



PLANNING BOARD MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

September 18, 2017
4:00

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. Approval of Minutes**
 - 4. Agenda Items**
- Planning Board Adjourns and Re-convenes as the LPA**

- a. Ordinance 2017-21 for CPA 02-17** – An Ordinance of the City of St. Pete Beach codifying the Comprehensive Plan Land Use Change at 702 Pass-a-Grille Way from ROR/PAG to CRD-EA.

- b. ORDINANCE 2017-22** – An Ordinance of the City of St. Pete Beach providing for a zoning map change for the property located at 702 Pass-a-Grille Way from ROR/PAG to CRD-EA.

LPA Adjourns and Re-convenes as the Planning Board

- c. ORDINANCE 2017-17** – An Ordinance of the City of St. Pete Beach amending the Land Development Code to provide for changes to intensity of electronic message board signs and to provide clarification for off-site signage.
- d. ORDINANCE 2017-23** – An Ordinance of the City of St. Pete Beach amending Chapter 86-148 – 86-149 of the Code of Ordinances, pertaining to Fats, Oils, and Grease (FOG).
- e. ORDINANCE 2017-24** – An Ordinance of the City of St. Pete Beach amending Sections 26-32 and 26-33 of the Code of Ordinances, pertaining to Special Events.
- f. Discussion of Planning Board Meeting Dates**
- g. Discussion of Comprehensive Planning**

5. Adjournment

APPEAL

APPEAL: Florida Statutes 286.0105 Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that, 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.

AMERICANS WITH DISABILITIES ACT: Florida Statutes 286.26. Accessibility of public meetings to the physically handicapped. In accordance with the Americans with Disabilities Act and Florida Statutes, persons needing special accommodations to participate in a meeting should contact City Hall at (727) 367-2735 no later than forty-eight (48) hours prior to the meeting for assistance.

Electronic media must be submitted a minimum of 24 hours in advance to cityclerk@stpetebeach.org

The public is cordially invited to attend.

All agenda material is available for review at City Hall.

PLANNING BOARD MINUTES

AUGUST 15, 2017

4:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Tiffany Secka, Chairwoman
Marvin Shavlan, Vice Chairman
Doug Izzo, Member
Jack Ohlhaber, Member

ABSENT:

Kristin Bell, Member

ALSO PRESENT:

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

1. Changes to the Agenda

Ms. Bryla requested to pull Item No. 4.a., Ordinance 2017-17, from the agenda due to an error in the description and to hear it at another time.

Ms. Bryla asked the board members for availabilities to meet on another date rather than September 19th, 2017 due to the length of the agenda and the City Commission meeting beginning at 6:00 p.m. Chairwoman Secka asked Ms. Bryla to follow up with an alternative date to meet.

2. Audience Comments

There were no audience comments.

3. Approval of Minutes (June, July)

- Minutes for Acceptance: June 27, 2017

Member Ohlhaber made a motion to approve the June 27, 2017 meeting minutes. The motion was seconded by Vice Chair Shavlan and unanimously approved by a roll call vote (4 yeses – 0 nos).

- Minutes for Acceptance: July 17, 2017

Vice Chair Shavlan made a motion to approve the July 17, 2017 meeting minutes. The motion was seconded by Member Ohlhaber and unanimously approved by a roll call vote (4 yeses – 0 nos).

4. Agenda Items

a. Ordinance 2017-17

This item was pulled from the agenda during Item No. 1, “Changes to the Agenda.”

b. Discussion of Comprehensive Planning

Ms. Bryla reviewed and distributed a document entitled “The 2017 Florida Statutes, County Organization and Intergovernmental Relations; 163.3167 Scope of act; 163.3174, Local planning agency; 163.3177, Required and optional elements of Comprehensive Plan; studies and surveys” and a Table of Contents page entitled “Comprehensive Plan of the City of St. Pete Beach Florida, Supplement History Table” with the Planning Board.

There was board discussion in regard to the Comprehensive Plan, and it was a consensus of the board to review the Comprehensive Plan by sections during the Planning Board meetings and to dedicate approximately 30 minutes to an hour for the discussion.

The members were polled to attempt to re-schedule the next Planning Board meeting. It was tentatively set for September 18, 2017 at 4:00 p.m. Ms. Bryla will follow up with the members to confirm the date and time of the next meeting.

5. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 5:00 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Tiffany Secka, Chairwoman

Minutes approved on: _____



St. Pete Beach Local Planning Agency

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

9/18/17

CPA #02-17

Applicant/Agent

David Feinberg, Owner/
Applicant

Location

702 Pass-a-Grille Way

Commission District

District 4

Staff Representative

Jennifer Bryla, AICP

Related Cases

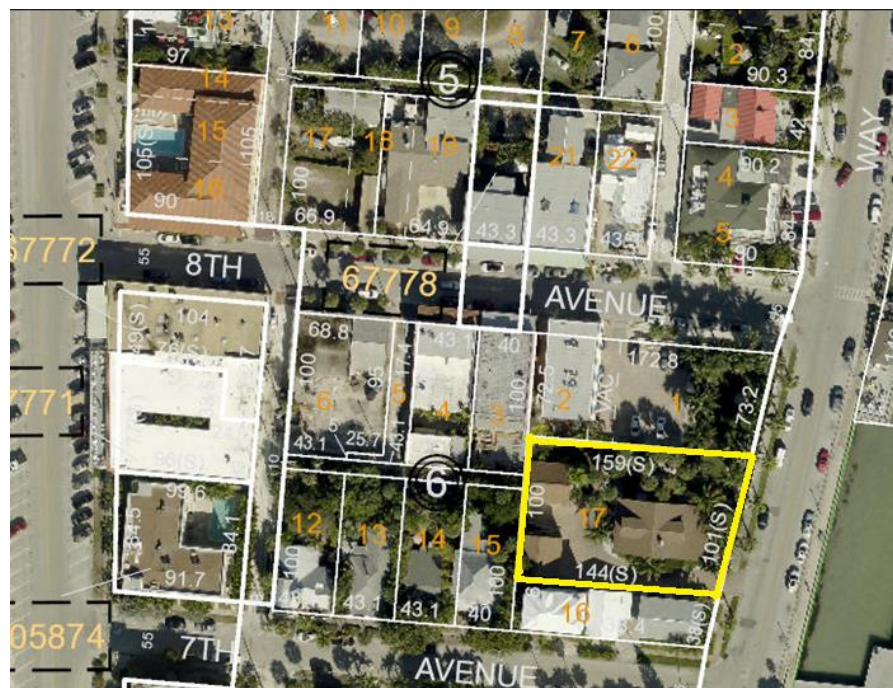
ORD 2017-22

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 Countywide Plan Rules.
3. The proposed application is consistent with the intent of the Goals and Objectives of the St. Pete Beach Comprehensive Plan.

ITEM SUMMARY



The Applicant is requesting an amendment to the Future Land Use Map from Residential/Office/Retail (ROR) to Community Redevelopment Area-Eighth Avenue (CRD-EA) in order facilitate future development. In a related case, the applicant is also requesting a Zoning Map amendment from Residential/Office/Retail with Pass-a-Grille Overlay (ROR-PAG) to Community Redevelopment Area-Eighth Avenue for consistency with the Comprehensive Plan amendment. Should the Comp Plan amendment not move forward, the zoning map change will also not move forward as the two are traveling together.

PUBLIC NOTICE

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

TRC Review:

8/2/17

Comments incorporated into analysis.**Planning Board Review:**

9/18/17 anticipated.

City Commission Review:

10/10/17 Transmittal anticipated.

Staff**Recommendation**

Approval as presented.

PROJECT DESCRIPTION / BACKGROUND

This 14,481 square foot (.33 Acre) parcel has a Residential/Office/Retail (ROR) City and a Retail and Services (R&S) County-wide land use designation. It is adjacent to ROR(R&S) to the south and Pass-a-Grille Way to the east. The subject parcel is abutted on the north and west sides by the City Community Redevelopment-Eighth Avenue (CRD-EA) and Countywide Activity Center (AC) land use categories. It is adjacent to another parcel owned by the applicant, 102 Eighth Avenue, which is in the CRD-EA category and is temporarily used for greenspace and parking. Currently, the subject parcel has a single family residence, a detached garage and a second detached garage with an apartment on the second floor. All three structures are considered contributing structures to the District. The applicant intends for the two detached garages to remain on the lot intact. The applicant is in the process of relocating the single family home to another lot in Pass-a-Grille. Should the two lots in joint ownership be combined, the .54 acreage resulting would be greatly suited to redevelopment, and in keeping with the land assembly policies of the Comprehensive Plan.

JUSTIFICATION / TECHNICAL REVIEW

1. Consistency with the City of St. Pete Beach Comprehensive Plan

FUTURE LAND USE ELEMENT

Quality Community- Planning to Stay (General Provisions)

...

(c) Citywide Land Use Goals, Objectives and Policies. In furtherance of the overall goals, objectives, and policies contained in the Comprehensive Plan, the land use categories and their descriptions beginning on the next page, are hereby adopted for the purpose of serving as the guide for the City of St. Pete Beach in continuing its heritage of quality residential living complemented by resort facilities that support a tourist-based economy by creating a vision for the City's future that ensures that the City will remain a desirable place to live and visit that includes overall quality land management and emphasis on strict management of redevelopment in designated strategic core areas of the City.

Analysis: The proposed Plan amendment is consistent with and will further these provisions by leaving the door to redevelopment open to and supportive of both quality residential living and the tourist-based economy.

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.**

Objective 2.1

The integrity and quality of life throughout the City, including existing residential neighborhoods, as well as core commercial and resort areas, will be maintained through the enforcement of the land development regulations and shall be encouraged to be improved, and for those properties experiencing blighting conditions such as deterioration, degradation and distress shall be encouraged to redevelop through the use of land development regulations and other incentives, in accordance with the Future Land Use Element.

Policy 2.1.14

The City shall adopt land development regulations that encourage parcel assembly to remedy defective or inadequate street layout and parking facilities; improve traffic flow on roadways; faulty site design layout and inadequate buffering, open space and drainage in relation to size, adequacy, usefulness; unsanitary or unsafe conditions; deterioration of a site or other improvements; inadequate and outdated building patterns.

Analysis: The proposed land use designation will maintain the integrity and quality of life in the Pass-a-Grille neighborhood of the City while encouraging the assembly of a lot of sufficient size to enable quality redevelopment. The mixed use nature of the proposed designation will support redevelopment of residential, commercial and transient accommodation uses.

Objective 2.4

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

Policy 2.4.3

The City shall, while emphasizing residential uses in residential neighborhoods, encourage the creative redevelopment of non-viable properties by allowing for a mixture of compatible residential and non-residential uses within a single development site.

Analysis: The proposed Plan amendment is consistent with and will further these provisions by providing the means through which an orderly and aesthetic mixture of land uses can occur on a single development site.

TRANSPORTATION ELEMENT

GOAL 1:

Provide for a safe, convenient and energy efficient multimodal transportation system shall be available for all residents and visitors to the city, that serves to increase mobility, reduce the incidence of single-occupant vehicles

and efficiently utilize roadway capacity.

Objective 1.1

In accordance with this Comprehensive Plan, as amended, the operational Level of Service (LOS) D peak hour shall be the minimum standard for all arterial and collector roads within the City.

Policy 1.1.1

The City shall review all proposed development or redevelopment for consistency with this element and any potential impacts upon the adopted LOS standards.

Policy 1.1.2

All new development and redevelopment proposals shall be reviewed under the City's Mobility Management System through the application of Transportation Element policies and site plan review processes. Such policies are listed below:

All development projects generating new trips shall be subject to payment of a multimodal impact fee.

- a. Development projects that generate between 51 and 300 new peak hour trips are designated as Tier 1.**
 - i. Developers of Tier 1 projects located within deficient road corridors are required to submit a transportation management plan designed to address their impacts while increasing mobility and reducing the demand for single occupant vehicle travel.**
 - ii. The cost of transportation management strategies implemented for Tier 1 projects are creditable toward their multimodal impact fee assessment. If the cost of the improvement exceeds the assessment, the development project would not be subject to the payment of a multimodal impact fee.**
- b. Development projects that generate more than 300 new peak hour trips are designated as Tier 2.**
 - i. Developers of Tier 2 projects within deficient road corridors are required to conduct a traffic study and submit an accompanying report. The report shall include the results of the traffic study and a transportation management plan identifying improvements necessary to address the impacts of the project.**
 - ii. The cost of transportation management strategies implemented for Tier 2 projects may be applied as credit toward the project's multimodal impact fee assessment or payment of the fee could be included as part of a transportation management plan.**

Policy 1.1.3

The City shall assess new development or redevelopment an

equitable pro rata share of the costs to provide road-way improvements to serve the development or redevelopment, as established by the Pinellas County impact fee schedule.

Analysis: The proposed Plan amendment will be subject to the Multimodal Impact Fee as described above. According to the Countywide Rules, the standard for calculating typical traffic impacts for the current land use category (ROR/R&S) shall be 433 trips per day per acre, and shall be 202 trips per day per acre for the proposed land use category (CRD-EA/AC). Since the subject parcel is 0.33 acres, the proposed designation would result in 76 fewer trips per day than the current designation, thus having a lesser impact on the traffic circulation system than if the site were to redevelop under the current designation.

INFRASTRUCTURE PLAN ELEMENT

GOAL 1:

The City shall ensure that needed sanitary sewer, solid waste and potable water services be provided by a safe and efficient system which maintains adequate facilities and provides for orderly growth and expansion.

Objective 1.1

The City of St. Pete Beach shall continue to implement procedures, in cooperation with its sewage, solid waste and potable water system providers to ensure that development permits are issued only when adequate facility capacity is available to serve the development.

Policy 1.1.1

Level of service standards shall be:

Facility	Level of Service Standard
Sanitary Sewer	149.4 gallons per day per capita
Solid Waste	1.3 tons per person per day
Potable Water	120 gallons per day per capita

Policy 1.1.3

The City shall maintain formal agreements with Pinellas County to provide potable and reclaimed water, with the City of St. Petersburg to provide sewage treatment, and with a qualified private company to provide solid waste services consistent with the City's adopted levels of service

Policy 1.1.4

Prior to the issuance of a building permit for future development and/or redevelopment activities, the City shall consult with Pinellas County Utilities to ensure that adequate potable water supplies and facilities will be available by the anticipated issuance date of the certificate of occupancy.

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.

GOAL 2: An efficient Master Drainage system which protects human life, minimizes property damage, and improves storm water quality and on-site retention shall be provided.

Objective 2.1

In accordance with this plan, the St. Pete Beach's land development regulations shall include provisions for requiring compliance with the master drainage plan.

Policy 2.1.1

The St. Pete Beach's master drainage plan shall require new development to meet the design requirements (level of service) of the 25-year frequency, 24- hour storm event. Post development runoff shall not exceed pre-development drainage peak discharge rates.

Policy 2.1.6

In support of the master drainage plan, the land development regulations shall contain provisions which, at a minimum, protect natural drainage features found within the City as follows:

- The flood -carrying and flood storage capacity of the 100-year flood plain shall be maintained;
- The prevention of erosion, retardation of runoff and protection of natural functions and values of the flood plain be considered while promoting public usage; and
- The City shall require development or development proposals to be consistent with the performance standards regulating development within the designated flood plain.

Objective 2.2

Establishment of a level of service for drainage.

