



**CITY COMMISSION MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

155 Corey Avenue
St. Pete Beach, FL 33706

Tuesday, May 27, 2025
6:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Presentations -
 - a. **Fire Department Personnel Proclamation - Lauren Garceau & Jason Wing**
 - b. **Hurricane Season 2024 After Action Presentation**
2. Approval of the Agenda -

Action Request: Motion to approve the May 27, 2025 agenda.
3. Audience Comments -

If you wish to address the City Commission, please fill out a speaker's card and provide it to the City Clerk. Once you are called, please come to the podium and state your name and address for the record. Comments shall be limited to 3 minutes and shall be limited to non-public hearing items on the agenda. Public comment on agenda items will be allowed when that item is called.
4. Consent -
 - a. **Approval of the Commission Budget Workshop #1 and May 13, 2025 City Commission Meeting Minutes**
 - b. **Facility Use Agreement with St. Pete College for use of their facility for EOC**
 - c. **Re-Appointment to the Firefighters' Pension Board of Trustees**
 - d. **Authorize the City Manager to enter into an interlocal agreement with Pinellas County for continued collection of multimodal impact fees**
5. Action Items -
 - a. **Preliminary Plat Case No. 25040 - 5390 Gulf Blvd (Sirata Beach Resort)**

Allan Smallwood of CP ST PETE LLC requests to replat all of SERATA REPLAT (Bk 31, Pg 17) and a portion of Government Lot 2, Section 6, Township 32 S, Range 16 E as described on the accompanying legal description, to create two separate tracts as depicted.

Action Options: Motion to [approve/deny] Preliminary Plat Number 25040.

6. Ordinances -

a. First Reading of Ordinance 2025-10: Amendments to Land Development Code DIVISION 26 - SIGN ORDINANCE

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA FOR THE PURPOSE OF ADOPTING AMENDMENTS TO LAND DEVELOPMENT CODE DIVISION 26 SECTIONS 26-1 THROUGH 26-42 ENTITLED SIGN ORDINANCE TO ENSURE CONTENT-NEUTRAL SIGN DEFINITIONS, STANDARDS, REGULATIONS AND REQUIREMENTS, AND ADOPTING AMENDMENTS TO THE REQUIREMENTS FOR PERMITTING, ENFORCEMENT, AND MAINTENANCE FOR NEW, EXISTING AND NONCONFORMING SIGNS IN ALL ZONING DISTRICTS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

Action Options: Motion to [approve/approve with modifications/deny] the first reading of Ordinance 2025-10.

b. First reading of Ordinance 2025-08: Amendments to Land Development Code Division 40 - COMMUNITY REDEVELOPMENT DISTRICT - EIGHTH AVENUE

AN ORDINANCE OF THE CITY OF ST. PETE BEACH AMENDING THE ST. PETE BEACH LAND DEVELOPMENT CODE DIVISION 40 – COMMUNITY REDEVELOPMENT DISTRICT – EIGHTH AVENUE (CRD-EA), SECTIONS 40.1. PURPOSE AND INTENT. AND 40.9. SETBACKS.; ADOPTING SECTIONS 40.13. ASSEMBLY OR LOT SPLIT OF A PARCEL(S), VACATION OF EASEMENTS OR RIGHT-OF-WAYS., 40.14. GENERAL BUILDING DESIGN, 40.15. DESIGN REVIEW AND REQUIRED DRAWINGS, AND 40.16. PASS-A-GRILLE HISTORIC OVERLAY DESIGN GUIDEBOOK; TO AMEND AND ADOPT DEVELOPMENT STANDARDS TO PRESERVE THE HISTORIC CHARACTER OF PASS-A-GRILLE'S EIGHTH AVENUE AND VICINITY AND INCREASE COMPATIBILITY OF NEW DEVELOPMENT WITH THAT CHARACTER; PROVIDING FOR SEVERABILITY, CODIFICATION AND SCRIVENER'S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

Action Options: Motion to [approve/approve with modifications/deny] the first reading of Ordinance 2025-08.

c. First Reading of Ordinance 2025-07: Amendments to Land Development Code DIVISION 20 - PAG PASS-A-GRILLE OVERLAY DISTRICT

AN ORDINANCE OF THE CITY OF ST. PETE BEACH AMENDING THE ST. PETE BEACH LAND DEVELOPMENT CODE DIVISION 20 – PASS-A-GRILLE OVERLAY DISTRICT, RENAMING TO DIVISION 20 – PASS-A-GRILLE HISTORIC OVERLAY DISTRICT; AMENDING SECTIONS 20.01. PURPOSE AND INTENT., 20.02. DEFINITIONS., 20.03. PERMITTED PRINCIPAL USES AND STRUCTURES., 20.05. ALLOWABLE CONDITIONAL USE., 20.06. PROHIBITED USES AND STRUCTURES., 20.07. DENSITY, INTENSITY AND ASSEMBLY OF PARCELS., 20.10. REDUCED SETBACKS FOR CONTRIBUTING STRUCTURES GRANTED A CERTIFICATE OF APPROPRIATENESS., 20.11. MINIMUM BUILDING TYPE REQUIREMENTS., 20.12. SUBDIVISION OF LOTS., AND 20.13 APPLICABILITY AND BUILDING TYPE ASSIGNMENT; REPEALING SECTION 20.13. RESIDENTIAL DEVELOPMENT OPTION FOR SINGLE-FAMILY HOMES. AND ADOPTING SECTION 20.13 APPLICABILITY AND BUILDING TYPE ASSIGNMENT.; RENAMING AND AMENDING SECTION 20.14 VACANT PARCELS. TO SECTION 20.14. LOT SPLIT, ASSEMBLY OF PARCELS, VACATION OF EASEMENTS AND/OR RIGHT-OF-WAYS; AMENDING SECTIONS 20.15. PERMITTED BUILDING TYPES, 20.16. PRIVATE FRONTAGE, 20.17. BUILDING HEIGHT, 20.18. MINIMUM OFF-STREET PARKING REQUIREMENTS, 20.19. ALLEYWAYS AND DRIVEWAYS, 20.20. LANDSCAPING STANDARDS, 20.21.

SCREENING OF ELEVATED BUILDINGS, 20.22 GENERAL BUILDING DESIGN (RESIDENTIAL); AMENDING AND RENAMING 20.23. GENERAL BUILDING DESIGN (NON-RESIDENTIAL) TO 20.23. GENERAL BUILDING DESIGN (NON-RESIDENTIAL AND MIXED-USE BUILDINGS); AMENDING SECTION 20.24. DESIGN REVIEW AND REQUIRED DRAWINGS; AND ADOPTING SECTION 20.25. PASS-A-GRILLE HISTORIC OVERLAY DESIGN GUIDEBOOK; TO ADOPT DEVELOPMENT STANDARDS TO PRESERVE THE HISTORIC CHARACTER OF PASS-A-GRILLE AND INCREASE COMPATIBILITY OF NEW DEVELOPMENT WITH THAT CHARACTER; PROVIDING FOR SEVERABILITY, CODIFICATION AND SCRIVENER'S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

Action Request: Motion to [approve/approve with modifications/deny] the first reading of Ordinance 2025-07.

7. Resolutions -

a. Consideration of Resolution 2025-15 establishing the date for the 2025 Special Municipal Election and the Qualification Period for the Commissioner for District 4

A RESOLUTION OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, ESTABLISHING THE DATE FOR THE 2025 SPECIAL MUNICIPAL ELECTION AND THE QUALIFICATION PERIOD FOR THE COMMISSIONER FOR DISTRICT 4.

Action Request: Motion to adopt Resolution 2025-15.

8. Items for Discussion -

a. Discussion and Direction on Communication Strategy to Call for District 4 Appointees

Discussion and Direction on Communication Strategy for Call for Appointees

9. City Clerk, City Manager, City Attorney and City Commission Reports -

10. Adjournment -

APPEAL: In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this 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 (ADA): In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

PUBLIC COMMENT INSTRUCTIONS FOR THOSE NOT PHYSICALLY PRESENT:

The City has made accommodations for those who cannot be physically present or do not feel comfortable appearing in person. If a member of the public would like to provide comments for the meetings, they may do so in the following ways:

- Email the City Clerk by 12:00 p.m. on the day of the meeting at cityclerk@stpetebeach.org
- Leave a voicemail message by calling **727.363.9225** by 12:00 p.m. the day of the meeting

In your three (3) minute or less comment, please be sure to include your name and address for the record.

The public is cordially invited to attend this meeting.

All agenda material is available for review at City Hall or www.stpetebeach.org.



PROCLAMATION

WHEREAS, on April 3, 2025, Lt. Jason Wing and Rescue Swimmer Lauren Garceau of Lite Marine 22 (LM22) demonstrated exceptional professionalism, skill, and courage during a water rescue off the southern tip of Pass-a-Grille; and

WHEREAS, three kayakers, including a first-time paddler who could not swim, were caught in a powerful outgoing tide and had struggled for over an hour to return to safety; and

WHEREAS, a concerned resident of the Point Pass-a-Grille Condominiums, observing the kayakers' distress and growing exhaustion, promptly called 911 to request emergency assistance; and

WHEREAS, responding units District 23 and Medic 22 coordinated with the caller at the beach access off 1st Avenue, while LM22 launched from 4th Avenue and navigated swiftly to the scene; and

WHEREAS, Lt. Wing and Rescue Swimmer Garceau assessed the situation, calmly and effectively devised a rescue strategy, and safely brought all individuals and their kayaks back to shore; and

NOW, THEREFORE, BE IT RESOLVED, that Lt. Jason Wing and Rescue Swimmer Lauren Garceau are hereby recognized and commended for their outstanding service, bravery, and dedication to public safety. Their swift actions are a true testament to the excellence and professionalism of our emergency services.

IN WITNESS WHEREOF, I have here unto set my hand and caused the great Seal of the City of St Pete Beach, Florida, to be affixed this ____ day of _____ 2025.

Adrian Petrila, Mayor

From: noreply@civicplus.com
To: eotqrc@stpetebeach.org; [EERecognitionCommittee](#); [EERecognitionCommittee](#)
Subject: Online Form Submittal: EMPLOYEE OF THE QUARTER NOMINATION FORM
Date: Friday, May 9, 2025 2:41:29 PM

CAUTION: This message has originated from **Outside of the Organization**. Do Not Click on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe

EMPLOYEE OF THE QUARTER NOMINATION FORM

EMPLOYEE OF THE QUARTER NOMINATION FORM

The event that the nomination is for must have occurred within the past twelve (12) months of the quarter that the employee is being nominated for

Nomination	2nd Quarter: January 1 - March 31
Nominee:	Jason Wing and Lauren Garceau
Nominee's Department:	Fire
Describe reason for nomination:	LM22 Operator Lt. Jason Wing and Rescue Swimmer Lauren Garceau for their rapid response and confident smooth handling skills with the rescue of 3 Kayaks and riders off the southern tip of Pass-a Grille. For well over an hour, this trio that included a petrified first-time kayaker that didn't know how to swim, was exhausted from being unable to overcome the powerful outgoing tide from Pass-A-Grille. One of our city's residents, from Point Pass-a-Grille Condominiums, had been watching them struggle against the tide and saw that they were getting weak. He said he knew it was time to call the fire department for help. D23 & ME22 met the 911 caller at the beach access off of 1st avenue. LM22 launched from the beach around 4th avenue and came racing South and into Pass-a-Grille. Lt. Wing and Lauren Garceau met up with the kayakers and formulated the best strategy bring them all to safety. The Kayakers were so appreciative and even visibly emotional with relief that they thanked Lauren Garceau and Lt. Wing over and over.
Name of Nominator:	Fire Department
Department:	Fire
Initials:	FD

Date:

5/9/2025

Email not displaying correctly? [View it in your browser.](#)

HURRICANE SEASON 2024

AFTER ACTION



How Staff Evaluated Our Hurricane Response

Department Led Assessments

Each City department conducted a SWOT analysis (Strengths, Weaknesses, Opportunities, Threats) with their teams to evaluate their hurricane response.

Collaborative Process

Staff input was gathered across all levels to ensure a ground-up understanding of what went well and where we can improve.

Review

A qualitative analysis of all departmental feedback identified common themes and actionable items.

Top Themes

Procurement & Resource Management

- Need for faster, clearer processes during emergencies
- Pre-established contracts for supplies and services
- Stronger resource tracking and oversight

Communication & Coordination

- Clear internal reporting and EOC roles
- Improved real-time public messaging
- Stronger regional and inter-agency coordination

Personnel & Staffing

- Staffing gaps, burnout, and unclear roles
- Cross training and flexibility are essential
- Consistency in pay, tracking, and documentation

Recovery Task Force

Objective 3.2

The City shall have a Recovery Task Force to provide preliminary damage assessments and direct post-disaster recovery and redevelopment activities.

Policy 3.2.1

The Recovery Task Force shall consist of the City Emergency Management Coordinator, the Building and Inspection Department and other members as appointed by the City Commission.

Recovery Task Force - continued

Policy 3.2.2

The Recovery Task Force shall fulfill the following responsibilities, as well as others deemed necessary:

- Assess preliminary damage reports;
- Take necessary steps to seek financial assistance from the appropriate state and federal agencies;
- Authorize immediate clean-up and repairs necessary to protect the public health, safety and welfare;
- Identify areas within the community where minor, moderate and major damage has occurred;
- Recommend to the City Commission appropriate hazard mitigation policies that should be implemented in response to the disaster; and
- Prepare a report evaluating post-disaster redevelopment response and make recommendations for necessary changes to this Comprehensive Plan.
- Measure: Having a workable disaster recovery plan

STRENGTHS

Community

Staff

Communications

**Staff first 48-
hour response**

**Response from
Duke, & FEMA**

Cleanup was well communicated

Sandbag service

**We did the best
with what we had**

Dune System

**Community
Spirit and
Team
Work**

**Rapid arrival
of SERT**

**Excellent EOC
Facilities (Church)**

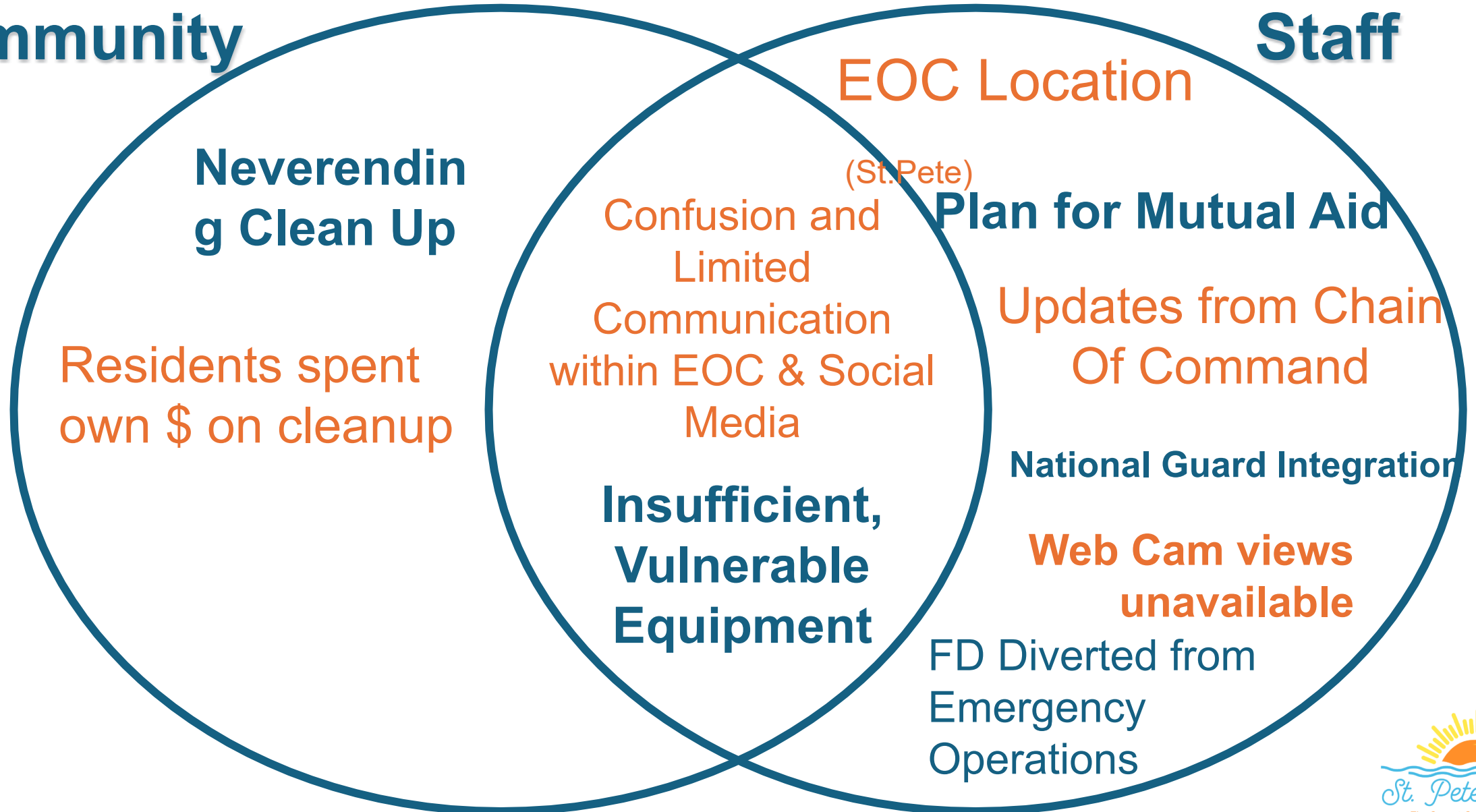
Morale

**Proper staffing on
primary response**

WEAKNESSES

Community

Staff



OPPORTUNITIES

Community

Staff

**Update
Comprehensive
Management
Plan**

Improve/reduce
dependency on
resources that
were damaged

**Better Utilize
Text
Communication**

**Encourage/
Strengthen
Codes for Dune
Creation**

**SDSI Prior to
Event**

**Raise or
Relocate
Equipment**

**Improve Partnership
and Funding
Opportunities**

**Employee
Support and
Welfare**

**More contracts
established
prior to storm**

**Improve structure
and
communications
among staff
during recovery**

**More training
and drills**

THREATS

Community

Staff

Loss of life from
Not Evacuating

**Labor
Shortages**

Destruction of
dunes and those
that live there

**Stormwater
System
Maintenance**

Bad Data
For Damage
Evaluation

**Another
Hurricane!**

Loss of
communications
systems

Not learning from
our mistakes

**Damage to City
equipment needed
for recovery**

RECOMMENDATIONS FROM STAFF

Streamline procurement and resource management: Expand contracts and agreements for quick access:

- Food Service: to provide means for staff (could expand to include S. Pasadena and Treasure Island if needed).
- Remediation: of any buildings due to flood waters
- Damage Assessment: Assessment of all City-owned buildings for damage
- Provide Cooling Stations, restrooms for residents and staff
- Temporary structures that may be needed throughout the City immediately after the storm (lodging needs, mobile work trailers, etc.)

RECOMMENDATIONS FROM STAFF

Improve communications system: Strengthen ties with external partners

- Have staff participate in additional ICS training
- Publicize the real-time safety and hazard status of City in expedited timeframe i.e., post real-time pictures of damage as safety and access allows
- Utilize the City's text message alert more often. Promote the registration link to the community prior to the event.

RECOMMENDATIONS FROM STAFF

Enhance staffing and support systems: Manage gaps and prevent burnout

- Identify staffing gaps prior to events
- Execute pre-storm staffing contracts for temporary personnel
- Institute limited-time employment with specialized labor
- Clearly define emergency roles and provide training
- Plan and implement tabletop drills
- Implement structured support programs for staff

RECOMMENDATIONS FROM STAFF

Refine Disaster Plans:

- Update Comprehensive Management Plan
- Update Emergency Operations Plan
- Update the EOC organizational chart on an annual basis to ensure staff understands current reporting structure
- Institute Continuity of Operations Plan (post storm)
- Complete ICS training for all applicable staff members prior to storm season to help improve real-time communication within the Emergency Operations Center (EOC)
- Attend "After Action Meetings" with external partners and neighboring communities to discuss outcomes, learnings, and best practices

SUBSTANTIAL DAMAGE ADMINISTRATIVE PROCEDURES PLAN (SDAP)

Pre-Disaster Planning

This phase ensures that all staff members are informed and equipped to understand the applicable regulations and required actions in the event of a disaster. It includes:

- Communicating essential requirements and expectations.
- Establishing standard operating procedures (SOPs) and methodologies.
- Identifying staffing needs and resource allocation.

Post-Disaster: Immediate Coordination

In the immediate aftermath of a disaster, the focus will be on:

- Identifying Substantial Damage (SD) hotspots and vulnerable areas, including low-lying or at-risk buildings.
- Assessing specific staffing requirements and assigning personnel, along with the necessary resources.
- Gathering required materials and providing clear direction to staff for efficient response.

SUBSTANTIAL DAMAGE ADMINISTRATIVE PROCEDURES PLAN (SDAP)

Post-Disaster: Damage Assessments and Determinations

- Conducting initial damage assessments, documenting findings, and submitting them to relevant authorities (Pinellas County, FDEM, FEMA).
- Upon completion of the initial assessment, initiating Substantial Damage assessments using the **Forerunner Substantial Damage Estimator** tool.
- Notifying property owners regarding damage assessments and providing guidance on subsequent actions.

Post-Disaster: Reintegration and Recovery

- Managing appeals related to SD assessments.
- Accepting and processing permit applications for repairs, reviews, and issuance.
- Assisting property owners in accessing recovery resources, including funding opportunities.
- Documenting the processes and procedures for evaluation and identifying opportunities for future improvements.

RECOMMENDATIONS FROM STAFF

Invest in infrastructure: Backup power, comms systems and flood protect measures for critical facilities:

- Build Back Better: Invest in mitigation measures to protect critical facilities
- Continue resiliency planning
- Back up generation plans are in the works
- Multiple active funding requests at the County, State, and Federal levels
- Plans to raise seawalls

City Commission Budget Workshop #1

May 13, 2025

4:30 p.m.

ELECTED OFFICIALS PRESENT:

Adrian Petrilu, Mayor

Karen Marriott, Vice Mayor, Commissioner, District 1

Lisa Robinson, Commissioner, District 2

Betty Rzewnicki, Commissioner, District 3

Joe Moholland, Commissioner, District 4

STAFF PRESENT:

Ralf Brookes, Interim City Attorney

Frances Robustelli, City Manager

Renee Rose, City Clerk

Devon Schmidt, Finance Director

Mayor Petrilu called the meeting to order at 4:37 p.m., followed by the Pledge of Allegiance.

City Manager Frances Robustelli updated the commission on the fire at CVS today, stating that the fire is contained to CVS. Seven units are affected with smoke. CVS is deemed a total loss. There were no injuries reported.

1. PRESENTATION: FY 2026 BUDGET WORKSHOP #1

City Manager Frances Robustelli gave a brief overview of the revised budget workshop process. Tonight's discussion will remain high-level as the team seeks guidance on approach. Extensive detail was provided to give the commission a comprehensive view of the city's capital needs.. Public Service Director Camden Mills consolidated all past studies into a single capital program to illustrate the full scope of what it costs to run the city from a capital perspective. The goal is to get policy-level direction and support from the commission as the budget process moves forward.

Finance Director Devon Schmidt stated this workshop will kick off the FY 2026 budget discussions that will cover historical financial data, a reserve analysis, an initial capital improvement plan, and recommendations from the Finance & Budget Review Committee. Staff is seeking policy direction on using the proposed capital prioritization to prepare the FY 2026 capital budget.

Historical Financial Overview – Forecasting comes with challenges, including hurricane-related impacts on revenues, FEMA reimbursement uncertainties, and potential tariff effects. General Fund subsidies to enterprise funds raises concerns around best practices and financial management. To address these, the city plans to implement strategic, long-term measures such as a fee and impact study, a 10-year financial forecast, and updated reserve policies. The FY 2026 budget will also reflect best practices aligned with GFOA standards and explore revenue diversification, including fees and grant opportunities.

Strategic Long-Term Considerations – Ms. Schmidt explained some of the considerations: the city plans to implement strategic, long-term measures stated earlier. Aligning the budget with the strategic plan is essential, as it ensures financial decisions reflect community needs, commission priorities, and guides staff in implementing goals throughout the budget process.

Ms. Schmidt said the ad valorem taxable values show that single-family homes and condos make up a significant portion of the property tax base. Understanding this distribution is key for effective financial planning. A future workshop will break down homesteaded vs. non-homesteaded properties.

Ms. Schmidt provided a detailed look at general fund revenues over \$100,000, identifying trends and guiding funding decisions. Most of these revenue sources are controlled at the county or state level, limiting local flexibility. General fund revenue sources include ad valorem taxes, parking, county EMS reimbursements, utility taxes, and sales tax (a smaller portion). The 2025 year-to-date figures show current revenue trends, with some transfers pending. To improve financial sustainability, the city is exploring revenue diversification opportunities such as a potential bed tax, grants, fee and impact studies, and adjustments to program fees like those in parks and recreation. It's important to distinguish between the general fund and proprietary (enterprise) funds: wastewater, reclaimed water, stormwater, and multimodal. These enterprise funds should operate like self-sustaining businesses, but currently rely on subsidies from the general fund, which is not considered best practice. Reducing this reliance is important for effective financial management.

Ms. Schmidt said they look to achieve a budget accuracy of 96% of the budget, aligning budgeted figures with actual expenditures. Setting reserve policies is also a priority, ensuring funds are saved for future projects or emergencies. Unspent funds may be directed to capital projects, but only after meeting reserve requirements. The year-over-year general fund comparison shows the city's financial performance, including revenue, expenditures, and net amounts. The city has been building reserves, but stronger reserve policies are needed. The difference between budgeted and actual figures highlights the importance of achieving the 96% budget accuracy goal to better align spending with projections.

Several enterprise and special funds face financial challenges due to misalignment between budgets and actuals, along with a reliance on general fund subsidies. The Wastewater Fund shows a significant variance between budgeted and actual spending, as the current rate structure doesn't generate enough revenue to cover capital needs. The Reclaimed Water Fund's revenues aren't sufficient to cover operations without a subsidy. The Stormwater Fund generates approximately \$500K annually, but its capital needs exceed \$700K. The Building Fund has been supported by past actuals, though it's important to note that waiving permit fees resulted in \$3 million in uncollected revenues. The Fleet Fund is crucial for managing vehicle replacements, with a focus on long-term planning. The Resiliency Fund, created in 2023, isn't seeing increased revenues yet. The Multimodal Fund supports infrastructure for new development but was budgeted to dip into its fund balance. Moving forward, the goal for FY 2026 is to better align revenues and expenditures, reduce dependency on subsidies, and improve budgeting practices across all funds.

For fiscal year 2023, \$22 million was budgeted for Capital Projects, but only \$4.8 million was completed, highlighting an area for improvement in budgeting practices. The goal moving forward is to more accurately budget for projects anticipated to start or complete within the year. 2024 was similar, with \$25 million planned and \$7.1 million actually spent. The city is considering an emergency bridge loan to cover operations due to uncertainties around FEMA reimbursements, which could take 5-7 years to receive. The initial cost of hurricane response significantly impacted the general fund. The lack of reserve and investment policies also affect the city's financial resources.

Ms. Schmidt next reviewed a comprehensive budget comparison by fund. The beginning fund balances are unaudited and subject to change. There are potential FEMA reimbursements in the wastewater fund, where reimbursement is expected for pump station 1. The city is considering the emergency bridge loan to cover operational costs. The city spent \$7.3 million on contracts related to Helene, with \$6.2 million in actual expenditures, and \$2.7 million on contracts for Milton, with \$761,000 spent to date. Some of these costs covered debris collection and building remediation. The general fund paid for pump station repairs, which typically should have been covered by the wastewater fund, highlighting a deviation from financial best practices.

The initial 5-year capital improvement plan provides a comprehensive overview of the city's needs, addressing projects identified through past studies. Staff is seeking policy direction from the commission to help prioritize and reduce the scope of these projects to create a balanced budget. Projects are prioritized based on community needs: storm repair, restore, restore with resiliency, and amenity enhancement. Not all projects will be recommended, as many critical infrastructure projects have historically been deprioritized due to funding constraints, resulting in a long list of unfunded capital projects.

An overview followed for 2026-2030 to provide the necessary projects to restore the ageing infrastructure and include community amenity enhancements that will be delayed due to the priority of critical infrastructure. Key funding sources include Penny for Pinellas and potential FEMA reimbursements, though some project funding is still undecided. Rising costs, especially for seawalls, may further impact budgets. With over \$50 million in identified needs for FY 2026 alone, the city is seeking policy direction from the commission to prioritize projects and develop a balanced, realistic capital budget.

The city's total revenues, expenditures, and fund balances show that it's not feasible to move forward with \$50.48 million in capital projects for FY 2026. However, it's important to recognize the significant needs that exist within the community.

The reclaimed water fund relies on service charges and connection fees but is not generating enough revenue to cover operating costs, requiring a \$400,000 general fund subsidy. Key projects include replacing lateral service pipes and restoring the pig port system, both categorized under resiliency. The stormwater fund is sustaining operating expenses but cannot meet growing capital needs. Major projects focus on infrastructure improvements, sea-level rise adaptation, and flood risk mitigation. These include new pump stations, drainage upgrades, seawall enhancements, and an updated watershed management plan. Most projects are funded by stormwater and the general fund and categorized as resiliency or restore. The wastewater fund can cover operations but not major capital needs. Important projects include asset management updates, force main replacements, and pump station overhauls. There's also a focus on storm damage repairs and system inspections post-Hurricane Helene. Some projects may qualify for FEMA or grant support, but many are reliant on general fund subsidies, which is not best practice. Enterprise funds should be self-sustaining and not rely on general fund transfers. As the city prepares its FY 2026 budget, it's important to align enterprise operations with financial best practices and consider parking as a potential new enterprise fund, as it is a revenue generator with no restrictions on the use of the revenue.

The Finance Budget Review Committee recommends completing fee studies quickly and implementing them, prioritizing capital projects that address system failures and restorations first and then considering other projects. Staff will return with project recommendations for committee and commission review. This is the first of five budget workshops. At the next session on June 10, an updated Capital Improvement Plan and a position and benefits overview will be presented. Staff seeks policy direction from the commission to proceed using the proposed capital project prioritization categories in preparing the recommended budget.

The discussion that followed focused on improving the accuracy of budgeting by aligning budgeted figures more closely with actual expenditures. Past discrepancies were attributed to overestimating project execution capacity, staffing attrition, and contingency funds that went unused. Going forward, staff intends to tighten spending plans and only include projects that are realistically achievable within the fiscal year. The commission supported this approach and emphasized prioritizing critical repairs and restorations before enhancements. There was also a suggestion to re-evaluate city lease agreements to ensure fair market value, as many appear outdated or undervalued.

While commissioners considered additional revenue options, such as short-term rental fees, staff clarified that

Florida law restricts local governments from imposing certain taxes or fees beyond administrative costs. Those strategies may not produce significant revenue or be feasible without legal risk. There was interest in the timing of the fee study. Staff expects to receive preliminary data in time to inform the budget planning process, with final adoption of new fees along the way.

It was emphasized that while "repair and restore" should be a top priority, resiliency projects—those that proactively strengthen infrastructure—should not be overlooked. Strategic prioritization is needed to balance immediate repairs with long-term improvements.

The next Finance & Budget Review Committee meeting is June 4.

5. Adjournment

The next Commission Budget Workshop #2 is scheduled for June 10, 2025 at 4:30 PM.

Mayor Petrila adjourned the meeting at 5:31 p.m.

MINUTES APPROVED: MARCH 25, 2025

RENEE ROSE
CITY CLERK

ADRIAN PETRILA
MAYOR

City Commission Meeting
May 13, 2025
6:00 p.m.

ELECTED OFFICIALS PRESENT:

Adrian Pettila, Mayor
Karen Marriott, Vice Mayor, Commissioner, District 1
Lisa Robinson, Commissioner, District 2
Betty Rzewnicki, Commissioner, District 3
Joe Moholland, Commissioner, District 4

STAFF PRESENT:

Frances Robustelli, City Manager	Camden Mills, Public Services Director
Renee Rose, City Clerk	Brandon Berry, Senior Planner
Ralf Brookes, Interim City Attorney	Kristin Coman, Senior Planner
Jill Sassone, Human Resources Director	Devon Schmidt, Finance Director
Laura Canary, Community Development Director	Peyt Dewar, Code Enforcement Manager
Mandy Edmunds, Interim Recreation Director	Cathleen Bowley, Library Director

Mayor Pettila called the meeting to order at 6:00 p.m., followed by the Pledge of Allegiance. He introduced Renee Rose as the new city clerk.

1. PRESENTATIONS

a. Recognition of Employee of the 2nd Quarter

City Manager Frances Robustelli introduced Devita Thomas, HR Specialist, as the Employee of the 2nd Quarter. She was recognized for her professionalism, empathy, and exceptional service. Known for her warm smile and approachable nature, Devita connects easily with staff at all levels, earning trust and admiration across departments. She plays a key role in HR, recently leading multiple recruitments while implementing a new system, in addition to her regular duties. Team members describe her as helpful, dependable, and embodying the best of the organization. Devita also volunteers at city events, showing commitment to team unity and community. Congratulations to Devita on this well-deserved recognition.

b. Comprehensive Plan Amendments – Height/Density in Large Resort Land Use Category

Jim Hickey, Director of Planning, Calvin, Giordano & Associates, Inc., provided an updated presentation, included as part of the meeting record, on the Comprehensive Plan Amendments focused on the large resort area and town center zoning districts. Although previous development restrictions have been lifted, new legal uncertainties, particularly Senate Bill 180, would restrict what communities can do with LDC and comprehensive plans. This bill, if signed into law, would retroactively restrict more burdensome development regulations statewide. Given these challenges, the town center districts are seen as the focus for now. Next steps may include pausing the entire project or just the large resort portion, exploring a Community Redevelopment Area (CRA), and resuming public engagement, starting with business owners. CGA may also hold one-on-one meetings with officials to understand the city's direction.

The discussion included the impact of recently proposed state legislation—Senate Bill 80 and House Bill 943—which restrict the ability to regulate development after hurricanes. The bills appear to favor developers over local control, undermining home rule and resident interests. Florida League of Cities are advocating against the bills, but they are ineffective. Concerns were raised about the steady erosion of municipal authority. Commission consensus was to pause this project until July.

2. APPROVAL OF THE AGENDA

Commissioner Rzewnicki requested to add two discussion items – Charter review and Conditional Use Permit

process.

Motion: Commissioner Moholland moved, Vice Mayor Marriott seconded, and the motion carried 5-0 to approve the May 13, 2025 City Commission Agenda, as amended.

3. HELENE AND MILTON RECOVERY EFFORTS: STANDING MONTHLY AGENDA ITEM

Laura Canary, Community Development Director, provided an update on Hurricane Helene and Milton Recovery Efforts; her presentation is part of the meeting record. Ms. Canary thanked community volunteers who are continuing to provide assistance to the Community Development department. She said the volunteers have expressed interest in staying involved in other areas after they finish in Community Development.

Commissioner Robinson asked if the appeals process goes to the Board of Adjustment, which permits can be staged, and if the city buildings are subject to the same 50% regulations. Ms. Canary will follow up regarding the appeals process. She said the trades (mechanical, electrical, plumbing) can be staged. She confirmed that city buildings are subject to the 50% rule. Vice Mayor Marriott asked about delays in closing permits after final inspections. Ms. Canary advised if it's been more than 10 days, residents should email the permitting department. Commissioner Rzewnicki asked about properties with successful substantial damage appeals still showing as having open permits in the system. City Attorney Brookes said they use the permitting system to assign a number, but it's not really a permit. Commissioner Moholland noted none of the 721 substantial damage appeals have been denied, which could be concerning on a potential audit. Mayor Petrila asked if the appeals were supported by appraisals or photos, noting many homes were homesteaded decades ago. He also asked about the feedback from FEMA. Ms. Canary said many appeals were approved not due to new appraisals, but because the original damage data was inaccurate. FEMA provided written approval of the city's progress.

4. PUBLIC COMMENT

No members of the public came forward.

5. CONSENT

- a. Community Meeting and City Commission Meeting Minutes April 22, 2025
- b. Approval of Fireworks contract agreement with Alpha Fireworks in the amount of \$35,000.00
- c. Approval of Beefree, LLC contract amendment for \$3.00 fare implementation to non-registered, non-residents of St Pete Beach and advertising revenue program to offset Freebee micro-transit service operating costs
- d. Amend Financial Services Agreement with Public Trust CPAs, LLC, to increase the not-to-exceed contract value to \$75,000.00
- e. Approval of Design agreement with Sweet Sparkman for Station 22 Phase 3 in the amount of \$865,451.00
- f. Task order with Stantec Consulting Services, Inc., for on-call transportation planning services in the amount of \$25,000.00
- g. Amend Services agreement with Cotton Global Disaster Solutions, in the amount of \$2,034,044.63 for various City building repairs damaged by Hurricanes Helene and Milton
- h. Approval of Services agreement with Raftelis Financial Consultants, Inc. for Operating and Enterprise Fee Studies in the amount of \$144,395.00

Commissioner Rzewnicki noted the fireworks contract states it would be brought forward in March, but it's currently May and asked if the contract should be changed. Interim Recreation Director Mandy Edmunds confirmed that the contract should be amended.

Commissioner Robinson commented on the Beefree contract from 2019, which was for 3 years with two one-year renewal options, but when it was renewed in 2022, it extended for 2 years instead of one. There was an amendment to add four vehicles, but the amendment didn't include an extension of the contract terms. City Attorney Brookes said the most recent agreement was signed in December 2023 and extends the term two additional years. City Manager Robustelli said the contract was likely extended by a year due to an initial plan to purchase four additional vehicles, which was later canceled because of hurricanes. The contract now expires in September 2026, and she plans to bid for micro transit services without an automatic renewal, allowing time to evaluate all bidders and make a decision before the contract ends. Attorney Brookes said the city will save \$166,708 for the four vehicles. Additional savings will come from a 50% share of advertising and a \$3 non-resident fare per trip applied toward the amount owed to the contractor. Commissioner Rzewnicki asked how the \$3 non-resident fare is charged and how credit card fees will be assessed. Attorney Brookes said it's net of any credit card fees. Vice Mayor Marriott said the credit card fee comes off of the balance that's applied to the city.

Commissioner Robinson asked if the financial services contract will increase again, noting that it's gone from \$25,000 to \$75,000. City Manager Robustelli said this is the end of the contract and the amount is the final payment. During the emergency, she authorized it under her ability. When costs were going to exceed she brought it forward to extend to \$50,000, but it ended up costing \$75,000 to cover the final reporting to FEMA. Commissioner Rzewnicki said the original agreement was set to end December 2024, now it's amended to September 2025. Manager Robustelli stated the work is done; the last date of service was March 14.

Commissioner Robinson asked if the \$865,451 for Fire Station 22 is part of the overall \$12 million. City Manager Robustelli confirmed.

Commissioner Rzewnicki asked how much the city spent with Stantec to date and if they are a traffic expert. City Manager Robustelli didn't have that number, but said she is bringing every Stantec contract to the commission regardless of the amount. Public Services Director Camden Mills stated they provide various civil engineering services, like seawall and structural, as well as transportation.

Commissioner Rzewnicki noted the amount for Cotton Global has doubled from the original and asked how the city is paying it without the reimbursement in hand. City Manager Robustelli said this is an administrative step to keep the city in a position for FEMA reimbursement. The current authorization is to enter into a contract, with spending to occur only as funding becomes available. This step was necessary to secure the contractor in compliance with FEMA purchasing guidelines, and this week was the last possible date to do so for Milton.

Motion: Vice Mayor Marriott moved, Commissioner Robinson seconded, and the motion carried 5-0 to approve the May 13, 2025, City Commission Consent Agenda.

6. ACTION ITEMS

- a. Unnecessary and Undue Hardship Variance No. 24058: Allowing for the encroachment of feature and quiet pools into the required side setback in the development of Winward Pass Resort [Parcel #s 07-32-16-07398-001-0170, 07-32-16-07398-001-0230, 07-32-16-18143-001-0010, 07-32-16-18143-001-0020]**

John Bodziak, applicant, addressed the city to express concern over the denial of a Planning Board application. His intent was not to be argumentative, but to highlight the significant hardship created by the unusual shape of his property. The parcel, which spans over 116,000 square feet, is so irregularly shaped that, once the city's standard setbacks are applied, less than 50%, possibly as little as 40%, of the land is buildable. A 25-foot drainage

easement further restricts usable space. Zoning regulations are typically designed for more regular, rectangular lots and this parcel's unique configuration warranted special consideration. The Planning Board did not take this into account when making their decision. The application was denied for reasons including traffic concerns, density, increased use of local services, shallow waterways, and noise. These are irrelevant or not applicable to the project as proposed. The decision to propose a five-story building was driven solely by the constraints of the site, not an attempt to exploit the space. He asked the commission to consider the site's extreme limitations and argued that no other property in the city is as restricted. He believes that if the Planning Board had considered the site's hardship, the outcome might have been different.

Discussion revealed the property was purchased 20 years ago and was comprised of four or five lots. The existing buildings on the site when it was purchased were not impacted by the current setbacks. Bodziak noted that the property is now severely underutilized and that combining the lots into a single property was always part of the plan. The drainage easement would have existed when the property was purchased. Bodziak criticized the Planning Board's reasons for denial, including traffic concerns, freebee use, docks, jaywalking, and noise, arguing that these factors were irrelevant or addressed in the proposal. Concerns regarding the proposed two bars, and the potential for amplified music, were raised, given nearby residential areas. There were questions about whether the proposed condo/hotel is appropriate for the residential bayou district.

Brandon Berry, Senior Planner, clarified that the requested variance applies only to the pool setbacks, not the primary development, which meets setback requirements. Denying the variance would not stop the overall project from moving forward. Property consolidation is consistent with the city's comprehensive plan. Any outdoor music would be a separate consideration for a conditional use permit. Staff had concerns about the feature pool, especially night use and potential to cause nuisance, and recommend specific conditions to address these concerns. The applicant provided reasonable support for the quiet pool. If the commission finds the proposed conditions inadequate, staff suggests considering the quiet pool separately.

Discussion followed regarding how this variance request could proceed in a Bayou Residential District, where primary use is residential and only limited commercial use is allowed. The site consists of four separate lots, each with its own tax ID, and the commission inquired when or how they were unified without commission approval. Staff clarified that lot consolidation is allowed under the comprehensive plan and does not require commission approval unless it's done through subdivision. Because this project involves a conditional use permit, a variance, and density allocation, it is subject to commission review. The variance in question, a 51.5% reduction in pool setbacks, is highly unusual and not often granted. Staff noted that while the setback rules (10% of lot width) are consistent across the district, consolidation has led to a larger required setback for this site. Commissioners questioned the legitimacy of the hardship claim, pointing out that the applicant is subject to the same zoning and setback rules as everyone else in the district. They also noted that the proposed project is effectively a hotel operating under condo ownership, which requires conditional use approval and is not a permitted use by right. Maximizing property value or doing something beyond what's allowed by right does not constitute a true hardship. Granting the variance would result in preferential treatment, not equitable application of zoning rules. Staff stated that the only changes made after the Planning Board decision were a minor building height reduction and a small setback adjustment for the feature pool. The applicant chose to bring the same project to the City Commission rather than return to the Planning Board.

The City Attorney explained that the variance request is for pool setbacks only, not the main building, and reviewed the legal criteria required to justify a hardship variance. Key points included: a hardship cannot be self-created, it must stem from unique conditions of the land, not from the owner's actions, a desire for greater financial return does not qualify as a hardship, the variance must treat the applicant the same as other property owners in

the zoning district, and the variance must be the minimum necessary to allow reasonable use of the property.

Further discussion suggested the applicant is creating the hardship by combining four separate lots and proposing uses, pools and short-term lodging, beyond what's allowed by right. The applicant could still develop the site within existing zoning rules without needing a variance. Commission members determined that no true hardship exists under the legal criteria.

PUBLIC COMMENT

John Kurzman, 5810 Bahia Honda Way S, inquired what a quiet pool is, and how the noise ordinance would be enforced.

Motion: Commissioner Rzewnicki moved, seconded by Commissioner Robinson, and the motion carried 5-0 to deny Variance No. 24058.

Action was first taken on Item 7a, Ordinance 2024-08 following a staff presentation and discussion. Following denial of Ordinance 2024-08, the Commission returned to take action on Resolution 2024-12.

b. Consideration of Resolution 2024-12 (Conditional Use Permit #23085) to allow for the development of Winward Pass Resort [Parcel #s 07-32-16-18143-001-0010, 07-32-16-18143-001-0020, 07-32-16-07398-001-0170, 07-32-16-07398-001-0230]

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, APPROVING A CONDITIONAL USE PERMIT, PURSUANT TO SECTIONS 39.6.(p), AND 42.4(b), (d), (g), & (h) OF THE LAND DEVELOPMENT CODE, TO ALLOW FOR THE DEVELOPMENT OF A 104 UNIT CONDO HOTEL, (38.8 UNITS PER ACRE), WITHIN A NEW SIX-STORY LODGING STRUCTURE THAT WILL EXTEND TO 50 FEET ABOVE BASE FLOOD ELEVATION WITH NON-HABITABLE OVERRUN NOT TO EXCEED 60 FEET ABOVE BASE FLOOD ELEVATION, AND INCLUDE AS SITE AMENITIES OUTDOOR MINI-GOLF, QUIET AND FEATURE POOLS, AND 12-SLIP CLASS A LODGING DOCK, INCLUDE AS HOTEL BUILDING AMENITIES GROUND-FLOOR AND OUTDOOR SIXTH-FLOOR BARS AND SEATING AREAS, INDOOR BALLROOM AND RESTAURANT, AND INCLUDE IN A SEPARATE BUILDING AN ARCADE AND THREE-LEVEL GARAGE WITH SECOND AND THIRD-FLOOR OUTDOOR SEATING AREAS, TO PROPERTY WITH PARCEL NUMBERS OF 07-32-16-18143-001-0010, 07-32-16-18143-001-0020, 07-32-16-07398-001-0170, & 07-32-16-07398-001-0230; INCORPORATING THE CONDITIONS OUTLINED HEREIN; AND PROVIDING FOR CORRECTION OF SCRIVENER'S ERROR AND AN EFFECTIVE DATE.

Motion: Vice Mayor Marriott moved, and Commissioner Robinson seconded, and the motion carried 5-0 to deny Resolution No 2024-12.

7. ORDINANCES

a. First Reading of Ordinance 2024-08 to allocate 104 units of temporary lodging density from the Town Center Corey Circle and Coquina West, Activity Center, and Bayou Residential Districts Temporary Lodging Unit Density Pool to property with parcel numbers of 07-32-16-18143-001-0010, 07-32-16-18143-001-0020, 07-32-16-07398-001-0170, & 07-32-16-07398-001- 0230 (Windward Pass Resort)

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR THE ALLOCATION OF 104 UNITS OF TEMPORARY LODGING DENSITY UNDER THE PROVISIONS OF THE TOWN CENTER COREY CIRCLE, COQUINA WEST, ACTIVITY CENTER, AND BAYOU RESIDENTIAL

DISTRICTS TEMPRARY LODGING UNIT DENSITY POOL, AS ESTALBISHED IN THE CITY OF ST. PETE BEACH COMPREHENSIVE PLAN, TO PROPERTY WITH PARCEL NUMBERS OF 07-32-16-07398-001-0170, 07-32-16-07398-001-0230, 07-32-16-18143-001-0010, 07-32-16-18143-001-0020; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

Brandon Berry, Senior Planner, summarized that Ordinance 2024-08 is the density pool allocation that is requested for the 104 temporary lodging units, allocated from the Town Center Corey Circle and Coquina West Activity Center and Resolution 2024-12 is the conditional use permit allowing the construction of a 104 unit, 50 ft tall condo hotel with indoor and outdoor amenities that include two outdoor bars with outdoor music, dock slips, and other accessory commercial amenities. The variance was not necessary for these items to move forward. The project, submitted in September 2023, proposes a 104-unit, 50-foot-tall condo hotel on Bayou Residential-zoned land. It was unanimously recommended for denial by the Planning Board in December due to concerns about traffic, density, building scale, public safety, noise, and compatibility with the area. The applicant seeks two approvals: one for density allocation, Ordinance 2024-08, and another for conditional use permits, Resolution 2024-12, including the hotel, bars, dock slips for non-motorized water sports, pools, a mini golf course, and arcade. Staff acknowledged issues but noted some benefits, such as a public promenade, curb cut reduction, and quality architecture. Concerns remain about building mass, internal traffic flow, lack of a traffic study, and long-term maintenance of public features. Staff proposed conditions related to safety, noise limits, green infrastructure, and timing of accessory uses.

Discussion followed, starting with the proposed 12-slip Class A lodging dock as part of a larger hotel development in the Bayou Residential zoning district. The question was raised whether the applicant has the authority for the dock, referencing a state sovereign submerged land lease from 2026 that currently permits only 8 slips for recreational use on a vacant lot without fueling. Staff clarified that the state lease must be amended separately from the city's approval process. By law, the city cannot require state or federal permits as a condition for zoning approval, but the applicant would still need to obtain them before operating the dock. Concerns were raised about the environmental impacts of increased commercial activity, especially since the area is a manatee breeding ground and very shallow. The discussion also revisited the density pool request: the applicant seeks 104 units, which would use about one-third of the remaining 261 units in the pool, leaving 157. This raised concern about limiting future projects, particularly in the Town Center 2 district. There was also discussion about the purpose of the Bayou Residential zoning district, which is intended as a transition zone between higher-intensity commercial uses to the west and lower-density residential areas to the east. Commissioners pointed out that existing nearby properties are relatively low intensity: condos, small motels, a few bars, and that the proposed hotel with rooftop bars, music, water slides, and docks exceeds what would be expected in a transitional zone. The project appears incompatible with the intent of the district as outlined in the city's land development code and comprehensive plan.

Jack Bodziak, applicant, defended the hotel proposal, stating it fully complies with the city's zoning code. The building is shorter than nearby high-rises, making it suitable for a transitional zone. The project was always meant to be a hotel, and initial interest from Marriott supports its intended use. He expressed frustration that the application, including lot combinations under single ownership, was accepted by the city without issue during the review process, but is now being questioned. He said the Planning Board's denial was based on weak reasoning, not on actual violations of code, and that staff's review supported the proposal. The request was reasonable and made in good faith, and any offense taken was misplaced. He asked the commission to focus on the legitimacy of the application rather than emotional responses or unrelated concerns.

Mayor Petrila clarified that this meeting is not an appeals process for the Planning Board's recommendation, as the board only makes non-binding recommendations, not final decisions. The purpose tonight is for the City Commission to evaluate the project based on how well it aligns with the land development code, comprehensive plan, and zoning regulations. They are not offended by the applicant's request, acknowledging the right to propose any project. However, the applicant is seeking conditional uses, which are not guaranteed and require justification because they exceed what's allowed by right. He noted that the project proposes higher intensity uses than what's currently across the street, such as multiple pools, bars, boat slips, and commercial amenities, which do not align with the intent of the Bayou Residential District as a transitional, lower-intensity zone. He asked the applicant to clearly explain how the project meets the criteria laid out in the city's codes and plans, instead of disputing the Planning Board's recommendation. Mr. Bodziak said the proposed project meets all applicable criteria in both the zoning code and the conditional use. Nothing in the application is outside what the code permits. The Planning Board's reasons for denial were not strong. His proposal complies with all code requirements, including land use, density, and conditional use standards. The requested features, such as multiple pools, boat slips, and hotel use, are either allowed or justifiable due to the site's size and location. Discussion raised concerns about the legitimacy of the public benefit claims, unresolved site maintenance issues on the currently permitted parking lot, traffic circulation, environmental protection measures, including stormwater and seawall standards, and the clarity of ownership and development responsibility. Throughout the discussion, commissioners sought clarification on inconsistencies in the application, particularly regarding the developer's identity, environmental measures, site access, noise control, and comparisons to other districts. Mr. Bodziak maintained that all objections were addressed in previous submissions, the commission emphasized the need for clear, substantiated responses specific to this hearing, rather than referencing past Planning Board proceedings.

PUBLIC COMMENT

John Kurzman, 5810 Bahia Honda Way S, expressed concerns about beach access for the project and noted that previous attempts to allow paddleboarding in the area were denied. He said the residential project planned for Corey Landing would be better suited for the Bayou area, and the Windward project would be better suited for the Corey Landing area.

Frank Quillin, 4160 Belle Vista Dr, described Little McPherson Bay as being narrow, with the narrowest part being about 50 yards wide. It's a habitat for manatees and their babies. It's a residential area that should be protected. A paddleboard company previously wanted to operate in the bay, but residents stopped it because of privacy concerns. There is no need for boating activities from this project.

There was further discussion that the applicant has right to ask for a conditional use permit (CUP), but there are concerns about the proposed project relating to intensity and density, 104 condo hotel units with amenities like pools, a rooftop bar, and watercraft rentals, within a residentially zoned area. This would worsen existing noise, traffic, and safety problems, especially for pedestrians crossing Gulf Boulevard. There are environmental issues regarding harm to the manatee population and shallow waterways in the area. The city's comprehensive plan and land development code protect residential neighborhoods and minimize adverse impacts. The application has not demonstrated how the proposed negative impacts would be mitigated. The CUP request goes beyond what has been approved on the island, and the applicant did not present solutions for minimizing disturbances to the neighborhood and environment. The project does not meet the standards of the land development code or comprehensive plan. Vice Mayor Marriott added a personal comment, she was previously denied a conditional use permit for paddleboard rentals on McPherson Bay. She disputed claims that paddleboarding would damage the environment or neighborhood peace, calling those objections exaggerated and false.

Motion: Commissioner Rzewnicki moved, Commissioner Moholland seconded, and the motion

carried 5-0 to deny the first reading of Ordinance 2024-08.

b. First Reading of Ordinance 2025-12: Amendment to Land Development Code Divisions 16 – CG-2 COMMERCIAL DISTRICT and 33-CC2 COMMERCIAL CORRIDOR GULF BLVD DISTRICT

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA CORRECTING ERRORS IN PRIOR ORDINANCES BY AMENDING THE CITY’S LAND DEVELOPMENT CODE DIVISION 16 CG-2 COMMERCIAL DISTRICT, SECTION 16.2 PERMITTED PRINCIPAL USES AND STRUCTURES TO RECOGNIZE AND ALLOW FULL-SERVICE RESTAURANTS, AND DIVISION 33 CC2 COMMERCIAL CORRIDOR GULF BLVD DISTRICT, SECTION 33.7 DENSITY AND INTENSITY TO CLARIFY THAT SINGLE-FAMILY RESIDENCES ARE PROHIBITED; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S ERRORS, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

Brandon Berry, Senior Planner, identified two errors in its zoning code. The first involves the CG-2 commercial zoning district, which applies to only a few properties. In 2015, the city intended to allow full-service restaurants in this district. It was stated in the ordinance title but was left out of the body of the code. Currently, the code permits limited-service restaurants, takeout, bars, and clubs. The proposed fix is to include full-service restaurants in the code, aligning it with the original intent. The second correction concerns the CC-2 zoning district, located roughly between 63rd and 70th along Gulf Boulevard. In 2017, the code was correctly changed to prohibit standalone single-family homes in this area, in line with the comprehensive plan. Some existing language in section 33.7 has caused confusion, as it may be interpreted to allow single-family homes. It’s not allowed based on the use code, so this ordinance cleans up the language and makes it consistent with the land development code uses and the comprehensive plan.

Discussion included the location of CG-2 zoning district, specifically the area on the west side of Corey Ave between 73rd and 75th Streets, which includes Woody’s, a full-service restaurant. It also includes the parking lot to the north, currently used by Toasted Monkey and Buoy’s. If the proposed code cleanup is not made, these properties could be redeveloped, but would be restricted to limited service, like a delicatessen with limited seating, bakeries, coffee shops or standalone bars, but they would not be permitted to operate a table service, sit down restaurant.

PUBLIC COMMENT

No members of the public came forward.

Motion: Vice Mayor Marriott moved, Commissioner Robinson seconded, and the motion carried 5-0 to approve the first reading of Ordinance 2025-12.

c. First Reading of Ordinance 2025-13: FY2025 Budget Amendment

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AN AMENDMENT TO THE BUDGET FOR FISCAL YEAR 2025 BY INCREASING APPROPRIATIONS FOR EXPENDITURE IN THE GENERAL FUND, WASTEWATER, RECLAIMED WATER FUND, STORMWATER FUND AND CONSTRUCTION PROJECT FUND; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER’S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

Devon Schmidt, Finance Director, provided a brief presentation, which is part of the meeting record. The FY2025 budget amendment overview outlines short- and long-term financial considerations and adjustments across

various city departments and funds. In the short term, the city is managing uncertainties like FEMA reimbursements, emergency bridge loans, parking revenue stabilization, unknown tariff impacts, and property tax changes for uninhabitable properties. The amendment includes general fund changes, such as funding for a new planning manager, IT support, EMS staffing (reimbursed by Pinellas County), and hurricane recovery contracts. In parks and facilities, funds are allocated for essential services and equipment, ensuring operational efficiency. In utilities, there are requests for transfers to support SCADA monitoring systems, FOG software, stormwater drainage design work, and permit consulting. The building fund is being increased to meet rising workloads, including staffing and contractual needs. Capital improvements include HVAC design for City Hall, seawall repairs, and pool resurfacing projects. The budget amendment aligns with the city's strategic plan and incorporates best practices in budgeting, financial forecasting, reserve policy development, and revenue diversification. A summary of budget-to-actual comparisons was presented, and future budget workshops are scheduled to continue refining these strategies.

Motion: Vice Mayor Marriott moved, Commissioner Robinson seconded, and the motion carried 5-0 to approve the first reading of Ordinance 2025-13.

d. Final Reading of Ordinance 2025-11: Nuisance Abatement Ordinance

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING CITY CODE CHAPTER 46 ENVIRONMENT ARTICLE II. NUISANCES DIVISION 2. ABATEMENT PROCEDURE SECTIONS 46-61 THROUGH 46-66; AND CHAPTER 46 ENVIRONMENT ARTICLE V CHRONIC NUISANCE PROPERTY CODE, DIVISION 1 CHRONIC NUISANCE SERVICES SECTIONS 46- 141 THROUGH 46-152 TO PROVIDE FOR DUE PROCESS SPECIAL MAGISTRATE HEARINGS AND PROCEDURES FOR THE ABATEMENT OF NUISANCES; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

Commissioner Robinson opened the discussion proposing two amendments: extending the response time from 7 days to 14 days after notification and removing the administration fees if the resident wins the case at the special magistrate hearing. The discussion continued, raising concerns about fairness, due process, and the discretion granted to code enforcement officers, particularly in cases involving tree trimming and lot mowing. The current process allows the city to proceed with mowing or trimming without a special magistrate hearing unless the property owner actively requests one, putting too much authority in the hands of code enforcement and lacking the objectivity provided by a magistrate. There was consensus to amend the ordinance to treat tree and grass violations the same as other nuisances, so that any city action would require a hearing before a magistrate, instead of the city manager, as a magistrate is legally trained and impartial. Discussion highlighted the real-world challenges property owners face, especially in the aftermath of the hurricanes. The time it takes to secure permits or arrange for contractors can be significant, and some residents may be uncertain whether they will rebuild or demolish damaged structures. The commission emphasized that code enforcement should continue to use discretion when granting time extensions, especially for complex cases.

PUBLIC COMMENT

John Kurzman, Bahia Honda Way S, provided a presentation that was made part of the meeting record. He raised concerns about the ordinance, suggesting it could lead to legal issues and unfair penalties. Lawn conditions vary, and factors like reclaimed water issues or being out of town could cause unintentional violations. He criticized the reliance on slow certified mail for notices and offered alternative communication methods, such as email or phone. Using a recent enforcement case as an example, he noted the risk of fines and liens against unaware homeowners. He suggested clearer standards, longer notice periods, and fairer enforcement to avoid unnecessary

hardship.

There was discussion that the ordinance is intended for extreme cases, such as severe trash accumulation or repeat grass violations, not for everyday code enforcement. It allows the city, with approval from a special magistrate, to clean properties in egregious condition. Discussion highlighted the importance of due process, better communication, and transparency. The city manager would bring serious cases to the commission for review before any action is taken.

Motion: Mayor Petrila moved, Commissioner Moholland seconded, and the motion carried 3-2 to approve the final reading of Ordinance 2025-11, as amended. Vice Mayor Marriott and Commissioner Robinson voted no.

e. First Reading of Ordinance 2025-14: Sunset Library Advisory Committee

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE CODE TO SUNSET AND END ALL DUTIES OF THE LIBRARY ADVISORY BOARD BY DELETING CHAPTER 22 BOARDS, COMMITTEES, COMMISSIONS ARTICLE V. LIBRARY ADVISORY COMMITTEE CODE SECTIONS 22-136 THROUGH 22-144; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

City Attorney Brookes stated this was discussed at a prior meeting. The commission determined that the tasks of the Library Advisory Committee are being efficiently handed by staff and the Friends of the Library organization. Discussion included the Friends of the Library organization taking on the members of the library advisory board to reduce redundancy. Commissioner Rzewnicki stated she brought up a charter review a year ago because of the library board, but there are other changes they may want to consider. Commissioner Moholland asked if this had been communicated to the board members because he hasn't spoken to his appointee. City Manager Robustelli said that the outgoing library director spoke to the board.

Motion: Vice Mayor Marriott moved, Commissioner Robinson seconded, and the motion carried 5-0 to approve the first reading of Ordinance 2025-14.

8. ITEMS FOR DISCUSSION

a. CUP Process *(added)*

Commissioner Rzewnicki expressed ongoing concerns about the lack of transparency and oversight regarding Conditional Use Permits (CUPs). She learns about CUPs after residents or businesses report problems. She asked for a list of active CUPs, what conditions were approved, and when they expire. Discussion highlighted a disconnect between code enforcement complaints and CUP tracking, with a suggestion for a tracking system and the possibility of CUP holders to fund additional code enforcement support for after-hours documentation.

9. CITY CLERK, CITY MANAGER, CITY ATTORNEY, AND CITY COMMISSION REPORTS

City Clerk – Financial disclosure reports are due in July; Florida Commission on Ethics will be sending reminder emails this month.

Frances Robustelli, City Manager – had no report

Interim Attorney Brookes – had no report

Commissioner Moholland – had no report

Commissioner Rzewnicki – Don Cesar property owners meeting at 6pm at the Warren Webster on Thursday, May 15. Belle Vista Civic Association is hosting a family event Saturday, May 17.

Commissioner Robinson – Bill Loughery, with the Historic Preservation Board, will be at the library event on Tuesday, May 20 from 5:00-5:45pm to talk to residents about historic designation.

Vice Mayor Marriott – Tuesday May 20th, at 6:00pm, Mastry’s Brewing, residents can talk with her about any concerns.

Mayor Petrila – had no report

Mayor Petrila adjourned the meeting at 9:58 PM.

MINUTES APPROVED:

RENEE ROSE
CITY CLERK

ADRIAN PETRILA
MAYOR

**CITY COMMISSION MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Agenda Title Name: Facility Use Agreement with St. Pete College for use of their facility for EOC

Action Request: Motion to authorize the Mayor to execute the Facility Use Agreement with St. Petersburg College for use of their facility for EOC operations.

Strategic Objective: Disaster Planning

Date: May 27, 2025

Prepared By: Danielle Pineiro

Through: Jim Kilpatrick, Fire Chief

Summary of Issue: The City of St. Pete Beach in conjunction with the City of South Pasadena, and the City of Treasure Island currently utilize the Life Enrichment Center of the Pasadena Community Church for Emergency Operations Center (EOC) functions when the City is evacuated due to hurricanes or like events. In the event that the Pasadena Community Church location is evacuated we will move operations to the St. Petersburg College Midtown Campus.

Funding: N/A

Attachments: 1. SPC_Interlocal Master Agreement_St. Pete Beach

MASTER INTERLOCAL AGREEMENT

THIS MASTER INTERLOCAL AGREEMENT (“Agreement”) is made and entered into this 13th day of March, 2025, by and between the **CITY OF ST. PETE BEACH, FLORIDA**, a political subdivision of the State of Florida, whose address is 155 Corey Avenue, St. Pete Beach, Florida, 33706, hereinafter referred to as (“City”), and the **BOARD OF TRUSTEES OF ST. PETERSBURG COLLEGE**, a political subdivision of the State of Florida, whose mailing address is P.O. Box 13489, St. Petersburg, FL 33733, hereinafter referred to as (“SPC”), jointly referred to as the (“Parties”).

WITNESSETH:

WHEREAS, the City is a “local emergency management agency,” pursuant to Chapter 252, Florida Statutes, and therefore has the responsibility for Emergency Management for the City; and

WHEREAS, St. Petersburg College Midtown Campus’s Adult Education Center facility, located at 1300 22nd Street S, St. Petersburg, Florida, 33712, hereinafter referred to as the (“Facility”), is located in a non-evacuation flood zone; and

WHEREAS, in furtherance of the City’s Emergency Management Plan, the City and SPC desire to cooperate in the interest of public safety by providing facilities to assist with command operations before, during, and following a disaster; and

WHEREAS, this Agreement is made and entered between the Parties pursuant to Section 163.01, Florida Statutes, the “Florida Interlocal Cooperation Act of 1969”; and

WHEREAS, the Parties have agreed to establish criteria for such occupancy and use.

NOW THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration the receipt and adequacy of which is hereby acknowledged, and the promises and covenants contained herein, the Parties agree as follows:

1. **PURPOSE.** The purpose of this Agreement is to provide the City with use of SPC’s space at the Facility for the City to operate an emergency command center in the event of current or imminent disaster. The foregoing recitals are incorporated herein and made part of this Agreement.
2. **TERM.** The initial term of this Agreement shall commence on April 1, 2025, and remain in effect until March 31, 2026. This Agreement will be auto renewed every year for an additional one (1) year term, unless terminated by either party upon thirty (30) days’ advance written notice. The Parties agree not to terminate this Agreement during a disaster; provided however, should either party breach any of the terms provide herein, the non-breaching party shall be entitled to immediately terminate this Agreement at any time. Additionally, in the event the Facility must undergo certain repairs, improvements, or modification, SPC shall give at least sixty (60) days’ notice to the City, whenever possible, stating the scope of such repairs, improvements or modifications and the estimated time

frame for starting and completing such work. Further, should such work be necessary, the Parties shall work in good faith to modify the use of the Facility as necessary.

3. **DISASTER.** A disaster shall be defined as an occurrence, such as a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, or other natural occurrence that is life threatening or causes human suffering.

