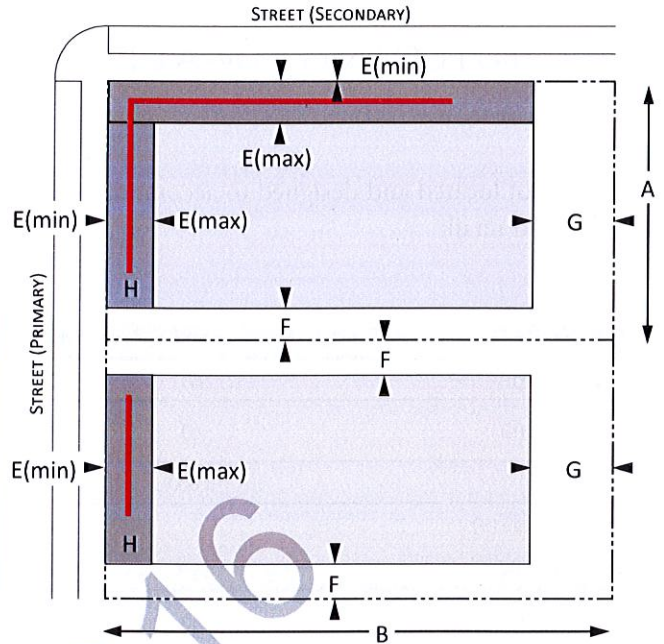


SINGLE STORY COMMERCIAL BUILDING-MEDIUM

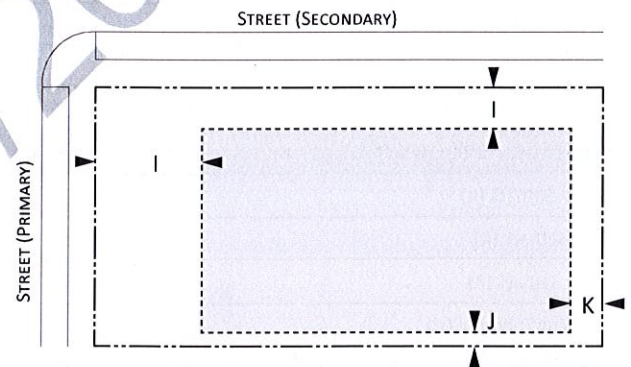
A building lot located and designed to accommodate single use office and retail.

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

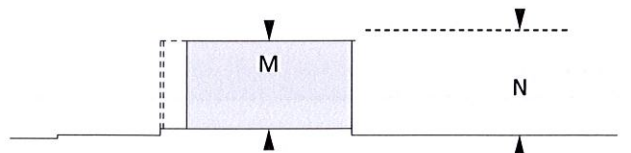
LOT REQUIREMENTS AND BUILDING ENVELOPE



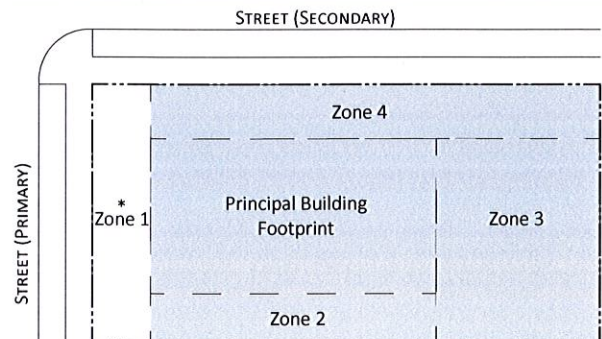
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



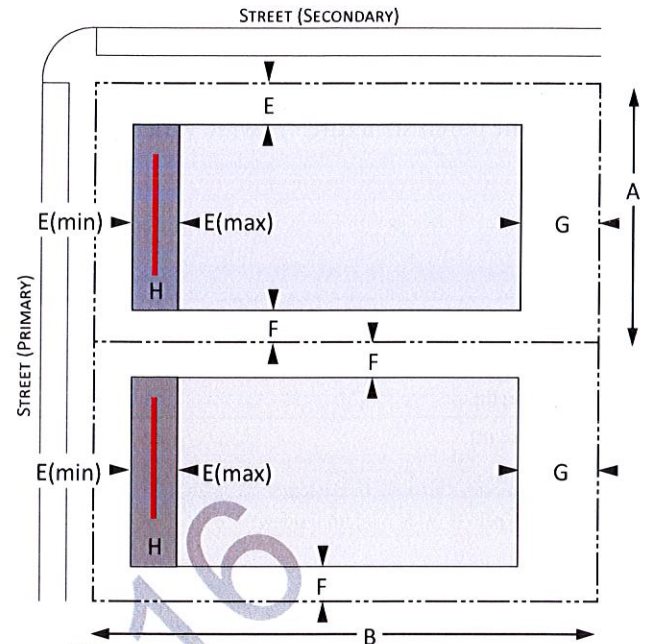
PARKING LOCATION



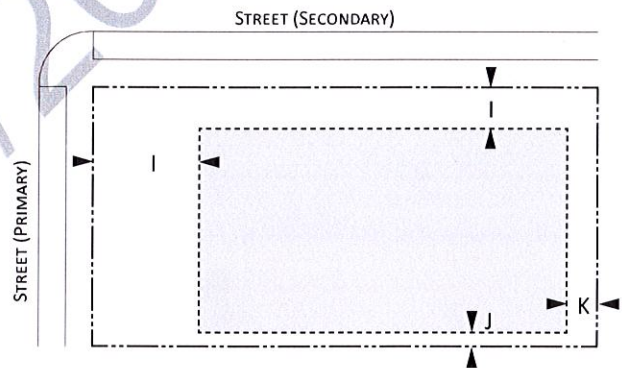
A building lot located and designed to accommodate a building containing public or civic uses such as community services, day care, education, government, places of worship, or social services. This typology is only for permitted and existing institutional buildings.

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

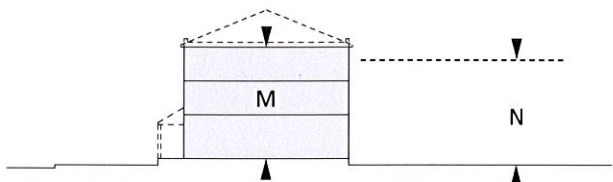
LOT REQUIREMENTS AND BUILDING ENVELOPE



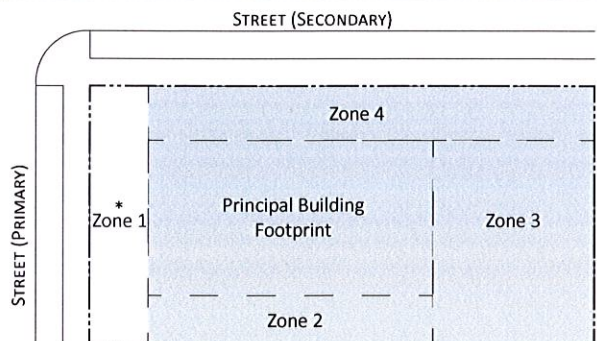
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