Policy 2.2.1

Drainage Level of Service: Drainage facilities shall accommodate the twenty-five (25) year, twenty-four (24) hour storm event. Unless the City provides a community-wide stormwater facility or utility, retention must be on-site and accommodate the greater of (a) the first one-half (1/2) inch of stormwater within the boundaries of the project or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces and parking areas. The project must also provide detention for all storm flows. Detention must prevent

peak flows after development from exceeding the peak flow prior to development. All drainage facilities shall meet all applicable local, State and federal water quality standards.

Policy 2.2.2

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.

Policy 2.2.3

The following stormwater management techniques shall be used: Regular maintenance of retention swales adjacent to City roadways. Use of front, rear and side lot line swales in new development. Use of erosion and runoff control devices during construction; Where necessary, the City shall consider construction of drainage retention areas in the public right-of-way; and Where existing waterways are not sea-walled, native marine vegetation shall be used for shoreline stabilization where technically feasible.

Policy 2.2.5

In accordance with the water quality standards established by sections 62-301 and 62-4, Florida Administrative Code, the City shall regulate storm water discharge.

Analysis: While no project is proposed for this parcel at this time, any project will be subject to the above goals, objectives and policies. Sanitary and stormwater capacity for the City is currently being improved. Solid waste removal will be by a private provider, and potable water, provided through an agreement with Pinellas County, is available to the site. In keeping with the Comprehensive Plan and directive of the City Commission, no development will be permitted on the site without adequate infrastructure in place prior to or concurrent to support such development.

CAPITAL IMPROVEMENTS ELEMENT

GOAL 1:

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

Objective 1.3

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

Policy 1.3.4

The City shall issue development permits only when required capital facilities are present or will be available

concurrent with the impact of development. All new development and redevelopment proposals shall be reviewed under the City's Concurrency Management System Ordinance to ensure the level of service standards established in this element shall be maintained.

Policy 1.3.6

The adopted levels of service for public facilities within the jurisdiction of the City of St. Pete Beach shall be those adopted in the other elements of the comprehensive plan.

Measure: Maintenance of Levels of Service

Analysis: Any development arising from the change in land use due to the proposed amendment will be subject to the above objective and policies and adherence to the provisions of the Land Development Code. In keeping with the Comprehensive Plan and directive of the City Commission, no development will be permitted on the site without adequate infrastructure in place prior to or concurrent to support such development

FUTURE LAND USE MAPS

(Information from the Mixed Use Land Use Categories has been consolidated into the following table.)

	ROR	CRD-EA
Use	Residential, Office, Light Commercial	Retail, Restaurant, Transient Lodging, Mixed Use
Residential Density	18	24
Transient Accommodations Density	30	50
FAR	0.40	1.0 Res, 1.5 Mixed
ISR	0.85	0.90

Analysis: As can be seen in the table, under the proposed change in land use category, the residential density could increase by 6 units per acre. Since the subject parcel is 0.33 acres, the increase could be 2 units, or de minimis. The density for transient accommodations could increase by 20 units per acre or 7 units under the proposed change. This potential density is consistent with the goals and objectives and policies of the Comprehensive Plan supporting City as a top tear transient destination.

Should the property develop as a transient accommodation, it must comply with the evacuation provisions of both the Land Development Code and the Comprehensive Plan. As discussed above, it is anticipated that redevelopment under the proposed designation would have a lesser impact on the traffic circulation system than redevelopment under the current designation. No development could proceed without infrastructure capacity adequate to serve the new development being in place prior to or concurrent with the development.

It should also be noted that the floor area ratio (FAR) could increase substantially due to this amendment, from 0.40 to 1.5 under a mixed used scenario. However, a FAR of 1.5 would be in keeping with the FAR, scale and massing of the existing buildings along

Eighth Avenue. The properties on the South side of 8th Avenue have an average FAR of 1.1 the North side of 8th has an average FAR of 0.7 and properties adjacent on Gulf Way have a 1.7 FAR. As such, the increased FAR would be appropriate for redevelopment of the site.

The proposed density is in keeping with the vision and goals expressed by Quality Community-Planning to Stay (General Provisions) as well as Land Use Element Goal 2, Objectives 2.1 and 2.4 and Policies 2.1.14 and 2.4.3 as discussed above.

2. Compatibility with Adjacent Uses

The subject parcel is currently adjacent to infrastructure (Pass-a-Grille Way) to the east and City designation ROR (Residential/Office/Retail) and Countywide designation R&S (Retail and Services) to the south. To the north and west is the City designation CRD-EA (Community Redevelopment Area-Eighth Avenue) and County-wide designation of AC (Activity Center). Should this request be approved, the adjacent designations would remain the same, and thus maintain their compatibility. In simplest terms, this single-parcel amendment would expand the CRD-EA/AC district and decrease the ROR/R&S district.

3. Consistency with Florida Statutes (F.S.)

The proposed Comprehensive Plan Amendment application will follow the requirements for comprehensive plan amendments as specified in ss. 163.3174 and ss.163.3184, F.S. The amendment will be heard by the Planning Board, acting as the Local Planning Agency, on September 18, 2017. Their recommendation for transmittal will be presented to the City Commission at their meeting of October 10, 2017. Upon approval by the City Commission, the item will be transmitted to the Florida Department of Economic Opportunity and other reviewing agencies as per state statutes.

STAFF RECOMMENDATION

Upon review of the Comprehensive Plan, staff is of the opinion that the proposed land use amendment meets the requirements and intent of the Comprehensive Plan. The amendment is also in keeping with generally accepted planning practices in that it does not create a “spot” designation, but allows enough land area in both designations to allow them to fulfill their respective purposes. Based on this analysis, staff is supportive of the change from ROR to CRD-EA.

ORDINANCE 2017-21

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, IMPLEMENTING AMENDMENT #02-17 OF THE COMPREHENSIVE PLAN OF THE CITY BY AMENDING THE FUTURE LAND USE PLAN MAP INCORPORATED THEREIN; PROVIDING FOR AMENDMENT OF THE FUTURE LAND USE PLAN MAP DESIGNATION OF THE PROPERTY GENERALLY LOCATED AT 702 PASS-A-GRILLE WAY, LOT 17, BLOCK 6, MOREY BEACH, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR A CHANGE IN THE DESIGNATION OF SAID PARCEL FROM RESIDENTIAL/OFFICE/RETAIL TO COMMUNITY REDEVELOPMENT DISTRICT-EIGHTH AVENUE ON THE CITY'S FUTURE LAND USE PLAN MAP; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City has received an application for the amendment of the Future Land Use Designation of the property described herein from the owners thereof; and

WHEREAS, the City's Planning Board sitting as the Local Planning Agency has reviewed this ordinance, found it to be consistent on September 18th, 2017 with the City's adopted comprehensive plan and has recommended approval to the City Commission; and

WHEREAS, the City Commission has found this ordinance to be consistent with the City's adopted comprehensive plan; and

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

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

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 Comprehensive Plan of the City of St. Pete Beach, Florida is hereby amended by amending the Future Land Use Plan Map incorporated therein by

changing the land use designation of the property generally located at 702 Pass-a-Grille Way, Lot 17, Block 6, Morey Beach, and more particularly described in Exhibit "A" attached hereto and made a part hereof, from Residential/Office/Retail to Community Redevelopment District-Eighth Avenue.

SECTION 3. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 6. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 7. Effective Date. This ordinance shall take effect immediately upon adoption.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

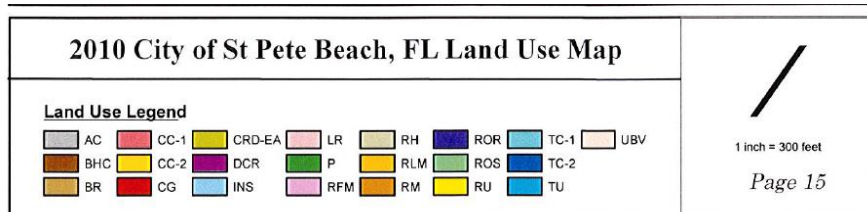
Alan Johnson, Mayor

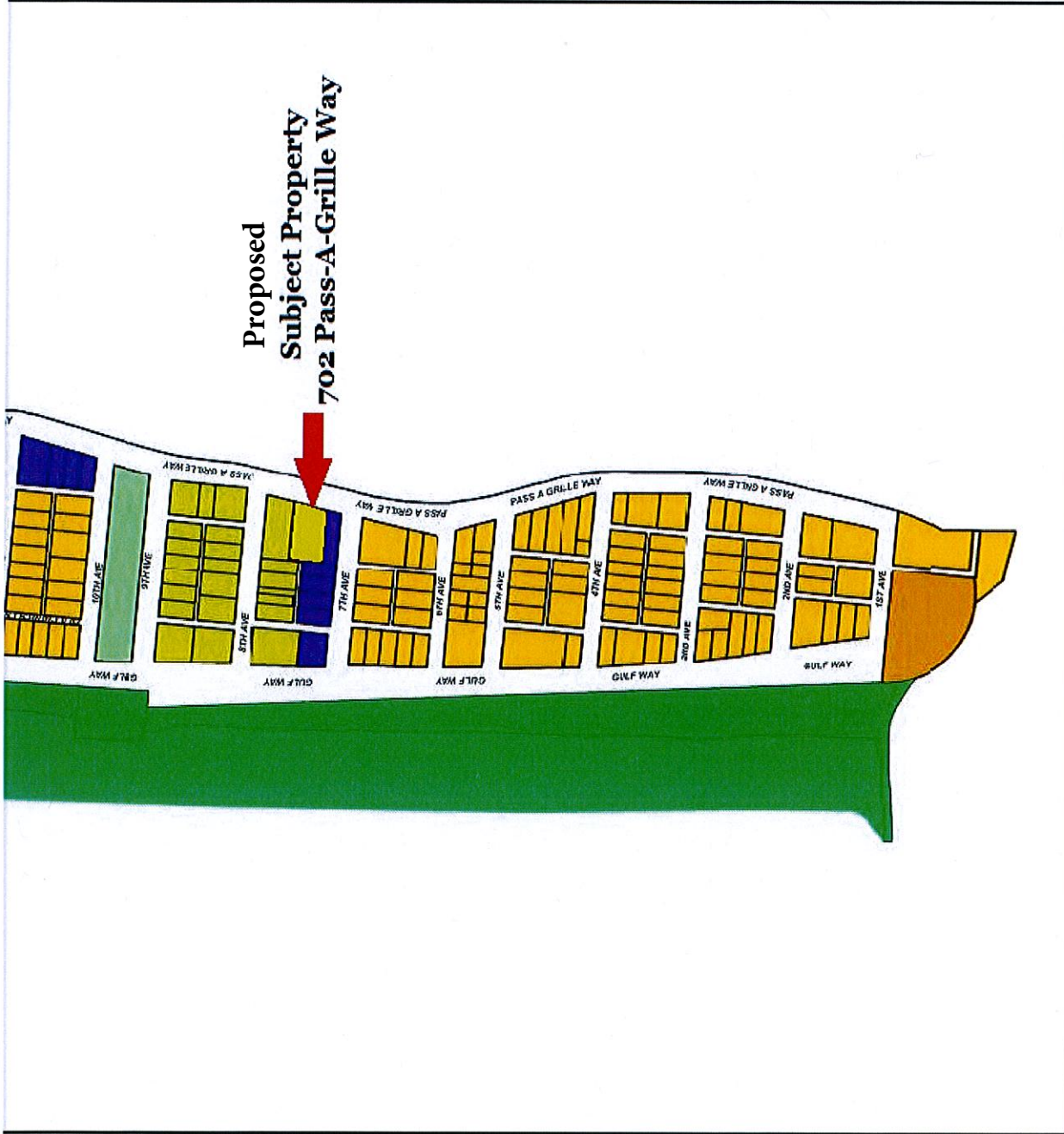
I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2017.

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

City Attorney
Andrew Dickman, Esq.





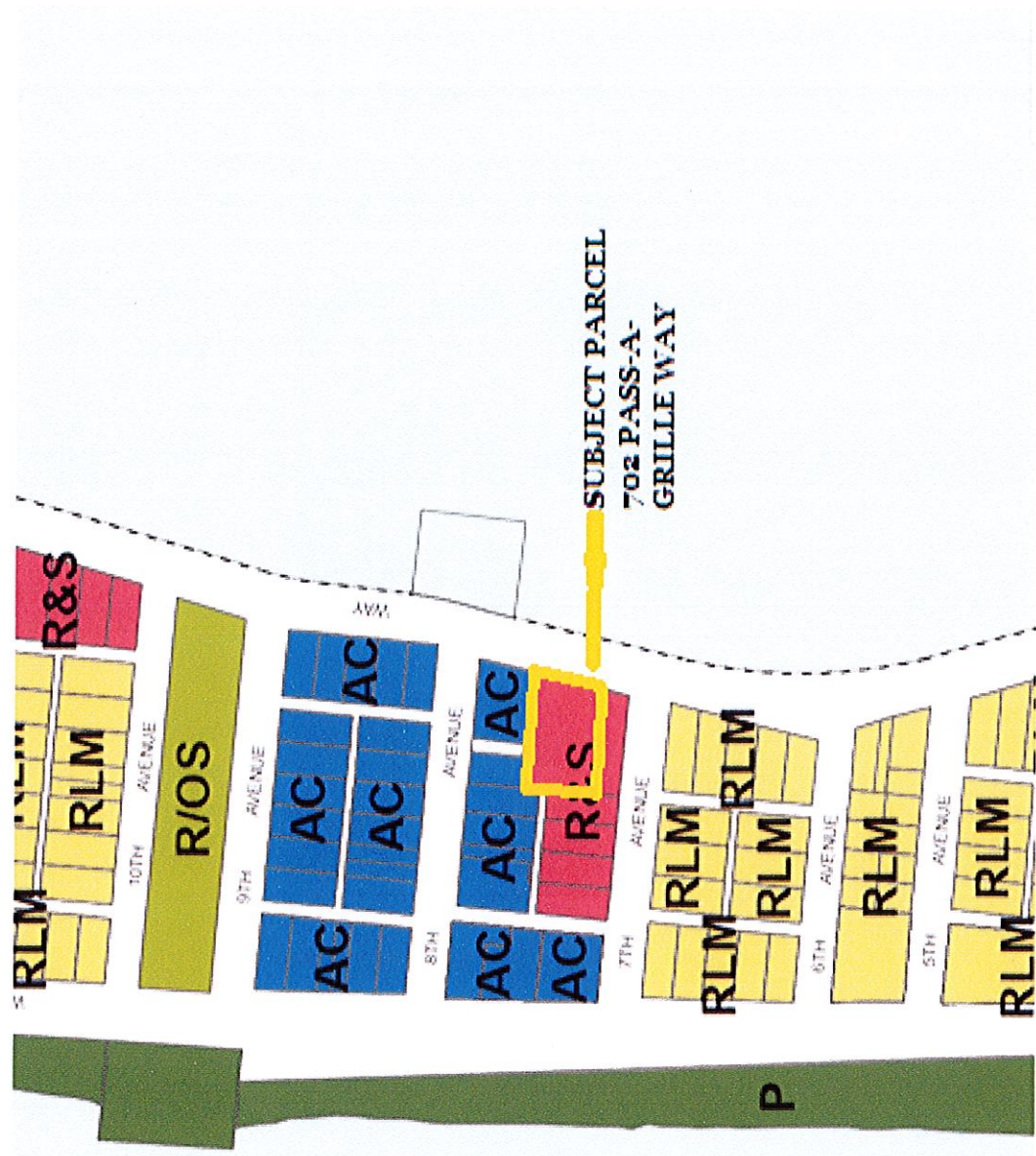
2010 City of St Pete Beach, FL Land Use Map