4. **DUTIES AND RESPONSIBILITIES.**

- A. CITY agrees to:

- i. Maintain regular communication with SPC regarding the need, or expected need to use Facility. When such need becomes apparent, City shall promptly notify SPC and request use of Facility. City shall provide as much advance notice as reasonably possible under the disaster circumstances. Additionally, City acknowledges that it may only begin using Facility after it has been given express, written permission by SPC. Such permission may be given by SPC contingent upon the College declaring a shutdown of the Midtown Campus.
 - ii. Only access areas that SPC expressly designates for the City's use. City shall cooperate with SPC personnel at the Facility regarding specific space(s) to be used and manner in which said space shall be used.
 - iii. Only use Knox Box keys to access non-designated spaces if there is an immediate threat to life, limb, or property.
 - iv. Restore and or make repairs to property, buildings, and facilities as may be caused by or incidental to the use of Facility as a disaster operation command center, and clean the Facility to a pre-command center condition, for use as a college campus facility. This includes returning furniture to its original arrangement in classrooms or any other space used by the City. Any repairs made by the City pursuant to this section will be at the sole cost of the City and approved by SPC, and such approval will not be unreasonably withheld.
 - v. Maintain insurance for use of the Facility, naming SPC as additional insured under the policy. Such policy must maintain a minimum limit of \$1,000,000.00 per occurrence combined single limit and aggregate of \$2,000,000.00.
 - vi. Use designated space within the building only for emergency operations. City agrees that only employees of the City are to be permitted into the building. The building is not to be used as a shelter for members of the public, employees are not to bring family or friends with them or permit them entry, and no pets are permitted.
 - vii. Use designated parking area for parking of City vehicles, as needed during a disaster. SPC is not responsible for any damage to the City vehicles while parked at the Facility.

- viii. The SPC Midtown parking lot is designated for Emergency Management personnel vehicles and shall not be used for storing personal vehicles, boats, or equipment of City personnel.

City further agrees:

- i. Consent from SPC is required prior to bringing in external equipment, such as generators, HVAC units, or other large apparatus.
- ii. The City's presence does not grant it any authority over SPC property, nor may it approve the use of SPC property by other agencies.
- iii. Due to the high volume of emergency-related requests, SPC properties will not be reserved indefinitely. Offers for usage may include an expiration date or time. If the City does not commit to use of the space within the specified timeframe, the space may no longer be available.
- iv. City must notify SPC personnel immediately if an external agency (e.g., consulting firm, USAR team) will accompany the City.
- v. Once SPC business operations return to normal, SPC may no longer be able to accommodate external agencies.
- vi. SPC has the authority to ask the City and any external agencies to vacate the premises upon SPC's return to normal business operations.

B. SPC agrees:

- i. Upon receiving notice of and request to use Facility from the City, SPC shall promptly begin coordinating with City for use of Facility. SPC shall also give prompt written notice to City when actual use of Facility may begin.
- ii. SPC does not commit to having any personnel on campus during use of the Facility as an emergency command center and City acknowledges that it likely will not have access to or use of maintenance, custodial, security, or administrative staff during use of Facility as an emergency command center. Additionally, SPC does not have backup generators or air conditioning systems and City acknowledges that if such systems fail during a disaster, it is likely no SPC personnel will be available to make repairs. SPC does not consent to City attempting to make such repairs.
- iii. SPC shall place one master key in a KnoxBox outside of the building for use by the City. If based on supporting evidence, SPC determines the City is solely responsible for losing the key, the City agrees to pay a fee (estimated at \$10,000.00) to recore all doors of the building. Notwithstanding the foregoing, SPC and the City understand that the recoring fee is only an estimate and subject to change for unforeseen reasons including but not limited to, inflation, changes in materials, or labor costs.

- iv. SPC will lock and secure any and all doors, gates and points of entry from access that will not be available, subject to the provisions of Fire Codes. Additionally, SPC shall secure any outdoor items, such as tables, bleachers, trash receptacles, umbrellas, etc., to prevent such items from becoming airborne or causing injury or harm.
- 5. PLANNING. Cooperative arrangements for planning, exchange of information and notifications regarding preparedness and disaster operations shall be developed and maintained by the respective Parties' Departments of Emergency Management.
- 6. NOTICES. Any notices required to be provided under the provisions of this Agreement shall be sent by Certified Mail, return receipt requested, and any permissions or communications pursuant to this Agreement shall be sufficient if sent by email or text message to the following Parties:

CITY OF ST. PETE BEACH

Jim Kilpatrick, Fire Chief
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, Florida 33706
jkilpatrick@stpetebeach.org
(727) 363-9206

ST. PETERSBURG COLLEGE

Andrew MacPherson
Associate Vice President of Public Safety
P.O. Box 13489
St. Petersburg, Florida 33733
Macpherson.andrew@spcollege.edu
(727) 341-4373

Amanda Benson
Director of Emergency Mgmt.
P.O. Box 13489
St. Petersburg, Florida 33733
Benson.amanda@spcollege.edu
(727) 341-4501

- 7. INDEMNIFICATION. The City and SPC agree to be responsible for their own acts of negligence or their respective agents' acts of negligence when acting within the scope of their employment, and agree to be liable for damages resulting from said negligence, subject to the statutorily established monetary limits, as found in Florida Statutes. Further, nothing herein shall be construed to waive or modify the provisions of Section 768.28, Florida Statutes or the doctrine of sovereign immunity.
- 8. ASSIGNMENT. This Agreement may not be assigned or transferred in any manner by the City without the written consent of SPC.
- 9. GOVERNING LAW. This Agreement shall be construed under the laws of the State of Florida.
- 10. COUNTERPARTS. This Agreement may be executed by the Parties in counterpart originals with the same force and effect as if fully and simultaneously executed as a single original document. The Effective Date of this Agreement shall be the date this Agreement

has been executed by all Parties.

- 11. ENTIRE AGREEMENT.** Any previously existing oral or written agreements between the Parties regarding use of SPC property as emergency command center(s) are hereby deemed null and void and of no further force and effect whatsoever. This Agreement constitutes the entire agreement between the Parties hereto and may only be amended in writing, signed by both Parties. The Agreement as hereinabove set forth, including all exhibits and riders, if any, incorporates all covenants, promises, agreements, conditions and understandings between the Parties, and no covenant, promise, agreement, condition or understanding, either written or oral, not specifically set forth herein shall be effective to alter the performance or the rights of the Parties as hereinbefore stated.
- 12. SEVERABILITY.** If, for any reason, any part, term or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

[INTENTIONALLY LEFT BLANK. SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Parties hereto have hereunto executed this Interlocal Agreement the day and year first above written.

**BOARD OF TRUSTEES OF
ST. PETERSBURG COLLEGE**

 3/13/25
Name: Janette Hunt

Title: Vice President, Finance and Business Operations

General Counsel's Office:
Appr. as to Form/Content HCps
Appr. by JH on 3/6/25

CITY OF ST. PETE BEACH

Name:

Title:

**CITY COMMISSION MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Agenda Title Name: Re-Appointment to the Firefighters' Pension Board of Trustees

Action Request: Motion to re-appoint Ms. Marilyn Terry to the Firefighters' Pension Board of Trustees for a term to expire May 2027.

Strategic Objective: NA

Date: May 27, 2025

Prepared By: Ginny Bodkin, Deputy City Clerk

Through: Renee Rose, City Clerk

Summary of Issue: Ms. Marilyn Terry has expressed an interest in continuing to serve on the Firefighters' Pension Board of Trustees. Her term is for two years and will expire in 2027. Ms. Terry's trustee position on the Board is a Commission-appointed position; she has served on the Board of Trustees since January 2019.

Funding: NA

Attachments:

1. M. Terry - Fire City Appointed Trustee Seat
2. 01082019 MT Appointment
3. 2018 MT Application

From: [Jammie Arthur](#)
To: [Ginny Bodkin](#)
Subject: St Pete Beach Fire - City Appointed Trustee Seat
Date: Monday, May 12, 2025 11:10:00 AM
Attachments: [image003.png](#)
[image004.png](#)

CAUTION: This message has originated from **Outside of the Organization**. Do Not Click on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe

Hello,

Marilyn Terry sits in one of the city appointed trustee seats, which expired on May 1, 2025. I have confirmed with Marilyn that she would like to serve another term. Can you please add her reappointment to the next City Council meeting and let me know the date this is going to be considered.

Thank you,

Jammie Arthur, Plan Administration Analyst

Cape Coral Office

2503 Del Prado Blvd. S.
Suite 502
Cape Coral, FL 33904

Naperville Office

184 Shuman Blvd.
Suite 305
Naperville, IL 60563

239.333.4TPA (4872)  | **239.333.0177**  | www.foster-foster.com

NOTICE OF CONFIDENTIALITY: This transmission contains information that may be confidential and that may also be privileged. Unless you are the intended recipient of the message (or authorized to receive it for the intended recipient), you may not copy, forward, or otherwise use it, or disclose its contents to anyone else. If you have received this transmission in error, please notify us immediately and delete it from your system. Please keep in mind that any communication sent to our office may become public record by way of the client being referenced.

***CONFIDENTIALITY AND HIPAA NOTICE:** This email, including any attachments, contains information from Foster and Foster, which may be confidential or prohibited from any disclosure under the HIPAA Privacy Rule or related laws, federal or state. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited. If you have received this email in error, please notify the sender immediately by “reply to sender only” message and destroy all electronic and hard copies of the communication, including attachments.*

CITY COMMISSION MEETING

MINUTES

JANUARY 8, 2019

6:00 P.M.

CALL TO ORDER

Mayor Johnson called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

GOOD OF THE ORDER

PRESENT:

Al Johnson, Mayor
Melinda Pletcher, Vice Mayor
Terri Finnerty, Commissioner
Doug Izzo, Commissioner
Ward Friszolowski, Commissioner

ALSO PRESENT:

Wayne Saunders, City Manager
Andrew Dickman, City Attorney
Rebecca C. Haynes, City Clerk
Vince Tenaglia, Asst. City Manager/ Administrative Services Director
Mike Clarke, Public Works Director
Jennifer McMahon, Recreation Director

1. Presentations

- a. Gulf Beaches Historical Museum – Donation

Mayor Johnson presented a check for \$3,000 on behalf of the City to Mr. Lance Peterson and Mr. Spencer Lucas as representatives of the museum.

2. Changes to the Agenda

Mayor Johnson requested Agenda Item No. 7; Appointment of Interim Commissioner and Oath of Office, District 2; be moved follow Item 2, Changes to the Agenda.

7. Appointment of Interim Commissioner and Oath of Office, District 2

Commissioner Friszolowski moved to approve the appointment of Mr. Doug Izzo as Commissioner of District 2, effective term to March 12, 2019. The motion was seconded by Vice Mayor Pletcher and unanimously approved by an individual roll call vote.

City Clerk Rebecca Haynes administered the Oath of Office to Mr. Doug Izzo

3. Audience Comments

Teresa Rodriguez, 509 70th Avenue, spoke in regard to the petition signed by neighbors concerning parking restrictions.

The following individuals spoke in opposition to the proposed renovations at Caddy's Restaurant:

Mike Minuto, 105 55th Avenue
Vonna Rolband, 175 55th Avenue
Gerald Suetholz, 205 55th Avenue
Mark Majeske, 409 55th Avenue

4. Consent

- a. Approval of minutes from the following City Commission meetings: October 23, 2018; November 13, 2018; November 27, 2018; December 4, 2018 and December 11, 2018.
- b. Request authorization to approve the application for banner installation over 75th Avenue at Boca Ciega Drive for Suntan's Art Splash Show held the weekend of February 23 & 24, 2019.
- c. Request authorization to approve street closures and wet zone for Island Festival on March 2, 2019.
- d. Request authorization to approve a special event application, street closure and wet zone for Pieces of Eighth Block Parties scheduled for January 12, May 11, and October 12, 2019.
- e. Request authorization to approve the task order under the Continuing Engineering Services Contract with Cardno, in the amount of \$21,900.00 for the asbestos abatement of the structures at 627 78th Avenue and 305 73rd Avenue.
- f. Request approval of the task orders under the Continuing Engineering Services Contract with Kimley-Horn and Associates, Inc., in the amount \$23,000.00, for I & I Pipeline Rehabilitation Evaluation and Services during construction for the four sanitary sewer service laterals servicing the hotel

district and for Gulf Boulevard from 37th Avenue to Gulf Winds Drive and there to 87th Avenue, in coordination with the new Sanitary Sewer North and South projects.

Commissioner Finnerty moved to approve the Consent Items 4(a), (b), (c), (d), (e), and (f) as presented. The motion was seconded by Vice Mayor Pletcher, and unanimously approved by an individual roll call vote.

5. Action Items

- a. Appointment to the Firefighters' Pension Board

Marilyn Terry and Margaret Jones, applicants for the seat on the Firefighters' Pension Board, spoke regarding their interests and qualifications to serve as volunteers on the board.

Commissioner Friszolowski made a motion to appoint Ms. Marilyn Terry to the vacancy on the Firefighters' Pension Board. The motion was seconded by Commissioner Finnerty and unanimously approved by an individual roll call vote.

- b. Request approval of the task order under the Continuing Engineering Services Contract with George F. Young, Inc., in the amount of \$27,750.00, for Tidal Influenced Intersection design at five locations.

Mike Clarke, Director of Public Works, described the deteriorating intersections needing repairs.

Commissioner Friszolowski made a motion to approve Item 5(b), the task order under the Continuing Engineering Services Contract with George F. Young, Inc., in the amount of \$27,750.00 for Tidal Influenced Intersection design at five locations. The motion was seconded by Commissioner Finnerty and unanimously approved by individual roll call vote.

6. Ordinances

- a. Ordinance 2019-05: First Reading and Public Hearing. An Ordinance of the City of St. Pete Beach, Florida providing for supplemental appropriations to the General, Capital Improvement, Wastewater, Reclaimed Water, and Stormwater Funds

Mr. Saunders provided information to maintain funding for pending projects and services that would otherwise be impacted by the fiscal year closing process.

Commissioner Finnerty made a motion to approve Item 6(a), Ordinance 2019-05, upon first reading, an ordinance of the City of St. Pete Beach, Florida, providing for supplemental appropriations to the General, Capital Improvement, Wastewater, Reclaimed Water, and Stormwater Funds providing for conflict, severability, construction, publication, and an effective date. The motion was seconded by Commissioner Friszolowski and unanimously approved by an individual roll call vote.

7. Appointment of Interim Commissioner and Oath of Office, District 2

Item No. 7 was previously moved and acted upon subsequent to Item 2.

8. Resolutions

There were no resolutions submitted.

9. Items for Discussion

a. Lobbyist Issue

After discussion among the Commission, it was agreed that a Request for Qualifications bid package would be prepared for approval at the next Commission meeting.

10. Audience Comments 2

Mike Minuto, 55th Avenue, commented in opposition of the proposed renovations at Caddy's Restaurant.

11. City Clerk, City Manager, City Attorney and City Commission Reports

City Clerk Haynes reported on the following item:

- City Manager recruitment meetings and interview schedules

City Manager Saunders did not submit a report.

City Attorney Dickman did not submit a report.

Commissioner Finnerty reported on the following items:

- Planning Board appointment – Mark Grill
- Model ships to be donated to the Warren Webster Community Center
- Request for striping for scooter parking at Upham Beach
- Meeting procedures – Invocation, Good of the Order, Moment of Silence
- Beach Theater Task Force
- Conditions at east end of Corey Avenue
- Florida League of Cities

Commissioner Izzo did not submit a report.

Commissioner Friszolowski reported on the following item:

- Library renovations

Vice Mayor Pletcher reported on the following items:

- The passing of a resident and community advocate
- Lights on Eighth on January 12, 2019

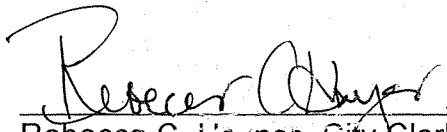
Mayor Johnson reported on the following items:

- Beach wheelchairs available at each concession stand
- Beach walkways to facilitate better access to the beach

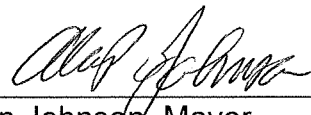
12. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:05 p.m.

Attest:



Rebecca C. Haynes, City Clerk



Alan Johnson, Mayor

Minutes approved on: 3/26/2019



**CITIZEN'S TALENT BANK APPLICATION
CITY OF ST. PETE BEACH**

If you are interested in serving the City either as a Board or Committee member, a poll worker or a volunteer, please select any of the following options. You MUST be a registered voter in Pinellas County, Florida, in order to serve as a Board or Committee member.

If you need information on voter registration, please call: 727-464-8683

My preferences are:

- | | |
|--|--|
| ☐ Board of Adjustment | ☐ Beach Stewardship Committee |
| ☐ Planning Board | ☐ General Pension Board |
| ☐ Historic Preservation Board | ☒ Fire Pension Board |
| ☐ Finance and Budget Review Committee | ☐ Police Pension Board |
| ☐ Recreation Advisory Committee | ☐ Library Advisory Committee |
| ☐ City Volunteer | ☐ |
| ☐ Election Poll Worker: Call 464-6110 | ☐ |

Other: _____

Explain: _____

Please fill in the following information:

Name: MARILYN M. TERRY Mailing Address (if different): _____

Street Address: 6330 4th PALM POINT _____

St. Pete Beach, Florida 33706

Phone #: (727) 432-3556 E-mail.: terry121@aol.com

Fax #: (727) 363-1325 Work No.: N/A

Please return this form to:

Rebecca Haynes, City Clerk
155 Corey Avenue
St. Pete Beach, FL 33706
(727) 363-9220 Office
(727) 363-9236 Fax

Email: cityclerk@stpetebeach.org

**CITY COMMISSION MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Agenda Title Name: Authorize the City Manager to enter into an interlocal agreement with Pinellas County for continued collection of multimodal impact fees

Action Request: Motion to authorize the City Manager to execute the subject interlocal agreement for multimodal impact fee coordination with Pinellas County.

Strategic Objective: Infrastructure balance

Date: May 27, 2025

Prepared By: Brandon Berry, Senior Planner

Through: Frances Robustelli, City Manager

Summary of Issue: The City of St. Pete Beach collects multimodal impact fees as directed and provided for in Chapter 150 of the Pinellas County Code of Ordinances in cases of new and expanded development, with half plus 4% of the total fee collected remaining with the jurisdiction and half plus interest submitted annually to the County. In 2024 the legislature adopted Florida Statutes § 163.3180(5)(j), which requires cities and counties to enter into an interlocal agreement to continue the collection of multimodal transportation impact fees. The subject interlocal agreement authorizes the continuance of that collection, with no change in procedures, cost per unit, share, or other amendment to Chapter 150.

This interlocal agreement is separate from the County's current multimodal impact fee evaluation and the City's own assessment of local impact fees. Signature only provides authorization to continue collecting multimodal impact fees under the current procedures and rate. If this interlocal agreement is not signed by October 2025, the City will be unable to collect impact fees for new development under the existing procedure.

Funding: N/A

Attachments:

1. Multimodal Impact Fee Ordinance Interlocal Agreement_Update

**INTERLOCAL AGREEMENT
BETWEEN PINELLAS COUNTY AND LOCAL GOVERNMENTS
FOR
MULTIMODAL IMPACT FEE COORDINATION**

THIS INTERLOCAL AGREEMENT FOR MULTIMODAL IMPACT FEE COORDINATION (“the Agreement”), is made and entered into this ____ day of _____, 2025, by and between Pinellas County, a political subdivision of the State of Florida (the “County”) and the Town of Belleair, the City of Clearwater, the City of Dunedin, the City of Gulfport, the Town of Indian Shores, the City of Largo, the City of Madeira Beach, the Town of North Redington Beach, the City of Pinellas Park, the Town of Redington Beach, the Town of Redington Shores, the City of St. Pete Beach, the City of St. Petersburg, the City of Seminole, the City of South Pasadena, the City of Tarpon Springs, and the City of Treasure Island (individually as the “Municipality,” collectively as the “Municipalities”), and jointly referred to from time to time throughout this Agreement as the “Parties”.

Recitals

WHEREAS, the Parties are authorized to enter into this Agreement pursuant to Florida Statutes § 163.01, also known as the “Florida Interlocal Cooperation Act of 1969”; and

WHEREAS, the County established a countywide mobility management system pursuant to its home rule authority which governs 1) the process of managing transportation impacts of development projects and 2) the assessment, collection, and expenditure of multimodal impact fees, pursuant to Florida Statutes § 163.31801; and

WHEREAS, the countywide multimodal transportation system consists of all transportation facilities and public rights-of-way, including roads, bridges, transit infrastructure, trails, and sidewalks that facilitate the movement of people and goods within the geographic boundaries of Pinellas County and provide connections to the broader region through a variety of travel choices; and

WHEREAS, the County and the Municipalities recognize the importance of developing and maintaining a safe, efficient, and convenient multimodal transportation

system that has adequate capacity to meet the mobility needs of all users and promote and protect public health and safety; and

WHEREAS, the County has established, as provided in Pinellas County Ordinance No. 16-21, that land development activities generate impacts to the multimodal transportation system and new development shall bear a proportionate share of the cost of capital expenditures for new or expanded multimodal transportation facilities required by such development in order to maintain adopted level of service standards and improve capacity of the countywide multimodal transportation system; and

WHEREAS, Forward Pinellas, acting in its capacity as the Pinellas County Metropolitan Planning Organization, has adopted the Pinellas County Mobility Plan to replace local transportation concurrency management programs with a countywide system that provides local governments with the means to manage the traffic impacts of development projects and increase mobility for all roadway users through local site plan review processes and the use of multimodal impact fees to fund mobility improvements; and

WHEREAS, the County has adopted a mobility management system designed to implement the Pinellas County Mobility Plan as outlined in Chapter 150 of the Pinellas County Land Development Code; and

WHEREAS, Chapter 150, Article II of the Pinellas County Land Development Code (the “Multimodal Impact Fee Ordinance”) establishes the processes by which the County and the Municipalities assess, collect, and expend multimodal impact fees (the “Impact Fees”); and

WHEREAS, the County and the Municipalities share responsibility for collection of Impact Fees for developments that will generate additional traffic impacts to the countywide multimodal transportation system; and

WHEREAS, Section 150-39 of the Pinellas County Land Development Code requires that no County or municipal certificate of occupancy, use permit, or occupational license for any activity requiring payment of the Impact Fee shall be issued unless and until the Impact Fee has been paid;

WHEREAS, Florida Statutes § 163.3180(5)(j) requires that counties and municipalities that charge developers of new developments or redevelopments a fee for transportation capacity impacts enter into an interlocal agreement to coordinate the mitigation of their respective transportation capacity impacts; and

WHEREAS, though both the County and the Municipalities operate pursuant to the processes and procedures established by Chapter 150, Article II of the Pinellas County Land Development Code for the assessment, collection, and expenditure of Impact Fees, there is no interlocal agreement in place memorializing the cooperative mitigation of transportation impacts; and

WHEREAS, both the County and the Municipalities wish to enter into this Agreement pursuant to Florida Statutes § 163.3180(5)(j) which will serve to memorialize their cooperative mitigation of transportation impacts.

NOW THEREFORE, in consideration of the recitals above and the mutual covenants, promises, and representations herein contained, and for other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

SECTION 1 RECITALS

The above recitals are hereby incorporated fully into this Agreement as adopted findings of fact and intent.

SECTION 2 IMPOSITION AND COLLECTION OF MULTIMODAL IMPACT FEES

2.1 Pursuant to Florida Statutes § 163.3180(5)(j)(4), Impact Fees are imposed countywide, including in the incorporated and unincorporated areas of the County, as provided in Section 150-49 of the Pinellas County Land Development Code.

2.2 Pursuant to Section 150-39 of the Pinellas County Land Development Code, any person who seeks a certificate of occupancy for land development activity or seeks to change a use by applying for issuance of a local business tax receipt, land use permit, development order or municipal equivalent thereof which will generate additional traffic shall be required to pay a multimodal impact fee in the manner and amount set forth by Chapter 150, Article II of the Pinellas County Land Development Code.

2.3 Pursuant to Florida Statutes § 163.3180(5)(j)(2), the County and the Municipalities agree that payment and collection of Impact Fees shall be collected by each Municipality, as part of the building and permitting processes of each Municipality as provided in Section 150-41 of the Pinellas County Land Development Code. The amount of the required Impact Fees shall be computed in the manner set forth in Section 150-40 of the Pinellas County Land Development Code.

2.4 Pursuant to Section 150-42 of the Pinellas County Land Development Code, each Municipality which collects and administers Impact Fee funds shall establish a trust account which shall be used exclusively for Impact Fees collected under the terms of Chapter 150, Article II of the Pinellas County Land Development Code. Pursuant to Section 150-43(e) of the Pinellas County Land Development Code, the fees shall be held by each Municipality until the end of the fiscal year in which collected. On the beginning of each new fiscal year (October 1), the Municipalities shall transfer one-half of all fees collected, and the interest accrued thereon, less the amount retained by each Municipality for administering the Impact Fee program, to the County for placement in the appropriate County Impact Fee trust account. The remaining one-half shall be deposited in the Municipalities' respective trust accounts.

2.5 The Municipalities and County shall use their respective share of the collected Impact Fees in a manner consistent with the provisions of Chapter 150, Article II of the Pinellas County Land Development Code.

2.6 The Municipalities and County agree that any new development or redevelopment shall not be charged twice for the same transportation capacity impacts.

SECTION 3 NONPAYMENT OF MULTIMODAL IMPACT FEES

The Parties agree that in the event of non-payment of Impact Fees by the feepayer, no certificate of occupancy, or other such license permit, or municipal equivalent requiring payment of an Impact Fee pursuant to Chapter 150, Article II of the Pinellas County Land Development Code shall be issued unless and until the Impact Fee has been paid.

SECTION 4 REFUND

Nothing in this Agreement alters the right of a fee payer to request refunds pursuant to Section 150-44 of the Pinellas County Land Development Code.

SECTION 5 IMPACT FEE CREDITS

Nothing in this Agreement modifies, waives, or alters the method for calculating the required Impact Fees pursuant to section 150-40 of the Pinellas County Land

Development Code, nor does it modify, waive, or alter the authority of each Municipality to approve alternative methods of calculation of Impact Fees and/or accept an offer by the feepayer to construct mobility improvements consistent with the comprehensive plan or other plans of the Municipality, or Forward Pinellas' LRTP, for credit against the assessed Impact Fee pursuant to Section 150-41 of the Pinellas County Land Development Code.

SECTION 6 INDEPENDENT CALCULATION

Nothing in this Agreement modifies or prevents the right of any feepayer to determine their multimodal impact by providing an independent fee calculation study pursuant to the provisions of Section 150-40(d) of the Pinellas County Land Development Code.

SECTION 7 RIGHT-OF-WAY USE PERMITS; RIGHT-OF-WAY PERMITS

Nothing in this Agreement modifies, waives, alters, or transfers County jurisdiction over the County Road System or the Municipalities' jurisdiction over their respective Municipal Road System or the ability to issue right-of-way permits or use permits for improvements to roads.

SECTION 8 ENTIRE AGREEMENT

This Agreement embodies all of the promises, covenants, agreements, conditions, and understandings between the Parties with respect to the subject matter hereof, and supersedes all prior and contemporaneous communications, representations, inducements, and/or agreements, whether written or verbal, expressed or implied, between the Parties hereto, except as herein contained.

SECTION 9 OFFICIAL NOTICE

All notices, consents, approvals, waivers, and elections required by law or by this Agreement to be given by one party to the other shall be in writing and shall be sent to the following respective addresses:

COUNTY: Pinellas County Housing and
Community Development
Glenn Bailey, Interim Director
310 Court Street
Clearwater, FL 33756
gbailey@pinellascounty.org

MUNICIPALITY: See Contact Information on Signature page

SECTION 10 FILING WITH THE CLERK

Prior to its effectiveness, this Agreement and any subsequent amendments thereto must be filed with the Clerk of the Circuit Court of Pinellas County pursuant to Florida Statutes § 163.01. The County shall be responsible for said filing and shall notify the Municipalities of the filing date.

SECTION 11 EXECUTION, EFFECTIVE DATE, TERM AND TERMINATION

11.1 This Agreement may be signed in counterparts and will become effective as to each Municipality after execution and upon filing with the Clerk of the Circuit Court of Pinellas County in accordance with Section 10 and shall continue until terminated by either Party.

11.2 This Agreement may be terminated upon thirty (30) days written notice. In the event this Agreement is terminated, the Parties shall be subject to the requirements of Florida Statutes § 163.3180(5)(j)(4)(b).

SECTION 12 NO WAIVER OF SOVEREIGN IMMUNITY

Both the County and the Municipalities expressly retain all rights, benefits and immunities of sovereign immunity in accordance with Florida Statutes § 768.28, as amended from time to time. Notwithstanding anything set forth in any section of this Agreement to the contrary, nothing in this Agreement shall be deemed as a waiver of immunity or limits of liability beyond any statutory limited waiver of immunity or limits of liability which may have been or may be adopted by the Florida Legislature, and the cap on the amount and liability of the County or the Municipalities for damages, regardless of the number or nature of claims in tort, equity, or contract, shall not exceed the dollar amount set by the legislature for tort. Nothing in this Agreement shall inure to the benefit of any third party for the purpose of allowing any claim against the County or the Municipalities, which would otherwise be barred under the doctrine of sovereign immunity or by operation of law.

SECTION 13 APPLICABLE LAW

This agreement shall be governed by the laws of the State of Florida. The Parties agree that venue of all legal and equitable proceedings related to disputes under this Agreement shall be situated in Pinellas County, Florida.

IN WITNESS WHEREOF, the Parties hereto, governed by the laws of Florida, have caused these presents to be executed by their duly authorized officers and their official seals hereto affixed, with an effective date as set forth in Section 11.1 above.

PINELLAS COUNTY, FLORIDA,
by and through its County Administrator:

By: _____
Barry A. Burton,
County Administrator

CITY OF ST. PETE BEACH

By:_____

Print Name:_____

Title:_____

ATTEST:_____

Legal review: _____

(MUNICIPAL SEAL)

Contact Information for Notification

Name:

Title:

Address:

Phone:

E-mail:

**CITY COMMISSION MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Agenda Title Name: Preliminary Plat Case No. 25040 - 5390 Gulf Blvd
(Sirata Beach Resort)

Action Request: Motion to [approve/deny] Preliminary Plat Number
25040.

Strategic Objective: N/A

Date: May 27, 2025

Prepared By: Brandon Berry, Senior Planner

Through: Laura Canary, Community Development Director

Summary of Issue: The applicant is seeking approval for the subject proposed preliminary plat which would create two separate tracts on the subject property. This item was reviewed by the Board of Adjustment at their April 2025 meeting and the BOA recommended approval to the City Commission by a vote of 4-1. The replat comprises all of Serata Replat, previously approved in the early 1950s as a replat of a neighborhood with cul-de-sac and a portion of Government Lot 2. The land proposed for the subject replat is the land on which the Sirata Beach Resort development currently exists for which redevelopment was approved in early 2024. The applicant states that it is undertaking this replat for financing purposes. Replats are addressed by the City's Land Development Code and Florida Statutes and subject to certain requirements and standards that are generally technical in nature for example, requiring the replat show features such as easements, dedications, identifying contiguous properties, inclusion of required plat statements on the replat, and other technical statutory requirements for replats. Because the subject plat is supporting, and will continue to support, both the existing development and future development, in lieu of a unity of title for the site, the applicant has provided a draft "covenant to unify the site" to ensuring that the entire site shall continue to be considered one zoning lot for both current development and future redevelopment. Due to the simplicity of this replat (i.e.,

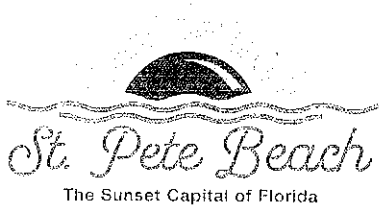
for just two proposed tracts rather than an entire new subdivision), staff has limited comments and requests required of the applicant at this "preliminary plat" application stage. The application was reviewed by staff at the Technical Review Committee in early April 2025 and staff requested reference monuments, the need to depict and the need to include the proposed redevelopment public access easements prior to final plat approval (should the 2024 redevelopment move forward), and the need to include standard plat statements required by Florida Statutes. To further address the zoning comments shared at the Technical Review Committee, the City also consults with a registered surveyor who must review and sign off on all plats and replats during final plat review to ensure all local and statutory requirements are met prior to recordation. The Land Development Code contains a requirement for plats that "*insofar as is practical, side lot lines shall be at right angles to straight street lines*" (LDC Sec. 24.8.(f)). The applicant will provide testimony and additional information as to this requirement - "insofar as is practical" - regarding the need for the proposed non-linear "non-right angle" lot lines in the proposed interior of the replant shown in the replant drawing.

Funding:

N/A

Attachments:

1. Application
2. Preliminary Plat
3. Statement of Intent
4. Survey
5. Case 25040 - Unified TRC Comments
6. 2024.04.28 - Comment Response Letter - Sirata Beach Resort Subdivision
7. Draft Unified Site Plan Declaration



APPLICATION FOR SUBDIVISION

(Check appropriate boxes)

Complete the information required below, sign below where indicated and attach the subdivision plan for the subject property and any supporting drawings and documents you think will enhance your application. See subdivision guidelines.

APPLICANT/AGENT:

Name: Allan Smallwood

Address: 740 Centre View Boulevard

City: Crestview Hills State: KY

Zip: 41017 Telephone: 859-578-1116

PROPERTY OWNER:

Name: CP ST PETE LLC

Address: 740 Centre View Boulevard

City: Crestview Hills State: KY

Zip: 41017 Telephone: 859-578-1116

PROPERTY:

Address: 5390 Gulf Blvd, St Pete Beach, FL 33706

Parcel ID: 06-32-16-80172-000-0010

Current	Proposed	Current	Proposed
LR	LR	LR	LR
Zoning: <u>(Large Resort)</u>	Zoning: <u>(Large Resort)</u>	Land Use: <u>(Large Resort)</u>	land use: <u>(Large Resort)</u>

Lot area: 15.03 AC

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

Request to replat the property to create two separate lots as depicted on the attached preliminary plat.

Signature of Applicant & Date

For office use only:

Case Number: _____

Fees: _____

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

SIRATA BEACH RESORT - PRELIMINARY PLAT

PARTIALLY BEING A REPLAT OF ALL OF SERATA REPLAT, AS RECORDED IN PLAT BOOK 31, PAGE 17
PART OF GOVERNMENT LOT 2, SECTION 6, TOWNSHIP 32 SOUTH, RANGE 16 EAST,
CITY OF ST. PETERSBURG BEACH, PINELLAS COUNTY, FLORIDA



PROPOSED PROPERTY & EASEMENT LINES



DESCRIPTION:

ALL of SERATA REPLAT, according to the plat thereof, as recorded in Plat Book 31, Page 17, of the Public Records of Pinellas County, and a portion of Government Lot 2, lying in Section 6, Township 32 South, Range 16 East, Pinellas County, Florida, being more particularly described as follows:

COMMENCE at the Southeast corner of SEAMARK, according to the plat thereof, as recorded in Condominium Plat Book 13, Page 52, of the Public Records of Pinellas County, said point being on the Westerly right-of-way line of GULF BOULEVARD, according to Florida Department of Transportation Right-of-Way Map Section No. 15100-2503, run thence along said Westerly right-of-way line, S.22°56'02"E., a distance of 4.06 feet to the **POINT OF BEGINNING**, continue thence along aforesaid Westerly right-of-way line, the following three (3) courses: 1) S.22°56'02"E., 402.91 feet; 2) N.57°13'58"E., 10.15 feet; 3) S.22°56'02"E., 329.32 feet to the Northeast corner of lands described in Official Records Book 20377, Page 540, of the Public Records of Pinellas County; thence along said Northerly boundary of said lands, S.57°13'02"W., 893.54 feet to a point on the Mean High Water line of the Gulf of Mexico; thence along said Mean High Water line, the following fifteen (15) courses: 1) N.24°21'11"W., 23.74 feet; 2) N.20°57'11"W., 50.13 feet; 3) N.23°49'33"W., 37.24 feet; 4) N.23°12'13"W., 55.62 feet; 5) N.25°46'29"W., 51.12 feet; 6) N.34°06'46"W., 28.01 feet; 7) N.26°33'28"W., 41.97 feet; 8) N.29°51'44"W., 105.53 feet; 9) N.26°58'39"W., 47.89 feet; 10) N.39°00'11"W., 12.96 feet; 11) N.27°15'59"W., 35.24 feet; 12) N.25°24'45"W., 63.68 feet; 13) N.24°28'36"W., 90.79 feet; 14) N.21°57'19"W., 30.07 feet; 15) N.24°45'06"W., 54.62 feet to a point on a line 4 feet South and parallel to the Southerly boundary of aforesaid SEAMARK, thence along said line, N.57°16'05"E., 922.92 feet to the **POINT OF BEGINNING**.

Containing 15.029 acres, or 654,677 square feet, more or less.

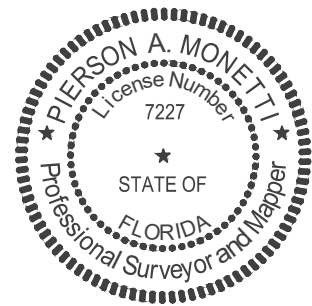
SURVEYOR'S NOTES:

- 1) Subject property is owned by CP ST PETE LLC, with mailing address of 740 Centre View Blvd, Crestview Hills, KY 41017-5434.
- 2) This plat was prepared by Pierson A. Monetti LS7227, with a mailing address of 701 S. Howard Ave Suite 106-320, Tampa FL 33606
- 3) This Preliminary plat was created on November 7, 2024.

BASIS OF BEARINGS

Bearings shown hereon are based on the Westerly boundary of the right-of-way for Gulf Boulevard, having a Grid bearing of S.22°56'02"E. The Grid Bearings as shown hereon refer to the State Plane Coordinate System, North America Horizontal Datum of 1983 (NAD 83-2011 ADJUSTMENT) for the West Zone of Florida.

Pierson Monetti
2025.01.14
15:10:53 -05'00'



Pierson A. Monetti
Professional Land Surveyor No. 7227
In the State of Florida



SIRATA BEACH RESORT - PRELIMINARY PLAT

PARTIALLY BEING A REPLAT OF ALL OF SERATA REPLAT, AS RECORDED IN PLAT BOOK 31, PAGE 17
PART OF GOVERNMENT LOT 2, SECTION 6, TOWNSHIP 32 SOUTH, RANGE 16 EAST,
CITY OF ST. PETERSBURG BEACH, PINELLAS COUNTY, FLORIDA



0 80' 160'
Scale: 1" = 80'

EXISTING STRUCTURES



LEGEND

PRM ----- Permanent Reference Monument	FAD ----- Found Aluminum Disk	SIRC ----- Set Iron Rod and Cap	----- Backflow Preventer
TBM ----- Temporary Benchmark	FAXL ----- Found Axle	SMG ----- Set Mag Nail	CO ----- Cleanout
Pg ----- Page	FBD ----- Found Brass Disk	SMGD ----- Set Mag Nail and Disk	----- Fire Dept. Connection
O.R. ----- Official Records Book	FCM ----- Found Conc. Monument	SNL ----- Set Nail	----- Fire Hydrant
INS# ----- Instrument Number	FCW ----- Found Copper Weld	SX ----- Set X Cross	----- Guy Anchor
LB ----- Licensed Business	FIP ----- Found Iron Pipe	TP ----- Traverse Point	----- Light Pole
(R) ----- Record Measurement	FIPC ----- Found Iron Pipe and Cap	WP ----- Work Point	----- Monitoring Well
(P) ----- Plat Measurement	FIR ----- Found Iron Rod		----- Utility Pole
(TYP) ----- Typical	FIRC ----- Found Iron Rod and Cap	SYL ----- Solid Yellow Line	s ----- Sanitary Cleanout
CONC ----- Concrete	FBM ----- Found Benchmark	SWL ----- Solid White Line	----- Sign
ELEV ----- Elevation	FMG ----- Found Mag Nail	BWL ----- Broken White Line	----- Delineator Post
INV ----- Invert	FMGD ----- Found Mag Nail and Disk	BYL ----- Broken Yellow Line	ww ----- Water Well
CMP ----- Corrugated Metal Pipe	FWM ----- Found Monument in Well	DWL ----- Double White Line	----- Grate Top Inlet
HDPE ----- High-Density Polyethylene	FND ----- Found	DYL ----- Double Yellow Line	----- Mail Box
PVC ----- Polyvinyl Chloride	FNL ----- Found Nail	OU ----- Overhead Utility Lines	TR ----- Transformer
RCP ----- Reinforced Concrete Pipe	FPK ----- Found Pinched Iron Pipe	S ----- Sanitary Sewer Line	----- Service Cabinet
BFP ----- Back Flow Preventor	FPK ----- Found PK Nail	G ----- Gas Line	----- Benchmark
CI ----- Curb Inlet	FPKD ----- Found PK Nail and Disk	SD ----- Storm Drain Line	
FPE ----- Finished Floor Elevation	FX ----- Found X Cross	W ----- Water Line	
GTI ----- Grate Top Inlet		C ----- Communications Line	
MES ----- Mitered End Section		----- Train Tracks	
OCS ----- Outlet Control Structure		----- Fence	
		----- Guard Rail	
		----- Top of Bank	

C ----- Cable Box	EH ----- Electric Handhole	DM ----- Drainage Manhole	CM ----- Cable Marker
E ----- Electric Box	CH ----- Cable Handhole	EM ----- Electric Manhole	EM ----- Electric Marker
F ----- Fiber Box	FH ----- Fiber Handhole	M ----- Manhole	F ----- Fiber Marker
R ----- Reclaimed Water Box	G ----- Gas Handhole	SM ----- Sanitary Manhole	G ----- Gas Marker
T ----- Telephone Box	I ----- Irrigation Handhole	GM ----- Grease Manhole	I ----- Irrigation Marker
U ----- Traffic Box	S ----- Sanitary Handhole	UM ----- Utility Manhole	S ----- Sanitary Marker
	TH ----- Telephone Handhole	W ----- Water Manhole	U ----- Utility Marker
	UH ----- Utility Handhole		W ----- Water Marker
	WH ----- Water Handhole		
ARV ----- Air Release Valve	EM ----- Electric Meter	CV ----- Cable Vault	CM ----- Cable Marking
FMV ----- Force Main Valve	GM ----- Gas Meter	EV ----- Electric Vault	FV ----- Fiber Vault
GV ----- Gas Valve	IM ----- Irrigation Meter	FV ----- Fiber Vault	EV ----- Electric Marking
IRV ----- Irrigation Valve	RM ----- Reclaimed Water Meter	TV ----- Telephone Vault	F ----- Fiber Marking
RWV ----- Reclaimed Water Valve	SM ----- Sanitary Meter	UV ----- Utility Vault	G ----- Gas Marking
SV ----- Sanitary Valve	WM ----- Water Meter	CP ----- Cable Pedestal	W ----- Water Marking
UV ----- Utility Valve		EP ----- Electric Pedestal	SM ----- Sanitary Marking
WV ----- Water Valve		FP ----- Fiber Pedestal	
		TP ----- Telephone Pedestal	
		UP ----- Utility Pedestal	

Page 68 of 280



January 14, 2025

Planning and Zoning
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL 33706

Subject: Sirata Beach Resort
Statement of Intent

To whom it may concern,

On behalf of our Client CP ST PETE, LLC., Kimley-Horn and Associates, Inc ("KHA") is providing the City of St. Pete Beach with an application for subdivision regarding the development described hereafter. The property is located at 5300 Gulf Boulevard on the west side of Gulf Boulevard and is bound by Gulf Boulevard to the east, the Gulf of Mexico to the west, the Bellweather Beach Resort to the south and the Seamark Condominium to the north.

This application for subdivision is requesting to replat the subject property in order to create two separate lots, Tract A-1 and Tract A-2, as depicted in the preliminary plat included in this submittal package.

Enclosed with this Statement of Intent please find the following items as required for the submittal package:

- Preliminary Plat
- Subdivision Application

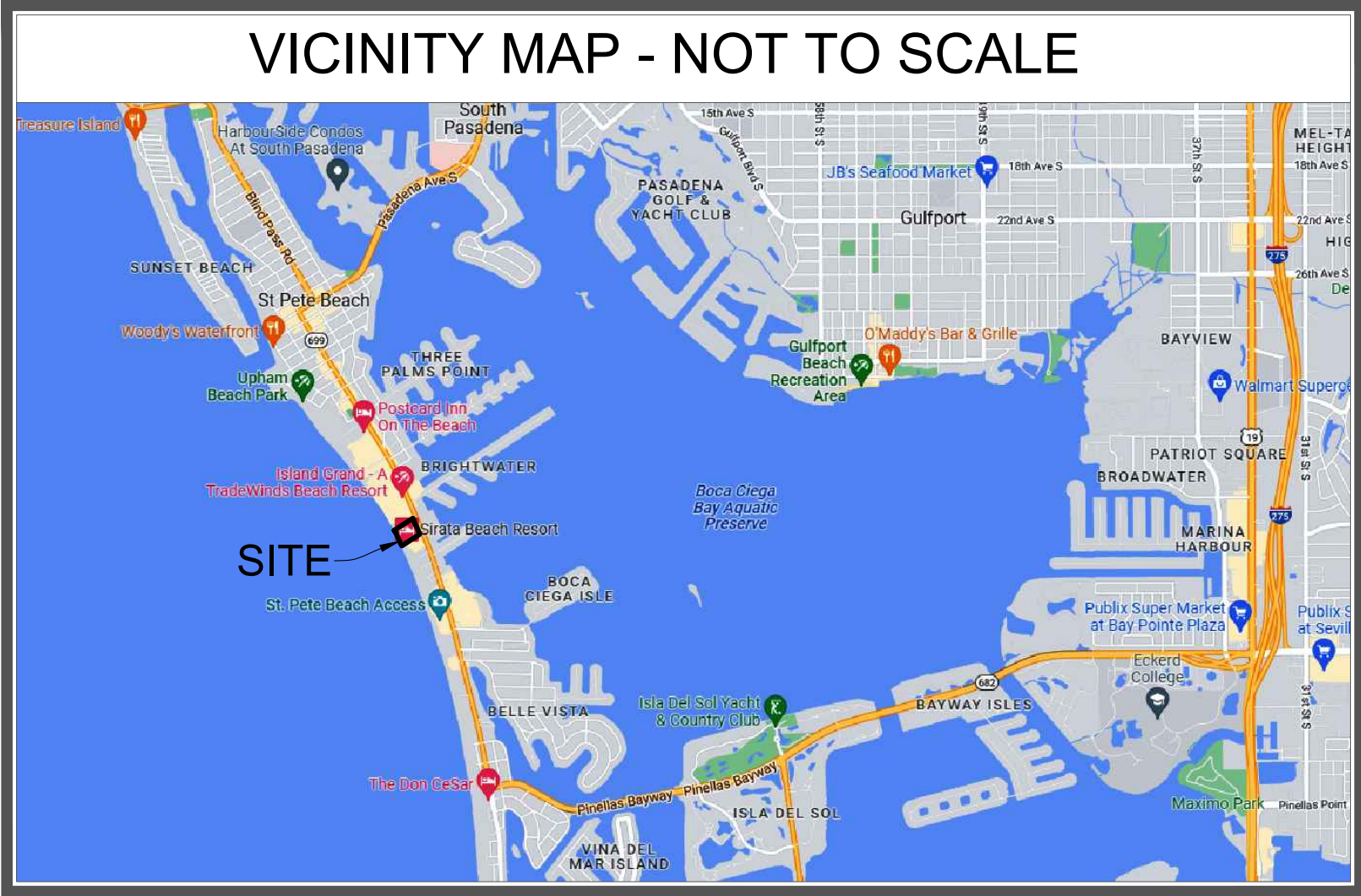
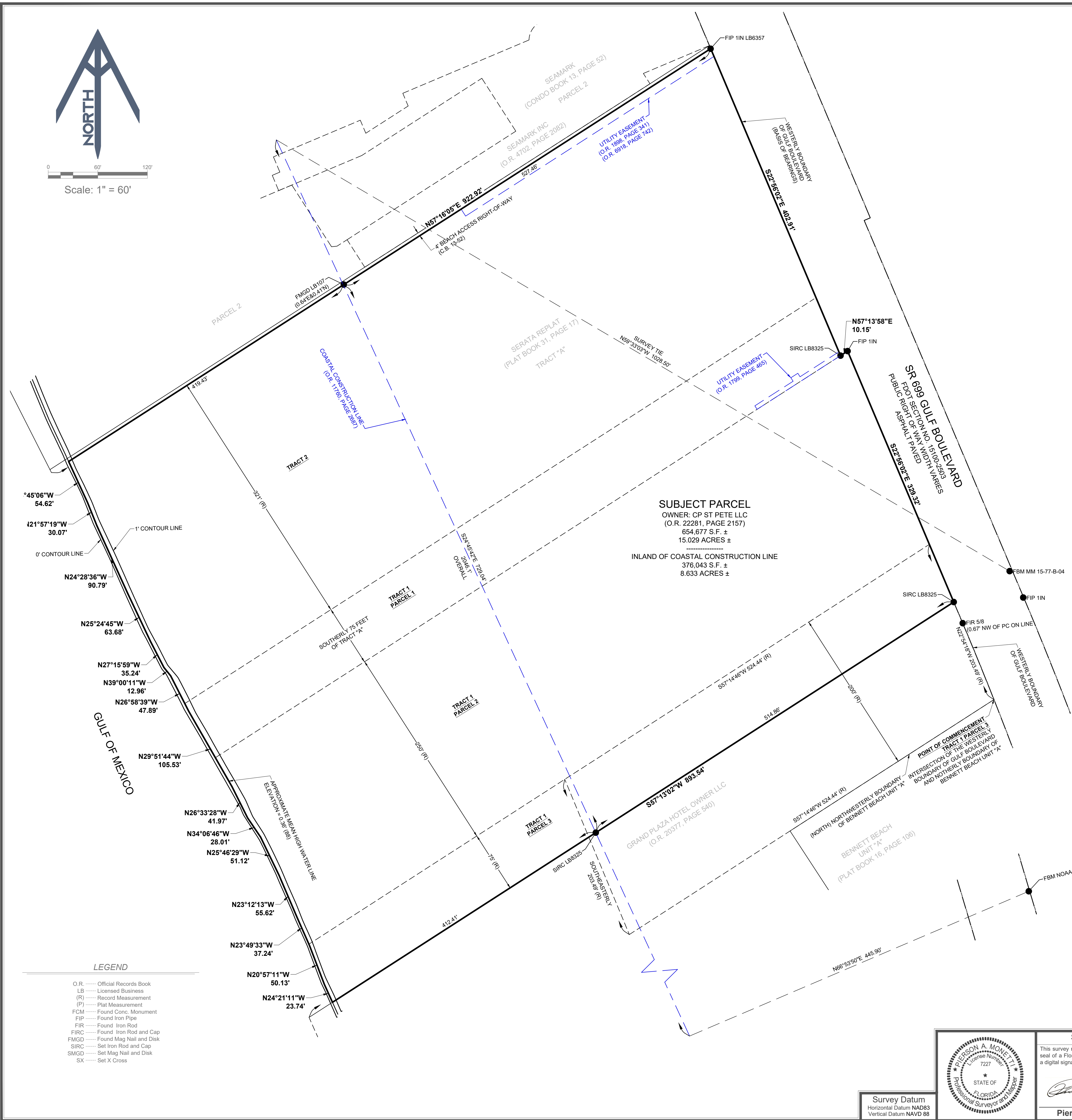
Please contact me at (813) 620-1460 or scott.gilner@kimley-horn.com should you have any questions or desire additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Gilner", written over a light blue circular stamp.

Scott Gilner, P.E. #63945

Project Manager



RECORD DESCRIPTION:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PINELLAS, STATE OF FLORIDA AND DESCRIBED AS FOLLOWS:

TRACT 1: FEE (PARCEL 1)

THE SOUTHEASTERLY 75 FEET OF TRACT "A" OF SERATA REPLAT ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 31, PAGE 17, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING A STRIP OF LAND EXTENDING FROM THE SHORES OF THE GULF OF MEXICO TO THE WEST BOUNDARY OF STATE ROAD NO. 699 BETWEEN PARALLEL LINES 75 FEET APART AT RIGHT ANGLES TO THE SOUTHEASTERLY BOUNDARY OF SAID STRIP BEING THE SOUTHEASTERLY BOUNDARY OF SAID TRACT "A" OF SERATA REPLAT, ALL BEING AND LYING IN SECTION 6, TOWNSHIP 32 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA.

(PARCEL 2)

THAT CERTAIN TRACT OF LAND IN GOVERNMENT LOT 2, SECTION 6, TOWNSHIP 32 SOUTH, RANGE 16 EAST, EXTENDING FROM THE SHORES OF THE GULF OF MEXICO TO THE WESTERLY LINE OF STATE ROAD NO. 699 FORMERLY KNOWN AS STATE ROAD NO. 233 AS DESCRIBED IN OFFICIAL RECORDS BOOK 1363, PAGE 90 (CLERK'S INSTRUMENT NO. 921433A), PINELLAS COUNTY RECORDS LYING BETWEEN PARALLEL LINES 250 FEET APART AT RIGHT ANGLES, THE SOUTHEASTERN BOUNDARY OF WHICH LIES PARALLEL TO AND 200 FEET AT RIGHT ANGLES IN A NORTHWESTERLY DIRECTION FROM THE NORTHWESTERLY BOUNDARY OF BENNETT BEACH UNIT "A", AS RECORDED IN PLAT BOOK 16, PAGE 106, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, AND AS EXTENDED IN A STRAIGHT LINE TO THE SHORES OF THE GULF OF MEXICO AND TO SAID WESTERLY LINE OF SAID STATE ROAD NO. 699.

(PARCEL 3)

THE NORTHERLY 75 FEET OF THE FOLLOWING DESCRIBED PARCEL:

FROM THE INTERSECTION OF THE WESTERLY BOUNDARY OF GULF BOULEVARD (AN 80 FOOT RIGHT-OF-WAY) WITH THE NORTH BOUNDARY OF UNIT "A", BENNETT BEACH ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 16, PAGE 106, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, AS A POINT OF BEGINNING, RUN SOUTH 57°14'46"W, 524.44 FEET, MORE OR LESS, ALONG SAID NORTH BOUNDARY OF UNIT "A", BENNETT BEACH TO A POINT ON THE MEAN HIGH WATER MARK OF THE GULF OF MEXICO, SAID POINT BEING DESIGNATED AS POINT "A" FOR CONVENIENCE, RETURN TO THE POINT OF BEGINNING AND THENCE NORTH 22°54'18"W, 203.49 FEET ALONG SAID WESTERLY BOUNDARY OF SAID GULF BOULEVARD, THENCE SOUTH 57°14'46"W, 524.44 FEET, MORE OR LESS TO THE SAID MEAN HIGH WATER MARK; THENCE SOUTHERLY ALONG SAID MEAN HIGH WATER MARK 203.49 FEET, MORE OR LESS TO POINT "A".

TRACT 2: FEE

TRACT "A" SERATA REPLAT, LESS THE SOUTHEASTERLY 75 FEET THEREOF, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 31, PAGE 17, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, (BEING A STRIP OF LAND EXTENDING FROM THE SHORES OF GULF OF MEXICO TO THE WEST BOUNDARY OF STATE ROAD NO. 699, BETWEEN PARALLEL LINES 321 FEET APART AT RIGHT ANGLES, THE NORTHWESTERLY BOUNDARY OF SAID STRIP BEING THE NORTHWESTERLY BOUNDARY OF SAID TRACT "A" SERATA REPLAT).

- SURVEYOR'S NOTES:**
- Easements, encumbrances, rights-of-ways, reservations, agreements and other similar matters taken from First American Title Insurance Company commitment for title insurance No. 1002-369584-RTT, bearing an effective date of December 5, 2022.
 - This survey is limited to above ground visible improvements along and near the boundary lines, except as shown hereon, and that nothing below the ground was located including, but not limited to foundations (footings), utilities, etc.
 - Bearings shown hereon are based on the Westerly right-of-way line of SR 699 (Gulf Blvd), having a Grid bearing of S.22°56'02"E. The Grid Bearings as shown hereon refer to the State Plane Coordinate System, North America Horizontal Datum of 1983 (NAD 83-2011 ADJUSTMENT) for the West Zone of Florida.
 - This survey is intended to be displayed at 1" = 60' or smaller on Sheet 1 and 1" = 30' or smaller on Sheets 2-3.
 - All boundary line dimensions are field measured unless otherwise noted.
 - Additions or Deletions to survey maps or reports by other than the signing party or parties is prohibited without the written consent of the signing party or parties.
 - The subject property lies in Flood Zone "AE" and "VE", according to Flood Insurance Rate Map, Map No. 12103C0276H for City of St Pete Beach, Community No. 125149, Hillsborough County, Florida, dated August 24, 2021 and issued by the Federal Emergency Management Agency. Lines shown have been digitally translated from DFRM database information supplied by the FEMA Map Service Center <https://msc.fema.gov/>.
 - Parcels shown hereon, are contiguous along their common boundaries without gap, gore, hiatus, or overlap.
 - Use of this survey for purposes other than intended, without written verification, will be at the user's sole risk and without liability to the surveyor. Nothing hereon shall be construed to give any rights or benefits to anyone other than those certified to.
 - On this drawing, certify means to state or declare a professional opinion of conditions regarding those findings or facts which are the subject of the certification and does not constitute a warranty or guarantee, either implied or expressed. This certification is only for the lands as described. This certification is not a certificate of title, easements, zoning or freedom of encumbrances.
 - The lands described hereon may contain lands that are considered environmentally sensitive wetlands that are subject to claim or restriction by one or more of the following agencies: Army Corp. of Engineers, Southwest Florida Water Management District (S.W.F.W.M.D.), or Department of Environmental Protection (D.E.P.). Wetland lines and areas, if any, are not shown hereon.
 - Underground utilities shown hereon may be based solely or in part on the following: Markings provided by utility companies, plans requested from utility providers, observed above ground evidence and record sensing measurements taken by the surveyor. All evidence of underground utilities made available to the surveyor are shown hereon. However, lacking excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. Where additional or more detailed information is required, the user of this survey is advised that excavation and/or a private utility locate request may be necessary. Due to limitations outside the surveyor's control, underground infrastructure or utilities may exist within or near the subject property that are not depicted hereon.
 - It is hereby certified that a survey of the hereon described property was made under my supervision and meets the standards of practice set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17.060 FAC, pursuant to Section 472.027, FS.
 - Elevations shown hereon are based on the North American Vertical Datum of 1988 (NAVD 88), based on National Geodetic Survey Benchmark "AG0012", having a published elevation of 4.70 feet (NAVD 88).

SURVEYOR'S CERTIFICATION:

To: xxxxxxxxxx

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a), 8, 11, 13, 14, 16, 17, 18, 19, AND 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 1/18/2023.

Pierson Monetti
2024.12.11
08:59:15 -05'00'

Pierson A. Monetti
Professional Land Surveyor No. 7227
In the State of Florida

Surveyor's Certificate

This survey not valid without the original signature and seal of a Florida Professional Surveyor and Mapper, or a digital signature complying with 5J-17 Florida Statutes

Pierson Monetti
2024.12.11
08:58:57 -05'00'

Pierson A. Monetti, LS 7227

Survey History		
Date	Description	By
1/18/23	Last field data acquisition	DB
10/11/23	Additional Topo	TSH
10/7/24	Beach/Dune Resurvey	PAM

MRIC SPATIAL

701 S. Howard Avenue, Suite 106-320
Tampa, FL 33606
813-515-0821
MRICspatial.com
Licensed Business #8325

Sirata Beach Resort
ALTA Boundary, Topographic, & Tree Survey
55300 Gulf Blvd, St Pete Beach, FL 33706

Prepared for:
Kimley Horn

Section 6, Township 32 South, Range 16 East,
Pinellas County, FL

Project Number: 220195 Sheet 1 of 5



Scale: 1" = 40'

LEGEND

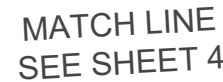
- PRM Permanent Reference Monument
TBM Temporary Benchmark
Pg Page
O.R. Official Records Book
INS# Instrument Number
LB Licensed Business
(R) Record Measurement
(P) Plat Measurement
(TYP) Typical
CONC Concrete
ELEV Elevation
INV Invert
CMP Corrugated Metal Pipe
HDPE High-Density Polyethylene
PVC Polyvinyl Chloride
RCP Reinforced Concrete Pipe
BFP Back Flow Preventor
CI Curb Inlet
FFE Finished Floor Elevation
GTI Grate Top Inlet
MES Mitered End Section
OCS Outlet Control Structure
FAD Found Aluminum Disk
FAXL Found Axle
FBD Found Brass Disk
FCM Found Conc. Monument
FCW Found Copper Weld
FIP Found Iron Pipe
FIPC Found Iron Pipe and Cap
FIR Found Iron Rod
FIRC Found Iron Rod and Cap
FBM Found Benchmark
FMG Found Mag Nail
FMGD Found Mag Nail and Disk
FWM Found Monument in Well
FND Found
FNL Found Nail
FPIP Found Pinched Iron Pipe
FPK Found PK Nail
FPKD Found PK Nail and Disk
FX Found X Cross
SIRC Set Iron Rod and Cap
SMG Set Mag Nail
SMGD Set Mag Nail and Disk
SNL Set Nail
SX Set X Cross
TP Traverse Point
WP Work Point
SYL Solid Yellow Line
SWL Solid White Line
DWL Dashed White Line
DYL Dashed Yellow Line
OU Overhead Utility Lines
S Sanitary Sewer Line
G Gas Line
SD Storm Drain Line
W Water Line
C Communications Line
Train Tracks
Fence
Guard Rail
Top of Bank
Backflow Preventer
Cleanout
Fire Dept. Connection
Fire Hydrant
Guy Anchor
Light Pole
Monitoring Well
Utility Pole
Sanitary Cleanout
Sign
Delinicator Post
Water Well
Grate Top Inlet
Mail Box
Transformer
Service Cabinet
Benchmark
Electric Handhole
Cable Handhole
Fiber Handhole
Gas Handhole
Irrigation Handhole
Sanitary Handhole
Telephone Handhole
Utility Handhole
Water Handhole
Air Release Valve
Force Main Valve
Gas Valve
Irrigation Valve
Reclaimed Water Valve
Sanitary Valve
Utility Valve
Water Valve
Drainage Manhole
Electric Manhole
Manhole
Sanitary Manhole
Grease Manhole
Cable Vault
Electric Vault
Fiber Vault
Telephone Vault
Utility Vault
Cable Pedestal
Electric Pedestal
Fiber Pedestal
Telephone Pedestal
Utility Pedestal
Electric Meter
Gas Meter
Irrigation Meter
Reclaimed Water Meter
Sanitary Meter
Water Meter
Cable Marker
Electric Marker
Fiber Marker
Gas Marker
Irrigation Marker
Sanitary Marker
Utility Marker
Water Marker
Cable Marking
Electric Marking
Fiber Marking
Gas Marking
Irrigation Marking
Sanitary Marking
Utility Marking
Water Marking

Survey History		
Date	Description	By

MRIC SPATIAL
701 S. Howard Avenue, Suite 106-320
Tampa, FL 33606
813-515-0821
MRICspatial.com
Licensed Business #8325

Sirata Beach Resort
ALTA Boundary, Topographic, & Tree Survey
55300 Gulf Blvd, St Pete Beach, FL 33706
Prepared for:
Kimley Horn
Section 6, Township 32 South, Range 16 East,
Pinellas County, FL
Project Number: 220195 Sheet 2 of 5

See Sheet 1 For Surveyor's Certificate

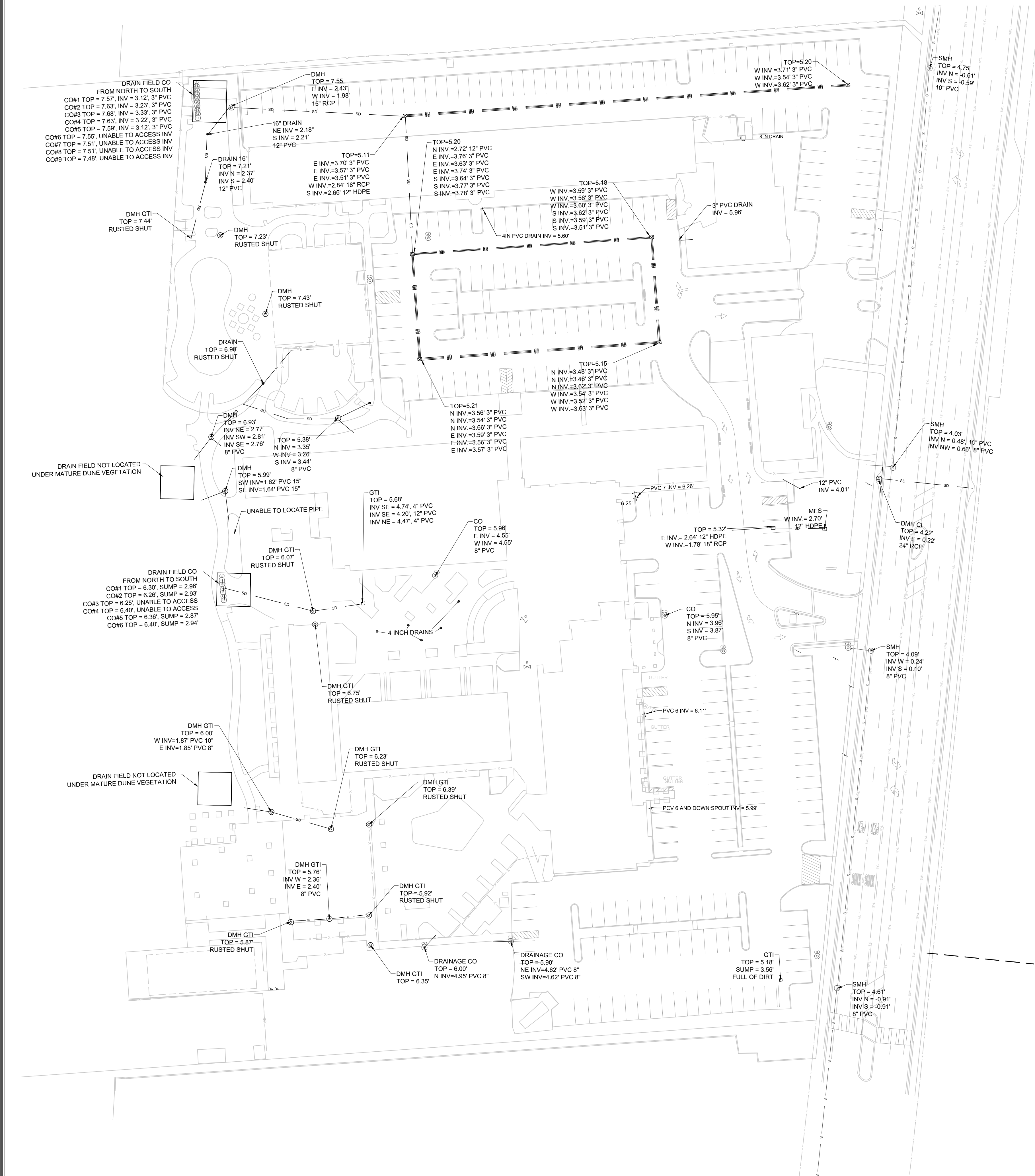


Survey History	
Description	By

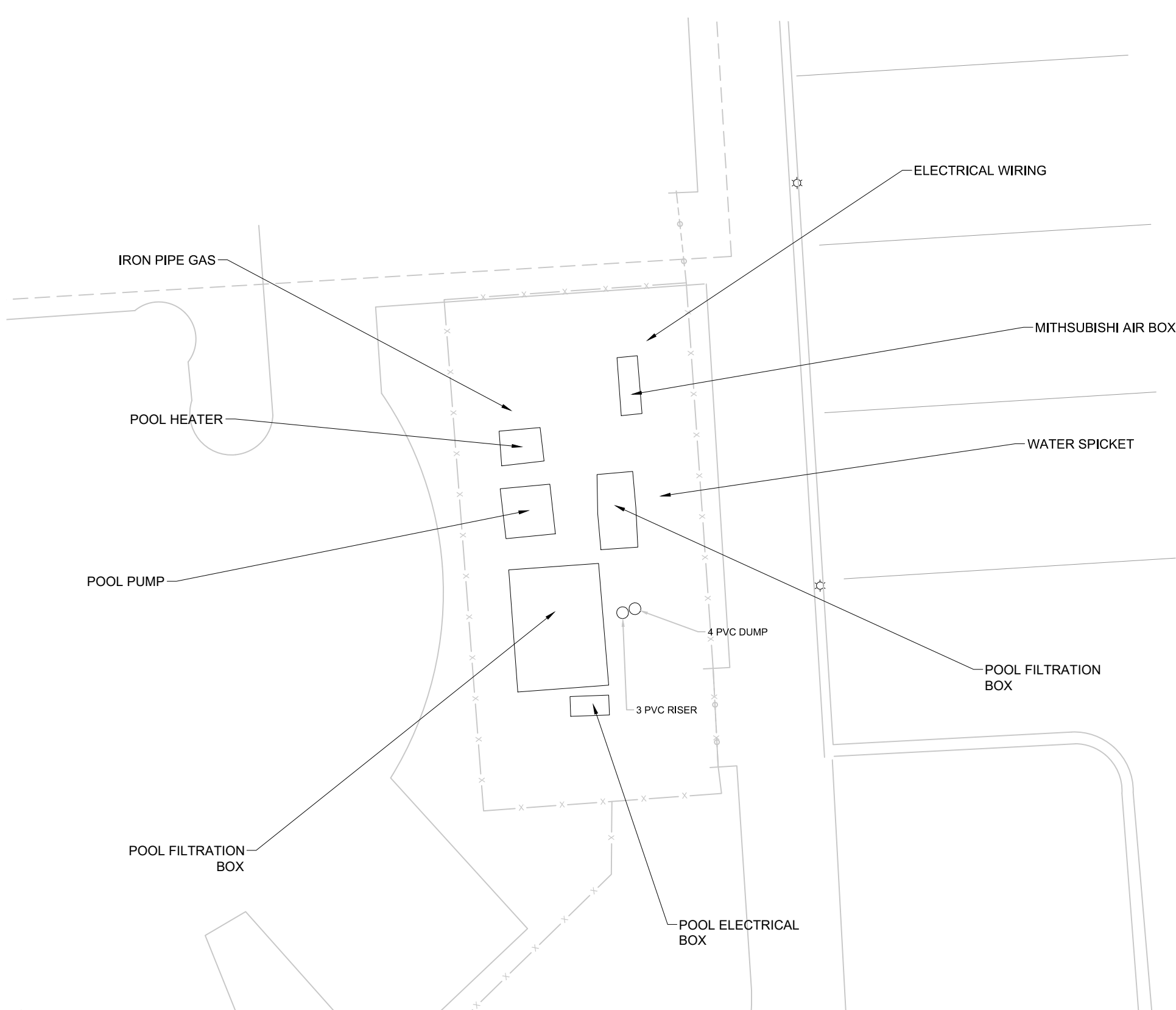
Sirata Beach Resort
ALTA Boundary, Topographic, & Tree Survey
55300 Gulf Blvd, St Pete Beach, FL 33706
Prepared for:
Kimley Horn
Section 6, Township 32 South, Range 16 East,
Pinellas County, FL

Project Number: 220195	Sheet 3 of 4
-------------------------------	---------------------

Overall Drainage



Pool Utility Detail (Not To Scale)



LEGEND			
SNL	Set Nail	Electric Handhole	Utility Marker
SX	Set X Cross	Cable Handhole	Water Marker
TP	Traverse Point	Fiber Handhole	Cable Marking
WP	Work Point	Gas Handhole	Utility Vault
SYL	Solid Yellow Line	Irrigation Handhole	Electric Marking
SWL	Solid White Line	Sanitary Handhole	Fiber Marking
DWL	Dashed White Line	Telephone Handhole	Electric Pedestal
DYL	Dashed Yellow Line	Utility Handhole	Telephone Pedestal
OU	Overhead Utility Lines	Water Handhole	Utility Pedestal
S	Sanitary Sewer Line	Electric Meter	Air Release Valve
G	Gas Line	Gas Meter	Force Main Valve
SD	Storm Drain Line	Irrigation Meter	Gas Valve
W	Water Line	Reclaimed Water Meter	Irrigation Valve
C	Communications Line	Sanitary Meter	Reclaimed Water Valve
TT	Train Tracks	Water Meter	Sanitary Valve
F	Fence	Cable Marker	Utility Valve
GR	Guard Rail	Electric Marker	Water Valve
TOB	Top of Bank	Electric Marker	Drainage Manhole
BP	Backflow Preventer	Gas Marker	Electric Manhole
CO	Cleanout	Irrigation Marker	Manhole
FD	Fire Dept. Connection	Sanitary Marker	Sanitary Manhole
FH	Fire Hydrant		Grease Manhole
			Cable Vault
			Electric Vault
			Fiber Vault
			Telephone Vault
			Utility Vault
			Cable Pedestal
			Electric Pedestal
			Telephone Pedestal
			Utility Pedestal
			Air Release Valve
			Force Main Valve
			Gas Valve
			Irrigation Valve
			Reclaimed Water Valve
			Sanitary Valve
			Utility Valve
			Water Valve
			Drainage Manhole
			Electric Manhole
			Manhole
			Sanitary Manhole
			Grease Manhole
			Cable Vault
			Electric Vault
			Fiber Vault
			Telephone Vault
			Utility Vault
			Cable Pedestal
			Electric Pedestal
			Telephone Pedestal
			Utility Pedestal
			Air Release Valve
			Force Main Valve
			Gas Valve
			Irrigation Valve
			Reclaimed Water Valve
			Sanitary Valve
			Utility Valve
			Water Valve
			Drainage Manhole
			Electric Manhole
			Manhole
			Sanitary Manhole
			Grease Manhole
			Cable Vault



Scale: 1" = 40'

Survey History		
Date	Description	By

MRIC SPATIAL

701 S. Howard Avenue, Suite 106-320
Tampa, FL 33606
813-515-0821
MRICSpatial.com
Licensed Business #8325

Sirata Beach Resort
ALTA Boundary, Topographic, & Tree Survey
55300 Gulf Blvd, St Pete Beach, FL 33706
Prepared for:
Kimley Horn
Section 6, Township 32 South, Range 16 East,
Pinellas County, FL
Project Number: 220195 Sheet 5 of 5



MEMORANDUM

To: Allan Smallwood of CP ST PETE LLC

From: Brandon Berry, Planner
Community Development Department
City of St. Pete Beach - (727) 363-9229

Date: April 6, 2025

Re: **Preliminary Plat #25040**

Allan Smallwood of CP ST PETE LLC requests to replat all of SERATA REPLAT (Bk 31, Pg 17) and a portion of Government Lot 2, Section 6, Township 32 S, Range 16 E as described on the accompanying legal description, to create two separate tracts as depicted.