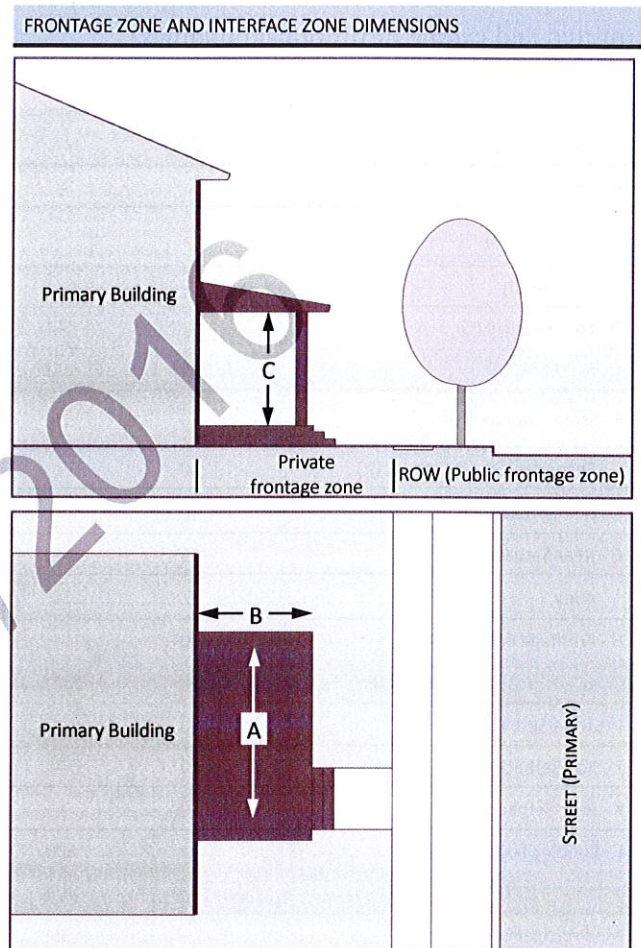
PARKING LOCATION



P PORCH

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

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



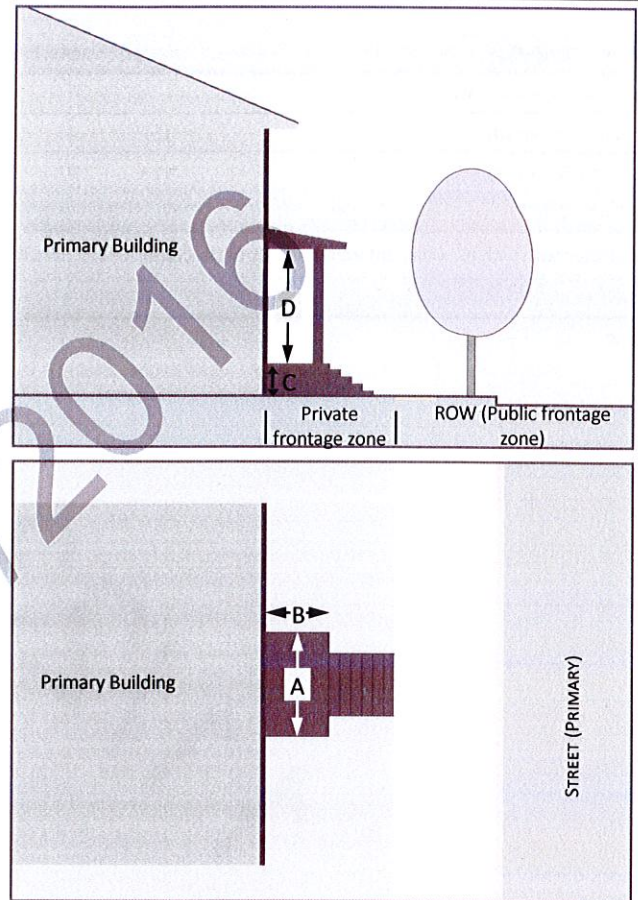
S

STOOP

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

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

FRONTAGE ZONE DIMENSIONS



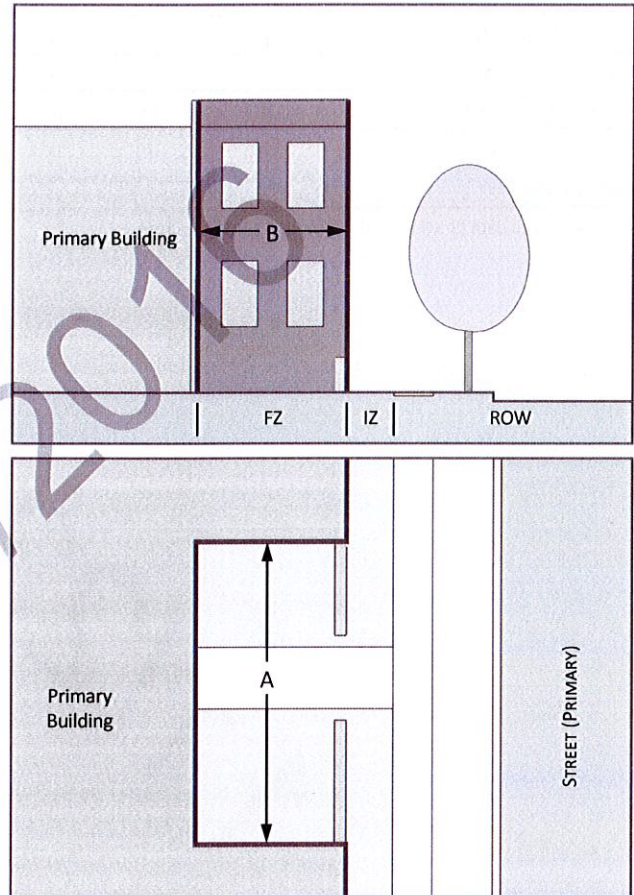
F

FORECOURT

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

FRONTAGE ZONE AND INTERFACE ZONE DIMENSIONS

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



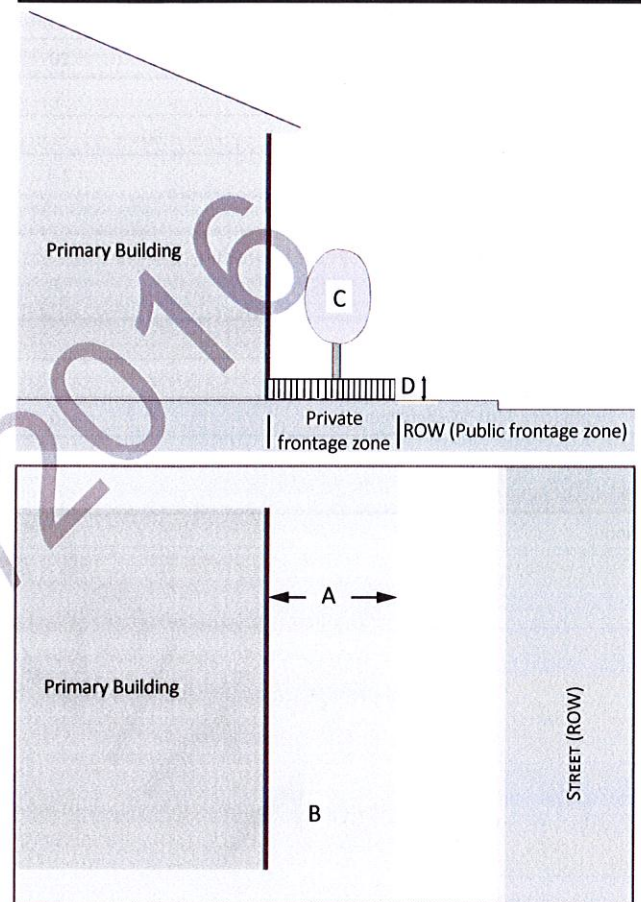


COMMON YARD

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

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

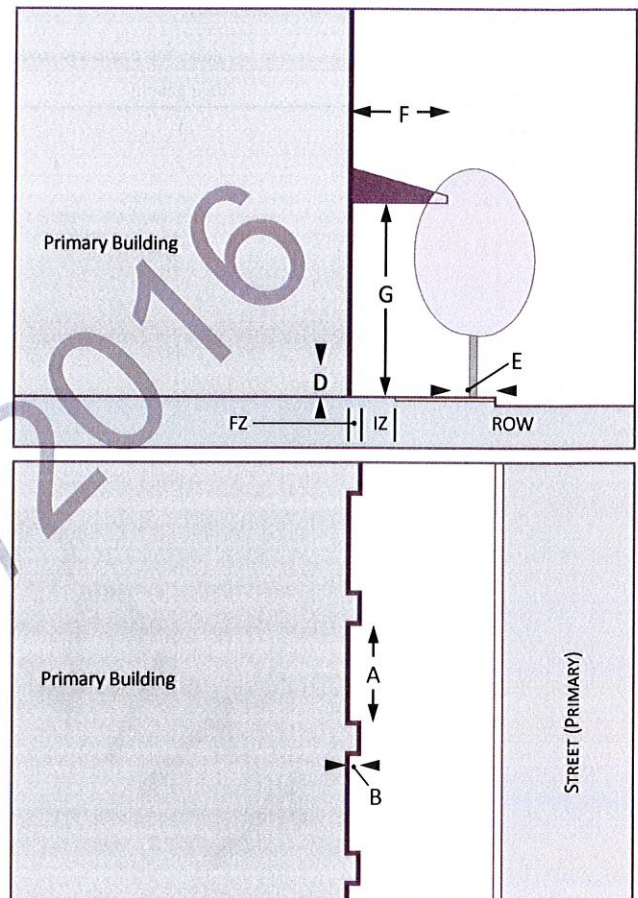
FRONTAGE ZONE DIMENSIONS



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

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

FRONTAGE ZONE AND INTERFACE ZONE DIMENSIONS



Sec 20.16 Private frontage

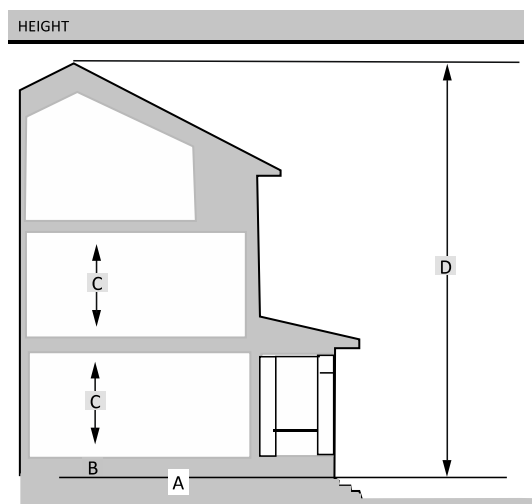
The building types in Sec. 20.15 provide the acceptable private frontages (i.e. porches, stoops, etc.) for that building type. If there are multiple frontages provided in the table, the applicant may choose what private frontage to provide per building. A minimum of one frontage will be required for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

Sec 20.17 Building height

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

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

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



Sec 20.18 Minimum off-street parking requirements.

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

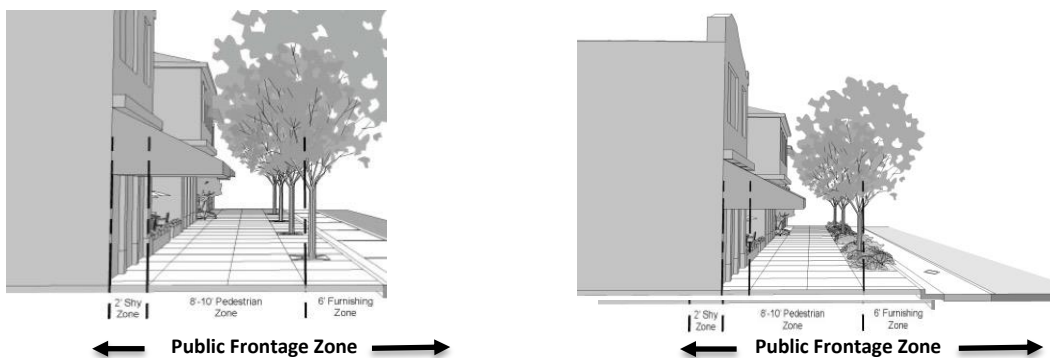
Sec 20.19 Alleyways

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

Sec 20.20 Landscaping Standards

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

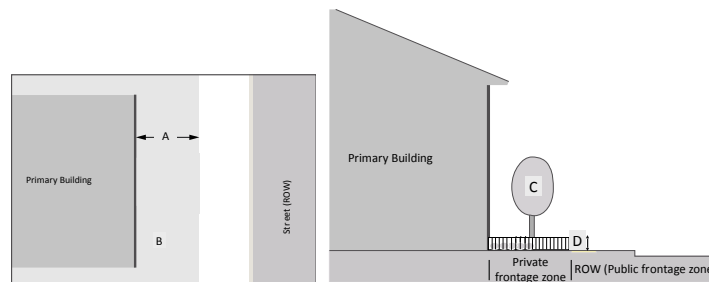
- 1) Furnishing Zone that is a minimum of six feet in depth and may include street lights, benches and canopy trees. A furnishing zone shall include one of the following: Tree Grate Standards. One canopy tree per 30 feet in lineal building shall be provided the entire length of the parcel the building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



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

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