Land Use Legend

AC	CC-1	CRD-EA	LR	RH	UBV
BHC	CC-2	DCR	P	ROR	TC-1
BR	CG	INS	RFM	ROS	TC-2
				RU	TU

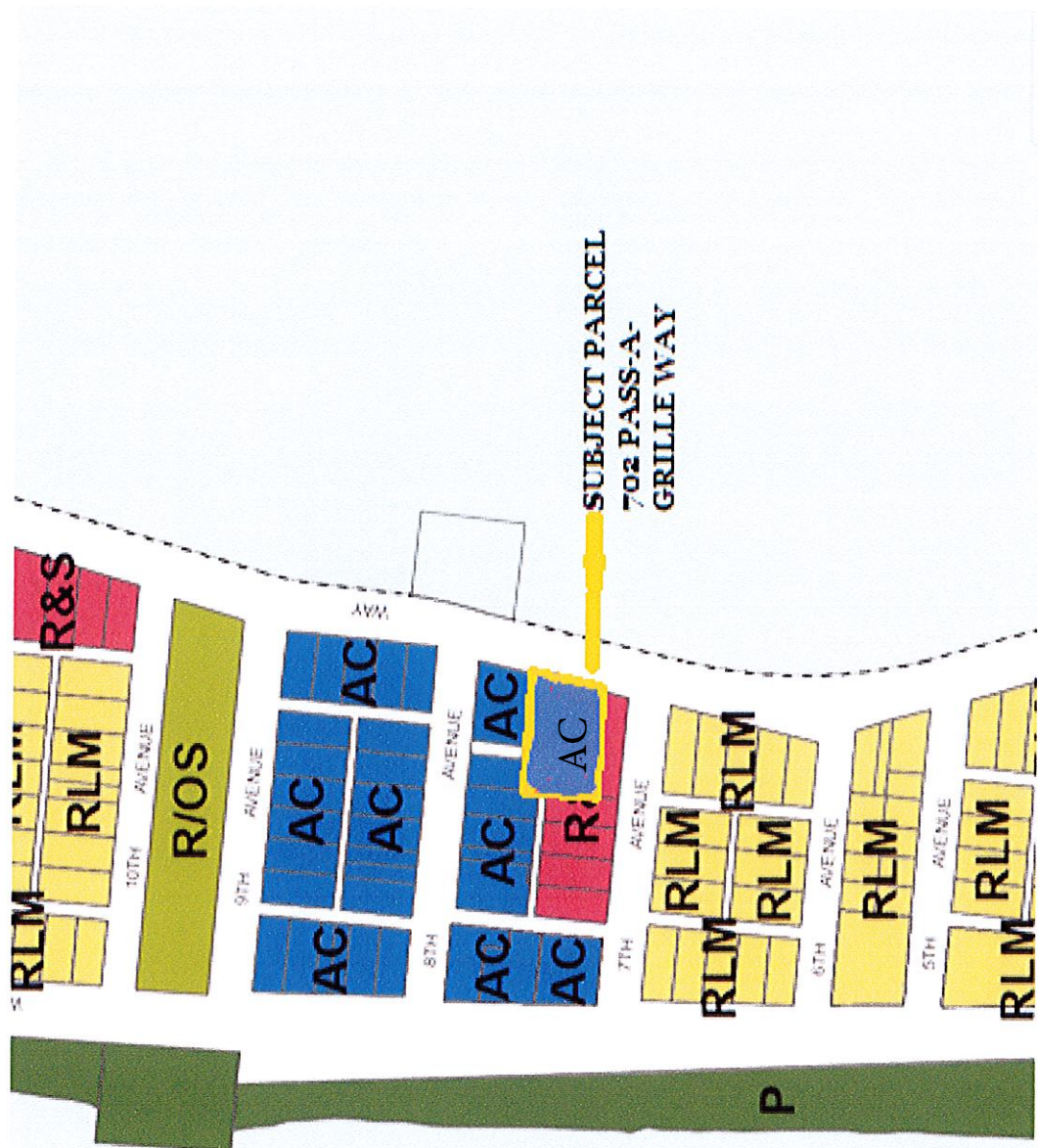
1 inch = 300 feet

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FUTURE LAND USE

County Wide Plan



PROPOSED FUTURE LAND USE

Countywide Plan



City of St. Pete Beach
Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706
727-367-2735
www.stpetebeach.org



APPLICATION FOR TEXT/MAP AMENDMENT

(Check appropriate boxes)

☐ Comprehensive Plan Text Amendment
☒ Future Land Use Map Amendment

☐ Land Development Code Text Amendment
☒ Zoning Map Amendment

Case Number: PLN 17-00014

SUBJECT PROPERTY (N/A for text amendments):

Legal

Description

LOT 17 BLOCK 6 MOREY BEACH

Address:

702 PASS-A-GRILLE WAY

Parcel ID:

19-32-16-58932-006-0170

Current

Proposed

Current

Proposed

Zoning

Zoning

FLUM

FLUM

Category:

ROR

Category:

CRD-EA

Category:

Category:

Lot area:

15,386 SQ FT

APPLICANT:

Name:

DAVID AND HELEN FEINBERG

Address:

2701 SUNSET WAY

City:

S.P. BEACH

State:

FL

City:

State:

Zip:

33706

Telephone:

727-643-6007

Zip:

Telephone:

EMAIL: DAVEFEINBERG@ME.COM

Text to be stricken and/or added (Add additional sheets if necessary):

APPLICATION FEES

Land Development Code Text change	\$800.00 plus direct mailing costs
Land Development Code Map change	\$2000 plus direct mailing costs
Comprehensive Plan Amendment (not in CRD) ●	\$2,500.00 plus direct mailing costs ✓
Comprehensive Plan Amendment (in CRD)	\$3,000.00 plus direct mailing costs

THE FOLLOWING ITEMS MUST BE INITIALED BY OWNER OR AGENT:

- ✓ I understand that the Planning Board's action is not final. It must be approved by the City Commission.
- ✓ I understand that any person aggrieved by the final decision has the right to file a petition in the Pinellas County Circuit Court within **30 days** after the Commission decision; otherwise, the decision shall be final.
- ✓ I understand that I, as the applicant, or an authorized representative must be present at all scheduled public meetings on the application.

X 
 Owner / Agent Signature



7-6-17
 Date

702 Pass-A-Grille Way

Future Land Use Change & Rezone Application (#17-00014)

Land Development Code Sec. 3.9. - Amendments to the comprehensive plan, future land use map, zoning map or this Code.

(b) *Amendments to the zoning map.* The city commission is hereby authorized to amend the zoning map in response to changing conditions or to changes to the St. Pete Beach Comprehensive Plan.

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

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

a. Whether the proposed change would be contrary to the land use plan and would have an adverse effect on the plan. The planning board and city commission shall review the request considering the most intense use permitted in the requested zone district;

No

b. Compatibility with adjacent properties and the existing land use pattern;

Yes

c. Possible creation of an isolated district unrelated to adjacent and nearby districts;

No

d. The population density pattern and increase in demand for public utilities or services, including potable water supply, sanitary sewer capacity, law enforcement or fire suppression;

Yes, once the completion of municipal sewer and sanitary capacity is completed.

e. Any increase in use of city infrastructure, including stormwater management facilities, streets and roads, water lines, sewer lines or lift stations;

No

f. Whether existing district boundaries are logically drawn in relation to existing conditions on the property proposed for change;

No would like to rezone and develop 702 and 102 8th Ave since our home will be moved and would like to dedicate it historic 1925 contributing.

g. Whether changed or changing conditions make the passage of the proposed amendment necessary;

Both changed and changing conditions make rezoning match the goal of Eighth Avenue

h. Whether the proposed change will adversely affect drainage.

No

i. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations;

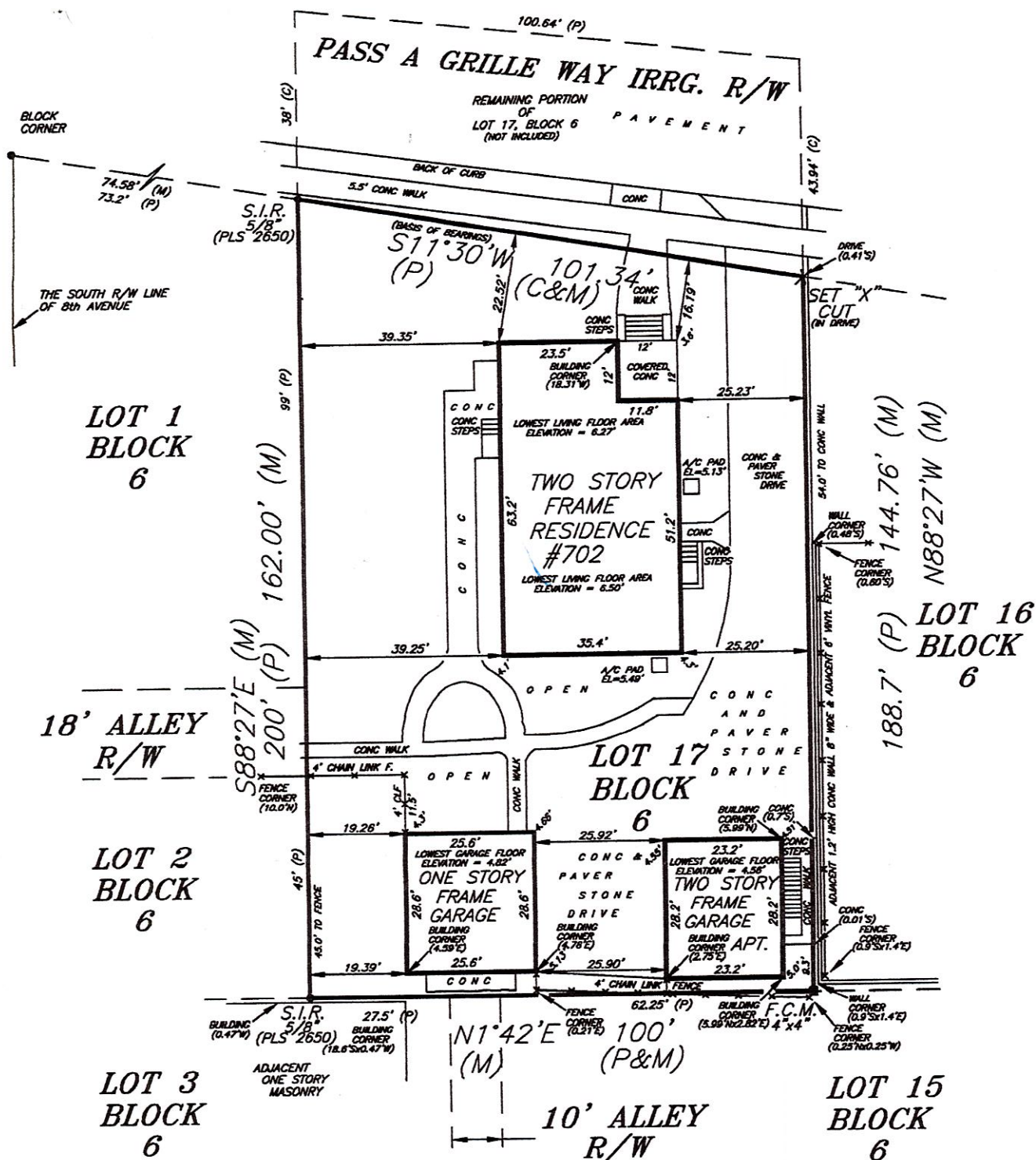
No

j. Whether the proposed change will constitute a grant of special privileges to an individual owner as contrasted with the public welfare; and

No

k. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

No



A LAND SURVEY OF LOT 17, BLOCK 6, MOREY BEACH, AS RECORDED IN PLAT BOOK 1, PAGE 102, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, OF WHICH PINELLAS COUNTY WAS FORMERLY A PART.
N.A.V.D. BENCHMARK ELEVATION=5.21' ON PINELLAS COUNTY BENCHMARK #290.

JOB NUMBER: 41340 TELEPHONE: (727) 360-0636 DATE OF FIELD SURVEY: 9/03/04 SCALE: 1 INCH = 30 FEET DRAWN BY: DLP	DAVID C. HARNER PROFESSIONAL LAND SURVEYOR 9925 GULF BOULEVARD TREASURE ISLAND, FL 33706	FLOOD ZONE: "AE" BFE=10' & 11' FLOOD MAP DATE: 9/03/03 COMMUNITY NUMBER: 125149 PANEL NUMBER: 0286 G CHECKED BY: DCH
SECTION 19 TOWNSHIP 32 SOUTH RANGE 16 EAST		
CERTIFIED TO: FIDELITY NATIONAL TITLE INSURANCE COMPANY DAVID M. AND HELEN FEINBERG		
I HEREBY CERTIFY TO THE HEREON NAMED PARTY OR PARTIES, AND ONLY TO THOSE NAMED HEREON, THAT THE BOUNDARY SURVEY REPRESENTED HEREON MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO FLORIDA STATUTE 472.027.		
NOTES: UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN. OTHER EASEMENTS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. ONLY THOSE EASEMENTS KNOWN TO ME OR SUPPLIED TO ME BY THE HEREON NAMED PARTY OR PARTIES ARE DEPICTED HEREON.		
LEGEND: A=ARC LENGTH ADJ=ADJACENT B.C.=BACK OF CURB C.=CHORD LENGTH C=CALC C.L.F.=CHAINLINK FENCE CONC=CONCRETE M.H.=MANHOLE C/C=COVERED CONC CL=CENTERLINE E.P.=EDGE OF PAVEMENT EL=ELEVATION F/F=FINISHED FLOOR F.I.P.=FOUND IRON PIPE S.I.R.=SET IRON ROD 5/8" WITH CAP #2650 F.I.R.=FOUND IRON ROD F.C.M.=FOUND CONCRETE MONUMENT M=MEASURED M.S.=METAL SHED D=DEED R=RECORD W/W=WING WALL W.F.=WOOD FENCE DR=DRAINAGE UT=UTILITY EASE=EASEMENT B.M.=BENCHMARK P.I.=POINT OF INTERSECTION P.R.M.=PERMANENT REFERENCE MONUMENT P=PLAT		
"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER"		



St. Pete Beach City Commission

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

9/18/17

ORD 2017-22

Applicant/Agent

David Feinberg, Owner/
Applicant

Request

Zoning Map change from ROR to CRD-EA

Location

702 Pass-a-Grille Way

Commission District

District 4

Staff Representative

Jennifer Bryla, AICP

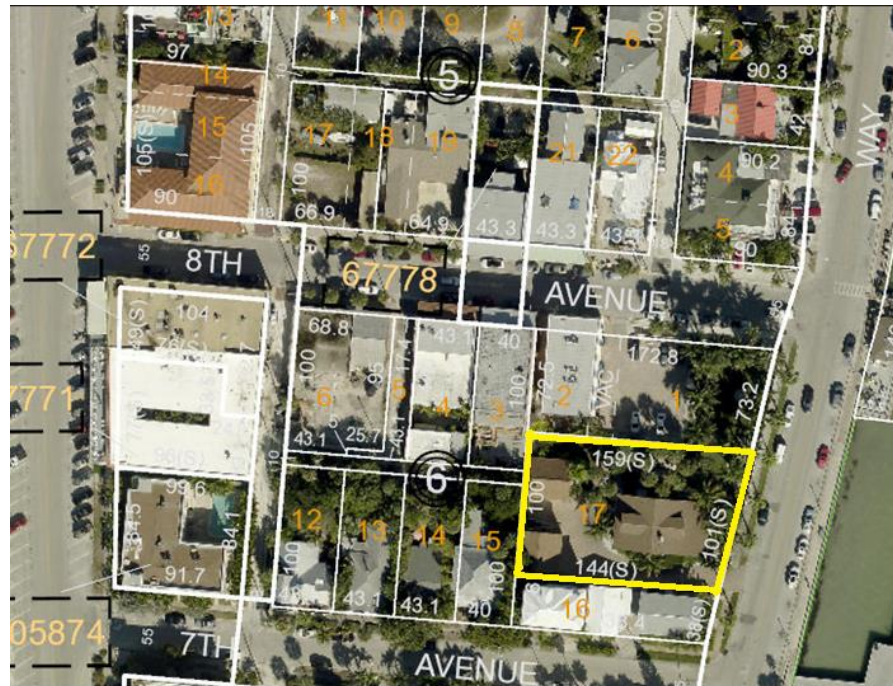
Related Cases

CPA #02-17

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 Countywide Plan Rules.
3. The proposed application is consistent with the St. Pete Beach Comprehensive Plan.
4. The proposed application



ITEM SUMMARY

The Applicant is requesting a Zoning Map amendment from Residential/Office/Retail with Pass-a-Grille Overlay (ROR-PAG) to Community Redevelopment Area-Eighth Avenue (CRD-EA) in order facilitate future development.