The City's Technical Review Committee will meet on April 9, 2025 at 10 AM to discuss the following comments regarding the application. Additional comments may be shared at the meeting.

Public Works:

No comments on plat. Wastewater, transportation, and stormwater concurrency to be reviewed at site plan stage.

Building:

Comments have not been shared, but may be shared at the meeting.

Code Enforcement:

Comments have not been shared, but may be shared at the meeting.

Recreation:

Comments have not been shared, but may be shared at the meeting.

Fire:

Comments have not been shared, but may be shared at the meeting.

Planning & Zoning/Transportation:

1. At time of submittal for final plat, please provide:
 - a) A title report (F.S. 177.041(2)).
 - b) A draft Declaration of Unified Site Plan Covenants or alternative document deemed sufficient to the City Attorney to certify both properties will remain unified for development purposes pursuant to the approvals granted under Res. 2023-21 (Condition 7)).
 - c) Required plat statements of F.S. 177.091.
2. If final plat submittal follows resolution of the appeal of the development approval, will required public access easements be referenced on the final plat?
3. Are new PRMs to be set at new lot lines between the two properties? Please reference numbers when set if so.
4. The City does not currently have a PSM on staff to fulfill the requirement of F.S. 177.081 and the City will need to consult with a surveyor at final plat submittal. Direct costs borne by the City for that review shall be collected pursuant prior to recordation pursuant to Appendix A of the Code of Ordinances.
5. Will there be any modification to parking or the need for any easements to ensure that parking, restrooms, drainage facilities, and other required facilities shared jointly between and/or cumulatively required to support proposed facilities are maintained after development?
6. The City's Code of Ordinances requires plats to receive recommendation from the Board of Adjustment. Staff can schedule this item for the April 30th Board of Adjustment meeting. Please confirm if this date works for your team.



April 28, 2025

Mr. Brandon Berry, Senior Planner
Community Development Department
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, Florida 33706

RE: Response to Comments
Project Name: Sirata Beach Resort Preliminary Plat (#25040)

Dear Mr. Berry:

On behalf of our client, Columbia Sussex, LLC (Owner), Kimley-Horn and Associates, Inc. is providing the following response to comments from the City of St. Pete Beach review of preliminary plat #25040.

PUBLIC WORKS

1. No comments on plat. Wastewater. Transportation, and stormwater concurrency to be reviewed at site plan stage.

Response: Acknowledged.

BUILDING

2. Comments have not been shared but may be shared at the meeting.

Response: Acknowledged.

CODE ENFORCEMENT

3. Comments have not been shared but may be shared at the meeting.

Response: Acknowledged.

RECREATION

4. Comments have not been shared but may be shared at the meeting.

Response: Acknowledged.

FIRE

5. Comments have not been shared but may be shared at the meeting.

Response: Acknowledged.

PLANNING & ZONING/TRANSPORTATION

1. At time of submittal for final plat, please provide:
 - a. A title report (F.S. 177.041(2)).
 - b. A draft Declaration of Unified Site Plan Covenants or alternative document deemed sufficient to the City Attorney to certify both properties will remain unified for development purposes pursuant to the approvals granted under Res. 2023-21 (Condition 7).
 - c. Required plat statements of F.S. 177.091

Response:

- a. **Acknowledged. The title report will be submitted in conjunction with the final plat submittal.**
 - b. **Please refer to the draft Declaration of Unified Site Plan Covenants included with this response to comments letter.**
 - c. **The required plat statements will be included on the final plat per F.S. 177.091.**
2. If final plat submittal follows resolution of the appeal of the development approval, will required public access easements be referenced on the final plat?

Response: As discussed during the April 9th TRC meeting, not all of the proposed public access easements will be shown on the final plat. The CUP required easements will be dedicated/conveyed by separate instrument with the hotel permitting

3. Are new PRMs to be set at new lot lines between the two properties? Please reference numbers when set if so.

Response: Yes, new PRMs will be set for the new lot line bisecting the property. The new PRMs will be referenced on the final plat in accordance with Florida Statutes.

4. The City does not currently have a PSM on staff to fulfill the requirement of F.S. 177.081 and the City will need to consult with a surveyor at final plat submittal. Direct costs borne by the City for that review shall be collected pursuant prior to recordation pursuant to Appendix A of the Code of Ordinances.

Response: Acknowledged. It is understood all costs associated with the review will be the

property owner's responsibility and must be collected prior to the recordation of the plat.

5. Will there be any modification to parking or the need for any easements to ensure that parking, restrooms, drainage facilities, and other required facilities share jointly between and/or cumulatively required to support proposed facilities are maintained after development?

Response: As discussed during the April 9th TRC meeting, this proposed subdivision is for financing purposes only. The overall property will function as one and all facilities (parking, drainage, ect.) are to be shared jointly across both lots.

6. The City's Code of Ordinance requires plats to receive recommendation from the Board of Adjustment. Staff can schedule this item for the April 30th Board of Adjustment meeting. Please confirm if this date works for your team.

Response: Confirming that the meeting date of April 30th, 2025, works for the development team.

If you have any questions, I can be reached by phone at 813-620-1460 or by email at Scott.Gilner@kimley-horn.com.

Sincerely,



Scott W. Gilner, P.E. #63945
Project Manager

THIS INSTRUMENT PREPARED BY:

KEVIN B. REALI, ESQ.
Stearns Weaver Miller
401 East Jackson Street, Suite 2100
Tampa, Florida 33602

Parcel ID Nos. 06-32-16-80172-000-0010

RESERVED FOR CLERK

DECLARATION OF UNIFIED SITE PLAN COVENANTS

KNOW ALL MEN BY THESE PRESENTS, that pursuant to the ordinances of the City of St. Pete Beach, a Florida municipal corporation, pertaining to the regulation of land development activities, the undersigned, **CP ST. PETE LLC**, a Delaware limited liability company, whose address is 740 Centre View Boulevard, Crestview Hills, Kentucky 41017, being the fee owner of real property located within the City of St. Pete Beach, County of Pinellas and State of Florida, as described in **Exhibit "A"** attached hereto do hereby make the following declaration of conditions, limitations and restrictions on said lands, hereafter to be known and referred to as a Declaration, as to the following particulars:

1. That the aforesaid plot or combination of separate lots, plots, parcels, acreage or portions thereof, shall hereafter be regarded as, and are hereby declared to be unified under one building site, also known as a zoning lot for the purposes of development as defined in Division 2, Section 2.1 of the Land Development Code of the City of St. Pete Beach.
2. That the said property shall henceforth be considered as a single zoning lot for the purposes of development.
3. Any portion thereof subdivided, sold, assigned, transferred, conveyed or devised shall be bound by the terms of this Declaration. If the holder of a mortgage encumbering any portion of said property should exercise the holder's rights under the mortgage by foreclosure or otherwise, this Declaration shall survive any such foreclosure.
4. That this Declaration shall constitute a covenant to run with the land, as provided by law, and shall be binding upon the undersigned, and the heirs, successors and assigns of the undersigned, and all parties claiming under them until such time as the same may be released in writing under the order of a duly authorized representative of the City of St. Pete Beach. The undersigned also agree that this instrument shall be recorded in the public records of Pinellas County, Florida.

[THIS PAGE INTENTIONALLY LEFT BLANK. SIGNATURE PAGES TO FOLLOW]

Signed, sealed and delivered
the presence of:

CP ST. PETE LLC, a Delaware
limited liability company

Print Name: _____
Address: _____

By: _____
Name: _____
Its: _____

Print Name: _____
Address: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical
presence or ☐ online notarization, this ____ day of _____, 2025, by
_____, as _____ of CP ST. PETE LLC, a Delaware limited
liability company, on behalf of said entity, ☐ who is personally known to me, or ☐ who has
produced the following identification: _____ (check one).

Name: _____ (print)
NOTARY PUBLIC
Commission No.: _____
Commission Expiration Date: _____

EXHIBIT "A"
[of Declaration of Unified Site Plan Covenants]

LEGAL DESCRIPTION

Tract 1: FEE

(PARCEL 1)

The Southeasterly 75 feet of Tract "A" of SERATA REPLAT, according to the plat thereof recorded in Plat Book 31, Page 17, Public Records of Pinellas County, Florida, being a strip of land extending from the Shores of the Gulf of Mexico to the West boundary of State Road No. 699 between parallel lines 75 feet apart at right angles to the Southeasterly boundary of said strip being the Southeasterly boundary of said Tract "A" of SERATA REPLAT; all being and lying in Section 6, Township 32 South, Range 16 East, Pinellas County, Florida.

(PARCEL 2)

That certain Tract of land in Government Lot 2, Section 6, Township 32 South, Range 16 East, extending from the Shores of the Gulf of Mexico to the Westerly line of State Road No. 699 formerly known as State Road No. 233 as described in Official Records Book 1363, Page 90 (clerk's Instrument No. 921433A), Pinellas County Records, lying between parallel lines 250 feet apart at right angles, the Southeastern boundary of which lies parallel to and 200 feet at right angles in a Northwesterly direction from the Northwesterly boundary of BENNETT BEACH UNIT "A", as recorded in Plat Book 16, Page 106; Public Records of Pinellas County, Florida, and as extended in a straight line to the Shores of the Gulf of Mexico and to said Westerly line of State Road No. 699.

(PARCEL 3)

The Northerly 75 feet of the following described Parcel:

From the intersection of the Westerly boundary of Gulf Boulevard (an 80 foot right-of-way) with the North boundary of BENNETT BEACH UNIT "A", according to plat thereof recorded in Plat Book 16, Page 106, Public Records of Pinellas County, Florida, as a Point of Beginning, run South 57°14'46" West, 524.44 feet, more or less, along said North boundary of BENNETT BEACH UNIT "A" to a point on the mean high water mark of the GULF OF MEXICO, said point being designated as Point "A" for convenience, return to the Point of Beginning and thence North 22°54'18" West 203.49 feet along said Westerly boundary of said Gulf Boulevard, thence South 57°14'46" West, 524.44 feet, more or less to the said mean high watermark, thence Southerly along said mean high water mark 203.49 feet, more or less to Point "A".

Tract 2: FEE

Tract "A" SERATA REPLAT, Less the Southeasterly 75 feet thereof, according to plat thereof recorded in Plat Book 31, Page 17, Public Records of Pinellas County, Florida, (being a strip of land extending from the shores of Gulf of Mexico to the West boundary of State Road No. 699, between parallel lines 321 feet apart at right angles, the Northwesterly boundary of said strip being the Northwesterly boundary of said Tract "A" SERATA REPLAT).

**CITY COMMISSION MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Agenda Title Name: First Reading of Ordinance 2025-10: Amendments to Land Development Code DIVISION 26 - SIGN ORDINANCE

Action Request: Motion to [approve/approve with modifications/deny] the first reading of Ordinance 2025-10.

Strategic Objective: Sign pollution

Date: May 27, 2025

Prepared By: Kimley-Horn

Through: Laura Canary, Community Development Director

Summary of Issue: This ordinance contains significant amendments to Land Development Code Division 26 - SIGN ORDINANCE, with two overarching purposes:

1) Eliminate content-based references to the City's regulation of signage in the wake of Reed v. Town of Gilbert, a Supreme Court case preventing governments from lawfully applying different regulations to signage based upon the content of the sign except in cases where the restrictions survive strict scrutiny. This includes setting standards for certain sign types, such as temporary signs, rather than regulating temporary signs based upon their content, such as political signs or construction signs. Restrictions pertaining to distinctions between signs allowed on commercial and residential properties, on- and off-premise, and total sign density, are among the modifications made in this Code update to achieve content neutrality.

2) Update and modernize the sign code generally based on feedback received from the City Commission and City Staff, including substantially reducing the number of district groupings with disparate sign requirements, extending signage available for uses City-wide instead of within specific districts, and clarifying permissions for multi-tenant business developments, among others.

The ordinance in this form was recommended by the Planning Board to the City Commission at a vote of 5-0 at the April 2025 Planning Board meeting.

Some of the most significant changes compared with the existing ordinance that are proposed include the following:

- Eliminating references to "political signage", "real estate signage", and other temporary sign types that could be viewed as content-based in favor of standards for "temporary signage", which are differentiated only between residential and non-residential properties, and whether the event associated with the sign is predictable or non-predictable in duration and dates.
- Collapsing an existing 16 distinct sign districts into four, and providing for standardization among the types of signs permitted within those four districts.
- Extending what are currently district-specific signage types City-wide when the use of the property qualifies for the signage, such as allowing theater signs for theaters, or a sandwich board for a commercial establishment.
- Reducing repair value for nonconforming signs from 50% to 25% before the sign must be brought into conformity with current regulations, which is expected to hasten compliance with the current sign code.
- Loosening restrictions on renovating or newly-constructing pole signs, which are currently prohibited in most areas of the City where freestanding monument signs are permitted, in favor of allowing pole signs as an alternative to monument signs when they are placed within a landscaped area and taller than ten feet in total height.
- Adopting updated area calculation measurements to provide clarity to property owners, contractors, and staff in interpreting and implementing the sign code.
- Setting general sign standards to mitigate impacts on fire access, facility clearance, and drainage features.
- Lessening timeframes for removal of poorly-maintained signs that pose health or safety risks to the public.

- Providing updated illustrations showing sign types (forthcoming).
- Providing relief to businessowners during transition in use and following storm events by allowing banners and exempting well-maintained signage from the definition of "abandoned" when certain actions to restore the property are undertaken.

Staff finds the following Goals, Objectives and Policies of the Comprehensive Plan to be supportive of these amendments:

Future Land Use Element

GOAL 4: The Land Development Code shall be amended and adopted to implement the goals, objectives, and policies of this comprehensive plan, as amended.

Objective 4.1: Recognizing that the City is located on a barrier island, future growth and development shall be managed through the preparation, adoption, implementation, and enforcement of the Land Development Code consistent with this adopted Comprehensive Plan, as amended, in accordance with applicable timeframes established herein or State law, whichever is more restrictive.

Policy 4.1.2: The City shall adopt and implement a Land Development Code that contains specific and detailed provisions required to implement this Comprehensive Plan, as amended, which, at a minimum shall:

[...]

c. Regulate signs;

[...]

Transportation Element

Policy 1.7.7 The City shall enforce the requirements maintained within the Land Development Code for signage along roadways in order to reduce visual confusion and safety hazards.

Funding: N/A

Attachments: 1. Ordinance 2025-10

2. Exhibit A - Markup
3. Exhibit A - Clean

Ordinance 2025-10

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA FOR THE PURPOSE OF ADOPTING AMENDMENTS TO LAND DEVELOPMENT CODE DIVISION 26 SECTIONS 26-1 THROUGH 26-42 ENTITLED SIGN ORDINANCE TO ENSURE CONTENT-NEUTRAL SIGN DEFINITIONS, STANDARDS, REGULATIONS AND REQUIREMENTS, AND ADOPTING AMENDMENTS TO THE REQUIREMENTS FOR PERMITTING, ENFORCEMENT, AND MAINTENANCE FOR NEW, EXISTING AND NONCONFORMING SIGNS IN ALL ZONING DISTRICTS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City's sign ordinance is intended to be content neutral and regulate only the number, form and placement of signs, with goals that include promotion of corridor and site-specific aesthetics, improving pedestrian and traffic safety, and visually aligning signs with their associated structures.

WHEREAS, the amendments proposed herein are intended in part to maintain content neutrality of the City's sign regulations, particularly in light of the Reed v. Town of Gilbert U.S. Supreme Court decision.

WHEREAS, these amendments are also intended to modify the City's compliance thresholds for nonconforming sign improvements, standardize sign types and sizes across zoning districts and other defined areas of the City, and update application and enforcement standards, among other amendments, to provide for greater compliance with the City's sign ordinance while also providing greater surety to businesses and residents when it comes to application and enforcement of the City's sign code.

WHEREAS, the City's Planning Board, sitting as the Local Planning Agency, recommended these amendments to the City Commission at a vote of xx to xx on March 24, 2025 and [found/did not find] them to be consistent with the City Comprehensive Plan.

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 Land Development Code is amended as shown in EXHIBIT A to this Ordinance.

SECTION 3. Codification. This Ordinance shall be codified in the Land Development Code of the City of St. Pete Beach.

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, word, 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, words, clauses, and phrases of this Ordinance as they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Scrivener's Error. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

SECTION 7. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 8. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 9. Effective Date. This ordinance shall take effect immediately upon passage.

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

CITY COMMISSION, CITY OF ST. PETE
BEACH, FLORIDA.

Adrian Petrila, Mayor

I, Amber LaRowe, 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 _____, 2025.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

City Attorney

DIVISION 26 SIGN ORDINANCE¹

DRAFT: APRIL 2025

Sec. 26.1. - Purpose, intent and scope.

It is the purpose of this division to promote the public health, safety and general welfare through reasonable, consistent and nondiscriminatory sign standards. The sign regulations in this division are intended to be ~~not intended to censor speech or to regulate viewpoints, but instead are intended to~~ content-neutral and regulate the secondary effects of speech and especially insofar as those secondary effects may adversely affect aesthetics and traffic and pedestrian safety ~~only the number, form, and placement, not the content, of signs.~~ In order to preserve and enhance the city as a desirable community in which to live, vacation and do business, a pleasing, visually attractive environment is of foremost importance. ~~The regulation of signs within the city is a highly contributive means by which to achieve this desired end.~~ These sign regulations have been prepared with the intent of mitigating the impact signs have on traffic and pedestrian safety, enhancing the visual environment of the city, and promoting its continued well-being. ~~These sign regulations and~~ are intended to:

- (a) Encourage the effective use of signs as a means of communications in the city;
- (b) Maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth;
- (c) Improve pedestrian and traffic safety;
- (d) Minimize the possible adverse affect of signs on nearby public and private property;
- (e) Foster the integration of signage with architectural and landscape designs;
- (f) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;
- (g) Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- (h) Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with the category of use and function to which they pertain;
- (i) Curtail the size and number of signs and sign messages to the minimum reasonably necessary ~~to identify a residential or business location and the nature of any such business;~~
- (j) Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains;
- (k) Categorize signs based upon ~~the function that they serve~~ their structures and tailor the regulation of signs based upon ~~their function~~ those structures;
- (l) Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;

¹Editor's note(s)—Ord. No. 2013-14, § 1(Exh. A), adopted April 23, 2013, amended Div. 26 in its entirety to read as set out herein. Former Div. 26, §§ 26.1—26.40, pertained to similar subject matter and derived from Ord. No. 2011-42, § 1(Exh. A), adopted Jan. 24, 2012; Ord. No. 2012-16, § 1(Exh. A), adopted Sept. 12, 2012.

-
- (m) Regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;
 - (n) Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
 - (o) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the city;
 - (p) Prohibit signage that will substantially and negatively impact wildlife;
 - (pg) Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;
 - (qr) Protect property values by precluding to the maximum extent possible sign-types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
 - (rs) Protect property values by ensuring that sign-types, as well as the number of signs, are in harmony with buildings, neighborhoods, and conforming signs in the area;
 - (st) Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the city, is appropriate in scale to the surrounding buildings and landscape, and that complements the natural surroundings in recognition of this city's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its resort community, as well as for its commercial properties; and
 - (u) Provide flexibility and encourage variety in signage, and create an incentive to relate signage to the basic principles of good design; and
 - (v) Enable the fair and consistent enforcement of these sign regulations.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.2. - Definitions.

All words used in this division, ~~except where specifically defined herein, shall carry their customary dictionary meanings when not inconsistent with the context in which they are used., except that t~~The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, ~~except where the context clearly indicates a different meaning:~~

Abandoned or discontinued sign or sign structure means (a) A sign on or appurtenant to a building when that building has not been occupied pertaining to or associated with an event, business, service, or purpose which is no longer ongoing and which has been inactive or out of business for a period of 90 consecutive days or longer; or (b) a sign which contains structural components but no display or sign copy for a period of 90 consecutive days or longer. This term does not include individual panels within a sign for multi-tenant developments unless the multi-tenant development is more than 50 percent vacant, or transitional and emergency signage as referred to in Sec. 26.19.

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

Animated sign means a sign which includes action, motion, or color changes, or the optical illusion of action, motion or color changes, including signs requiring electrical energy or set in motion by movement of the

atmosphere, or made up of external sign elements that revolve or turn. The term "animated sign" does not include signs which display time of day, temperature, or both, and does not include electronic message board signs.

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

Artwork means a two- or three-dimensional representation of a creative idea that is expressed in an artistic form and manner as to provide aesthetic enjoyment for the viewer rather than to specifically ~~but does not in any way convey the name of the~~ identify a business, product, business logo, or a commercial message. It serves as a means of communication, expression, and cultural understanding.

Attached sign means ~~a wall sign, an integral roof sign, marquee sign or a canopy sign~~ any sign attached to, on, or supported by any part of a building (e.g., walls, integral roof, awning, windows, or canopy) which encloses or covers usable space.

Awning means a cloth, plastic, or other nonstructural covering that is permanently attached to a building or other structure, or that can be raised or retracted to a position against the building or other structure when not in use.

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

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

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

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

Building frontage. See frontage, building.

Bus stop informational sign means a freestanding or attached noncommercial sign located at a bus stop and providing information as to the route, hours or times of service.

Canopy means a permanent or semi-permanent, on-premise roof-like projection or structure intended to provide shade or shelter.

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

Changeable copy/message sign means a sign with the capability of content change by means of manual or remote input, including the following types:

- (1) Manually activated. Changeable sign whose message copy can be changed manually on a display surface.
- (2) Electronically activated. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as

characterized by lamps or other light-emitting devices, or may be from an external light source designed to reflect off of the changeable component display. See also *Electronic message board sign*.

Character means any symbol, mark, logo, or inscription.

Color means any distinct tint, hue or shade including white, black or gray.

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

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

Copy means the linguistic or graphic content of a sign.

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

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

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

Eave means the lowest horizontal line of a sloping roof.

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

Electronic message board sign means a sign by which the message copy can be electronically changed and controlled. This shall include but not be limited to changeable words, lines, logos, symbols, or illustrations and shall include all LED type signs regardless of if the sign periodically changes copy.

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

Facade means the ~~entire building front~~ exterior wall(s) of a building exposed to public view.

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

Flagpole means a pole on which to raise a flag. A flagpole is not a freestanding pole sign.

Flashing sign means ~~a sign which permits light to be turned on or off intermittently more frequently than once per minute~~ any illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purposes of this definition, any moving illuminated sign affected by intermittent lighting shall be deemed a flashing sign. This does not include official warning signs to the motoring public.

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

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

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

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

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

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

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

Government sign means any temporary or permanent sign erected by or on the order of a public official or quasi-public entity at the federal, state or local government level in the performance of any duty including, but not limited to, noncommercial signs identifying a government building, program or service (including bus or other public transit services), traffic control signs, street name signs, street address signs, warning signs, safety signs, informational signs, traffic or other directional signs, public notices of government events or actions, proposed changes of land use, any proposed rezoning, or any other government speech. This term includes signs erected on government property pursuant to lease, license, concession or similar agreements requiring or authorizing such signs.

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

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

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

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

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

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

Lawful message means any message not prohibited by state or federal law.

Lot. See definition of parcel.

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

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

Marquee sign means any sign attached to a marquee.

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

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

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

Noncommercial message means any message, which is not a commercial message.

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

Nonconforming sign means a sign which does not conform with the regulations provided in this division.

Off-premises 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.

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

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

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

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

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

Permanent sign means any sign which, when installed, is intended for permanent use, and is so constructed as to be of lasting and enduring condition (beyond normal wear and tear). For the purposes of this division any sign with an intended use in excess of 12 months from the date of installation shall be deemed a permanent sign. Unless otherwise provided for herein, a sign other than a temporary sign or portable sign shall be deemed a permanent sign.

Predictable event means an event of which the date or dates is or are known at the time the sign is erected. By way of example, predictable events shall include an election, garage sale, grand opening, parade, wedding, garage sales, and others with a definite date.

Portable sign means any sign, banner, or poster that is not permanently attached to the ground or structure, or a sign capable of being transported, including, but not limited to, signs designed to be transported by means of wheels or carried by a person, and signs converted to an A-frame sign or a T-frame sign. For purposes of this division, a cold-air inflatable sign shall be considered to be a portable sign.

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

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

Property means the overall area represented by the outside boundaries of a parcel of land or development containing one or more business establishments and/or residential units.

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

Revolving sign or *rotating sign* means any sign that revolves or rotates an animated sign that revolves or turns or has external sign elements that revolve or turn. Such sign may be power-driven or propelled by the force of wind or air.

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

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

Safety sign. See Warning sign.

Sandwich board sign or *A-frame sign* means a portable double-faced, freestanding sign not exceeding 12 square feet in area designed such that it can be displayed during business hours and easily removed at the close of business which is ordinarily in the shape of an "A," or some variation thereof when erected.

Shopping center means a group of five or more independent commercial establishments developed, operated, managed, and/or owned and operated as a planned unit, with off-street parking provided on the property under a single architectural plan. A shopping center may include a building or structure owned in fee simple, condominium, cooperative, leasehold or other ownership.

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

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

Sign area means the total square foot area of sign surface, including all parts thereof devoted to the background, computed by bounding the exterior of the sign structure or surface with a series of straight or curved lines tangent thereto (see illustrative examples in section 26.3, herein). The area of a sign painted directly on a wall or awning and signs with letters attached directly to walls or awnings shall be calculated by constructing an imaginary series of straight lines or lines formed, bounded or characterized by curves around the outside of all elements of the sign computed as described in section 26.15.

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

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

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

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

Street means a public right-of-way intended for the use of vehicular and pedestrian traffic.

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

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

Temporary sign means a sign intended for a use not permanent in nature and shall include a sign formerly or commonly associated with a temporary use or structure, or a sign related to an event or occurrence at a future time, which shall be further defined by whether the event to which it pertains is predictable or unpredictable. ~~For the purposes of this division, a sign with an intended use of one year or less shall be deemed a temporary sign.~~

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

Traffic control device sign means any sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the national standard. A traffic control device sign includes those signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).

Unpredictable event means an event of which the date or dates is or are not known at the time the sign is erected. By way of example, unpredictable events may mean for rent or for sale periods, construction projects, and others without a definite date of ending.

~~*Vehicle sign* means a sign attached to or placed on a vehicle, including, but not limited to, automobiles, trucks, boats, campers, and trailers, and that is located on public or private property, and is intended to can be viewed from a right-of-way for the purpose of providing advertisement of products or services, or directing people to a business or activity. This includes signs attached to the following vehicles: On- or off-site inoperable vehicles, junk or abandoned vehicles as defined in section 98-67 of the Code of Ordinances, vehicles that have not been driven or moved in 72 hours, or a vehicle with signage attached to it that renders the vehicle not safely drivable. This definition excludes those signs that identify a business organization or its principal services and contact information on a vehicle during that period of time such vehicle is regularly and customarily used to traverse the public street during the normal course of business.~~

Visibility triangle. See Sight visibility triangle.

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

Warning sign or safety sign means a sign which only provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.) or that only provides warning of a violation of law ~~(e.g., no trespassing, no hunting allowed, etc.)~~ or prohibitions on parking, trespassing, hunting, fishing, swimming, or other activity on the property on which the sign is posted.

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

Wayfinding/Directional sign means a sign, which may or may not be a governmental/statutory sign, that shows route designations, destinations, directions, distances, services, points of interest, or other geographical, recreational, or cultural information for the aid of the traveling public, for facilitating a safe and orderly traffic flow and preventing sudden stops.

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

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

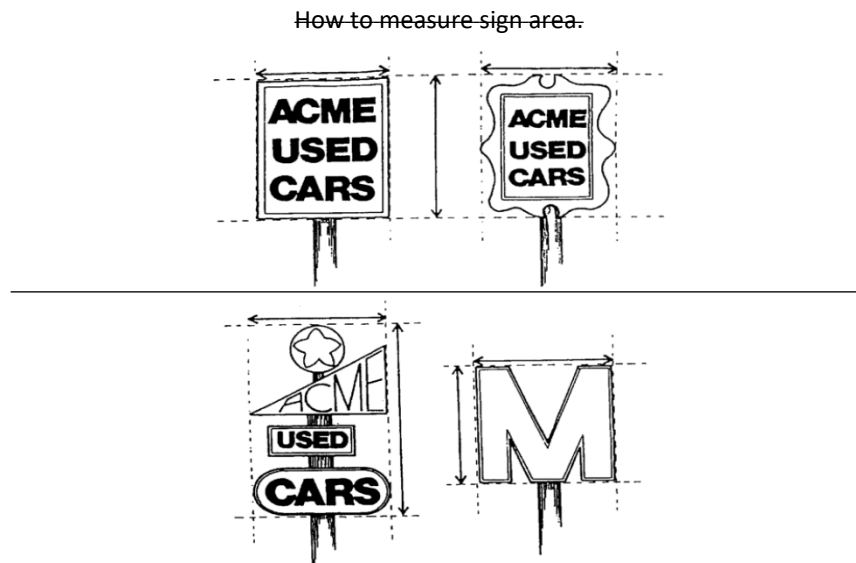
Window or door sign means any sign visible from the exterior of a building or structure which is painted on, attached, glued, or otherwise affixed in any fashion on the interior or exterior of the surface of a window or door.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13; Ord. No. 2016-24, § 2, 1-10-17; Ord. No. 2017-17, § 2, 11-14-17)

Cross reference(s)—Definitions, § 2.1.

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

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



(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.63. - ExemptionsApplicability.

- (a) Applicability. This division applies to any sign, permanent or temporary, displayed or erected which is visible and legible from a right-of-way.
- (b) Relationship to other codes. All signs shall comply with applicable building, electrical, and maintenance codes as adopted by the city. In the event any provisions of this division are in conflict with other applicable requirements, the more restrictive requirements shall apply.
- (c) This division does not pertain to regulate the following:
 - (a1) A sign, ~~other than a window sign~~, located entirely inside the premises of a building or enclosed space, and that is not visible from the right-of-way or public parking lot.
 - (b2) A government statutory sign.
 - (c3) Historic markers for local, state, or nationally ~~locally~~ designated historic resources.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.94. ~~Substitution of noncommercial speech for commercial speech~~ No content restrictions.

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

- (a) ~~Notwithstanding anything in this division or Code to the contrary, n~~No sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such sign or displayed on such sign structure.
- (b) It is the intent of the City Commission that protection of First Amendment rights shall be afforded such that any sign, display, or device allowed under this division may contain, in lieu of any other copy, any otherwise lawful message unrelated to the business located on the premises where the sign is erected. The message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial or commercial message to another, as frequently as desired by the owner of the sign, provided that the applicable size, height, setback, lighting, design, other applicable requirements, and dwell time criteria for electronic changeable message signs contained in this division and Code have been satisfied.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.115. - Sign permit required.

- (a) Generally.
 - (a1) Allowed temporary and allowed permanent signs of the type described in section 26.2513., shall be exempt from sign permitting hereunder.
 - (b2) No sign permit shall be issued for the erection of a prohibited sign.

-
- (3) Signs subject to this division shall be designed, constructed, and maintained in compliance with the City's building, electrical, maintenance, and all other applicable codes and ordinances and in compliance with all applicable state and federal law, codes and regulations.
- (e4) Unless exempt from permitting, no permanent sign shall be erected, altered, relocated, maintained or displayed until a sign permit is obtained from and appropriate fee paid to the city. Where electrical permits are required, they shall be obtained at the same time as the sign permit. The requirement of a building permit under the Florida Building Code is separate and independent of the requirement for a sign permit under this division.
- (e5) A sign lawfully erected under permit may be repainted or have ordinary and customary non-structural repairs performed, including replacement of plastic or glass panels, without a new sign permit; however, if repair work causes such sign is to be structurally altered or repaired, relocated, or enlarged in any manner, a new sign permit shall be required and the altered or repaired sign must meet all requirements of this division and this Code. Nonconforming signs that have been substantially damaged, deteriorated beyond 5025 percent of the assessed value of the sign, or destroyed shall not be issued a permit for repairs and shall be removed in accordance with section 26.6.
- (b) Fees. Every person making an initial application for a sign permit shall pay fees to the city at the time of approval of the application. The fees shall be established by resolution of the city commission and shall be as stated in appendix A to this Code.
- (c) Permit Application. A sign permit application for a permanent sign shall be made upon a form provided by the city. The sign permit application is in addition to any building permit application required by the Florida Building Code. The sign permit application shall be accompanied by plans and specifications drawn to scale, together with any site plan required by Division 5 of the Land Development Code. An applicant shall deliver a sign permit application for a permanent sign to the city's chief building official, or such other person as may be designated by the city. The sign permit application shall be reviewed for a determination of whether the proposed sign meets the applicable requirements of this division and any applicable zoning law. The applicant shall furnish the following information on or with the sign permit application form:
- (1) The legal description of the real property where the sign is proposed to be located.
 - (2) The zoning district for the real property on which the sign(s) will be located.
 - (3) The name, mailing address and telephone number (where available) of the owner(s) of the real property where the sign is proposed to be located.
 - (4) A notarized statement of authorization signed by the owner(s) consenting to the placement of the proposed sign on the real property.
 - (5) The name, mailing address and telephone number of the sign contractor.
 - (6) Type of proposed sign(s) (e.g., attached wall sign, freestanding monument sign).
 - (7) Detailed scaled drawings to show the dimensions, design, structure, and location of each particular sign (when depicting the design of the sign it is not necessary to show the content of the sign as the sign reviewer is prohibited from taking this factor into consideration).
 - (8) Computations of the maximum total sign area, the maximum area for individual signs, and the height of each of the proposed signs.
 - (9) The setbacks for the proposed sign(s).
 - (10) The cost of the proposed sign(s).

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

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

An applicant shall deliver a sign permit application for a permanent sign to the city's chief building official, or such other person as may be designated by the city. The sign permit application shall be reviewed for a determination of whether the proposed sign meets the applicable requirements of this division and any applicable zoning law.

(d) Nullification. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit. If the sign is an integral part of a new building structure, then the permit shall be valid until completion of the building.

(e) Revocation. If the city manager and/or their designee finds that any sign has been erected, altered or maintained in violation of this division, Florida Building Code, or any other ordinance of the city, or that there has been any false statement or misrepresentation of a material fact in the application or plans on which the permit was based, the city shall notify the owner of record of the property upon which such sign is located shall be notified by either certified mail or by hand delivery that such violation exists. The owner shall cause the violation to be remedied or shall file an appeal of the violation within three working days after receipt of the notice. If the permit holder fails or refuses to make corrections within ten days, or a shorter period when emergency conditions exist pursuant to 98-75, it shall be the duty of the building official, or designee, to revoke such permit and provide written notice of same to such permit holder. It shall be unlawful for any person to proceed with any work under the permit after such notice is issued. Where it is determined that such illegal sign poses an imminent threat to the health, safety or welfare of the public, the city may cause the immediate removal of the sign by its own action. Cost of such removal shall be paid by the property owner. In addition to removal, the city shall be entitled to proceed with alternative legal or equitable remedies, including injunctive relief.

(f) Appeals. Whenever it is alleged that there has been an error in any order, action, decision, determination, or requirement by an administrative official in the enforcement and application of any provision contained within this division or any other provision of this Code pertaining to sign permits (including any allegation that an administrative official has failed to act within applicable time frames), the aggrieved party shall file a written appeal on or before 30 days from the day of the administrative decision in accordance with Section 3.14 of the Land Development Code.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.7. Building permits.

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

Sec. 26.56. - Nonconforming signs.

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

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

All signs that lawfully existed at the time of the enactment of this division and that do not conform to the provisions of this division, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed, or maintained, shall be regarded as nonconforming signs.

- (a) Except as provided in this section, no nonconforming sign shall be moved, reconstructed, extended, enlarged, or structurally altered, unless changed to conform with this division.
- (b) Nonconforming signs may continue to be maintained, repaired, or the message of the sign may be changed provided that maintenance, repair, or changing the copy does not require structural alterations.
- (c) Removal of a nonconforming sign, or replacement of a nonconforming sign with a sign conforming to this division, is required when:
 - (1) The nonconforming sign is substantially damaged, destroyed, or deteriorated to such extent that the cost of repair or restoration would equal or exceed 25 percent of the replacement cost of the sign; or
 - (2) A building or site on which the nonconforming sign is located is improved, repaired, rehabilitated, altered, or redeveloped at a cost which equals or exceeds 50 percent of the market value of the existing building or structure before the improvement or repair is started.
- (d) In addition to the above, all legally erected nonconforming electronic message board signs, including all LED-type signs, must be made to conform to the applicable provisions of this division by January 1, 2027.
- (e) Signs that exist on the effective date of this division that were not in conformance with previous regulations are illegal signs and shall conform with this division or be removed within ninety (90) calendar days of the effective date of this division.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13; Ord. No. 2016-24, § 3, 1-10-17)

Sec 26.7. - Variances.

- (a) Requests for variances from any provisions of this division, unless stated otherwise, shall be processed and authorized pursuant to section 3.12 general variances of the Land Development Code.
- (b) Variances from the terms of these regulations may not be contrary to the public interest. Variances may be granted where, owing to special conditions, the literal enforcement of the provisions would result in unnecessary hardship, not to include economic hardship. However, no variance shall be granted unless the criteria of section 3.12 are met. In addition to these usual criteria for variances to the provisions of this article, any additional signage allowed pursuant to variances shall be conditioned in such a way that, taking into consideration existing allowable signage in the area, the additional signage does not exacerbate visual clutter, driver distraction or traffic safety in the area.

Sec. 26.148. - Inspection and Maintenance of signs.

- (a) Inspection. Signs for which a permit is required under this division may be inspected periodically by the building official, or designee, for compliance with this division, other codes of the City, and all terms upon which the sign permit may have been conditioned.
- (b) Maintenance of signs.

Created: 2022-07-19 14:16:29 [EST]

(Supp. No. 47)

-
- (1) All visible portions of a sign and its supporting structure shall be maintained in a safe condition, and present a neat and clean appearance according to the following:
 - a. Signs with illumination that have become flashing signs shall be repaired, renovated, or corrected to the original permitted function and order. If the sign is lighted, all lights shall be maintained in working order and functioning in a safe manner.
 - b. If the sign is painted, the painted surface shall be kept in good condition.
 - c. Every sign shall be kept in such manner as to constitute a complete or whole sign.
 - d. Every sign shall be able to withstand the wind pressure for which it was originally designed.
 - e. If a sign is a freestanding sign, the area around the base of the sign shall be landscaped, maintained, and kept free of weeds, overgrowth, debris, trash, litter, and any other unsightly conditions or nuisances as defined by chapter 98, article 3 property maintenance of the Code of Ordinances.
 - (2) The maintenance of signs shall be in keeping with the intent of chapter 98, article 3, section 98-66(d) to ensure the public health, safety and welfare is maintained. The owner and/or leaseholder shall be responsible for maintaining the signs concerned in good operating conditions and appearance and shall be responsible for maintaining the area immediately surrounding the sign. Failure to comply with chapter 98, article 3 shall constitute cause for revocation of the sign permit and removal of the sign, if the owner and/or leaseholder fail to correct same within two days after written notice of violation.
 - (2) ~~Nonconforming signs may suffer only ordinary and customary repairs and maintenance. As provided in section 26.11, a lawfully-erected nonconforming sign shall not be structurally altered except in full conformance with this division.~~

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

~~Sec. 26.15. Appeals.~~

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

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.169. - Enforcing official.

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

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.17. — Failure to comply.

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

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.180. - Violations and penalties.

- (a) The acts enumerated in this section shall be a violation of this division and shall be subject to the enforcement remedies and penalties provided by this division, by other city codes, and by state law. Such remedies may be pursued simultaneously.
- (b) It shall be a violation to:
 - (1) Install, create, erect or maintain any sign in a way that is inconsistent with any approved plan or permit governing such sign or the site on which the sign is located.
 - (2) Install, create, erect or maintain any sign requiring a permit without having first obtained such permit.
 - (3) Fail to remove any sign that is installed, created, erected or maintained in violation of this division or for which the sign permit has lapsed.
 - (4) Install, erect, place, or maintain any sign contrary to the provisions of this division, including any sign or sign structure not allowed within the applicable zoning district.
 - (5) Continue any such violation.
- (c) Each sign installed, created, erected or maintained in violation of this division shall be considered a separate violation, and each day of a continued violation shall be considered a separate violation.
- (d) Any violation of this division or any condition or requirement adopted pursuant to this division may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to law. The remedies of the city shall include but not be limited to the following:
 - (1) Issuing a stop work order for any and all work on any signs on the same site.
 - (2) Seeking an injunction or other order of restraint or abatement that requires the removal of the sign or the correction of the violation.
 - (3) For a sign which poses an immediate danger to the public health or safety, taking such measures as are available to the city under the applicable provisions of this division for such circumstances.
- (e) A person in violation of this division shall be subject to prosecution and, upon conviction, shall be punished as set forth in section 1-14 of chapter 1, St. Pete Beach Code of Ordinances.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.19. Adoption of zoning regulations.

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

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.11. - General sign requirements

- (a) All new signs shall comply with all applicable Florida Building Code requirements, design requirements, and other applicable requirements.
- (b) Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Placement shall not interfere with natural or artificial drainage or surface or underground water.
- (c) No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress, nor shall it obstruct or interfere with roof access or any opening required for ventilation.
- (d) No sign, portable or otherwise, is to be placed or located to conflict with the intersection visibility requirements of section 6.21 of this Land Development Code.
- (e) All signs shall be installed and constructed in a professional and workmanlike manner and shall be maintained in good and safe structural condition and good physical appearance. All exposed structural components shall be painted, coated, or made of rust or wood rot inhibitive material.
- (f) Signs on public lands. Signs shall not be located on publicly owned land or easements or inside street rights-of-way except signs required or erected by permission of the authorized governmental agency. Such prohibited signs shall include, but not be limited to, handbills, posters, advertisements, or notices that are attached in any way upon lampposts, telephone poles, utility poles, bridges and sidewalks. All signs shall be moved by the owner of the sign at no expense to the applicable governmental jurisdiction when the signs are within any public property including existing rights-of-way. Nothing shall prohibit a duly authorized public official from removing a sign from public property.
- (g) Official signs and notices. Nothing in this division shall be construed to prevent or limit the display of legal notices, warnings, informational, direction, traffic, or other such signs which are legally required or necessary for the essential functions of government agencies.

Section 26.12. - Sign standards in all districts.

All permitted signs shall be subject to the below design requirements:

- (a) All permanent signs shall be compatible with the building(s) to which they relate and with the surrounding neighborhood.
- (b) The placement and location of signs shall not cover or obscure architectural features, finishes, doors, windows, or other elements of the building to which they relate unless designed to be an integral part of that element.
- (c) Freestanding signs.

-
- (1) All freestanding signs of ten (10) feet in height or less shall be monument signs, unless any combination of landscaping of sufficient density and maturity at the time of planting may be used to achieve the same opacity as would have been achieved with the monument base.
 - (2) The materials, finishes and colors of the base of freestanding signs, including monument and-pole base sign, shall match the architectural design of the building on the same site.
 - (3) All freestanding signs shall be placed in a landscaped setting appropriate to the size and scale of the sign.
 - (4) Tenant panels in freestanding signs for a multi-tenant development or shopping center, including those added to existing sign structures, shall be constructed of the same materials and illuminated by the same method.
 - (5) Freestanding signs shall not be permitted within any required side yard adjacent to property in an RU-1, RU-2, RLM-1 or RLM-2 district or within a required front yard established for protection of a right-of-way corridor.
 - (6) A freestanding sign shall not exceed 35 feet in height or 135 feet in sign area in any district and shall not exceed six (6) feet in height for any property in the Pass-a-Grille Overlay district. No variance to this regulation may be granted and no variance application to this requirement shall be accepted.
- (d) Window signs. One or more window signs may be displayed where attached signs are permitted and shall count towards the maximum allowable attached sign area. Permanent window signs shall not cover more than 50% of any contiguous window surface between frames, exclusive of grilles and muntin, and shall comply with all fire safety codes.
- (e) Projecting signs. Projecting signs shall have a minimum ground clearance of eight (8) feet and shall not project within two (2) feet of any curb.
- (e) Illuminated signs.
- (1) Illuminated signs, in addition to conforming to all other requirements of this division, shall be shielded in such a manner so that no direct source of light is cast into residential properties or into a public street or right-of-way.
 - (2) No sign shall have animated, blinking, flashing, or fluttering lights or other illumination devices which have a changing light intensity, brightness, color, or direction.
 - (3) Illuminated signs shall not interfere with pedestrian or motorist vision. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices. Similarly, no electronic changeable message sign shall be permitted if it may be confused with, construed as, or interfere with traffic control devices.
 - (4) The illumination shall not be reflective or phosphorescent and shall be placed in a manner that will not create a nuisance to other premises or ~~interfere with vehicular movements~~ create a traffic hazard to operators of motor vehicles on public thoroughfares.
 - (5) Externally illuminated signs are preferable to internally illuminated signs. Externally illuminated signs are permitted only with steady, stationary, and shielded lighting directed solely onto the sign from either above or below.
 - (6) Internally illuminated signs or portions of a sign that are internally illuminated shall not be larger than 50 square feet in area.
 - (7) Internally illuminated signs shall be expressly prohibited in the following areas:
 - a. Within 50 feet of a property with a single-family use or zoned for a single-family use;

-
- b. Building facades or property frontage adjacent to Corey Avenue in the TC-1 or TC-2 district;
 - b. BR district;
 - c. Traditional hotel district;
 - d. UBV district; and
 - e. Pass-a-Grille Overlay district.

Sec. 26.2513. - All districts Exempt Signs.

The regulations in this division apply in every zoning district in the city, except where otherwise specified or indicated. Sign permits are not required for signs and sign types described and identified in this section, below. The following sign types are exempt from the permitting process and are exempt from other provisions of this division, but are not exempt from the requirements imposed by this subsection or from applicable requirements of this division relating to construction, illumination, placement, safety, and nonconformity, and are not exempt from other regulations related to public health, safety and welfare.

- (a) *Street address signs.* For each parcel within the city, one attached street address sign ~~may~~shall be displayed for each public street building façade facing the primary street or waterfront. ~~For parcels in residential use, the street address sign shall not exceed two square feet in sign area. For each parcel in nonresidential use, the street address sign shall not exceed six square feet in sign area. The address numbers shall be at least three inches in height if the dwelling or business establishment is located 50 feet or less from the curb or improved right-of-way, at least five inches in height if the dwelling or business establishment is located more than 50 feet from the curb or improved right-of-way, in Arabic numbers, and of contrasting color to background. For any site or parcels subject to a common plan of development on which one or more signs requiring a permit are proposed to be erected, the location, height, and area of street address signs shall be included in sign plan. Address numbers are subject to National Fire Protection Association (NFPA) code, as amended. One additional street address sign may also be located on the monument sign or other sign at the entrance of the development.~~
- (~~h~~b) *Artwork.* ~~Artwork is allowed in all districts, provided it does not contain a commercial message. The portion of the artwork containing a commercial message shall be part of the computation of the allowable sign area, as described in section 26.15.~~
- (~~u~~) *Bus stop informational signs.* ~~Bus stop informational signs up to three square feet in area.~~
- (~~m~~) *Construction signs.* ~~One construction sign shall be allowed on each parcel within the city. Construction signs shall not exceed three square feet in sign area for residential properties, and 16 square feet in sign area for nonresidential properties.~~
- (j)c) *Flags.* There shall be a maximum of one flagpole and three flags permitted for each parcel in the city. Flagpoles in residential districts shall not exceed 20 feet in height, and flagpoles in nonresidential districts shall not exceed 30 feet in height. The maximum size of such flags shall be as follows: The maximum distance from top to bottom of any flag shall be 20 percent of the total height of the flagpole, or in the absence of a flagpole, 20 percent of the distance from the top of the flag or insignia to the ground. Flags containing a commercial message shall be part of the computation of the allowable area for freestanding signs.
- (d) *Government signs.* Informational, directional and regulatory signs located within rights-of-way or on publicly-owned land that are installed by the City or other governmental signs installed with the approval of the City. Official regulatory or warning signs upon any body of water (river, bay, lake, or other body of water) within the limits of the City, informational or directional signs installed by the City or with the approval of the City upon any body of water within the limits of the City in connection with a water path or paddling trail.

-
- (le) *Machinery and equipment signs.* Machinery and equipment signs shall be allowed in all districts.
- (bf) *Nameplate signs or occupant identification signs.* For each residence, business or other occupancy within the city, one nameplate sign may be displayed. For residences the nameplate or occupant identification signs shall not exceed two square feet in sign area. For any nonresidential use, the nameplate or occupant identification sign shall not exceed six square feet in sign area.
- (eg) ~~Noncommercial onsite~~ *Onsite directional signs.* ~~Noncommercial onsite~~ Onsite directional signs, not exceeding four square feet in sign area, shall be allowed on each parcel within the city per sign face.
- (eh) ~~Noncommercial onsite~~ *Onsite parking space signs.* ~~Noncommercial onsite~~ Onsite parking space number signs, not exceeding one square foot of sign face per sign, shall be allowed on each parcel in noncommercial use having multiple parking spaces onsite. One such sign shall be allowed for each parking space.
- (ei) ~~Noncommercial onsite~~ *marina slip number signs.* ~~Noncommercial onsite~~ marina slip number signs, not exceeding one square foot of sign face per sign, shall be allowed for each marina having marina slips. One such sign shall be allowed for each marina slip.
- (n) ~~Real estate signs.~~ For each parcel within the city, one real estate sign may be displayed on each parcel of land or part thereof that is for sale, lease, or rent; however, when more than one dwelling unit or nonresidential space on a parcel of land is for sale, lease, or rent, there may be one real estate sign for each such unit or space. In addition, waterfront lots may display one additional real estate sign within the required waterfront yard. Real estate signs shall not exceed three square feet in sign area for residential properties, and 16 square feet in sign area for nonresidential properties. The real estate sign shall be removed immediately upon the sale, lease or rent of the real estate that was offered for sale, lease, or rent.
- (kj) *Warning signs and safety signs.* Warning signs and safety signs, not exceeding four square feet in sign area, shall be allowed in all districts.
- (k) *Special event sign.* A special event sign may be allowed subject to the conditions of the associated special event permit or City sponsorship conditions, along with any restrictions placed specifically on special event signage within this division. All other restrictions of this division, not specific to special event signs, shall not be applicable.
- (l) *Temporary window signs.* Temporary window signs shall be allowed on parcels being used for multifamily residential, office, commercial, and public/semipublic uses. The maximum area of such signs in areas classified as office, commercial, and public/semipublic shall not exceed 25-50 percent of windowpane area or 100 square feet, whichever is less. In multifamily residential areas, the area of temporary window signs shall not exceed 25 square feet. If the use displaying such temporary window sign(s) is also displaying permanent window sign(s), as authorized in Sec. 26.12, then the total area of the window covered by a combination of all window signs shall not exceed 65% of the windowpane area. Temporary window signs that are illuminated shall be part of the computation of the allowable area for attached signs.
- (em) *Temporary signs.* One temporary sign per property, not exceeding three square feet in area on residential property, and 12 square feet in area on nonresidential property, shall be allowed. Additionally, an unlimited number of temporary signs shall be allowed on both residential and nonresidential property from thirty days prior to an election held in the city to two days following an election held in the city, provided all other restrictions of this sign type are met. A temporary sign for a non-election predictable event shall be posted no more than seven days prior to the event and removed no more than two days following the event. A temporary sign for a non-election unpredictable event shall be removed no more than two days following the event. This regulation does not pertain to a temporary sign otherwise regulated by a special event permit. Signs may be

freestanding or attached wall signs and shall not be of a type prohibited in section 26.5. Temporary signs are further regulated by type as follows:

- (1) *Freestanding temporary signs.* If freestanding, signs shall not exceed three feet in height on residential property and six feet in height on nonresidential property, shall be located outside of the visibility triangle required by section 6.21 of this Code, shall be located outside of any required pedestrian access, public safety access, or parking access or space, and shall be located a minimum of three feet from the sidewalk or curb line on private property.
 - (2) *Attached temporary signs.* If attached, signs shall be erected as permitted for a wall sign and shall not exceed in height the eave or parapet line of the building.
- (f) ~~*Free expression signs.*~~ For each parcel within the city and for each residential unit within a multifamily residence, one free expression sign not exceeding three square feet in sign area may be displayed. The free expression sign may be displayed as an attached sign or as a freestanding sign; if displayed as a freestanding sign, the free standing sign shall not exceed three feet in height. A free expression sign is in addition to any other sign permitted under this Code and is permitted in any zoning district. Only one such sign shall be permitted on each such parcel or each residential unit. The sign must be located within six feet of a building located on the lot or parcel; or if there is no building on the lot or parcel, the sign must be located at least 15 feet from any street.
- (g) ~~*Election signs.*~~ For each lot within the city one election sign for each issue may be displayed. An election sign may be displayed as an attached sign or as a freestanding sign. On parcels that are in residential use, the election sign shall not exceed three square feet in sign area; and, if the election sign is displayed as a freestanding sign on the parcel, the election sign shall not exceed three feet in height. On parcels that are in nonresidential use, the election sign shall not exceed 12 square feet in sign area; and, if the election sign is displayed as a freestanding sign on the parcel, the election sign shall not exceed six feet in height. Freestanding election signs shall be set back at least three feet behind the sidewalk or, if there is no sidewalk, ten feet from the edge of pavement. Election signs are prohibited on public property and public right-of-way. An election sign shall be removed within seven ~~(7)~~ calendar days following the election to which it pertains.

For this section, the term lot means: the least fractional part of subdivided lands having limited fixed boundaries and an assigned number, letter, legal description or other name through which it may be identified

- (o) ~~*Temporary garage-yard sale signs.*~~ For each parcel with a lawful residential use, one temporary garage-yard sale sign may be displayed. A temporary garage-yard sale sign shall not exceed four square feet in sign area. A temporary garage-yard sale sign may not be displayed for a period longer than two days during any calendar month and shall be removed upon the conclusion of the sale.
- (p) ~~*Temporary grand opening signs.*~~ For each new business or business name change, one temporary grand opening sign shall be permitted for 30 days after the issuance of an occupational license for the new business or the business name change. A temporary grand opening sign shall not exceed 12 ~~16~~ square feet in sign area. A temporary grand opening sign may be a temporary covering, such as a toaster cover, sign boot, or sign sock, which covers an existing permitted attached or freestanding sign.
- (q) ~~*Temporary seasonal signage.*~~ During the period November 15 until January 7 each year, each business holding a valid business tax receipt shall be allowed to display one additional sign of the types allowed for the applicable zoning district, excluding freestanding pole or monument signs. Such sign shall not require a permit, but must conform to the dimensional requirements of the code.
- (r) ~~*Window signs.*~~ For each parcel within the city, one or more window signs may be displayed. On parcels that are in residential use, the window sign(s) shall not exceed an aggregate of three square feet in sign area. On parcels that are in nonresidential use, the window sign(s) shall not be restricted from the date

of adoption of this ordinance until December 31, 2012; following which such signage shall not exceed an aggregate of more than 50 percent of any window surface.

- ~~(s) Temporary holiday and seasonal decorations.~~ Temporary holiday and seasonal decorations shall be allowed in all districts.
- ~~(t) Temporary valet parking station signs.~~ One temporary valet parking station sign no more than four square feet in sign area shall be allowed on each parcel. The temporary valet parking station sign shall only be visible during hours that the valet is operating.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13; Ord. No. 2016-24, § 5, 1-10-17)

Sec. 26.4-14. - Prohibited signs.

The following signs and sign types are prohibited within the city limits and shall not be erected. Any lawfully existing permanent sign or sign type which is among the prohibited signs and sign types listed below shall be deemed a nonconforming sign subject to the provisions of section 26.5.

- ~~(a) Billboards; off-site signs.~~
- ~~(ab) Revolving signs; rotating signs.~~
- ~~(be) Flashing signs or, animated signs, multi-prism signs and beacon lights, except when required by the Federal Aviation Administration or other government agency.~~
- ~~(cd) Banners, except those used to advertise approved special events, approved with a special event permit those installed for 30 days after the issuance of a business' tax receipt for a new business, or when used during transitional or emergency events as regulated in Section 26.19. For special events, the banner may not be placed on the property in which the event is to take place more than 21 days prior to the special event. For new businesses, the size of the banner may not exceed the allowance otherwise permitted for attached signage, shall be attached to the building or face of an existing freestanding sign, and shall be secured to resist movement from wind.~~
- ~~(d) Pennants, streamers, and all other fluttering, spinning, or similar type signs and advertising devices.~~
- ~~(e) Wind signs.~~
- ~~(f) Portable signs, other than sandwich board signs as allowed within certain zoning districts pursuant to this division.~~
- ~~(g) Roof signs, other than integral roof signs in nonresidential zoning districts.~~
- ~~(h) Abandoned and discontinued signs, except as temporarily permitted in Section 26.19.~~
- ~~(i) Snipe signs.~~
- ~~(j) Bus bench advertising signs; bus shelter advertising signs.~~
- ~~(k) Signs that emit sound, vapor, smoke, odor, particles or gaseous matter, or project three-dimensional images, holographic images or pyrotechnics, with the exception that signs emitting audible sound erected to accomplish compliance with the Americans with Disabilities Act shall be authorized.~~
- ~~(l) Signs that have unshielded illuminating devices, other than electronic changeable message sign displays permitted in accordance with this division.~~
- ~~(m) Signs that obstruct, conceal, hide or otherwise obscure from view any official traffic or governmental sign, signal or device.~~
- ~~(n) Any attached sign that exceeds 100 square feet in area.~~

-
- ~~(o)~~ Any freestanding sign that is higher than 35 feet.
 - ~~(p)~~ Any freestanding sign that exceeds 135 square feet in sign area.
 - ~~(q)~~ Any sign within a sight visibility triangle that obstructs a clear view of pedestrian or vehicular traffic.
 - ~~(r)~~ Any sign in or over the public right-of-way, ~~other than traffic control device signs, bus stop informational signs, warning signs or safety signs except government signs or as otherwise provided by this division.~~
 - ~~(s)~~ Any sign attached to or painted on a seawall ~~or~~, pier, dock, or tie pole, other than a government sign, warning sign or safety sign, or signs otherwise required by local, state or federal law.
 - ~~(t)~~ Signs in or upon any river, bay, lake, or other body of water within the limits of the City, other than government signs, warning or safety signs or signs otherwise required by local, state or federal law. The City Manager or designee is authorized to remove and dispose of any temporary sign placed within the City right-of-way in violation of this ordinance.
 - ~~(u)~~ Any sign other than a traffic control device sign that uses the word "stop" or "danger," or presents or implies the need or requirement of stopping or the existence of danger, or which is a copy or limitation of official traffic control device signs, and which is adjacent to the right-of-way of any road, street, or highway.
 - ~~(v)~~ Any sign nailed, fastened ~~or~~, affixed to, hanging from, or painted on any tree or other vegetation, or part thereof (living or dead).
 - ~~(w)~~ Any sign prohibited by state or federal law.
 - ~~(x)~~ Vehicle signs, as defined by this division, and portable trailer signs.
 - ~~(y)~~ Any sign located on real property without the permission of the property owner.
 - ~~(z)~~ Beacons, except as required by federal or state law.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.15. - Methods of Measurement

- (a) Setbacks. Required setbacks for signs in all zoning districts shall be measured from the property line to the nearest part of the sign.
- (b) Height. Height for freestanding signs in all zoning districts shall be computed as the distance from the base of the sign structure at ground level to the highest point of the sign structure. In cases where the ground level, as defined in this section, cannot reasonably be determined, sign height shall be derived on the assumption that the elevation of the ground at the base of the sign is equal to the average elevation at the front property line of the zone lot.
- (c) Area.
 - (1) Freestanding sign, monument base. Sign area shall be computed as the extreme outer dimensions of the freestanding structure, excluding the support structure base and architectural features. When sign copy has been attached or painted on a background panel or area distinctively painted, textured, or constructed to serve as the background for the sign copy, sign area shall be computed as the area enclosed by the smallest single rectangle that can be drawn around the outside dimensions of the background panel or surface, including sign trim or frame.