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



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

Sec 20.21 Screening of elevated buildings.

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

(a) Architectural screening shall:

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

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

(b) Landscape screening shall be installed:

1) A minimum 3-foot-wide landscape area

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

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

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

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

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

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

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

Sec 20.22 General building design (residential)

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

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

Any single family or attached residential must design the building with the following architectural elements:

(a) The mass of a building must include:

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

2) Secondary Mass. A building should also include secondary mass (private frontage requirements) that form the façade of the building.

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

Sec 20.23 General building design (non-residential)

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

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

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

Sec 20.24 Design review and required drawings

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



St. Pete Beach Planning Board

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

1/17/17

Ordinance 2016-19

Applicant
City Initiated

Location
Pass-a-grille 32nd Ave
south

**Commission
District**
District 4

Staff Representative
Jennifer Bryla, AICP

Findings:

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

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

TRC Review:

1/4/2017

No Comments.

**Historic Preservation
Board: 1/5/17**

ITEM SUMMARY:

ITEM SUMMARY:

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

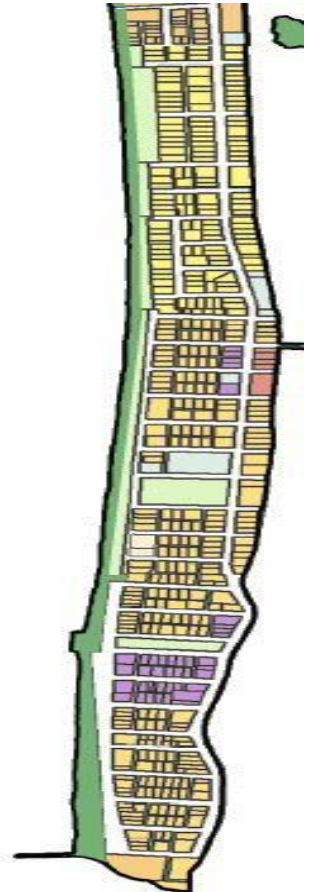
The revised overlay will provide for a form based zoning code that will continue to support the historic patterns and uses that created the eclectic mix of Pass-a-grille.