In a related case (CPA #02-17) the applicant is requesting an amendment to the Future Land Use Map from Residential/Office/Retail (ROR) to Community Redevelopment Area-Eighth Avenue (CRD-EA)

This 14,481 square foot (.33 Acre) parcel is zoned Residential/Office/Retail and its current use is as a single family home, with two detached garages, one of which has an apartment on the second floor. The applicant is in the process of relocating the single family home to another lot in Pass-a-Grille. The subject parcel is adjacent to lands zoned ROR and occupied by a single family home to the south and Pass-a-Grille Way to the east. The subject

is consistent with the intent of the St. Pete Beach Land Development Code. TRC Review: 8/2/17 Comments incorporated into analysis. Planning Board Review: 9/18/17 anticipated. City Commission Review: 10/10/17 anticipated. Staff Recommendation Approval as presented.	parcel is abutted on the north and west sides by the Community Redevelopment-Eighth Avenue (CRD-EA) zone and occupied by apartments and related parking and green space. In simplest terms, this single-parcel rezoning would expand the CRD-EA zone and decrease the ROR zone, keeping all adjacent parcels in their current zones, thus maintaining compatibility. The adjacent parcel to the north, 102 Eighth Avenue, is owned by the applicant. Should the two lots in joint ownership be combined, the .54 acreage resulting would be greatly suited to redevelopment, and in keeping with the land assembly policies of the Comprehensive Plan. PUBLIC NOTICE Notice of public hearing has been advertised and notice has been provided as required by State Statutes. As of the date of this report, no written comments have been received. Oral and written comments may be presented at the public hearing. COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE 1. Consistency with the City of St. Pete Beach Comprehensive Plan FUTURE LAND USE ELEMENT 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. Objective 2.1 The integrity and quality of life throughout the City, including existing residential neighborhoods, as well as core commercial and resort areas, will be maintained through the enforcement of the land development regulations and shall be encouraged to be improved, and for those properties experiencing blighting conditions such as deterioration, degradation and distress shall be encouraged to redevelop through the use of land development regulations and other incentives, in accordance with the Future Land Use Element. Policy 2.1.14
---	---

The City shall adopt land development regulations that encourage parcel assembly to remedy defective or inadequate street layout and parking facilities; improve traffic flow on roadways; faulty site design layout and inadequate buffering, open space and drainage in relation to size, adequacy, usefulness; unsanitary or unsafe conditions; deterioration of a site or other improvements; inadequate and outdated building patterns.

Analysis: The proposed zoning change will maintain the integrity and quality of life in the Pass-a-Grille neighborhood of the City while encouraging the assembly of a lot of sufficient size to enable quality redevelopment. The mixed use nature of the proposed district will support redevelopment of residential, commercial and transient accommodation uses.

Objective 2.4

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

Policy 2.4.3

The City shall, while emphasizing residential uses in residential neighborhoods, encourage the creative redevelopment of non-viable properties by allowing for a mixture of compatible residential and non-residential uses within a single development site.

Analysis: The proposed change in zone is consistent with and will further these provisions by providing the means through which an orderly and aesthetic mixture of land uses can occur on a single development site.

2. Consistency with the City of St. Pete Beach Land Development Code (LDC)

As indicated, the Applicant wishes to rezone from ROR to CRD-EA. Both zones have the Pass-a-Grille Overlay. Following is a comparison table of the two zones:

	ROR / PAG	CRD-EA
Use	Residential, Office, Light Commercial	Retail, Restaurant, Transient Lodging, Mixed Use
Residential Density	15	24
Transient Lodging Density	15 with CU	50
Setbacks (Front, Side, Rear)	20, 10% width, 20	0,0,10; On PAGW: 0 primary/5; 0 primary/5; 10
Height	28 average, 32 maximum	35 maximum

FAR	0.40	1.0 Res, 1.5 Mixed
ISR	0.85	0.90
Landscaping	LDC Sec. 22	Exempt from LDC Sec. 22
Design	Historic Pass-A-Grille District	Existing Architectural Aesthetic of District

JUSTIFICATION / TECHNICAL REVIEW

Analysis: It should be noted that the proposed density as shown in the above table is in keeping with Land Use Element Goal 2, Objectives 2. 1 and 2.4 and Policies 2.1.14 and 2.4.3 as discussed in Section 1. As can be seen in the table, under the proposed change in zoning districts, the residential density could increase by 6 units per acre. Since the subject parcel is 0.33 acres, the increase could be 2 units, or a minimal amount. The density for transient accommodations could increase by 20 units per acre or 7 units under the proposed change. This minimal increase in density will not appreciably increase the demand for potable water, sanitary sewer, stormwater management facilities, law enforcement, nor fire suppression, although no development will be permitted until infrastructure is in place or concurrent with development. Stormwater drainage will be accommodated should development ensue. An analysis of the typical traffic impacts as expressed by the Countywide rules indicates that the change in land use designation that supports this rezoning would result in 76 fewer trips per day than the current designation, thus having a lesser impact on the traffic circulation system than if the site were to redevelop under the current zoning and land use designation. In addition, no development could proceed without infrastructure capacity adequate to serve the new development being in place prior to or concurrent with the development.

Should the rezoning be adopted, the change in maximum height from 32 feet to 35 feet is minimal, as is the increase Impervious Surface Ratio (ISR) from 0.85 to 0.90.

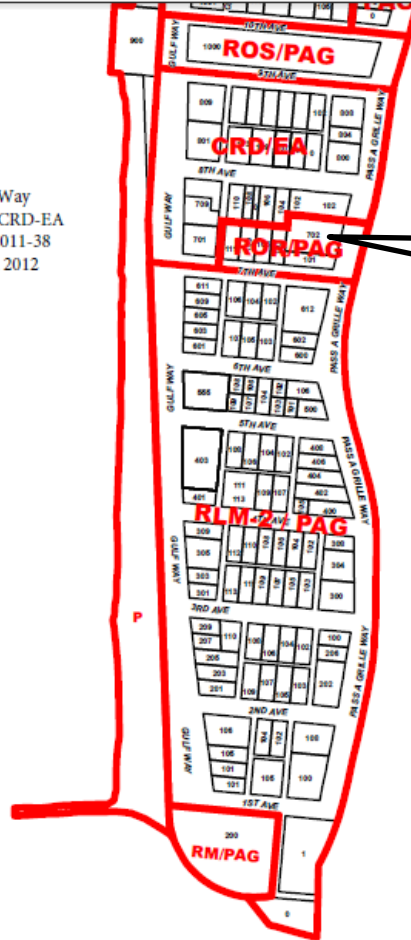
Under the proposed rezoning, the parcel would be exempt from the landscaping requirements of Section 22 of the LDC. All required setbacks would be decreased should the rezoning be adopted. However, both the reduction in landscaping and required setbacks is in keeping with the buildings along Eighth Avenue. It should also be noted that after the primary building located on the subject parcel is relocated, that there will be only one building that faces Pass-a-Grille Way in this block. Maintenance of the required rear yard setback on the subject parcel will provide a measure of separation from that building and any redevelopment of the subject parcel.

The subject parcel is currently adjacent to infrastructure (Pass-a-Grille Way) to the east and the ROR (Residential/Office/Retail) zone to the south. To the north and west is the CRD-EA (Community Redevelopment Area-Eighth Avenue) zone. Should this request be approved, the adjacent zones would remain the same, and thus maintain their compatibility with the subject parcel.

STAFF RECOMMENDATION

Staff is supportive of the rezoning due to the opportunity it presents for assembly of a parcel large enough for redevelopment along Eighth Avenue.

701 Gulf Way
ROR/PAG to CRD-EA
Ordinance 2011-38
August 28, 2012



Subject
Parcel
702 Pass-a-
Grille Way

City of St Pete Beach Official Zoning Map Ord. 2013-TBD Effective 11/26/2013

Zoning, Zoning Description

AC, Activity Center
BHC/P, Boutique Hotel Condo/Preservation
BR, Bayou Residential
CC-1, Commercial Corridor Blind Pass
CC-2, Commercial Corridor Gulf Blvd
CC-2UBV, Commercial Corridor Gulf Blvd/Upham Beach Village
CC-1, Commercial District
CC-2, Commercial District
CRD-EA, Community Redevelopment District/Eighth Avenue

DCR, Downtown Core Residential
NS, Institutional
NS/PAG, Institutional/Pass A Grille Overlay
LR, Large Resort
LR/P, Large Resort/Preservation
P, Preservation
ROS, Recreational/Open Space
ROS/P, Recreational/Open Space/Preservation
ROS/PAG, Recreation/Open Space/Pass A Grille Overlay
RFM, Resort Facilities Medium District

RFM, Resort Facilities Medium District
RFM/P, Resort Facilities Medium District/Preservation
RLM-1, Residential District
RLM-2, Residential District
RLM-2/PAG, Residential District/Pass A Grille Overlay
RLM-2BPO, Residential District / Resort Facilities Overlay
RM, Residential District
RMP, Residential District/Preservation
RMP/PAG, Residential District/Pass A Grille Overlay
RMPAG/P, Residential District/Pass A Grille Overlay/Preservation

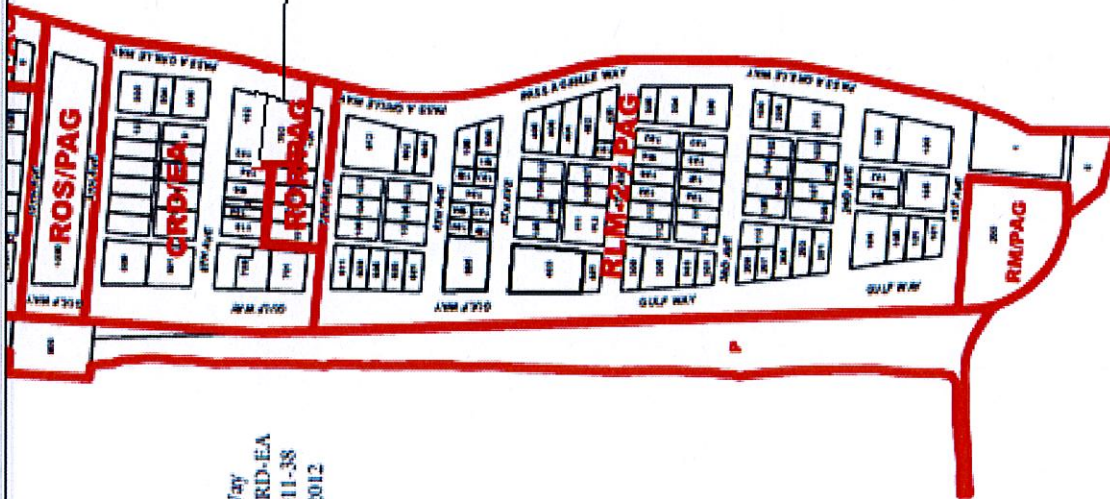
ROR, Residential Office Related District
ROR/PAG, Residential Office/Retail/Pass A Grille Overlay
RU-1, Residential District
RU-2, Residential District
RU-2/PAG, Residential District/Pass A Grille Overlay
TC-1, Town Center Core
TC-2, Town Center Core Ctr and Coquina West
THDRPOPAG, Tourist Hotel Dist/Resort Facilities Overlay/PAG
TU, Transportation Utilities
UBV, Urban Beach Village



Page 15 of 15
Date Saved: 10/20/2013

701 Gulf Way
ROR/PAG to CRD-EA
Ordinance 2011-38
August 28, 2012

Subject Parcel
702 Pass-a-Grille
Way



City of St Pete Beach Official Zoning Map Ord. 2013-TBD Effective 11/26/2013

Zoning, Zoning Description

[illegible]

ORDINANCE 2017-22

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, PROVIDING FOR AN AMENDMENT TO THE OFFICIAL ZONING MAP FOR THE PROPERTY GENERALLY LOCATED AT 702 PASS-A-GRILLE WAY, LOT 17, BLOCK 6, MOREY BEACH, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN; FROM RESIDENTIAL/OFFICE/RETAIL WITH PASS-A-GRILLE OVERLAY TO COMMUNITY REDEVELOPMENT DISTRICT-EIGHTH AVENUE; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City has received an application for the amendment of the Official Zoning Map of the property described herein from the owners thereof; and

WHEREAS, the City's Planning Board has reviewed this ordinance, found it to be consistent with the City's adopted comprehensive plan and has recommended approval thereof; and

WHEREAS, the City Commission, as the City's local planning agency, has found this ordinance to be consistent with the City's adopted comprehensive plan; and

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

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

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 Comprehensive Plan of the City of St. Pete Beach, Florida is hereby amended by amending the Official Zoning Map incorporated therein by changing the zoning district of the property generally located at 702 Pass-a-Grille Way, Lot 17, Block 6, Morey Beach, and more particularly described in Exhibit "A" attached hereto

and made a part hereof, from Residential/Office/Retail with Pass-a-Grille Overlay to Community Redevelopment District-Eighth Avenue.

SECTION 3. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 6. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 7. Effective Date. This ordinance shall take effect immediately upon adoption.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

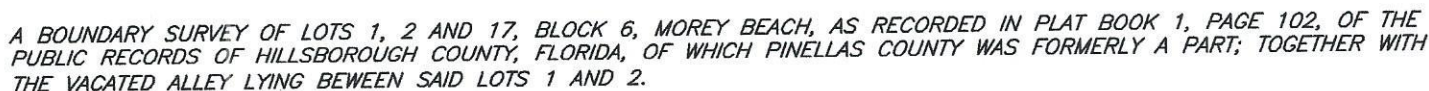
Alan Johnson, Mayor

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

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

City Attorney
Andrew Dickman, Esq.