-
- (2) Freestanding sign, pole base. Sign area shall be computed as the area enclosed by the smallest single rectangle that will enclose the sign structure, exclusive of poles.
 - (3) Attached sign, single element. Sign area shall be computed within a single perimeter composed of squares or rectangles that enclose the sign structure, background panel, or surface, including sign trim and frame.
 - (4) Attached sign, multiple elements. When signs are constructed of individual elements, such as signs that consist of individual letters or signs have an additional background panel or surface for a logo, the area of all sign elements which together convey a single, complete message, shall be considered as a single sign. Sign area shall be computed by summing the area of each element enclosed by the smallest single rectangle that can be drawn around the complete message of sign copy, background panel or surface, including sign trim or frame.
 - (5) Signs painted directly on walls, awnings, canopies, or other structures. The area of a sign painted directly on a wall, awning, canopy, marquee, or other structure that has not been distinctively painted, textured, or constructed to serve as a background for the sign copy, shall be computed as the area enclosed by the smallest single rectangle that can be drawn around the commercial message, including all sign copy, logos, or other representation or image that directly or indirectly represents a business, product, or other commercial activity. When a sign has been painted on a background panel or area distinctively painted, textured, or constructed to serve as the background for the sign copy, sign area shall be computed as the area enclosed by the smallest single rectangle that can be drawn around the outside dimensions of the background panel or surface, including sign trim or frame.
 - (6) Window signs. Sign area shall be computed as the area enclosed by the smallest single rectangle that can be drawn around the outside dimensions of the sign display, including sign trim or frame.
 - (7) Double-faced signs. On a sign where two sign faces are back to back and directionally oriented 180 degrees from each other, the sign area shall be computed as the area of one sign face. Where the two faces of a double-faced sign are not equal in size, the larger sign face shall be used in the area computation. Where two sign faces are directionally oriented at an interior angle other than 180 degrees, both sign faces shall be counted toward sign area.

Sec. 26.16. - Adoption of Zoning Regulations

- (a) Intent. It is the intent of this section to regulate signs visible from a public right-of-way in a manner that is consistent with the land use classification which establishes the character of the area in which the signs are located and in keeping with the overall character of the community.
- (b) Adoption of zoning regulations. The boundaries of the various districts shown upon the official zoning map and the regulations of the comprehensive zoning ordinance contained in Land Development Code, governing the use of land and buildings and other matters set forth therein are made part of this division. Except as provided in this division, no sign shall be erected, enlarged, reconstructed or structurally altered which does not comply with all the district regulations established by this division for the zoning district in which it is located.
- (d) If no height or size restriction is specifically provided regarding any sign located in the City, the height and size restrictions for a structure in the zone in which the sign is located will govern.
- (e) Any building or land use not conforming to the zoning ordinance provisions for the zone in which it is located, shall, nevertheless, comply with all provisions of this division for the zone in which it is located.

- (f) Except as provided in this division, no sign shall be erected, enlarged, reconstructed or structurally altered which does not comply with all the district regulations established by this division for the zoning district in which it is located.

Sec. 26.17. – Permitted signs and standards by zoning districts.

- (a) The following types of signs are permitted for businesses in the Activity Center (AC), Bayou Residential (BR), Commercial Corridor-1 (CC-1), Commercial Corridor-2 (CC-2), and Institutional (INS) districts, as follows:

<u>Table 26.17.a - Standards for Signs in the AC, BR, CC-1, CC-2, CG-1, CG-2, INS Districts¹</u>			
<u>Permitted Sign Types</u>	<u>Freestanding Signs</u>	<u>Attached Signs</u>	<u>Projecting Signs</u>
<u>Maximum Quantity: businesses with less than 200 ft of frontage may choose up to 2 signs; business with 200 to 300 ft of frontage may choose up to 3 signs; businesses with more than 300 ft of frontage may choose up to 4 signs</u>	<u>1 per street frontage, not to exceed a maximum of 2. When a zoning lot contains multiple businesses, no more than one freestanding sign may be permitted for each 200 linear feet of lot frontage along any single frontage.</u>	<u>1 per building frontage not to exceed a maximum of 2, or 1 per building frontage per business if in a multi-tenant development.</u>	<u>1 per business</u>
<u>Maximum Area (per sign)</u>	<u>60 ft². When a zoning lot is permitted more than one freestanding sign along a street frontage, one freestanding sign of 120 ft² may be substituted for two freestanding signs of 60 ft² but shall be set back at least ten feet from the front property line.</u>	<u>1 ft² per linear foot of building frontage</u>	<u>12 ft²</u>
<u>Maximum Height</u>	<u>15 feet</u>	<u>Shall not appear above the fascia on hip, gable or mansard roofs, or the highest point of the roof inclusive of the parapet on flat roofs.</u>	<u>=</u>
<u>Maximum Width</u>	<u>A freestanding sign shall not have a sign area width that exceeds an aspect of 2:1 with its height.</u>	<u>=</u>	<u>=</u>

¹ Subject to additional standards set forth in Section 26.18.

- (b) The following types of signs are permitted for businesses in the Boutique Hotel/Condo (B/HC), Large Resort (LR), and Resort Facilities Medium (RFM) districts, as follows:

<u>Table 26.17.b - Standards for Signs in the B/HC, LR, and RFM Districts²</u>			
<u>Permitted Sign Types</u>	<u>Freestanding Signs</u>	<u>Attached Signs</u>	<u>Projecting Signs</u>
<u>Maximum Quantity: businesses with less than 200 ft of frontage may choose up to 2 signs; business with 200</u>	<u>1 per street frontage, not to exceed a maximum of 2, per business frontage. When</u>	<u>1 per building frontage not to exceed a maximum of 2, or 1 per building frontage per</u>	<u>1 per business</u>

Created: 2022-07-19 14:16:29 [EST]

(Supp. No. 47)

<u>to 300 ft of frontage may choose up to 3 signs; businesses with more than 300 ft of frontage may choose up to 4 signs</u>	<u>a zoning lot contains multiple businesses, no more than one freestanding sign may be permitted for each 200 linear feet of lot frontage along any single frontage.</u>	<u>business if in a multi-tenant development.</u>	
<u>Maximum Area (per sign)</u>	<u>60 ft². When a zoning lot is permitted more than one freestanding sign along a street frontage, one freestanding sign of 120 ft² may be substituted for two freestanding signs of 60 ft² but shall be set back at least ten feet from the front property line.</u>	<u>1 ft² per linear foot of building frontage</u> <u>Not to exceed an aggregate area of 70 ft²</u>	<u>12 ft²</u>
<u>Maximum Height</u>	<u>15 feet</u>	<u>Shall not appear above the fascia on hip, gable or mansard roofs, or the highest point of the roof inclusive of the parapet on flat roofs.</u>	
<u>Maximum Width</u>	<u>A freestanding sign shall not have a sign area width that exceeds an aspect of 2:1 with its height.</u>	<u>=</u>	<u>=</u>

² Subject to additional standards set forth in Section 26.18.

- (c) The following types of signs are permitted for businesses in the Town Center Core (TC-1), Town Center Corey Circle and Coquina West (TC-2), Upham Beach Village (UBV), Residential/Office/Retail (ROR), and Community Redevelopment District-Eighth Avenue (CRD-EA) districts, as follows:

<i>Table 26.17.c - Standards for Signs in the TC-1, TC-2, UBV, ROR, and CRD-EA³ Districts⁴</i>			
<u>Permitted Sign Types</u>	<u>Freestanding Signs</u>	<u>Attached Signs</u>	<u>Projecting Signs</u>
<u>Maximum Quantity: businesses with less than 200 ft of frontage may choose up to 2 signs; business with 200 to 300 ft of frontage may choose up to 3 signs; businesses with more than 300 ft of frontage may choose up to 4 signs</u>	<u>For street frontages along Gulf Blvd, Boca Ciega, Blind Pass, and Pass-a-Grille Way: 1</u> <u>For all other streets: Not permitted</u>	<u>1 per building frontage per business</u>	<u>1 per business</u>
<u>Maximum Area (per sign)</u>	<u>40 ft²</u>	<u>1 ft² per linear foot of building frontage, not to</u>	<u>12 ft²</u>

Created: 2022-07-19 14:16:30 [EST]

(Supp. No. 47)

		<u>exceed a maximum area of 40 ft²</u>	
<u>Maximum Height</u>	<u>10 feet</u>	<u>Shall not appear above the fascia on hip, gable or mansard roofs, or the highest point of the roof inclusive of the parapet on flat roofs.</u>	=
<u>Maximum Width</u>	<u>A freestanding sign shall not have a sign area width that exceeds an aspect of 2:1 with its height.</u>	=	=

³ Subject to additional standards set forth in Division 40, as may be amended.

⁴ Subject to additional standards set forth in Section 26.18.

- (d) The following types of signs are permitted depending on property use in the Residential Urban districts (RU-1 and RU-2), Residential Low Medium districts (RLM-1 and RLM-2) districts, Residential Medium (RM) district, and Downtown Core Residential (DCR) district, as follows:

<u>Table 26.17.d - Standards for Signs in the RU-1, RU-2, RLM-1, RLM-2, RM, DCR, and TH Districts⁵</u>			
<u>Permitted Sign Types</u>	<u>Freestanding Signs</u>	<u>Attached Signs</u>	<u>Projecting Signs</u>
<u>Maximum Quantity: 2</u>	<u>For residential uses:</u> <u>1 subdivision identification sign at the neighborhood entrance. The subdivision identification sign shall be constructed with a monument base.</u> <u>For non-residential uses: 1</u>	<u>1 per non-residential parcel</u>	<u>Not permitted</u>
<u>Maximum Area (per sign)</u>	<u>24 ft²</u>	<u>8 ft² or 1 ft² per linear foot of building frontage, whichever is less</u>	=
<u>Maximum Height</u>	<u>6 feet</u>	<u>Shall not appear above the first floor of the building</u>	=
<u>Maximum Width</u>	<u>A freestanding sign shall not have a sign area width that exceeds an aspect of 2:1 compared with its height.</u>	=	=

⁵ Subject to additional standards set forth in Section 26.18.

- (e) Additional restrictions on signage in the Pass-A-Grille Overlay District may be found in Division 20, as may be amended.

Sec. 26.18. - Standards for Specific Sign Types.

In addition to the regulations prescribed by this sign code generally, the following regulations for certain sign types shall apply.

- (a) Electronic message board signs. The following conditions and restrictions shall apply to electronic message board signs:

-
- (1) Location. Electronic message board signs are only permitted for nonresidential uses on properties adjacent to Gulf Boulevard from 37th Avenue to 75th Avenue. Electronic message board signs shall only be located in a front yard, and in no case shall be closer than 10 feet from the front yard property line.
 - (2) Design. An electronic message board sign shall only be permitted as an integral component of a freestanding sign. The width, depth, and color of the cabinet containing the electronic message board shall be compatible with the design of the primary sign structure.
 - (3) Size. An electronic message board sign shall comprise no more than 50 percent of the overall sign area of the freestanding sign and shall not, in any case, exceed 32 square feet in area.
 - (4) Brightness. 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.
 - (4) Dwell time. The minimum amount of time that a message or display on an electronic message board sign remains fixed shall be one minute.
 - (5) Static images and messages. The image or message shall be static. There shall be no animation, flashing, scintillating lighting, movement, or the varying of light intensity during the message. Messages or images shall not scroll and shall not give any appearance or optical illusion of movement.
 - (6) Default mechanism. The sign shall have a default mechanism or setting that will cause the sign to turn off or show a "full black" image if a visible malfunction or failure occurs.
 - (7) 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 26.6.
- (b) Waterside identification signs. For each parcel within the City with a residential complex or licensed commercial establishment(s) that has at least one façade that can only be viewed from a navigable waterway, one (1) waterside identification sign shall be allowed per such façade. A waterside identification sign may be either a freestanding sign or an attached sign. A waterside identification sign shall not exceed eight (8) feet in height and shall not exceed 40 square feet in sign area. A waterside identification sign shall not be illuminated. A waterside identification sign shall be in addition to the signage otherwise allowed pursuant to the other provisions of this division.
 - (c) Attached menu display signs. For each parcel with either (a) a restaurant without drive-thru service, or (b) with a transient lodging facility that has restaurant facilities open to the general public in addition to registered guests, one (1) attached menu display sign shall be allowed. An attached menu display sign shall be a wall sign not exceeding 12 square feet in sign area. An attached menu display sign shall be in addition to the signage otherwise allowed pursuant to the other provisions of this division.
 - (d) Drive-thru menu signs. For each parcel with a licensed commercial establishment that utilizes a drive-thru lane, one (1) drive-thru menu sign shall be allowed for each drive-thru lane. A drive-thru menu sign may be either a free-standing sign or an attached sign and shall not exceed 40 square feet in sign area and ten (10) feet in height. Drive-thru menu signs shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.
 - (e) Sandwich board/A-frame signs. One (1) sandwich board sign shall be allowed for each licensed commercial establishment. Sandwich board signs shall not be placed in the right-of-way, shall not be placed within the visibility triangle required for intersections at streets and driveways, as required by this Code, be no larger than five feet in height and 12 square feet in area per face, shall not obstruct

walkways or fire access, shall have no illumination of any kind, and may be displayed only during the time when the business in front of which the sign is located is open to the public.

- (f) Theater signs. For each parcel with a theater use, one attached ~~theater~~-sign shall be allowed. An attached theater sign shall be a wall sign not exceeding 15 square feet in sign area for each auditorium within the theater, subject to a maximum limit of 64 square feet in sign area. An attached theater sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.
- (g) Boat or beach concession signs. Boat or beach concession signs shall only be permitted in the RFM district. Each licensed boat or beach concession rental business operating along the Gulf and on the site of a business having Gulf frontage may be permitted signs as follows:
- (1) Permission required. The applicant shall provide the city with a letter, granting approval for placement of the signs, from the owner of the real property upon which signs are to be located prior to the issuance of a permit.
- (2) Lighted signs. Lighted signs shall be prohibited.
- (3) Sandwich board signs. Operators may display sandwich board sign ~~on~~ at the building frontage adjacent to the sandy beach during the hours of business operation in accordance with subparagraphs (i) through (iv) below. Such signs shall be removed from the beach when the business is closed.
- (i) Maximum area: Eight square feet per face.
- (ii) Number permitted: One.
- (iii) Maximum height: Five feet.
- (iv) Setbacks: 40 feet from the visible water line.
- (4) Tiki hut or ticket office signs. Operators may display signs on the tiki huts or ticket offices as follows:
- (i) Maximum area: Eight square feet per face.
- (ii) Number permitted: Three per tiki hut; not more than two on one side.
- (iii) Location: Signs may be attached to or painted on the sides of the tiki hut at a point no higher than four feet above the ground, provided however, that one of the signs may be raised and attached at a point on the side of the tiki hut just below the eave of the roof.
- (5) Operators without a tiki hut or ticket office. Licensed board or beach concession rental businesses that do not use a tiki hut or other structure for their businesses shall be permitted to keep one sandwich board sign on the beach, provided such sign is no larger than eight square feet in area per face, five feet in height, located outside of any pedestrian or emergency easement, and is removed from the beach nightly. Signs shall be kept a minimum of 40 feet landward of the visible water line at all times.

Sec 26.19. - Transitional and Emergency Signage

- (a) Notwithstanding any other restriction of this Division, a business' signage that is damaged to less than 25% of its depreciated value, and which is maintained in a safe condition, shall not be considered abandoned during the following circumstances:
- (1) During a declared local state of emergency, retroactive to the date of the emergency event;

-
- (2) Following a local state of emergency, for the length of time it takes to restore the business to occupiable pre-storm condition, provided that such restoration does not constitute a substantial improvement and the property is maintained with an active building permit during this timeframe;
 - (3) For 90 days following the completion of work listed in (2), preceding.
 - (b) Notwithstanding any other restriction of this Division, a business may have one banner during the following timeframes and subject to the following conditions:
 - (1) One banner may be placed in the same location as a permitted attached sign from the date of permit issuance for the attached sign until the sign is installed, not to exceed 180 days. The banner shall be no larger in square footage than the attached sign which is permitted for the location and shall be fastened to the building to resist movement from wind.
 - (2) In addition to other permitted signage, one banner may be permitted per operational business during the declaration of a local state of emergency. The banner shall be no larger in square footage than the size of an attached sign permitted for the property, and shall be removed within seven days following the end of the local state of emergency. The sign shall be fastened to the building containing the business to resist movement from wind.

Sec. 26.26. Residential Zoning Districts.

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

- (a) *Subdivision monument identification signs.* For each platted subdivision or neighborhood entrance within any RU-1, RU-2, RLM-1 and RLM-2 Residential Districts, one subdivision monument identification sign not exceeding six feet in height and 24 square feet in sign area shall be allowed.
- (b) *Freestanding monument signs.* For each parcel with a lawful nonresidential use within the RU-1, RU-2, RLM-1 and RLM-2 Residential Districts, one freestanding monument sign shall be allowed. The freestanding monument sign shall be subject to the following limitations:
 - (1) *Maximum height.* The monument sign shall not exceed six feet in height.
 - (2) *Maximum size.* The monument sign shall not exceed 18 square feet in sign area. However, in the event that the parcel is greater than one acre in size and has two street frontages, two freestanding monument signs shall be allowed, but each freestanding monument sign shall be subject to the maximum height and maximum size criteria described above.
- (c) *Attached signs.* For each parcel with a lawful nonresidential use within the RU-1, RU-2, RLM-1 and RLM-2 Residential Districts, one attached sign shall be allowed. The attached sign shall be subject to the following limitations:
 - (1) *Maximum size.* An attached sign shall not exceed six square feet in sign area.
 - (2) *Height restrictions.* An attached sign may not appear above the first floor of a building.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.27. RM and DCR Residential Districts.

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

- (a) *Subdivision monument identification signs.* For each platted subdivision or neighborhood entrance within any RM or DCR Residential District, one subdivision monument identification sign not exceeding six feet in height and 24 square feet in sign area shall be allowed.
- (b) *Freestanding monument signs.* For each parcel with a lawful nonresidential use within the RM or DCR Residential District, one freestanding monument sign shall be allowed. The freestanding monument sign shall be subject to the following limitations:
 - (1) *Maximum height.* The monument sign shall not exceed eight feet in height.
 - (2) *Maximum size.* The monument sign shall not exceed 24 square feet in sign area. However, in the event that the parcel is greater than one acre in size and has two street frontages, two freestanding monument signs shall be allowed, but each freestanding monument sign shall be subject to the maximum height and maximum size criteria described above.
- (c) *Attached signs.* For each parcel with a lawful nonresidential use within the RM or DCR districts, one attached sign shall be allowed. The attached sign shall be subject to the following limitations:
 - (1) *Maximum size.* An attached sign shall not have a sign area that exceeds (a) eight square feet or (b) one square foot for each linear foot of building frontage, whichever is less.
 - (2) *Height restrictions.* An attached sign may not appear above the first floor of a building.

{Ord. No. 2013-14, § 1(Exh. A), 4-23-13}

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

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

- (a) *Subdivision monument identification signs.* For each platted subdivision or neighborhood entrance within any ROR Residential/Office/Retail District, one subdivision monument identification sign not exceeding six feet in height and 24 square feet in sign area shall be allowed.
- (b) *Freestanding monument signs.* For each parcel with a lawful nonresidential use within the ROR Residential/Office/Retail District, one freestanding monument sign shall be allowed. The freestanding monument sign shall be subject to the following limitations:
 - (1) *Maximum height.* The monument sign shall not exceed ten feet in height.
 - (2) *Maximum size.* The monument sign shall not exceed 40 square feet in sign area. However, in the event that the parcel is greater than one acre in size and has two street frontages, two freestanding monument signs shall be allowed, but each freestanding monument sign shall be subject to the maximum height and maximum size criteria described above.
- (c) *Attached signs.* For each parcel with a lawful nonresidential use within the ROR Residential/Office/Retail District, attached signs shall be allowed. Attached signs shall be subject to the following limitations:

-
- (1) *Maximum size.* An attached sign shall not have a sign area that exceeds one square foot for each linear foot of building frontage.
 - (2) *Height restrictions.* An attached sign may not appear above the second floor of a building.
 - (d) One sandwich board sign or one designer sign, subject to the following:
 - (1) *Sandwich board.* Shall be located in front of the storefront for which it advertises and shall not be placed in the right-of-way, shall not be placed within the visibility triangle required for intersections at streets and driveways, as required by this Code, be no larger than five feet in height and 12 square feet in area per face, shall have no illumination of any kind, and may be displayed only during the time when the business is open to the public.
 - (2) *Designer sign.* Shall not be located on public right-of-way or within the visibility triangle required by this Code and shall be no larger than five feet tall by three feet wide by three feet deep.
 - (e) A projecting sign, provided that the sign is no larger than 12 square feet in area, does not project within two feet of any curb, and has a minimum ground clearance of seven feet.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.29. RFM Resort Facilities Medium District.

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

- (a) *Freestanding monument signs.* For each parcel with a lawful nonresidential use within any RFM Resort Facilities Medium District, one freestanding monument sign shall be allowed. The freestanding monument sign shall be subject to the following limitations:
 - (1) *Maximum height.* The monument sign shall not exceed 20 feet in height.
 - (2) *Maximum size.* The monument sign shall not exceed 135 square feet in sign area. However, in the event that the parcel is greater than one acre in size and has two street frontages or more than 400 feet along one street frontage, two freestanding monument signs shall be allowed, but each freestanding monument sign shall be subject to the maximum height and maximum size criteria described above.
- (b) *Attached signs.* For each parcel with a lawful nonresidential use within the RFM Resort Facilities Medium District, attached signs shall be allowed. Attached signs shall be subject to the following limitations:
 - (1) *Maximum number.* Up to three attached signs shall be allowed with a combined sign area not exceeding the maximum permitted in paragraph (c)(2); however, in the event the parcel contains a multi-tenant development, each individual business use may have one attached sign.
 - (2) *Maximum size.* An attached sign shall not have a sign area that exceeds one square foot for each linear foot of building frontage.
 - (3) *Height restrictions.* An attached sign may not appear above the second floor of a building.
- (c) *Drive-thru menu signs.* For each parcel with a lawful nonresidential use that utilizes a drive-thru lane within RFM Resort Facilities Medium District, one drive-thru menu sign shall be allowed for each drive-thru lane. An allowed drive-thru menu sign may be either a free-standing sign or an attached sign, and shall not exceed 40 square feet in sign area and ten feet in height. Drive-thru menu signs shall be in

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

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

(iii) *Location*: Signs may be attached to or painted on the sides of the tiki hut at a point no higher than four feet above the ground, provided however, that one of the signs may be raised and attached at a point on the side of the tiki hut just below the eave of the roof.

(6) *Operators without a tiki hut or ticket office*: Licensed board or beach concession rental businesses that do not use a tiki hut or other structure for their businesses shall be permitted to keep one sandwich board sign on the beach overnight, provided such sign is no larger than eight square feet in area per face and is located or protected so as to not be a hazard to people walking on the beach after dark.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.30. CG-1 Commercial District.

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

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

waterway, one waterside identification sign shall be allowed. A waterside identification sign may be either a freestanding sign or an attached sign. A waterside identification sign shall not exceed eight feet in height and shall not exceed 20 square feet in sign area. A waterside identification sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.31. CG-2 Commercial District.

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

- (a) *Freestanding monument.* Up to two freestanding monument signs are permitted, provided that the sign face does not exceed 50 square feet in area, is not taller than eight feet in height, and is not located within the visibility triangle as required by this Code. The sign may be located within the front yard setback but shall be located at least ten feet from the front lot line, and shall not be located within any easement dedicated for pedestrian or utility improvements. If the business owner chooses to have one monument sign instead of two, the sign may be up to 100 square feet in area, but shall not exceed eight feet in height. However, this sign shall be counted as two of the three or four permitted.
 - (1) *Maximum height.* The monument sign shall not exceed eight feet in height.
 - (2) *Maximum size.* The monument sign shall not exceed 50 square feet in sign area.
 - (3) *Setback.* The sign shall be set back at least ten feet from the property line.
- (b) *Attached signs.* Attached signs shall be subject to the following limitations:
 - (1) *Maximum size.* An attached sign shall not exceed a sign face area equal to one square foot for each linear foot of building frontage.
 - (2) *Height restrictions.* An attached sign may not appear above the second floor of a building.
- (c) *Attached menu display signs.* An attached menu display sign shall not exceed 12 square feet in sign area.
- (d) *Theater signs.* For each parcel with a theater within the CG-2 Commercial District, one attached theater sign shall be allowed. An attached theater sign shall be a wall sign not exceeding 15 square feet in sign area for each auditorium within the theater. An attached theater sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.
- (e) *Waterside identification signs.* For each parcel within the CG-2 Commercial District with a residential complex, business property or shopping center theater that can only be viewed from a navigable waterway, one waterside identification sign shall be allowed. A waterside identification sign may be either a free-standing sign or an attached sign. A waterside identification sign shall not exceed eight feet in height and shall not exceed 20 square feet in sign area. A waterside identification sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.
- (f) One sandwich board sign or one designer sign, subject to the following:
 - (1) *Sandwich board.* Shall be located in front of the storefront for which it advertises and shall not be placed in the right-of-way, shall not be placed within the visibility triangle required for intersections at streets and driveways, as required by this Code, be no larger than five feet in

height and 12 square feet in area per face, shall have no illumination of any kind, and may be displayed only during the time when the business is open to the public.

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

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.32. INS Institutional District.

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

- (a) *Freestanding monument signs*. For each parcel with a lawful nonresidential use within any INS Institutional District, one freestanding monument sign shall be allowed. The freestanding monument sign shall be subject to the following limitations:
- (1) *Maximum height*. The monument sign shall not exceed eight feet in height.
- (2) *Maximum size*. The monument sign shall not exceed 50 square feet in sign area. However, in the event that the parcel is greater than one acre in size and has two street frontages, two freestanding monument signs shall be allowed, but each freestanding monument sign shall be subject to the maximum height and maximum size criteria described above.
- (b) *Attached signs*. For each parcel with a lawful nonresidential use within the INS Institutional District, attached signs shall be allowed. Attached signs shall be subject to the following limitations:
- (1) *Maximum number*. Only one attached sign shall be allowed.
- (2) *Maximum size*. An attached sign shall not exceed a sign face area equal to (a) 24 square feet or (b) one square foot for each linear foot of building frontage, whichever is less.
- (3) *Height restrictions*. An attached sign may not appear above the first floor of a building.
- (c) One sandwich board sign or one designer sign, subject to the following:
- (1) *Sandwich board*—Shall be located in front of the storefront for which it advertises and shall not be placed in the right-of-way, shall not be placed within the visibility triangle required for intersections at streets and driveways as required by this Code, be no larger than five feet in height and 12 square feet in area per face, shall have no illumination of any kind, and may be displayed only during the time when the business is open to the public.
- (2) *Designer sign*—Shall not be located on public right-of-way or within the visibility triangle required by this Code and shall be no larger than five feet tall by three feet wide by three feet deep.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

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

In addition to the permanent and temporary signs and sign types that are allowed pursuant to section 26.25, each business within the TC-1 or TC-2 District may have up to three of the following signs in [subsections] (a)–(f) below, subject to permit approval and compliance with the conditions for each type of sign. One of the allowable signs may be internally illuminated subject to section 26.23. Such signs shall not be located on any building façade or property frontage adjacent to Corey Avenue.

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

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

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

(b) — A marquee or canopy sign;

(c) — A menu display sign;

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

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

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

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

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13; Ord. No. 2016-24, § 6, 1-10-17)

Sec. 26.34. LR and BHC Districts.

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

(a) — A marquee or canopy sign;

(b) — A menu display sign;

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

(d) — Up to two freestanding monument signs, provided that the sign face does not exceed 50 square feet in area, is not taller than 12 feet in height, and is not located within the visibility triangle as required by this Code. The sign may be located within the front yard setback but shall be located at least ten feet from the front lot line, and shall not be located within any easement dedicated for pedestrian or utility improvements. If the business owner chooses to have one monument sign instead of two, the sign may be up to 100 square feet in area, but shall not exceed eight feet in height. However, this sign shall be counted as two of the four permitted.

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

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

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.35. CC-1 and CC-2 Districts.

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

- (a) — Freestanding monument signs. Up to two freestanding monument signs are permitted, provided that the sign face does not exceed 50 square feet in area, is not taller than eight feet in height, and is not located within the visibility triangle as required by this Code. The sign may be located within the front yard setback but shall be located at least ten feet from the front lot line, and shall not be located within any easement dedicated for pedestrian or utility improvements. If the business owner chooses to have one monument sign instead of two, the sign may be up to 100 square feet in area but shall not exceed eight feet in height. However this sign shall be counted as two of the three or four permitted.
- (b) — A marquee or canopy sign;
- (c) — A menu display sign not to exceed 12 square feet;
- (d) — A projecting sign, provided that the sign is no larger than 12 square feet in area does not project within two feet of any curb and has a minimum ground clearance of seven feet;
- (e) — Wall signs subject to the following:
 - (1) — *Maximum size*. A wall sign shall not exceed a sign face area equal to one square foot for each linear foot of building frontage.
 - (2) — Internally illuminated signs are discouraged but not prohibited. Externally illuminated signs are preferable with lighting from above or below casting light on the sign but the lighting shall not shine directly onto adjacent properties or onto the right-of-way.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.36. CRD-EA District.

Each business with its own exterior entrance may have up two signs per frontage from the following list:

- (a) — One projecting sign not to exceed 12 square feet and shall have a minimum clearance from the sidewalk of 7.5 feet.
- (b) — One attached sign, which may include a wall sign, a canopy, or a marquee sign; the attached sign may not be larger than one square foot for every linear foot of building frontage.

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

- (1) — Sandwich board — Shall be located in front of the storefront for which it advertises and will not be placed in the right-of-way such that the sidewalk width would be less than 48 inches, not be placed within the visibility triangle required for intersections at streets and driveways, as required by this Code, be no larger than five feet in height and 12 square feet in area per face, shall have no illumination of any kind, and may be displayed only during the time when the business is open to the public.
- (2) — Designer sign — Shall not be located on public right-of-way or within the visibility triangle required by this Code and shall be no larger than five feet tall by three feet wide by three feet deep.

(d) — All other signs are prohibited.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.37. UBV District.

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

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

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.38. AC District.

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

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

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

- (1) *Maximum size.* An attached sign shall not exceed a sign face area equal to one square foot for each linear foot of building frontage.
- (2) *Height restrictions.* An attached sign may not appear above the second floor of a building.
- (c) *Drive-thru menu signs.* For each parcel with a lawful nonresidential use that utilizes a drive-thru lane within the AC District, one drive-thru menu sign shall be allowed for each drive-thru lane. An allowed drive-thru menu sign may be either a freestanding sign or an attached sign and shall not exceed 40 square feet in sign area and ten feet in height. Drive-thru menu signs shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.
- (d) *Attached menu display signs.* For each parcel within the AC Commercial District with a restaurant without drive-thru service or with a transient lodging facility that has restaurant facilities open to the general public, one attached menu display sign shall be allowed. An attached menu display sign shall be a wall sign not exceeding 12 square feet in sign area. An attached menu display sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.
- (e) *Theater signs.* For each parcel with a theater within the AC District, one attached theater sign shall be allowed. An attached theater sign shall be a wall sign not exceeding 15 square feet in sign area for each auditorium within the theater. An attached theater sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.
- (f) *Waterside identification signs.* For facades of a building that can only be viewed from a navigable waterway, one waterside identification sign shall be allowed. A waterside identification sign may be either a freestanding sign or an attached sign. A waterside identification sign shall not exceed 40 square feet in sign area.

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

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.39. BR District.

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

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

above or below casting light on the sign but the lighting shall not shine directly onto adjacent properties or onto the right-of-way.

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

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.40. Traditional Hotel District.

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

- (a) ~~A marquee or canopy sign;~~
- (b) ~~A projecting sign, provided that the sign is no larger than 12 square feet in area, does not project within two feet of any curb, and has a minimum ground clearance of seven feet;~~
- (c) ~~A wall sign, provided the sign is not internally illuminated. The sign may be externally illuminated with lighting from above or below casting light on the sign, but the lighting shall not shine directly onto adjacent properties or onto the right-of-way. The area of the sign may be one square foot for every linear foot of building frontage, per business, not to exceed a total of 40 square feet;~~
- (d) ~~A freestanding monument sign, provided that the sign face does not exceed 20 square feet in area, is not taller than four feet in height, does not block any pedestrian walkway and is not located within the visibility triangle as required by this Code. The sign may be externally illuminated with lighting from above or below casting light on the sign, but the lighting shall not shine directly onto adjacent properties or onto the right-of-way. The sign may be located within the front yard setback.~~

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.41. Pass-a-grille overlay district.

All signs shall be allowed in accordance with the underlying zoning district's permitted signage, except that internally illuminated signage shall be expressly prohibited.

(Ord. No. 2016-24, § 7, 1-10-17)

Sec. 26.4220. - Severability.

- (a) *Generally.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division.
- (b) *Severability where less speech results.* Without diminishing or limiting in any way the declaration of severability set forth above in subsection 26.34(a), or elsewhere in this division, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection,

paragraph, subparagraph, sentence, phrase, clause, term, or word of this division, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

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

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13; Ord. No. 2016-24, § 7, 1-10-17)

Editor's note(s)—Ord. No. 2016-24, § 7, adopted Jan. 10, 2017, added § 26.41 and in so doing renumbered § 26.41 as 26.42, as set out herein.

DIVISION 26 SIGN ORDINANCE¹

DRAFT: APRIL 2025

Sec. 26.1. Purpose, intent and scope.

It is the purpose of this division to promote the public health, safety and general welfare through reasonable, consistent and nondiscriminatory sign standards. The sign regulations in this division are intended to be content-neutral and regulate only the number, form, and placement, not the content, of signs. In order to preserve and enhance the city as a desirable community in which to live, vacation and do business, a pleasing, visually attractive environment is of foremost importance. These sign regulations have been prepared with the intent of mitigating the impact signs have on traffic and pedestrian safety, enhancing the visual environment of the city, and promoting its continued well-being. These sign regulations are intended to:

- (a) Encourage the effective use of signs as a means of communications in the city;
- (b) Maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth;
- (c) Improve pedestrian and traffic safety;
- (d) Minimize the possible adverse effect of signs on nearby public and private property;
- (e) Foster the integration of signage with architectural and landscape designs;
- (f) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;
- (g) Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- (h) Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with the category of use and function to which they pertain;
- (i) Curtail the size and number of signs and sign messages to the minimum reasonably necessary;
- (j) Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains;
- (k) Categorize signs based upon their structures and tailor the regulation of signs based upon those structures;
- (l) Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;
- (m) Regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;
- (n) Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;

¹Editor's note(s)—Ord. No. 2013-14, § 1(Exh. A), adopted April 23, 2013, amended Div. 26 in its entirety to read as set out herein. Former Div. 26, §§ 26.1—26.40, pertained to similar subject matter and derived from Ord. No. 2011-42, § 1(Exh. A), adopted Jan. 24, 2012; Ord. No. 2012-16, § 1(Exh. A), adopted Sept. 12, 2012.

-
- (o) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the city;
 - (p) Prohibit signage that will substantially and negatively impact wildlife;
 - (q) Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;
 - (r) Protect property values by precluding to the maximum extent possible sign-types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
 - (s) Protect property values by ensuring that sign-types, as well as the number of signs, are in harmony with buildings, neighborhoods, and conforming signs in the area;
 - (t) Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the city, is appropriate in scale to the surrounding buildings and landscape, and that complements the natural surroundings in recognition of this city's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its resort community, as well as for its commercial properties;
 - (u) Provide flexibility and encourage variety in signage, and create an incentive to relate signage to the basic principles of good design; and
 - (v) Enable the fair and consistent enforcement of these sign regulations.

Sec. 26.2. Definitions.

All words used in this division, except where specifically defined herein, shall carry their customary dictionary meanings when not inconsistent with the context in which they are used. The following terms, when used in this division, shall have the meanings ascribed to them in this section:

Abandoned or discontinued sign or sign structure means (a) A sign on or appurtenant to a building when that building has not been occupied for a period of 90 consecutive days or longer; or (b) a sign which contains structural components but no display or sign copy for a period of 90 consecutive days or longer. This term does not include individual panels within a sign for multi-tenant developments unless the multi-tenant development is more than 50 percent vacant, or transitional and emergency signage as referred to in Sec. 26.19.

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

Animated sign means a sign which includes action, motion, or color changes, or the optical illusion of action, motion or color changes, requiring electrical energy or set in motion by movement of the atmosphere, or made up of external sign elements that revolve or turn. The term "animated sign" does not include signs which display time of day, temperature, or both, and does not include electronic message board signs.

Artwork means a two- or three-dimensional representation of a creative idea that is expressed in an artistic form but does not in any way identify a business, product, business logo, or a commercial message. It serves as a means of communication, expression, and cultural understanding.

Attached sign means any sign attached to, on, or supported by any part of a building (e.g., walls, integral roof, awning, windows, or canopy) which encloses or covers usable space.

Awning means a cloth, plastic, or other nonstructural covering that is permanently attached to a building or other structure, or that can be raised or retracted to a position against the building or other structure when not in use.

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

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

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

Building frontage. See frontage, building.

Bus stop informational sign means a freestanding or attached noncommercial sign located at a bus stop and providing information as to the route, hours or times of service.

Canopy means a permanent or semi-permanent, on-premise roof-like projection or structure intended to provide shade or shelter.

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

Changeable copy/message sign means a sign with the capability of content change by means of manual or remote input, including the following types:

- (1) *Manually activated.* Changeable sign whose message copy can be changed manually on a display surface.
- (2) *Electronically activated.* Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices, or may be from an external light source designed to reflect off of the changeable component display. See also *Electronic message board sign*.

Character means any symbol, mark, logo, or inscription.

Color means any distinct tint, hue or shade including white, black or gray.

Copy means the linguistic or graphic content of a sign.

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

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

Eave means the lowest horizontal line of a sloping roof.

Electronic message board sign means a sign by which the message copy can be electronically changed and controlled. This shall include but not be limited to changeable words, lines, logos, symbols, or illustrations and shall include all LED type signs regardless of if the sign periodically changes copy.

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

Facade means the exterior wall(s) of a building exposed to public view.

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

Flagpole means a pole on which to raise a flag. A flagpole is not a freestanding pole sign.

Flashing sign means any illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purposes of this definition, any moving illuminated sign affected by intermittent lighting shall be deemed a flashing sign. This does not include official warning signs to the motoring public.

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

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

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

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

Government sign means any temporary or permanent sign erected by or on the order of a public official or quasi-public entity at the federal, state or local government level in the performance of any duty including, but not limited to, noncommercial signs identifying a government building, program or service (including bus or other public transit services), traffic control signs, street name signs, street address signs, warning signs, safety signs, informational signs, traffic or other directional signs, public notices of government events or actions, proposed changes of land use, any proposed rezoning, or any other government speech. This term includes signs erected on government property pursuant to lease, license, concession or similar agreements requiring or authorizing such signs.

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

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

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

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

Lawful message means any message not prohibited by state or federal law.

Lot. See definition of parcel.

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

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

Marquee sign means any sign attached to a marquee.

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

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

Nonconforming sign means a sign which does not conform with the regulations provided in this division.

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

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

Permanent sign means any sign which, when installed, is intended for permanent use, and is so constructed as to be of lasting and enduring condition (beyond normal wear and tear). Unless otherwise provided for herein, a sign other than a temporary sign or portable sign shall be deemed a permanent sign.

Predictable event means an event of which the date or dates is or are known at the time the sign is erected. By way of example, predictable events shall include an election, garage sale, grand opening, parade, wedding, garage sales, and others with a definite date.

Portable sign means any sign, banner, or poster that is not permanently attached to the ground or structure, or a sign capable of being transported, including, but not limited to, signs designed to be transported by means of wheels or carried by a person, and signs converted to an A-frame sign or a T-frame sign. For purposes of this division, a cold-air inflatable sign shall be considered to be a portable sign.

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

Property means the overall area represented by the outside boundaries of a parcel of land or development containing one or more business establishments and/or residential units.

Revolving sign or rotating sign means an animated sign that revolves or turns or has external sign elements that revolve or turn. Such sign may be power-driven or propelled by the force of wind or air.

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

Safety sign. See Warning sign.

Sandwich board sign or A-frame sign means a portable, freestanding sign which is ordinarily in the shape of an "A," or some variation thereof when erected.

Shopping center means a group of commercial establishments developed, operated, managed, and/or owned as a planned unit under a single architectural plan. A shopping center may include a building or structure owned in fee simple, condominium, cooperative, leasehold or other ownership.

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

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

Sign area means the total square foot area of sign surface, computed as described in section 26.15.

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

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

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

Street means a public right-of-way intended for the use of vehicular and pedestrian traffic.

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

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

Temporary sign means a sign intended for a use not permanent in nature and shall include a sign formerly or commonly associated with a temporary use or structure, or a sign related to an event or occurrence at a future time, which shall be further defined by whether the event to which it pertains is predictable or unpredictable.

Traffic control device sign means any sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the national standard. A traffic control device sign includes those signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).

Unpredictable event means an event of which the date or dates is or are not known at the time the sign is erected. By way of example, unpredictable events may mean for rent or for sale periods, construction projects, and others without a definite date of ending.

Vehicle sign means a sign attached to or placed on a vehicle, including, but not limited to, automobiles, trucks, boats, campers, and trailers, and that is located on public or private property, can be viewed from a right-of-way. This includes signs attached to the following vehicles: On- or off-site inoperable vehicles, junk or abandoned vehicles as defined in section 98-67 of the Code of Ordinances, vehicles that have not been driven or moved in 72 hours, or a vehicle with signage attached to it that renders the vehicle not safely drivable.

Visibility triangle. See Sight visibility triangle.

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

Warning sign or safety sign means a sign which only provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.) or that only provides warning of a violation of law or prohibitions on parking, trespassing, hunting, fishing, swimming, or other activity on the property on which the sign is posted.

Waterside identification sign means a sign which can be only be viewed from the waters of the Gulf, Boca Ciega Bay, the intracoastal waterway or any other navigable waterway.

Wayfinding/Directional sign means a sign, which may or may not be a governmental/statutory sign, that shows route designations, destinations, directions, distances, services, points of interest, or other geographical, recreational, or cultural information for the aid of the traveling public, for facilitating a safe and orderly traffic flow and preventing sudden stops.

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

Window or door sign means any sign visible from the exterior of a building or structure which is painted on, attached, glued, or otherwise affixed in any fashion on the interior or exterior of the surface of a window or door.

Sec. 26.3. Applicability.

- (a) *Applicability.* This division applies to any sign, permanent or temporary, displayed or erected which is visible and legible from a right-of-way.
- (b) *Relationship to other codes.* All signs shall comply with applicable building, electrical, and maintenance codes as adopted by the city. In the event any provisions of this division are in conflict with other applicable requirements, the more restrictive requirements shall apply.
- (c) This division does not regulate the following:
 - (1) A sign, located entirely inside the premises of a building or enclosed space, and that is not visible from the right-of-way or public parking lot.
 - (2) A government sign.
 - (3) Historic markers for local, state, or nationally designated historic resources.

Sec. 26.4. - No content restrictions.

- (a) No sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such sign or displayed on such sign structure.
- (b) It is the intent of the City Commission that protection of First Amendment rights shall be afforded such that any sign, display, or device allowed under this division may contain, in lieu of any other copy, any otherwise lawful message unrelated to the business located on the premises where the sign is erected. The message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial or commercial message to another, as frequently as desired by the owner of the sign, provided that the applicable size, height, setback, lighting, design, other applicable requirements, and dwell time criteria for electronic changeable message signs contained in this division and Code have been satisfied.

Sec. 26.5. - Sign permit required.

(a) *Generally.*

- (1) Allowed temporary and allowed permanent signs of the type described in section 26.13., shall be exempt from sign permitting hereunder.
- (2) No sign permit shall be issued for the erection of a prohibited sign.
- (3) Signs subject to this division shall be designed, constructed, and maintained in compliance with the City's building, electrical, maintenance, and all other applicable codes and ordinances and in compliance with all applicable state and federal law, codes and regulations.
- (4) Unless exempt from permitting, no sign shall be erected, altered, relocated, maintained or displayed until a sign permit is obtained from and appropriate fee paid to the city. Where electrical permits are required, they shall be obtained at the same time as the sign permit. The requirement of a building permit under the Florida Building Code is separate and independent of the requirement for a sign permit under this division.
- (5) A sign lawfully erected under permit may be repainted or have ordinary and customary non-structural repairs performed, including replacement of plastic or glass panels, without a new sign permit; however, if repair work causes such sign is to be structurally altered, relocated, or enlarged in any manner, a new sign permit shall be required and the altered sign must meet all requirements of this division and this Code. Nonconforming signs that have been substantially damaged, deteriorated beyond 25 percent of the assessed value of the sign, or destroyed shall not be issued a permit for repairs and shall be removed in accordance with section 26.6.

(b) *Fees.* Every person making an initial application for a sign permit shall pay fees to the city at the time of approval of the application. The fees shall be established by resolution of the city commission and shall be as stated in appendix A to this Code.

(c) *Permit Application.* A sign permit application for a permanent sign shall be made upon a form provided by the city. The sign permit application is in addition to any building permit application required by the Florida Building Code. The sign permit application shall be accompanied by plans and specifications drawn to scale, together with any site plan required by Division 5 of the Land Development Code. An applicant shall deliver a sign permit application for a permanent sign to the city's chief building official, or such other person as may be designated by the city. The sign permit application shall be reviewed for a determination of whether the proposed sign meets the applicable requirements of this division and any applicable zoning law. The applicant shall furnish the following information on or with the sign permit application form:

- (1) The legal description of the real property where the sign is proposed to be located.
- (2) The zoning district for the real property on which the sign(s) will be located.
- (3) The name, mailing address and telephone number (where available) of the owner(s) of the real property where the sign is proposed to be located.
- (4) A notarized statement of authorization signed by the owner(s) consenting to the placement of the proposed sign on the real property.
- (5) The name, mailing address and telephone number of the sign contractor.
- (6) Type of proposed sign(s) (e.g., attached wall sign, freestanding monument sign).
- (7) Detailed scaled drawings to show the dimensions, design, structure, and location of each particular sign (when depicting the design of the sign it is not necessary to show the content of the sign as the sign reviewer is prohibited from taking this factor into consideration).

-
- (8) Computations of the maximum total sign area, the maximum area for individual signs, and the height of each of the proposed signs.
 - (9) The setbacks for the proposed sign(s).
 - (10) The cost of the proposed sign(s).
 - (11) The number, type, location, and surface area for all existing signs on the same lot and/or building on which the sign will be located.
 - (12) If the proposed sign is to be an illuminated sign, the type, placement, intensity and hours of operation.
- (d) *Nullification.* A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit. If the sign is an integral part of a new building structure, then the permit shall be valid until completion of the building.
- (e) *Revocation.* If the city manager and/or their designee finds that any sign has been erected, altered or maintained in violation of this division, Florida Building Code, or any other ordinance of the city, or that there has been any false statement or misrepresentation of a material fact in the application or plans on which the permit was based, the owner of record of the property upon which such sign is located shall be notified by either certified mail or by hand delivery that such violation exists. The owner shall cause the violation to be remedied or shall file an appeal of the violation within three working days after receipt of the notice. If the permit holder fails or refuses to make corrections within ten days, or a shorter period when emergency conditions exist pursuant to 98-75, it shall be the duty of the building official, or designee, to revoke such permit and provide written notice of same to such permit holder. It shall be unlawful for any person to proceed with any work under the permit after such notice is issued. Where it is determined that such illegal sign poses an imminent threat to the health, safety or welfare of the public, the city may cause the immediate removal of the sign by its own action. Cost of such removal shall be paid by the property owner. In addition to removal, the city shall be entitled to proceed with alternative legal or equitable remedies, including injunctive relief.
- (f) *Appeals.* Whenever it is alleged that there has been an error in any order, action, decision, determination, or requirement by an administrative official in the enforcement and application of any provision contained within this division or any other provision of this Code pertaining to sign permits (including any allegation that an administrative official has failed to act within applicable time frames), the aggrieved party shall file a written appeal on or before 30 days from the day of the administrative decision in accordance with Section 3.14 of the Land Development Code.

Sec. 26.6. - Nonconforming signs.

All signs that lawfully existed at the time of the enactment of this division and that do not conform to the provisions of this division, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed, or maintained, shall be regarded as nonconforming signs.

- (a) Except as provided in this section, no nonconforming sign shall be moved, reconstructed, extended, enlarged, or structurally altered, unless changed to conform with this division.
- (b) Nonconforming signs may continue to be maintained, repaired, or the message of the sign may be changed provided that maintenance, repair, or changing the copy does not require structural alterations.
- (c) Removal of a nonconforming sign, or replacement of a nonconforming sign with a sign conforming to this division, is required when:

-
- (1) The nonconforming sign is substantially damaged, destroyed, or deteriorated to such extent that the cost of repair or restoration would equal or exceed 25 percent of the replacement cost of the sign; or
 - (2) A building or site on which the nonconforming sign is located is improved, repaired, rehabilitated, altered, or redeveloped at a cost which equals or exceeds 50 percent of the market value of the existing building or structure before the improvement or repair is started.
- (d) In addition to the above, all legally erected nonconforming electronic message board signs, including all LED-type signs, must be made to conform to the applicable provisions of this division by January 1, 2027.
 - (e) Signs that exist on the effective date of this division that were not in conformance with previous regulations are illegal signs and shall conform with this division or be removed within ninety (90) calendar days of the effective date of this division.

Sec 26.7. - Variances.

- (a) Requests for variances from any provisions of this division, unless stated otherwise, shall be processed and authorized pursuant to section 3.12 general variances of the Land Development Code.
- (b) Variances from the terms of these regulations may not be contrary to the public interest. Variances may be granted where, owing to special conditions, the literal enforcement of the provisions would result in unnecessary hardship, not to include economic hardship. However, no variance shall be granted unless the criteria of section 3.12 are met. In addition to these usual criteria for variances to the provisions of this article, any additional signage allowed pursuant to variances shall be conditioned in such a way that, taking into consideration existing allowable signage in the area, the additional signage does not exacerbate visual clutter, driver distraction or traffic safety in the area.

Sec. 26.8. - Inspection and maintenance of signs.

- (a) *Inspection.* Signs for which a permit is required under this division may be inspected periodically by the building official, or designee, for compliance with this division, other codes of the City, and all terms upon which the sign permit may have been conditioned.
- (b) *Maintenance of signs.*
 - (1) All visible portions of a sign and its supporting structure shall be maintained in a safe condition, and present a neat and clean appearance according to the following:
 - a. Signs with illumination that have become flashing signs shall be repaired, renovated, or corrected to the original permitted function and order
 - b. If the sign is painted, the painted surface shall be kept in good condition.
 - c. Every sign shall be kept in such manner as to constitute a complete or whole sign.
 - d. Every sign shall be able to withstand the wind pressure for which it was originally designed.
 - e. If a sign is a freestanding sign, the area around the base of the sign shall be landscaped, maintained, and kept free of weeds, overgrowth, debris, trash, litter, and any other unsightly conditions or nuisances as defined by chapter 98, article 3 property maintenance of the Code of Ordinances.
 - (2) The maintenance of signs shall be in keeping with the intent of chapter 98, article 3, section 98-66(d) to ensure the public health, safety and welfare is maintained. The owner and/or

leaseholder shall be responsible for maintaining the signs concerned in good operating conditions and appearance and shall be responsible for maintaining the area immediately surrounding the sign. Failure to comply with chapter 98, article 3 shall constitute cause for revocation of the sign permit and removal of the sign, if the owner and/or leaseholder fail to correct same within two days after written notice of violation.

Sec. 26.9. - Enforcing official.

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

Sec. 26.10. - Violations and penalties.

- (a) The acts enumerated in this section shall be a violation of this division and shall be subject to the enforcement remedies and penalties provided by this division, by other city codes, and by state law. Such remedies may be pursued simultaneously.
- (b) It shall be a violation to:
 - (1) Install, create, erect or maintain any sign in a way that is inconsistent with any approved plan or permit governing such sign or the site on which the sign is located.
 - (2) Install, create, erect or maintain any sign requiring a permit without having first obtained such permit.
 - (3) Fail to remove any sign that is installed, created, erected or maintained in violation of this division or for which the sign permit has lapsed.
 - (4) Install, erect, place, or maintain any sign contrary to the provisions of this division, including any sign or sign structure not allowed within the applicable zoning district.
 - (5) Continue any such violation.
- (c) Each sign installed, created, erected or maintained in violation of this division shall be considered a separate violation, and each day of a continued violation shall be considered a separate violation.
- (d) Any violation of this division or any condition or requirement adopted pursuant to this division may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to law. The remedies of the city shall include but not be limited to the following:
 - (1) Issuing a stop work order for any and all work on any signs on the same site.
 - (2) Seeking an injunction or other order of restraint or abatement that requires the removal of the sign or the correction of the violation.
 - (3) For a sign which poses an immediate danger to the public health or safety, taking such measures as are available to the city under the applicable provisions of this division for such circumstances.
- (e) A person in violation of this division shall be subject to prosecution and, upon conviction, shall be punished as set forth in section 1-14 of chapter 1, St. Pete Beach Code of Ordinances.

Sec. 26.11. - General sign requirements

- (a) All new signs shall comply with all applicable Florida Building Code requirements, design requirements, and other applicable requirements.

-
- (b) Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Placement shall not interfere with natural or artificial drainage or surface or underground water.
 - (c) No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress, nor shall it obstruct or interfere with roof access or any opening required for ventilation.
 - (d) No sign, portable or otherwise, is to be placed or located to conflict with the intersection visibility requirements of section 6.21 of this Land Development Code.
 - (e) All signs shall be installed and constructed in a professional and workmanlike manner and shall be maintained in good and safe structural condition and good physical appearance. All exposed structural components shall be painted, coated, or made of rust or wood rot inhibitive material.
 - (f) *Signs on public lands.* Signs shall not be located on publicly owned land or easements or inside street rights-of-way except signs required or erected by permission of the authorized governmental agency. Such prohibited signs shall include, but not be limited to, handbills, posters, advertisements, or notices that are attached in any way upon lampposts, telephone poles, utility poles, bridges and sidewalks. All signs shall be moved by the owner of the sign at no expense to the applicable governmental jurisdiction when the signs are within any public property including existing rights-of-way. Nothing shall prohibit a duly authorized public official from removing a sign from public property.
 - (g) *Official signs and notices.* Nothing in this division shall be construed to prevent or limit the display of legal notices, warnings, informational, direction, traffic, or other such signs which are legally required or necessary for the essential functions of government agencies.

Section 26.12. - Sign standards in all districts.

All permitted signs shall be subject to the below design requirements:

- (a) All permanent signs shall be compatible with the building(s) to which they relate and with the surrounding neighborhood.
- (b) The placement and location of signs shall not cover or obscure architectural features, finishes, doors, windows, or other elements of the building to which they relate unless designed to be an integral part of that element.
- (c) *Freestanding signs.*
 - (1) All freestanding signs of ten (10) feet in height or less shall be monument signs, unless any combination of landscaping of sufficient density and maturity at the time of planting may be used to achieve the same opacity as would have been achieved with the monument base.
 - (2) The materials, finishes and colors of the base of freestanding signs, including monument and pole base sign, shall match the architectural design of the building on the same site.
 - (3) All freestanding signs shall be placed in a landscaped setting appropriate to the size and scale of the sign.
 - (4) Tenant panels in freestanding signs for a multi-tenant development or shopping center, including those added to existing sign structures, shall be constructed of the same materials and illuminated by the same method.
 - (5) Freestanding signs shall not be permitted within any required side yard adjacent to property in an RU-1, RU-2, RLM-1 or RLM-2 district or within a required front yard established for protection of a right-of-way corridor.

-
- (6) A freestanding sign shall not exceed 35 feet in height or 135 feet in sign area in any district and shall not exceed six (6) feet in height for any property in the Pass-a-Grille Overlay district. No variance to this regulation may be granted and no variance application to this requirement shall be accepted.
 - (d) *Window signs.* One or more window signs may be displayed where attached signs are permitted and shall count towards the maximum allowable attached sign area. Permanent window signs shall not cover more than 50% of any contiguous window surface between frames, exclusive of grilles and muntin, and shall comply with all fire safety codes.
 - (e) *Projecting signs.* Projecting signs shall have a minimum ground clearance of eight (8) feet and shall not project within two (2) feet of any curb.
 - (e) *Illuminated signs.*
 - (1) Illuminated signs, in addition to conforming to all other requirements of this division, shall be shielded in such a manner so that no direct source of light is cast into residential properties or into a public street or right-of-way.
 - (2) No sign shall have animated, blinking, flashing, or fluttering lights or other illumination devices which have a changing light intensity, brightness, color, or direction.
 - (3) Illuminated signs shall not interfere with pedestrian or motorist vision. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices. Similarly, no electronic changeable message sign shall be permitted if it may be confused with, construed as, or interfere with traffic control devices.
 - (4) The illumination shall not be reflective or phosphorescent and shall be placed in a manner that will not create a nuisance to other premises or create a traffic hazard to operators of motor vehicles on public thoroughfares.
 - (5) Externally illuminated signs are preferable to internally illuminated signs. Externally illuminated signs are permitted only with steady, stationary, and shielded lighting directed solely onto the sign from either above or below.
 - (6) Internally illuminated signs or portions of a sign that are internally illuminated shall not be larger than 50 square feet in area.
 - (7) Internally illuminated signs shall be expressly prohibited in the following areas:
 - a. Within 50 feet of a property with a single-family use or zoned for a single-family use;
 - b. Building facades or property frontage adjacent to Corey Avenue in the TC-1 or TC-2 district;
 - b. BR district;
 - c. Traditional hotel district;
 - d. UBV district; and
 - e. Pass-a-Grille Overlay district.

Sec. 26.13. - Exempt Signs.

The following sign types are exempt from the permitting process and are exempt from other provisions of this division, but are not exempt from the requirements imposed by this subsection or from applicable requirements of this division relating to construction, illumination, placement, safety, and nonconformity, and are not exempt from other regulations related to public health, safety and welfare.

-
- (a) *Street address signs.* For each parcel within the city, one attached street address sign shall be displayed for each building façade facing the primary street or waterfront. The address numbers shall be at least three inches in height if the dwelling or business establishment is located 50 feet or less from the curb or improved right-of-way, at least five inches in height if the dwelling or business establishment is located more than 50 feet from the curb or improved right-of-way, in Arabic numbers, and of contrasting color to background. For any site or parcels subject to a common plan of development on which one or more signs requiring a permit are proposed to be erected, the location, height, and area of street address signs shall be included in sign plan. Address numbers are subject to National Fire Protection Association (NFPA) code, as amended. One additional street address sign may be located on the monument sign or other sign at the entrance of the development.
 - (b) *Artwork.* Artwork, provided it does not contain a commercial message. The portion of the artwork containing a commercial message shall be part of the computation of the allowable sign area, as described in section 26.15.
 - (c) *Flags.* There shall be a maximum of one flagpole and three flags permitted for each parcel in the city. Flagpoles in residential districts shall not exceed 20 feet in height, and flagpoles in nonresidential districts shall not exceed 30 feet in height. The maximum size of such flags shall be as follows: The maximum distance from top to bottom of any flag shall be 20 percent of the total height of the flagpole, or in the absence of a flagpole, 20 percent of the distance from the top of the flag or insignia to the ground. Flags containing a commercial message shall be part of the computation of the allowable area for freestanding signs.
 - (d) *Government signs.* Informational, directional and regulatory signs located within rights-of-way or on publicly-owned land that are installed by the City or other governmental signs installed with the approval of the City. Official regulatory or warning signs upon any body of water (river, bay, lake, or other body of water) within the limits of the City, informational or directional signs installed by the City or with the approval of the City upon any body of water within the limits of the City in connection with a water path or paddling trail.
 - (e) *Machinery and equipment signs.* Machinery and equipment signs shall be allowed in all districts.
 - (f) *Nameplate signs or occupant identification signs.* For each residence, business or other occupancy within the city, one nameplate sign may be displayed. For residences the nameplate or occupant identification signs shall not exceed two square feet in sign area. For any nonresidential use, the nameplate or occupant identification sign shall not exceed six square feet in sign area.
 - (g) *Onsite directional signs.* Onsite directional signs, not exceeding four square feet in area, per sign face.
 - (h) *Onsite parking space signs.* Onsite parking space number signs, not exceeding one square foot of sign face per sign, shall be allowed on each parcel in noncommercial use having multiple parking spaces onsite. One such sign shall be allowed for each parking space.
 - (i) *Onsite marina slip number signs.* Onsite marina slip number signs, not exceeding one square foot of sign face per sign, shall be allowed for each marina having marina slips. One such sign shall be allowed for each marina slip.
 - (j) *Warning signs and safety signs.* Warning signs and safety signs, not exceeding four square feet in sign area.
 - (k) *Special event sign.* A special event sign may be allowed subject to the conditions of the associated special event permit or City sponsorship conditions, along with any restrictions placed specifically on special event signage within this division. All other restrictions of this division, not specific to special event signs, shall not be applicable.

-
- (l) *Temporary window signs.* Temporary window signs shall be allowed on parcels being used for multifamily residential, office, commercial, and public/semipublic uses. The maximum area of such signs in areas classified as office, commercial, and public/semipublic shall not exceed 50 percent of windowpane area or 100 square feet, whichever is less. In multifamily residential areas, the area of temporary window signs shall not exceed 25 square feet. If the use displaying such temporary window sign(s) is also displaying permanent window sign(s), as authorized in Sec. 26.12, then the total area of the window covered by a combination of all window signs shall not exceed 65% of the windowpane area. Temporary window signs that are illuminated shall be part of the computation of the allowable area for attached signs.
- (m) *Temporary signs.* One temporary sign per property, not exceeding three square feet in area on residential property, and 12 square feet in area on nonresidential property, shall be allowed. Additionally, an unlimited number of temporary signs shall be allowed on both residential and nonresidential property from thirty days prior to an election held in the city to two days following an election held in the city, provided all other restrictions of this sign type are met. A temporary sign for a non-election predictable event shall be posted no more than seven days prior to the event and removed no more than two days following the event. A temporary sign for a non-election unpredictable event shall be removed no more than two days following the event. This regulation does not pertain to a temporary sign otherwise regulated by a special event permit. Signs may be freestanding or attached wall signs and shall not be of a type prohibited in section 26.5. Temporary signs are further regulated by type as follows:
- (1) *Freestanding temporary signs.* If freestanding, signs shall not exceed three feet in height on residential property and six feet in height on nonresidential property, shall be located outside of the visibility triangle required by section 6.21 of this Code, shall be located outside of any required pedestrian access, public safety access, or parking access or space, and shall be located a minimum of three feet from the sidewalk or curb line on private property.
 - (2) *Attached temporary signs.* If attached, signs shall be erected as permitted for a wall sign and shall not exceed in height the eave or parapet line of the building.

Sec. 26.14. - Prohibited signs.

The following signs and sign types are prohibited within the city limits.

- (a) Revolving signs; rotating signs.
- (b) Flashing signs, animated signs, multi-prism signs and beacon lights, except when required by the Federal Aviation Administration or other government agency.
- (c) Banners, except those used to advertise approved special events, those installed for 30 days after the issuance of a business' tax receipt for a new business, or when used during transitional or emergency events as regulated in Section 26.19. For special events, the banner may not be placed on the property in which the event is to take place more than 21 days prior to the special event. For new businesses, the size of the banner may not exceed the allowance otherwise permitted for attached signage, shall be attached to the building or face of an existing freestanding sign, and shall be secured to resist movement from wind.
- (d) Pennants, streamers, and all other fluttering, spinning, or similar type signs and advertising devices.
- (e) Wind signs.
- (f) Portable signs, other than sandwich board signs as allowed within certain zoning districts pursuant to this division.
- (g) Roof signs, other than integral roof signs in nonresidential zoning districts.

-
- (h) Abandoned and discontinued signs, except as temporarily permitted in Section 26.19.
 - (i) Snipe signs.
 - (j) Bus bench advertising signs; bus shelter advertising signs.
 - (k) Signs that emit sound, vapor, smoke, odor, particles or gaseous matter, or project three-dimensional images, holographic images or pyrotechnics, with the exception that signs emitting audible sound erected to accomplish compliance with the Americans with Disabilities Act shall be authorized.
 - (l) Signs that have unshielded illuminating devices, other than electronic changeable message sign displays permitted in accordance with this division.
 - (m) Signs that obstruct, conceal, hide or otherwise obscure from view any official traffic or governmental sign, signal or device.
 - (n) Any sign within a sight visibility triangle that obstructs a clear view of pedestrian or vehicular traffic.
 - (o) Any sign in or over the public right-of-way, except government signs or as otherwise provided by this division.
 - (p) Any sign attached to or painted on a seawall, pier, dock, or tie pole, other than a government sign, warning sign or safety sign, or signs otherwise required by local, state or federal law.
 - (q) Signs in or upon any river, bay, lake, or other body of water within the limits of the City, other than government signs, warning or safety signs or signs otherwise required by local, state or federal law. The City Manager or designee is authorized to remove and dispose of any temporary sign placed within the City right-of-way in violation of this ordinance.
 - (r) Any sign other than a traffic control device sign that uses the word "stop" or "danger," or presents or implies the need or requirement of stopping or the existence of danger, or which is a copy or limitation of official traffic control device signs, and which is adjacent to the right-of-way of any road, street, or highway.
 - (s) Any sign nailed, fastened, affixed to, hanging from, or painted on any tree or other vegetation, or part thereof (living or dead).
 - (t) Any sign prohibited by state or federal law.
 - (u) Vehicle signs, as defined by this division, and portable trailer signs.
 - (v) Any sign located on real property without the permission of the property owner.

Sec. 26.15. - Methods of Measurement

- (a) *Setbacks.* Required setbacks for signs in all zoning districts shall be measured from the property line to the nearest part of the sign.
- (b) *Height.* Height for freestanding signs in all zoning districts shall be computed as the distance from the base of the sign structure at ground level to the highest point of the sign structure. In cases where the ground level, as defined in this section, cannot reasonably be determined, sign height shall be derived on the assumption that the elevation of the ground at the base of the sign is equal to the average elevation at the front property line of the zone lot.
- (c) *Area.*
 - (1) *Freestanding sign, monument base.* Sign area shall be computed as the extreme outer dimensions of the freestanding structure, excluding the support structure base and architectural features. When sign copy has been attached or painted on a background panel or area distinctively painted, textured, or constructed to serve as the background for the sign copy, sign

-
- area shall be computed as the area enclosed by the smallest single rectangle that can be drawn around the outside dimensions of the background panel or surface, including sign trim or frame.
- (2) *Freestanding sign, pole base.* Sign area shall be computed as the area enclosed by the smallest single rectangle that will enclose the sign structure, exclusive of poles.
 - (3) *Attached sign, single element.* Sign area shall be computed within a single perimeter composed of squares or rectangles that enclose the sign structure, background panel, or surface, including sign trim and frame.
 - (4) *Attached sign, multiple elements.* When signs are constructed of individual elements, such as signs that consist of individual letters or signs have an additional background panel or surface for a logo, the area of all sign elements which together convey a single, complete message, shall be considered as a single sign. Sign area shall be computed by summing the area of each element enclosed by the smallest single rectangle that can be drawn around the complete message of sign copy, background panel or surface, including sign trim or frame.
 - (5) *Signs painted directly on walls, awnings, canopies, or other structures.* The area of a sign painted directly on a wall, awning, canopy, marquee, or other structure that has not been distinctively painted, textured, or constructed to serve as a background for the sign copy, shall be computed as the area enclosed by the smallest single rectangle that can be drawn around the commercial message, including all sign copy, logos, or other representation or image that directly or indirectly represents a business, product, or other commercial activity. When a sign has been painted on a background panel or area distinctively painted, textured, or constructed to serve as the background for the sign copy, sign area shall be computed as the area enclosed by the smallest single rectangle that can be drawn around the outside dimensions of the background panel or surface, including sign trim or frame.
 - (6) *Window signs.* Sign area shall be computed as the area enclosed by the smallest single rectangle that that can be drawn around the outside dimensions of the sign display, including sign trim or frame.
 - (7) *Double-faced signs.* On a sign where two sign faces are back to back and directionally oriented 180 degrees from each other, the sign area shall be computed as the area of one sign face. Where the two faces of a double-faced sign are not equal in size, the larger sign face shall be used in the area computation. Where two sign faces are directionally oriented at an interior angle other than 180 degrees, both sign faces shall be counted toward sign area.