The revised code specifically allows for:

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

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

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



4-o (Weymouth, Jacobus)

Planning Board Review:
Anticipated 1/17/17

**City Commission
Review:**
Anticipated 2/14/2017

**Staff
Recommendation**
Approval as presented

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

PUBLIC NOTICE:

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

PROJECT DESCRIPTION / BACKGROUND:

1. Project Description:

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

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

The proposed Ordinance also brings some standard design principals to the code in order to ensure consistent form and shape which replicates the historic patterns is represented. These design standards are basic elements of proportion and scale and should not be onerous for the property owner to achieve.

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

JUSTIFICATION / TECHNICAL REVIEW

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

FUTURE LAND USE ELEMENT

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

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

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

Analysis: The proposed Pass-a-grille overlay supports and continues the intent to allow for the continuance of existing non-conforming residential and temporary lodging units as outlined above. Specifically Section 20.07 allows for the rebuilding of residential developments with the same density as the existing structures. This policy is in direct conflict with language in the Land Development Code and as the Comprehensive Plan is the Guiding Document for the City, it take precedence over all other lesser local codes.

GOAL 2:

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

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

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

Objective 2.6

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

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

Objective 2.13

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

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

GOAL 6:

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

Objective 6.1

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

Analysis: The proposed Pass-a-grille overlay supports Goal 6 and Objective 6.1. Staff submitted the draft code to the Pinellas Planning Council for review and comment to ensure compliance with the Countywide Rules and determination was made that the

proposed Ordinance was consistent. Staff was commended for working to try and preserve the existing patterns of the district.

Housing Plan Element

Objective 1.4

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

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

Policy 1.4.3

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

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

Policy 1.6.2

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

Analysis: The proposed Pass-a-grille overlay encourages the improvement of existing housing stock.

2. Compatibility with Adjacent Uses

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

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

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

4. Compatibility with County Wide Rules

The proposed Ordinance would be consistent and compatible with the

Pinellas Countywide Rules as is required by Pinellas County. A letter from the Division Planning Manager is attached as Exhibit “B”.

5. Compatibility with FEMA

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

HISTORIC PRESERVATION BOARD:

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

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

STAFF RECOMMENDATION:

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

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

Memorandum



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

Conference Call

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

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

Exhibit B

Jennifer Bryla

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

Jenni,

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



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

All government correspondence is subject to the public records law.

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

Rodney,

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

-jb

Jennifer C. Bryla, AICP
Community Development Director

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

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: Tara Salmieri [<mailto:tara@planactivestudio.com>]

Sent: Wednesday, October 19, 2016 4:39 PM

To: Jennifer Bryla

Subject: PAG overlay question

Hi Jenni

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

Tara Salmieri, AICP

PlanActive Studio

[Orlando, FL 32803](#)

Phone ([407-454-1291](#))

Tara@planactivestudio.com

www.planactivestudio.com

[collaborate.innovate.engage.reform](#)

Jennifer Bryla

From: Parinello, Alicia <aparinello@co.pinellas.fl.us>
Sent: Thursday, January 05, 2017 2:46 PM
To: Jennifer Bryla
Cc: Chatman, Rodney S
Subject: Review of Pass-a-grille Overlay

Jennifer,

Thank you for providing the PAG Overlay District amendment for informal review. Staff found this to be consistent with the Countywide Rules. Please let me know if you have any questions.



Alicia Parinello
Program Planner
Main: 727-464-8250
Direct: 727-464-5693
forwardpinellas.org

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All government correspondence is subject to the public records law.

Exhibit C

Jennifer Bryla

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

Hi Jenny,

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

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

Jennifer Bryla

From: Stan Garnett <stangarnett@aol.com>
Sent: Sunday, December 18, 2016 10:01 AM
To: Jennifer Bryla
Subject: Latest PAG Overlay Draft

Dear Jenny,

You asked if I had any specific questions about the new draft Overlay, and I do. I have tried to organize them in a way that you might consider for whatever presentation you might be making at the January 4th workshop. Thanks for the chance to do this.

Sections 20.22 and 20.24 are new, complex and important. They look as if they may have come from some other model, and it would help to know where else they have been used and tested. Given Melinda's comment from the August 2016 workshop – she didn't want to see another big box built in Pass-a-Grille – it would be really helpful for you to describe how the new design standards would have caused *specific* new PAG homes over the past several years to have been either modified or prevented. That is really the essential question.

From a City administrative standpoint, will the City have to employ (or outsource) a staffer with architectural qualifications to administer the new design standard, as the wording has the look of fairly sophisticated concepts? As a new building permit will have to address the details of the new design standards, what do you see happening to the cost and timing of the new process, and can we expect any impact on the marketability of PAG properties? Hopefully, the workshop will involve an expert or two in architecture and real estate.

The review section provides that the City may request review by the Historic Preservation Board for compatibility of new construction and additions. Do you see such a review as being more or less automatic, and if so, what effect do you see this having on the timing of the permitting process? At present, that Board functions on an advisory basis; the new wording looks as if approval powers are contemplated. Is that correct?

I was puzzled by the apparent intent in the design standard to require that all windows should be rectangular. There are an awful lot of arched, circular, square and even triangular windows in both old and new homes in PAG.

Finally, if you could reiterate the reasons that the new design standards are applicable only for Pass-a-Grille. Thank you.

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

December 27, 2016

Via Email to: cityattorney@stpetebeach.org

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

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

Dear Andrew:

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

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

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

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

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

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

O: 727.828.9919
F: 727.828.9924

www.webercrabb.com

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

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

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

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

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

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

Policy 2.5.1

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

Policy 2.5.2

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

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

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

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

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

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

Sincerely,

WEBER, CRABB & WEIN, P.A.

s/ Timothy W. Weber

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

cc: Jennifer Bryla (jbryla@stpetebeach.org)

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



St. Pete Beach Planning Board

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

12/13/2016

Item Number
Ord #2017-01

Type of Application
Ordinance to repeal and
replace Division 29 –
Concurrency of the City's
Land Development Code

Applicant
City of St. Pete Beach

Location
City wide

Project Planner
Jennifer Bryla, AICP,

Requested Action
Recommendation of
Approval to the City
Commission for
adoption.

Staff
Recommendation
Approval

City Commission
First Reading (2/14/2017)
anticipated

Second Reading
(2/28/2017)

ITEM SUMMARY:

This is an Ordinance is a result of a City initiated amendment to the Capital Improvement Element to reflect Legislative changes in chapter 163 FS. The Ordinance is addressing the necessary updates to Division 29 – Concurrency. These changes coincide with the changes that have been made to the Capital Improvement Element and the Capital Improvement Schedule. In addition to removing the recreation and public school facility language, the changes also provide for a mechanism for the City to track development and Levels of Service that will then be document prior to the Capital Improvement Schedule adoption annually. These changes were permitted by changes in the Florida Statutes 163.3180 that allows for the removal of the cited components.