35

	St. Pete Beach Planning Board 155 Corey Avenue St. Pete Beach, FL 33706 727-367-2735
9/18/17	
Item Number Ordinance #2017-17 Type of Application Amendment to the Land Development Code Applicant City of St. Pete Beach Location City wide Project Planner Jennifer Bryla, AICP Requested Action Approval of "Ordinance 2017-17" Staff Recommendation Approval Planning Board September 18, 2017 City Commission First Reading Oct 10, 2017 anticipated	ITEM SUMMARY: This City-initiated amendment to the Land Development Code is in response to Commission directives to further review Electronic Message Boards light intensity and appropriate setback criteria. Staff has conducted further research and is recommending the changes as outlined in the Ordinance. Language has also been added that would allow the Chamber of Commerce to continue their practice of member advertising on their street front sign. This change was included in the definition of Off-premise signs in Division 26. These requested changes are consistent with the City's Comprehensive Plan as required by FS 163.3201. PUBLIC NOTICE: Notice of public hearing has been advertised as required by State Statutes. As of the date of this report, no written comments have been received. Oral and written comments may be presented at the public hearing. COMPREHENSIVE PLAN and LAND DEVELOPMENT CODE: The proposed amendment is consistent with the City of St. Pete Beach's Comprehensive Plan. Objective 2.4 

Findings

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

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

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

Policy 2.13.3

The City shall adopt provisions in its LDC which are designed to ensure the continued operation of all temporary lodging/ temporary lodging uses with mandated operational characteristics as temporary lodging facilities principally serving tourists and business travelers, and providing for guest amenities, without regard to ownership scheme as in accordance with State law. Such operational provisions shall include limitations on the continuous duration of guest stays, and if owned as a resort condominium, an additional limitation on the annual cumulative duration of owner stays.

The proposed amendment serves to respond to business owners initiatives and remedy outdated development patterns consistent with the Comprehensive Plan directive.

JUSTIFICATION / TECHNICAL REVIEW:

The Community Development Department has researched the industry standards for Electronic Message Boards as published in the "*Night-time Brightness Level Recommendations for On-Premise Electronic Message Centers*" updated August 2016 by the International Sign Association, Staff also conducted night-time evaluation of existing conditions for various signs within the City. Through these sources, along with an understanding of the City Commission's expectation for night lighting that is associated with Commercial Electronic Message Boards, Staff is recommending the levels that are represented in Ordinance 2017-17. Staff has also researched methods for exempting local Chambers of Commerce signs from off-premise sign regulations. The results of that research is presented in the Ordinance.

PLANNING BOARD:

The Planning Board heard a portion of the code changes at their public hearing on July 17th, 2017; Staff has added additional language, as both changes were signage issues. Those changes are indicated by underline, ~~strikethrough~~.

STAFF RECOMMENDATION:

Upon review of the guiding documents for the City of St. Pete Beach, Staff recommends approval of Ordinance 2017-17.

Ordinance 2017-17

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, AMENDING THE ST. PETE BEACH LAND DEVELOPMENT CODE AS FOLLOWS: DIVISION 26 – SIGN ORDINANCE, SECTION 26.2 – DEFINITIONS, TO CLARIFY OFF-PREMISE SIGNS; SECTION 26.23 – ILLUMINATED AND ELECTRONIC MESSAGE BOARD SIGNS - TO CLARIFY INTENSITY LEVEL MEASUREMENTS AND REQUIREMENTS; TO REDUCE SETBACK FROM FRONT PROPERTY LINE; TO DEFINE IN WHICH ZONES SAID SIGNS ARE ALLOWED; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach recognizes the need to regulate electronic message board signs throughout the city; and

WHEREAS, the City periodically finds sections of its Land Development Code which require updating and/or amending to address the desires of the citizens and businesses of the City; and

WHEREAS, the City’s Planning Board, acting as the City’s Local Planning Agency, has reviewed this ordinance amending Section 26.23 of the Land Development Code on July 17, 2017 and found it to be consistent with the City’s adopted comprehensive plan; and

WHEREAS, the City Commission has found this ordinance to be in the best interest of the health, safety and welfare of the citizens of the city; 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. Division 26 – Section 26.2 – Definitions. of the City of St. Pete Beach Florida Land Development Code is hereby amended as follows:

* * * *

Off-premise sign or off-site sign means any sign relating in its subject matter to commodities, accommodations, services or activities on a premises other than the premises on which the sign is located. See also Billboard. This does not include a locally recognized non-profit Chamber of Commerce that promotes its members within the City.

SECTION 3. Section 26.23 of the City of St. Pete Beach, Florida, Land Development Code is hereby amended as follows:

Sec. 26.23 Illuminated and electronic message board signs

The following conditions and restrictions shall apply to illuminated signs.

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

Electronic message board ~~Illuminated~~ signs are subject to the following maximum illumination intensity levels when measured at a distance of 50 linear feet from base of sign:

Maximum Illumination Intensity Level for electronic message board signs shall not exceed 0.3 foot candles over ambient light when measured at 50 linear feet from the base of the sign.

Type of Illumination	Located Within 500 Feet and Visible from a Residential District	Not Visible From a Residential District or Located Beyond 500 Feet of a Residential District
Direct, internal or back lighted	28.65 0.3 foot candles over ambient light	47.75 0.3 foot candles over ambient light
Indirect or reflected sign	10 0.3 foot candles over ambient light	25 0.3 foot candles over ambient light

Internally illuminated signs or portions of a sign that are internally illuminated shall not be larger than 50 square feet in area.

No more than 32 square feet of the total allowable signage square footage may be an electronic message board sign. Electronic message board signs or portions of a sign that are electronic message boards shall not be larger than 32 square feet in area. Electronic message board signs shall only be located in a front yard or on a building front façade, and in no case shall be closer than have a minimum setback of 20 10 feet from the front yard property line. Electronic message board signs are only permitted on properties adjacent to Gulf Boulevard from 37nd Avenue to 75th Avenue.

~~Internally illuminated signs shall be prohibited in all districts which do not expressly permit them in the following sections, except menu display boards may be internally illuminated when associated with a permitted drive thru restaurant.~~

Electronic message board signs, including LED-type, shall only be permitted as defined above. All other existing nonconforming electronic message board signs shall be subject to the amortization schedule set forth in Section 26.5.

No animated or flashing illumination shall be permitted.

SECTION 3. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 6. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 7. Effective Date. This ordinance shall take effect immediately upon adoption.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

Alan Johnson, Mayor

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

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

8/7/2017

City Attorney
Andrew Dickman, Esq.

Ordinance 2017-23

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, PROVIDING FOR AMENDMENT OF CHAPTER 86 – UTILITIES, OF THE CITY OF ST. PETE BEACH CODE OF ORDINANCES SECTION(S) 86-147 – 86-153, PERTAINING TO FATS, OILS, AND GREASE (FOG); PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY, PUBLICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to update the City's regulations pertaining Fats Oils and Grease Management within the City; and

WHEREAS, the City Commission has found this Ordinance to be in compliance with the City's consent order issued by DEP dated November 21, 2014; and

WHEREAS, the City Commission has found this ordinance is in the best interest, health, safety and welfare of the citizens and visitors of the City.

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. Chapter 86 – Utilities of the City of St. Pete Beach Code of Ordinances (the "Code") Sections 86-147 – 86-153 are hereby amended as follows:

Sec. 86-147. GENERAL PROVISIONS.

- (a) **Purpose and policy.** This article sets forth uniform requirements for food service establishments and automotive related enterprises located within the City of St. Pete Beach and to food service establishments and automotive related enterprises located outside the city who are, by contract or agreement with the city, users of the Wastewater Collection System, herein after referred to as the WWCS. This Article enables the city to comply with all applicable state and federal laws including the Clean Water Act (33 United States Code Sec.1251 et seq.). This article further establishes uniform permitting, maintenance, and monitoring requirements for controlling the discharge of fats, oils and grease from food service establishments and automotive related enterprises discharging to the City of St. Pete Beach WWCS.
- (b) **Objectives.** The objectives of this article are:
 - (1) To preclude the introduction of excessive amounts of fats, oils, and grease into the City of St. Pete Beach' wastewater collection and transmission system; and

- (2) To prevent obstruction or blockage of the city's sanitary sewer lines due to grease build-up, attributing to sanitary sewer backups and overflows or releases of wastewater that reach waters of the United States, publicly and privately-owned properties, streets, and residential and commercial buildings, resulting in potential environmental and civil liability to the city; and
 - (3) To protect the health, safety, and welfare of the citizens of and visitors to the City of St. Pete Beach, the integrity of the environment, and regulate the use of the city's wastewater collection and transmission system as required by law; and
 - (4) To set forth the procedures to be followed in administering this article and to provide penalties for violations thereof; and
 - (5) To implement a procedure to recover the costs incurred by the city, including staff time and equipment used, in cleaning and maintaining wastewater collection system lines and disposing of grease blockages; and
 - (6) To implement a procedure to recover costs for any liability incurred by the city for damages caused by grease blockages resulting in the flooding of streets, residences, or commercial buildings and to prevent similar recurrences; and
 - (7) To issue Commercial Wastewater Discharge Permits (CWDPs) to food service establishments and automotive related enterprises requiring grease trap, grease interceptor, and/or oil/water interceptor installation, maintenance, monitoring, compliance, and enforcement activities; and
 - (8) To establish administrative review procedures and reporting requirements; and
 - (9) To establish fees for the recovery of costs resulting from the program established herein; and
 - (10) To establish enforcement procedures for violations of any part or requirement of this article.
- (c) **Administration.** Except as otherwise provided herein, the Director of the Public Services Department (Director), or other such persons as delegated by the City Manager, shall assign the administration of the FOG Management Program to designated staff for implementation and enforcement of the provisions of this article, up to and including fines for non-compliance.
- (d) **Applicability.** The provisions of this article shall apply to all existing food service establishments and automotive related enterprises and to all food service establishments and automotive related enterprises that commence operation on or after the effective date of this article that are located within the municipal boundaries of the City of St. Pete Beach and to all existing food service establishments and automotive related enterprises and to all food service establishments and automotive related enterprises that begin operations on or after the effective date of this article located outside the municipal boundaries of the city, and who are, by contract or agreement with the city, users of the WWCS owned, operated, and maintained by the City of St. Pete Beach, Florida.
- (e) **Severability.** If any clause, sentence, paragraph, section or subsection of these regulations

shall be adjudged invalid for any reason whatsoever, such judgment shall not affect, repeal or invalidate the remainder thereof, but shall be confined to the clause, sentence, paragraph, section or subsection thereof found to be invalid.

- (f) **Disclaimer of liability.** These regulations shall not be construed or interpreted as imposing upon the city, its officials, or employees:
- (1) Any liability or responsibility for damages to any property; or
 - (2) Any warranty that any system, installation, or portion thereof that is constructed or repaired under permits and inspections required by these regulations will function properly. In addition, any employee charged with enforcement, acting in good faith and without malice in the discharge of their duties, shall not thereby be personally liable and is hereby relieved from personal liability for damage that may occur to any person or property as a result of any act required by these regulations.

Sec. 86-148. DEFINITIONS AND ABBREVIATIONS.

- (a) **General definitions.** Unless the context specifically indicates otherwise, the following terms and phrases used in this article shall have the meaning hereinafter designated as follows:
- (1) *"Automotive related enterprise"*. An establishment where automotive vehicles are serviced, greased, repaired, or washed and which contribute wastes containing petroleum (hydrocarbon) based oils and greases. Automotive related enterprises shall include, but shall not be limited to, automotive repair garages, gasoline stations with grease racks, and commercial vehicle wash facilities.
 - (2) *"Automotive related enterprise owner" or "owner"*. In the case of an individual automotive related facility, the owner or proprietor of the automotive related operation. Where the automotive related facility is a franchise operation, the owner of the franchise is the responsible person or entity. Where the automotive related facility is owned by a corporation, the corporate representative is the responsible entity.
 - (3) *"Best Management Practices" or "BMP"*. Techniques used throughout the food service industry, and have proven effective when implemented properly and consistently.
 - (4) *"Black water"*. Wastewater from sanitary fixtures such as toilets and urinals.
 - (5) *"City"*. The City of St. Pete Beach, Florida, or the Board of City Commissioners of St. Pete Beach, Florida and all authorized representatives.
 - (6) *"Commercial wastewater discharge permit (CWDP)"*. A permit issued by the City of St. Pete Beach, Florida, authorizing the discharge of wastewater to the city's WWCS from a food service establishment or an automotive related enterprise.
 - (7) *"Control Authority"*. The City of St. Pete Beach, Florida through the Director of the Public Services Department.
 - (8) *"Director"*. The Director of the City of St. Pete Beach' Public Services Department, or

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such other persons designated by the City Manager.

(9) "Expand". Anytime a Food Service Establishment increases the flow-through rates and requires additional grease capacity in the grease trap/interceptor.

(910) *"Food service establishment" or "establishment" or "FSE".* Any business or food service facility, which prepares, processes, and/or packages food for sale or consumption, on or off site, with the exception of private residences. Food service establishments shall include, but are not limited to: food courts, food manufacturers, food packagers, restaurants, grocery stores, delicatessens, bakeries, retail and wholesale meat markets, retail and wholesale seafood markets, lounges, hospitals, nursing homes, assisted congregate living facilities, churches, schools, and all other food service facilities not specifically listed above. For the purpose of this division, food service establishment shall not include a facility that only prepares beverages; an establishment that only sells prepackaged foods, or an establishment that is currently classified as a Significant Industrial User by and permitted through the city's Industrial Pretreatment Program.

(1011) *"Food service establishment owner" or "owner".* In the case of individual food service establishments, the owner or proprietor of the food service operation. Where the food service establishment is a franchise operation, the owner of the franchise is the responsible person or entity. Where the food service establishment is owned by a corporation, the corporate representative is the responsible entity. Where two or more food service establishments share a common grease interceptor, the owner shall be the individual who owns or assumes control of the grease interceptor or the property on which the grease interceptor is located.

(1112) *"Garbage".* Solid waste resulting from the domestic or commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce, meats, and seafoods.

(1213) *"Garbage disposal" or "garbage grinder".* A device which shreds or grinds up waste material into smaller portions prior to discharge into the city's wastewater collection and transmission system.

(1314) *"Gray water".* All of the liquid contained in a grease interceptor that lies below the floating grease layer and above the food solids layer.

(1415) *"Grease".* A material, either liquid or solid, containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit, composed primarily of fats, oils or grease from animal or vegetable sources. The phrases "fats, oils and grease", "FOG", "oil and grease," or "oil and grease substances" shall be included in this definition.

(1516) *"Grease interceptor".* A device located underground and outside of a food service establishment designed to collect, contain, or remove food waste solids and grease from the wastestream while allowing the balance of the liquid waste ("gray water") to discharge to the city's wastewater collection and transmission system by gravity flow or to a privately-owned collection and transmission system, which

discharges to the city's wastewater collection and transmission system. Grease interceptors are required whenever and wherever grease waste is produced in quantities that could otherwise cause line stoppage or hinder sewage disposal and shall be in conformance with the provisions of the most current edition of the Florida Plumbing Code and all other federal, state, and local regulations.