Sec. 26.16. - Adoption of Zoning Regulations

- (a) *Intent.* It is the intent of this section to regulate signs visible from a public right-of-way in a manner that is consistent with the land use classification which establishes the character of the area in which the signs are located and in keeping with the overall character of the community.
- (b) *Adoption of zoning regulations.* The boundaries of the various districts shown upon the official zoning map and the regulations of the comprehensive zoning ordinance contained in Land Development Code, governing the use of land and buildings and other matters set forth therein are made part of this division. Except as provided in this division, no sign shall be erected, enlarged, reconstructed or structurally altered which does not comply with all the district regulations established by this division for the zoning district in which it is located.
- (d) If no height or size restriction is specifically provided regarding any sign located in the City, the height and size restrictions for a structure in the zone in which the sign is located will govern.

- (e) Any building or land use not conforming to the zoning ordinance provisions for the zone in which it is located, shall, nevertheless, comply with all provisions of this division for the zone in which it is located.
- (f) Except as provided in this division, no sign shall be erected, enlarged, reconstructed or structurally altered which does not comply with all the district regulations established by this division for the zoning district in which it is located.

Sec. 26.17. – Permitted signs and standards by zoning districts.

- (a) The following types of signs are permitted for businesses in the Activity Center (AC), Bayou Residential (BR), Commercial Corridor-1 (CC-1), Commercial Corridor-2 (CC-2), and Institutional (INS) districts, as follows:

Table 26.17.a - Standards for Signs in the AC, BR, CC-1, CC-2, CG-1, CG-2, INS Districts¹			
Permitted Sign Types	Freestanding Signs	Attached Signs	Projecting Signs
Maximum Quantity: businesses with less than 200 ft of frontage may choose up to 2 signs; business with 200 to 300 ft of frontage may choose up to 3 signs; businesses with more than 300 ft of frontage may choose up to 4 signs	1 per street frontage, not to exceed a maximum of 2. When a zoning lot contains multiple businesses, no more than one freestanding sign may be permitted for each 200 linear feet of lot frontage along any single frontage.	1 per building frontage not to exceed a maximum of 2, or 1 per building frontage per business if in a multi-tenant development.	1 per business
Maximum Area (per sign)	60 ft ² . When a zoning lot is permitted more than one freestanding sign along a street frontage, one freestanding sign of 120 ft ² may be substituted for two freestanding signs of 60 ft ² but shall be set back at least ten feet from the front property line.	1 ft ² per linear foot of building frontage	12 ft ²
Maximum Height	15 feet	Shall not appear above the fascia on hip, gable or mansard roofs, or the highest point of the roof inclusive of the parapet on flat roofs.	-
Maximum Width	A freestanding sign shall not have a sign area width that exceeds an aspect of 2:1 with its height.	-	-

¹ Subject to additional standards set forth in Section 26.18.

- (b) The following types of signs are permitted for businesses in the Boutique Hotel/Condo (B/HC), Large Resort (LR), and Resort Facilities Medium (RFM) districts, as follows:

Table 26.17.b - Standards for Signs in the B/HC, LR, and RFM Districts²			
Permitted Sign Types	Freestanding Signs	Attached Signs	Projecting Signs

Maximum Quantity: businesses with less than 200 ft of frontage may choose up to 2 signs; business with 200 to 300 ft of frontage may choose up to 3 signs; businesses with more than 300 ft of frontage may choose up to 4 signs	1 per street frontage, not to exceed a maximum of 2, per business frontage. When a zoning lot contains multiple businesses, no more than one freestanding sign may be permitted for each 200 linear feet of lot frontage along any single frontage.	1 per building frontage not to exceed a maximum of 2, or 1 per building frontage per business if in a multi-tenant development.	1 per business
Maximum Area (per sign)	60 ft ² . When a zoning lot is permitted more than one freestanding sign along a street frontage, one freestanding sign of 120 ft ² may be substituted for two freestanding signs of 60 ft ² but shall be set back at least ten feet from the front property line.	1 ft ² per linear foot of building frontage Not to exceed an aggregate area of 70 ft ²	12 ft ²
Maximum Height	15 feet	Shall not appear above the fascia on hip, gable or mansard roofs, or the highest point of the roof inclusive of the parapet on flat roofs.	
Maximum Width	A freestanding sign shall not have a sign area width that exceeds an aspect of 2:1 with its height.	-	-

² Subject to additional standards set forth in Section 26.18.

- (c) The following types of signs are permitted for businesses in the Town Center Core (TC-1), Town Center Corey Circle and Coquina West (TC-2), Upham Beach Village (UBV), Residential/Office/Retail (ROR), and Community Redevelopment District-Eighth Avenue (CRD-EA) districts, as follows:

Table 26.17.c - Standards for Signs in the TC-1, TC-2, UBV, ROR, and CRD-EA³ Districts⁴			
Permitted Sign Types	Freestanding Signs	Attached Signs	Projecting Signs
Maximum Quantity: businesses with less than 200 ft of frontage may choose up to 2 signs; business with 200 to 300 ft of frontage may choose up to 3 signs; businesses with more than 300 ft of	For street frontages along Gulf Blvd, Boca Ciega, Blind Pass, and Pass-a-Grille Way: 1 For all other streets: Not permitted	1 per building frontage per business	1 per business

Created: 2022-07-19 14:16:30 [EST]

(Supp. No. 47)

frontage may choose up to 4 signs			
Maximum Area (per sign)	40 ft ²	1 ft ² per linear foot of building frontage, not to exceed a maximum area of 40 ft ²	12 ft ²
Maximum Height	10 feet	Shall not appear above the fascia on hip, gable or mansard roofs, or the highest point of the roof inclusive of the parapet on flat roofs.	-
Maximum Width	A freestanding sign shall not have a sign area width that exceeds an aspect of 2:1 with its height.	-	-

³ Subject to additional standards set forth in Division 40, as may be amended.

⁴ Subject to additional standards set forth in Section 26.18.

- (d) The following types of signs are permitted depending on property use in the Residential Urban districts (RU-1 and RU-2), Residential Low Medium districts (RLM-1 and RLM-2) districts, Residential Medium (RM) district, and Downtown Core Residential (DCR) district, as follows:

Table 26.17.d - Standards for Signs in the RU-1, RU-2, RLM-1, RLM-2, RM, DCR, and TH Districts⁵			
Permitted Sign Types	Freestanding Signs	Attached Signs	Projecting Signs
Maximum Quantity: 2	For residential uses: 1 subdivision identification sign at the neighborhood entrance. The subdivision identification sign shall be constructed with a monument base. For non-residential uses: 1	1 per non-residential parcel	Not permitted
Maximum Area (per sign)	24 ft ²	8 ft ² or 1 ft ² per linear foot of building frontage, whichever is less	-
Maximum Height	6 feet	Shall not appear above the first floor of the building	-
Maximum Width	A freestanding sign shall not have a sign area width that exceeds an aspect of 2:1 compared with its height.	-	-

⁵ Subject to additional standards set forth in Section 26.18.

- (e) Additional restrictions on signage in the Pass-A-Grille Overlay District may be found in Division 20, as may be amended.

Sec. 26.18. - Standards for Specific Sign Types.

In addition to the regulations prescribed by this sign code generally, the following regulations for certain sign types shall apply.

- (a) *Electronic message board signs.* The following conditions and restrictions shall apply to electronic message board signs:
 - (1) *Location.* Electronic message board signs are only permitted for nonresidential uses on properties adjacent to Gulf Boulevard from 37th Avenue to 75th Avenue. Electronic message board signs shall only be located in a front yard, and in no case shall be closer than 10 feet from the front yard property line.
 - (2) *Design.* An electronic message board sign shall only be permitted as an integral component of a freestanding sign. The width, depth, and color of the cabinet containing the electronic message board shall be compatible with the design of the primary sign structure.
 - (3) *Size.* An electronic message board sign shall comprise no more than 50 percent of the overall sign area of the freestanding sign and shall not, in any case, exceed 32 square feet in area.
 - (4) *Brightness.* 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.
 - (4) *Dwell time.* The minimum amount of time that a message or display on an electronic message board sign remains fixed shall be one minute.
 - (5) *Static images and messages.* The image or message shall be static. There shall be no animation, flashing, scintillating lighting, movement, or the varying of light intensity during the message. Messages or images shall not scroll and shall not give any appearance or optical illusion of movement.
 - (6) *Default mechanism.* The sign shall have a default mechanism or setting that will cause the sign to turn off or show a "full black" image if a visible malfunction or failure occurs.
 - (7) 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 26.6.
- (b) *Waterside identification signs.* For each parcel within the City with a residential complex or licensed commercial establishment(s) that has at least one façade that can only be viewed from a navigable waterway, one (1) waterside identification sign shall be allowed per such façade. A waterside identification sign may be either a freestanding sign or an attached sign. A waterside identification sign shall not exceed eight (8) feet in height and shall not exceed 40 square feet in sign area. A waterside identification sign shall not be illuminated. A waterside identification sign shall be in addition to the signage otherwise allowed pursuant to the other provisions of this division.
- (c) *Attached menu display signs.* For each parcel with either (a) a restaurant without drive-thru service, or (b) with a transient lodging facility that has restaurant facilities open to the general public in addition to registered guests, one (1) attached menu display sign shall be allowed. An attached menu display sign shall be a wall sign not exceeding 12 square feet in sign area. An attached menu display sign shall be in addition to the signage otherwise allowed pursuant to the other provisions of this division.
- (d) *Drive-thru menu signs.* For each parcel with a licensed commercial establishment that utilizes a drive-thru lane, one (1) drive-thru menu sign shall be allowed for each drive-thru lane. A drive-thru menu sign may be either a free-standing sign or an attached sign and shall not exceed 40 square feet in sign

area and ten (10) feet in height. Drive-thru menu signs shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

- (e) *Sandwich board/A-frame signs.* One (1) sandwich board sign shall be allowed for each licensed commercial establishment. Sandwich board signs shall not be placed in the right-of-way, shall not be placed within the visibility triangle required for intersections at streets and driveways, as required by this Code, be no larger than five feet in height and 12 square feet in area per face, shall not obstruct walkways or fire access, shall have no illumination of any kind, and may be displayed only during the time when the business in front of which the sign is located is open to the public.
- (f) *Theater signs.* For each parcel with a theater use, one attached sign shall be allowed. An attached theater sign shall be a wall sign not exceeding 15 square feet in sign area for each auditorium within the theater, subject to a maximum limit of 64 square feet in sign area. An attached theater sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.
- (g) *Boat or beach concession signs.* Boat or beach concession signs shall only be permitted in the RFM district. Each licensed boat or beach concession rental business operating along the Gulf and on the site of a business having Gulf frontage may be permitted signs as follows:
 - (1) *Permission required.* The applicant shall provide the city with a letter, granting approval for placement of the signs, from the owner of the real property upon which signs are to be located prior to the issuance of a permit.
 - (2) *Lighted signs.* Lighted signs shall be prohibited.
 - (3) *Sandwich board signs.* Operators may display sandwich board sign at the building frontage adjacent to the sandy beach during the hours of business operation in accordance with subparagraphs (i) through (iv) below. Such signs shall be removed from the beach when the business is closed.
 - (i) *Maximum area:* Eight square feet per face.
 - (ii) *Number permitted:* One.
 - (iii) *Maximum height:* Five feet.
 - (iv) *Setbacks:* 40 feet from the visible water line.
 - (4) *Tiki hut or ticket office signs.* Operators may display signs on the tiki huts or ticket offices as follows:
 - (i) *Maximum area:* Eight square feet per face.
 - (ii) *Number permitted:* Three per tiki hut; not more than two on one side.
 - (iii) *Location:* Signs may be attached to or painted on the sides of the tiki hut at a point no higher than four feet above the ground, provided however, that one of the signs may be raised and attached at a point on the side of the tiki hut just below the eave of the roof.
 - (5) *Operators without a tiki hut or ticket office.* Licensed board or beach concession rental businesses that do not use a tiki hut or other structure for their businesses shall be permitted to keep one sandwich board sign on the beach, provided such sign is no larger than eight square feet in area per face, five feet in height, located outside of any pedestrian or emergency easement, and is removed from the beach nightly. Signs shall be kept a minimum of 40 feet landward of the visible water line at all times.

Sec 26.19. - Transitional and Emergency Signage

- (a) Notwithstanding any other restriction of this Division, a business' signage that is damaged to less than 25% of its depreciated value, and which is maintained in a safe condition, shall not be considered abandoned during the following circumstances:
 - (1) During a declared local state of emergency, retroactive to the date of the emergency event;
 - (2) Following a local state of emergency, for the length of time it takes to restore the business to occupiable pre-storm condition, provided that such restoration does not constitute a substantial improvement and the property is maintained with an active building permit during this timeframe;
 - (3) For 90 days following the completion of work listed in (2), preceding.
- (b) Notwithstanding any other restriction of this Division, a business may have one banner during the following timeframes and subject to the following conditions:
 - (1) One banner may be placed in the same location as a permitted attached sign from the date of permit issuance for the attached sign until the sign is installed, not to exceed 180 days. The banner shall be no larger in square footage than the attached sign which is permitted for the location and shall be fastened to the building to resist movement from wind.
 - (2) In addition to other permitted signage, one banner may be permitted per operational business during the declaration of a local state of emergency. The banner shall be no larger in square footage than the size of an attached sign permitted for the property, and shall be removed within seven days following the end of the local state of emergency. The sign shall be fastened to the building containing the business to resist movement from wind.

Sec. 26.20. - Severability.

- (a) *Generally.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division.
- (b) *Severability where less speech results.* Without diminishing or limiting in any way the declaration of severability set forth above in subsection 26.34(a), or elsewhere in this division, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
- (c) *Severability of provisions pertaining to prohibited signs.* Without diminishing or limiting in any way the declaration of severability set forth above in subsection 26.35(a), or elsewhere in this division, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under section 26.4 of this division. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 26.4 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any

other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 26.4

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

**CITY COMMISSION MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Agenda Title Name: First reading of Ordinance 2025-08: Amendments to Land Development Code Division 40 - COMMUNITY REDEVELOPMENT DISTRICT - EIGHTH AVENUE

Action Request: Motion to [approve/approve with modifications/deny] the first reading of Ordinance 2025-08.

Strategic Objective: Historic preservation

Date: May 27, 2025

Prepared By: Tara Salmieri
Brandon Berry, Senior Planner

Through: Laura Canary, Community Development Director

Summary of Issue: This item was recommended by the Historic Preservation Board and Planning Board to the City Commission for adoption at a vote of 5-0 at their April 2025 meetings.

These proposed amendments make major modifications to the Community-Redevelopment District - Eighth Avenue zoning district, which comprises the zoning of most commercial properties between 7th and 9th Avenues in Pass-A-Grille. These amendments were initiated by the Historic Preservation Board in 2022 in response to concerns that current permissions and restrictions are not adequately resulting in developments of the scale, character, and caliber desired for the City's National Register Historic District.

Proposed changes to Division 40 - COMMUNITY REDEVELOPMENT DISTRICT—EIGHTH AVENUE (CRD-EA) include the following:

- 1) Requiring Historic Preservation Board review of lot splits and assembly to ensure compatibility with adjacent property.
- 2) Providing design requirements for new

development, including minimum feature count, elimination of significant blank wall facades, and screening of above-roof penetrations.

3) Providing for a maximum building length of eighty feet before relief must be provided.

4) Revising height to be more in line with the understood intent of the building height definition prior to 2015, by measuring new commercial buildings from the required lowest floor elevation, and requiring those structures for which the lowest floor must be elevated to step back floors above 35 feet in height.

5) Requiring architectural elevations with architect or staff design review, design book identification of how the project meets the CRD-EA District standards, and requiring a waste management plan for large residential and commercial developments.

Staff finds the following Goals, Objectives and Policies of the Comprehensive Plan to be supportive of these amendments:

Element II: Future Land Use

Policy 1.3.4: The Land Development Code shall ensure that commercial land uses are located in a manner which ensures their compatibility with the type and scale of surrounding land uses and where existing or programmed public facilities shall not be overburdened.

Objective 1.4: Consistent with this Comprehensive Plan, as amended, the City shall enhance and protect the City's character through the encouragement of redevelopment which supports an orderly and aesthetic mixture of land uses.

Policy 2.3.4: The City shall develop and implement Land Development Standards which preserve and promote the continuance of the existing development pattern and architectural aesthetic of Special Planning Area Eighth Avenue commercial district in the Pass-a-Grille area.

Attachments:

1. Ordinance 2025-08
2. Exhibit A - Markup
3. Exhibit A - Clean

ORDINANCE NO. 2025-08

AN ORDINANCE OF THE CITY OF ST. PETE BEACH AMENDING THE ST. PETE BEACH LAND DEVELOPMENT CODE DIVISION 40 – COMMUNITY REDEVELOPMENT DISTRICT – EIGHTH AVENUE (CRD-EA), SECTIONS 40.1. PURPOSE AND INTENT. AND 40.9. SETBACKS.; ADOPTING SECTIONS 40.13. ASSEMBLY OR LOT SPLIT OF A PARCEL(S), VACATION OF EASEMENTS OR RIGHT-OF-WAYS., 40.14. GENERAL BUILDING DESIGN, 40.15. DESIGN REVIEW AND REQUIRED DRAWINGS, AND 40.16. PASS-A-GRILLE HISTORIC OVERLAY DESIGN GUIDEBOOK; TO AMEND AND ADOPT DEVELOPMENT STANDARDS TO PRESERVE THE HISTORIC CHARACTER OF PASS-A-GRILLE’S EIGHTH AVENUE AND VICINITY AND INCREASE COMPATIBILITY OF NEW DEVELOPMENT WITH THAT CHARACTER; PROVIDING FOR SEVERABILITY, CODIFICATION AND SCRIVENER’S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of St. Pete Beach supports preservation and protection of its historic neighborhoods.

WHEREAS, as Eighth Avenue is historic Pass-a-Grille’s main commercial corridor, which has numerous structures that are significant contributors to the historic character of the neighborhood and which itself has retained its neighborhood-level commercial function and appearance for over a century, the preservation of the scale, massing and uses of Eighth Avenue is essential to the historic district as a whole.

WHEREAS, these amendments modify the Community Redevelopment District – Eighth Avenue zoning standards passed in 2010 to solicit greater compatibility of new development with existing development and strengthen design requirements for new development.

WHEREAS, the Planning Board, sitting as the Local Planning Agency, reviewed these amendments on _____ and recommended them at a vote of ____ to ____ to the City Commission.

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

The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

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

SECTION 2. The Land Development Code Division 40 – COMMUNITY REDEVELOPMENT DISTRICT EIGHTH AVENUE (CRD-EA) is amended as shown in EXHIBIT A to this Ordinance.

SECTION 3. Codification. This Ordinance shall be codified in the Land Development Code of the City of St. Pete Beach.

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 as they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Scrivener’s Error. The City Attorney may correct scrivener’s errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

SECTION 7. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 8. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 9. Effective Date. This Ordinance shall take effect immediately upon adoption.

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

The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

CITY COMMISSION, CITY OF ST. PETE
BEACH, FLORIDA.

Adrian Petrila, Mayor

I, Amber LaRowe, 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 _____, 2025.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Ralf Brookes, City Attorney

The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

DIVISION 40 COMMUNITY REDEVELOPMENT DISTRICT—EIGHTH AVENUE (CRD-EA)¹

Sec. 40.1. Purpose and intent.

~~The CRD-EA district is intended to encourage and promote the continuance of the existing mixed-use development pattern and architectural aesthetic of the area, as well as encourage the infill of vacant or under-developed lots. The City recognizes that the CRD-EA was developed prior to the development of suburban zoning regulations and is intended to allow for structures that are considered contributing to the National Register Historic District to be considered conforming regarding base flood elevations and uses of property within the boundaries of the CRD-EA. The CRD-EA intends to ensure that new and redevelopment of any structures and uses shall be compatible with the scale and character of existing historic structures within the CRD-EA district.~~

(Ord. No. 2013-06, § 1(Exh. A), 1-22-13)

Sec. 40.2. Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses in the CRD-EA district are as follows:

- (a) Residential uses as a component of a vertically mixed-use development;
- (b) Temporary Lodging;
- (c) Eating and drinking establishments, specialty food such as gourmet take out, catering, coffee shops, etc. and sit-down restaurants;
- (d) Offices;
- (e) Retail sales;
- (f) Private, specialized instruction, such as computer training, real estate courses, self-improvement classes, career training or fitness instruction;
- (g) Artist studios, art galleries, and museums;
- (h) Personal service businesses such as barbershops, beauty shops, tailoring, garment alteration and repair, shoe repair, dry cleaning drop-off and pick-up and other personal service uses similar in character and impact;
- (i) Vehicle for hire—limited to rental of bicycles and individual motorized vehicles such as segways, mopeds/scooters;
- (j) On-site parking facilities;

¹Editor's note(s)—Ord. No. 2013-06, § 1(Exh. A), adopted Jan. 22, 2013, repealed the former Div. 40, §§ 40.1—40.11, and enacted a new Div. 40 as set out herein. The former Div. 40 pertained to Community Redevelopment District—Eighth Avenue (CRD-EA) and derived from Ord. No. 2010-18, § 1(Exh. A), adopted 11-8-11.

-
- (k) Other uses similar in character, nature and impact to permitted uses listed above.

(Ord. No. 2013-06, § 1(Exh. A), 1-22-13)

Sec. 40.3. Permitted secondary uses and structures.

- (a) Transit facilities;
- (b) Public recreation and other governmental or civic uses.

(Ord. No. 2013-06, § 1(Exh. A), 1-22-13)

Sec. 40.4. Allowable conditional uses and structures:

The purpose of this section is to allow for single-family and two-family residential uses and structures for only saving and/or moving locally designated historic structures, as well as address rooftop uses. In no case shall a new construction single-family home be allowed in the 8th Avenue CRD.

- (a) Single-family residential, subject to the following conditions:
 - (1) The structure is eligible for local historic designation pursuant to Section 28.22 of the Land Development Code;
 - (2) The applicant applies for designation of the structure as historic and the Historic Preservation Board approves the request;
 - (3) The applicant applies for and is granted a certificate of appropriateness for any alterations to the exterior of the structure and moving the structure if a structure is proposed to be moved to the 8th Ave District, consistent with the Secretary of the Interior's Standards and Guidelines for Rehabilitation or Preservation of Historic Structures and Division 28 of the Land Development Code;
 - (4) The applicant applies for and is granted the conditional use pursuant to Section 4.4 of the Land Development Code;
- (b) Roof dining and/or drinking areas, subject to section 6.24 of this Code as may be applicable.

(Ord. No. 2013-06, § 1(Exh. A), 1-22-13; Ord. No. 2020-24, § 2, 12-1-20)

Sec. 40.5. Permitted accessory uses and structures.

- (a) Uses and structures, as regulated in sections 6.12 and 6.13, which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures. Where setbacks of accessory uses in sections 6.12 and 6.13 conflict with this section, the standards in this section shall apply;
- (b) Home occupations, subject to the conditions set forth in section 6.5 of this Code.
- (c) Temporary uses under the provisions of section 6.11 of this Code.

(Ord. No. 2013-06, § 1(Exh. A), 1-22-13)

Sec. 40.6. Prohibited uses and structures.

Existing non-historic single family residences currently located in the 8th Avenue district may continue as legal non-conforming uses or can be adaptively reused as uses permitted in Sections 40.2 and 40.3.

(Ord. No. 2013-06, § 1(Exh. A), 1-22-13)

Sec. 40.7. Density and intensity.

Density and intensity of use for commercial and residential components shall be inclusive, i.e. the same land area on a zoning lot may be used to support both use types without proration. For the purpose of determining mixed uses, transient accommodations shall be considered residential uses and may be combined with ground floor commercial within a mixed-use project. The intensity of the commercial use shall be determined by floor area ratio and the density of the transient accommodation shall be determined by units per acre.

Residential use - Shall not exceed 24 dwelling units per acre.

Transient accommodation use - Shall not exceed 50 units per acre.

Non-residential use - Shall not exceed a floor area ratio (FAR) of 1.0 for single use commercial structures or 1.50 for mixed-use development. Projects that consist of a non-residential uses mixed with a transient accommodation or residential use shall provide a minimum FAR of .40 for the non-residential use.

(Ord. No. 2013-06, § 1(Exh. A), 1-22-13)

Sec. 40.8. Building height.

Height shall not exceed 35 feet above the required lowest floor elevation of the structure. When this results in a structure greater than 35 feet in height measured from grade, a minimum setback of 10 feet on each side of that floor over 35 feet in height above grade shall be provided..

(Ord. No. 2013-06, § 1(Exh. A), 1-22-13)

Sec. 40.9. Setbacks.

For structures that front 8th, 9th or Gulf Way:

Front yard: A minimum of 75 percent of the building frontage shall be built in line with the buildings adjacent to it, or set back no greater than two (2) feet, whichever distance from the front property line is less. In cases where vacant lots are adjacent to the lot which is proposed for development, no more than 75 percent of the building frontage shall be set back more than two (2) feet from the front property line. In the event there are existing buildings on both sides of the proposed building, and the adjacent buildings are not set back the same distance from the front property line, then the proposed structure may be built to the average frontage of the two adjacent buildings.

Marquees, canopies, colonnades, arcades, or fixed awnings may project over the public right-of-way, provided such projection does not extend over the back of curb line. Foundational structures, that support such projections, may be placed in the public right-of-way provided that such items and overhangs are subject to a development and public right-of-way use agreement with the city. The second story of the primary structure may extend over the public right-of-way, provided such projection does not extend over the back of curb line. That portion of the second story which projects over the public right-of-way may not be enclosed but may be roofed and screened as a porch or open balcony. A third story shall extend no more than the second floor structural face and may provide an open balcony. A third story shall not be enclosed by solid walls or windows and may not contain a roof, but may contain a pergola structure which does not provide more that 50% opacity. Structures may not project over alleys.

Public right of way projection standards for marquees, arcades, and similar elements can be found in Section 40.14.

(Supp. No. 47)

Created: 2022-07-19 14:16:37 [EST]

Structural face, as used in this section, is defined as those portions of the principal structure and accoutrements which protrude toward the lot line and are most closely parallel to the front lot line. Pergola as defined herein is garden feature forming a shaded walkway, passageway, or sitting area of vertical posts or pillars that usually support cross-beams and a sturdy open lattice.

Secondary front yard: No secondary front yard setback for primary structure; Marquees, canopies, colonnades, arcades, or fixed awnings may project over the public right-of-way provided such projection does not extend over the back of curb line. Foundational structures, that support such projections, may be placed in the public right-of-way provided that such items and overhangs are subject to a development and public right-of-way use agreement with the city. Structures may not project over alleys.

Side yard: None

Rear yard: 10 feet minimum. Parking may be placed in the rear setback.

For structures that front Pass-a-Grille Way:

Front yard: 10 feet

Secondary front yard: 5 feet

Sideyard: 5 feet

Rear yard: 10 feet. Parking can be placed in the rear yard setback.

(Ord. No. 2013-06, § 1(Exh. A), 1-22-13; Ord. No. 2015-16, § 1, 8-25-15; Ord. No. 2017-30, § 2, 2-27-18)

Sec. 40.10. Maximum impervious surface ratio.

Maximum impervious surface ratio (ISR) for all uses: 0.90

(Ord. No. 2013-06, § 1(Exh. A), 1-22-13)

Sec. 40.11. Minimum off-street parking requirements and access requirements.

- (1) *Number of parking spaces required:* Subject to Division 23 of the Land Development Code.
- (2) *Access to and location of parking areas:*
 - a. Parcels abutting an alley shall not place parking in the front yard of the zoning lot, nor will be provided driveway access from the main thoroughfare. Parking may be placed in the rear or side yard. Access shall be provided via the alley.
 - b. Parcels without alley access shall be granted a curb cut from the main thoroughfare and may provide parking in the front yard.

(Ord. No. 2013-06, § 1(Exh. A), 1-22-13)

Sec. 40.12. Landscaping and buffering.

In order to accommodate the form and scale of historic development patterns on 8th Avenue, the CRD-EA District shall be exempt from the buffering and landscaping requirements in Division 22 of this Code.

(Ord. No. 2013-06, § 1(Exh. A), 1-22-13)

Sec. 40.13. Assembly or Lot Split of a Parcel(s), Vacation of Easements or Right-of-ways.

The following requirements are to be provided for any lot splits, assembly of parcels, request to vacate easements or right-of-ways:

- (a) Submit an application to the Historic Preservation Board for a recommendation prior to the Board Of Adjustment (where necessary) and City Commission.
- (b) The applicant shall provide documentation for the Historic Preservation Board to determine the compatibility and respect for the existing character of the CRDEA District, which will review:
 - (1) Historical plat and scale of the overall character of Pass-a-Grille (PAG) to ensure the application is consistent with the overall intent of the PAG area.
 - (2) Determine if recommending the parcel split or assembly will support or negatively impact the overall character of the area by permitting the use and the scale of the parcel of land and/or development size.

Sec. 40.14. General Building Design

General building desing element criteria is provided in this section and additional design guidelines are addressed in Sec. 40.16 Pass A Grille Historic Overlay Design Guidebook. The following standards shall be applied to new developments within the CRD-EA District that do not involve relocation of a historic structure as may be permitted in Sections 40.2 and 40.4.

- (a) *Public entrance.* Buildings that are open to the public shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be a distinctive and prominent element of the architectural design, and shall be open to the public during business hours. Buildings shall incorporate lighting and changes in mass, surface or finish which places an emphasis to the entrance.
- (b) *Building orientation.* The principle building entrances shall be visible and directly accessible from a street or park space that has a sidewalk or pedestrian path.
- (c) *Storefront character.* Buildings shall express a "storefront character". This guideline is met by providing all of the following features along the building frontage as applicable.
 - (1) Regularly spaced and similar-shaped windows with window hoods or trim (all building stories).
 - (2) *Large display windows on the ground floor.* All street-facing, park-facing and plaza-facing structures shall have windows covering a minimum of 40 percent and a maximum 80 percent of the ground floor of each storefront's linear frontage. Blank walls shall not occupy over 50 percent of a street-facing frontage and shall not exceed 20 linear feet without being interrupted by a window or entry. Mirrored glass, obscured glass and glass block cannot be used in meeting this requirement. Display windows may be used to meet this requirement if the first floor has not been design as a flood proof first floor.
- (d) *Building façade.* A clear visual division shall be maintained between the ground level floor and upper floors with either a cornice line or awning from 12 feet to 16 feet above grade, whichever applies to the proposed development. No more than 20 feet of horizontal distance of wall shall be provided without architectural relief for building walls and frontage walls facing the street. All buildings excluding single family detached homes shall utilize at least three of the following design features to provide visual relief along all elevations of the building with arcades being one of the preferred design features:

-
- (1) Divisions or change in materials (materials should be drawn from a common palette).
 - (2) Window bays.
 - (3) Separate entrances and entry treatments, porticoes extending at least five (5) feet.
 - (4) Variation in roof lines.
 - (5) Balconies, not to exceed six feet in depth. Balconies may extend into front or secondary front setbacks.
 - (6) Dormers.
 - (7) Canopies, extending at least five (5) feet.
 - (8) Arcades.
 - (9) Overhang extending at least five (5) feet.
 - (10) Recessed entries (at least three [3] feet from the primary façade).
 - (11) Protruding entries (at least three [3] from the primary façade).
 - (12) Covered porch entries.
 - (13) Cupolas shall be permitted on sloped roofs and are exempt from the height limitations up to twelve feet above the roof line.
 - (14) Buildings shall provide a foundation or base, typically from ground to bottom of the lower windowsills, with changes in volume or material.
- (e) *Projection standards for arcades, marquees, and similar elements.* Marquees, canopies, colonnades, arcades, or fixed awnings may project over the public right-of-way, provided such projection does not extend over the back of curb line. Foundational structures, that support such projections, may be placed in the public right-of-way provided that such items and overhangs are subject to a development and public right-of-way use agreement with the city. However, no structure described herein shall overhang a public alleyway.
- (f) *Roof-Based Mechanical Equipment and Other Roof Penetrations.* All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (except chimneys), shall be located on the rear elevations and be configured and screened with similar architectural details that are consistent with the overall building design.
- (g) *Maximum Building Length.* The maximum building length on a parcel shall not exceed eighty (80) feet. If more than one building is located on a parcel of land, a minimum separation for each building shall be ten (10) feet. The building separation area may include walkways, seating areas, and/or landscape/hardscape.
- (h) *Balconies/outdoor and rooftop seating areas.* Balconies/seating area(s) shall be reviewed by the Historic Preservation Board, to ensure compatibility of the existing uses and structures is maintained. Hours of access, and restrictions on seating, may be outlined at the time of the HPB review.

Sec. 40.15. Design Review and Required Drawings

An applicant shall be subject to the City's permit process. In addition, any development within the CRDEA, shall submit:

- (a) Architectural elevations of all facades of all structures subject to this division and shall be a required exhibit for plan approval which does not subrogate any requirements outlined in Division 5, Site plan approval procedures, and building permit process.

-
- (1) Such exhibits shall include colors, materials, building dimensions, mass and scale proportions, location of service areas and mechanical equipment, screening devices, parking, site furnishings, lighting fixtures, all signage, and any other information as determined necessary to ensure consistency with the intent of this division.
 - (2) All elevations and overall design must be signed and sealed by a licensed architect registered in the State of Florida.
 - (3) Provide 11x17 architectural design packet that clearly illustrates the building elevations, mass and scale, screening of elevated portion(s) of the building (landscape or architectural elements).
 - (4) The City's Architect, or design review designee, shall review to determine if the applicant has met the criteria in this Division and provide a summary of approval or recommended changes to the submitted architecture design and/landscape of the project.
 - (5) After completion of the design review in (4) above, the Historic Preservation Board shall be presented the design to receive the designee's determination of compatibility of new construction, renovations or additions within the CRD-EA district. The design shall be shared with the Historic Preservation Board as a design review or, at the option of the applicant, as an informational item.
- (b) Identify, through the use of the design guidebook as described in Section 20.25, how the proposed project is meeting the intent of the PAGHOD district.
- (c) Waste Management Plan shall be provided for all development, excluding freestanding quadplex, triplex, duplex and single-family residential, to ensure an overall strategy for recycling and trash collection has been implemented that includes:
- (1) The Site Plan shall include the area(s) for outdoor storage of recycling and/or trash receptacles, location and design. It is encouraged to have joint dumpsters and/or compactors in alleys to serve groups of businesses to the extent possible.
 - a. If storage area is located outside, provide the overall design and location of such receptacles and overall screening from public rights-of way (excluding alleys) and waterways.
 - b. If the storage area is located in an east-west alley and not visible from a public street, screening will not be required. Screening of storage areas shall be required in all north-south alleys when the area is not obscured by a permanent structure.
 - (2) Restaurant requirements. Provide a description of how fats, oils and grease generated by the restaurants is being stored. If outside of the facility, provide the design and storage area to be used for review and approval by the City.
 - (3) City will review the waste management plan to ensure the access is sufficient for garbage pickup and will approve and/or deny the location, design, gate style and type of storage permitted.

Section 40.16. Pass-A-Grille Historic Overlay Design Guidebook

- (a) Design Guidebook. The design guidebook shall be used for both non-residential, mixed-use and residential development as a tool to assess compatibility within the CRD-EA and the overall area of Pass-A-Grille, provide design concepts that reflect and support the historic character of the district.
- (b) A design guidebook provides for overall design concept ideas for implementation of design within the district for all development. Specific materials, color, textures, and architectural style are not required, but will be provided as context and character of the area itself and every effort to compliment the overall historic design of the area should be made for new development.

DIVISION 40 COMMUNITY REDEVELOPMENT DISTRICT—EIGHTH AVENUE (CRD-EA)¹

Sec. 40.1. Purpose and intent.

The City recognizes that the CRD-EA was developed prior to the development of suburban zoning regulations and is intended to allow for structures that are considered contributing to the National Register Historic District to be considered conforming regarding base flood elevations and uses of property within the boundaries of the CRD-EA. The CRD-EA intends to ensure that new and redevelopment of any structures and uses shall be compatible with the scale and character of existing historic structures within the CRD-EA district.

(Ord. No. 2013-06, § 1(Exh. A), 1-22-13)

Sec. 40.2. Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses in the CRD-EA district are as follows:

- (a) Residential uses as a component of a vertically mixed-use development;
- (b) Temporary Lodging;
- (c) Eating and drinking establishments, specialty food such as gourmet take out, catering, coffee shops, etc. and sit-down restaurants;
- (d) Offices;
- (e) Retail sales;
- (f) Private, specialized instruction, such as computer training, real estate courses, self-improvement classes, career training or fitness instruction;
- (g) Artist studios, art galleries, and museums;
- (h) Personal service businesses such as barbershops, beauty shops, tailoring, garment alteration and repair, shoe repair, dry cleaning drop-off and pick-up and other personal service uses similar in character and impact;
- (i) Vehicle for hire—limited to rental of bicycles and individual motorized vehicles such as segways, mopeds/scooters;
- (j) On-site parking facilities;
- (k) Other uses similar in character, nature and impact to permitted uses listed above.

(Ord. No. 2013-06, § 1(Exh. A), 1-22-13)

¹Editor's note(s)—Ord. No. 2013-06, § 1(Exh. A), adopted Jan. 22, 2013, repealed the former Div. 40, §§ 40.1—40.11, and enacted a new Div. 40 as set out herein. The former Div. 40 pertained to Community Redevelopment District—Eighth Avenue (CRD-EA) and derived from Ord. No. 2010-18, § 1(Exh. A), adopted 11-8-11.

Sec. 40.3. Permitted secondary uses and structures.

- (a) Transit facilities;
- (b) Public recreation and other governmental or civic uses.

(Ord. No. 2013-06, § 1(Exh. A), 1-22-13)

Sec. 40.4. Allowable conditional uses and structures:

The purpose of this section is to allow for single-family and two-family residential uses and structures for only saving and/or moving locally designated historic structures, as well as address rooftop uses. In no case shall a new construction single-family home be allowed in the 8th Avenue CRD.

- (a) Single-family residential, subject to the following conditions:
 - (1) The structure is eligible for local historic designation pursuant to Section 28.22 of the Land Development Code;
 - (2) The applicant applies for designation of the structure as historic and the Historic Preservation Board approves the request;
 - (3) The applicant applies for and is granted a certificate of appropriateness for any alterations to the exterior of the structure and moving the structure if a structure is proposed to be moved to the 8th Ave District, consistent with the Secretary of the Interior's Standards and Guidelines for Rehabilitation or Preservation of Historic Structures and Division 28 of the Land Development Code;
 - (4) The applicant applies for and is granted the conditional use pursuant to Section 4.4 of the Land Development Code;
- (b) Roof dining and/or drinking areas, subject to section 6.24 of this Code as may be applicable.

(Ord. No. 2013-06, § 1(Exh. A), 1-22-13; Ord. No. 2020-24, § 2, 12-1-20)

Sec. 40.5. Permitted accessory uses and structures.

- (a) Uses and structures, as regulated in sections 6.12 and 6.13, which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures. Where setbacks of accessory uses in sections 6.12 and 6.13 conflict with this section, the standards in this section shall apply;
- (b) Home occupations, subject to the conditions set forth in section 6.5 of this Code.
- (c) Temporary uses under the provisions of section 6.11 of this Code.

(Ord. No. 2013-06, § 1(Exh. A), 1-22-13)

Sec. 40.6. Prohibited uses and structures.

Existing non-historic single family residences currently located in the 8th Avenue district may continue as legal non-conforming uses or can be adaptively reused as uses permitted in Sections 40.2 and 40.3.

(Ord. No. 2013-06, § 1(Exh. A), 1-22-13)

Sec. 40.7. Density and intensity.

Density and intensity of use for commercial and residential components shall be inclusive, i.e. the same land area on a zoning lot may be used to support both use types without proration. For the purpose of determining mixed uses, transient accommodations shall be considered residential uses and may be combined with ground floor commercial within a mixed-use project. The intensity of the commercial use shall be determined by floor area ratio and the density of the transient accommodation shall be determined by units per acre.

Residential use - Shall not exceed 24 dwelling units per acre.

Transient accommodation use - Shall not exceed 50 units per acre.

Non-residential use - Shall not exceed a floor area ratio (FAR) of 1.0 for single use commercial structures or 1.50 for mixed-use development. Projects that consist of a non-residential uses mixed with a transient accommodation or residential use shall provide a minimum FAR of .40 for the non-residential use.

(Ord. No. 2013-06, § 1(Exh. A), 1-22-13)

Sec. 40.8. Building height.

Height shall not exceed 35 feet above the required lowest floor elevation of the structure permissible under the City's floodplain management regulations or the Florida Building Code, whichever is stricter. When this results in a structure greater than 35 feet in height measured from grade, a minimum setback of 10 feet on each side of that floor over 35 feet in height above grade shall be provided..

(Ord. No. 2013-06, § 1(Exh. A), 1-22-13)

Sec. 40.9. Setbacks.

For structures that front 8th, 9th or Gulf Way:

Front yard: A minimum of 75 percent of the building frontage shall be built in line with the buildings adjacent to it, or set back no greater than two (2) feet, whichever distance from the front property line is less. In cases where vacant lots are adjacent to the lot which is proposed for development, no more than 75 percent of the building frontage shall be set back more than two (2) feet from the front property line. In the event there are existing buildings on both sides of the proposed building, and the adjacent buildings are not set back the same distance from the front property line, then the proposed structure may be built to the average frontage of the two adjacent buildings.

The second story of the primary structure may extend over the public right-of-way, provided such projection does not extend over the back of curb line. That portion of the second story which projects over the public right-of-way may not be enclosed but may be roofed and screened as a porch or open balcony. A third story shall extend no more than the second floor structural face and may provide an open balcony. A third story shall not be enclosed by solid walls or windows and may not contain a roof, but may contain a pergola structure which does not provide more than 50% opacity. Structures may not project over alleys.

Public right of way projection standards for marquees, arcades, and similar elements can be found in Section 40.14.

Structural face, as used in this section, is defined as those portions of the principal structure and accoutrements which protrude toward the lot line and are most closely parallel to the front lot line. Pergola as defined herein is garden feature forming a shaded walkway, passageway, or sitting area of vertical posts or pillars that usually support cross-beams and a sturdy open lattice.

Secondary front yard: No secondary front yard setback for primary structure. Structures may not project over alleys.

Side yard: None

Rear yard: 10 feet minimum. Parking may be placed in the rear setback.

For structures that front Pass-a-Grille Way:

Front yard: 10 feet

Secondary front yard: 5 feet

Sidyard: 5 feet

Rear yard: 10 feet. Parking can be placed in the rear yard setback.

(Ord. No. 2013-06, § 1(Exh. A), 1-22-13; Ord. No. 2015-16, § 1, 8-25-15; Ord. No. 2017-30, § 2, 2-27-18)

Sec. 40.10. Maximum impervious surface ratio.

Maximum impervious surface ratio (ISR) for all uses: 0.90

(Ord. No. 2013-06, § 1(Exh. A), 1-22-13)

Sec. 40.11. Minimum off-street parking requirements and access requirements.

- (1) *Number of parking spaces required:* Subject to Division 23 of the Land Development Code.
- (2) *Access to and location of parking areas:*
 - a. Parcels abutting an alley shall not place parking in the front yard of the zoning lot, nor will be provided driveway access from the main thoroughfare. Parking may be placed in the rear or side yard. Access shall be provided via the alley.
 - b. Parcels without alley access shall be granted a curb cut from the main thoroughfare and may provide parking in the front yard.

(Ord. No. 2013-06, § 1(Exh. A), 1-22-13)

Sec. 40.12. Landscaping and buffering.

In order to accommodate the form and scale of historic development patterns on 8th Avenue, the CRD-EA District shall be exempt from the buffering and landscaping requirements in Division 22 of this Code.

(Ord. No. 2013-06, § 1(Exh. A), 1-22-13)

Sec. 40.13. Assembly or Lot Split of a Parcel(s), Vacation of Easements or Right-of-ways.

The following requirements are to be provided for any lot splits, assembly of parcels, request to vacate easements or right-of-ways:

- (a) Submit an application to the Historic Preservation Board for a recommendation prior to the Board Of Adjustment (where necessary) and City Commission.

-
- (b) The applicant shall provide documentation for the Historic Preservation Board to determine the compatibility and respect for the existing character of the CRDEA District, which will review:
 - (1) Historical plat and scale of the overall character of Pass-a-Grille (PAG) to ensure the application is consistent with the overall intent of the PAG area.
 - (2) Determine if recommending the parcel split or assembly will support or negatively impact the overall character of the area by permitting the use and the scale of the parcel of land and/or development size.

Sec. 40.14. General Building Design

General building design element criteria is provided in this section and additional design guidelines are addressed in Sec. 40.16 Pass A Grille Historic Overlay Design Guidebook. The following standards shall be applied to new developments within the CRD-EA District that do not involve relocation of a historic structure as may be permitted in Sections 40.2 and 40.4.

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

-
- (5) Balconies, not to exceed six feet in depth. Balconies may extend into front or secondary front setbacks.
 - (6) Dormers.
 - (7) Canopies, extending at least five (5) feet.
 - (8) Arcades.
 - (9) Overhang extending at least five (5) feet.
 - (10) Recessed entries (at least three [3] feet from the primary façade).
 - (11) Protruding entries (at least three [3] from the primary façade).
 - (12) Covered porch entries.
 - (13) Cupolas shall be permitted on sloped roofs and are exempt from the height limitations up to twelve feet above the roof line.
 - (14) Buildings shall provide a foundation or base, typically from ground to bottom of the lower windowsills, with changes in volume or material.
- (e) *Projection standards for arcades, marquees, and similar elements.* Marquees, canopies, colonnades, arcades, or fixed awnings may project over the public right-of-way, provided such projection does not extend over the back of curb line. Foundational structures, that support such projections, may be placed in the public right-of-way provided that such items and overhangs are subject to a development and public right-of-way use agreement with the city. However, no structure described herein shall overhang a public alleyway.
- (f) *Roof-Based Mechanical Equipment and Other Roof Penetrations.* All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (except chimneys), shall be located on the rear elevations and be configured and screened with similar architectural details that are consistent with the overall building design.
- (g) *Maximum Building Length.* The maximum building length on a parcel shall not exceed eighty (80) feet. If more than one building is located on a parcel of land, a minimum separation for each building shall be ten (10) feet. The building separation area may include walkways, seating areas, and/or landscape/hardscape.
- (h) *Balconies/outdoor and rooftop seating areas.* Balconies/seating area(s) shall be reviewed by the Historic Preservation Board, to ensure compatibility of the existing uses and structures is maintained. Hours of access, and restrictions on seating, may be outlined at the time of the HPB review.

Sec. 40.15. Design Review and Required Drawings

An applicant shall be subject to the City's permit process. In addition, any development within the CRDEA, shall submit:

- (a) Architectural elevations of all facades of all structures subject to this division and shall be a required exhibit for plan approval which does not subrogate any requirements outlined in Division 5, Site plan approval procedures, and building permit process.
 - (1) Such exhibits shall include colors, materials, building dimensions, mass and scale proportions, location of service areas and mechanical equipment, screening devices, parking, site furnishings, lighting fixtures, all signage, and any other information as determined necessary to ensure consistency with the intent of this division.

-
- (2) All elevations and overall design must be signed and sealed by a licensed architect registered in the State of Florida.
 - (3) Provide 11x17 architectural design packet that clearly illustrates the building elevations, mass and scale, screening of elevated portion(s) of the building (landscape or architectural elements).
 - (4) The City's Architect, or design review designee, shall review to determine if the applicant has met the criteria in this Division and provide a summary of approval or recommended changes to the submitted architecture design and/landscape of the project.
 - (5) After completion of the design review in (4) above, the Historic Preservation Board shall be presented the design to receive the designee's determination of compatibility of new construction, renovations or additions within the CRD-EA district. The design shall be shared with the Historic Preservation Board as a design review or, at the option of the applicant, as an informational item.
- (b) Identify, through the use of the design guidebook as described in Section 20.25, how the proposed project is meeting the intent of the PAGHOD district.
 - (c) Waste Management Plan shall be provided for all development, excluding freestanding quadplex, triplex, duplex and single-family residential, to ensure an overall strategy for recycling and trash collection has been implemented that includes:
 - (1) The Site Plan shall include the area(s) for outdoor storage of recycling and/or trash receptacles, location and design. It is encouraged to have joint dumpsters and/or compactors in alleys to serve groups of businesses to the extent possible.
 - a. If storage area is located outside, provide the overall design and location of such receptacles and overall screening from public rights-of way (excluding alleys) and waterways.
 - b. If the storage area is located in an east-west alley and not visible from a public street, screening will not be required. Screening of storage areas shall be required in all north-south alleys when the area is not obscured by a permanent structure.
 - (2) *Restaurant requirements.* Provide a description of how fats, oils and grease generated by the restaurants is being stored. If outside of the facility, provide the design and storage area to be used for review and approval by the City.
 - (3) City will review the waste management plan to ensure the access is sufficient for garbage pickup and will approve and/or deny the location, design, gate style and type of storage permitted.

Section 40.16. Pass-A-Grille Historic Overlay Design Guidebook

- (a) *Design Guidebook.* The design guidebook shall be used for both non-residential, mixed-use and residential development as a tool to assess compatibility within the CRD-EA and the overall area of Pass-A-Grille, provide design concepts that reflect and support the historic character of the district.
- (b) A design guidebook provides for overall design concept ideas for implementation of design within the district for all development. Specific materials, color, textures, and architectural style are not required, but will be provided as context and character of the area itself and every effort to compliment the overall historic design of the area should be made for new development.

**CITY COMMISSION MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Agenda Title Name: First Reading of Ordinance 2025-07: Amendments to Land Development Code DIVISION 20 - PAG PASS-A-GRILLE OVERLAY DISTRICT

Action Request: Motion to [approve/approve with modifications/deny] the first reading of Ordinance 2025-07.

Strategic Objective: Historic preservation

Date: May 27, 2025

Prepared By: Tara Salmieri
Brandon Berry, Senior Planner

Through: Laura Canary, Community Development Director

Summary of Issue: This item was recommended at votes of 5-0 by the Historic Preservation Board at their March 2025 meeting, and by the Planning Board at their April 2025 meeting.

These proposed amendments make major modifications to the Pass-A-Grille Overlay District zoning district, which comprises the overlay of most properties south of 32nd Avenue and west of Vina Del Mar, excepting out those properties zoned with the CRD-Eighth Avenue zoning district and a handful of properties south of 22nd Avenue along Pass-A-Grille Way. These amendments were initiated by the Historic Preservation Board in 2022 in response to concerns that current permissions and restrictions are not adequately resulting in developments of the scale, character, and caliber desired for the City's National Register Historic District.

These amendments do not directly affect the City's historic preservation regulations, which are found in a different division than the two under review, although these amendments do place additional permissions and restrictions on historic structure setback modifications approved through Certificates of Appropriateness.

Regarding proposed modifications to Division 20 - PAG PASS-A-GRILLE OVERLAY DISTRICT, Staff finds the most significant to be the following:

1) Requiring all new development in Pass-A-Grille to be designed to the Overlay building type standards with architectural review guided by a forthcoming design guidebook, whereas current standards allow for development to the underlying zoning district without design review when the lot proposed for construction meets underlying zoning requirements. Applicants may still pursue a design that is not found in the guidebook, through paid review of the design from a consulting City architect.

2) Requiring driveways be provided from the alleyway for any new development or redevelopment that is accessible through an alleyway, with an option for waiver of the requirement though the design review only for those structures along an alleyway platted with less than 15 feet width. Furthermore, this ordinance limits excessive curb cuts for those new developments that are not along an alleyway.

3) Requiring all accessory structures be relocated behind the home, with exceptions of pools which can be placed in front of the residence if the other design requirements are met.

Other changes of significance include the following:

1) Requiring that lot assembly or lot split requests in Pass A Grille be reviewed by the Historic Preservation Board to ensure compatibility.

2) Application of block front setback averaging when a property receives a Certificate of Appropriateness for a front yard setback reduction.

3) Implementing procedures for building type assignment when lots do not cleanly fit into a specific building type category.

4) Defining front yard parking standards for lots that lack alleyway access, allowing for the parking of up to one vehicle in the front yard.

5) Removal of accessory structure envelopes, requiring all accessory structures except pools to be placed behind the home and following the standard City-wide

residential accessory structure setback requirements.

6) Requiring owners show compliance with landscaping requirements prior to being permitted more than one front yard driveway connection when homes are not accessible from the alleyway.

7) Requiring all properties to provide the "common yard" landscaping in addition to a private frontage, requiring a porch or stoop for most residential developments.

8) Requiring roof equipment like antennas, vents, and similar to be located along the rear or side of the building and architecturally screened.

9) Allowing multi-family developments that exceed allowable underlying zoning density to redevelop with garage and storage space at the ground level, rather than requiring a walk-up that would increase the developed square footage.

Staff finds the following Goals, Objectives and Policies of the 2045 Comprehensive Plan to be supportive of these amendments:

Element 2 - Future Land Use

GOAL 1: Ensure that the residential character of the City is maintained and protected while:

- a. 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;
 - b. Minimizing the threat to health, safety, and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation;
- [...]

Objective 1.1: The integrity and quality of life throughout the City, including existing residential neighborhoods, as well as core commercial and resort areas, will be maintained and encouraged to be improved or redeveloped to enhance neighborhood character through the enforcement of the Land Development Code in accordance with the Future Land Use Element and the Countywide Plan.

Policy 1.4.4: In order to ensure the continued maintenance of its residential character, the City, through administration of its Land Development Code shall encourage the rehabilitation and/or revitalization of existing residential structures.

Element 4 - Housing

Objective 1.6 The City shall assist property owners in the identification, preservation, and protection of historically- and architecturally-significant housing.

Funding:

N/A

Attachments:

1. Ordinance 2025-07
2. Exhibit A - Markup
3. Exhibit A - Clean

ORDINANCE NO. 2025-07

AN ORDINANCE OF THE CITY OF ST. PETE BEACH AMENDING THE ST. PETE BEACH LAND DEVELOPMENT CODE DIVISION 20 – PASS-A-GRILLE OVERLAY DISTRICT, RENAMING TO DIVISION 20 – PASS-A-GRILLE HISTORIC OVERLAY DISTRICT; AMENDING SECTIONS 20.01. PURPOSE AND INTENT., 20.02. DEFINITIONS., 20.03. PERMITTED PRINCIPAL USES AND STRUCTURES., 20.05. ALLOWABLE CONDITIONAL USE., 20.06. PROHIBITED USES AND STRUCTURES., 20.07. DENSITY, INTENSITY AND ASSEMBLY OF PARCELS., 20.10. REDUCED SETBACKS FOR CONTRIBUTING STRUCTURES GRANTED A CERTIFICATE OF APPROPRIATENESS., 20.11. MINIMUM BUILDING TYPE REQUIREMENTS., 20.12. SUBDIVISION OF LOTS., AND 20.13 APPLICABILITY AND BUILDING TYPE ASSIGNMENT; REPEALING SECTION 20.13. RESIDENTIAL DEVELOPMENT OPTION FOR SINGLE-FAMILY HOMES. AND ADOPTING SECTION 20.13 APPLICABILITY AND BUILDING TYPE ASSIGNMENT.; RENAMING AND AMENDING SECTION 20.14 VACANT PARCELS. TO SECTION 20.14. LOT SPLIT, ASSEMBLY OF PARCELS, VACATION OF EASEMENTS AND/OR RIGHT-OF-WAYS; AMENDING SECTIONS 20.15. PERMITTED BUILDING TYPES, 20.16. PRIVATE FRONTAGE, 20.17. BUILDING HEIGHT, 20.18. MINIMUM OFF-STREET PARKING REQUIREMENTS, 20.19. ALLEYWAYS AND DRIVEWAYS, 20.20. LANDSCAPING STANDARDS, 20.21. SCREENING OF ELEVATED BUILDINGS, 20.22 GENERAL BUILDING DESIGN (RESIDENTIAL); AMENDING AND RENAMING 20.23. GENERAL BUILDING DESIGN (NON-RESIDENTIAL) TO 20.23. GENERAL BUILDING DESIGN (NON-RESIDENTIAL AND MIXED-USE BUILDINGS); AMENDING SECTION 20.24. DESIGN REVIEW AND REQUIRED DRAWINGS; AND ADOPTING SECTION 20.25. PASS-A-GRILLE HISTORIC OVERLAY DESIGN GUIDEBOOK; TO ADOPT DEVELOPMENT STANDARDS TO PRESERVE THE HISTORIC CHARACTER OF PASS-A-GRILLE AND INCREASE COMPATIBILITY OF NEW DEVELOPMENT WITH THAT CHARACTER; PROVIDING FOR SEVERABILITY, CODIFICATION AND SCRIVENER’S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of St. Pete Beach supports preservation and protection of its historic neighborhoods.

The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

WHEREAS, as the first incorporated town among the barrier islands of Pinellas County, with much of the neighborhood developed prior to the advent of modern suburban zoning regulations, Pass-a-Grille has a distinct character and contains a mix of use and structures that are not found elsewhere in St. Pete Beach, and which the City Commission finds support to preserve and protect.

WHEREAS, these amendments modify regulations passed in 2017 in an attempt to better align new development with the historic character of Pass-a-Grille, better incentivize preservation, and provide more thorough guidance on preferred design elements, among others.

WHEREAS, the Historic Preservation Board reviewed these amendments on March 6, 2025 and recommended them at a vote of 5 – 0 to the City Commission.

WHEREAS, the Planning Board, sitting as the Local Planning Agency, reviewed these amendments on _____ and recommended them at a vote of ____ to ____ to the City Commission.

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 Land Development Code Division 22 – LANDSCAPING AND TREE PROTECTION is amended as shown in EXHIBIT A to this Ordinance.

SECTION 3. Codification. This Ordinance shall be codified in the Code of Ordinances of the City of St. Pete Beach.

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 as they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

SECTION 6. Scrivener's Error. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

SECTION 7. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 8. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 9. Effective Date. This Ordinance shall take effect immediately upon adoption.

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

CITY COMMISSION, CITY OF ST. PETE
BEACH, FLORIDA.

Adrian Petrila, Mayor

I, Amber LaRowe, 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 _____, 2025.

Amber LaRowe, City Clerk

The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Ralf Brookes, City Attorney

The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

DIVISION 20 PAG PASS-A-GRILLE HISTORIC OVERLAY DISTRICT¹

Sec. 20.01. Purpose and intent.

The City recognizes that the Pass-a-Grille Area was developed prior to the development of suburban zoning regulations. The (PAG) Pass-a-Grille Historic Overlay District, herein referred as PAGHOD, is intended to allow for structures that are considered contributing to the National Register Historic District to be considered conforming regarding base flood elevations and uses of property within the Pass-a-Grille area situated south of 32nd Avenue⁷. The PAGHOD intends in order to ensure that new and redevelopment of any structures and uses will shall be compatible with the character of existing historic contributing structures development, including the area within the designated PAGHOD. Also, to recognize that the existing parcel size's, uses and platted lots and parcels meet the overall character of the district PAG and shall be permitted to continue as viable uses lots while allowing for improvements to existing structures, additions and new development that is consistent with the existing mass and scale within the district.

Sec. 20.02. Definitions.

- (a) ~~Accessory structure envelope~~ means provisions for the setbacks and maximum building footprints permitted for accessory structures that are not specifically named and regulated under sections 6.12 or 6.13. The following is provided as a non-exhaustive list of accessory structures subject to this envelope: carriage houses, pool houses, detached living quarters, and detached storage buildings that exceed standards for residential or commercial storage buildings found in the aforementioned sections.
- (ba) *Balance* means the relationship among the elements of a building on either side of an imaginary centerline through the middle of a building. Buildings are either symmetrically or asymmetrically balanced.
- (eb) *Balanced, asymmetrically* means the shape(s) and design of a building may not match exactly, but instead have equal visual weight they and are still visually balanced.
- (dc) *Balanced, symmetrically* means the shapes on one side of the centerline match the shapes on the other side. The two halves are visually equally.
- (d) *Base flood elevation* shall have the same definition as in Article V, Chapter 98 of the Code of Ordinances.
- (e) *Building design elements* means the external building color; the type or style of exterior cladding material; the style or material of roof structures or porches; the exterior nonstructural architectural ornamentation; the location or architectural styling of windows or doors; the location or orientation of the garage; the number and type of rooms; and the interior layout of rooms insofar as the interior layout affects the exterior design, style, or ornamentation of the structure. The term does not include the height, bulk, orientation, or location of a dwelling on a zoning lot; or the use of buffering or screening to minimize potential adverse physical or visual impacts or to protect the privacy of neighbors.

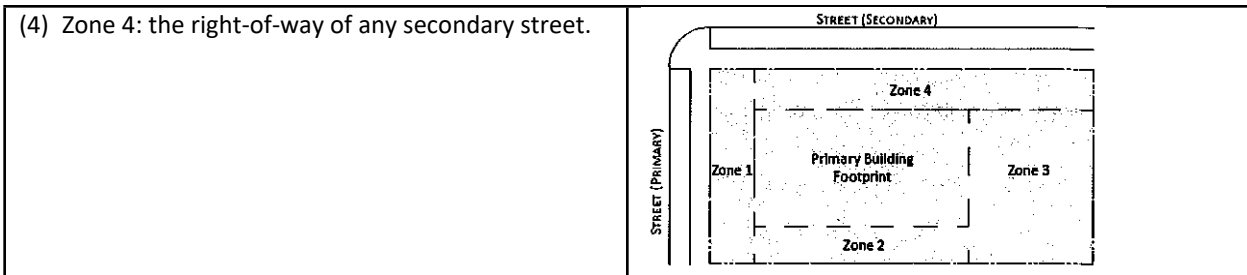
¹Editor's note(s)—Ord. No. 2016-19, § 2(Exh. A), adopted Feb. 28, 2017, repealed Div. 20, §§ 20.1—20.14, and reenacted a new Div. 20, §§ 20.1—20.24, as set out herein. Former Div. 20 pertained to similar subject matter and derived from Ord. No. 03-7, § 3, adopted May 1, 2003; Ord. No. 2004-18, §§ 7, 8, adopted Aug. 24, 2004; Ord. No. 2008-32, § 1, adopted Aug. 26, 08; Ord. No. 2010-03, § 1(Att. A), adopted April 27, 2010; and Ord. No. 2011-03, § 3, adopted May 24, 2011.

- (ef) *Building height*: Provisions for permitted heights in feet (ft). The maximum height for first floor residential development shall be fourteen (14) feet and twenty (20) feet for non-residential. The maximum height for second story and higher shall not exceed fourteen (14) feet. Each building lot typology provides the range of height appropriate for the building type. No new or substantially improved building within the PAG Overlay District and having the underlying zoning designation of THD, RU-2 Residential, RLM-2 Residential, or RM Residential shall be constructed to exceed twenty-eight (28) feet in height to the midpoint of a sloped roof or top of the parapet of a flat or low sloped roof, or thirty-two (32) feet overall, as defined below:
- a. For any structure with habitable space located less than eight (8) feet above natural grade, height shall be measured from the property's required Design Flood Elevation.
 - b. For any structure with habitable space beginning at or higher than eight (8) feet above natural grade, height shall be measured from eight (8) feet above natural grade.

Base flood elevation requirements are outlined in section 98-33 of the City's Code of Ordinances. Shall be as defined in Section 20.17 of this Division.

- (fg) *Building envelope*: Provisions for the minimum and maximum setbacks permitted by front, side, and rear yards. There is a minimum and maximum setback for each lot type. The maximum and minimum frontage refers to the proportion of the lot width along which the primary building façade must be within the minimum and maximum front setback.
- (gh) *Compatible design* means architectural design and construction that will fit harmoniously into the district based on scale, materials, and quality of construction with adjacent buildings and structures.
- (i) *Design flood elevation* shall have the same definition as in Article V, Chapter 98 of the Code of Ordinances.
- (j) *Design flood elevation, required* means the minimum elevation of the finished floor or bottom of the lowest horizontal structural member of the lowest habitable floor of a structure, as applicable to the structure's flood zone, or the elevation to which an eligible nonresidential structure is required to be floodproofed. This minimum elevation shall be the highest of the elevations required by the City's floodplain management regulations, the Florida Building Code, as may be amended, or any other regulatory standards applicable to properties in St. Pete Beach.
- (hk) *Lot requirements*: Provisions for minimum and maximums, lot depth, lot size and the permitted lot coverage.
- (il) *Lot, waterfront*: A zoning lot which abuts any body of water or the beach. All lots not considered waterfront shall be considered interior for rear setback purposes.
- (jm) *Mass, primary*: largest shape of a building.
- (kn) *Mass, secondary*: additional shapes that form the façade of the building
- (lo) *Parking provisions*: The amount of parking shall be determined by Division 23 of the Land Development Code. Parking provisions provide zones where parking is permitted. The parking zone refers to any uncovered parking area located on the parcel. Driveways are permitted in any zone provided the frontage requirements have been met as required by building type. The diagram illustrates a primary and secondary street. Primary streets are streets that are addressed to the parcel of land. Secondary streets may or may not have access to the parcel. Zones are defined and illustrated by the lot area between the principal building frontage and:

(1) Zone 1: the right-of-way of any primary street front yard area, adjacent to the primary street.	
(2) Zone 2: any common interior lot line and alleyway.	
(3) Zone 3: any rear lot line and alleyway.	



- (mp) *Private frontages*, refers to the area that is attached or integrated into the primary building.
- (nq) *Principal building*, means a principal or main building which: occupies the major or central portion of a lot; is the chief or main building on a lot, or constitutes, by reason of its use, the primary purpose for which the lot is used;
- (r) *Proportion* means the relationships of one part of a façade to the whole. A house that is correctly proportionate establishes a visual relationship between all parts of its exterior. The voids, primary, and secondary masses should all be proportional to one another in order maintain architectural harmony.
- (es) *Proximity* means that objects that are close together should complement each other.
- (pt) *Rhythm* means the use of repetitive elements in order to establish architectural harmony. It is based off of three main principles: the principle of Proximity, the principle of Similarity, and the principle of Continuation. These principles are part of a larger set known as *Gestalt Principles*.
- (eu) *Similarity* means how our eyes are easily able to group objects together that share common textures, colors, or features.
- (fv) *Voids* means windows, doors, or other openings that create negative space allowing for breaks within a primary or secondary mass.

Sec. 20.03. Permitted principal uses and structures.

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

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

Sec. 20.04. Permitted accessory uses and structures.

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

-
- (d) Temporary structures shall follow the provisions of section 6.11.

Sec. 20.05. Allowable conditional use.

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

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

Sec. 20.06. Prohibited uses and structures.

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

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

Sec. 20.07. Density, intensity and assembly of parcels.