PUBLIC NOTICE:

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

COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE:

The proposed Ordinance is consistent with

Findings In its review of the proposed Ordinance, staff has determined: 1. The proposed application is consistent with Florida Statutes. 2. The proposed application is consistent with the Pinellas County Regional Policy Plan. 3. The proposed application is consistent with the intent of the St. Pete Beach Comprehensive Plan. 4. The proposed application is consistent with the intent of the LDC.	the changes to the Comprehensive Plan's Capital Improvements Element as reviewed by this Board in November of 2016 and including, but not limited to the following Goals, Objectives and Policies: FLUE Objective 3.3 The City shall assure that future developments are compatible with the topography, soil conditions and the availability of facilities and services. TRAN Policy 1.1.2 All new development and redevelopment proposals shall be reviewed under the City's Concurrency Management System Ordinance to ensure the level of service standards established in this element shall be maintained. INFRA Policy 1.1.5 The land development regulations and development review procedures shall be used to ensure that all adopted levels of service are maintained. All new development and redevelopment proposals shall be reviewed under the City's Concurrency Management System Ordinance to ensure the level of service standards established in this element shall be maintained. CIE Policy 1.3.4 The City shall issue development permits only when required capital facilities are present or will be available concurrent with the impact of development. All new development and redevelopment proposals shall be reviewed under the City's Concurrency Management System Ordinance to ensure the level of service standards established in this element shall be maintained. The Ordinance is consistent with the intent strategies of the City's Land Development Code. PLANNING BOARD: The Planning Board will review the Ordinance for consistency with the Comprehensive Plan on January 17, 2017. The Board heard the amendments to the Capital Improvements Element (CIE) on November 15th and recommended approval to transmit. Staff wanted to keep the two items on the same schedule for clarity sake. STAFF RECOMMENDATION: Upon review of the City's guiding documents and those of the County, staff recommends a recommendation of approval of 2017-001.

ORDINANCE #2017-01

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

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

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

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

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

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

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

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

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

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

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

PASSED ON FIRST READING _____, a.d. 2016

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

ORDINANCE #2017-01

MAYOR Debrah Schechner

FIRST READING: _____

PUBLISHED: _____

SECOND READING: _____

PUBLISHED: _____

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2016.

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

City Attorney
Andrew Dickman, Esq.

DIVISION 29 - CONCURRENCY MANAGEMENT^[1]

Footnotes:

--- (1) ---

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

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

- (a) The city commission declares as a matter of public policy that the concurrency requirements of the Local Government Comprehensive Planning and ~~Community Planning Land Development Regulation~~ Act [F.S. § 163.31~~6180~~ et seq.] are a public necessity, and are important in the protection and enhancement of the quality of life in the city as well as the county and the state.
- (b) The purpose of this division is to ensure the availability of public facilities and the adequacy of those facilities at adopted levels of service concurrent with the impacts of development. This intent is implemented by means of a concurrency management system which shall measure the potential impact of a development permit application upon the adopted minimum acceptable level of services, as provided in the ~~Ce~~capital ~~li~~improvements ~~Ee~~lement of the Comprehensive Plan.

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.2. - Definitions.

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

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

~~Additional school capacity means school facilities that will be in place or under actual construction within three years based on the five-year work program.~~

~~Available school capacity shall include the school facilities that will be in place or under construction within three years, according to the five-year work program and shall be calculated based on the following formula:~~

$$\frac{\text{Available Capacity}}{[\text{FISH School Capacity} + \text{Additional Capacity}]} = \frac{\text{Capacity}}{[\text{Enrollment} + \text{Vested Students}]}$$

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

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

- (1) Type of proposal.

- (2) Development potential, including site acreage, number of residential units, number of transient ~~lodging accommodation~~ units, nonresidential use, type of development, and building square footage.
- (3) Individual public facilities reports from the concurrency management team, if required.
- (4) Level of service capacity status review, if required.
- (5) Permitted impacts for each public facility and service, where applicable.
- (6) The date of issuance of certificate of concurrency.

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

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

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

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

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

~~Concurrency service area means the areas of the county within which the level of service will be measured for school concurrency purposes, as adopted in the Public School Facilities Element of the Comprehensive Plan.~~

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

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

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

~~District wide level of service standard is calculated by adding student enrollment plus vested students and dividing the total by Florida Inventory of School Houses (FISH) School Capacity plus additional capacity does not exceed 100 percent. This level of service standard shall apply to each type of public school facility and shall not exceed 100 percent.~~

~~Educational plant survey or the five year plant survey means the systematic study of educational and ancillary plants of the school board conducted at least every five years to evaluate existing facilities and plan for future facilities to meet proposed program needs.~~

~~Enrollment means the official student enrollment count of the fall semester.~~

~~Existing level of service for school concurrency is calculated based on the following formula:~~

~~$$LOS = \frac{\text{Student Enrollment} + \text{Vested Students}}{\text{FISH School Capacity} + \text{Additional Capacity}}$$~~

FDOT means the Florida Department of Transportation.

Financial feasibility means that sufficient revenues are currently available or will be available from committed funding sources for the first three years, or will be available from committed or planned funding sources for years four and five, of a five-year capital improvement schedule for financing capital improvements, such as ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements identified in the comprehensive plan necessary to ensure that adopted level-of-service standards are achieved and maintained within the period covered by the five-year schedule of capital improvements. ~~The requirement that level of service standards be achieved and maintained shall not apply if the proportionate share process set forth in F.S. § 163.3180(12) and (16), is used.~~

~~Five-year school facilities work program or five-year school work program means the document created by the School District to assist it as it plans, proposes, and prioritizes its current and five-year capital outlay needs. (see F.S. § 1013.35)~~

~~FISH (Florida Inventory of School Houses) means the inventory numbering system used by the Florida Department of Education for parcels, buildings, and rooms in public educational facilities.~~

Level of service (LOS) means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

~~Level of service standard for the purposes of school concurrency means the minimum service level that will be provided by public school facilities in the county. The LOS standard is applied consistently district wide and is established within both the public schools interlocal agreement and the public school facilities element.~~

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

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

~~Public school facilities element (PSFE) means the element required to be adopted in local government comprehensive plans by F.S. § 163.3177(12), for those communities that are required to implement a school concurrency program.~~

~~Public schools interlocal agreement means the interlocal agreement filed with the Pinellas County Board Clerk on April 24, 2007 between the Pinellas County School Board, Pinellas County, and the 12 municipalities within Pinellas County that are required to implement school concurrency per F.S. § 163.3177(1), or as it may subsequently be amended.~~

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

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

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

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

~~School capacity and level of service report means the report prepared annually by the school district to calculate the existing level of service and the available capacity within each concurrency service area.~~

~~School concurrency approval means the finding issued by the city that there is available capacity for all types of schools to serve a residential approval.~~

~~School district means the unit for the control, organization, and administration of schools in Pinellas County. The responsibility for the actual operation and administration of all schools needed within the district in conformity with rules and minimum standards prescribed by the state, and also the responsibility for the provision of any desirable and practicable opportunities authorized by law beyond those required by the state, are delegated by law to the school officials of the Pinellas City School District.~~

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

SIS means strategic intermodal system.

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

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

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

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

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

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

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

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.4. - General requirements.