~~(1617)~~ *"Grease trap"*. A device located inside a food service facility or under a sink designed to collect, contain or remove food wastes and grease from the waste stream while allowing the balance of the liquid waste ("gray water") to discharge to the city's wastewater collection and transmission system by gravity flow or to a privately-owned collection and transmission system, which discharges to the city's wastewater collection and transmission system. Grease traps shall be in conformance with the provisions of the most current edition of the Florida Plumbing Code.

~~(1718)~~ *"Grease waste hauler"*. A person who collects the contents of a grease interceptor or grease trap and transports it to an approved grease recycling or grease disposal facility. A grease waste hauler may also provide other services to a food service establishment related to grease interceptor maintenance.

~~(1819)~~ *"Oil/water separator"*. A device designed and installed to segregate oil and water to prevent the discharge of oils to the WWCS. Oil/water separators are required where oils are discharged in quantities that could hinder the operation of the WWCS as determined by the city, including, but not limited to, facilities where automotive vehicles are serviced, greased, repaired, or washed.

~~(1920)~~ *"Registered grease waste hauler list"*. A list of grease waste haulers registered with the City of St. Pete Beach in accordance with the provisions outlined in [Sec. 86-151](#) of this article and authorized to collect grease and operate a grease waste hauling business in the city.

~~(2021)~~ "Renovate". Anytime a Food Service Establishment increases the flow-through rates and requires additional grease capacity in the grease trap/interceptor.

~~(2022)~~ *"Shall"* is mandatory. *"May"* is permissive.

~~(2123)~~ *"Significant industrial user"*.

- a. All users subject to categorical standards under Rule 62-625.410, FAC and 40 CFR Chapter I, Subchapter N, which has been adopted by reference in Rule 62-660, FAC; and
- b. Any other industrial user that:
 1. Discharges an average of 25,000 gallons per day or more of process wastewater to the WWCS (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or
 2. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the WWCS; or
 3. Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the WWCS's operation or for violating any

pretreatment standard or requirement in accordance with Rule 62-625.500(2)(e), FAC.

(2224) *"Wastewater"*. The liquid and water-carried industrial or domestic wastes from dwellings, commercial establishments, industrial facilities, and institutions, together with any solids or other pollutants which may be present, whether treated or untreated, which is contributed into or permitted to enter the WWCS.

(2325) *"Wastewater collection and/or transmission systems" or "WWCS"*. Sewer, pipelines, conduits, manholes, pumping stations, force mains, and all other facilities used for the collection and transmission of wastewater from individual service connections to the wastewater treatment plant intended for the purpose of providing treatment prior to release to the environment.

(b) **Abbreviations.** The following abbreviations, when used in this article, shall have the designated meanings as follows:

- (1) BMP—Best Management Practices.
- (2) CWA—Clean Water Act.
- (3) CWDP—Commercial Wastewater Discharge Permit.
- (4) FAC—Florida Administrative Code.
- (5) FDEP—Florida Department of Environmental Protection.
- (6) FOG—Fats, Oils, and Greases.
- (7) FSE—Food Service Establishment.
- (8) NOV—Notice of Violation.
- (9) WWCS—Wastewater Collection and/or transmission System.

Sec. 86-149. GREASE TRAPS, GREASE INTERCEPTORS, AND OIL/WATER SEPARATORS.

(a) **Requirements.** All food service establishments and automotive related enterprises are required to have a grease trap or grease interceptor, or an oil/water separator, respectively, properly installed in accordance with any and all applicable requirements of the most current edition of the Florida Plumbing Code.

- (1) *New establishments.* On or after the effective date of this article, all food service establishments and automotive related facilities, which are proposed or newly constructed, or existing food service establishments and automotive related facilities, which will be expanded, or renovated, ~~or remodeled~~, to include a food service establishment or automotive related facilities, where such an establishment or facility did not previously exist, shall be required to install a grease interceptor(s), grease trap(s) or oil/water separator in accordance with the requirements of the most current edition of the Florida Plumbing Code or higher standard and to operate and maintain the grease interceptor(s), grease trap(s) or oil/water separator in accordance with the

requirements outlined in this article. Grease interceptors, grease traps, and oil/water separators shall be installed and permitted prior to the issuance of a certificate of occupancy by the city's Building Department.

- (2) *Existing establishments.* a. All food service establishments and automotive related shall be required to upgrade or replace their existing grease interceptor, grease trap, and/or oil/water separator, if it's determined by the Control Authority that the existing systems, is not in compliance with the Florida Building Code, (Plumbing) within 180 days of notification. ~~Appeals may be made to the Control Authority within 14 days from receiving such notification. Appeals shall only be granted on the basis of the existing establishments and or facilities having insufficient area either inside the building or outside on the building site.~~

Exception:

In lieu of upgrading or replacing their existing grease interceptor, grease trap and/or oil/water separator, the establishment may submit an action plan to the Control Authority to reflect how modifications and/or additional measures can insure that their system is not contributing fats, oils, and greases in quantities sufficient to cause wastewater collection system line stoppages or necessitate increased maintenance on the city's wastewater collection and transmission system. The action plan shall be in compliance with both the "Design and Performance Criteria for Grease Traps, Grease Interceptors and Water/Oil Separators" and Best Management Practices Manual. The action plan must be submitted within 45 days from notification and must be implemented within 45 days from approval by the Control Authority.

When applying for a permit as required by Section 86-150 (a) the owner of the Food Service Establishment or auto related enterprise shall obtain the services of a licensed Plumber to submit along with the application the following information;

1. Site plan and/or floor plan depicting all grease traps, grease interceptors, and oil/water separators.
2. The size of all grease traps, grease interceptors, and oil/water separators (system(s)).
3. Calculations showing the type and capacity required by the Florida Building Code, Plumbing. The calculations can either utilize the flow-through rates (GPM) or volume (seating/gallons/hours and load factor).
4. If the calculations show that the existing system(s) are deficient, then plans must be submitted to show how the system will be brought into compliance.

- (b) **Compliance.** At any time after any food service establishment and automotive related facilities are brought into compliance based on subsection (a) above the city shall require an existing food service establishment or an automotive related facility to install a new oil and grease removal system; or provide action plan as outlined in 2(a)

which ~~shall~~ may include a grease interceptor, grease trap, or oil/water separator that complies with the requirements of the most current edition of the Florida Plumbing Code or to modify, repair, or replace any noncompliant plumbing or existing grease interceptor, grease trap, or oil/water separator within thirty (30) business days of written notification by the Control Authority when any one or more of the following conditions exist:

1. The establishment does not have a grease interceptor, grease trap, or oil/water separator; or
 2. The establishment is found to be contributing fats, oils, and greases in quantities sufficient to cause wastewater collection system line stoppages or necessitate increased maintenance on the city's wastewater collection and transmission system; or
 3. The establishment has an irreparable, or defective grease interceptor, grease trap, or oil/water separator; or
 4. ~~Remodeling~~ Renovation of the food preparation or kitchen waste plumbing system is performed, which requires a plumbing permit to be issued by the City of St. Pete Beach; or
 5. There is a change in the intended use of the establishment; or
 6. ~~The existing establishment is sold or undergoes a change in ownership~~ The facility has not operated as a food service facility for 6 consecutive months prior to receiving a CWDP application form; or
 7. The existing establishment does not have plumbing connections to a grease interceptor, grease trap, or oil/water separator in compliance with the requirements of this article;
- (c) **Plumbing connections.** Grease interceptors, grease traps, or oil/water separators shall be installed in accordance with the most current edition of the Florida Plumbing Code, which requires that such grease interceptor, grease trap, or oil/water separator be located in the food service establishment's or automotive related facility's lateral service line between all fixtures which may introduce fats, oils, or greases into the sewer system and the connection to the city's wastewater collection and transmission system. Wastewater from sanitary facilities (black water) and other similar fixtures shall not be introduced into the grease interceptor, grease trap, or oil/water separator under any circumstance and is strictly prohibited.
- (d) **Grease traps.** Grease traps shall be installed in accordance with the most current edition of the Florida Plumbing Code and the FSE shall operate and maintain its grease trap in accordance with the following criteria:
- 1) *Inspection, cleaning and maintenance.* Each FSE shall be solely responsible for the cost of the grease trap's proper installation, inspection, cleaning, and maintenance.

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Each FSE may contract with a grease waste hauler who is currently permitted by Pinellas County, Florida, or may perform its own grease trap cleaning and maintenance. All grease traps shall be opened, inspected, cleaned, and maintained at a minimum of once per week. In addition to the required weekly cleaning, each FSE shall determine an additional cleaning frequency at which its grease trap(s) shall be cleaned according to the performance standards outlined in the city's guidance document entitled "Design and Performance Criteria for Grease Traps, Grease Interceptors, and Oil/water Separators".

- 2) *Control Authority inspection.* Grease traps shall be periodically inspected by the Control Authority, upon the presentation of proper credentials and identifications, as necessary to assure compliance with this article and to assure proper cleaning and maintenance schedules are being adhered to.
 - 3) *Repairs and replacement.* The FSE shall be solely responsible for the cost and scheduling of all repairs to and/or replacement of its grease trap(s). Repairs or replacement required by the Control Authority shall be completed by a specified date of the written notice of required repairs or replacement is received by the establishment. The Control Authority may authorize an extension of time to achieve compliance, if requested by an FSE. If additional time is necessary to come into compliance with the provisions of this article, the FSE may submit an action plan as outlined in 2(a) compliance schedule establishing a schedule for bringing the FSE into compliance on a reasonably agreed upon date.
 - 4) *Disposal.* Grease and solid materials removed from a grease trap shall be containerized and appropriately disposed of in the FSE's solid waste disposal system.
 - 5) *Record keeping.* The FSE shall maintain records of the date, time, and signature of all cleaning and maintenance for each grease trap in a logbook and shall make this logbook available for inspection by the Control Authority upon request.
- (e) ***Grease interceptors.*** Grease interceptors shall be designed and installed in accordance with the most current edition of the Florida Plumbing Code. Each FSE shall operate and maintain its grease interceptor in accordance with the following criteria:
- 1) *Inspection, pumping, and maintenance.* Each FSE shall be responsible for all costs associated with the proper installation, inspection, pumping, cleaning, and maintenance of its grease interceptor. All FSE's that have grease interceptors shall utilize a contracted grease hauler who has been permitted by Pinellas County, Florida. Pumping services shall include the complete removal of all contents, including floating materials, wastewater and bottom sludges and solids from the interceptor.
 - 2) *Pumping frequency.* Each FSE shall have its grease interceptor(s) pumped at a minimum frequency of once every calendar month. There shall be a minimum period of three (3) weeks between each required pumping. In addition to required monthly pumping, each Control Authority shall determine an additional or reduced frequency at which its grease interceptor(s) shall be pumped according to the performance standards outlined in the city's guidance document entitled "Design and Performance

Criteria for Grease Traps, Grease Interceptors, and Oil/water Separators".

- 3) *Control Authority inspection.* Grease interceptors shall be periodically inspected by the Control Authority, upon the presentation of proper credentials and identifications, as necessary to assure compliance with this article and to determine if proper cleaning and maintenance schedules are being adhered to. If, upon inspection, an interceptor is found to exceed the standards outlined in the city's guidance document entitled "Design and Performance Criteria for Grease Traps, Grease Interceptors, and Oil/water Separators", the FSE shall be required to have the interceptor pumped out within seventy-two (72) hours of the inspection date. Failure to pump-out the interceptor shall constitute a violation of this article.
- 4) *Repairs and replacement.* The FSE shall be solely responsible for the cost and scheduling of all repairs to and/or replacement of its grease interceptor(s). Repairs or replacement required by the Control Authority shall be corrected by a specified date contained in the same written notice that requires the repairs or replacement. The Control Authority may authorize an extension of time to achieve compliance for an additional sixty (60) calendar days if requested by an FSE. If additional time is necessary to come into compliance with the provisions of this article, the FSE may submit ~~a compliance schedule~~ an action plan establishing a schedule for bringing the FSE into compliance on a reasonably agreed upon date.
- 5) *Disposal.* Wastes removed from each grease interceptor shall be disposed of at a facility permitted to receive and treat such wastes. Neither grease nor solid materials removed from the interceptors shall be returned to any grease interceptor, publicly or privately-owned sewer line, publicly or privately-owned manhole, publicly or privately-owned pump station, or any portion of the city's wastewater collection and transmission system or wastewater treatment facility.
- 6) *Record keeping.* Each FSE shall maintain records of cleaning and maintenance of the system, details of any repairs required, and dates of repair completion, and any other records pertaining to the interceptor. These records shall be made available for review upon request by the Control Authority, and shall contain the following information:
 - a. The as-built drawing of the establishment's plumbing system;
 - b. A copy of the current Commercial Wastewater Discharge Permit;
 - c. Receipts from grease pumpers, plumbers, parts suppliers, etc.;
 - d. Log of pumping, cleaning, and maintenance activities; and
 - e. Grease waste hauler information.

The file shall be available at all times for inspection and review by the Control Authority.

- (f) ***Oil/water separators.*** Oil/water separators shall be designed and installed in accordance with the most current edition of the Florida Plumbing Code. Each automotive related facility shall operate and maintain its oil/water separator in accordance with the following

criteria:

- 1) *Inspection, pumping, and maintenance.* Each automotive related facility shall be responsible for all costs associated with the proper installation, inspection, pumping, cleaning, and maintenance of its oil/water separator. All automotive oil and grease generators that have oil/water separators shall utilize a contracted waste oil hauler.
- 2) *Pumping frequency.* Each automotive related facility shall have its oil/water separator(s) pumped at a minimum frequency of once every one hundred and eighty (180) days, or more frequently as needed to prevent carry over of oil and grease into the city's WWCS, which shall be determined by the Control Authority.
- 3) *Control Authority inspection.* Oil/water separators shall be periodically inspected by the Control Authority, upon the presentation of proper credentials and identifications, as necessary to assure compliance with this article and to determine if proper cleaning and maintenance schedules are being adhered to. If, upon inspection, an oil/water separator is found to exceed the standards outlined in the city's guidance document entitled "Performance Criteria for Grease Traps, Grease Interceptors, and Oil/water Separators", the automotive related enterprise shall be required to have the separator pumped out within seventy-two (72) hours of the inspection date. Failure to pump-out the oil/water separator shall constitute a violation of this article.
- 4) *Repairs and replacement.* The automotive related enterprise shall be solely responsible for the cost and scheduling of all repairs to and/or replacement of its oil/water separator(s). Repairs or replacement required by the Control Authority shall be corrected by a specified date of written notice of requiring the repairs or replacement is received by the facility. The Control Authority may authorize an extension of time to achieve compliance if requested by an automotive related enterprise. If additional time is necessary to come into compliance with the provisions of this article, the automotive related enterprise may submit a compliance schedule establishing a schedule for bringing the automotive related enterprise into compliance on a reasonably agreed upon date.
- 5) *Disposal.* Wastes removed from each oil/water separator shall be disposed of at a facility permitted to receive and treat such wastes. Neither oil nor solid materials removed from the separator shall be returned to any oil/water separator, publicly or privately-owned sewer line, publicly or privately-owned manhole, publicly or privately-owned pump station, or any portion of the city's wastewater collection and transmission system or wastewater treatment facility.
- 6) *Record keeping.* Each automotive related enterprise shall maintain records of cleaning and maintenance of each oil/water separator, details of any repairs required, and dates

of repair completion, and any other records pertaining to the oil/water separators. These records shall be made available for review upon request by the Control Authority, and shall contain the following information:

- a. The as-built drawing of the facility's plumbing system;;
- b. A copy of the current Commercial Wastewater Discharge Permit;
- c. Receipts from pumpers, plumbers, parts suppliers, etc.;
- d. Log of pumping, cleaning, and maintenance activities; and
- e. Waste oil hauler information.