- (a) The maximum residential density permitted in the ~~PAG Overlay District~~PAGHOD shall not exceed the number of units per acre permitted by the underlying Future Land Use map for undeveloped parcels of land.
- (b) The existing residential density, exceeding one density unit, of an existing residential structure shall be permitted to rebuild on the existing parcel of land, with the same density as the existing structure(s) has, if the building was constructed prior to ~~(insert adoption date)~~February 28, 2017, and can meet the lot requirements, by building type, in section 20.15 of this Division. In addition, any new construction cannot exceed the existing livable developed square footage and must match the existing form and mass as defined in section 20.22 herein.
- (c) The existing hotel/motel units shall be permitted to rebuild on the existing parcel of land, with the same number of units that already exist as a rental/leasable room within the existing built hotel if the building was constructed prior to ~~(insert adoption date)~~February 28, 2017, and can meet the lot requirements of a Boutique Hotel Building Type as provided in section 20.15 of this Division.
- (d) No more than two lots of record may be combined to accommodate additions to existing structures. Requests for assembly shall be reviewed by the Historic Preservation Board which shall make recommendation to the Board of Adjustment (when applicable), and/or the City Commission as provided in Sec. 20.14.

Sec. 20.08. Maximum floor area ratio.

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

Sec. 20.09. Maximum impervious surface ratio.

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

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

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

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

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

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

Setback	
Front yard	10 feet <u>(1)</u>
Secondary front yard	5 feet
Side yard	10 percent of the lot width (each)
Rear yard	10 feet

- (1) Not to exceed more than three feet of a variation from the average historic setback as described above, or to produce a setback less than the minimum for the subject parcel building type as defined in Section 20.15. Applicants seeking a lesser setback, or a setback with greater variation, than specified herein may seek a variance pursuant to Section 3.12 following certificate of appropriateness issuance and recommendation from the Historic Preservation Board.

When the setbacks provided above conflict with the setbacks required for the recipient's building type listed in section 20.15., the setbacks in this section shall prevail provided that a Certificate of Appropriateness has been issued for the addition or remodel.

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

Sec. 20.11. Minimum building type requirements.

Lots of record within the ~~PAG Overlay District~~PAGHOD shall be deemed conforming even if the parcel does not meet the minimum lot width/depth standards for the underlying zoning district, provided new development or redevelopment can meet the setback requirements noted for the assigned building type found in Sec. 20.15. The building type shall be selected based on the overall minimum and maximum lot size criteria per building type if the lot width and/or length is not met. The final determination of what building type to be used is made by the City Manager or designee. If an applicant is not satisfied with the assignment of building type, an application to consider building type selection must be reviewed by the Historic Preservation Board prior to hearing of the practical difficulty or unnecessary and undue hardship variance application that pertains to the use type as outlined in the LDC Sec. 3.12 Variance process. ~~despite the width and size regulations in the building types, so long as the lots are not further subdivided, and the condition existed prior to the adoption of the Division. No more than two lots of record may be combined to accommodate additions to existing structures.~~

Sec. 20.12. Subdivision of lots.

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

Sec. 20.13 Applicability and Building Type Assignment.

Any other applicable standards within this division, not expressly stated in this section, shall apply to new development, additions, and redevelopment of parcels located in the PAGHOD, as outlined in this division.

(a) Residential and Non-Residential Parcels of Land:

(1) Redevelopment & New Development

- a. Parcel(s) of land that are assigned a non-residential zoning district, shall be permitted a non-residential building type found in section 20.15 that is consistent with the underlying uses permitted in the parcel(s) assigned underlying Zoning District and section 20.07.
- b. The parcel of land shall meet the lot width and lot depth as identified, by building type, in section 20.15, to determine the appropriate non-residential building type standard that applies to that parcel.

(2) Addition(s)

- a. Parcel of land within the PAGHOD shall meet the building type standard that is most consistent with the lot width/lot depth of that parcel.
 - i. Setbacks shall be met, and
 - ii. Accessory additions shall only be permitted within the side and/or rear of the parcel, and
 - iii. If front-facing elevation is changed, the landscape standards and architectural elements must be met.

Sec. 20.13. Residential development option for single-family homes.

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

- ~~(a) Underlying Zoning Districts minimum lot requirements,~~
- ~~(b) Underlying Zoning Districts Minimum yard requirements,~~
- ~~(c) Underlying Zoning Districts Maximum floor area ratio standards; and~~
- ~~(d) Height shall not exceed twenty-eight (28) feet in height to the midpoint of a sloped roof or top of the parapet of a flat or low sloped roof, and measured from the base flood elevation determined under the~~

most restrictive applicable standard the building side, further provided that the overall roof height shall not exceed thirty-two (32) feet.

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

Sec. 20.14. Vacant parcels~~Lot Split, Assembly of Parcels, Vacation of Easements and/or Right-of-ways.~~

The following procedures shall be followed~~requirements are to be provided for any lot splits, assembly of parcels, or request to vacate easements or right-of-ways:~~

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

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

(1) ~~A residential building type found in section 20.15 that is consistent with the underlying uses permitted in the Zoning District and section 20.07. The parcel of land shall meet the lot width and lot depth as identified, by building type found in section 20.15, to determine the appropriate standards to apply to that parcel, or~~

(2) ~~Provisions listed in section 20.13 of this division.~~

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

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

(e) ~~Assembly or parcel splits shall:~~

(1) Submit an application to the Historic Preservation Board (HPB) for a recommendation prior to review by the Board of Adjustment and City Commission, as applicable.

(2) The applicant shall provide documentation for the HPB to determine the compatibility and respect for the existing character of the PAGHOD, which will review:

a. Historical plat and scale of the overall character of PAGHOD to ensure the application is consistent with the overall intent of the district.

b. Determine if recommending the parcel split, assembly or vacation of easements and right of ways will support or negatively impact the overall character of the area by permitting the use and the scale of the parcel of land and/or development size.

~~only be permitted through the City Commission, to determine the compatibility and respect for the existing character of the PAG Overlay District.~~

Sec. 20.15. Permitted building types.

Building types are permitted by the following criteria:

- (a) Existing Parcel Size, and
- (b) Existing Density, Units and Rooms as outlined in Sec. 20.07.

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

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

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft) <u>(1)</u>	60	—
B - Lot Depth (ft) <u>(1)</u>	100	—
C - Lot Size (sf)	6,000	—
D - Lot Coverage (%)	—	60
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft) <u>(2)(3)(4)</u>	10	15
Secondary Street Setback	7	—
F - Side Setback (ft)	7	—
G - Rear Setback (ft) (interior lot)	15	—
Rear Setback (ft) (waterfront lot)	20	—
Garage Adjacent to Alley	5	—
H - Frontage Buildout (%)	50	—
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	10	—
J - Side Setback (ft)	25	—
K - Rear Setback (ft) (interior lot)	—	80
Rear Setback (ft) (waterfront lot)	20	—
L - Building Footprint (sf)	—	800
BUILDING HEIGHT		
M - Principle Principal Building (ft)	—	28-32' as defined in Sec. 20.17
N - Accessory Structure(s) (ft)	—	28'
PARKING PROVISIONS		
Location <u>(3)</u>	Zone 2,3, and 4	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	P, S, CY	

(1) maximum building lot width and lot size may be determined if two lots are being combined to ensure compatibility with the surrounding existing homes.

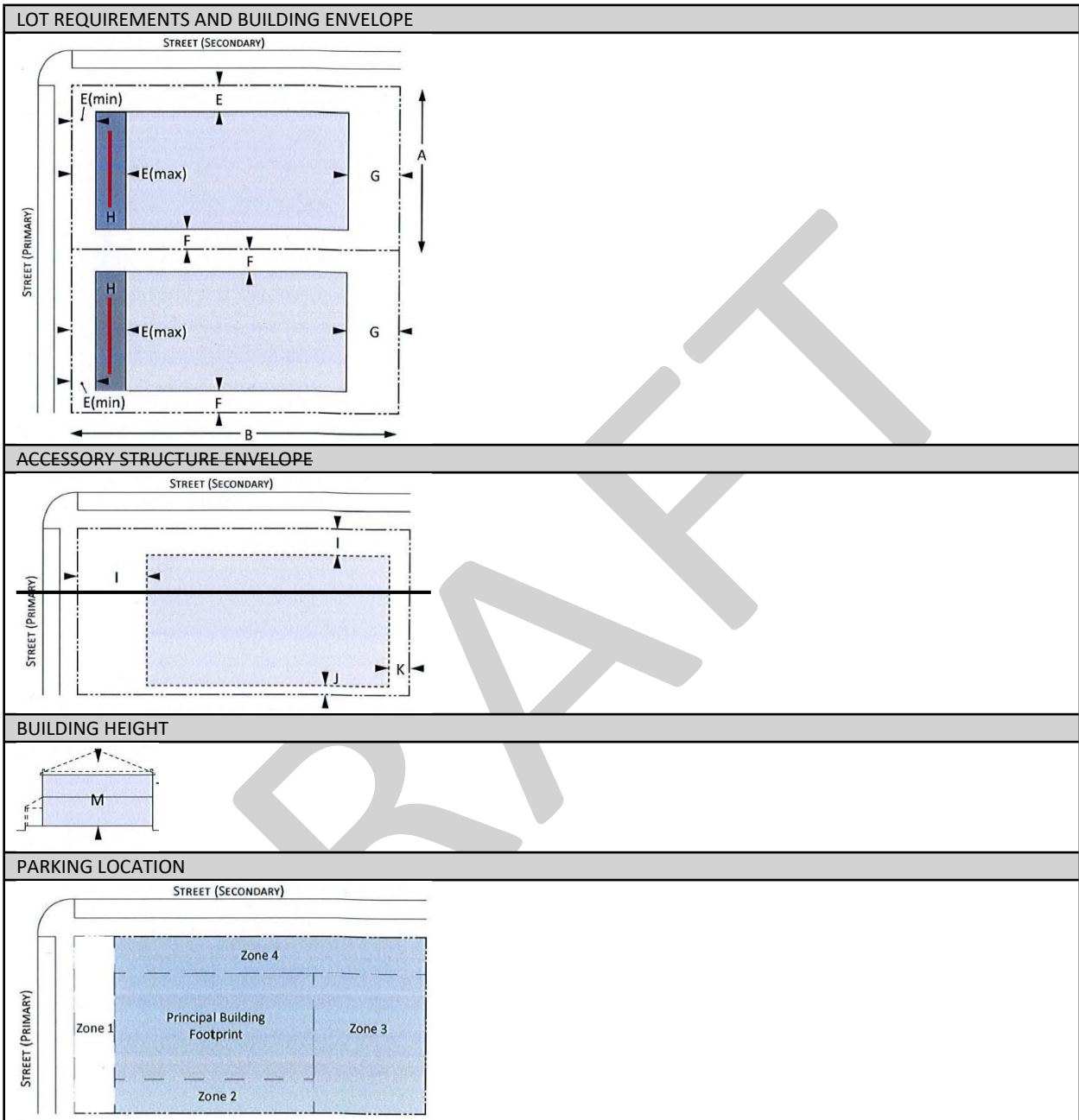
(12) a lot that is adjacent to the bay or beach is permitted to exceed the maximum setback requirements.

(3) when a parcel is not located with alleyway access, the maximum setback may increase up to five feet to allow for a driveway and up to one vehicle to park in Zone 1. Any Zone 1 parking space created through this provision shall be at least nine feet in width, twenty feet in depth, and located entirely out of the right of way.

(4) when a development commences on a through lot as defined in Division 2 in this code, both fronts of the property shall be subject to the street setback.

Created: 2021-12-02 08:12:11 [EST]

(Supp. No. 46)



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

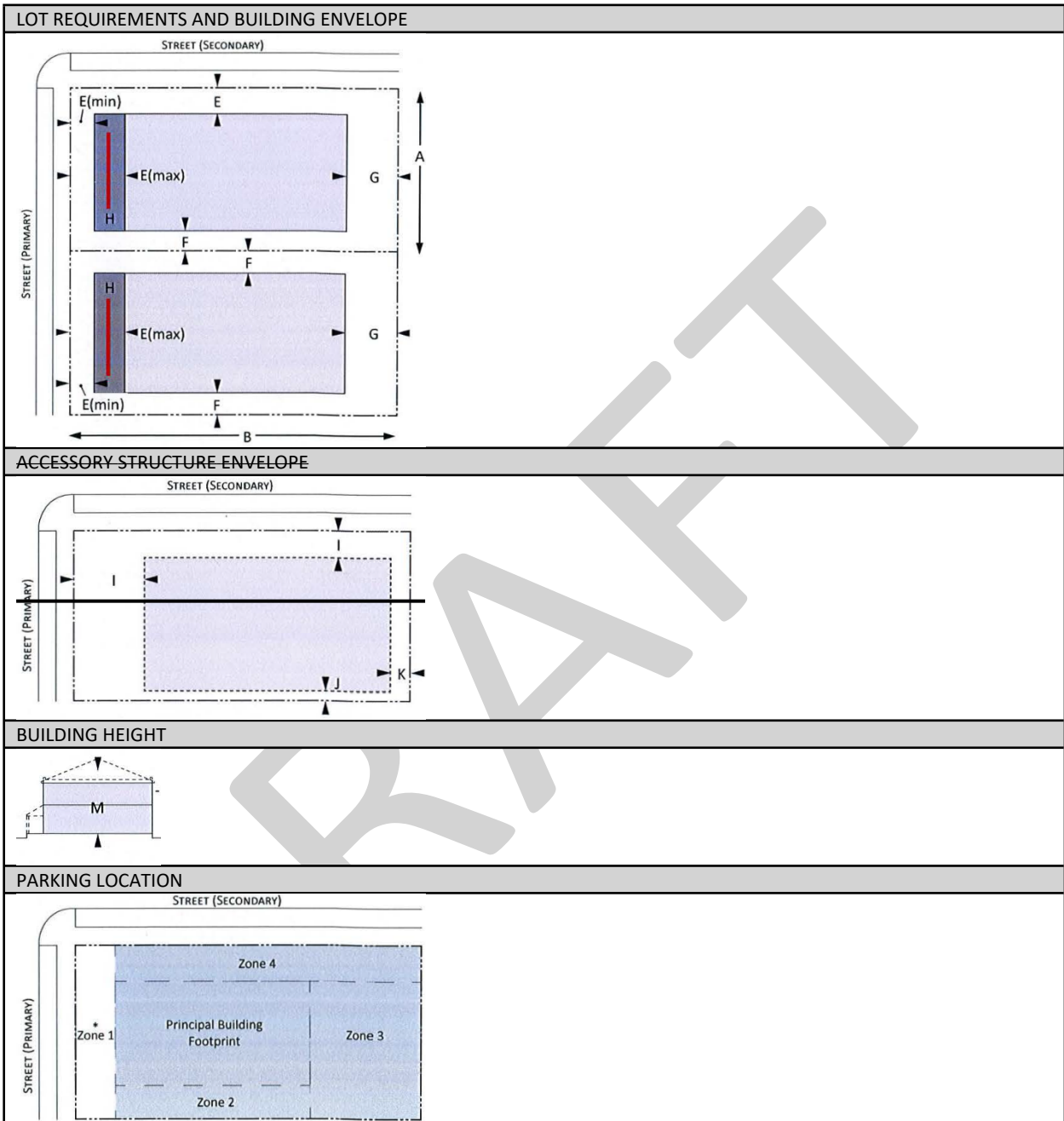
LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft) <u>(1)</u>	40	55
B - Lot Depth (ft) <u>(1)</u>	100	—
C - Lot Size (sf)	4,000	—
D - Lot Coverage (%)	—	70
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft) <u>(2)(3)(4)</u>	10	15
Secondary Street Setback	5	—
F - Side Setback (ft)	5	—
G - Rear Setback (ft) (interior lot)	15	—
Rear Setback (ft) (waterfront lot)	20	—
Garage Adjacent to Alley	5	—
H - Frontage Buildout (%)	50	—
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	—
J - Side Setback (ft)	10	—
K - Rear Setback (ft) (interior lot)	10	—
Rear Setback (ft) (waterfront lot)	20	—
L - Building Footprint (sf)	—	800
BUILDING HEIGHT		
M - Principal Building (ft)	—	'28-32' as defined in Sec. 20.17
N - Accessory Structure(s) (ft)	—	28'
PARKING PROVISIONS		
Location <u>(3)</u>	Zone 2,3, and 4	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	P, S, CY	

(1) maximum building lot width and lot size may be determined if two lots are being combined to ensure compatibility with the surrounding existing homes.

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

(3) when a parcel is not located with alleyway access, the maximum setback may increase up to five feet to allow for a driveway and up to one vehicle to park in Zone 1. Any Zone 1 parking space created through this provision shall be at least nine feet in width, twenty feet in depth, and located entirely out of the right of way.

(4) when a development commences on a through lot as defined in Division 2 in this code, both fronts of the property shall be subject to the street setback.



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

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft) (1)	32	40
B - Lot Depth (ft) (1)	50	120
C - Lot Size (sf)	1,600	4,800
D - Lot Coverage (%)	—	90-70
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft) (2)(3)(4)	5	10
Secondary Street Setback (ft)	5	—
F - Side Setback (ft)	3	—
G - Rear Setback (ft) (interior lot)	10	—
Rear Setback (ft) (waterfront lot)	20	—
Garage Adjacent to Alley	5	—
H - Frontage Buildout (%)	50	—
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	—
J - Side Setback (ft)	10	—
K - Rear Setback (ft) (interior lot)	10	—
Rear Setback (ft) (waterfront lot)	20	—
L - Building Footprint (sf)	—	400
BUILDING HEIGHT		
M - Principal Building (ft)	—	'28-32' as defined in Sec. 20.17
N - Accessory Structure(s) (ft)	—	28'
PARKING PROVISIONS		
Location (3)	Zone 2,3,4	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	P, S, CY	

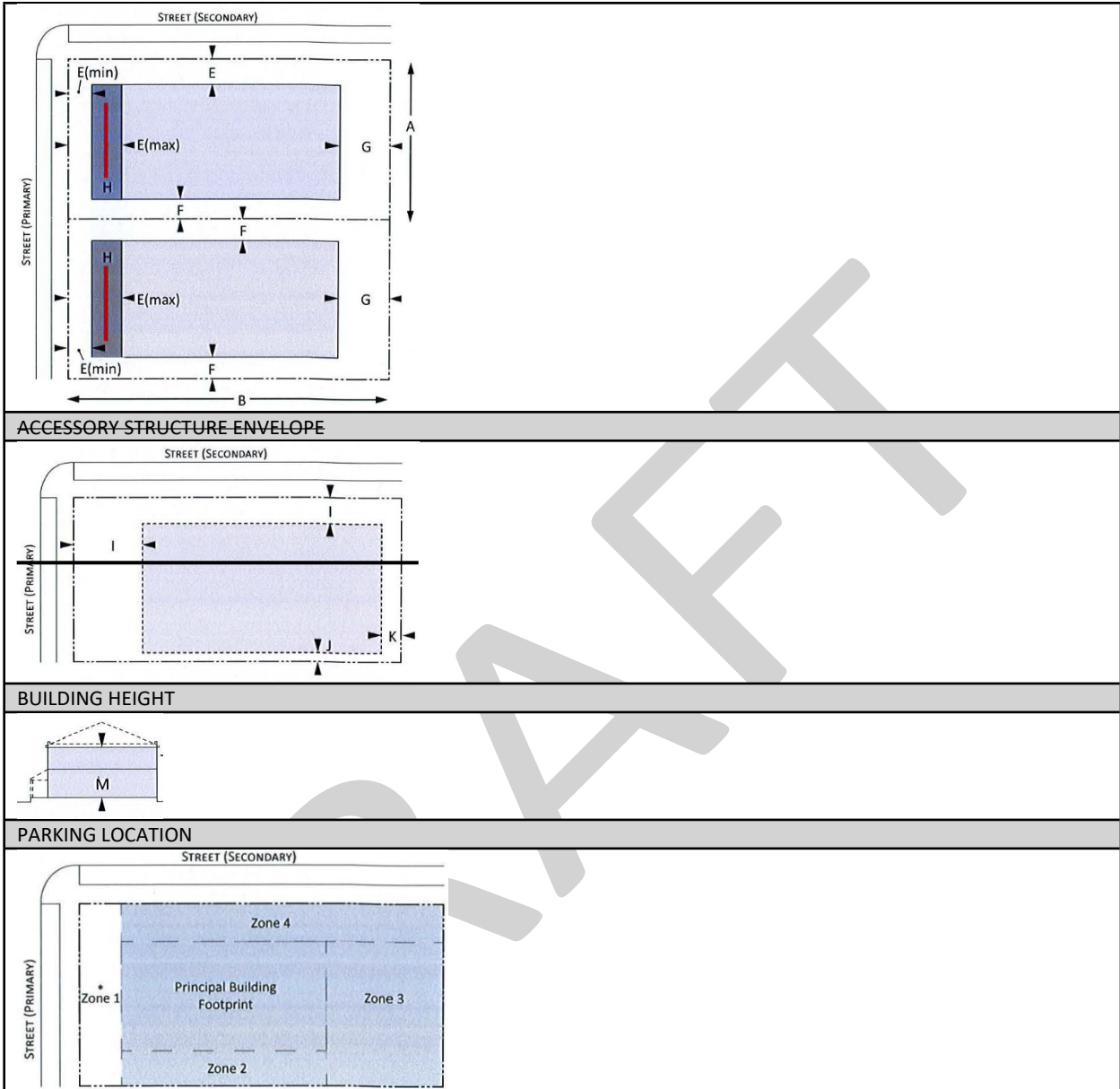
(1) maximum building lot width and lot size may be determined if two lots are being combined to ensure compatibility with the surrounding existing homes.

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

(3) when a parcel is not located with alleyway access, the maximum setback may increase up to ten feet to allow for a driveway and up to one vehicle to park in Zone 1. Any Zone 1 parking space created through this provision shall be at least nine feet in width, twenty feet in depth, and located entirely out of the right of way.

(4) when a development commences on a through lot as defined in Division 2 in this code, both fronts of the property shall be subject to the street setback.

LOT REQUIREMENTS AND BUILDING ENVELOPE

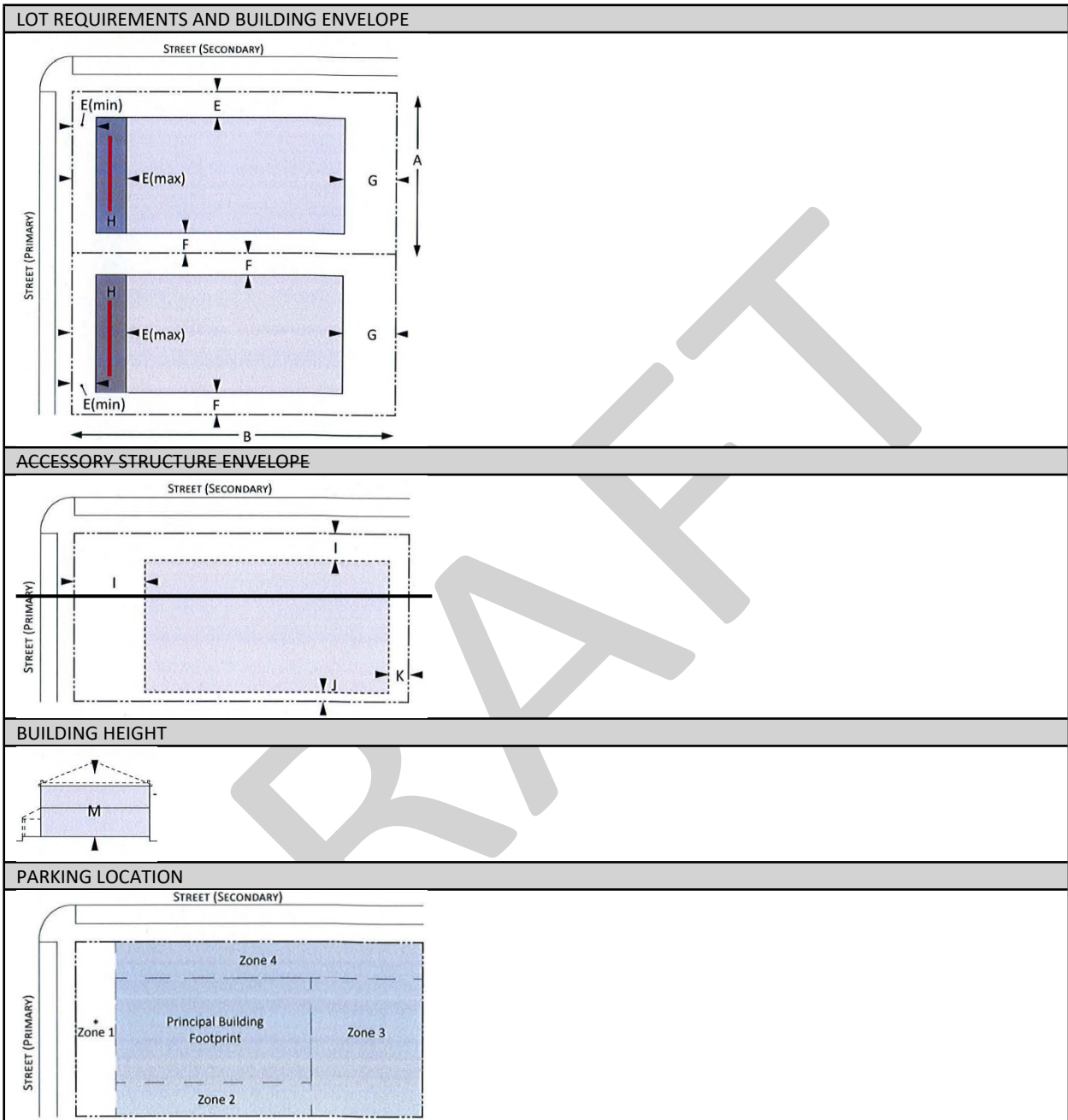


AH	APARTMENT HOUSE
A building lot located and designed to accommodate a detached building which resembles a large house but which contains multiple dwellings above and beside each other. A maximum of 4 units are permitted in this building lot. (The units have to <u>must</u> be existing prior to redevelopment as stated in section 20.07 Density, intensity and assembly of parcels).	

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	40	55
B - Lot Depth (ft)	80	—
C - Lot Size (sf)	3,200	—
D - Lot Coverage (%)	—	70
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft) (1)	10	15
Secondary Street Setback (ft)	5	—
F - Side Setback (ft)	5	—
G - Rear Setback (ft) (interior lot)	15	—
Rear Setback (ft) (waterfront lot)	20	—
Garage Adjacent to Alley	5	—
H - Frontage Buildout (%)	60	—
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	—
J - Side Setback (ft)	10	—
K - Rear Setback (ft) (interior lot)	10	—
Rear Setback (ft) (waterfront lot)	20	—
L - Building Footprint (sf)	—	800
BUILDING HEIGHT		
M - Principal Building (ft)	—	'28-32' as defined in Sec. 20.17
N - Accessory Structure(s) (ft)	—	2
PARKING PROVISIONS		
Location (±2)	Zone 2, 3 and 4	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	P, S, C	

(1) when a development commences on a through lot as defined in Division 2 in this code, both fronts of the property shall be subject to the street setback.

(2) when a parcel is not located with alleyway access, the maximum setback may increase up to five feet to allow for a driveway and up to one vehicle to park in Zone 1. Any Zone 1 parking space created through this provision shall be at least nine feet in width, twenty feet in depth, and located entirely out of the right of way. Any other required parking must be located outside of the Zone 1 frontage.

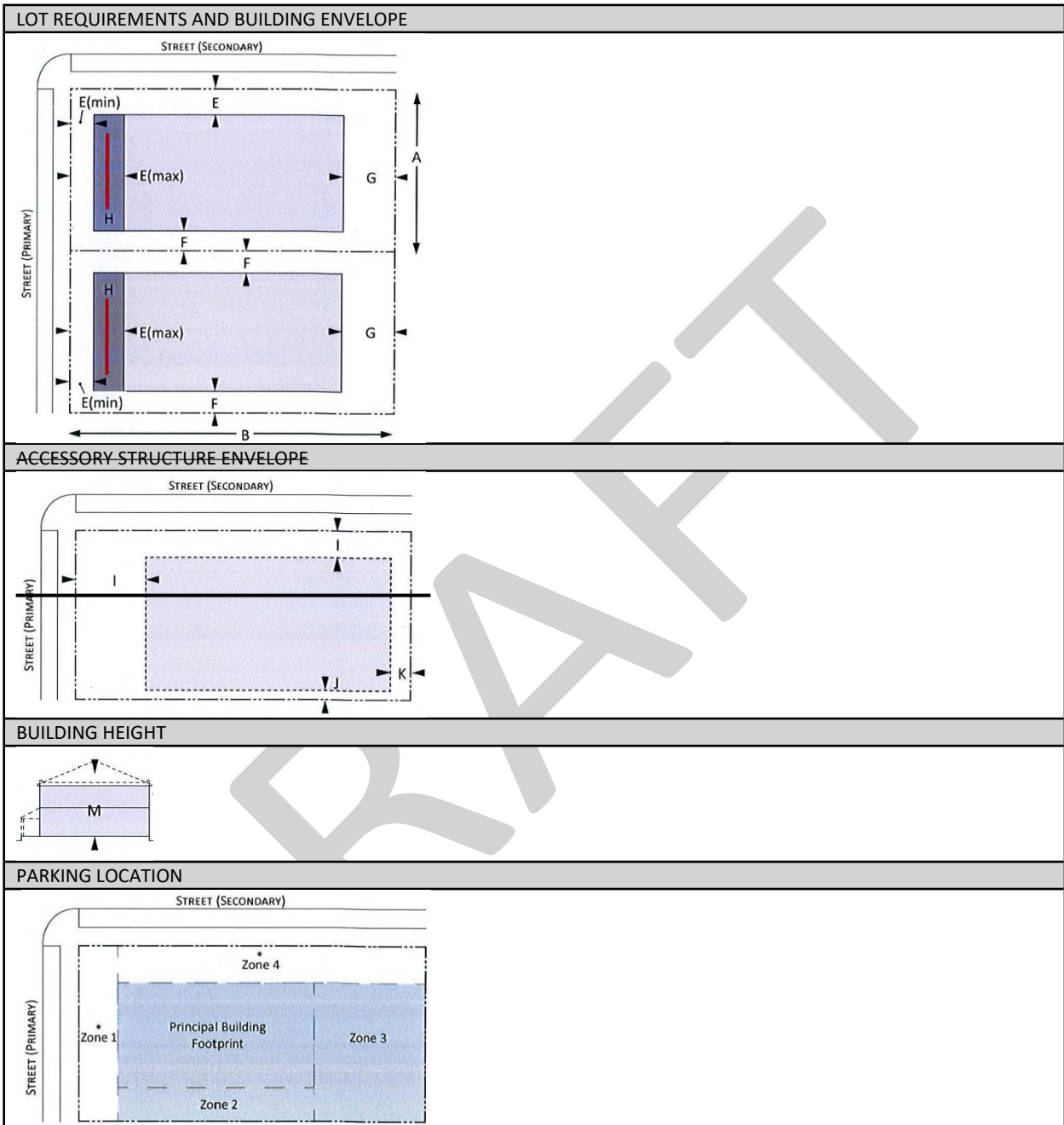


AS	APARTMENT BUILDING-SMALL
A building lot located and designed to accommodate multiple dwellings above or beside each other in a building that occupies most of its building lot width and is placed close to the sidewalk. (The units have to <u>must</u> be existing prior to redevelopment as stated in section 20.07 Density, intensity and assembly of parcels).	

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

(1) when a development commences on a through lot as defined in Division 2 in this code, both fronts of the property shall be subject to the street setback.

(2) when a parcel is not located with alleyway access, up to one vehicle may be permitted to park in Zone 1. Any Zone 1 parking space created through this provision shall be at least nine feet in width, twenty feet in depth, and located entirely out of the right of way. Any other required parking must be located outside of the Zone 1 frontage.

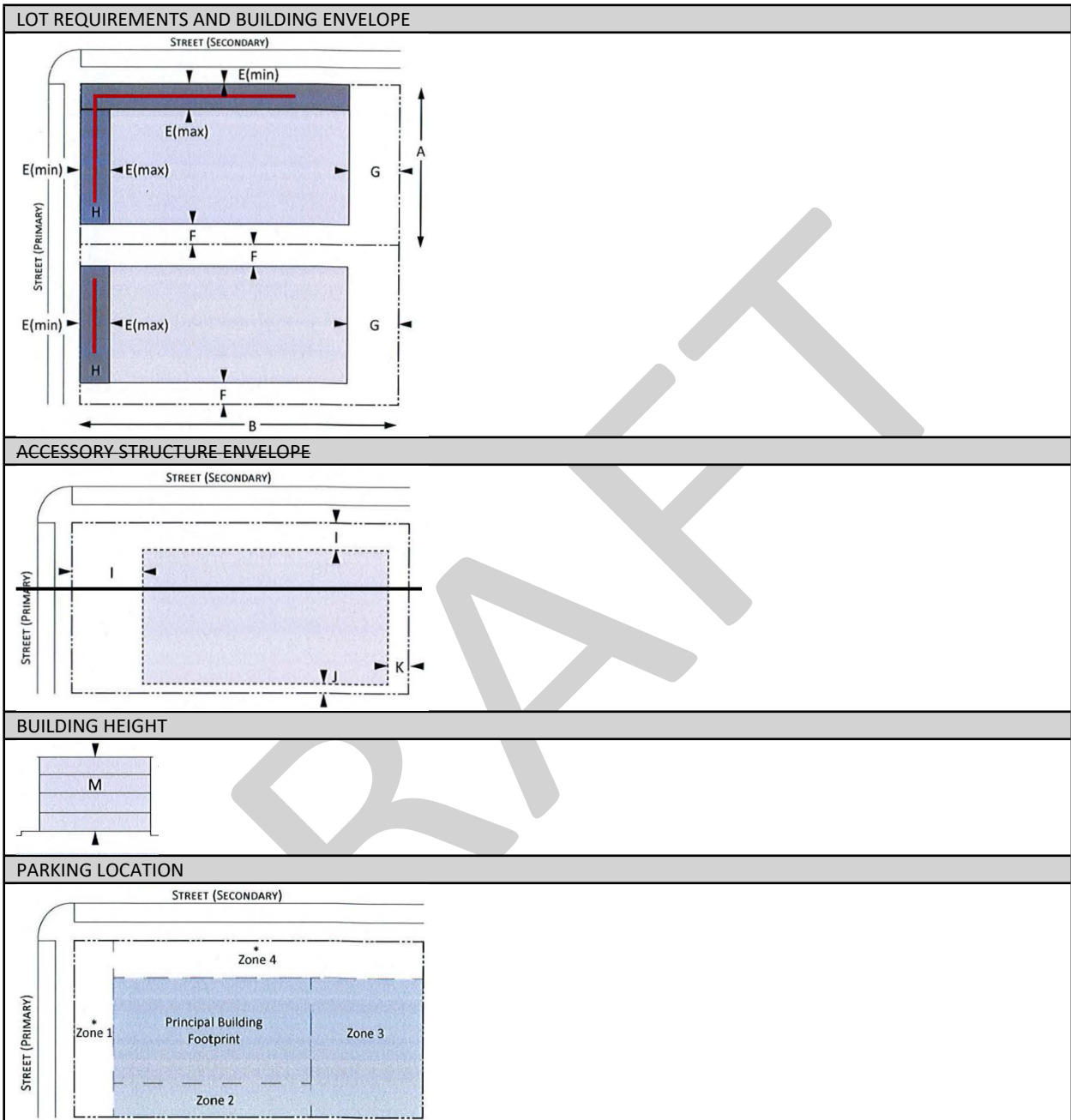


AM	APARTMENT BUILDING-MEDIUM
A building lot located and designed to accommodate multiple dwellings above or beside each other in a building that occupies most of its building lot width and is placed close to the sidewalk. (The units have to <u>must</u> be existing prior to redevelopment as stated in section 20.07 Density, intensity and assembly of parcels).	

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	90	200
B - Lot Depth (ft)	120	120
C - Lot Size (sf)	10,800	24,000
D - Lot Coverage (%)	—	75
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft) (1)	15	25
Secondary Street Setback (ft)	10	—
F - Side Setback (ft)	10	—
G - Rear Setback (ft) (interior lot)	15	—
Rear Setback (ft) (waterfront lot)	20	—
Garage Adjacent to Alley	5	—
H - Frontage Buildout (%)	60	—
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	—
J - Side Setback (ft)	10	—
K - Rear Setback (ft) (interior lot)	10	—
Rear Setback (ft) (waterfront lot)	20	—
L - Building Footprint (sf)	—	800
BUILDING HEIGHT		
M - Principal Building (ft)	—	'28-32' as defined in Sec. 20.17
N - Accessory Structure(s) (ft)	—	28'
PARKING PROVISIONS		
Location (2)	Zone 2 and 3	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	CY, P, F, S	

(1) when a development commences on a through lot as defined in Division 2 in this code, both fronts of the property shall be subject to the street setback.

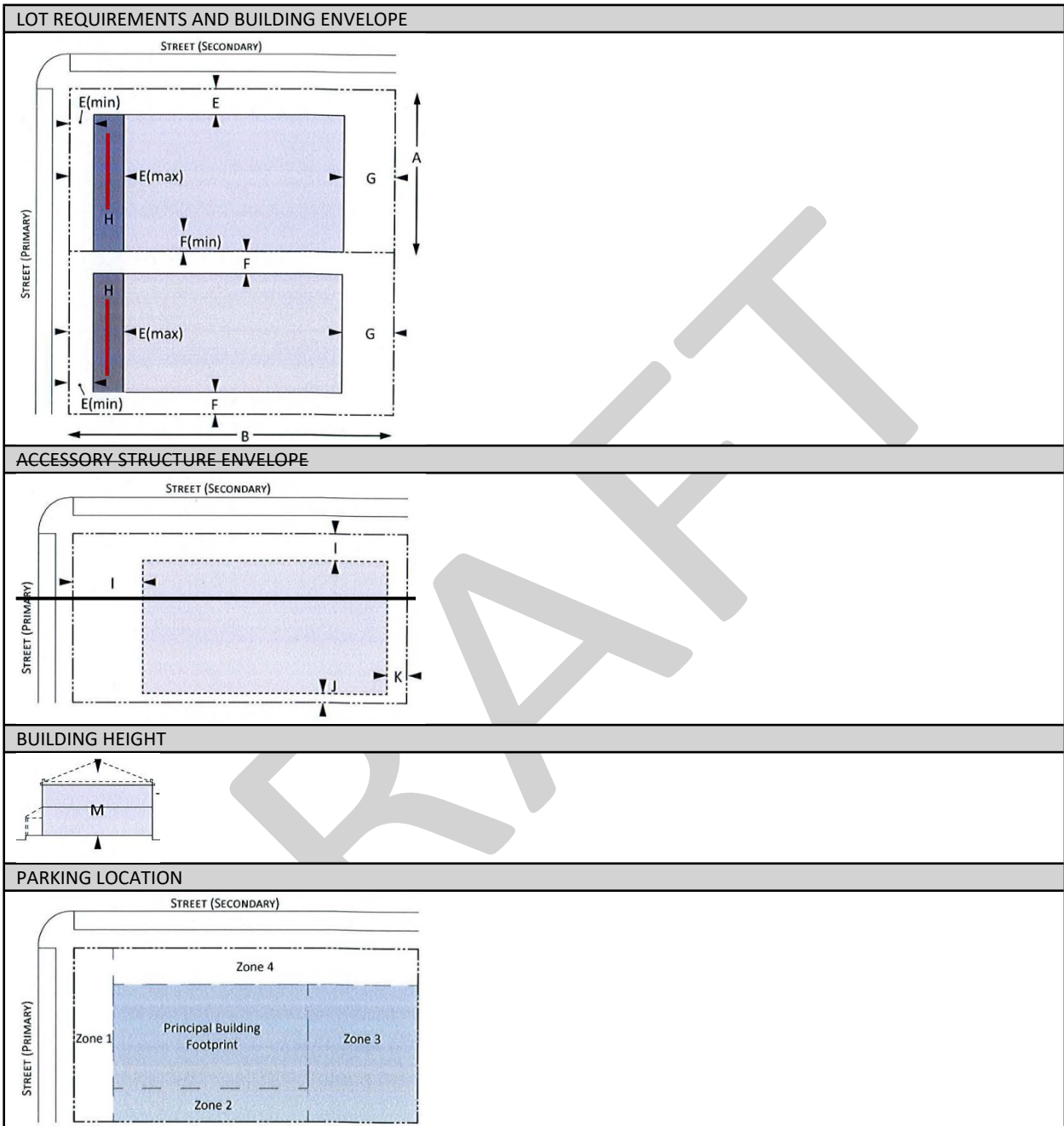
(2) when a parcel is not located with alleyway access, up to one vehicle may be permitted to park in Zone 1. Any Zone 1 parking space created through this provision shall be at least nine feet in width, twenty feet in depth, and located entirely out of the right of way. Any other required parking must be located outside of the Zone 1 frontage.



CA	COURTYARD APARTMENT
A building lot located and designed to accommodate multiple dwellings arranged around and fronting on a central garden or courtyard that may be partially or wholly open to a street and/or alleyway. (The units have to <u>must</u> be existing prior to redevelopment as stated in section 20.07 Density, intensity and assembly of parcels).	

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

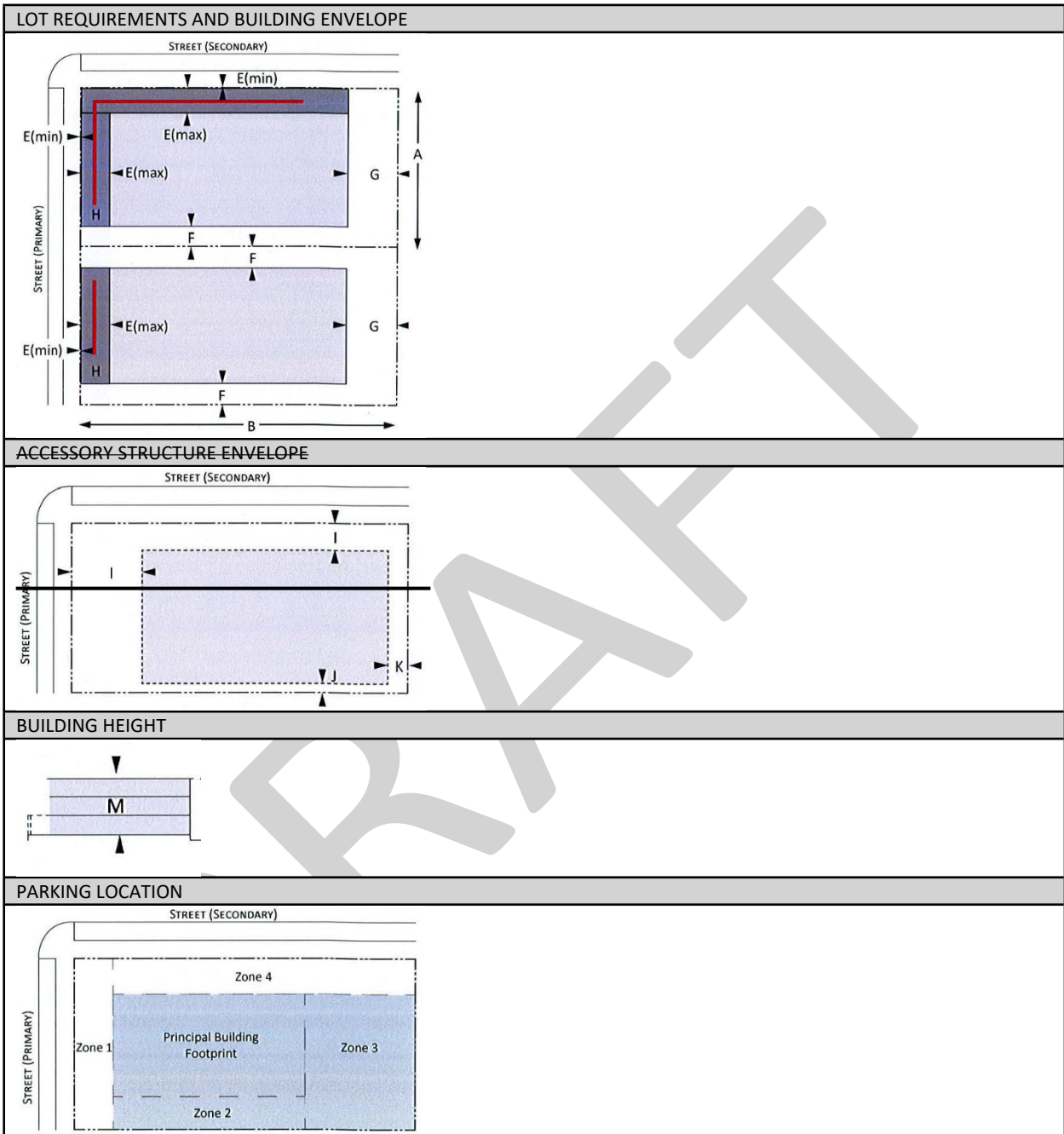
(1) when a development commences on a through lot as defined in Division 2 in this code, both fronts of the property shall be subject to the street setback.



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

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

(1) when a development commences on a through lot as defined in Division 2 in this code, both fronts of the property shall be subject to the street setback.



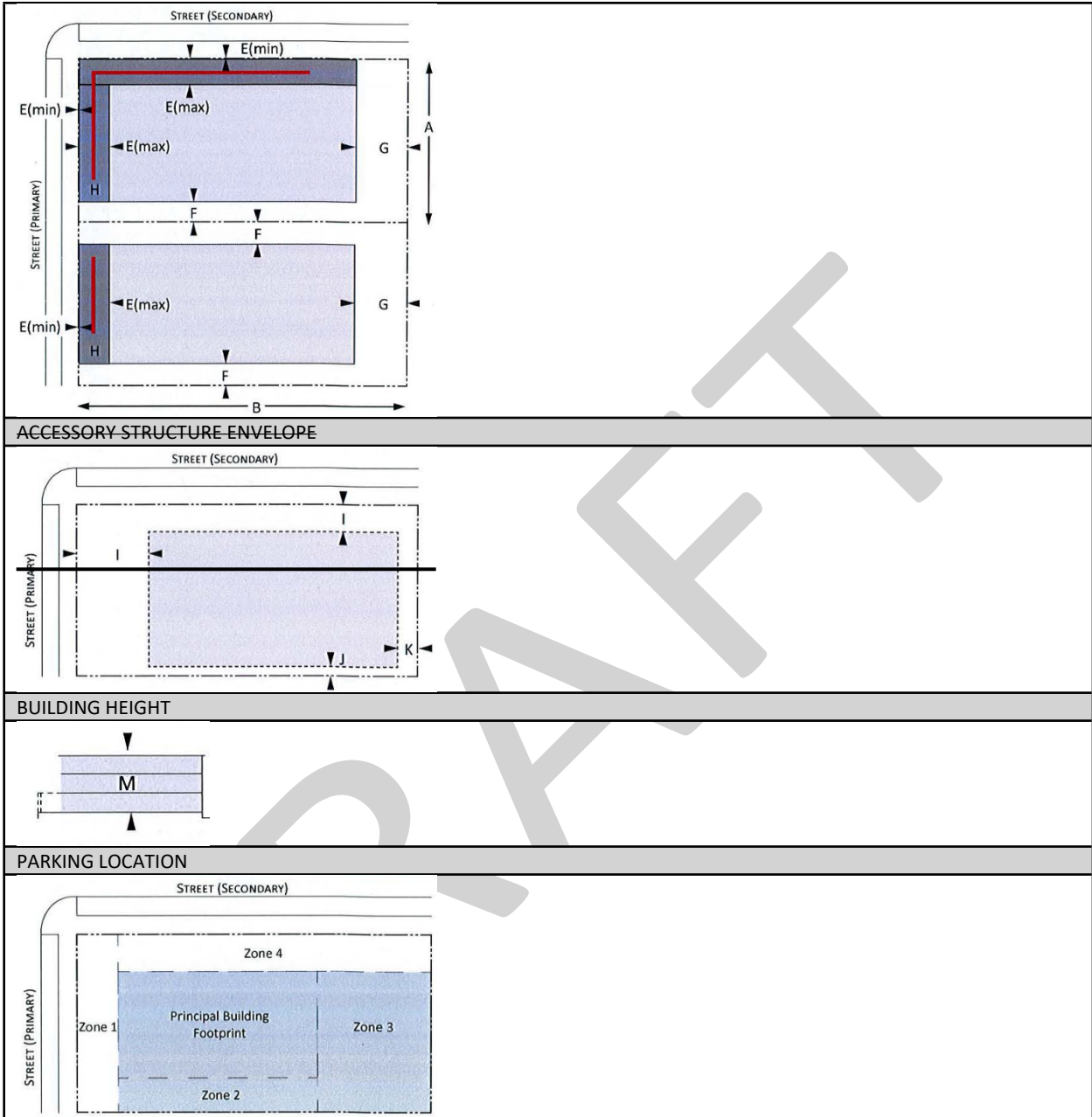
CM	COMMERCIAL / MIXED-USE - MEDIUM
A building lot located and designed to accommodate a multi story building with commercial, office and/or multiple dwellings in any story that is designed for average lot sizes.	

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

(1) when a development commences on a through lot as defined in Division 2 in this code, both fronts of the property shall be subject to the street setback.

(2) Height will be reviewed and assessed to determine the permitted height if the parcel is being rezoned into the PAGHOD.

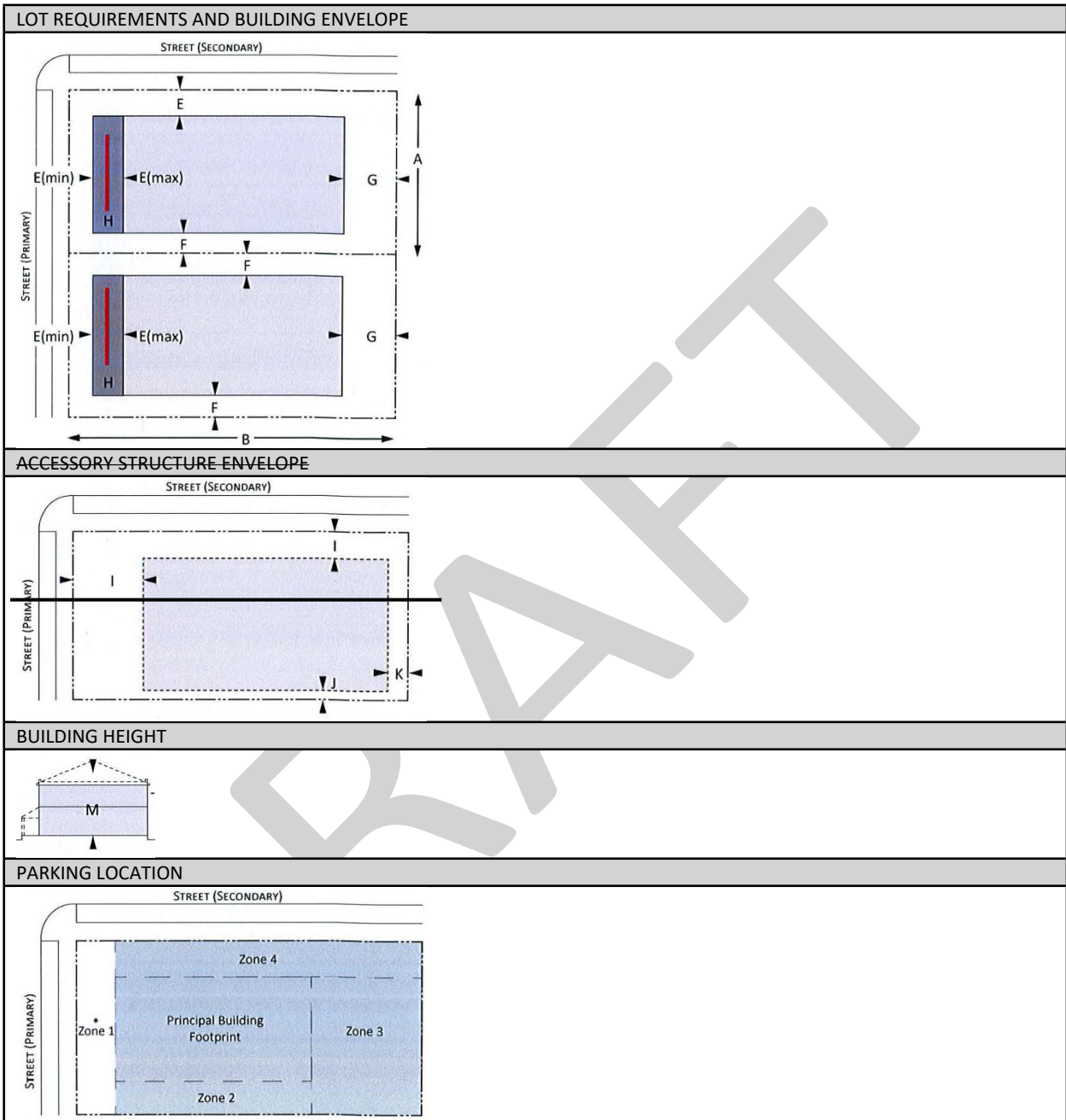
LOT REQUIREMENTS AND BUILDING ENVELOPE
--



BH	BOUTIQUE HOTEL
A building lot located and designed to accommodate lodging. The number of rooms will be confirmed by existing operating hotel rooms. (The units have to must be existing prior to redevelopment as stated in section 20.07 Density, intensity and assembly of parcels).	

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

(1) may exceed the height up to 35' as outlined by the code if the property is along Gulf Way and that portion of the building that exceeds the 32' in height shall be set back an additional one foot from the front setback line for every foot in height increase.



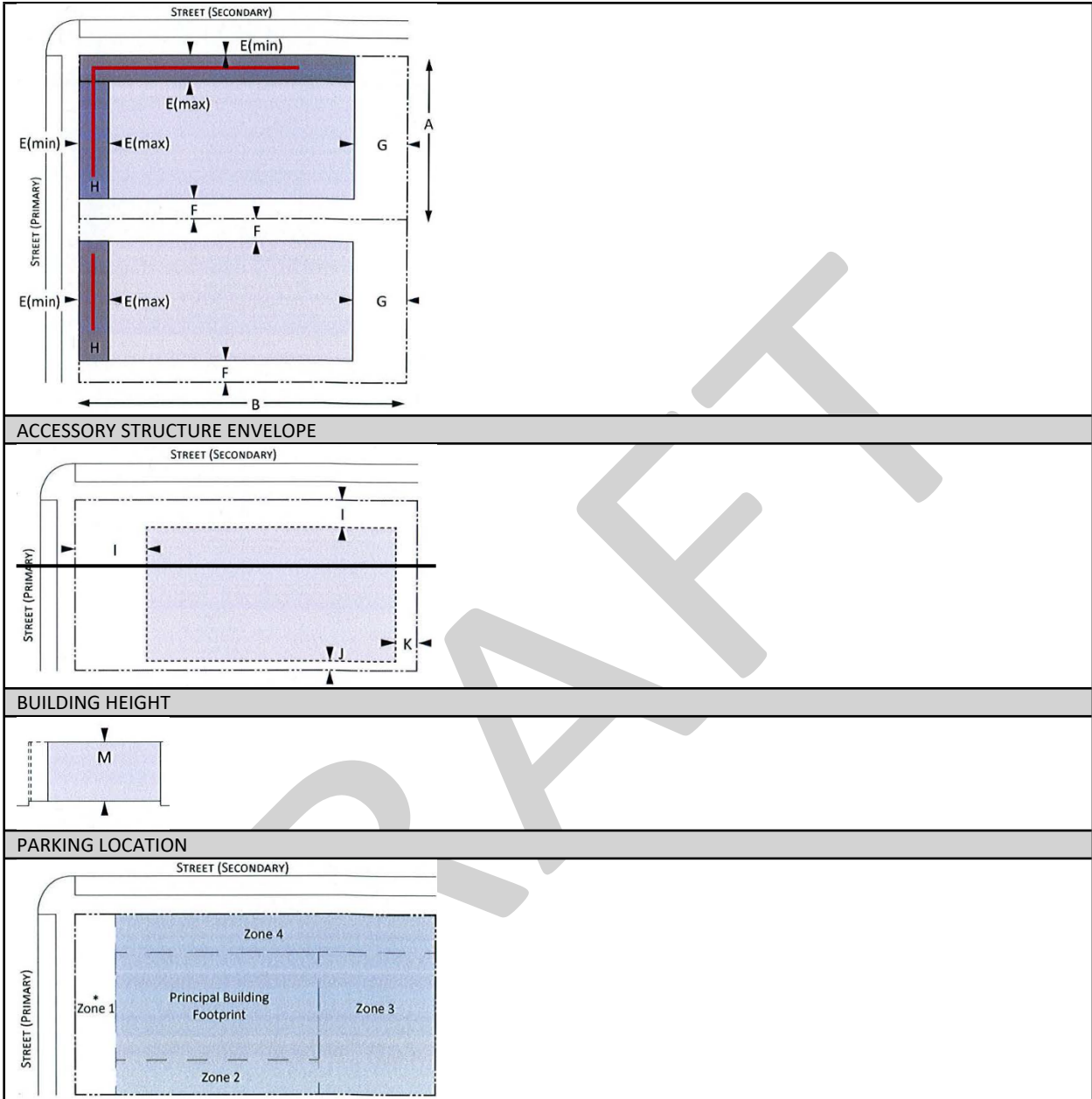
SS	SINGLE STORY COMMERCIAL BUILDING-SMALL
A building lot located and designed to accommodate single use office and retail.	

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

(1) when a development commences on a through lot as defined in Division 2 in this code, both fronts of the property shall be subject to the street setback.

(2) Height will be reviewed and assessed to determine the permitted height if the parcel is being rezoned into the PAGHOD.

LOT REQUIREMENTS AND BUILDING ENVELOPE
--



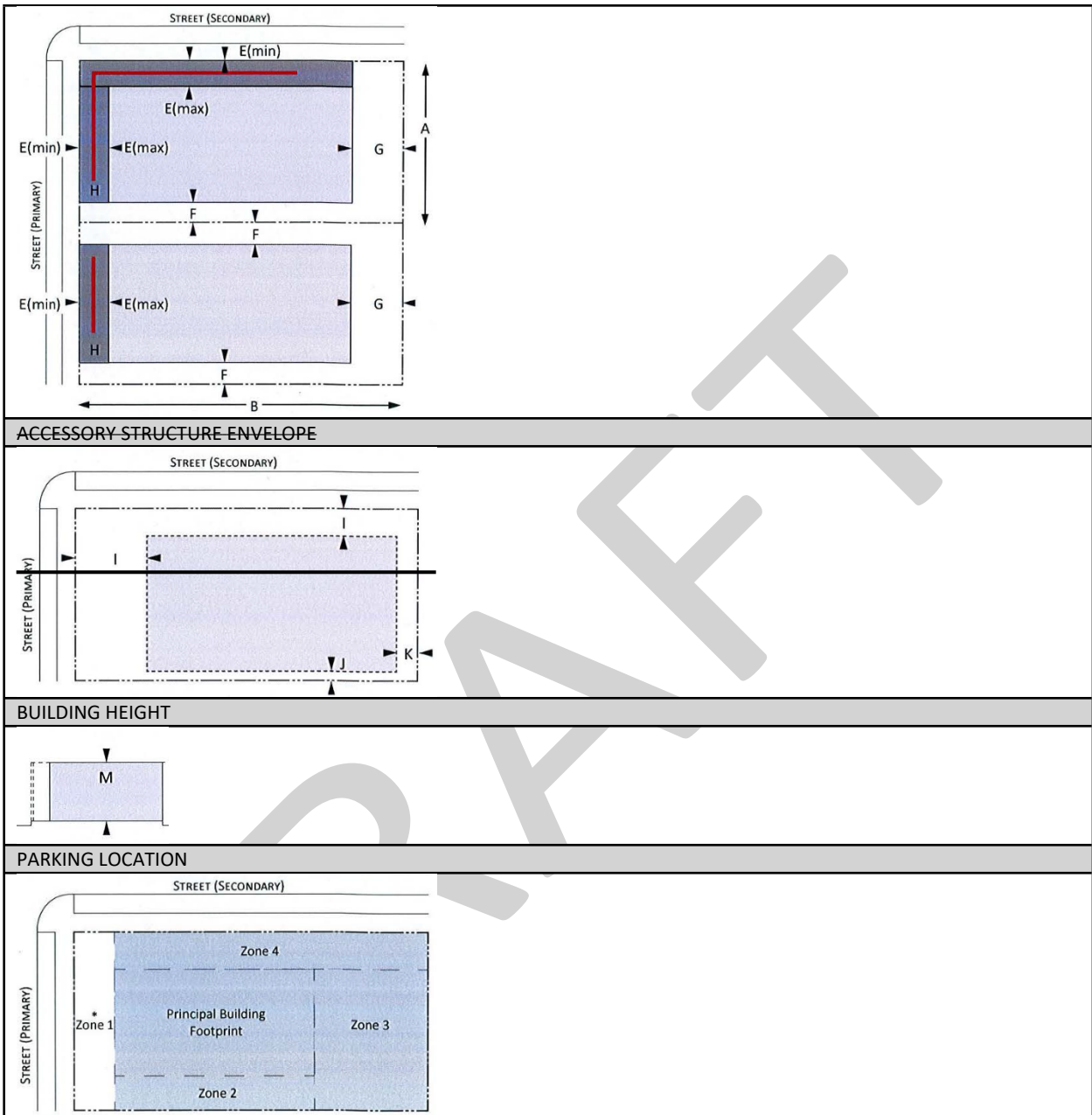
SM	SINGLE STORY COMMERCIAL BUILDING-MEDIUM
A building lot located and designed to accommodate single use office and retail.	

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	60	150
B - Lot Depth (ft)	—	350
C - Lot Size (sf)	—	52,500
D - Lot Coverage (%)	—	90
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft) <u>(1)</u>	10	15
Secondary Street Setback (ft)	5	—
F - Side Setback (ft)	0	—
G - Rear Setback (ft) (interior and waterfront lots)	20	—
Alley	5	—
H - Frontage Buildout (%)	60	—
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	—
J - Side Setback (ft)	10	—
K - Rear Setback (ft) (interior lot)	10	—
— Rear Setback (ft) (waterfront lot)	20	—
L - Building Footprint (sf)	—	800
BUILDING HEIGHT		
M - Principal Building (ft)	—	underlying zoning district <u>(2)</u>
N - Accessory Structure(s) (ft)	—	25
PARKING PROVISIONS		
Location	Zone 2, 3 and 3-4	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	C	

(1) when a development commences on a through lot as defined in Division 2 in this code, both fronts of the property shall be subject to the street setback.

(2) Height will be reviewed and assessed to determine the permitted height if the parcel is being rezoned into the PAGHOD.

LOT REQUIREMENTS AND BUILDING ENVELOPE
--

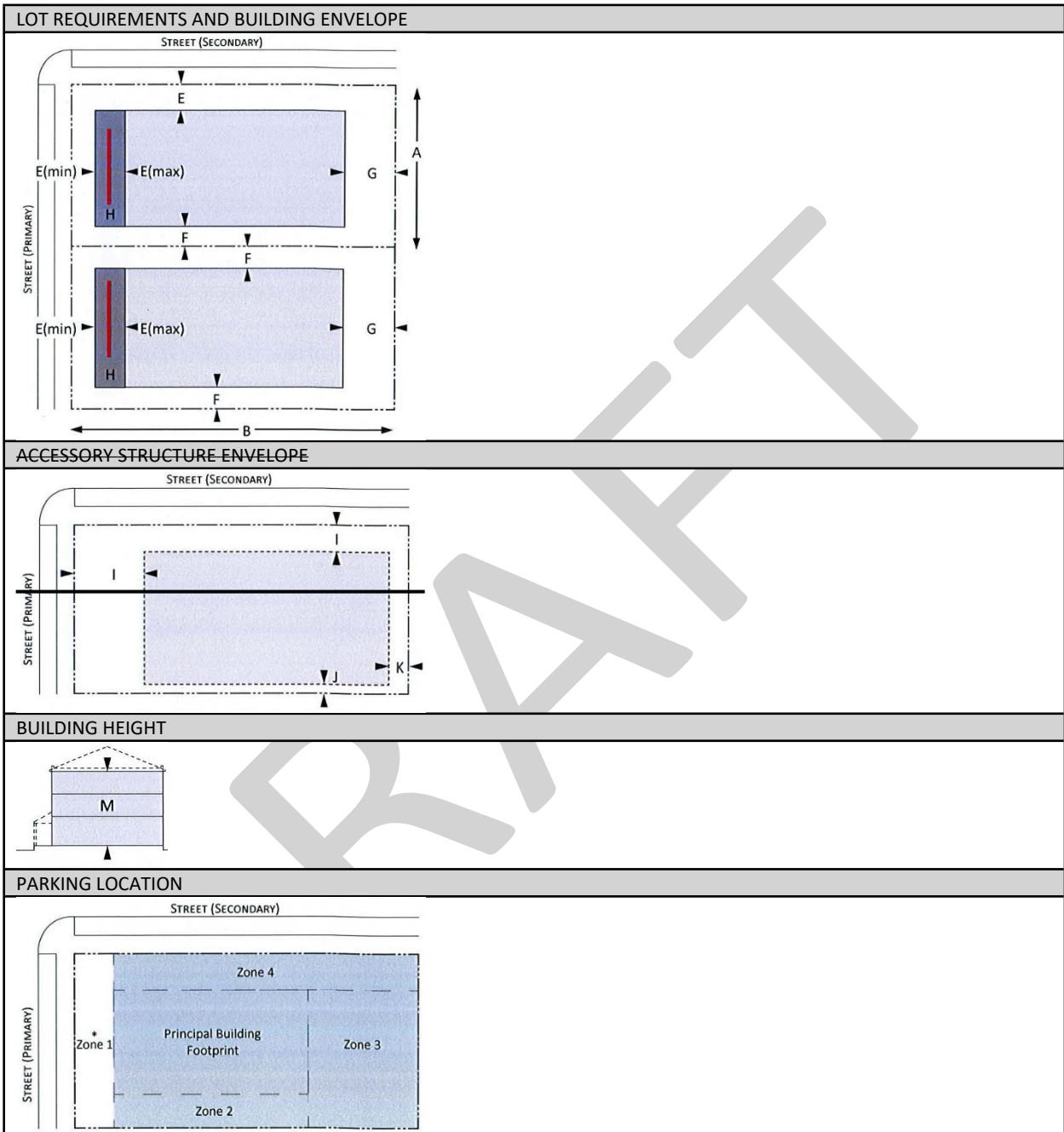


IN	INSTITUTION BUILDING
A building lot located and designed to accommodate a building containing public or civic uses such as community services, day care, education, government, places of worship, or social services. This typology is only for permitted and exiting institutional buildings.	

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	—	—
B - Lot Depth (ft)	—	—
C - Lot Size (sf)	—	—
D - Lot Coverage (%)	—	—
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft) (1)	10	25
Secondary Street Setback (ft)	10	—
F - Side Setback (ft)	10	—
G - Rear Setback (ft) (interior lot)	15	—
Rear Setback (ft) (waterfront lot)	20	—
Alley	5	—
H - Frontage Buildout (%)	50	—
ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	—
J - Side Setback (ft)	10	—
K - Rear Setback (ft) (interior lot)	10	—
Rear Setback (ft) (waterfront lot)	20	—
L - Building Footprint (sf)	—	800
BUILDING HEIGHT		
M - Principal Building (ft)	—	35'
N - Accessory Structure(s) (ft)	—	28'
PARKING PROVISIONS		
Location	Zone 2, 3, and 4	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	no requirement	

(1) when a development commences on a through lot as defined in Division 2 in this code, both fronts of the property shall be subject to the street setback.