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

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

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

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

Sec. 29.5. - Exemptions.

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

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

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.6. - Minimum requirements for concurrency.

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

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

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

~~(4) The five-year schedule of capital improvements includes the estimated date of commencement of actual construction and the estimated date of completion of the public facility or services.~~

~~(5) Actual construction of the road or mass transit facilities and the provision of services must be scheduled to commence in or before the third year of the five-year schedule of capital improvements.~~

(Ord. No. 2006-04, § 1, 1-24-06)

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

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

- (a) A plan amendment which limits the adopted level of service standard for the affected facilities and/or services.
- (b) A binding executed contract between the city and the applicant to provide the necessary improvements.
- (c) An enforceable development agreement, which may include, but is not limited to, development agreements pursuant to F.S. § 163.3220.
- (d) A change in the funding source.
- (e) A reduction in the scale or impact of the proposed development.

- (f) Phasing of the proposed project.
- (g) Transportation management or restriction programs that reduce the traffic impact of the development by mandating the use of mass transit, increasing effective roadway capacity, shifting the effects on peak hour, etc.

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.8. - Concurrency annual monitoring report.

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

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.9. - Providing for intergovernmental coordination.

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

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.10. - Providing for adequate funding.

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

~~The capital improvement element contains all capital improvement needs identified in the individual elements of the Comprehensive Plan, and demonstrates the fiscal feasibility of this plan. Through annual monitoring, the capital improvement element is corrected, updated, and modified to ensure adequate sources of funding. If it is determined that a level of service standard is reduced because a project is not completed, or if projects not previously identified are added, then an amendment to the Comprehensive Plan will be required.~~

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.11. - Enforcement.

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

(Ord. No. 2006-04, § 1, 1-24-06)

Sec. 29.12. - Proportionate fair share program.

(a) General requirements.

- (1) An applicant may choose to satisfy the transportation concurrency requirements of the city by making a proportionate fair-share contribution, pursuant to the following requirements:
 - a. The proposed development is consistent with the comprehensive plan and applicable land development regulations; and
 - b. The ~~six~~five-year schedule of capital improvements ~~for in the~~ St. Pete Beach ~~CIE~~ includes a transportation improvement(s) that, upon completion, will mitigate the transportation impacts of the proposed development in accordance with the requirements of this subsection.
- (2) The applicant may also choose to satisfy transportation concurrency by contributing to an improvement that, upon completion, will satisfy the requirements of this subsection, but that is not contained in the ~~Schedule~~CIE where the following apply:
 - a. St. Pete Beach adopts, by resolution or ordinance, a commitment to add the improvement to the ~~schedule~~CIE no later than the next regularly scheduled update. To qualify for consideration under this subsection, the proposed improvement must be determined to be ~~financially feasible pursuant to F.S. § 163.3180(16)(b)1.,~~ consistent with the comprehensive plan, and in compliance with the provisions of this subsection. ~~Financial feasibility for this subsection means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed ten years to fully mitigate impacts on the transportation facilities.~~

- b. If the funds allocated for the ~~Schedule C~~ are insufficient to fully fund construction of a transportation improvement required for the applicant to comply with the terms of this subsection, the city may enter into a binding proportionate fair-share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair-share is calculated if the proportionate fair-share amount in such agreement is sufficient to pay for one or more improvements which will significantly benefit the impacted transportation system.
 - c. The improvement or improvements funded by the proportionate fair-share component must be adopted into the ~~Schedule C~~.
 - d. Any improvement project proposed to meet the applicant's fair-share obligation must meet design standards of the city, county and FDOT as applicable.
- (b) Proportionate fair share mitigation agreement.
 - (1) Upon notification that a proposed development project is subject to transportation concurrency regulations and is eligible to participate in the proportionate fair share program, the applicant shall be notified in writing of such during the site plan review process pursuant ~~to Section 5.1 of Division 5 herein to the requirements of 134-231(a).~~
 - (2) If the applicant chooses to exercise this concurrency option, a meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the SIS, then the FDOT will be notified and invited to participate in the meeting.
 - (3) Pursuant to F.S. § 163.3180(16)(e), proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the concurrence of the FDOT. Therefore, agreements involving improvements to SIS facilities will require approval by FDOT.
 - (4) After a mitigation project is identified and agreed upon by the city, the applicant and FDOT (if the project affects an SIS facility), a proposed proportionate fair-share obligation and binding agreement will be prepared by the city or the applicant with direction from the city. The final agreement will become a part of the site plan submittal which will be delivered to the appropriate parties for review. Final approval of the site plan and agreement rests with the city manager.
- (c) Determining proportionate fair-share obligation.
 - (1) The proportionate fair-share obligation shall be based on the impact a development has on a transportation facility as determined by a traffic impact analysis that assesses the volume of traffic generated by the proposed development.
 - (2) A facility shall be considered impacted when the net trips generated by the proposed development meets or exceeds five percent of the facility's peak hour capacity.
 - (3) Should the impacted facility be operating at an LOS that meets the locally adopted LOS standard, it would not be eligible for the application of proportionate fair share provisions.
 - (4) Should the impacted facility be operating at a substandard LOS based on existing conditions or as a result of the impacts of a proposed development, the facility would be identified as eligible for proportionate fair share provisions and the applicant would be notified as such.
 - (5) Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.
 - (6) A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.
 - (7) The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in F.S. § 163.3180(12), as follows:

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

OR

Proportionate Fair-Share = $\sigma \left[\left(\frac{\text{Development Trips}}{\text{SV Increase}} \right) \times \text{Cost} \right]$

Where:

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

SV Increase = Service volume increase provided by the eligible improvement to roadway segment "i";

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

- (8) For the purposes of determining proportionate fair-share obligations, the city shall determine improvement costs based upon the actual cost of the improvement as obtained from the ~~CIE or the~~ MPO transportation improvement program. Where such information is not available, improvement cost shall be determined using one of the methods described below.
 - a. An analysis by the city of construction costs that incorporates data from recent projects and is updated annually; or
 - b. The most recent issue of FDOT transportation costs, as adjusted based upon the type of cross-section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted FDOT work program shall be determined using this method in coordination with the FDOT district.
 - (9) The value of a proportionate fair share mitigation project proposed by the applicant and accepted by the city shall be determined using one of the methods provided in this subsection.
 - (10) The city may also accept right-of-way dedication for the proportionate fair-share payment credit for the dedication shall be based on fair market value established by an independent appraisal approved by the city and at no expense to the city. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the city at no expense to the city. If the estimated value of the right-of-way dedication proposed by the applicant is less than the estimated total proportionate fair-share obligation for that development, then the applicant must also pay the difference.
- (d) Impact fee credit for proportionate fair-share mitigation.
- (1) Proportionate fair-share contributions shall be applied as a credit against impact fees consistent with the terms of the impact fee section of section 41.6 of the Land Development Code.
 - (2) Impact fee credits for the proportionate fair-share contribution will be determined when the transportation impact fee obligation is calculated for the proposed development. Impact fees owed by the applicant will be reduced per the proportionate fair-share agreement as they

become due per the impact fee section of section 41.6 of the Land Development Code. If the applicant's proportionate fair-share obligation is less than the development's anticipated road impact fee for the specific stage or phase of development under review, then the applicant or its successor must pay the remaining impact fee amount to the city.

(e) Proportionate fair-share agreements.