The file shall be available at all times for inspection and review by the Control Authority.

- 7) *Additives.* Any chemicals, enzymes, emulsifiers, live bacteria, or other grease cutters, dissolving agents, or additives used for the purpose of oil and grease reduction shall be prohibited unless such use has been approved by the Control Authority prior to their addition to grease traps, grease interceptors or oil/water interceptors by the FSE, the automotive related enterprise or the grease hauler. Material Safety Data Sheets (MSDS) and any other applicable information concerning the composition, frequency of use, and mode of action of the proposed additive shall be sent to the city together with a written statement outlining the procedures for the proposed use of the additive(s). Based upon the information received and any other information solicited from the potential user or supplier, the Control Authority shall permit or deny the use of the additive in writing. Permission to use any specific additive may be withdrawn by the Control Authority at any time.
- 8) *Alternative grease removal devices or technologies.* Alternative device and technologies such as automatic grease removal systems shall be subject to written approval by the Control Authority prior to installation. Approval of the device shall be based on demonstrated (proven) removal efficiencies and reliability of operation. The Control Authority may approve these types of devices depending on manufacturer's specifications on a case by case basis. The establishment may be required to furnish analytical data demonstrating that oil and grease discharge concentrations to the city's wastewater collection and transmission system will not exceed the limitation established in Chapter 86, Article III of the City of St. Pete Beach' Code of Ordinances.

Sec. 86-150. PERMITTING AND INSPECTION PROGRAM.

- (a) ***Permitting requirements.*** All FSE and automotive related enterprises shall be required to apply for and obtain a "Commercial Wastewater Discharge Permit" (CWDP) from the city. The Control Authority shall approve, deny, or approve with special conditions all applications for CWDPs in accordance with the policies and regulations established in this article. The CWDP shall be in addition to any other permits, registrations, or local business taxes which may be required by Federal, State, or local law. It shall be a

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violation of this article for any FSE or automotive related enterprise identified by the Control Authority to discharge wastewater containing fats, oils, and grease to the City of St. Pete Beach' wastewater collection and transmission system without a current CWDP.

- (b) ***Application form.*** The Control Authority shall provide an application form for a CWDP. The appropriate form shall be sent to all FSE and automotive related enterprise owners identified by the Control Authority. All establishments required under the terms of this program to obtain a CWDP shall submit a completed application form for a CWDP to the Control Authority at the address shown on the form within thirty (30) calendar day of receipt of the form.
- (c) ***Pre-permit inspection procedure.*** Once a completed application form has been received, the FSE or automotive related facility shall be inspected by the Control Authority prior to the issuance of the CWDP. During the pre-permit inspection, the information contained in the application form will be verified. The grease interceptor, grease trap, or oil/water separator will be inspected. If all information is verified and the grease interceptor, grease trap, or oil/water separator is in proper working condition, a CWDP will be issued. Additionally, for FSE's, a copy of the Control Authority's information document entitled "Best Management Practices for the Control of Fats, Oils, and Grease", hereby incorporated by reference, will be issued. If the grease interceptor, grease trap, or oil/water separator requires any maintenance or repairs, or incorrect information has been submitted in the application, the Control Authority shall provide a written notice to correct any deficiencies, including a required time schedule for repairs to be completed prior to a second pre-permit inspection. (Second pre-permit inspections shall be performed after sufficient time to make corrections is provided to allow for corrective action by the establishment to occur. If the facility is not in compliance at the second pre-permit inspection or any subsequent pre-permit inspection,, a charge as outlined in "Appendix A" of the City's fee schedule will be assessed. During the pre-permit inspection process program staff will record all pertinent information required to justify the recuperation of costs incurred by the city for re-inspections.
- (d) ***Commercial Wastewater Discharge Permit (CWDP).*** The following criteria shall apply to all CWDPs:
 - 1) Each CWDP shall be effective for a period not to exceed two (2) years and shall have an effective and an expiration date;
 - 2) The CWDP must be displayed in a conspicuous place where it can be seen by the staff of the establishment;
 - 3) The CWDP shall be issued to a specific user for a specific operation. CWDP's may vary in content and requirements depending on the classification of the FSE or automotive related enterprise and the type(s) of oil and grease removal device(s) installed. A CWDP shall not be transferred or sold to a new owner under any circumstances. A new owner of a FSE or automotive related enterprise is required to apply for a new CWDP;
 - 4) The Control Authority shall provide the establishment with a CWDP renewal

application sixty (60) days prior to the existing permit expiration date;

- 5) An application for renewal of the CWDP shall be submitted at least thirty (30) days prior to the expiration date of the existing CWDP by each applicant wishing to continue to discharge into the city's WWCS. Failure to submit a application in a timely manner shall be in violation of this article;
 - 6) The terms and conditions of the CWDP are subject to modification by the Control Authority during the term of the permit, if conditions or requirements in this article are modified. The user shall be informed of any proposed changes in the issued permit at least sixty (60) days prior to the effective date of the change(s). Any changes or new conditions in the CWDP shall include a reasonable schedule for achieving compliance; and
 - 7) If the establishment changes or expands its scope of service, which will result in a discharge flow change, then a new permit application shall be filed.
- (e) **Right of entry.** Each FSE and automotive related enterprise shall allow the Control Authority and other duly authorized employees or agents of the city, bearing proper credentials and identifications, access at all reasonable times to all parts of the premises for the purpose of inspection, observation, records examination, measurement, sampling, and testing in accordance with the provisions of this article. The refusal of any FSE or automotive related enterprise to allow the Control Authority entry to or upon the facility's premises for purposes of system inspection, sampling effluents, or inspecting and copying records or performing such other duties as shall be required by this article shall constitute a violation of this article.
- (f) **Inspection.** All FSE's and automotive related facility's shall be inspected as follows:
- 1) *Pre-permit inspection.* Pre-permit inspections shall be conducted by the Control Authority as outlined in subsection (c) above.
 - 2) *Routine Inspections.* The Control Authority shall inspect FSE's and automotive related facility's on both an unscheduled and unannounced basis or on a scheduled basis after a CWDP has been issued to verify continued compliance with the requirements of this article. The Control Authority shall also determine if the practices contained in the "Best Management Practices for the Control of Fats, Oils, and Grease", issued to food service establishments, have been implemented. Inspections may include all equipment, food processing and storage areas and may include a review of the processes that produce wastewater discharged from the facility through the grease interceptor, grease trap, or oil/water separator. The Control Authority shall also inspect the grease interceptor, grease trap, or oil/water separator and may check the level of the grease interceptor, grease trap, or oil/water separator contents and/or take samples as necessary. The Control Authority shall record all observations in a written report. Any deficiencies shall be noted, including but not limited to:
 - a. Failure to properly maintain the grease interceptor, grease trap, or oil/water separator in accordance with the provisions of the CWDP and this article; or

- b. Failure to report changes in operations, or wastewater constituents and characteristics; or
- c. Failure to keep copies of pumping manifests or receipts; or
- d. Failure to maintain logs, files, records, or access for inspection or monitoring activities; or
- e. Failure to obtain or renew the CWDP in a timely manner; or
- f. Inability of existing grease trap, grease interceptor, or oil/water separator to prevent the discharge of oil and grease into the city's collection and transmission system as evidenced by the build-up of oil and grease downstream of the grease trap, grease interceptor, or oil/water separator or the unit is not properly sized; or
- g. Any other inconsistency with this article that requires correction by the FSE or automotive related enterprise.

If any deficiencies are recorded by the Control Authority during an inspection, the Control Authority shall provide the establishment a written notice to correct the deficiency within a specified time frame, and a tentative date for a first re-inspection.

- 3) *Re-inspections.* The Control Authority shall re-inspect establishments which received deficiency notices after the original inspection. The Control Authority shall inspect any repairs or other deficiencies and shall provide written notice of compliance or non-compliance as the case may be. A first re-inspection shall be performed after a specified time frame has elapsed to allow for corrective action by the establishment to be completed. In the event of continuing non-compliance, successive re-inspections will be scheduled and shall be charged in accordance with the city's pre-established fee rates as identified in Appendix A to the establishment for the second re-inspection, and all successive re-inspections.

Sec. 86-151. GREASE WASTE HAULER REQUIREMENTS.

- (a) ***Pinellas County's "Grease Hauler Program"***. Any person, firm, or business desiring to collect, pump, or haul grease wastes from FSEs serviced by the City of St. Pete Beach' WWCS shall hold and maintain an active and current Pinellas County "Grease Waste Hauler Permit".

Note: The City of St. Pete Beach WWCS does not accept grease waste.

- 1) It shall be unlawful for any identified grease waste hauler to clean or pump out grease interceptors within the city's sanitary sewer service area without a current Pinellas County "Grease Waste Hauler Permit" that is currently on file.
- (b) ***Grease waste hauler requirements.*** Grease waste haulers collecting, pumping, or transporting grease interceptor waste from FSEs located within the city's sanitary sewer area shall adhere to the following:
- 1) All grease interceptors shall be pumped completely empty. Excessive solids shall be

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scraped from the walls and baffles, and inlet, outlet, and baffle ports shall be cleared. The re-introduction of gray water shall be strictly prohibited.

- 2) No grease or gray water will be accepted at the city-owned WWCS. The grease waste hauler shall contract with other privately or publicly-owned, permitted facilities to properly dispose of grease and food solids at their own cost.
 - 3) Compliance with all federal, state, and local regulations regarding the pumping of grease interceptors and the transporting and disposal of their contents is required.
- (c) **Spill reporting.** Any accident, spill, or other discharge of grease or gray water, which occurs within the city's sanitary sewer service area, shall be reported to the city by the grease waste hauler as soon as possible, but in no case, not longer than 24 hours after the incident. The grease waste hauler shall be solely responsible for clean-up procedures and costs and shall comply with all procedures contained in federal, state, and local regulations.
- (d) **Record keeping.** Grease waste haulers shall retain, and make available for inspection and copying, all records related to grease interceptor maintenance and pumping and grease disposal from FSEs located within the City of St. Pete Beach wastewater collection and transmission service area. These records shall remain available for a period of at least three years. This period may be extended by request of the Control Authority at any time. Failure to provide information to the Control Authority within 14 calendar days of a written request shall be a violation of this article. The Control Authority may require additional record keeping and reporting, as necessary, to ensure compliance with the conditions of this article.
- (e) **Vehicle inspection.** Grease waste haulers shall permit city staff, at any time while performing service to grease interceptors located within the city's sanitary sewer service area, to inspect the grease waste hauler's registered vehicles, cleaning procedures, and hauling records identifying final disposal destination.
- (f) **Disposal.** Waste removed from each grease interceptor shall be disposed of at a facility permitted to receive and treat such waste. Neither grease nor solid materials removed from a grease interceptor shall be returned to any grease interceptor, privately-owned collection and transmission system, or to any portion of the city's wastewater collection and transmission system or wastewater treatment plant.

Sec. 86-152. CHARGES.

Charges and billing. The charges provided for in this article are utility charges as that term is used in Sec. 86-10 of the Code of Ordinances and are separate and distinct from any and all other utility charges chargeable by the city. Such charges shall be due, payable, collectable, and enforceable as provided in Sec. 86-10 the Code of Ordinances. Charges applicable to this article are as follows:

All FSEs and AREs will be billed per Appendix "A".

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Sec. 86-153. ENFORCEMENT, FINES, REMEDIES.

(a) Code Enforcement Actions.

- (1) Violations of this article shall be enforced as code violations under **Article IX, Chapter 22** of the Code of Ordinances.
- (2) The Director, Operations Manager, and Project Mangers of the Public ~~Services~~ Works Department are designated code inspectors for the purpose of enforcing this article.

(b) Duties of the Control Authority.

- (1) *Administrative rules.* The director shall establish administrative rules for the enforcement of this article consistent with this article which shall be contained in the Department's Enforcement Response Plan for Commercial User Non-Compliance (ERP). The ERP and any amendments to the ERP shall be approved by resolution of the Board of Commissioners.
- (2) *Recommended compliance periods.* The director or their designee shall establish recommended compliance periods by which various types and categories of violations must be corrected.
 - a. The recommended compliance periods shall be used by code inspectors to calculate the date by which a violation must be corrected. Code inspectors are authorized to deviate from the recommended compliance periods in cases of emergency, where unique conditions and circumstances warrant otherwise, when necessary to protect public health or safety, the environment or the WWCS, or when no recommended compliance period has been established for the violation. In such cases the code inspector shall consider the seriousness of the violation, the immanency of any threat to public health or safety, the environment or the WWCS, and the length of time it would reasonably require to correct the violation in determining the compliance period and establishing a date when the violation must be corrected.
 - b. The recommended compliance periods shall be used by any person prosecuting a violation of this article before the Special Magistrate in making a recommendation to the board regarding an appropriate period of time to allow a violator to remedy a violation. A person prosecuting a violation of this article before the code enforcement board is authorized to deviate from the recommended compliance periods in cases of emergency, where unique conditions and circumstances warrant otherwise, when necessary to protect public health or safety, the environment or the WWCS, or when no recommended compliance period has been established for the violation. In such cases the person prosecuting a violation of this article shall consider the seriousness of the violation, the immanency of any threat to public health or safety, the environment or the WWCS, and the length of time it would reasonably require to correct the violation in determining the compliance period

to recommend to the board.

- (3) *Schedule of recommended fines.* The director shall establish a schedule of recommended fines for violations under this article. The schedule of recommended fines shall be contained in the department's ERP, and shall be approved by resolution of the Board of Commissioners. In establishing a schedule of recommended fines, the director shall consider the seriousness of the violation, whether the violation poses a threat to public health or safety, the environment or the WWCS, the immanency of any such threat, and whether the violation is a repeat violation. The schedule of recommended fines shall be used by any person prosecuting a violation of this article in making a recommendation to the code enforcement board regarding the appropriate fine to assess against a violator. A person prosecuting a violation of this article is authorized to deviate from the schedule of recommended fines in cases of emergency, where unique conditions and circumstances warrant otherwise, when necessary to protect public health or safety, the environment or the WWCS, or when no recommended fine has been established for the violation. In such cases the person prosecuting a violation of this article shall consider the factors set forth in this section in determining the fine to recommend.
- (c) **Violations.** A notice of violation (NOV) may be issued to an establishment for any one or more of the following reasons:
- (1) Failure to properly maintain the grease interceptor, grease trap, or oil/water separator in accordance with the provisions of the CWPD and this article; or
 - (2) Failure to report significant changes in operation, or wastewater constituents and characteristics; or
 - (3) Failure to maintain a file of records on-site at all times; or
 - (4) Failure to maintain a record of pumping activities; or
 - (5) Failure to provide logs, files, records, or access for inspection or monitoring activities; or
 - (6) Failure to apply for or renew a CWDP as required by this article in a timely manner; or
 - (7) Any other failure to comply with the requirements of this article or conditions of a CWDP.
- (d) **Notice of violation.** A notice of violation under this article shall:
- (1) State the date the violation was discovered,
 - (2) State the address where the violation occurred,
 - (3) State a clear description of the violation,
 - (4) State the specific sections of this article which are being violated,
 - (5) Describe in clear terms of the actions necessary to correct or contest the violation,

- (6) State the date by which the violation must be corrected,
- (7) State the name and address of the person issuing the notice, and
- (8) Advise the violator of potential fines and penalties which can be imposed if the violation is not corrected and enforcement actions which the department can pursue if the violation is not corrected within the compliance period.