DRAFT

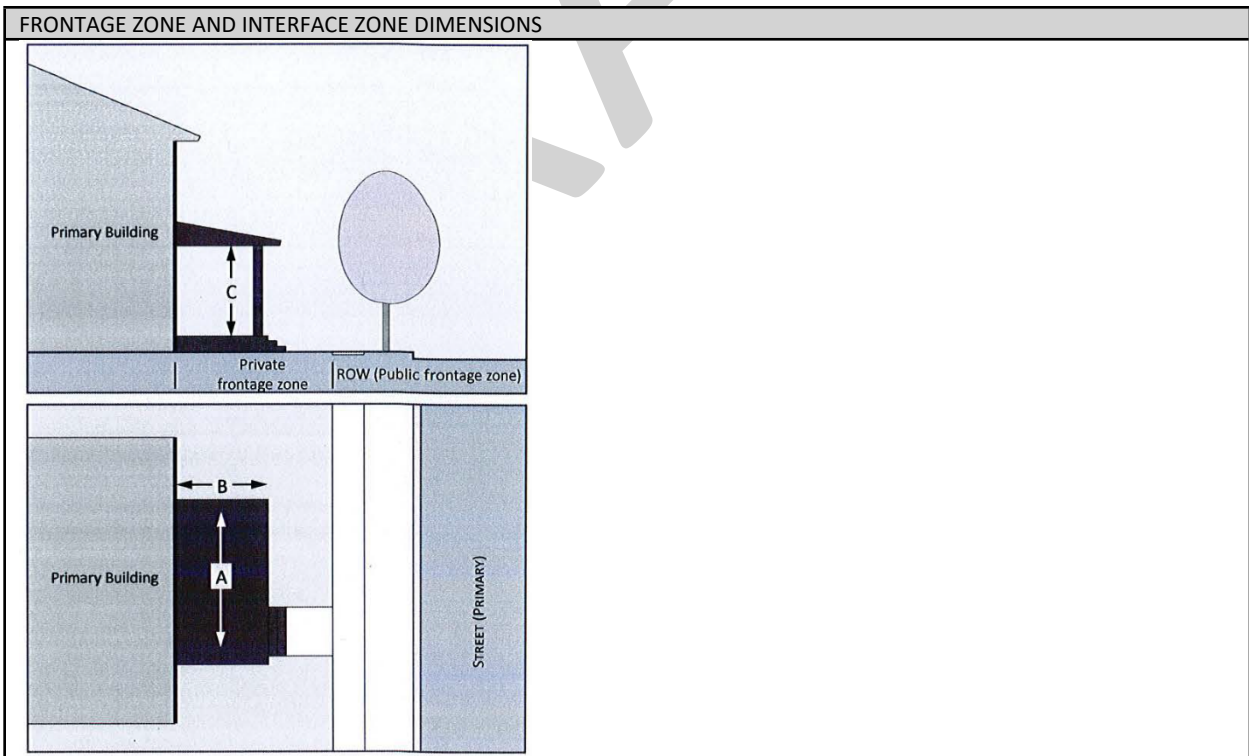


Sec. 20.16. Private frontage.

The building types in section 20.15 provide the acceptable private frontages (i.e. porches, stoops, etc.) for that building type. If there are multiple frontages provided in the table, the applicant may choose what private frontage to provide per building. A minimum of one frontage will be required for new construction or redevelopment as provided in each building summary sheet, by Building Type. The private frontage area may count towards the calculation of the frontage build out requirement under the "Building Envelope" category, by building type, in section 20.15. Private frontage details are exclusive of specific building design elements and are regulated by setbacks, mass and scale.

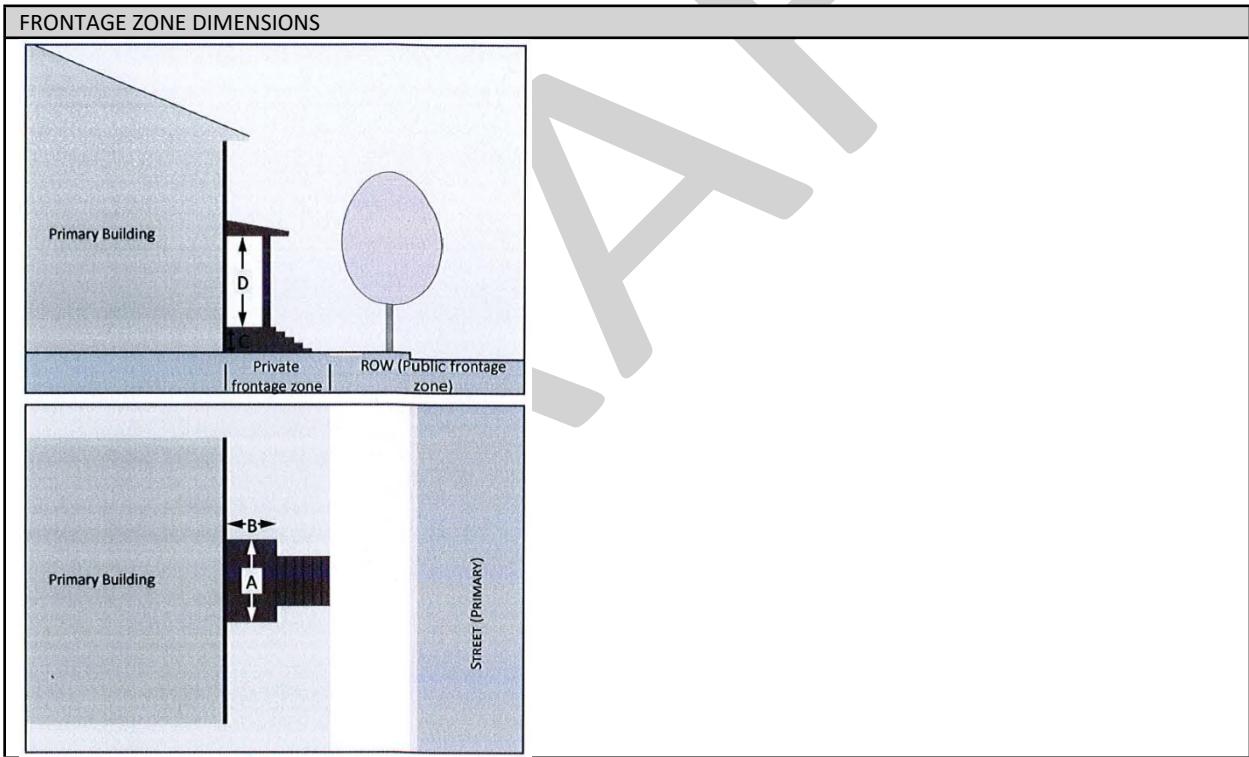
P	PORCH
The façade is setback from the front lot line per applicable street setback requirements. The façade includes an attached front porch structure. A wide variety of porch designs are possible. <u>This frontage is subject to the street setback required for the building type to which it is attached; however, stairs leading to the porch that lack an independent roof are permitted up to a three foot encroachment into the minimum street setback.</u>	

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



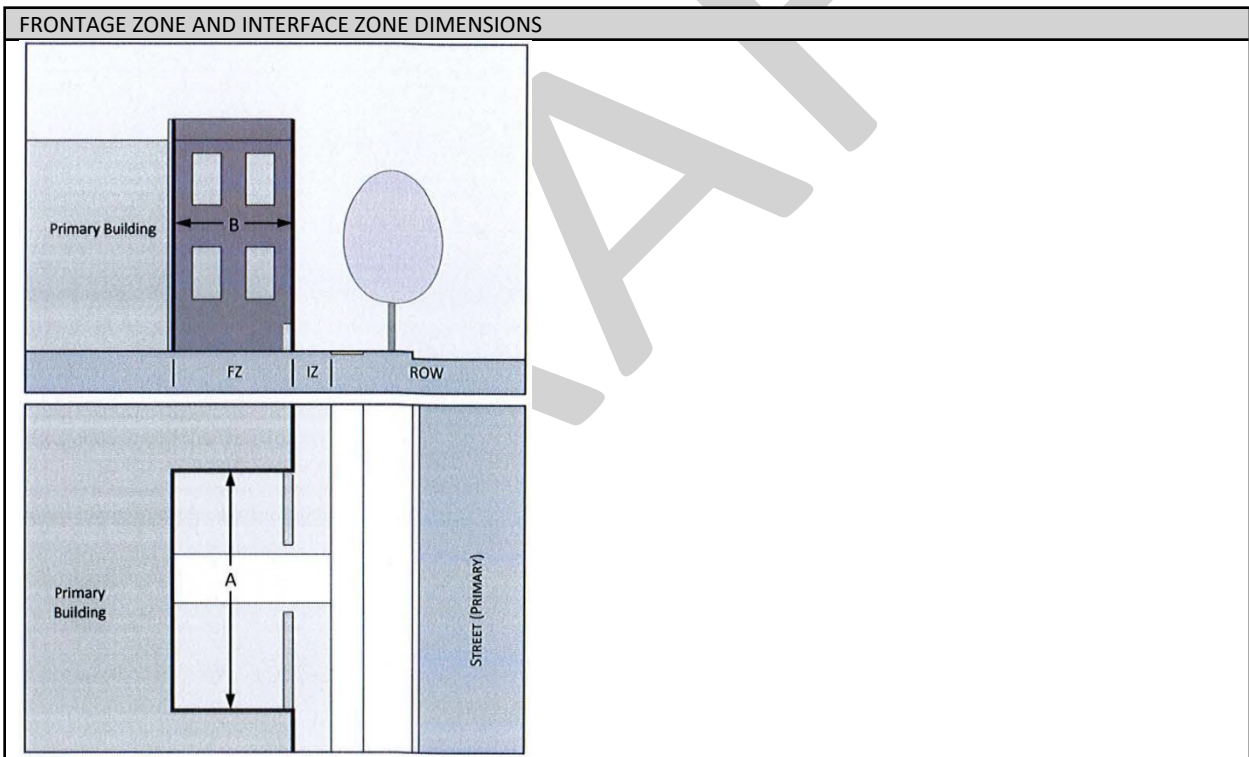
S	STOOP
The façade is set back from the front lot line per applicable street setback requirements. The façade includes an attached entry stoop (an elevated landing with stairs) that is placed at or near the front lot line and <u>subject to the street setback required for the building type</u>. Stairs leading to the stoop that lack an independent roof are permitted up to a three foot encroachment into the <u>street setback</u>. The ground floor is elevated to provide privacy. The stoop may include a roof; however, it is not required.	

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



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

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

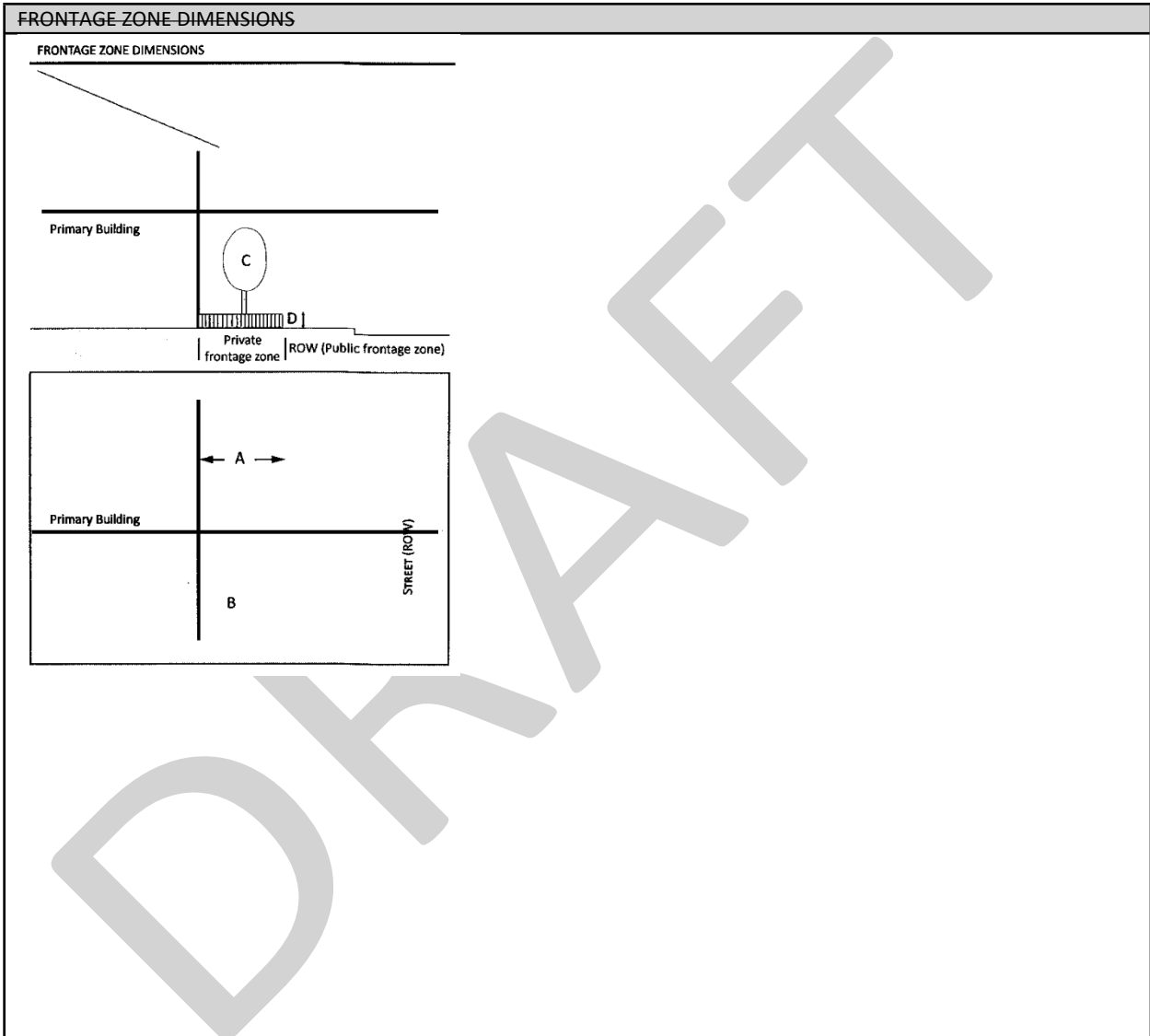


	COMMON YARD
The façade is set back from the front lot line per applicable street setback requirements. The common yard may include a two to four foot in height decorative fence that shall be constructed of wood, shell, or concrete material. The frontyard is required to have a minimum of 1 canopy tree,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

FRONTAGE ZONE (FZ)	MIN	MAX
--------------------	-----	-----

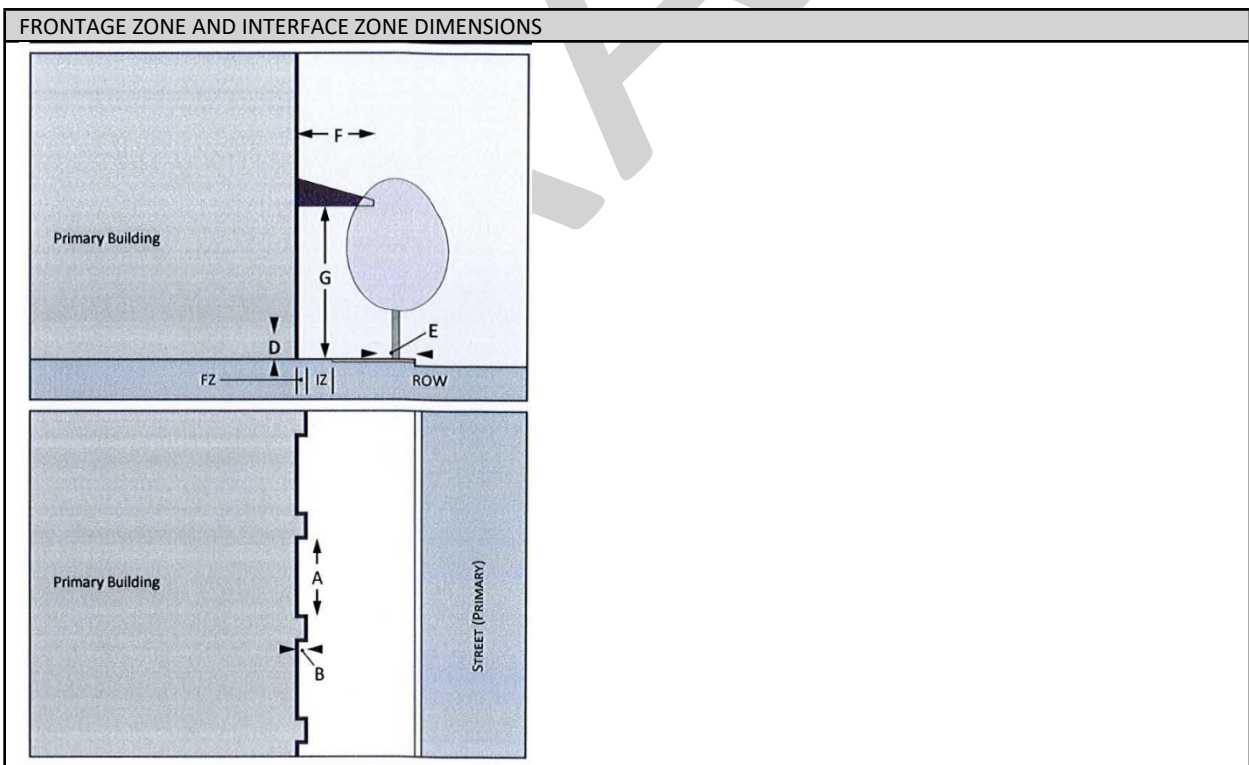
Created: 2021-12-02 08:12:11 [EST]

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



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

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



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

Sec. 20.17. Building height.

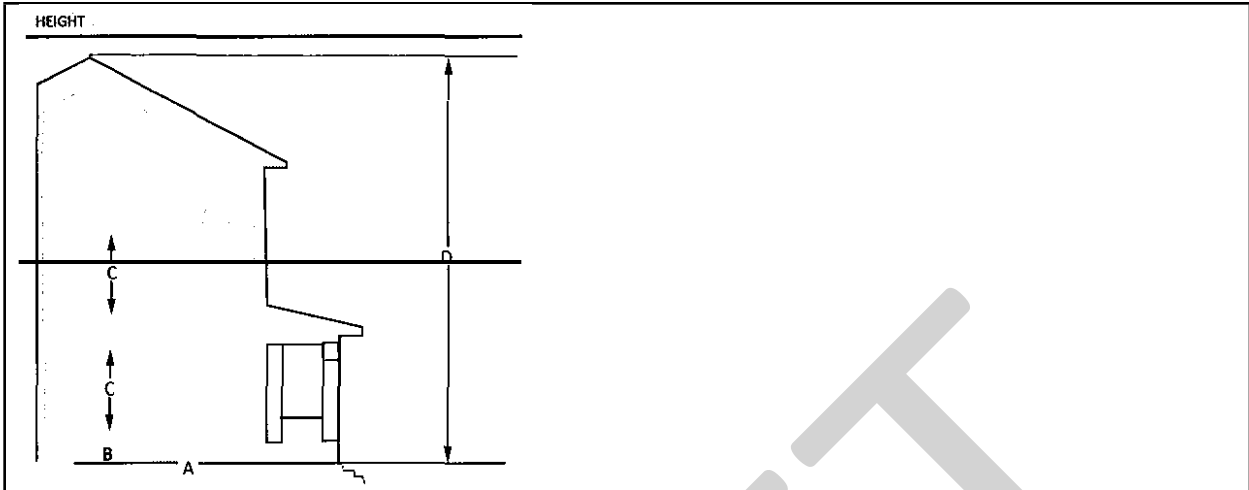
Each building lot typology in section 20.15 provides the range of height appropriate for the building type. No new or substantially improved building within the PAG Overlay District PAGHOD and having the underlying zoning designation of THD, RU-2 Residential, RLM-2 Residential, or RM Residential shall be constructed to exceed twenty-eight (28) feet in height to the midpoint of a sloped roof or top of the parapet of a flat or low sloped roof, or thirty-two (32) feet overall, as defined below:

- For any structure with habitable space located less than eight feet above natural grade, height shall be measured from the property's required Design Flood Elevation.
- For any structure with habitable space beginning at or higher than eight feet above natural grade, height shall be measured from eight feet above natural grade.

Base flood elevation requirements are outlined in section 98-33 of the City's Code of Ordinances.

	MIN	MAX
Building facadeHeight requirements:		
A - Base Required Design Flood Elevation (required BFEDFE) refer to Code of Ordinances Sec. 98-33		
B - Finished Grade (FG)	Determined by the BFE & FGAs defined in Division 2.	
C - Height of Floors (liveable)	8	14
D - Total Height (Measurement from the required DFE or eight feet above natural grade as defined above)	—	—
Residential*	—	28-32*
Commercial (non-residential)	—	Refer to Underlying Zoning District
* Not to exceed 28 feet in height to the midpoint of a sloped roof or top of the parapet of a flat or low sloped roof, and measured from the location specified above, further provided that the overall roof height shall not exceed 32 feet.		

HEIGHT



Sec. 20.18. Minimum off-street parking requirements.

- (a) *Residential*: Shall be in accordance with the requirements of Division 23 of the Land Development Code, Off Street Parking and Loading.
- (b) *Nonresidential*: may reduce the number of spaces, if on-street parking is available, then an applicant can count any on-street parking spaces within 500 feet of the parcel that are metered or otherwise available, without reservation, to the general public. Spaces limited to holders of 4R, 3R-D, and 4B-H permits shall not be counted toward this reduction, unless the business is and will remain a recipient of such permits.
- (c) Access to and location of parking areas:
 - (1) Parcels abutting an public alley of at least fifteen feet width shall not place parking in the front yard of the zoning lot, nor will be provided driveway access from the primary street. Parking may be placed in the rear or side yard. Access shall be provided via the alley.
 - (2) When a parcel is located on a public alleyway of less than 15 feet in width, and the applicant for development can demonstrate that requiring access from the alley would constrain their ability to reasonably maneuver a vehicle onto the property due to the proposed layout of development, the applicant may provide one curb cut along the primary street if such waiver is accepted through design review by the Historic Preservation Board. Failure to maintain an alleyway shall not be construed as justification for this waiver.
 - (2) Parcels without alley access shall be granted a curb cut from the primary street and may provide parking in the front yard with an additional setback for the garage and/or principal structure as provided for the building type chosen from section 20.15.

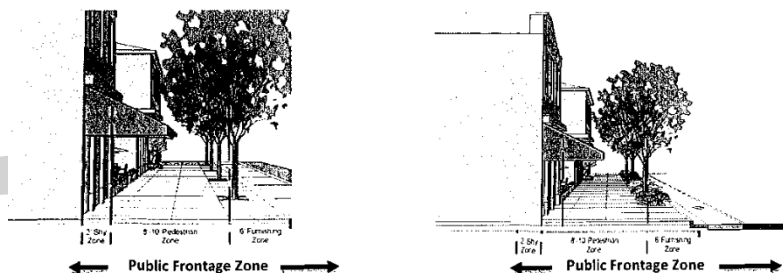
Sec. 20.19. Alleyways and Driveways.

- (a) The PAG Overlay District PAGHOD has existing alleyways that shall be maintained and used as an alleyway for access to parcels located along an alleyway.
- (b) Under no circumstance shall an existing alley be reduced in the width and length.
- (c) Parking is permitted adjacent to an alleyway or where the City has identified, through signage, that vehicles may park within the alleyway. Under no circumstance shall a parked vehicle impede the vehicular movement.

- (d) Alleyways shall not be permanently closed or vacated.
- (e) One driveway is permitted for each parcel. When a parcel has access to an alleyway, that alleyway shall be the primary access to the parcel's driveway and parking area that is consistent with the parking area placement as outlined in Sec. 20.15, Permitted Building Types. If a circular driveway is proposed and/or more than one driveway access point is requested, the applicant must provide:
- (1) Overall landscape plan for the primary frontage of the building to ensure Sec. 20.21. - Screening of elevated building criteria is met prior to considering multiple access point(s).
 - (2) Justification, when landscape and/or elevated building criteria need to be reduced, that demonstrates a need for the additional driveway connection(s). The priority shall be transportation circulation and safety, as reviewed and determined by the City.

Sec. 20.20. Landscaping standards.

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



- (b) Landscape Buffers may be required between any uses within the PAG Overlay District PAGHOD.
- (c) Front Buffers (common yard) for all residential building types, excluding the Apartment Building, shall provide the following:
- (1) The common yard is located between the front lot line and primary addressed build-to-line of the parcel. Pools and accessory structures may not be located in the common yard area. Front fence or landscape buffer shall be provided and include The following is the minimum that shall be provided within the common yard:
 - a. An opaque hedge, height not to exceed 3 feet when fully matured and/or
 - b. *Knee wall and/or fence.* Permitted materials are wood, shell or concrete material consistent with the overall architecture and design of the primary residence with a minimum height of two feet and a maximum of four feet. The fence setback and visibility standards of section 20.15 shall

apply to the building type selected for development, except that no fence exceeding four feet in height may be installed closer to the front lot line than the principal structure to which it is ancillary.

c. Landscaping shall be provided as indicated in the table below.

COMMON YARD FRONT BUFFER	MIN	MAX
<u>A - Landscape</u>	<u>grass and or ground cover</u>	
<u>B - Shrubs, ground cover</u>	<u>10</u> <u>(3 gallon) 3'</u> <u>height</u>	<u>—</u>
<u>C - Tree (canopy tree)</u>	<u>1</u>	<u>—</u>
<u>D – Front/sideyard Fence Height (feet)</u>	<u>2'</u>	<u>4'</u>

Sec. 20.21. Screening of elevated buildings.

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

- (a) Architectural screening shall:
 - (1) Create a visual continuity that is integrated with the overall design and architecture of the home using doors, garage doors, entryways, staircase and/or archways.
 - (2) No more than 20 percent of the area being screened can be transparent.
- (b) Landscape screening shall be installed around the portions of the buildings (accessory and principal) that are elevated and facing the public street:
 - (1) A minimum 3-foot-wide landscape area along the length of the principal building and garage (if visible from the street) except where driveways are approved. The square footage of landscaping displaced by driveways shall be relocated elsewhere in the front yard.
 - (2) One understory tree per 20 linear feet (or portion thereof) of the elevated building length/width viewed from public rights-of-way. This requirement is in addition to the common yard standards listed in Section 20.20., as applicable.
 - (3) Planted with shrubs, ornamental grasses and groundcovers to provide 100 percent coverage of the landscape area within one growing season. The landscape design shall (unless spatially impractical) provide layering of plant materials that includes larger background shrubs and low foreground groundcovers. All plant material should be Florida friendly plantings as defined and identified by University of Florida/IFS horticulture experts.
 - (4) Permanent mulch materials, such as organic mulches, stones, and recycled inorganic groundcover materials are not permitted in lieu of vegetation, unless they are provided as accent or focal points that enhance the landscape design.
- (c) Apartment building types (apartment house, apartment building small and apartment building medium shall also meet the following standards:
 - (1) Parking may only be accessed from the side or rear of the building.
 - (2) No portion of the ~~primary~~ principal building shall have garage doors facing any street.

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

Sec. 20.22. General building design (residential).

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

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

Any single family or attached residential structure that follows the criteria outlined in section 20.15, Permitted Building Types, must design the building with the following architectural elements:

- (a) The mass of a building must include:
 - (1) *Primary mass.* The building shall have a distinct primary mass.
 - (2) *Secondary mass.* A building should also include secondary mass (private frontage requirements) that form the façade of the building.
 - (3) Voids that allow for natural breaks in the mass.
- (b) Proportional design elements shall include:
 - (1) Windows in varying, yet similar arrangements.
 - (2) Appropriate vertical visual consistency at the centerline of the façade.
 - (3) Appropriate ratios of visual width between top and bottom halves of the elevation (bottom ½ clearly supports the top).
 - (4) Overall design shall be symmetrically or asymmetrically balanced.
- (c) Design must include the following rhythms:
 - (1) Proximity (objects close together complement each other).
 - (2) Similarity- common textures, colors or features.
- (d) Garage Design elements shall include:
 - (1) Garage, attached to the principal structure and visible from the public right-of-way, shall be designed and integrated into the overall design elements of the principal structure. Garage doors shall not “dominate” the front façade or be the focal point of the building by the use of contrasting colors, textures that are not part of the overall design of the primary structure. Using elements that are consistent with this subsection, (a), (b) and (c) are required. Height of a garage shall not exceed more than one story of the principal building.
 - (2) Garage, detached from the principal structure, shall have a complementary appearance to that of the principal structure such as wood, stone, and/or manufactured products such as brick, stucco, or decorative concrete block. Architectural elements such as awnings, parapets, decorative molding, and windows should be utilized to create compatibility and consistency between the appearance of the principal dwelling unit and the detached garage.

-
- (e) Pool location. Pools shall not be permitted in the front yard setback area or be considered subject to the principal building setback area. Pools may be constructed in the front of the residence provided they extend no closer to the front property line than the primary structure to which they are accessory, and the primary structure meets frontage buildout requirements.

Sec. 20.23. General building design (non-residential and mixed-use buildings).

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

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

-
- (12) Covered porch entries.
 - (13) Cupolas shall be permitted on sloped roofs and are exempt from the height limitations up to twelve feet above the roof line.
 - (14) Buildings shall provide a foundation or base, typically from ground to bottom of the lower windowsills, with changes in volume or material.
 - (e) Roof-Based Mechanical Equipment and Other Roof Penetrations. All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (except chimneys), shall be located on the side or rear elevations. These penetrations shall be configured and screened with similar architectural details that are consistent with the overall building design which should blend into the overall architectural design of the building that shields view, as seen from a pedestrian, vehicle or vessel from a waterway, street, sidewalk, alleyway, and other public right-of-way.

Sec. 20.24. Design review and required drawings.

An applicant shall be subject to the City's permit process. In addition, any development within the PAG Overlay District using the building types, as provided in this division, and which is subject to design review under section 20.13., shall submit:

- (a) Architectural elevations of all facades of all structures subject to this division and shall be a required exhibit for plan approval which does not subrogate any requirements outlined in Division 5, Site plan approval procedures, and building permit process.
 - (1) Such exhibits shall include colors, materials, building dimensions, mass and scale proportions, location of service areas and mechanical equipment, screening devices, parking, site furnishings, lighting fixtures, all signage, and any other information as determined necessary to ensure consistency with the intent of this division and the PAGHOD Design Book.
 - (2) All elevations and overall design ~~must be signed and sealed by a licensed architect registered in the State of Florida and must provide a summary and illustrations that identify each standard listed in section 20.22 or 20.23 of this division. The City may request review by the Historic Preservation Board to ensure compatibility of new construction or additions within the PAG overlay district.~~
 - (2) Provide 11x17 architectural design packet that clearly illustrates the building elevations, mass and scale, screening of elevated portion(s) of the building (landscape or architectural elements).
 - (3) The City's architect or design review designee shall review to determine if the applicant has met the criteria in this Division and provide a summary of approval or recommended changes to the submitted architectural design and/or landscape of the project.
 - (4) After the completion of the design review in (4) above, the Historic Preservation Board shall review to ensure compatibility of any project that constitutes new construction, exterior renovations, or additions within the PAGHOD.
- (b) Landscape and Elevation screening plan(s) shall be submitted as part of the site plan.
- (c) Identify, through the use of the design book, how the proposed project is meeting the intent of the PAGHOD District.
- (d) Waste Management Plan shall be provided for all development, excluding freestanding quadplex, triplex, duplex and single-family residential, to ensure an overall strategy for recycling and trash collection has been implemented that includes:

-
- (1) The Site Plan shall include the area(s) for outdoor storage of recycling and/or trash receptables, location and design. It is encouraged to have joint dumpsters and/or compactors in alleys to serve groups of businesses to the extent possible.
 - i. If storage area is located outside, provide the overall design and location of such receptacles and overall screening from public rights-of way (excluding alleys), waterways.
 - ii. If the storage area is located in an alley and not visible from the public street, screening will not be required. Screening of storage areas shall be required in all alleyways where the area is not obscured by a permanent structure from the street.
 - (2) Restaurant requirements. Provide a description of how fats, oils and grease generated by the restaurants is being stored. If outside of the facility, provide the design and storage area to be used for review and approval by the City.
 - (3) City will review the waste management plan to ensure the access is sufficient for garbage pickup and will approve and/or deny the location, design and type of storage permitted.

Section 20.25. Pass-A-Grille Historic Overlay Design Guidebook

- (a) Design Guidebook. The design guidebook shall be used for both non-residential, mixed-use and residential development as a tool to assess compatibility within the PAGHOD, provide design concepts that reflect and support the historic character of the district.
- (b) A design guidebook for the PAGHOD, provides for overall design concept ideas for implementation of design within the district for all development. Specific materials, color, textures, and architectural style are not required, but will be provided as context and character of the area itself and every effort to compliment the overall historic design of the area should be made for new development.

DIVISION 20 PAG PASS-A-GRILLE HISTORIC OVERLAY DISTRICT¹

Sec. 20.01. Purpose and intent.

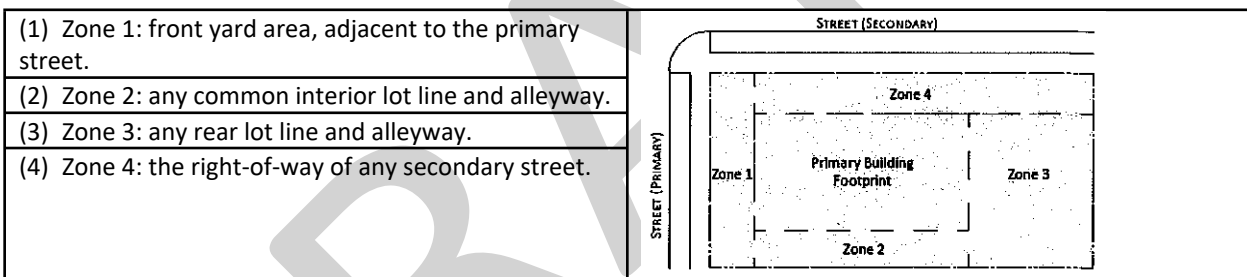
The City recognizes that the Pass-a-Grille Area was developed prior to the development of suburban zoning regulations. The Pass-a-Grille Historic Overlay District, herein referred as PAGHOD, is intended to allow for structures that are considered contributing to the National Register Historic District to be considered conforming regarding base flood elevations and uses of property within the Pass-a-Grille area situated south of 32nd Avenue. The PAGHOD intends to ensure that new and redevelopment of any structures and uses shall be compatible with the character of existing historic contributing structures within the PAGHOD. Also, to recognize that the existing platted lots and parcels meet the overall character of the district and shall be permitted to continue as viable lots while allowing for improvements to existing structures, additions and new development that is consistent with the existing mass and scale within the district.

Sec. 20.02. Definitions.

- (a) *Balance* means the relationship among the elements of a building on either side of an imaginary centerline through the middle of a building. Buildings are either symmetrically or asymmetrically balanced.
- (b) *Balanced, asymmetrically* means the shape(s) and design of a building may not match exactly, but instead have equal visual weight and are still visually balanced.
- (c) *Balanced, symmetrically* means the shapes on one side of the centerline match the shapes on the other side. The two halves are visually equal.
- (d) *Base flood elevation* shall have the same definition as in Article V, Chapter 98 of the Code of Ordinances.
- (e) *Building design elements* means the external building color; the type or style of exterior cladding material; the style or material of roof structures or porches; the exterior nonstructural architectural ornamentation; the location or architectural styling of windows or doors; the location or orientation of the garage; the number and type of rooms; and the interior layout of rooms insofar as the interior layout affects the exterior design, style, or ornamentation of the structure. The term does not include the height, bulk, orientation, or location of a dwelling on a zoning lot; or the use of buffering or screening to minimize potential adverse physical or visual impacts or to protect the privacy of neighbors.
- (f) *Building height*: Shall be as defined in Section 20.17 of this Division.
- (g) *Building envelope*: Provisions for the minimum and maximum setbacks permitted by front, side, and rear yards. There is a minimum and maximum setback for each lot type. The maximum and minimum frontage refers to the proportion of the lot width along which the primary building façade must be within the minimum and maximum front setback.
- (h) *Compatible design* means architectural design and construction that will fit harmoniously into the district based on scale and quality of construction with adjacent buildings and structures.

¹Editor's note(s)—Ord. No. 2016-19, § 2(Exh. A), adopted Feb. 28, 2017, repealed Div. 20, §§ 20.1—20.14, and reenacted a new Div. 20, §§ 20.1—20.24, as set out herein. Former Div. 20 pertained to similar subject matter and derived from Ord. No. 03-7, § 3, adopted May 1, 2003; Ord. No. 2004-18, §§ 7, 8, adopted Aug. 24, 2004; Ord. No. 2008-32, § 1, adopted Aug. 26, 08; Ord. No. 2010-03, § 1(Att. A), adopted April 27, 2010; and Ord. No. 2011-03, § 3, adopted May 24, 2011.

- (i) *Design flood elevation* shall have the same definition as in Article V, Chapter 98 of the Code of Ordinances.
- (j) *Design flood elevation, required* means the minimum elevation of the finished floor or bottom of the lowest horizontal structural member of the lowest habitable floor of a structure, as applicable to the structure's flood zone, or the elevation to which an eligible nonresidential structure is required to be floodproofed. This minimum elevation shall be the highest of the elevations required by the City's floodplain management regulations, the Florida Building Code, as may be amended, or any other regulatory standards applicable to properties in St. Pete Beach.
- (k) *Lot requirements*: Provisions for minimum and maximums, lot depth, lot size and the permitted lot coverage.
- (l) *Lot, waterfront*: A zoning lot which abuts any body of water or the beach. All lots not considered waterfront shall be considered interior for rear setback purposes.
- (m) *Mass, primary*: largest shape of a building.
- (n) *Mass, secondary*: additional shapes that form the façade of the building
- (o) *Parking provisions*: The amount of parking shall be determined by Division 23 of the Land Development Code. Parking provisions provide zones where parking is permitted. The parking zone refers to any uncovered parking area located on the parcel. Driveways are permitted in any zone provided the frontage requirements have been met as required by building type. The diagram illustrates a primary and secondary street. Primary streets are streets that are addressed to the parcel of land. Secondary streets may or may not have access to the parcel. Zones are defined and illustrated by the lot area between the principal building frontage and:



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

Sec. 20.03. Permitted principal uses and structures.

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

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

Sec. 20.04. Permitted accessory uses and structures.

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

Sec. 20.05. Allowable conditional use.

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

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

Sec. 20.06. Prohibited uses and structures.

All uses and structures not of a nature specifically or provisionally permitted herein or within the underlying zoning district are hereby prohibited in the PAGHOD.

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

Sec. 20.07. Density, intensity and assembly of parcels.

- (a) The maximum residential density permitted in the PAGHOD shall not exceed the number of units per acre permitted by the underlying Future Land Use map for undeveloped parcels of land.
- (b) The existing residential density, exceeding one density unit, of an existing residential structure shall be permitted to rebuild on the existing parcel of land, with the same density as the existing structure(s) has, if the building was constructed prior to February 28, 2017, and can meet the lot requirements, by building type, in section 20.15 of this Division. In addition, any new construction cannot exceed the existing livable developed square footage and must match the existing form and mass as defined in section 20.22 herein.

-
- (c) The existing hotel/motel units shall be permitted to rebuild on the existing parcel of land, with the same number of units that already exist as a rental/leasable room within the existing built hotel if the building was constructed prior to February 28, 2017, and can meet the lot requirements of a Boutique Hotel Building Type as provided in section 20.15 of this Division.
 - (d) No more than two lots of record may be combined to accommodate additions to existing structures. Requests for assembly shall be reviewed by the Historic Preservation Board which shall make recommendation to the Board of Adjustment (when applicable), and/or the City Commission as provided in Sec. 20.14.

Sec. 20.08. Maximum floor area ratio.

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

Sec. 20.09. Maximum impervious surface ratio.

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

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

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

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

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

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

Setback	
Front yard	(1)
Secondary front yard	5 feet
Side yard	10 percent of the lot width (each)
Rear yard	10 feet

- (1) Not to exceed more than three feet of a variation from the average historic setback as described above, or to produce a setback less than the minimum for the subject parcel building type as defined in Section 20.15. Applicants seeking a lesser setback, or a setback with greater variation, than specified herein may seek a variance pursuant to Section 3.12 following certificate of appropriateness issuance and recommendation from the Historic Preservation Board.

When the setbacks provided above conflict with the setbacks required for the recipient's building type listed in section 20.15., the setbacks in this section shall prevail provided that a Certificate of Appropriateness has been issued for the addition or remodel.

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

Sec. 20.11. Minimum building type requirements.

Lots of record within the PAGHOD shall be deemed conforming even if the parcel does not meet the minimum lot width/depth standards for the underlying zoning district, provided new development or redevelopment can meet the setback requirements noted for the assigned building type found in Sec. 20.15. The building type shall be selected based on the overall minimum and maximum lot size criteria per building type if the lot width and/or length is not met. The final determination of what building type to be used is made by the City Manager or designee. If an applicant is not satisfied with the assignment of building type, an application to consider building type selection must be reviewed by the Historic Preservation Board prior to hearing of the practical difficulty or unnecessary and undue hardship variance application that pertains to the use type as outlined in the LDC Sec. 3.12 Variance process.

Sec. 20.12. Subdivision of lots.

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

Sec. 20.13 Applicability and Building Type Assignment.

Any other applicable standards within this division, not expressly stated in this section, shall apply to new development, additions, and redevelopment of parcels located in the PAGHOD, as outlined in this division.

(a) Residential and Non-Residential Parcels of Land:

(1) Redevelopment & New Development

- a. Parcel(s) of land that are assigned a non-residential zoning district, shall be permitted a non-residential building type found in section 20.15 that is consistent with the underlying uses permitted in the parcel(s) assigned underlying Zoning District and section 20.07.
- b. The parcel of land shall meet the lot width and lot depth as identified, by building type, in section 20.15, to determine the appropriate non-residential building type standard that applies to that parcel.

(2) Addition(s)

- a. Parcel of land within the PAGHOD shall meet the building type standard that is most consistent with the lot width/lot depth of that parcel.
 - i. Setbacks shall be met, and

-
- ii. Accessory additions shall only be permitted within the side and/or rear of the parcel, and
 - iii. If front-facing elevation is changed, the landscape standards and architectural elements must be met.

Sec. 20.14. Lot Split, Assembly of Parcels, Vacation of Easements and/or Right-of-ways.

The following requirements are to be provided for any lot splits, assembly of parcels, or request to vacate easements or right-of-ways:

- (a) Assembly or parcel splits shall:
 - (1) Submit an application to the Historic Preservation Board (HPB) for a recommendation prior to review by the Board of Adjustment and City Commission, as applicable.
 - (2) The applicant shall provide documentation for the HPB to determine the compatibility and respect for the existing character of the PAGHOD, which will review:
 - a. Historical plat and scale of the overall character of PAGHOD to ensure the application is consistent with the overall intent of the district.
 - b. Determine if recommending the parcel split, assembly or vacation of easements and right of ways will support or negatively impact the overall character of the area by permitting the use and the scale of the parcel of land and/or development size.

Sec. 20.15. Permitted building types.

Building types are permitted by the following criteria:

- (a) Existing Parcel Size, and
- (b) Existing Density, Units and Rooms as outlined in Sec. 20.07.

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

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

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft) (1)	60	—
B - Lot Depth (ft) (1)	100	—
C - Lot Size (sf)	6,000	—
D - Lot Coverage (%)	—	60
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft) (2)(3)(4)	10	15
Secondary Street Setback	7	—
F - Side Setback (ft)	7	—
G - Rear Setback (ft) (interior lot)	15	—
Rear Setback (ft) (waterfront lot)	20	—
Garage Adjacent to Alley	5	—
H - Frontage Buildout (%)	50	—
BUILDING HEIGHT		
M - Principal Building (ft)	—	28-32' as defined in Sec. 20.17
PARKING PROVISIONS		
Location (3)	Zone 2,3, and 4	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	P, S	

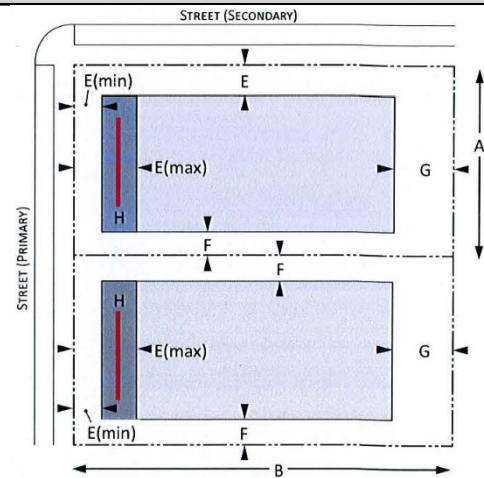
(1) maximum building lot width and lot size may be determined if two lots are being combined to ensure compatibility with the surrounding existing homes.

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

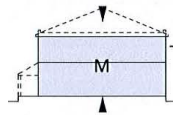
(3) when a parcel is not located with alleyway access, the maximum setback may increase up to five feet to allow for a driveway and up to one vehicle to park in Zone 1. Any Zone 1 parking space created through this provision shall be at least nine feet in width, twenty feet in depth, and located entirely out of the right of way.

(4) when a development commences on a through lot as defined in Division 2 in this code, both fronts of the property shall be subject to the street setback.

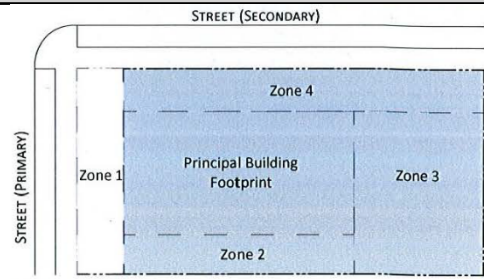
LOT REQUIREMENTS AND BUILDING ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



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

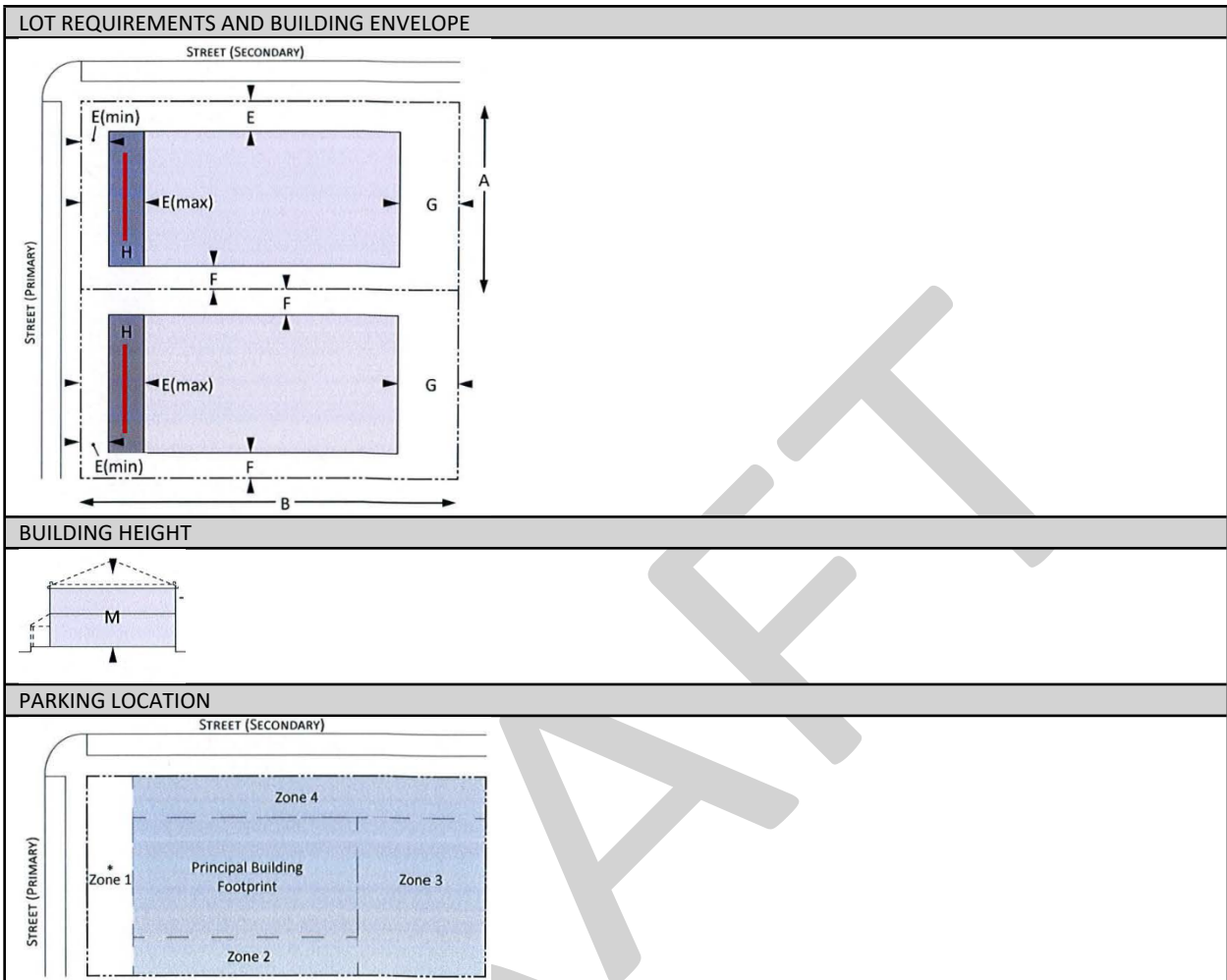
LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft) (1)	40	55
B - Lot Depth (ft) (1)	100	—
C - Lot Size (sf)	4,000	—
D - Lot Coverage (%)	—	70
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft) (2)(3)(4)	10	15
Secondary Street Setback	5	—
F - Side Setback (ft)	5	—
G - Rear Setback (ft) (interior lot)	15	—
Rear Setback (ft) (waterfront lot)	20	—
Garage Adjacent to Alley	5	—
H - Frontage Buildout (%)	50	—
BUILDING HEIGHT		
M - Principal Building (ft)	—	'28-32' as defined in Sec. 20.17
PARKING PROVISIONS		
Location (3)	Zone 2,3, and 4	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	P, S	

(1) maximum building lot width and lot size may be determined if two lots are being combined to ensure compatibility with the surrounding existing homes.

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

(3) when a parcel is not located with alleyway access, the maximum setback may increase up to five feet to allow for a driveway and up to one vehicle to park in Zone 1. Any Zone 1 parking space created through this provision shall be at least nine feet in width, twenty feet in depth, and located entirely out of the right of way.

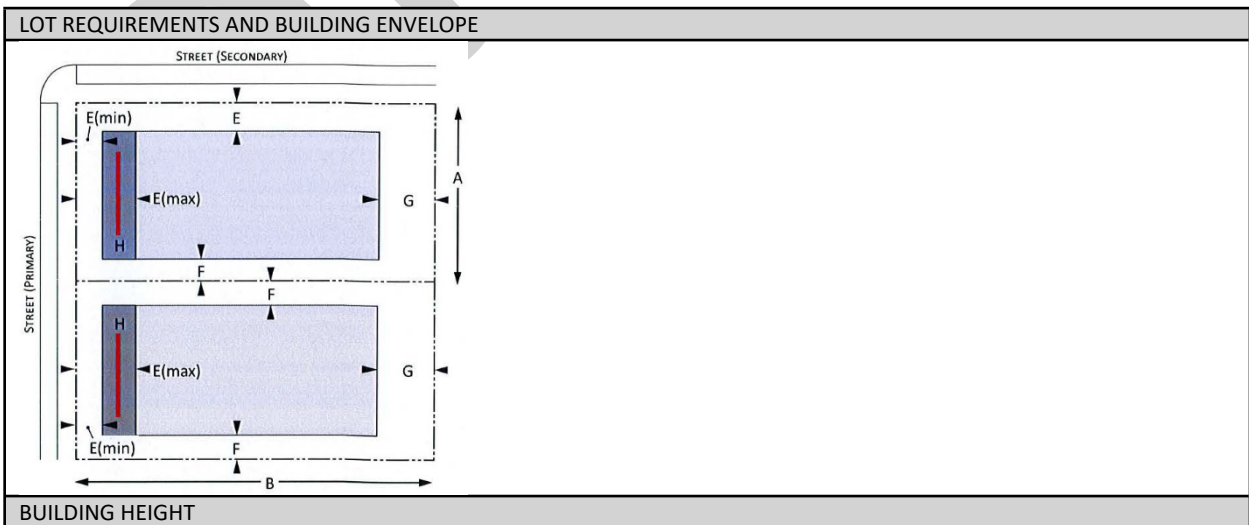
(4) when a development commences on a through lot as defined in Division 2 in this code, both fronts of the property shall be subject to the street setback.



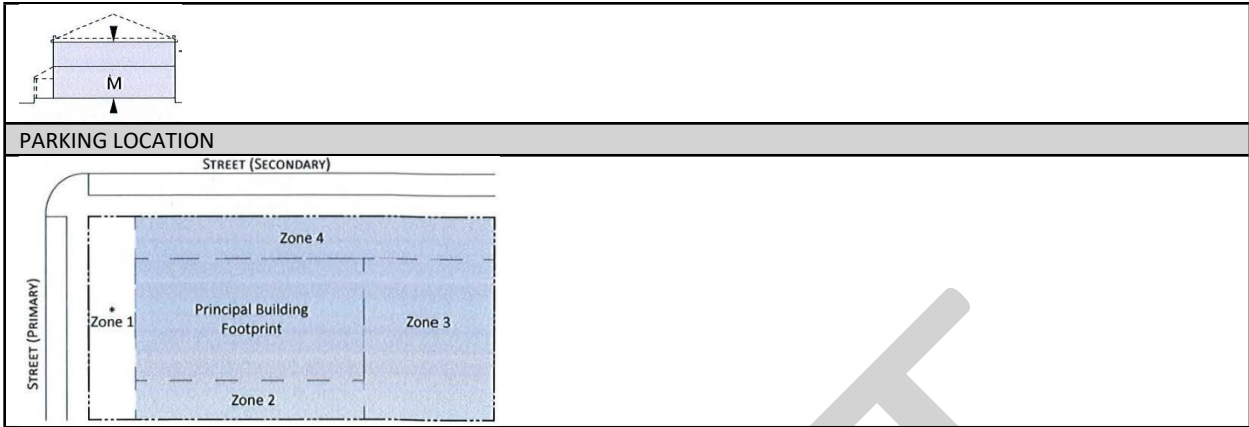
HS	HOUSE-SMALL
A building lot located and designed to accommodate a small detached building with small side and front yards. A maximum of one dwelling unit is permitted.	

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft) (1)	32	40
B - Lot Depth (ft) (1)	50	120
C - Lot Size (sf)	1,600	4,800
D - Lot Coverage (%)	—	70
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft) (2)(3)(4)	5	10
Secondary Street Setback (ft)	5	—
F - Side Setback (ft)	3	—
G - Rear Setback (ft) (interior lot)	10	—
Rear Setback (ft) (waterfront lot)	20	—
Garage Adjacent to Alley	5	—
H - Frontage Buildout (%)	50	—
BUILDING HEIGHT		
M - Principal Building (ft)	—	'28-32' as defined in Sec. 20.17
PARKING PROVISIONS		
Location (3)	Zone 2,3,4	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	P, S	

- (1) maximum building lot width and lot size may be determined if two lots are being combined to ensure compatibility with the surrounding existing homes.
- (2) a lot that is adjacent to the bay or beach is permitted to exceed the maximum setback requirements.
- (3) when a parcel is not located with alleyway access, the maximum setback may increase up to ten feet to allow for a driveway and up to one vehicle to park in Zone 1. Any Zone 1 parking space created through this provision shall be at least nine feet in width, twenty feet in depth, and located entirely out of the right of way.
- (4) when a development commences on a through lot as defined in Division 2 in this code, both fronts of the property shall be subject to the street setback.



Created: 2021-12-02 08:12:11 [EST]

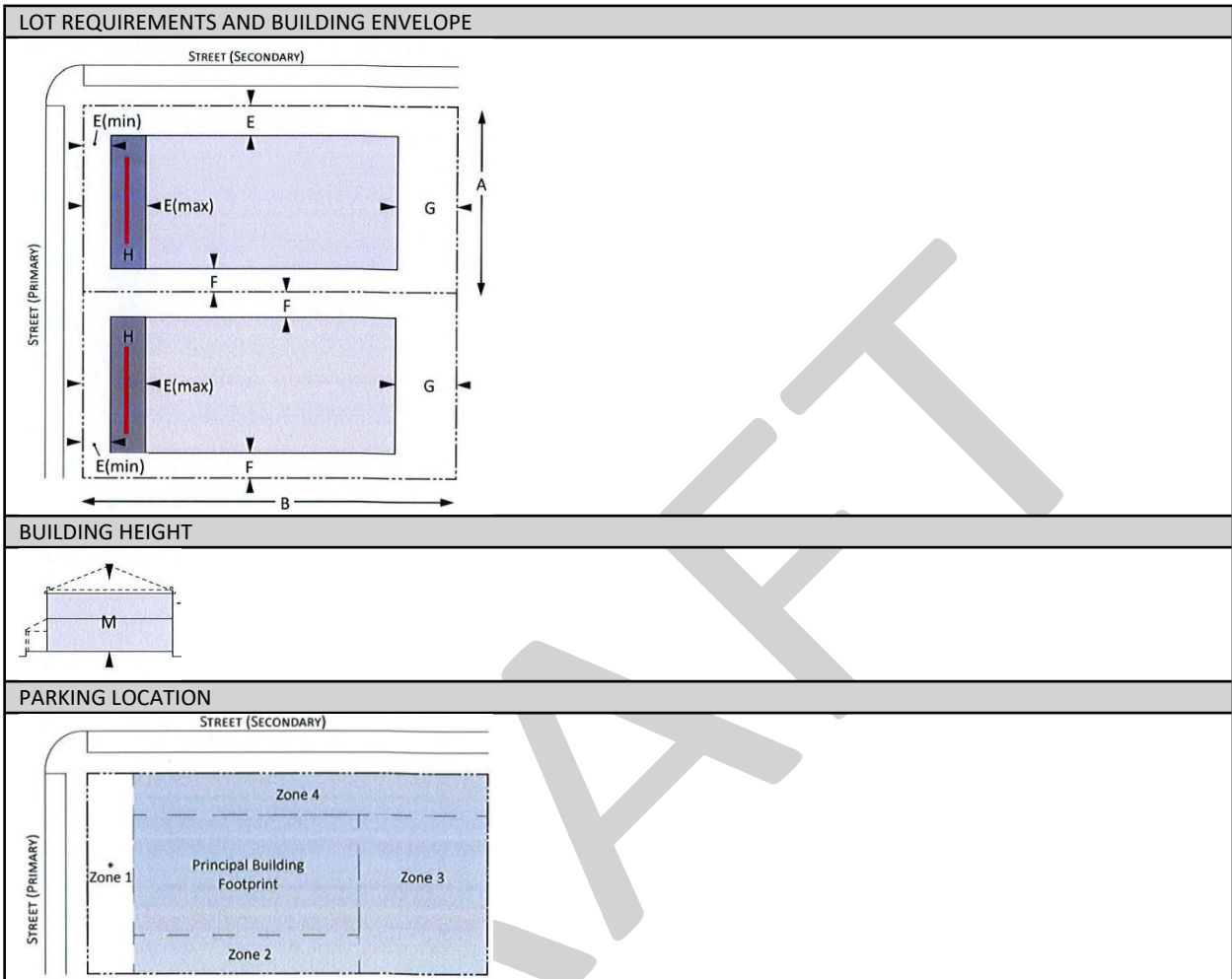


AH	APARTMENT HOUSE
A building lot located and designed to accommodate a detached building which resembles a large house but which contains multiple dwellings above and beside each other. A maximum of 4 units are permitted in this building lot. (The units must be existing prior to redevelopment as stated in section 20.07 Density, intensity and assembly of parcels).	

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	40	55
B - Lot Depth (ft)	80	—
C - Lot Size (sf)	3,200	—
D - Lot Coverage (%)	—	70
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft) (1)	10	15
Secondary Street Setback (ft)	5	—
F - Side Setback (ft)	5	—
G - Rear Setback (ft) (interior lot)	15	—
Rear Setback (ft) (waterfront lot)	20	—
Garage Adjacent to Alley	5	—
H - Frontage Buildout (%)	60	—
BUILDING HEIGHT		
M - Principal Building (ft)	—	'28-32' as defined in Sec. 20.17
PARKING PROVISIONS		
Location (2)	Zone 2, 3 and 4	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	P, S	

(1) when a development commences on a through lot as defined in Division 2 in this code, both fronts of the property shall be subject to the street setback.

(2) when a parcel is not located with alleyway access, the maximum setback may increase up to five feet to allow for a driveway and up to one vehicle to park in Zone 1. Any Zone 1 parking space created through this provision shall be at least nine feet in width, twenty feet in depth, and located entirely out of the right of way. Any other required parking must be located outside of the Zone 1 frontage.

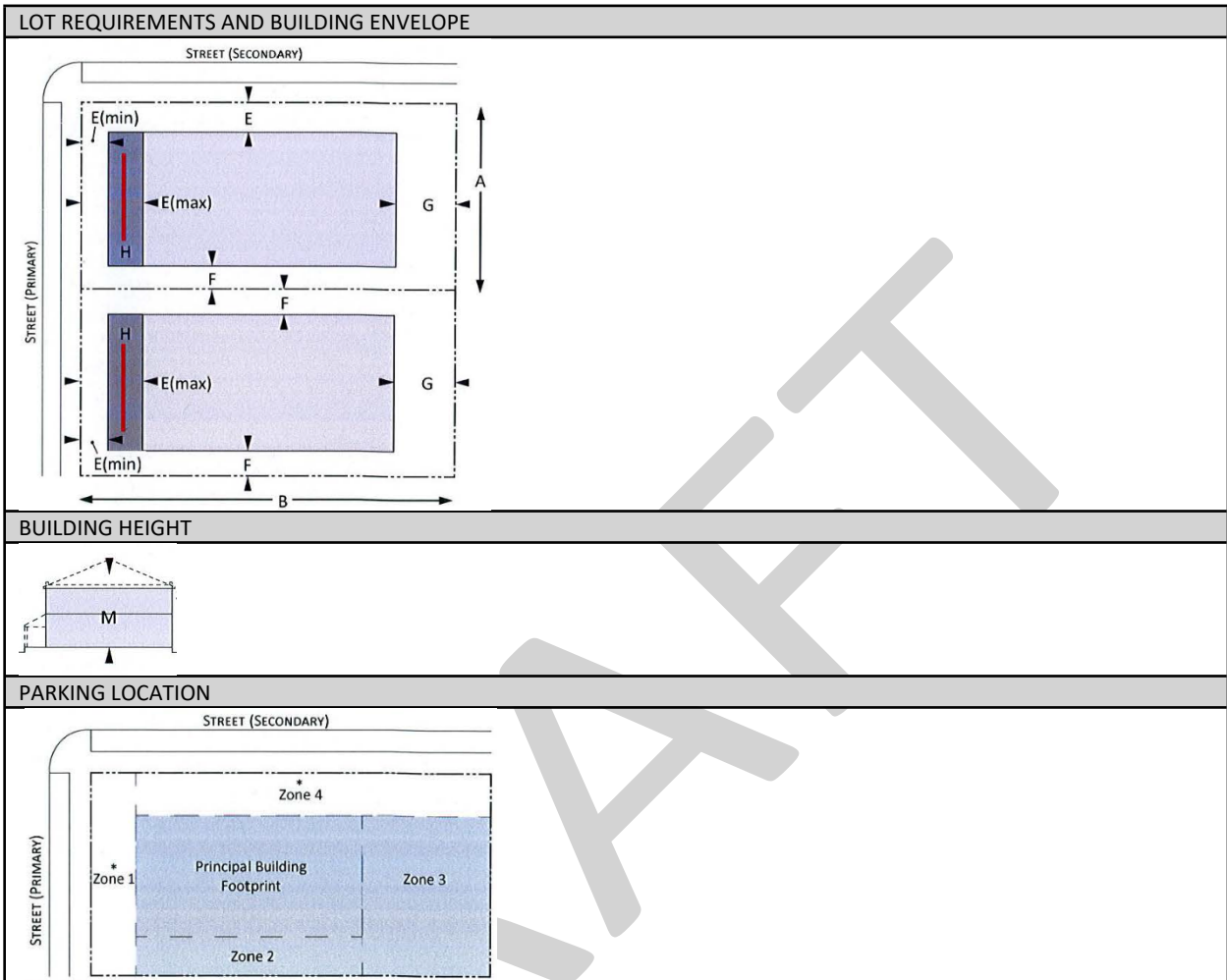


AS	APARTMENT BUILDING-SMALL
A building lot located and designed to accommodate multiple dwellings above or beside each other in a building that occupies most of its building lot width and is placed close to the sidewalk. (The units must be existing prior to redevelopment as stated in section 20.07 Density, intensity and assembly of parcels).	

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

(1) when a development commences on a through lot as defined in Division 2 in this code, both fronts of the property shall be subject to the street setback.

(2) when a parcel is not located with alleyway access, up to one vehicle may be permitted to park in Zone 1. Any Zone 1 parking space created through this provision shall be at least nine feet in width, twenty feet in depth, and located entirely out of the right of way. Any other required parking must be located outside of the Zone 1 frontage.

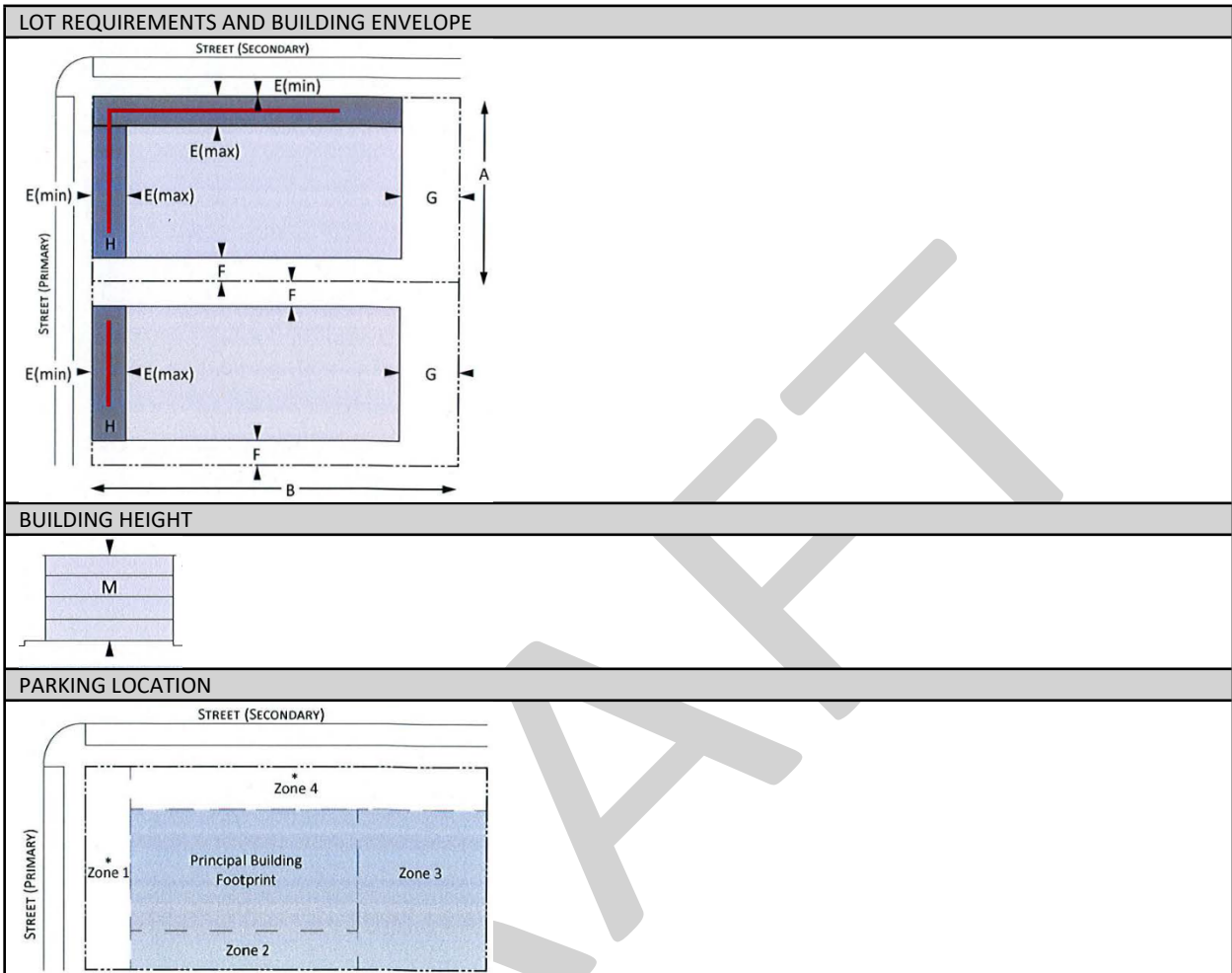


AM	APARTMENT BUILDING-MEDIUM
A building lot located and designed to accommodate multiple dwellings above or beside each other in a building that occupies most of its building lot width and is placed close to the sidewalk. (The units must be existing prior to redevelopment as stated in section 20.07 Density, intensity and assembly of parcels).	