- (1) Upon execution of a proportionate fair-share agreement, the applicant shall receive transportation concurrency approval or functional equivalent. Should the applicant fail to apply for a development permit in accordance with section 29.4(1), then the agreement shall be considered null and void, and the applicant shall be required to reapply.
- (2) Payment of the proportionate fair-share contribution is due in full prior to issuance of the final development order or recording of the final plat and shall be non-refundable. If the payment is submitted more than 12 months from the date of execution of the agreement, then the proportionate fair-share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to section 29.11(c) and adjusted accordingly.
- (3) All proportionate fair share mitigation improvements authorized under this subsection must be completed prior to issuance of a development permit, or as otherwise established in a binding agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. It is the intent of this subsection that any required improvements be completed before issuance of building permits or certificates of occupancy.
- (4) Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to issuance of the final development order or recording of the final plat.
- (5) Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.
- (6) Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement.
- (7) The city may enter into proportionate fair-share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.

(f) Appropriation of fair-share revenues.

- (1) Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the CIE, or as otherwise established in the terms of the proportionate fair-share agreement. Proportionate fair-share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair-share revenues were derived. Proportionate fair-share revenues may also be used as the 50 percent local match for funding under the FDOT Transportation Regional Incentive Program (TRIP).
- (2) In the event a scheduled proportionate fair share improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within the same corridor or planning sector that would mitigate the impacts of development pursuant to the requirements of section 29.11(a)(2)b.
- (3) Where an impacted facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan ~~as provided in F.S. § 339.155~~, the city may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share contributions and public contributions to seek funding for improving the impacted regional facility under the FDOT TRIP. Such coordination shall be ratified by the city through an interlocal

agreement that establishes a procedure for earmarking the developer contributions for this purpose.

- (4) Where an applicant constructs a transportation facility that exceeds their proportionate fair-share obligation calculated under section 29.11(c)(7), the city shall reimburse them for the excess contribution using one or more of the following methods:

- a. An impact fee credit account may be established for the applicant in the amount of the excess contribution, a portion or all of which may be assigned and reassigned under the terms and conditions acceptable to the city.
- b. An account may be established for the applicant for the purpose of reimbursing the applicant for the excess contribution with proportionate fair-share payments from future applicants on the facility.
- c. The city may compensate the applicant for the excess contribution through payment or some combination of means acceptable to the city and the applicant.

(g) Cross jurisdictional impacts.

- (1) In the interest of intergovernmental coordination and to reflect the shared responsibilities for managing development and concurrency, the city may enter into an agreement with one or more adjacent local governments to address cross jurisdictional impacts of development on multi-jurisdictional transportation facilities. The agreement shall provide for application of the methodology in this subsection to address the cross jurisdictional transportation impacts of development.

- (2) A development application submitted subject to transportation concurrency requirements and meeting all of the criteria listed below shall be subject to this subsection.

- a. All or part of the proposed development is located within an area or corridor designated by an adjacent local government where development projects are subject to transportation concurrency requirements in accordance with their respective land development codes.
- b. If the additional traffic from the proposed development would use five percent or more of the adopted peak hour LOS maximum service volume of a multi-jurisdictional transportation facility within the concurrency jurisdiction of the adjacent local government ("impacted multi-jurisdictional facility").
- c. The impacted multi-jurisdictional facility is projected to be operating below the level of service standard, adopted by the adjacent local government, when the traffic from the proposed development is included.

- (3) Upon identification of an impacted multi-jurisdictional facility ~~pursuant to section 29.11(g)(2)(a)~~, the city shall notify the applicant and the affected adjacent local government in writing of the opportunity to derive an additional proportionate fair-share contribution, based on the projected impacts of the proposed development on the impacted adjacent facility.

- (4) The adjacent local government shall have up to 90 days in which to notify the city of a proposed specific proportionate fair-share obligation, and the intended use of the funds when received. The adjacent local government must provide reasonable justification that both the amount of the payment and its intended use comply with the requirements of F.S. § 163.3180 ~~(16)~~. Should the adjacent local government decline proportionate fair-share mitigation under this subsection, then the provisions of this subsection would not apply and the applicant would be subject only to the proportionate fair share requirements of the city.

- (5) If the subject application is subsequently approved by the city, the approval shall include a condition that the applicant provides, prior to the issuance of any building permit covered by that application, evidence that the proportionate fair-share obligation to the adjacent local government has been satisfied.

~~Sec. 29.13. — Specific regulations and procedures for school concurrency.~~

- ~~(a) Purpose and intent. The purpose of school concurrency is to assure that there is available capacity for the anticipated students in each concurrency service area where residential units are created at the time those students need to go to school.~~
- ~~(b) Application for school concurrency review. The development tracking system is accessed by the city when an application for school concurrency review ("application") is submitted to the city. A city representative shall then ascertain the completeness of the documentation, in a timely manner, to ensure that the required information is sufficient to accept the application for school concurrency review.~~
- ~~(c) Review of application.~~
- ~~(1) When the application has been accepted, it shall be processed and reviewed in accordance with procedures adopted in subsection 29.13(d).~~
- ~~(2) If the application is not reviewable as submitted, then the application shall be returned to the property owner or representative clearly stating what the deficiencies are and why the application cannot be further reviewed.~~
- ~~(d) School concurrency applied.~~
- ~~(1) When the review process for an application is initiated, the city shall consider the most current adjusted information on available capacity provided by the county. If this information reveals that there is available capacity within each of the concurrency service areas where the proposed residential approval would be located, then the city shall proceed under subsections (2)a-d. below. If the information reveals that there is not available capacity within a concurrency service area where the proposed residential approval would be located, then a school concurrency application shall be submitted by the city to the school district and the county for all residential approval, regardless of size, and shall proceed under subsection (2)e. below.~~
- ~~(2) Development review process.~~
- ~~a. The city is authorized to issue a school concurrency approval for a residential site plan or final subdivision approval of less than 25 dwelling units without submitting a school concurrency application to the school district.~~
- ~~b. A school concurrency application for residential site plans or residential final subdivisions of 25 dwelling units or greater shall be submitted by the city to the school district and the county on a form provided by the school district.~~
- ~~c. Within 25 days of receipt from the city of a completed school concurrency application, the school district will review the application and shall render a school concurrency determination stating whether there is available capacity for all types of schools to accommodate the estimated number of students that would be generated by the proposed residential approval and maintain the adopted level of service standard. The school district may request assistance from the county in reviewing applications.~~
- ~~d. If the school district determines that there is available capacity within the concurrency service areas where the proposed residential approval would be located, then an adequate level of service would be provided within the concurrency service areas and the residential approval shall be issued a school concurrency approval by the city.~~
- ~~e. If the school district determines that there is not available capacity within an affected concurrency service area and the adopted level of service standard would be exceeded, then the school district shall consider whether there is available capacity in the contiguous concurrency service area(s).~~
- ~~1. If the school district determines that, in the aggregate, there is available capacity in the contiguous concurrency service area(s) to accommodate the estimated number of students from the proposed residential approval, then an adequate level of service~~

~~would be provided and the residential approval shall be issued a school concurrency approval by the city.~~

- ~~2. If the school district determines that, in the aggregate, there is not available capacity in the contiguous concurrency service area(s) to accommodate the estimated number of students from the proposed residential approval, then an adequate level of service would not be provided for that type of school and the residential approval shall not be issued a school concurrency approval by the city.~~
- ~~3. If the school district determines that, in the aggregate there is not available capacity, then within 25 days after receiving the completed school concurrency application from the city, the school district shall identify the required proportionate share mitigation and recommend acceptable form(s) of mitigation in writing to the city and the applicant.~~
- ~~4. When the school district determines that there is not adequate capacity for a residential approval, then the city may only issue a school concurrency approval after the execution of a legally binding development mitigation agreement between the applicant, the city, and the school board.~~

~~(3) The city shall provide documentation of all school concurrency approvals to the county within 30 days of issuance.~~

~~(4) Continued validity of a school concurrency approval: A school concurrency approval shall be valid for purposes of the issuance of development orders or permits for 12 months from the date of issuance by the city. If the developer has not begun construction within 12 months of issuance of the development order, then the approval shall expire and the developer shall re-apply for school concurrency approval.~~

~~(d) Mitigation.~~

~~(1) If capacity is not available, the applicant may choose to satisfy the public school facilities concurrency requirements of the city by making a proportionate fair share contribution, pursuant to the following requirements:~~

~~a. Acceptable forms of mitigation may include, without limitation, the following:~~

- ~~1. Contribution of land;~~
- ~~2. The construction of public school facility;~~
- ~~3. Expansion of an existing public school facility;~~
- ~~4. Payment for land acquisition or the expansion or construction of a public school facility;~~
- ~~5. The creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits;~~
- ~~6. Charter schools will be recognized as public school facilities and will serve to expand the capacity of the school district. Charter schools are a potential option for mitigating the impact that new residential approvals may have on public school facilities.~~

~~b. The following standards shall apply to any mitigation required by the school district:~~

- ~~1. Proposed mitigation must be directed toward a permanent school capacity improvement identified in the five-year work program, with the exception of charter schools, that satisfies the estimated demands created by the proposed residential approval;~~
- ~~2. Relocatable classrooms will not be accepted as mitigation;~~
- ~~3. Mitigation shall be proportionate to the demand for public school facilities estimated to be created by the proposed residential approval;~~

~~c. The proportionate share mitigation amount shall be calculated using the following formula for each school level: Multiply the number of additional new student stations required for mitigation of the estimated demand for public school facilities created by the proposed residential approval by the average cost per student station using the actual construction cost being experienced by the school district for student stations at the time when proportionate share mitigation is accepted plus the inclusion of land costs, if any.~~

~~d. Development mitigation agreement.~~

~~1. The development mitigation agreement shall provide for the required mitigation to mitigate the impacts of the proposed development on public school facilities.~~

~~2. Upon notification by the school district that a proposed development project is subject to public school facilities concurrency regulations and is eligible to participate in the proportionate share program, the applicant and the city shall be notified within 21 days in writing of such during the site plan review process.~~

~~3. In order to move forward in the development process, if the applicant chooses to exercise this concurrency option, a meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. The applicant and the school district shall attempt to negotiate a development mitigation agreement which shall provide for the required mitigation to mitigate the impacts of the proposed development on public school facilities. The city shall be a party to this agreement.~~

~~4. After a mitigation project is identified and agreed upon by the applicant and the school district, a development mitigation agreement will be prepared by the applicant with direction from the school district. The final agreement, after approval by the school board, will become a part of the final site plan submittal. Final approval of the site plan and agreement rests with the city manager or his/her designee. If the applicant and the school board are unable to agree on an acceptable form of mitigation, the conflict resolution provision provided in Section 14 of the Public Schools Interlocal Agreement may be utilized.~~

~~5. The development mitigation agreement shall include the applicant's commitment to continue to renew the development mitigation agreement until the mitigation is completed as determined by the school board or as determined through the conflict resolution procedures provided for in Section 14 of the Public Schools Interlocal Agreement, if applicable.~~

~~6. Upon execution of a development mitigation agreement, the applicant shall receive public school facilities concurrency approval or functional equivalent.~~

~~7. If the applicant chooses to not continue with their project, the applicant may submit a letter to the school district to withdraw from the development mitigation agreement at any time prior to the execution of the agreement.~~

~~8. A development mitigation agreement can be amended or cancelled by mutual consent of the parties to the agreement or by their successors in interest.~~

~~e. Cross-jurisdictional impacts.~~

~~1. In the interest of intergovernmental coordination and to reflect the shared responsibilities for managing development and concurrency, the city will notify the other local government in writing if the proposed mitigation is located in a different jurisdiction, and allow the opportunity for the other local government to comment on mitigation proposals.~~

~~(e) Vesting. For the purposes of meeting the level-of-service standard, residential approvals, development orders, and permits approved for any property prior to the effective date of this ordinance shall be vested and shall not require a school concurrency approval.~~

~~_(f) Credits:~~

- ~~(1) After the effective date, any property with existing dwelling units that are demolished or destroyed shall receive a credit for the estimated number of students generated from existing dwelling units. Credits may not be transferred to another property but may be used on abutting property if part of the same residential approval. The applicant will be required to provide proof of such existing uses in a form acceptable to the city manager or his/her designee.~~
- ~~(2) The application of credits for public school capacity attributable to the number of student seats generated by a previous and existing on-site residential use may be used for a new residential approval, in the place of the capacity which would be generated by the new residential approval, in perpetuity from the effective date.~~

~~_(g) Modifications to site plans:~~

- ~~(1) Minor modifications may be made to an already submitted site plan. A minor modification will not result in any extension to the validity time frame associated with a school concurrency approval issued for the initial site plan, and will not justify the issuance of a new school concurrency approval. Modifications in demand on available capacity will be reflected in the development tracking system. If the city manager determines that such modifications do not constitute a minor change from the original site plan, as described in section 5.1 of the Land Development Code, submittal of a new site plan will be required. In such instances, the school concurrency approval issued for the original site plan submittal will no longer be valid, and the new site plan will be subject to the school concurrency review.~~

~~_(h) Review and appeals:~~

- ~~(1) The review and appeal of a school concurrency determination issued by the city will be carried out in accordance with section 3.14 of the LDC.~~

~~_(i) School capacity and level of service report:~~

- ~~(1) Each year, the school district shall prepare a school capacity and level of service report (the "report") to calculate the existing level of service and the available capacity within each concurrency service area.~~
- ~~(2) Available capacity shall include the school facilities that will be in place or under construction within three years, according to the five year work program and shall be calculated based on the following formula:~~
$$\frac{\text{Available Capacity}}{[\text{FISH School Capacity} + \text{Additional Capacity}] - [\text{Enrollment} + \text{Vested Students}]} =$$
- ~~(3) The county shall be notified by the local governments when new dwelling units have received certificates of occupancy and when the school concurrency approval for a residential approval has expired. The county shall provide this information to the school district for inclusion in the annual report.~~

29.13 concurrency Monitoring System

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

- a) All changes in zoning districts.

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- b) A summary of all building permits
- c) A summary of all demolition permits
- d) Summary of all certificates of occupancy
- e) A summary of systems and the impacts incurred.

Compliance with the City's existing Levels of Service will be calculated and capacity reserved at the time of final action of an approved site plan or building permit if no site plan is required. If no site plan is required, or an enforceable Developers Agreement then capacity shall be reserved at the time of final action. Capacity reservation shall be valid for 18 months. If construction is not initiated during this period, the reservation shall be terminated.

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