A notice of violation may refer to more than one violation.

(e) ***Compliance schedule.***

- (1) If a violator requests additional time to correct the violation or otherwise achieve compliance after receipt of a NOV, he or she shall submit a compliance schedule to the code inspector on or before the date for compliance set forth in the NOV. The compliance schedule shall describe what actions the violator proposes to take to achieve compliance and prevent its reoccurrence and the date that these actions will be accomplished. The code inspector shall evaluate the request to determine if it is reasonable. In determining the reasonableness of the request, the code inspector shall consider the seriousness of the violation and, the good faith efforts of the violator to correct the violation.
- (2) If the code inspector determines that the request is reasonable, he or she shall issue a written short term compliance schedule to the violator describing the actions required to correct the violation and prevent its reoccurrence and the dates by which such actions shall be accomplished. The code inspector may modify the compliance actions or dates requested by the violator as deemed necessary when issuing a short term compliance schedule. Failure of the violator to comply with the short term compliance schedule shall be deemed a violation of this article.
- (3) If the code inspector determines that the request is unreasonable, he or she shall so notify the violator in writing and request a hearing before the Special Magistrate.

(f) ***Cease and desist orders.***

- (1) When the director or his designate finds that an FSE or an automotive related enterprise is violating the provisions of this article and that such violation poses an imminent and significant threat to public health or safety, the environment or the WWCS, he or she may issue a cease and desist order to the violator directing that the violator immediately cease and desist all such violations and take such other actions as are reasonably necessary to promptly alleviate the threat.
- (2) The cease and desist order shall be in writing and describe the violation and the steps necessary to alleviate the violation. The cease and desist order shall be served on the violator by facsimile, hand delivery or certified mail.
- (3) Failure of the violator to promptly comply with the cease and desist order shall be grounds for the director to immediately suspend the violator's utility service.
- (4) Nothing in this section shall prevent the director or his designate from taking any

other action against the violator authorized by this article.

(g) ***Emergency suspension of discharge.***

- (1) The director or his designate may immediately suspend the right of an FSE or an automotive related enterprise to discharge into the WWCS when necessary to stop an immanent and significant threat to the public health or safety, the environment or the WWCS.
- (2) An FSE or an automotive related enterprise notified of an emergency suspension by the director or his designate shall immediately stop or eliminate its contribution to the WWCS. In the event the FSE or automotive related enterprise fails to immediately stop discharging into the WWCS, the director is authorized to take such steps as deemed necessary, including immediate severance of the utility service, to prevent damage or harm to the public health or safety, the environment or the WWCS.
- (3) Nothing in this section shall prevent the director or his designate from taking any other action against the violator authorized by this article.

(h) ***Permit revocation.***

- (1) Any CWDP issued under the provisions of this article is subject to modification, suspension, or revocation in whole or in part during the effective period for cause shown including, but not limited to, any one of the following:
 - a. Falsification of any information submitted as part of the application for the CWDP; or
 - b. Failure to comply with any requirement or regulation concerning discharges to the city's WWCS as provided in Sec. 86 of [the] City Code, or any amendments thereto; or
 - c. Failure to comply with any requirement or regulation contained in this article; or
 - d. Failure to pay charges required by this article, fines, or any assessed surcharges in a timely manner; or
 - e. When necessary to protect the public health, safety, or welfare and the integrity of the environment.
- (2) In the event the Control Authority determines it is necessary to modify, suspend or revoke in whole or in part a CWDP, the Control Authority shall provide notice and an explanation of its intended action to CWDP holder by personal service or registered mail. Such notice shall advise the CWDP holder that he or she has fourteen days from the date of the notice to file a written appeal of the decision of the Control Authority to the City Manager. The written appeal shall set forth the reason or reasons the CWDP holder contends that the Control Authority's decision is unwarranted or unjustified. As soon as practicable, the City Manager shall schedule a formal hearing with the CWDP holder to provide the CWDP holder an opportunity to be heard on the decision of the Control Authority. Thereafter, the City Manager shall issue a written decision which may affirm, deny or modify the decision of the Control

Authority.

- (3) A CWDP holder who's CWDP has been revoked or suspended shall not be allowed to discharge wastewater from a regulated process until a new CWDP has been issued. The new CWDP may subject the CWDP holder to additional requirements and inspections as determined by the Control Authority.
- (i) ***Recovery of damages, costs and expenses.*** An FSE, automotive related facility, person or entity shall be liable to the city for any damages, costs or expenses sustained or incurred by the city as the result of a violation of this article. The director shall first seek reimbursement of such damages, costs and expenses from the FSE, automotive related facility, person or entity causing such damages, costs or expenses. If reimbursement is not received within a reasonable time, the director shall request that the city attorney take such measures as deemed appropriate, including the filing of a civil suit, to recover such damages, costs or expenses.
- (j) ***Remedies nonexclusive.*** The remedies provided for in this article are not exclusive. The city may take any, all, or any combination of lawfully permitted actions against a noncompliant establishment, including termination of services. Additionally, the city is authorized to file a civil action, including an action for injunctive relief, in circuit court against a noncompliant establishment.
- (k) ***Liability for regulatory fines imposed against the city.*** If noncompliance by an establishment causes the city's WWCS to exceed the standards of its domestic wastewater operating permit or otherwise causes the city to be liable for fines or penalties imposed by a state or federal regulatory agency, the establishment shall be liable to the city for such costs.

SECTION 3. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

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

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

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

Alan Johnson, Mayor

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

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

Andrew Dickman, City Attorney

Underlined words constitute additions to the City of St. Pete Beach City Code, ~~striketrough~~ constitutes deletions from the original, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

	St. Pete Beach Planning Board 155 Corey Avenue St. Pete Beach, FL 33706 727-367-2735
9/18/2016	
Item Number Ordinance #2017-24 Type of Application Amendment to Code of Ordinances amending Sections 26-32 and 26-33 pertaining to special events. Applicant City of St. Pete Beach Location City wide Project Planner Jennifer Bryla, AICP, Requested Action Approval of Ordinance 2017-24 Staff Recommendation Approval Planning Board Hearing 9/18; City Commission First Reading (10/10/2017) Anticipated	ITEM SUMMARY: It has come to the attention of the City Commission that Special Events within the City required a more consistent approach. Requests for Special Events have elevated in some instances for events that are not considered special consistent with standard definitions. The proposed Ordinance will provide clarity to property owners, citizens and City staff. This is an amendment to the Code of Ordinances which currently regulates special events within the City. The language within the Code of Ordinances was never intended to circumvent the regulations within the Land Development Code and Comprehensive Plan with regard to Land Uses and adjacency to residential communities. 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. There was one public comment in support of the Ordinance at the Planning Board hearing. 

Findings In its review of the proposed amendment, 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 St. Pete Beach Comprehensive Plan. 4. The proposed application is consistent with the intent of the LDC.	COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE: The proposed Ordinance is consistent with the City of St. Pete Beach's Comprehensive Plan, which does not regulate special events. However the proposed Ordinance is in keeping with the Land Use Goals of the Comprehensive Plan that protect existing land uses. The proposed Ordinance is also consistent with the intent of the Land Development Code and further augments the regulation inconsistent uses. STAFF RECOMMENDATION: Upon review of the above guiding documents, staff recommends approval of Ordinance 2017-24 as presented.

Ordinance 2017-24

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AN AMENDMENT TO SECTIONS 26-32 AND 26- 33 OF THE CITY OF ST PETE BEACH CODE OF ORDINANCES; RELATING TO SPECIAL EVENT APPLICATIONS AND REQUIREMENTS PROVIDING FOR ADDITIONAL REQUIREMENTS AND RESTRICTIONS FOR SPECIAL EVENT PERMITS; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach has found this ordinance to be in the best interest of the City; and

WHEREAS, the City periodically finds sections of its Code of Ordinances which require updating and/or amending to address the trends within the City; and

WHEREAS, after due public notice, the Planning Board held a public hearing on September 18, 2017, to consider the proposed Code of Ordinance changes and provided recommendations to the City Commission as the Local Planning Agency.

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. Section 26-32 of the City of St Pete Beach Code of Ordinances is hereby amended to read as follows:

Sec. 26-32. – Special Event Permit Required

No special event shall be permitted within the city limits of St. Pete Beach unless and until a special event permit has been issued in accordance with the requirements of this article. It shall be the authority of the city manager, or his/her designee, to determine whether or not a proposed activity constitutes a special event under the intent of this article and whether an application for the activity will be accepted. This requirement shall not apply to events which are ~~sponsored or co-sponsored~~ organized by city staff. ~~Approval of such sponsorship~~ Co-Sponsored events shall be at the discretion of the ~~city manager or~~ city commission, provided, however, that if an event is open to the entire community, the city commission shall grant such approval, as applicable. City sponsored or co-sponsored events may take place on public property, or private property with the consent of the property owner.

SECTION 3. Section 26-33 of the City of St Pete Beach Code of Ordinances is hereby amended to read as follows:

- (d) If any city commission actions are required in connection with a planned special event, the application for the permit shall be filed at least ~~30~~ 90 days prior to the date of the planned event. Applications for issuance of a special permit that do not require commission approval shall be filed no later than ~~44~~ 30 days prior to the scheduled event.
- (e) No special event shall receive a permit to exceed ~~14 days in duration~~ 3 days in duration unless reviewed and there is just cause to exceed the 3 days by the city commission.

SECTION 4. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 7. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 8. Effective Date. This ordinance shall take effect immediately upon adoption.

FIRST READING: _____
 PUBLISHED: _____
 SECOND READING: _____
 PUBLIC HEARING: _____

 Alan Johnson, Mayor

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

 Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

City Attorney
Andrew Dickman, Esq.

I. - Citizen Input on Community Redevelopment

The following are ten important factors that reflect existing conditions within the City along with resident suggestions and input during a nearly six year process beginning in December 2001. These principles have guided residents of the City in their preparation of this amendment to the City's Comprehensive Plan Future Land Use Plan and Map, and the Housing Element.

- (1) The City is essentially a "built-out" community. Of the 1,286.10 acres that comprise the community, approximately 13.40 acres, or 1.04 percent, are vacant and undeveloped.
- (2) There is strong community objection to high density unmanaged overdevelopment of our coastal Gulf community that will further degrade infrastructure and public services.
- (3) There is a strong desire to protect the quiet character of existing residential neighborhoods from encroachment and overdevelopment of non-residential uses.
- (4) There is a strong desire by both residents and multi-generational local hotel and motel owners to preserve the heritage of our City as a tourist destination because it is the foundation of our local economy and it offers the residents a diversity of services and amenities as well as public access to our beaches.
- (5) Residents and local shop owners have also expressed a strong desire to revitalize the Downtown Corey area and create a vibrant main street that invites residents and visitors alike to shop, dine, play, work and live in a pedestrian-friendly and safe environment.
- (6) Residents have demanded that policies and strategies be adopted and implemented that maintain and improve existing infrastructure systems and facilities that ensure adequate capacity for new development that will maintain and improve the quality of life for residents and visitors alike.
- (7) Residents have expressed a need and desire to create a more environmentally friendly sustainable community that will improve the quality of life for residents and visitors by requiring the City to initiate an application with the Florida Green Building Coalition for certification as a Florida Green City and establishing goals, objectives and policies promoting Green practices and strategies for redevelopment that will be implemented through the City's land development and building regulations. The ultimate objective of certification and implementation is to rebuild a sustainable quality livable community that will:
 - (a) Conserve water and other natural resources;
 - (b) Lower energy consumption and operating costs both for private development as well as public improvements and public amenities;
 - (c) Reduce traffic congestion and impacts on our roads by designing a "walkable" community that provides safe and comfortable pedestrian, bicycle, trolley and other environmentally-friendly modes of community mobility that also will reduce Greenhouse gas emissions, improve air quality and encourage outdoor fitness initiatives to promote a healthier City and healthier residents;
 - (d) Reduce waste sent to landfills and increase utilization of recycling programs;

- (e) Provide for disaster mitigation strategies;
 - (f) Maintain public access to our beaches and waterfronts using environmentally sensitive design;
 - (g) Implement land development regulations that protect our waterways, Gulf beaches and Gulf waters from pollutants and debris that can harm natural resources including plant and species habitats;
 - (h) Continue efforts to protect the sea turtle and preserve its habitat by maintaining and improving sea turtle protection regulations;
 - (i) Demonstrate the community's commitment to environmental stewardship and social responsibility.
- (8) Residents have expressed a need and desire for a safer community through redevelopment of aging, functionally obsolete and vacant properties to:
- (a) Reduce crime and vagrancy; and
 - (b) Replace older structures and buildings with new construction that meets current Building Code standards and FEMA flood protection regulations to maximize protection from both wind and flood damage caused by hurricanes and tropical cyclones.
- (9) Residents have expressed a need and desire to improve the safety, traffic flow and appearance of Gulf Boulevard that is the primary and most visible corridor through our community by:
- (a) Improving pedestrian and bicycle safety;
 - (b) Improving the appearance as well as protecting the community from storm damage by placing overhead utilities underground;
 - (c) Improving traffic flow by reducing curb cuts and installing intelligent traffic flow devices; and
 - (d) Creating a visually appealing boulevard worthy of a quality residential and resort community.
- (10) Residents strongly object to more high-rise residential development throughout the City, that if permitted to continue will replace most, if not all, temporary lodging facilities, adversely impact our economy, commercial diversity, as well as diminish public beach and waterfront access. The impact, if permitted to continue under the City's 1998 Comprehensive Plan, will forever change the character and heritage of our City. Historically, the City has been a quality residential community complemented by resorts and supported by a tourist-based economy where residents and visitors for more than 50 years have lived and played in harmony with one another, but many realize that legacy is in jeopardy if corrective regulatory action is not taken.

It is the intent of this Comprehensive Plan amendment, prepared by residents, community leaders, and business as well as hotel owners in an extensive collaborative effort, to address these desires, concerns and objections as expressed by the residents.

This Comprehensive Plan amendment establishes a Community Vision based upon four major Initiatives, a Green Mission Statement, and a Community Redevelopment District that forms the basis of a long-range redevelopment plan for the City's core commercial and resort areas.

This redevelopment plan has several additional components necessary to effectuate the overall redevelopment effort including a Countywide Future Land Use Plan amendment, a Ch. 163 Community Redevelopment Plan and implementing land development regulations that will pursue the stated redevelopment goals with tightly controlled density and design standards.

The City and its residents will benefit from a Redevelopment Trust Fund established pursuant to F.S. § 163.387 as may be authorized by Pinellas County that will provide capital infrastructure, public improvements and amenities that will improve the safety, services to, and beauty of the City.

(Ord. No. 2015-05, § 1(Exh. A), 3-9-2015)

FOOTNOTE(S):

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Editor's note—Ord. No. 2015-05, § 1(Exh. A), adopted March 9, 2015, amended Part I, in effect, repealing and replacing Part I as set out herein. Former Part I pertained to similar subject matter.