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	90	200
B - Lot Depth (ft)	120	120
C - Lot Size (sf)	10,800	24,000
D - Lot Coverage (%)	—	75
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft) (1)	15	25
Secondary Street Setback (ft)	10	—
F - Side Setback (ft)	10	—
G - Rear Setback (ft) (interior lot)	15	—
Rear Setback (ft) (waterfront lot)	20	—
Garage Adjacent to Alley	5	—
H - Frontage Buildout (%)	60	—
BUILDING HEIGHT		
M - Principal Building (ft)	—	'28-32' as defined in Sec. 20.17
PARKING PROVISIONS		
Location (2)	Zone 2 and 3	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	P, F, S	

(1) when a development commences on a through lot as defined in Division 2 in this code, both fronts of the property shall be subject to the street setback.

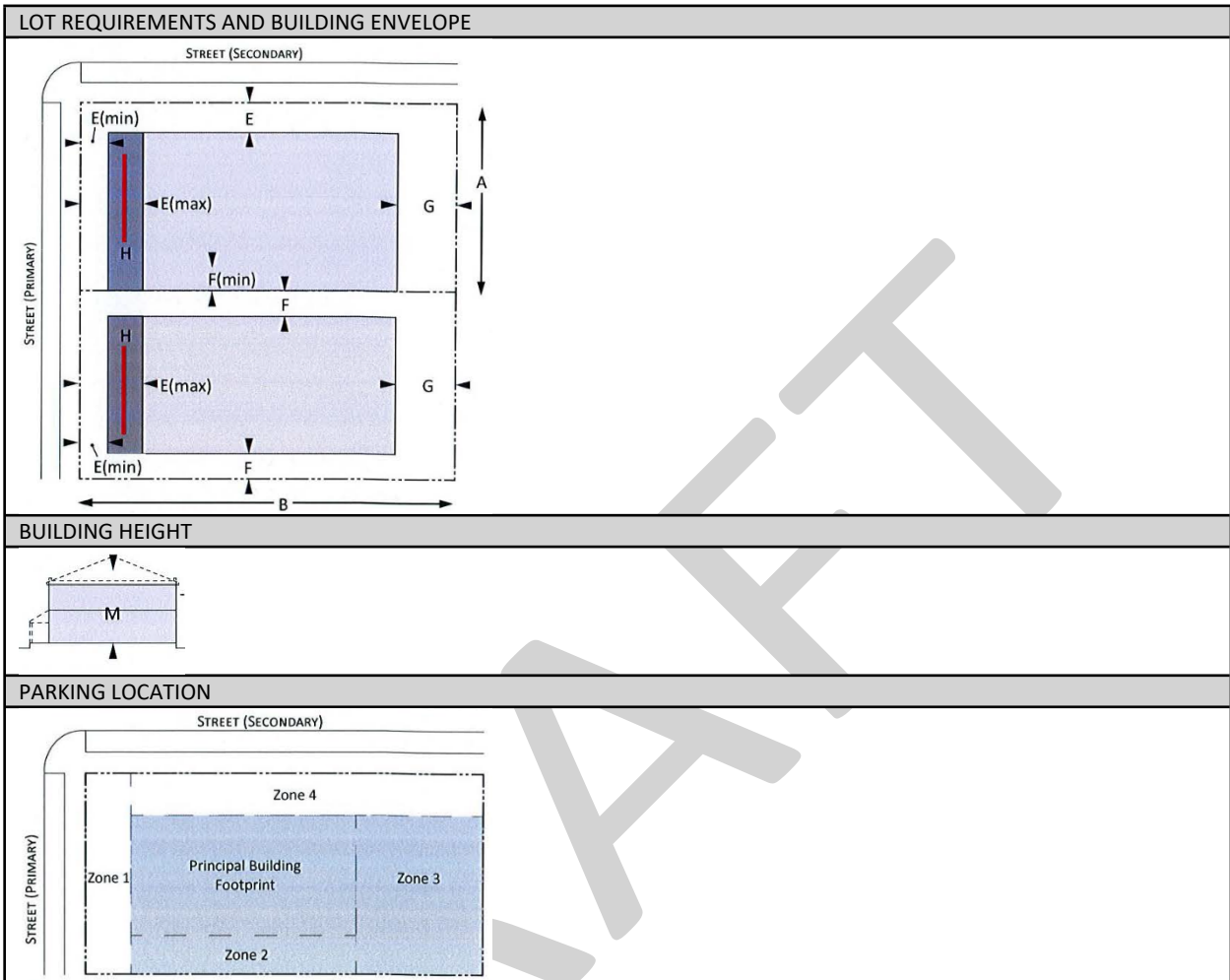
(2) when a parcel is not located with alleyway access, up to one vehicle may be permitted to park in Zone 1. Any Zone 1 parking space created through this provision shall be at least nine feet in width, twenty feet in depth, and located entirely out of the right of way. Any other required parking must be located outside of the Zone 1 frontage.



CA	COURTYARD APARTMENT
A building lot located and designed to accommodate multiple dwellings arranged around and fronting on a central garden or courtyard that may be partially or wholly open to a street and/or alleyway. (The units must be existing prior to redevelopment as stated in section 20.07 Density, intensity and assembly of parcels).	

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

(1) when a development commences on a through lot as defined in Division 2 in this code, both fronts of the property shall be subject to the street setback.



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

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	20	60
B - Lot Depth (ft)	80	120
C - Lot Size (sf)	1,600	7,200
D - Lot Coverage (%)	—	80
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft) (1)	10	15
Secondary Street Setback (ft)	5	—
F - Side Setback (ft)	0	—
G - Rear Setback (ft) (interior lot)	15	—
Rear Setback (ft) (waterfront lot)	20	—
Alley	5	—
H - Frontage Buildout (%)	60	—
BUILDING HEIGHT		
M - Principal Building (ft)	—	underlying zoning district
PARKING PROVISIONS		
Location	Zone 2 and 3	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	C	

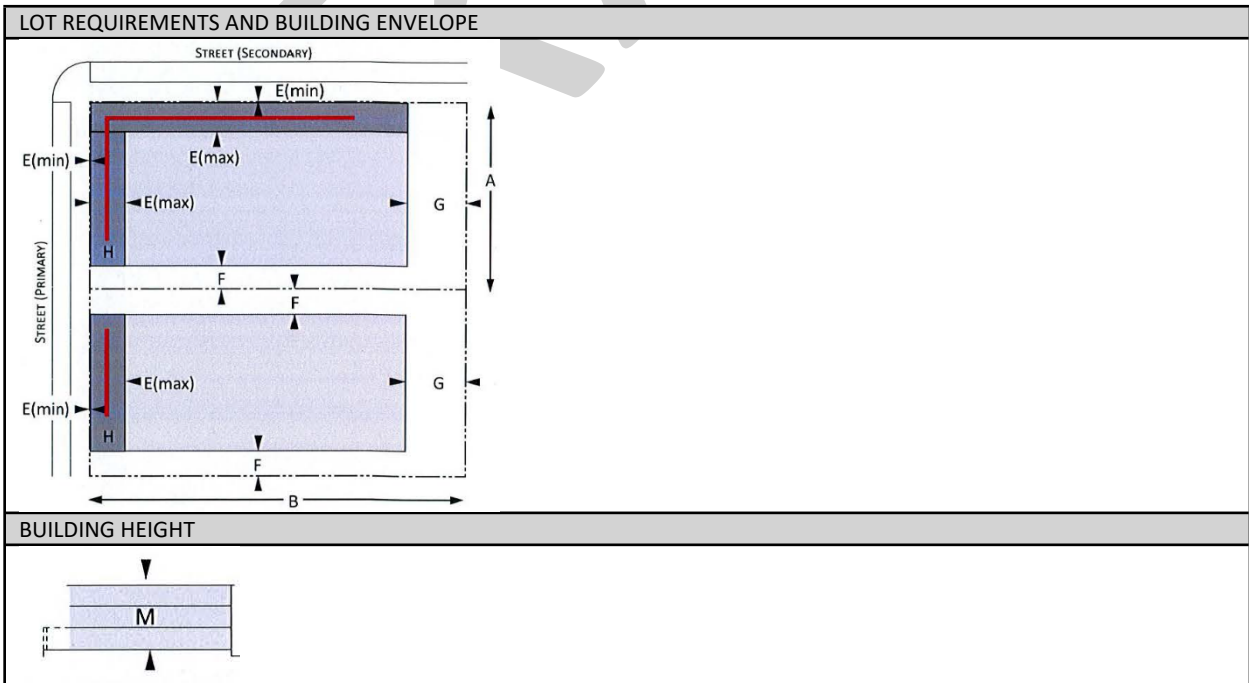
(1) when a development commences on a through lot as defined in Division 2 in this code, both fronts of the property shall be subject to the street setback.

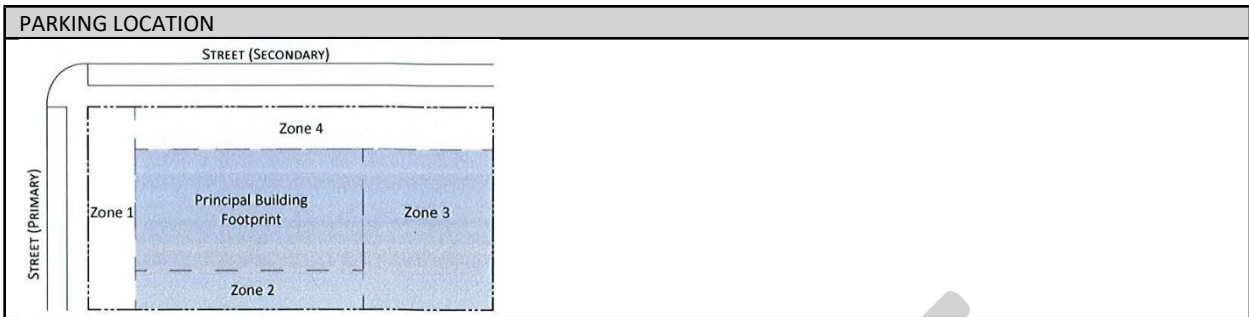


CM	COMMERCIAL / MIXED-USE - MEDIUM
A building lot located and designed to accommodate a multi story building with commercial, office and/or multiple dwellings in any story that is designed for average lot sizes.	

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	60	150
B - Lot Depth (ft)	—	350
C - Lot Size (sf)	—	52,500
D - Lot Coverage (%)	—	90
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft) (1)	10	15
Secondary Street Setback (ft)	5	—
F - Side Setback (ft)	0	—
G - Rear Setback (ft) (interior and waterfront lots)	20	—
Alley	5	—
H - Frontage Buildout (%)	60	—
BUILDING HEIGHT		
M - Principal Building (ft)	—	underlying zoning district(2)
PARKING PROVISIONS		
Location	Zone 2 and 3	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	C	

- (1) when a development commences on a through lot as defined in Division 2 in this code, both fronts of the property shall be subject to the street setback.
- (2) Height will be reviewed and assessed to determine the permitted height if the parcel is being rezoned into the PAGHOD.



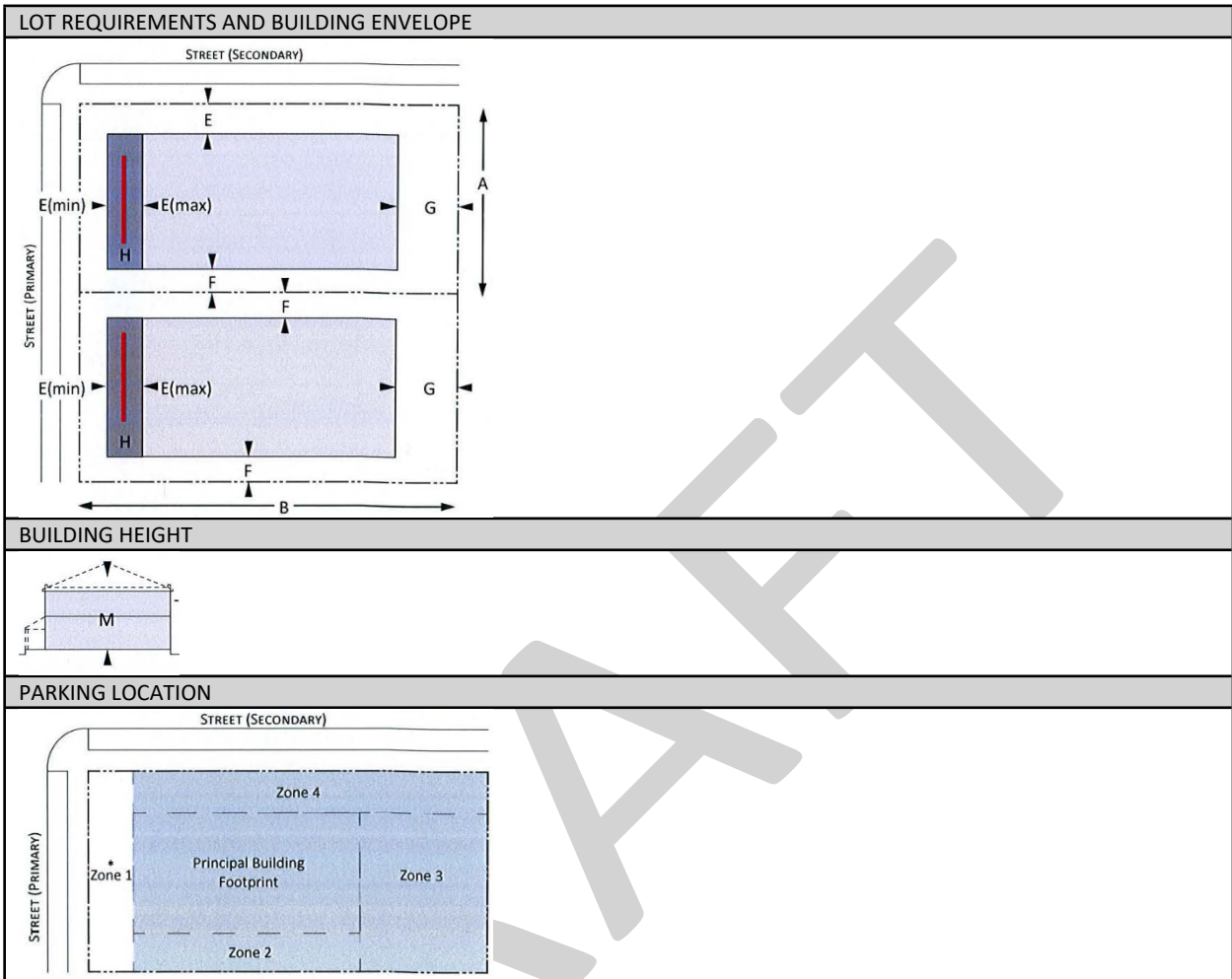


BH	BOUTIQUE HOTEL
A building lot located and designed to accommodate lodging. The number of rooms will be confirmed by existing operating hotel rooms. (The units must be existing prior to redevelopment as stated in section 20.07 Density, intensity and assembly of parcels).	

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

(1) when a development commences on a through lot as defined in Division 2 in this code, both fronts of the property shall be subject to the street setback.

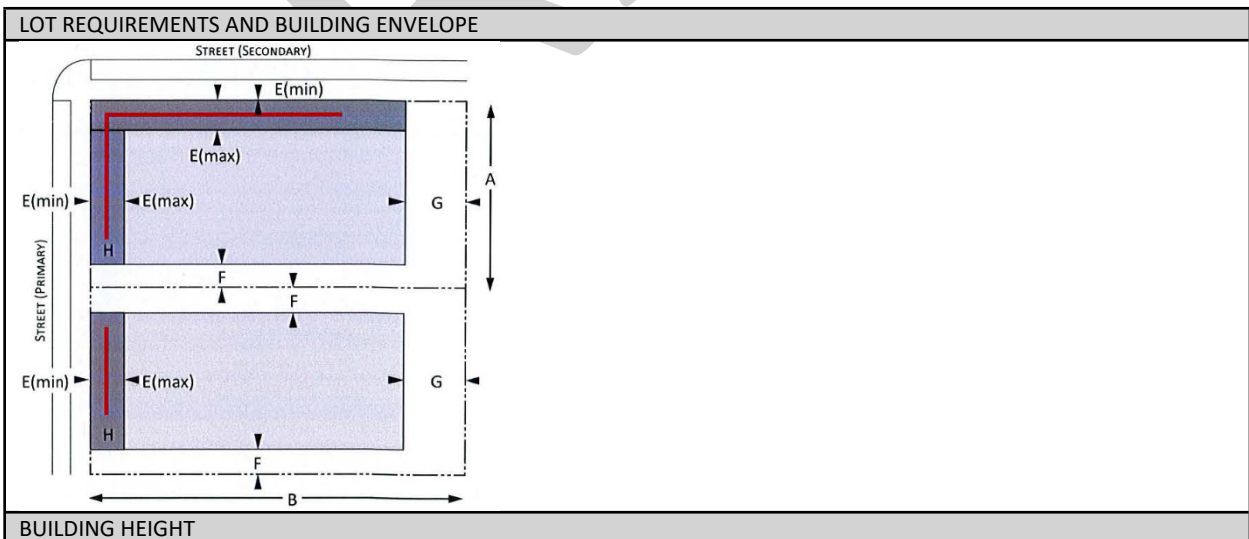
(2) may exceed the height up to 35' as outlined by the code if the property is along Gulf Way and that portion of the building that exceeds the 32' in height shall be set back an additional one foot from the front setback line for every foot in height increase.

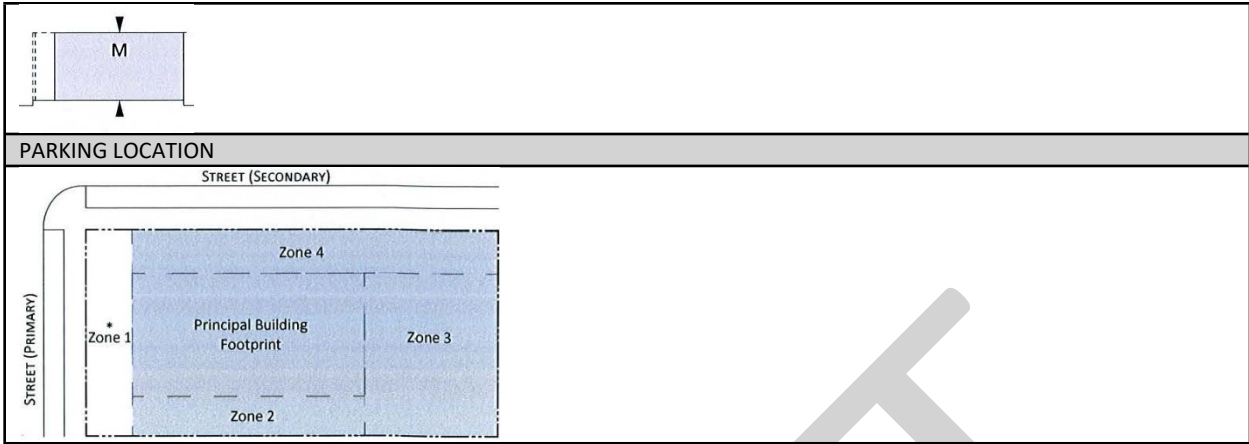


SS	SINGLE STORY COMMERCIAL BUILDING-SMALL
A building lot located and designed to accommodate single use office and retail.	

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

- (1) when a development commences on a through lot as defined in Division 2 in this code, both fronts of the property shall be subject to the street setback.
- (2) Height will be reviewed and assessed to determine the permitted height if the parcel is being rezoned into the PAGHOD.

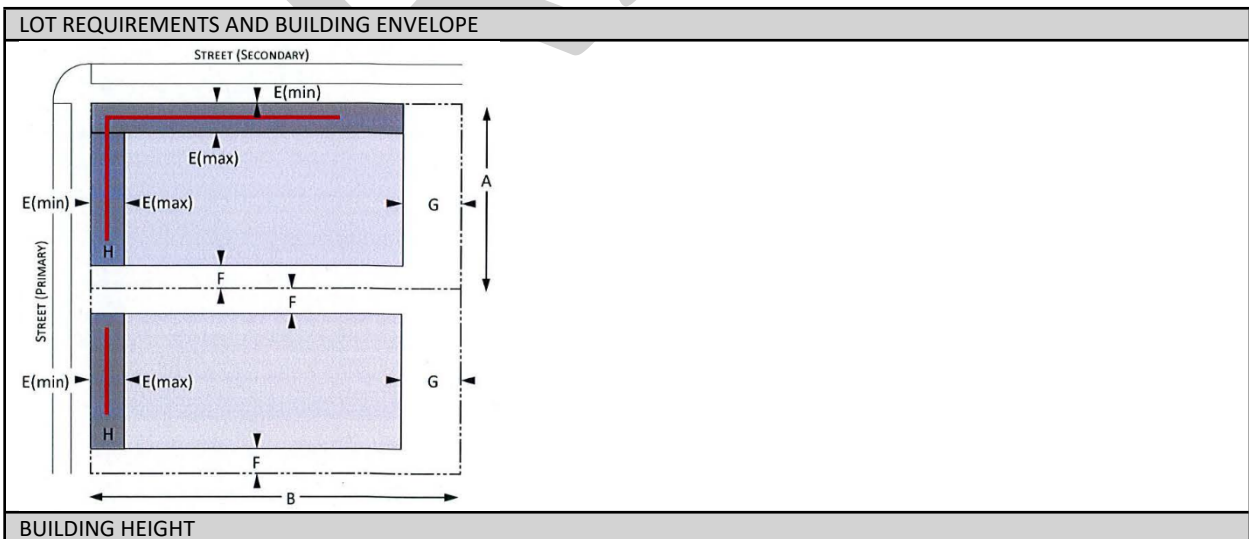


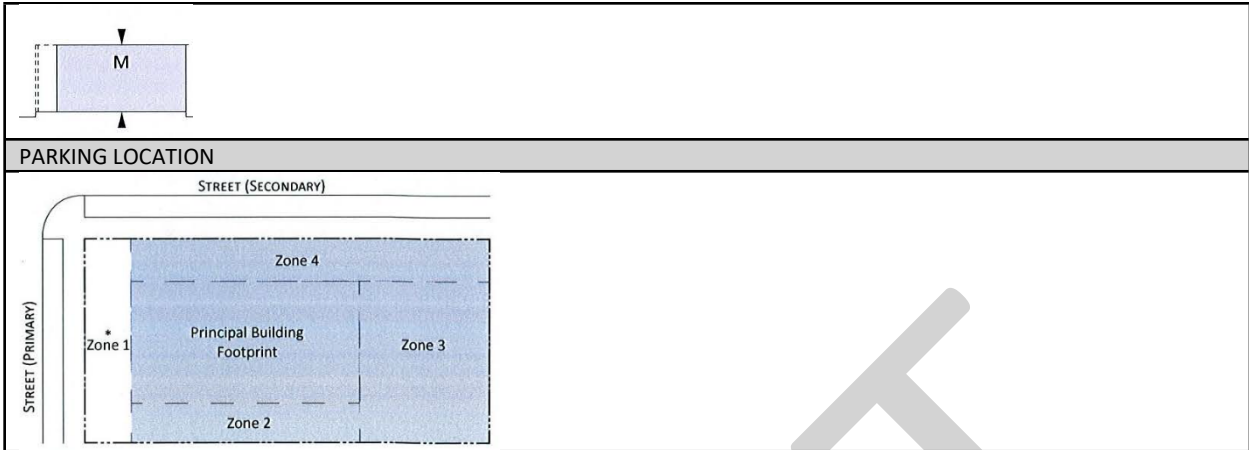


SM	SINGLE STORY COMMERCIAL BUILDING-MEDIUM
A building lot located and designed to accommodate single use office and retail.	

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	60	150
B - Lot Depth (ft)	—	350
C - Lot Size (sf)	—	52,500
D - Lot Coverage (%)	—	90
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft) (1)	10	15
Secondary Street Setback (ft)	5	—
F - Side Setback (ft)	0	—
G - Rear Setback (ft) (interior and waterfront lots)	20	—
Alley	5	—
H - Frontage Buildout (%)	60	—
BUILDING HEIGHT		
M - Principal Building (ft)	—	underlying zoning district (2)
PARKING PROVISIONS		
Location	Zone 2, 3 and 4	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	C	

- (1) when a development commences on a through lot as defined in Division 2 in this code, both fronts of the property shall be subject to the street setback.
- (2) Height will be reviewed and assessed to determine the permitted height if the parcel is being rezoned into the PAGHOD.

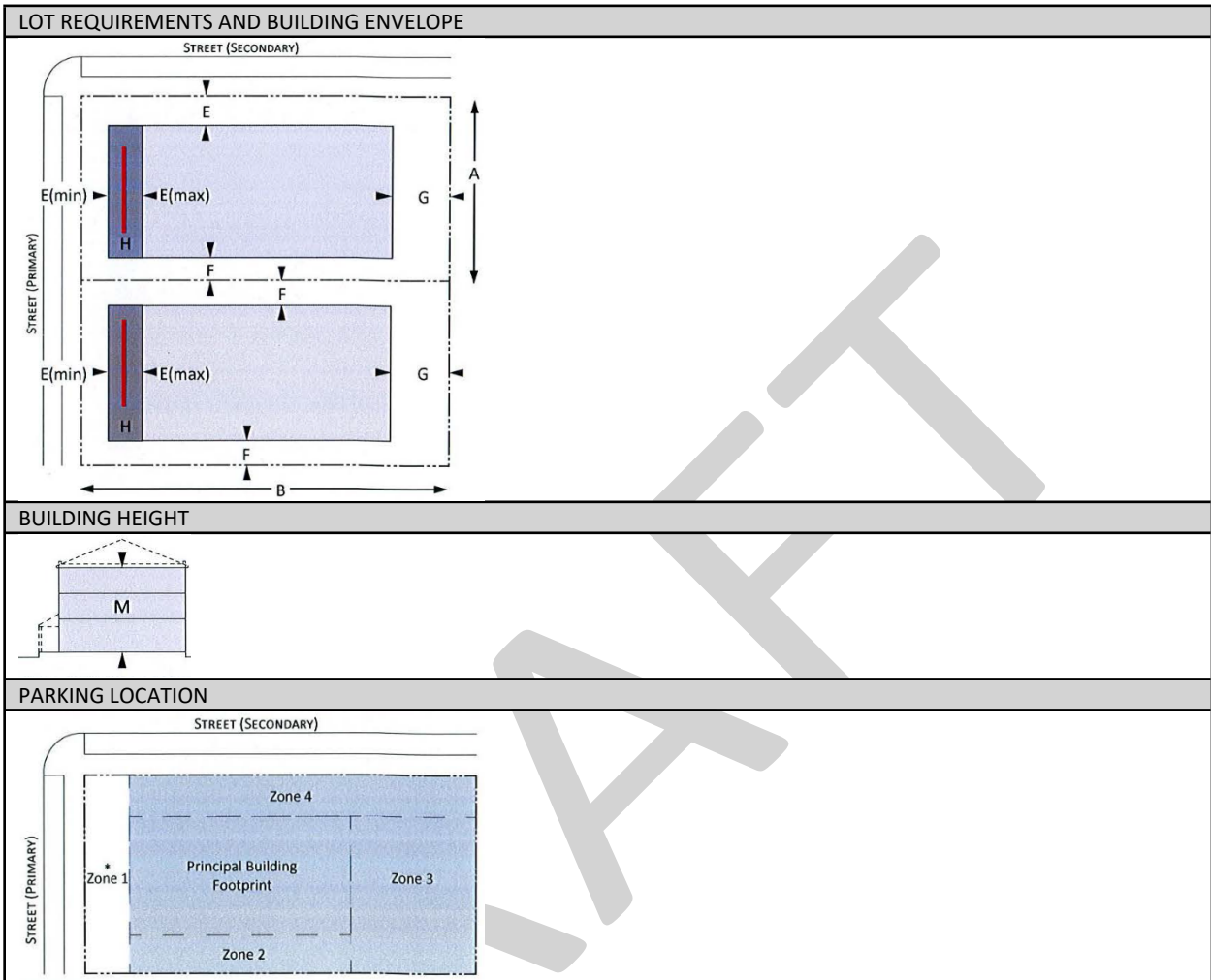




IN	INSTITUTION BUILDING
A building lot located and designed to accommodate a building containing public or civic uses such as community services, day care, education, government, places of worship, or social services. This typology is only for permitted and exiting institutional buildings.	

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	—	—
B - Lot Depth (ft)	—	—
C - Lot Size (sf)	—	—
D - Lot Coverage (%)	—	—
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft) (1)	10	25
Secondary Street Setback (ft)	10	—
F - Side Setback (ft)	10	—
G - Rear Setback (ft) (interior lot)	15	—
Rear Setback (ft) (waterfront lot)	20	—
Alley	5	—
H - Frontage Buildout (%)	50	—
BUILDING HEIGHT		
M - Principal Building (ft)	—	35'
PARKING PROVISIONS		
Location	Zone 2, 3, and 4	
PRIVATE FRONTAGES (PF)		
Select a minimum of 1 PF listed	no requirement	

(1) when a development commences on a through lot as defined in Division 2 in this code, both fronts of the property shall be subject to the street setback.

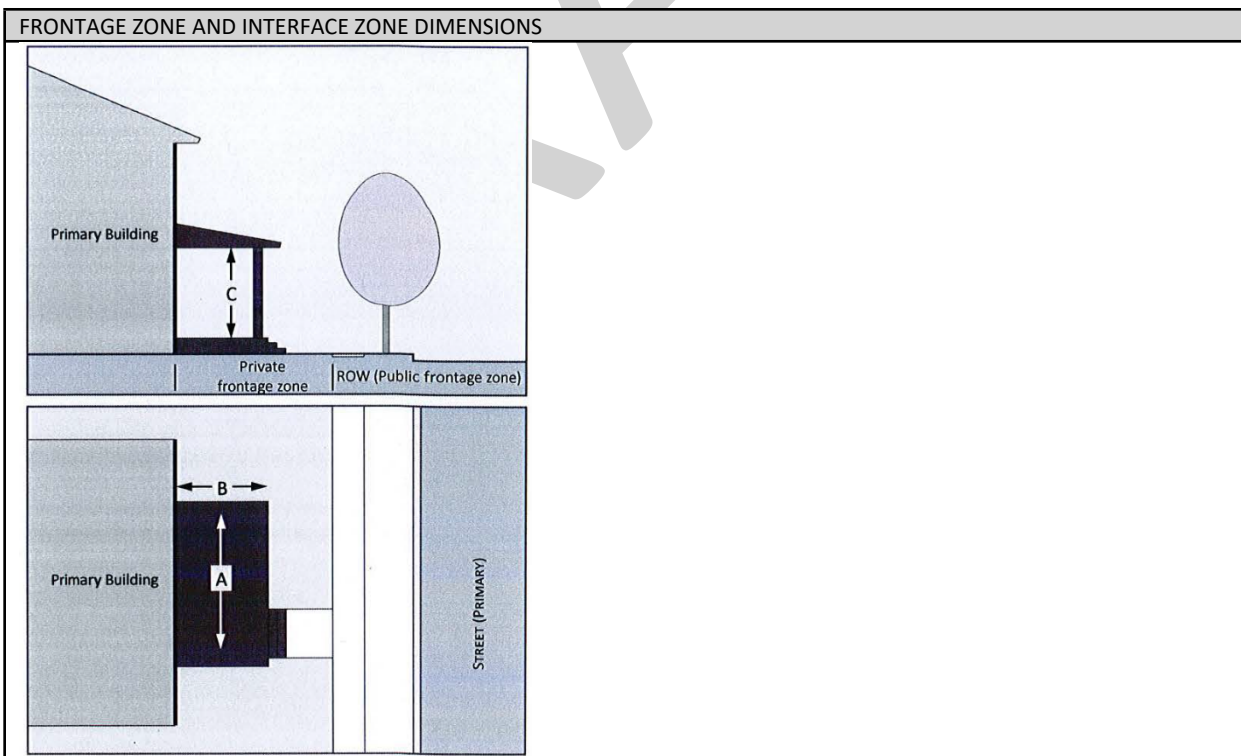


Sec. 20.16. Private frontage.

The building types in section 20.15 provide the acceptable private frontages (i.e. porches, stoops, etc.) for that building type. If there are multiple frontages provided in the table, the applicant may choose what private frontage to provide per building. A minimum of one frontage will be required for new construction or redevelopment as provided in each building summary sheet, by Building Type. The private frontage area may count towards the calculation of the frontage build out requirement under the "Building Envelope" category, by building type, in section 20.15. Private frontage details are exclusive of specific building design elements and are regulated by setbacks, mass and scale.

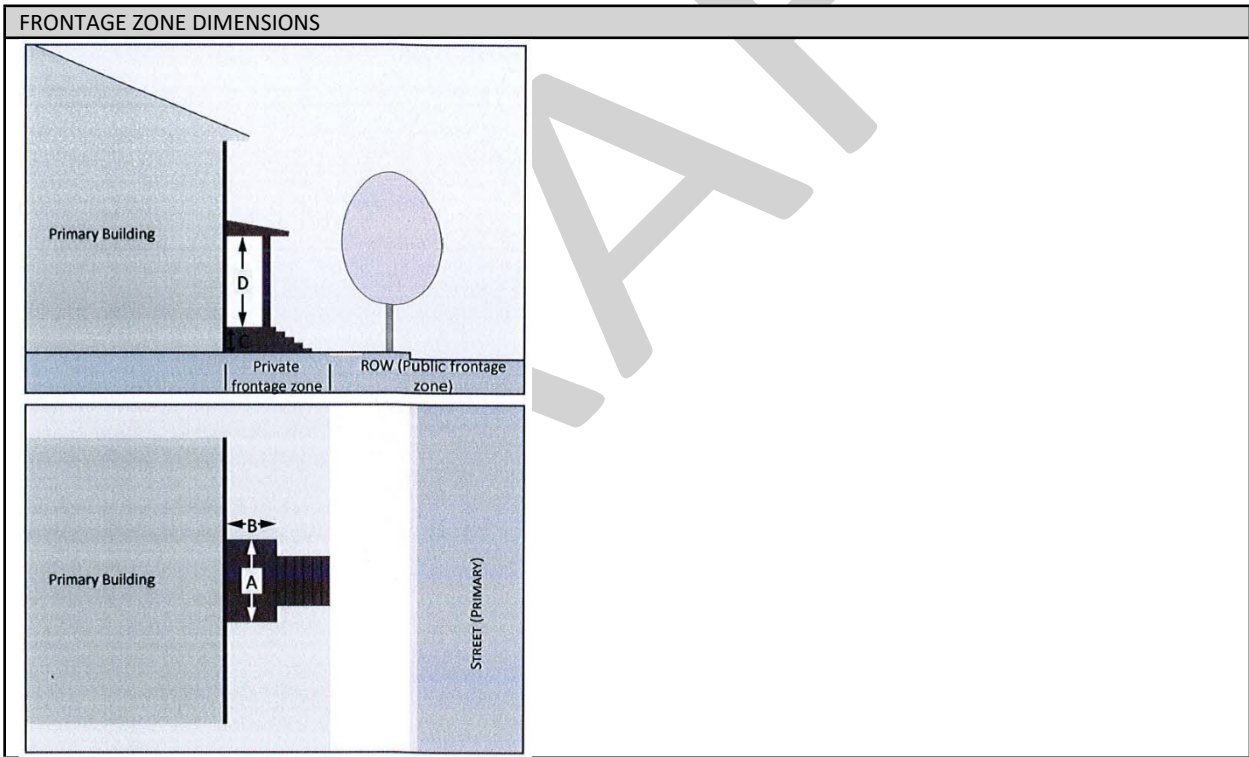
P	PORCH
The façade is setback from the front lot line per applicable street setback requirements. The façade includes an attached front porch structure. A wide variety of porch designs are possible. This frontage is subject to the street setback required for the building type to which it is attached; however, stairs leading to the porch that lack an independent roof are permitted up to a three foot encroachment into the minimum street setback.	

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



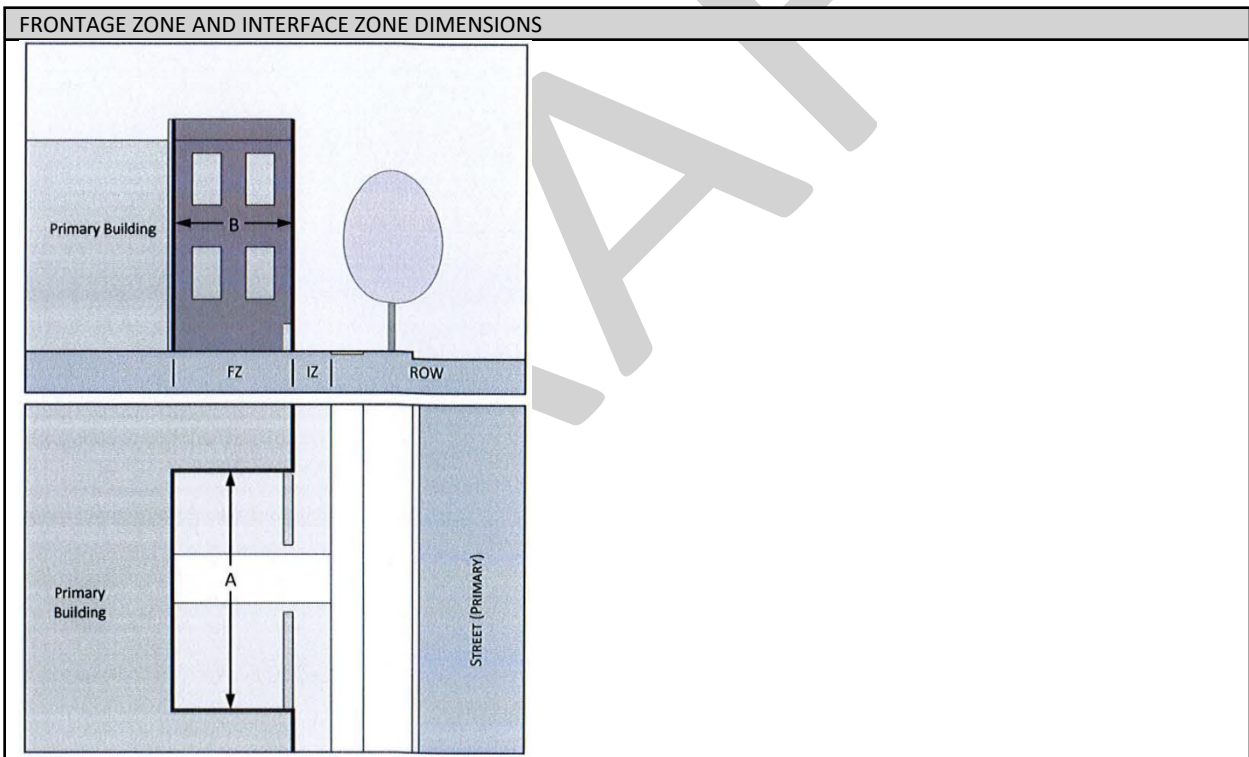
S	STOOP
The façade is set back from the front lot line per applicable street setback requirements. The façade includes an attached entry stoop (an elevated landing with stairs) that is placed near the front lot line and subject to the street setback required for the building type. Stairs leading to the stoop that lack an independent roof are permitted up to a three foot encroachment into the street setback. The ground floor is elevated to provide privacy. The stoop may include a roof; however, it is not required.	

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



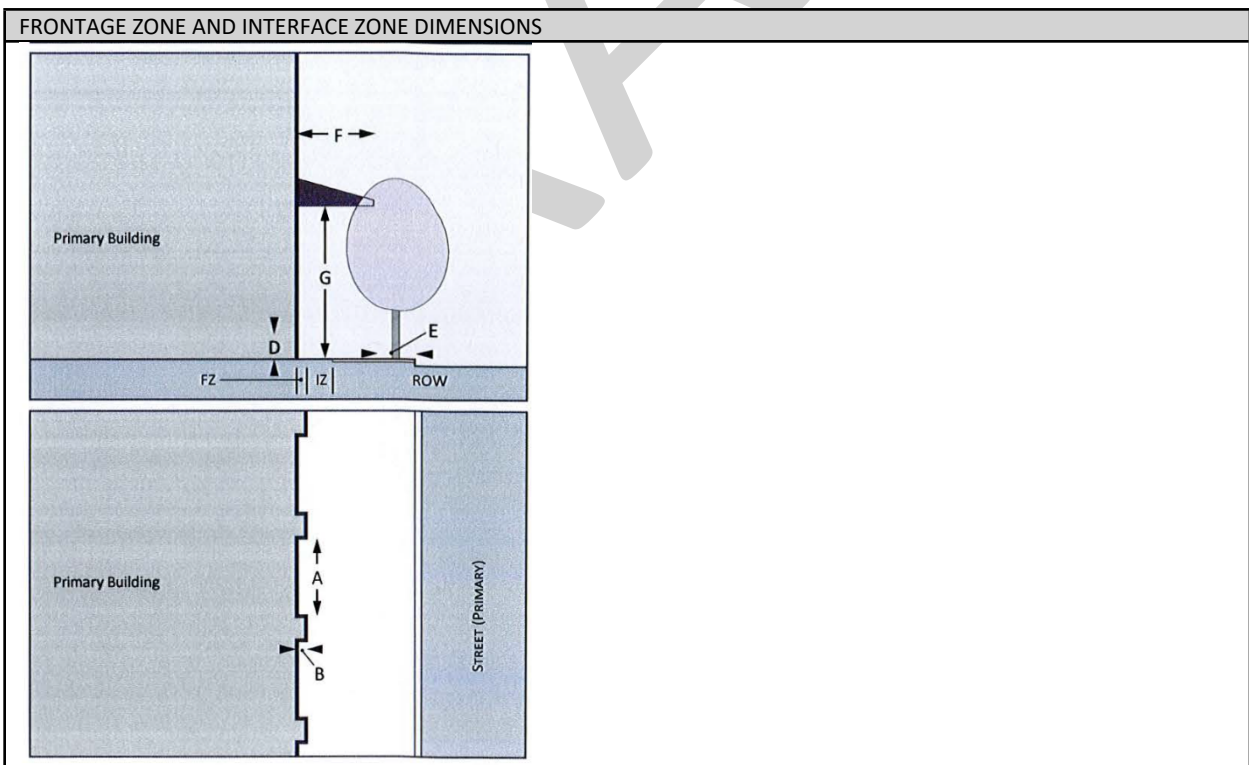
F	FORECOURT
The façade is set back from the front lot line per applicable street setback requirements. A portion of the façade is recessed to form an uncovered court. The court is suitable for outdoor dining, gardens, vehicle drop-offs, formal entries etc. A fence or wall may be used to define the private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

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



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

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



Sec. 20.17. Building height.

Each building lot typology in section 20.15 provides the range of height appropriate for the building type. No new or substantially improved building within the PAGHOD and having the underlying zoning designation of THD, RU-2 Residential, RLM-2 Residential, or RM Residential shall be constructed to exceed twenty-eight (28) feet in height to the midpoint of a sloped roof or top of the parapet of a flat or low sloped roof, or thirty-two (32) feet overall, as defined below:

- a. For any structure with habitable space located less than eight feet above natural grade, height shall be measured from the property's required Design Flood Elevation.
- b. For any structure with habitable space beginning at or higher than eight feet above natural grade, height shall be measured from eight feet above natural grade.

	MIN	MAX
Height requirements:		
A - Required Design Flood Elevation (required DFE) refer to Code of Ordinances Sec. 98-33		
B - Finished Grade (FG)	As defined in Division 2.	
C - Height of Floors (liveable)	8	14
D - Total Height (Measurement from the required DFE or eight feet above natural grade as defined above)	—	—
Residential*	—	28-32*
Commercial (non-residential)	—	Refer to Underlying Zoning District
* Not to exceed 28 feet in height to the midpoint of a sloped roof or top of the parapet of a flat or low sloped roof, and measured from the location specified above, further provided that the overall roof height shall not exceed 32 feet.		

Sec. 20.18. Minimum off-street parking requirements.

- (a) *Residential*: Shall be in accordance with the requirements of Division 23 of the Land Development Code, Off Street Parking and Loading.
- (b) *Nonresidential*: may reduce the number of spaces, if on-street parking is available, then an applicant can count any on-street parking spaces within 500 feet of the parcel that are metered or otherwise available, without reservation, to the general public. Spaces limited to holders of 4R, 3R-D, and 4B-H permits shall not be counted toward this reduction, unless the business is and will remain a recipient of such permits.
- (c) Access to and location of parking areas:
 - (1) Parcels abutting a public alley shall not have parking placed in the front yard of the zoning lot, nor will be provided driveway access from the primary street. Parking may be placed in the rear or side yard. Access shall be provided via the alley.
 - (2) When a parcel is located on a public alleyway of less than 15 feet in width, and the applicant for development can demonstrate that requiring access from the alley would constrain their ability to reasonably maneuver a vehicle onto the property due to the proposed layout of development, the applicant may provide one curb cut along the primary street if such waiver is accepted through design review by the Historic Preservation Board. Failure to maintain an alleyway shall not be construed as justification for this waiver.

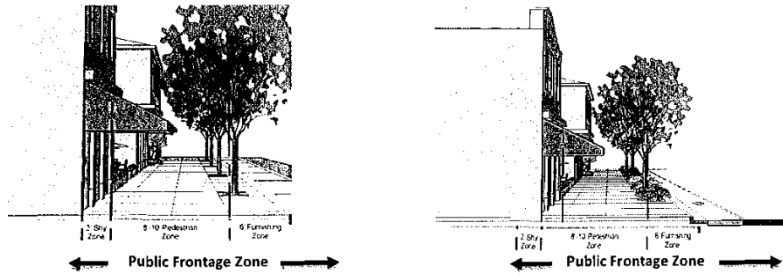
-
- (2) Parcels without alley access shall be granted a curb cut from the primary street and may provide parking in the front yard with an additional setback for the garage and/or principal structure as provided for the building type chosen from section 20.15.

Sec. 20.19. Alleyways and Driveways.

- (a) The PAGHOD has existing alleyways that shall be maintained and used as an alleyway for access to parcels located along an alleyway.
- (b) Under no circumstance shall an existing alley be reduced in width and length.
- (c) Parking is permitted adjacent to an alleyway or where the City has identified, through signage, that vehicles may park within the alleyway. Under no circumstance shall a parked vehicle impede the vehicular movement.
- (d) Alleyways shall not be permanently closed or vacated.
- (e) One driveway is permitted for each parcel. When a parcel has access to an alleyway, that alleyway shall be the primary access to the parcel's driveway and parking area that is consistent with the parking area placement as outlined in Sec. 20.15, Permitted Building Types. If a circular driveway is proposed and/or more than one driveway access point is requested, the applicant must provide:
 - (1) Overall landscape plan for the primary frontage of the building to ensure Sec. 20.21. - Screening of elevated building criteria is met prior to considering multiple access point(s).
 - (2) Justification, when landscape and/or elevated building criteria need to be reduced, that demonstrates a need for the additional driveway connection(s). The priority shall be transportation circulation and safety, as reviewed and determined by the City.

Sec. 20.20. Landscaping standards.

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



- (b) Landscape Buffers may be required between any uses within the PAGHOD.
- (c) Front Buffers (common yard) for all residential building types, excluding the Apartment Building, shall provide the following:
 - (1) The common yard is located between the front lot line and primary addressed build-to-line of the parcel. Pools and accessory structures may not be located in the common yard area. The following is the minimum that shall be provided within the common yard:
 - a. An opaque hedge, height not to exceed 3 feet when fully matured and/or
 - b. *Knee wall and/or fence.* Permitted materials are wood, shell or concrete material consistent with the overall architecture and design of the primary residence with a minimum height of two feet and a maximum of four feet. The fence setback and visibility standards of section 20.15 shall apply to the building type selected for development, except that no fence exceeding four feet in height may be installed closer to the front lot line than the principal structure to which it is ancillary.
 - c. Landscaping shall be provided as indicated in the table below.

COMMON YARD FRONT BUFFER	MIN	MAX
A - Landscape	grass and or ground cover	
B - Shrubs, ground cover	10 (3 gallon) 3' height	—
C - Tree (canopy tree)	1	—
D - Front/sideyard Fence Height (feet)	2'	4'

Sec. 20.21. Screening of elevated buildings.

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

- (a) Architectural screening shall:
 - (1) Create a visual continuity that is integrated with the overall design and architecture of the home using doors, garage doors, entryways, staircase and/or archways.
 - (2) No more than 20 percent of the area being screened can be transparent.
- (b) Landscape screening shall be installed around the portions of the buildings (accessory and principal) that are elevated and facing the public street:

-
- (1) A minimum 3-foot-wide landscape area along the length of the principal building and garage (if visible from the street) except where driveways are approved. The square footage of landscaping displaced by driveways shall be relocated elsewhere in the front yard.
 - (2) One understory tree per 20 linear feet (or portion thereof) of the elevated building length/width viewed from public rights-of way. This requirement is in addition to the common yard standards listed in Section 20.20., as applicable.
 - (3) Planted with shrubs, ornamental grasses and groundcovers to provide 100 percent coverage of the landscape area within one growing season. The landscape design shall (unless spatially impractical) provide layering of plant materials that includes larger background shrubs and low foreground groundcovers. All plant material should be Florida friendly plantings as defined and identified by University of Florida/IFS horticulture experts.
 - (4) Permanent mulch materials, such as organic mulches, stones, and recycled inorganic groundcover materials are not permitted in lieu of vegetation, unless they are provided as accent or focal points that enhance the landscape design.
- (c) Apartment building types (apartment house, apartment building small and apartment building medium shall also meet the following standards:
- (1) Parking may only be accessed from the side or rear of the building.
 - (2) No portion of the principal building shall have garage doors facing any street.
 - (3) Parking may be located within the BFE provided the primary face of the building is architecturally designed to be consistent with front entryways of homes that are integrated and not visually seen from any street.

Sec. 20.22. General building design (residential).

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

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

Any single family or attached residential structure that follows the criteria outlined in section 20.15, Permitted Building Types, must design the building with the following architectural elements:

- (a) The mass of a building must include:
 - (1) *Primary mass.* The building shall have a distinct primary mass.
 - (2) *Secondary mass.* A building should also include secondary mass (private frontage requirements) that form the façade of the building.
 - (3) Voids that allow for natural breaks in the mass.
- (b) Proportional design elements shall include:
 - (1) Windows in varying, yet similar arrangements.
 - (2) Appropriate vertical visual consistency at the centerline of the façade.
 - (3) Appropriate ratios of visual width between top and bottom halves of the elevation (bottom ½ clearly supports the top).

-
- (4) Overall design shall be symmetrically or asymmetrically balanced.
 - (c) Design must include the following rhythms:
 - (1) Proximity (objects close together complement each other).
 - (2) Similarity- common textures, colors or features.
 - (d) Garage Design elements shall include:
 - (1) Garage, attached to the principal structure and visible from the public right-of-way, shall be designed and integrated into the overall design elements of the principal structure. Garage doors shall not “dominate” the front façade or be the focal point of the building by the use of contrasting colors, textures that are not part of the overall design of the primary structure. Using elements that are consistent with this subsection, (a), (b) and (c) are required. Height of a garage shall not exceed more than one story of the principal building.
 - (2) Garage, detached from the principal structure, shall have a complementary appearance to that of the principal structure such as wood, stone, and/or manufactured products such as brick, stucco, or decorative concrete block. Architectural elements such as awnings, parapets, decorative molding, and windows should be utilized to create compatibility and consistency between the appearance of the principal dwelling unit and the detached garage.
 - (e) *Pool location.* Pools shall not be permitted in the front yard setback area or be considered subject to the principal building setback area. Pools may be constructed in the front of the residence provided they extend no closer to the front property line than the primary structure to which they are accessory, and the primary structure meets frontage buildout requirements.

Sec. 20.23. General building design (non-residential and mixed-use buildings).

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

- (a) *Public entrance.* Buildings that are open to the public shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be a distinctive and prominent element of the architectural design, and shall be open to the public during business hours. Buildings shall incorporate lighting and changes in mass, surface or finish which places an emphasis to the entrance.
- (b) *Building orientation.* The principal building entrances shall be visible and directly accessible from a street or park space that has a sidewalk or pedestrian path.
- (c) *Storefront character.* Buildings shall express a "storefront character". This guideline is met by providing all of the following features along the building frontage as applicable.
 - (1) Regularly spaced and similar-shaped windows with window hoods or trim (all building stories).
 - (2) *Large display windows on the ground floor.* All street-facing, park-facing and plaza-facing structures shall have windows covering a minimum of 40 percent and a maximum 80 percent of the ground floor of each storefront's linear frontage. Blank walls shall not occupy over 50 percent of a street-facing frontage and shall not exceed 20 linear feet without being interrupted by a window or entry. Mirrored glass, obscured glass and glass block cannot be used in meeting this requirement. Display windows may be used to meet this requirement if the first floor has not been designed as a flood proof first floor.
- (d) *Building façade.* A clear visual division shall be maintained between the ground level floor and upper floors with either a cornice line or awning from 12 feet to 16 feet above grade, whichever applies to

the proposed development. No more than 20 feet of horizontal distance of wall shall be provided without architectural relief for building walls and frontage walls facing the street. All buildings excluding single family detached homes shall utilize at least three of the following design features to provide visual relief along all elevations of the building:

- (1) Divisions or change in materials (materials should be drawn from a common palette).
 - (2) Window bays.
 - (3) Separate entrances and entry treatments, porticoes extending at least five (5) feet.
 - (4) Variation in roof lines.
 - (5) Balconies: 6 feet maximum may project into the front or side street setbacks.
 - (6) Dormers.
 - (7) Canopies, extending at least five (5) feet.
 - (8) Gables.
 - (9) Overhang extending at least five (5) feet.
 - (10) Recessed entries (at least three [3] feet from the primary façade).
 - (11) Protruding entries (at least three [3] feet from the primary façade).
 - (12) Covered porch entries.
 - (13) Cupolas shall be permitted on sloped roofs and are exempt from the height limitations up to twelve feet above the roof line.
 - (14) Buildings shall provide a foundation or base, typically from ground to bottom of the lower windowsills, with changes in volume or material.
- (e) *Roof-Based Mechanical Equipment and Other Roof Penetrations.* All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (except chimneys), shall be located on the side or rear elevations. These penetrations shall be configured and screened with similar architectural details that are consistent with the overall building design which should blend into the overall architectural design of the building that shields view, as seen from a pedestrian, vehicle or vessel from a waterway, street, sidewalk, alleyway, and other public right-of-way.

Sec. 20.24. Design review and required drawings.

An applicant shall be subject to the City's permit process. In addition, any development within the PAG Overlay District using the building types, as provided in this division, and which is subject to design review under section 20.13., shall submit:

- (a) Architectural elevations of all facades of all structures subject to this division shall be a required exhibit for plan approval which does not subrogate any requirements outlined in Division 5, Site plan approval procedures, and building permit process.
 - (1) Such exhibits shall include colors, materials, building dimensions, mass and scale proportions, location of service areas and mechanical equipment, screening devices, parking, site furnishings, lighting fixtures, all signage, and any other information as determined necessary to ensure consistency with the intent of this division and the PAGHOD Design Book.
 - (2) All elevations and overall design must provide a summary and illustrations that identify each standard listed in section 20.22 or 20.23 of this division. Provide 11x17 architectural design

packet that clearly illustrates the building elevations, mass and scale, screening of elevated portion(s) of the building (landscape or architectural elements).

- (3) The City's architect or design review designee shall review to determine if the applicant has met the criteria in this Division and provide a summary of approval or recommended changes to the submitted architectural design and/or landscape of the project.
 - (4) After the completion of the design review in (4) above, the Historic Preservation Board shall review to ensure compatibility of any project that constitutes new construction, exterior renovations, or additions within the PAGHOD.
- (b) Landscape and Elevation screening plan(s) shall be submitted as part of the site plan.
 - (c) Identify, through the use of the design book, how the proposed project is meeting the intent of the PAGHOD District.
 - (d) Waste Management Plan shall be provided for all development, excluding freestanding quadplex, triplex, duplex and single-family residential, to ensure an overall strategy for recycling and trash collection has been implemented that includes:
 - (1) The Site Plan shall include the area(s) for outdoor storage of recycling and/or trash receptables, location and design. It is encouraged to have joint dumpsters and/or compactors in alleys to serve groups of businesses to the extent possible.
 - i. If storage area is located outside, provide the overall design and location of such receptacles and overall screening from public rights-of way (excluding alleys), waterways.
 - ii. If the storage area is located in an alley and not visible from the public street, screening will not be required. Screening of storage areas shall be required in all alleyways where the area is not obscured by a permanent structure from the street.
 - (2) *Restaurant requirements.* Provide a description of how fats, oils and grease generated by the restaurants is being stored. If outside of the facility, provide the design and storage area to be used for review and approval by the City.
 - (3) City will review the waste management plan to ensure the access is sufficient for garbage pickup and will approve and/or deny the location, design and type of storage permitted.

Section 20.25. Pass-A-Grille Historic Overlay Design Guidebook

- (a) *Design Guidebook.* The design guidebook shall be used for both non-residential, mixed-use and residential development as a tool to assess compatibility within the PAGHOD, provide design concepts that reflect and support the historic character of the district.
- (b) A design guidebook for the PAGHOD, provides for overall design concept ideas for implementation of design within the district for all development. Specific materials, color, textures, and architectural style are not required, but will be provided as context and character of the area itself and every effort to compliment the overall historic design of the area should be made for new development.

**CITY COMMISSION MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Agenda Title Name: Consideration of Resolution 2025-15 establishing the date for the 2025 Special Municipal Election and the Qualification Period for the Commissioner for District 4

Action Request: Move to adopt Resolution 2025-15

Strategic Objective: Elections

Date: May 27, 2025

Prepared By: Renee Rose, City Clerk

Through: Ralf Brookes, City Attorney

Summary of Issue: District 4 Commissioner Moholland tendered his resignation, effective June 16, 2025. Per the City's Charter, Section 3.06(c):

Filling of vacancies. A vacancy on the commission shall be filled in one of the following ways:

(1) If there is less than six (6) months remaining in the unexpired term or if there are less than six (6) months before the next regular city election, the commission, by a majority vote of the remaining members shall choose a successor to serve until the newly elected commissioner is qualified. If one year remains in the term of the vacated seat at the time of the next election, that seat shall be filled by election for the remaining term;

(2) If there are more than six (6) months remaining in the unexpired term and no regular city election is scheduled within six (6) months, the commission shall fill the vacancy on an interim basis as provided in subsection (1), and shall schedule a special election to be held not sooner than sixty (60) days, nor more than one (1) year following the occurrence of the vacancy.

This Resolution will establish the date for the 2025 Special Municipal Election as November 4, 2025. The Resolution also designates the Qualifying Period as 12:00 p.m. (noon) Monday, June 23, 2025, through

12:00 p.m. (noon), July 7, 2025.

Funding:

Account No. 001-5101-512-5493; estimated costs \$9,637.64. If only one candidate qualifies, there will not be a special election. If more than one candidate qualifies, the special election will be held on November 4, 2025.

Attachments:

1. Resolution 2025-15 Special Election and Qualification Period
2. GetAttachmentThumbnail
3. Sec._3.06. Vacancies, forfeiture_of_office, filling_of_vacancies.
4. St Pete Beach - 2026 Election Estimate A
5. Filling the Vacancy for District 4

RESOLUTION NO. 2025-15

A RESOLUTION OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA ESTABLISHING THE DATE FOR THE 2025 SPECIAL MUNICIPAL ELECTION AND THE QUALIFICATION PERIOD FOR THE COMMISSIONER FOR DISTRICT 4.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, THAT:

1. A Special Municipal Election will be held on Tuesday, November 4, 2025, to elect a Commissioner District 4; and the Qualification Period is set as 12:00 p.m., Monday, June 23, 2025, through 12:00 p.m., Monday, July 7, 2025.
2. Every person who shall be a candidate for the Office of City Commissioner shall file the necessary papers with the Office of the City Clerk not earlier than 12:00 p.m., on Monday, June 23, 2025, and not later than 12:00 p.m. on July 7, 2025.
3. To qualify for the position of Commissioner District 4, a candidate must be a full-time resident of the District in which s/he seeks to represent for a period of twelve (12) months preceding the last day of the established qualifying period.

PASSED AND APPROVED BY THE COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, THIS _____ DAY OF _____ 2025.

CITY COMMISSION, CITY OF ST. PETE BEACH, FLORIDA

Adrian Petrila, Mayor

ATTEST:

Renee Rose, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Ralf Brookes, Interim City Attorney

May 20, 2025

To: Renee Rose, City Clerk St. Pete Beach Florida

From: Joe Moholland, District 4 Commissioner St Pete Beach Florida

Dear Madame City Clerk,

Please be advised that I'm resigning my position with the City of St Pete Beach effective June 16, 2025.

Respectfully,

A handwritten signature in black ink, appearing to read 'Joe Moholland', with a long horizontal flourish extending to the right.

Joe Moholland

Sec. 3.06. Vacancies; forfeiture of office; filling of vacancies.

- (a) *Vacancies.* The office of a commissioner shall become vacant upon his death, resignation, or forfeiture of his office.
- (b) *Forfeiture of office.* A commissioner shall forfeit his office if he (1) lacks at any time during his term of office any qualification for the office prescribed by this charter or by law, or (2) violates any standard of conduct or code of ethics established by law for public officials. Such forfeiture shall require the affirmative vote of four (4) members of the commission.
- (c) *Filling of vacancies.* A vacancy on the commission shall be filled in one of the following ways:
 - (1) If there is less than six (6) months remaining in the unexpired term or if there are less than six (6) months before the next regular city election, the commission, by a majority vote of the remaining members shall choose a successor to serve until the newly elected commissioner is qualified. If one year remains in the term of the vacated seat at the time of the next election, that seat shall be filled by election for the remaining term;
 - (2) If there are more than six (6) months remaining in the unexpired term and no regular city election is scheduled within six (6) months, the commission shall fill the vacancy on an interim basis as provided in subsection (1), and shall schedule a special election to be held not sooner than sixty (60) days, nor more than one (1) year following the occurrence of the vacancy.
- (d) *Extraordinary vacancies.* In the event that all members of the commission are removed by death, disability, or forfeiture of office, the governor shall appoint an interim commission that shall call a special election to fill all commission positions. Should two (2) or more vacancies occur simultaneously, on the commission, the remaining members shall, within fifteen (15) days, call a special election to fill the vacant commission positions; such election shall be held in the manner prescribed by the laws of the State of Florida.

(Ord. No. 98-66, § 1, 12-1-99/3-9-99; Ord. No. 14-04, § 1, 5-27-14)



Pinellas County Supervisor of Elections
13001 Starkey Rd
Largo, FL 33773
Phone: 727-464-6108
Fax: 727-453-3058
votepinellas.gov

Estimate

Date	Estimate #
3/12/2025	44

Prepared for:

City of St. Pete Beach
Attn: City Clerk
155 Corey Avenue
St. Pete Beach, FL 33706-1701

Description	Qty	Rate	Total
Election Administration Fee (based on registered voters)	7,539	0.40	3,015.60
Poll Workers	18	236.11111	4,250.00
Polling Place Rent	2	0.00	0.00
Equipment Delivery	2	217.75	435.50
Precinct Registers	4	20.00	80.00
Precinct Ballots	2,800	0.28	784.00
Provisional Ballots	25	0.28	7.00
Duplicate Ballots	20	0.38	7.60
Test Ballots	50	0.38	19.00
ExpressVote - ADA Voting Equipment Test Ballots	100	0.12	12.00
Mail Ballot Kits (Initial Mailing - Nonprofit Bulk Postage Rate & Return Postage Included)	608	1.58	960.64
Mail Ballot Kits, Replacements	30	2.21	66.30
2026 Municipal Election Cost Estimate		Total	\$9,637.64

FILLING THE VACANCY IN DISTRICT 4 UNTIL SPECIAL ELECTION UNDER CITY CHARTER

Commissioner Joe Mullholland was reelected in March 2025 for a 2-year term in District 4 ending in March 2027.

Commissioner Joe Mullholland resigned effective June 16, 2025, therefore the vacancy created for his district seat would fall under subsection (2) below, i.e., because there are more than 6 months remaining in the term (through March 2027) and there is no regular city election scheduled until March 2026 (which is more than 6 months from June 16, 2025):

St Pete Beach Charter Section 3.08:

“(2) If there are more than six (6) months remaining in the unexpired term and no regular city election is scheduled within six (6) months, **the commission shall fill the vacancy on an interim basis as provided in subsection (1)*, and shall schedule a special election to be held not sooner than sixty (60) days, nor more than one (1) year following the occurrence of the vacancy.**”

*** (a majority vote of the remaining members shall choose a successor to serve until a there is newly elected commissioner)**

Under the Charter, an appointment shall be made by the remaining majority of the City Commission to fill the seat until a special election to be held on a special election date that can be chosen between August 2025 through June 2026 (for example, the Supervisor of Elections has an available election date for other municipal elections in Pinellas County that will be held in November 2025).

**CITY COMMISSION MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Agenda Title Name: Discussion and Direction on Communication Strategy to Call for District 4 Appointees

Action Request:

Strategic Objective:

Date: May 27, 2025

Prepared By: Renee Rose, City Clerk

Through: Frances Robustelli, City Manager

Summary of Issue:

Staff is seeking the Commission's direction to provide guidance on how to effectively share and publicize the upcoming call for appointees, including selecting appropriate communication channels, messaging strategies, and timelines.

Recommended platforms (e.g., website, social media, newsletters, community outreach)

Timeline for dissemination

Direction on preferred outreach methods and content approach for announcing the call for appointees.

Funding:

Attachments: