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COMMISSION MEETING CITY OF ST. PETE BEACH

155 Corey Avenue

Tuesday, January 22, 2013

6:00 PM

Call to Order
Pledge of Allegiance
Invocation
Roll Call

REGULAR MEETING

- 1. Changes to the Agenda** - Any agenda items to be added, moved, or deleted will be addressed at this time. Added items will be assigned agenda item numbers and moved items should remain with the same item numbers. Notation will be made that those items will be taken out of order. Consent items may be removed for discussion, changes, and/or anticipation of a non-unanimous vote and considered separately on the request of anyone on the Commission or by a majority vote of the City Commission upon request of an audience member.
- 2. Presentations** - Presentations shall be limited to 5 minutes for non-city government related items.
 - a. Cribb, Philbeck, Weaver Group, Inc. (CPWG)**
Stormwater Master Plan update presentation.
 - b. Update on Corey Avenue project with TBRPC - George Kinney**
- 3. Audience Comments** - Comments shall be limited to 3 minutes per person to issues not on the agenda.

4. Consent

- a. Approval of minutes for the Regular City Commission Meetings of December 11, 2012 and December 27, 2012.**
- b. Authorization for the City Manager to accept a proposal from Michael Baker Jr., Inc. in the amount of \$18,940 to provide GIS hosting and support services.**
- c. Authorize the City Manager to enter into a Memorandum of Agreement (MOA) with the Florida Department of Transportation (FDOT) for installation and maintenance of crosswalk signage and flashing beacons.**
- d. Ratification of the City Manager decision to accept a proposal from Above All Caulking & Waterproofing, Inc. in the amount of \$20,330 for resealing the City Hall windows.**

5. Action Items

- a. Conditional Use/Variance 2013-0001. Request to draw temporary lodging units from the St. Pete Beach density pool and relief from Sections 23.5 and 42.7 of the Land Development Code (Quasi-Judicial).**

6. Ordinances

- a. Ordinance 2013-02, Final Reading and Public Hearing, Providing for the allocation of 50 units of tourist lodging density under the provisions of the Bayou Residential District Temporary Lodging Unit Density Pool, as established in the City of St. Pete Beach Comprehensive Plan, to property located at 3701 Gulf Boulevard (Hotel Zamora).**
- b. Ordinance 2013-03, Final Reading and Public Hearing, an Ordinance amending Division 39.3 of the Land Development Code, deleting the prohibition of the use of primary or secondary colors for exterior paint colors.**
- c. Ordinance 2013-04, Final Reading and Public Hearing, Amending Division 39 of the Land Development Code as it relates to the outdoor display of merchandise.**
- d. Ordinance 2013-05, Final Reading and Public Hearing, Amending Division 6 of the Land Development Code to add regulations and conditions for the outdoor display of merchandise and to add regulations for temporary construction fencing.**

- e. Ordinance 2013-06, Final Reading and Public Hearing, Amending the text of Section 40 of the Land Development Code to increase the temporary lodging density from 30 to 50 units per acre and to allow stand-alone residential uses that are historic structures as a conditional use in the CRD-EA (Community Redevelopment District - Eight Avenue) zoning district.**
 - f. Ordinance 2013-07, Final Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Florida providing for amendment of section 50 of the code of ordinance of the City, pertaining to the library.**
- 7. Resolutions**
 - a. Resolution 2013-01, supporting firefighter pension plan and disability presumption reforms**
- 8. Items for Discussion – none for this agenda**
- 9. City Manager, City Attorney and City Commission Reports**
- 10. Adjournment**

APPEAL

If a person decides to appeal any decision made at this meeting, they will need a record of the proceeding and, for such purpose, may need to ensure that a verbatim record of the meeting is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105) The City does not furnish verbatim transcripts; interested parties should make the necessary arrangements for verbatim transcripts.

AMERICAN DISABILITIES ACT

In Accordance with the American's with Disabilities Act and F.S. 286.26, persons with disabilities needing special accommodations to participate in this meeting should contact City Hall at (727) 367-2735 no later than (4) days prior to the meeting for assistance.

The public is cordially invited to attend. All agenda material is available for review at City Hall.

St. Pete Beach City Commission
Agenda Report

Issue Considered: Cribb, Philbeck, Weaver Group, Inc. (CPWG) Stormwater Master Plan update presentation.

Date: 1/22/13

Prepared By: Steven J. Hallock, Public Services Director

Summary of Issue: With the stormwater assessment in place one of the first tasks was to update the City's all most 20 year old Stormwater Master Plan in order to appropriately plan for future stormwater operations and capital improvement projects. The completed and updated Stormwater Master Plan also helps to fulfill current and new National Pollutant Discharge Elimination System (NPDES) permit requirements that we are mandated by law to meet.

The Stormwater Master Plan focused on 25 drainage basins, water modeling, future CIP projects and updating the GIS stormwater inventory. Funding for this project was specifically budgeted under the Stormwater Fund and monies in this fund are dedicated solely for stormwater work such as this project and cannot be used for anything else.

It is important to note that the City has 175 separate drainage basins of various sizes. At this time we focused on the original 25 that were studied 20 years ago because it is cost prohibitive to model all 175 in one year. However, we do plan to budget money in future years to model some basins every fiscal year until the entire City has been completed.

Attachments: Stormwater Master Plan Executive Summary

Reviewed by
City Manager:

MB

St. Pete Beach

Stormwater Master Plan

Executive Summary

Cribb, Philbeck, Weaver Group, Inc. (CPWG) prepared an update to the City of St. Pete Beach's 1993 Stormwater Drainage Plan. This Master Plan update addresses water quantity (flood analysis) and water quality (pollutant analysis) issues within 25 priority basins. This master plan provides recommendations and an associated implementation schedule to assist City staff in meeting their desired goals and improving the levels of service for all of St. Pete Beach's Citizens.

This Master Plan covers 288 acres within the city. For analysis purposes, this portion of the City was divided into 25 primary drainage basins and 263 sub-basins. Topographic relief throughout St. Pete Beach ranges from a high elevation of 11-ft NAVD to a low of -0.6 ft NAVD.



The location of the 25 primary drainage basins is illustrated in Exhibit ES-1. The 25-year, 24-hour stormwater event (9-inches of rain within 24-hours)

was chosen to identify the flooding risk within the 25 drainage basins. The model assumes no storm surge impacts and that all stormwater pipes are free of debris and in good working order. A tailwater of 0.3-feet, mean high sea level, was used for modeling the storm event. The maximum predicted flood depth was 18.6-inches, the average flood depth was 2.8-inches and flooding was predicted at 196 inlets within the 25 primary drainage basins. Tropical Storm Debby, which occurred June 26, 2012, resulted in 10.72-inches of rain and a high tide, or tailwater, of 4.55-feet. To address flooding from tidal influences a combination of tide valves and stormwater pumping stations are proposed.

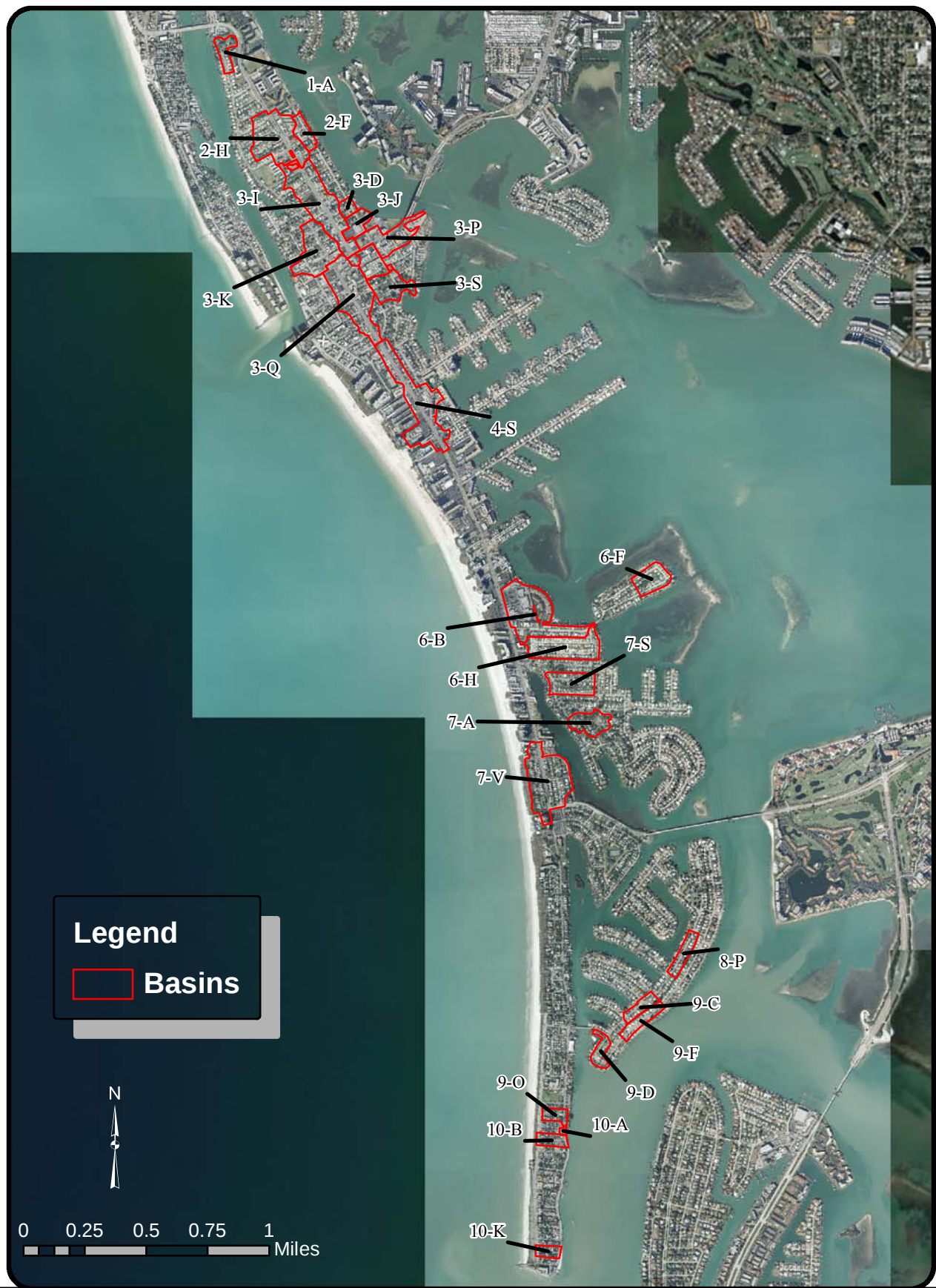
Table ES-1 presents the engineer's opinion of probable construction costs for the various solutions. The costs include piping, inlets, manholes, curbs, roads and engineering design.



ES-1

Table ES-1 – Engineer’s Opinion of Probable Construction Costs

Basin	Description	Estimated Cost
1A	93rd Avenue	\$154,103
2F	85th Avenue and Boca Ciega Drive	\$219,291
2H	Blind Pass Road Outfall at 83rd Avenue	FDOT
3D	78th Avenue	\$141,408
3I	Blind Pass Road Outfall at 80 th	FDOT
3J	77th Avenue and Boca Ciega Drive	\$163,237
3K	76th Avenue and Gulf Boulevard	\$202,169
3P	Corey Causeway / 75th Avenue	FDOT
3Q	Gulf Boulevard and Coquina Way Outfall at 73rd Avenue	FDOT
3S	71st Avenue and Boca Ciega Drive	\$354,006
4S	Gulf Boulevard Outfall at 2nd Street E	FDOT
6B	46th Avenue	\$955,418
6F	Boca Ciega Isle Drive (East End)	\$304,010
6H	45th Avenue and 2nd Street E	\$847,069
7A	40th Avenue and Belle Vista Drive	\$300,496
7S	43th Avenue and Belle Vista Drive	\$184,182
7V	Gulf Boulevard and 36th Avenue	\$1,092,546
8P	W Vina Del Mar Blvd between Lee Pl and Hermosita Dr	\$56,461
9C	W Vina Del Mar Blvd between Tessier Dr. and Mar St.	\$124,399
9D	E Vina Del Mar Blvd south of 21st Avenue	\$311,741
9F	E Vina Del Mar Blvd between 21st Ave and N Tessier Dr	\$76,305
9O	Pass-a-Grill Way at 14th Avenue	\$376,104
10A	Pass-a-Grill Way between 12th Avenue and 13th Avenue	\$130,655
10B	Pass-a-Grill Way at 12th Avenue	\$209,305
10K	Pass-a-Grill Way at 2nd Avenue	\$182,024
	Grand Total	\$6,384,929



CPWG, Inc.

708 Lithia Pinecrest Road, Suite 101
 Brandon FL 33510
 Tel 813-361-2644
 Fax 813-662-2295ES



**CITY OF ST. PETE BEACH
 STORMWATER MASTER PLAN**
 9
 PINELLAS COUNTY, FLORIDA

**ST. PETE BEACH
 BASIN LOCATION MAP**

**FIGURE
 ES-1**

Summary of Recommended Improvements

A summary of the number of inlets and length of pipe to be constructed within each project is presented below.

1A 93rd Avenue – 5 new or replaced inlets, 460-ft of 19”x30” and 24”x38” ERCP

2F 85th Avenue and Boca Ciega Drive – 7 new or replaced inlets, 617-ft of 14”x23”, 19”x30”, and 24”x38” ERCP

2H Blind Pass Road Outfall at 83rd Avenue – This roadway will remain passable to emergency vehicles, no recommendation is being made.

3D 78th Avenue – 3 new or replaced inlets, 618-ft of 14”x23” and 19”x30” ERCP

3I Blind Pass Road Outfall at 80th – It is recommended that the City contact the FDOT and begin dialogue to install additional outfall capacity for the drainage basin.

3J 77th Avenue and Boca Ciega Drive – 6 new or replaced inlets, 310-ft of 12” x 18”, 14”x23”, 19”x30”, 24”x38”, and 29”x45” ERCP

3K 76th Avenue and Gulf Boulevard – 4 new or replaced inlets, 450-ft of 38”x60” ERCP

3P Corey Causeway / 75th Avenue – Coordination with FDOT is recommended.

3Q Gulf Boulevard and Coquina Way Outfall at 73rd Avenue – This roadway will remain passable to emergency vehicles, no recommendation is being made.

3S 71st Avenue and Boca Ciega Drive – 13 new or replaced inlets, 1,350-ft of 14”x23”, 19”x30”, 24”x38”, and 29”x45” ERCP

4S Gulf Boulevard Outfall at 2nd Street E – This roadway will remain passable to emergency vehicles, no recommendation is being made.

6B 46th Avenue – 16 new or replaced inlets, 1,703-ft of 14”x23”, 19”x30”, 24”x38”, and 29”x45” ERCP

6F Boca Ciega Isle Drive (East End) – 11 new or replaced inlets, 1,165-ft of 14”x23”, 19”x30”, and 24”x38” ERCP

6H 45th Avenue and 2nd Street E – 16 new or replaced inlets, 2,454-ft of 14"x23", 19"x30", 29"x45", and 38"x60" ERCP

7A 40th Avenue and Belle Vista Drive – 13 new or replaced inlets, 987-ft of 14"x23", 19"x30", 24"x38", and 29"x45" ERCP

7S 43th Avenue and Belle Vista Drive – 5 new or replaced inlets, 673-ft of 14"x23", 19"x30", 24"x38", and 29"x45" ERCP

7V Gulf Boulevard and 36th Avenue – 28 new or replaced inlets, 3,749-ft of 14"x23", 19"x30", 24"x38", 29"x45", 34"x53". 38"x60" ERCP and 36" Duraslot

8P W Vina Del Mar Blvd. between Lee Place and Hermosita Drive – 2 new or replaced inlets, 157-ft of 19"x30" and 24"x38" ERCP

9C W Vina Del Mar Blvd. between Tessier Dr. and Mar St. – 4 new or replaced inlets, 309-ft of 14"x23" and 19"x30" ERCP

9D E Vina Del Mar Blvd. south of 21st Avenue – 12 new or replaced inlets, 1,084-ft of 14"x23" and 19"x30" ERCP

9F E Vina Del Mar Blvd. between 21st Avenue and N Tessier Drive – 2 new or replaced inlets, 189-ft of 19"x30" and 24"x38" ERCP

9O Pass-a-Grill Way at 14th Avenue – 14 new or replaced inlets, 1,202-ft of 14"x23" and 19"x30" ERCP

10A Pass-a-Grill Way between 12th Avenue and 12th Avenue – 6 new or replaced inlets, 443-ft of 14"x23" and 19"x30" ERCP

10B Pass-a-Grill Way at 12th Avenue – 8 new or replaced inlets, 447-ft of 14"x23" and 19"x30" ERCP

10K Pass-a-Grill Way at 2nd Avenue – 5 new or replaced inlets, 595-ft of 14"x23" and 19"x30" ERCP

Tidal and Storm Surge Solutions

Backflow prevention devices at the outfalls would reduce inundation from the bay during high tides and storm surge events. These devices function as a check valve to allow flow in only one direction and prevent backflow during high tides or storm surge events. However, if the bay is higher than the stormwater in the inlet, they also prevent that water from entering the bay, so a regular maintenance program is essential for success using this type of system.

Another concern during use of this type of device is marine growth that occurs in each of the City's outfall points into the bay. Oysters have been found growing in the open outfall pipes to the point where sunlight is not able to penetrate into the pipe, with blockages measured between 30 and 100 percent. Therefore, it is recommended that these devices be installed further upstream from the outfall within the stormwater pipes, where possible.

These types of devices come in several varieties

1. End-of-pipe devices
 - a. Top-hinged flap gate with float
 - b. Side-hinged flap gate with float
 - c. Duck-bill style check valve
2. In-line pipe devices
 - a. In-line check valve (Wastop®) (\$7,000 for 18-inch to 32,000 for 46-inch)
 - b. In-line check valve (CheckMate® by Tideflex)
 - c. Tidal backflow prevention vault (\$50,000)



Wastop



Flap Gate



CheckMate

CheckMate® Inline Check Valve installed with a manhole structure upstream of the stormwater outfall is the recommended device due to reduced maintenance. The installation cost is \$7,000 for an 18-inch valve up to \$32,000 for a 46-inch valve. Additional costs for manholes may also be needed on a case by case basis.

Stormwater Pump Station

The backflow prevention devices discussed above are only part of the solution. A pump station is needed to reduce flooding when the tide water is higher than the roadway inlet rims. A 1-cfs to 5-cfs pump station with wetwell is projected to be needed at some locations, including basins 7V (Gulf Blvd between 35th and 37th) and 10K (south part of island-Pass-a-Grill). Costs could be between \$75,000 and \$150,000 depending on the size of the pump. An additional \$100,000 would be needed to install a permanent generator at each location.

CITY COMMISSION MEETING

MINUTES

DECEMBER 11, 2012

6:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

PRESENT:

Marvin Shavlan, Vice Mayor
Lorraine Huhn, Commissioner
Jim Parent, Commissioner
Bev Garnett, Commissioner

ABSENT:

Steve McFarlin, Mayor – Excused

ALSO PRESENT:

Mike Bonfield, City Manager
Susan Churuti, City Attorney
Rebecca C. Haynes, City Clerk
George Kinney, Community Development Director
Jennifer McMahon, Recreation Director
Stephen Yurcaba, IT Director

1. Changes to the Agenda

City Manager Bonfield requested to add approval to close Pass-a-Grille Way on December 15th and approval to close City Hall on Christmas Eve day.

2. Presentations

Phil Milner, Vice President/IAFF Local 2266, reported that the Firefighters raised \$1,000 during the month of October and chose to donate the funds to two local groups. The union chose to split the donation between Friends of Gulf Beaches Historical Museum and the Pass-a-Grille Community Church Youth Group.

3. Audience Comments

Deborah Schechner, Boca Ciega Isle Drive, noted she was disappointed that the City did not sponsor the Christmas Land Parade. She thanked the Police Department for doing a great job for the community and welcomed the Pinellas County Sheriff's Department.

Chet Chmielewski, El Centro, commented that he was told a commissioner was moving out of town.

4. Consent

a. Authorize the City Manager to purchase fitness equipment for the Community Center from FitRev, Inc. in the amount of \$16,275.00

b. Authorize the City Manager to execute a purchase agreement with Fifth Wheeled Coach Inc. in the amount of \$150,000.00 with funds provided by Pinellas County EMS utilizing the Florida Sherriff's Bid to replace the City's rescue truck.

c. Authorize the City Manager to close Pass-a-Grille Way on December 15, 2012.

City Manager Bonfield recommended approval of the Consent Agenda as amended.

A motion was made by Commissioner Parent to approve the Consent Agenda, Items 4 (a), (b) and (c) as amended. The motion was seconded by Commissioner Huhn and unanimously approved by an individual roll call vote.

5. Action Items

a. Authorization for the City Manager to sign a Memorandum of Agreement with the Fraternal Order of Police.

City Manager Bonfield explained the retirement benefits that are subject to bargaining within the Police Department. Mr. Bonfield requested to add the sole Police Department employee who is not a union member for approval on a separate retirement proposal.

A motion was made by Commissioner Garnett to approve Item 5(a), authorizing the City Manager to sign a Memorandum of Agreement with the Fraternal Order of Police, and to add Captain Dean Horianopoulos in the amount of \$10,000. The motion was seconded by Commissioner Parent and unanimously approved by an individual roll call vote.

b. Authorization to close City Hall on Christmas Eve Day.

City Manager Bonfield requested the Commission authorize closing City Hall on Monday to coincide with the Christmas Day closure on Tuesday, at a total cost of approximately \$18,500.

A motion was made by Commissioner Huhn to approve the closure of City Hall on Monday, December 24, 2012. The motion was seconded by Commissioner Garnett and unanimously approved by an individual roll call vote.

6. Ordinances

a. Ordinance 2012-24, Final Reading and Public Hearing, amends Chapter 66, Pensions and Retirement, Article IV, Firefighters Retirement System; implementing a benefit freeze; providing for modifications of certain benefits for future service; mending certain definitions; revising employee contributions; revising the vesting period; mending benefit amounts and eligibility; and amending the Deferred Retirement Option Plan.

City Manager Bonfield explained City Commission held Impasse Hearings concerning the pension changes. An impasse resolution was adopted outlining the changes to be made to the plans. Mr. Bonfield detailed the 185 monies and the changes in the state requirements. He recommended adopting the changes.

A motion was made by Commissioner Parent to approve Item 6(a), An ordinance of the City of St. Pete Beach, amending Chapter 66, Pensions and Retirement, Article IV, Firefighters Retirement System; implementing a benefit freeze; providing for modifications of certain benefits for future service; amending certain definitions; revising employee contributions; revising the vesting period; amending benefit amounts and eligibility; amending the Deferred Retirement Option Plan; providing for applicability; providing for codification; providing for severability; providing for repeal of ordinances in conflict; providing an effective date. The motion was seconded by Commissioner Huhn.

Vice Mayor Shavlan called for audience comments.

Phil Milner, Vice President/Local IAFF 2226, discussed the firefighters' pension plan and the proposed changes.

Chet Chmielewski, El Centro, spoke against the proposed changes to the employee pensions.

Vice Mayor Shavlan proposed to continue the ordinance to further discuss alternatives with the City's pension attorney.

Vice Mayor Shavlan moved to continue Item 6(a), Ordinance 2012-24 to date certain 5:00 p.m., December 27, 2012. The motion was seconded by Commissioner Parent and unanimously approved by an individual roll call vote.

b. Ordinance 2012-27, First Reading and Public Hearing, amending Chapter 66, Pensions and Retirement, Article III, Police Officers' Retirement System; implementing a benefit freeze; providing for modifications of certain benefits for future service; amending certain definitions; revising employee contributions; revising the vesting period; amending benefit amounts and eligibility; amending the Deferred Retirement Option Plan; and providing for a share plan.

City Manager Bonfield reiterated the proposed changes were agreed to during the August Impasse Hearing and would be effective February 1, 2013.

A motion was made by Commissioner Huhn to approve Item 6(b), Ordinance 2012-27, An ordinance of the City of St. Pete Beach, amending Chapter 66, Pensions and Retirements, Article III, Police Officers' Retirement System; implementing a benefit freeze; providing for modifications of certain benefits for future service; amending certain definitions; revising employee contributions; revising the vesting period; amending benefit amounts and eligibility; amending the Deferred Retirement Option Plan; providing for a share plan; providing for codification; providing for severability; providing for repeal of ordinances in conflict; providing for an effective date. The motion was approved by Commissioner Parent.

Vice Mayor Shavlan called for audience comments. There were none.

Vice Mayor Shavlan called for the vote.

The motion was unanimously approved by individual roll call vote.

7. Resolutions

a. Resolution 2012-18, appointing the Parking Citation Hearing Officer, Administrative Appeals Hearing Officer and Special Magistrate for the City's Code Enforcement Division.

City Manager Bonfield reported the proposed resolution allows for the annual re-appointment for the City's hearing officer and special magistrate in the Code Enforcement Division.

A motion was made by Commissioner Garnett to approve Item 7 (a), Resolution 2012-18, A resolution of the City of St. Pete Beach, Pinellas County, Florida, appointing Herbert Langford as the parking citation hearing officer, administrative appeals hearing officer and special magistrate. The motion was seconded by Commissioner Huhn and unanimously approved by an individual roll call vote.

b. Resolution 2012-19, a resolution by the City of St. Pete Beach, Pinellas County, Florida, vacating four 5-foot utility and drainage easements between lots 3 and 4 of Block 78, North Unit No. 1 according to the plat thereof recorded in plat book 21, page 27 public records of Pinellas County, Florida; and providing for an effective date.

City Manager Bonfield noted the proposed resolution is a request from an applicant to vacate four easements off 77th Avenue.

Tom Brodersen, attorney representing the property owners, stated the house was built in the 1940's and the land traverses three lots. The house encompasses lots one and two and the carport includes lots three and four. The plat provides for a five foot easement on the sides of each lot and an easement along the back of the property. The back easement is not included in this request. Notices were sent and approval has been received from adjacent property owners.

A motion was made by Commissioner Garnett to approve Item 7 (b), Resolution 2012-19, A resolution by the City of St. Pete Beach, Pinellas County, Florida vacating four 5-foot utility and drainage easements between lots three and four of Block 78, North Unit No. 1 according to the plat thereof recorded in Plat Book 21, Page 27, public records of Pinellas County, Florida; and providing for an effective date. The motion was seconded by Commissioner Huhn and unanimously approved by an individual roll call vote.

8. Items for Discussion

9. City Manager, City Attorney and City Commission Reports

City Manager Bonfield reported on the special meeting of December 27, 2012 to discuss the pension ordinances; and that the Qualification Period for Districts Two and Four is December 10, 2012 through December 21, 2012 from noon to noon. He commented on a grant application with the Tampa Bay Regional Chamber of Commerce and stated the new schedule for trash collection in the north end will be effective February 1, 2013. Mr. Bonfield noted the Employee Holiday Luncheon is scheduled for December 18th from 12:00 p.m. to 2:00 p.m., at which time City Hall will close for the luncheon and reopen at 2:00 p.m.

The City Manager mentioned the passing of Drew Salinger, one of the City's original employees.

City Attorney Davis noted he filed an 'Action for Injunctive Relief' against the owner of a nuisance property on 78th Avenue. Mr. Davis reported on mediation scheduled for January 10, 2013 regarding a 2009 Chmielewski case; therefore, he requested to hold a Shade Meeting. The City Attorney announced that he desires the City Commission advice concerning the following litigation: Chester J. Chmielewski and Katherine A. Chmielewski vs. the City of St. Pete Beach, Case Nos. 06-29-25-CI-13, 09-019562-CI-19 and 12-008226-CI-08. The Shade Meeting is scheduled for 5:00 p.m., Tuesday, January 8, 2013.

Commissioner Garnett announced the 'Annual Bonfire on the Beach' is Thursday at the end of 8th Avenue at 7:00 p.m., the Boat Parade is 6:00 p.m. on Saturday beginning at Merry Pier and the Sunday Markets are at Suntan Arts Center.

Commissioner Parent reported that he is cancelling his roundtable meeting at the Library this month and commented on a proposed resolution in support of a Charter School in Pass-a-Grille.

Commissioner Huhn reported on the December 15th Car Show on Corey Avenue from 9:00 a.m. to 3:00 p.m., and the Sunday Markets on Corey Avenue and in Pass-a-Grille. Ms. Huhn noted the installation of median lights along Blind Pass Road and encouraged the community to continue shopping locally. She also informed everyone of an appreciation function to be held on December 13th at the Tradewinds honoring the employees of the St. Pete Beach Police Department.

Vice Mayor Shavlan reported on the Belle Vista Christmas party scheduled for 6:00 p.m. on Thursday, December 13th.

Pinellas County Sheriff's Office (PCSO) Lieutenant Joe Gerretz and Detective Ken Roberts updated the Commission on the upcoming transition of the Police Department to the PCSO and the PCSO's participation in the Boat Parade.

10. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:10 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Steve McFarlin, Mayor

Minutes approved on: _____

CITY COMMISSION MEETING

MINUTES

DECEMBER 27, 2012

5:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENT:

Steve McFarlin, Mayor
Marvin Shavlan, Vice Mayor
Lorraine Huhn, Commissioner
Jim Parent, Commissioner

ABSENT:

Bev Garnett, Commissioner - Excused

ALSO PRESENT:

Mike Bonfield, City Manager
Mike Davis, City Attorney
Rebecca C. Haynes, City Clerk

Mayor McFarlin requested to act upon Item 1(c), Ordinance 2012-27, prior to Items (a) and (b).

City Manager Bonfield reported that the ordinances were the result of the impasse hearings held in August.

1. Ordinances

c. Ordinance 2012-27, Final Reading and Public Hearing, amending Chapter 66, Pensions and Retirement, Article, Police Officers' Retirement System; implementing a benefit freeze; providing for modifications of certain benefits for future service; amending certain definitions; revising employee contributions; revising the vesting period; amending benefit amounts and eligibility; amending the Deferred Retirement Option Plan; and providing for a share plan.

Mr. Bonfield noted the Police Department employees are in agreement with the changes and are prepared for the implementation.

Vice Mayor Shavlan made a motion to approve Item 1(c), Ordinance 2012-27, An ordinance of the City of St. Pete Beach, Amending Chapter 66, Pensions and Retirement, Article III, Police Officers' Retirement, Article III, Police Officers' Retirement System; implementing a benefit freeze; providing for modifications of certain benefits for future service; amending certain definitions; revising employee contributions; revising the vesting period; amending benefit amounts and eligibility; amending the Deferred Retirement Option Plan; providing for a share plan; providing for codification; providing for severability; providing for repeal of ordinances in conflict; providing an effective date. The motion was seconded by Commissioner Huhn.

Mayor McFarlin called for audience comments. There were none.

Mayor McFarlin called for commissioner comments. There were none.

The motion was approved by an individual roll call vote of 4-0-1, with Commissioner Garnett absent.

a. Ordinance 2012-23, Final Reading, rescinds and repeals all prior ordinances or resolutions assessing or imposing the premium tax authorized by Section 175.101, Florida Statutes and withdrawing from participation under Chapter 175, Florida Statutes.

City Manager Bonfield noted that Ordinance 2012-23 and Ordinance 2012-24 relate to the Fire Department and can be discussed together, but acted upon with separate motions.

Ordinance 2012-23 allows the City to withdraw from Chapter 175, which is the State Statute providing for St. Pete Beach residents to be assessed on their property insurance bills an excise tax that goes towards firefighter pensions. The money is paid to the State of Florida and returned to the City per state guidelines. Mr. Bonfield recommended staying in Chapter 175 until a determination is made at the State level on how withdrawing would affect the department.

Commissioner Parent made a motion to approve Item 1(a), Ordinance 2012-23, An ordinance of the City of St. Pete Beach, Rescinding and repealing all prior ordinances or resolutions assessing or imposing the premium tax authorized by Section 175.101, Florida Statutes; withdrawing from participation under Chapter 175, Florida Statutes; providing for severability; providing for repeal of ordinances in conflict; providing an effective date. The motion was seconded by Commissioner Huhn.

Mayor McFarlin called for audience comments.

Phil Milner, Vice President/IAFF Local 2266, commented that he believes the City needs to do whatever it has to in order to retain the 175 monies and spoke about previous comments that were made.

Winthrop Newton, Vice President/IAFF 2nd District, spoke in support of the firefighters.

Mayor McFarlin called for the vote.

The motion failed by a vote of 0-4-1, with Commissioner Garnett absent.

b. Ordinance 2012-24, Final Reading and Public Hearing, amending Chapter 66, Pensions and Retirement, Article IV, Firefighters Retirement System; implementing a benefit freeze; providing for modifications of certain benefits for future service; amending certain definitions; revising employee contributions; revising the vesting period; amending benefit amounts and eligibility; and amending the Deferred Retirement Option Plan.

Commissioner Huhn made a motion to approve Item 1(b), Ordinance 2012-24, An ordinance of the City of St. Pete Beach, amending Chapter 66, Pensions and Retirement, Article IV, Firefighters Retirement System; implementing a benefit freeze; providing for modifications of certain benefits for future service; amending certain definitions; revising employee contributions; revising the vesting period; amending benefit amounts and eligibility; amending the Deferred Retirement Option Plan; providing for applicability; providing for codification; providing for severability; providing for repeal of ordinances in conflict; providing an effective date. The motion was seconded by Commissioner Parent.

Mayor McFarlin called for audience comments.

Jim Kilpatrick, Firefighter/IAFF Local 2266, stated the negotiations have been very long and tedious, and asked the Commissioners to communicate with the firefighters.

Phil Milner, Vice President/IAFF Local 2266, commented on the terminology difference between 'termination' and 'freeze'.

Mayor McFarlin called for the vote.

The motion was approved by an individual roll call vote of 4-0-1, with Commissioner Garnett absent.

10. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 6:05 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Steve McFarlin, Mayor

Minutes approved on: _____

St. Pete Beach City Commission
Agenda Report

Issue Considered: Authorization for the City Manager to accept a proposal from Michael Baker Jr., Inc. in the amount of \$18,940 to provide GIS hosting and support services.

Date: 1/22/13

Prepared By: Steven J. Hallock, Public Services Director

Summary of Issue: With the elimination of the Information Technology Department we began investigating the best way to maintain our Geographic Information System (GIS). GIS integrates hardware, software, and data for capturing, managing, analyzing, and displaying all forms of geographically referenced information. In the City's case it is used to support data related to utilities, land use, zoning, parcels, redevelopment districts, drainage basins, soils, voting districts, etc. This data is displayed on an aerial photograph of the City which allows us to visualize, communicate, and utilize the data.

After evaluating all options we are recommending utilizing one of our contracted engineering firms, Michael Baker Jr., Inc., to host and support our GIS. There is significant savings and benefits to this option. By contracting it out we can do it for considerably less and have the resources of an entire GIS department at our disposal. The one-time set up cost is \$18,940 and the annual cost to maintain and update our data is estimated at \$13,000 per year. Any maintenance costs will be requested by the City and are directly related to the GIS tasks we assign them, e.g. removing the City coastal construction setback line and updating the stormwater data provided in the new Stormwater Master Plan. The City will be retaining ownership of all the data so if in the future the City decides to change engineering firms or decides to do it in-house again these options remain open.

Requested Motion: "I move to authorize the City Manager to accept a proposal from Michael Baker Jr., Inc. in the amount of \$18,940 to provide GIS hosting and support services."

Attachments: Michael Baker Jr., Inc. Proposal

Reviewed by
City Manager:

MB

Mr. Steven Hallock
Public Services Director
155 Corey Avenue
St. Pete Beach, Florida 33706

December 20, 2012

813-889-3892
FAX 813-889-3893

Re: GIS Hosting and Support Services by Baker

Dear Steve:

Per our meeting on December 12 and 13, 2012, the following scope, schedule and fee have been developed to migrate the City of St. Pete Beach's GIS data onto a Baker-hosted web server. The goal is to provide all city staff quick access to their GIS data with simple to use tools as well as provide data editing services on an as-needed basis. With this approach, the City will no longer be required to renew ESRI license fees. Baker's scope, schedule and cost estimate is organized into three areas: GIS Website Deployment, Website Hosting Fee, and As-needed Data Maintenance services. These are detailed below:

Scope: BAKER responsibility

Onetime Cost

1. Creation of a basic website viewer
 - a. Create initial viewer and stand up
 - i. Customize Site for St Pete Beach
 - ii. Viewer for data layers
 - iii. Navigate, query and identify
 - iv. Simple printing
 - v. Redline
 - b. Client Review and adjustment
2. Server, Security, Database Setup
 - a. Create Schema for St Pete
 - b. Load Data
 - c. Configure MXD and Cache, scale dependencies
 - d. Digital Services to create secure URL
 - e. Single Login and Password

Website Hosting

3. Portion of server cost and ArcGIS license cost
4. Digital Services support and administration

As-needed Data Maintenance

5. Updating Data (parcels, attributes), etc.
6. Adding additional features to viewer, public versus private access, shape files of the most recent data per the Cities request

Schedule:

The BAKER team can perform the services listed in the scope as follows

Set-up

- | | |
|---------------------------------------|---|
| 1. Creation of a basic website viewer | Within one month of a Notice to Proceed |
| 2. Server, Security, Database Setup | Within one month of a Notice to Proceed |

Website Hosting

- | | |
|--|---|
| 3. Digital Services support and administration | Upon notice to proceed with daily support as needed |
|--|---|

As-needed Data Maintenance

- | | |
|--|---|
| 4. Updating Data (parcels, attributes), etc. | Upon notice to proceed with daily support as needed |
| 5. Adding additional features to viewer | Upon notice to proceed with daily support as needed |

Fee:

The BAKER team can perform the services listed in the scope and schedule for the following fees:

Onetime cost, items 1 and 2

Lump sum fee of \$ 18,940

- | |
|---------------------------------------|
| 1. Creation of a basic website viewer |
| 2. Server, Security, Database Setup |

Website Hosting, items 3 and 4

Time and expenses not to exceed \$ 250.00 per month thru the year 2013. Future Years shall be negotiated on a monthly dollar basis.

- | |
|---|
| 3. Portion of server cost and ArcGIS license cost |
| 4. Digital Services support and administration |

As-needed Data Maintenance, item 5 and 6

Time and expenses not to exceed \$ 10,000.

- | |
|--|
| 5. Updating Data (parcels, attributes, etc.) |
| 6. Adding additional features to viewer |

Hourly rates for personnel time is based upon the year 2013 agreement between the City and Baker. Future year hourly rates to be negotiated between the City and Baker.

Page 3 of 3
Mr. Steven Hallock
GIS hosting and support services by Baker
December 20, 2012

Expenses must be approved by the City prior to allocating to a project

We look forward to your approval in providing GIS efficiency for the City of St. Pete Beach, Florida.

Sincerely,
Michael Baker Jr., Inc.



Paul Holt, PE
Sr. Vice President

Cc: Bob Hanson
Jim Davis
Jerry Dabkowski, PE
Mark Kistler, PE

St. Pete Beach City Commission
Agenda Report

Issue Considered: Authorize the City Manager to enter into a Memorandum of Agreement (MOA) with the Florida Department of Transportation (FDOT) for installation and maintenance of crosswalk signage and flashing beacons.

Date: 1/22/13

Prepared By: Steven J. Hallock, Public Services Director

Summary of Issue: The City has spent years trying to get FDOT to approve Rectangular Rapid Flash Beacons (RRFB) to enhance pedestrian safety on Gulf Blvd and Blind Pass Road (State Road 699). The RRFB are what we installed at the Don CeSar crosswalk and they have been highly effective.

The City approved an MOA back on 9/12/12 that authorized us to install the RRFB at the unsignalized intersections and mid-block pedestrian crossings on Gulf Blvd and Blind Pass Road with FDOT reimbursement. Since that time FDOT has secured funding and decided to oversee a larger project to install the RRFB along the entire SR 699 corridor themselves. As a result they made minor changes to the MOA so it is a standard agreement with all the individual cities. They expect to finalize the MOAs and complete the project within the year.

Requested Motion: "I move to authorize the City Manager to enter into a Memorandum of Agreement (MOA) with the Florida Department of Transportation (FDOT) for installation and maintenance of crosswalk signage and flashing beacons."

Attachments: Memorandum of Agreement

Reviewed by
City Manager:

MB

**Memorandum of Agreement Between
City of St. Pete Beach
AND
State of Florida, Department of Transportation, District Seven**

THIS AGREEMENT, made and entered into as of the _____ day of _____, 20____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, a component agency of the State of Florida, hereinafter called the "Department" and the City of St.Pete Beach hereinafter called the "City".

W I T N E S S E T H

WHEREAS, the Department owns State Road 699 (Gulf Boulevard) right-of-way consisting of road improvements abutting thereon located within the State right of way throughout the jurisdictional municipal limits of the City.

WHEREAS, the Department has responsibility for operation and maintenance of the State Highway System; and

WHEREAS, the Department has approved the installation of Pedestrian Crosswalk Signage & Flashing Beacons ("the Enhancements") to improve the safe operation of the crossing for pedestrians;

WHEREAS, the City has agreed to operate and maintain the Enhancements in accordance with the provisions below; and

WHEREAS, the Department is authorized pursuant to Section 334.044, Florida Statutes to enter into contracts and agreements; and

WHEREAS, the parties hereto recognize the need for entering into an agreement designating and setting forth the responsibilities of each party in maintaining the Enhancements; and

WHEREAS, the City has authorized its officers to execute this Agreement on its behalf,

NOW THEREFORE, for and in consideration of the mutual benefits that flow each to the other, the parties covenant and agree as follows:

1. The City shall operate and maintain the Enhancements according to department specifications, and all applicable manufacturers' maintenance guidelines. Modifications to the Enhancements shall not be performed without prior written approval of the Department.

2. In the event that any portion of the Enhancements is at any time determined by the Department to not be in compliance with all applicable laws, rules, procedures and guidelines of the Department, or is determined to be interfering with the safe and efficient operation of any transportation facility, or is otherwise determined to present a danger to public health, safety, or welfare, that portion shall be immediately brought into departmental compliance at the sole cost

and expense of the City.

3. Maintenance of the Enhancements shall be subject to periodic inspections by the Department. In the event that any of the aforementioned responsibilities are not carried out or are otherwise determined by the Department not to be in compliance with applicable standards, the Department may terminate the agreement in accordance with paragraph 9(a).

4. The Department's Local Maintenance Office shall be notified forty-eight hours in advance of commencing any scheduled construction or maintenance activities. Emergency repairs shall be performed without delay and the Area Maintenance Office notified immediately. The Area Maintenance Office with responsibility for S.R. 699 is located at 5211 Ulmerton Road, Clearwater, Florida, 33760, telephone number (727)570-5101.

5. Prior to the City performing any major construction or reconstruction activity of the Enhancements, the City shall submit plans of the proposed work to all utilities with facilities within the limits of work for their review and comment. The City shall resolve any conflicts and/or concerns raised by the utilities prior to commencement of such activities. Prior to commencing any field below ground activities, the City shall notify all the utilities of their work schedule enabling facilities to be field located and marked to avoid damage.

6. If the City desires to position vehicles, equipment, or personnel, or to perform maintenance activities closer than fifteen feet to the edge of pavement, or to close a traffic lane, Maintenance of Traffic shall be in accordance with all Departmental Maintenance of Traffic Standards. The City shall have Maintenance of Traffic certified personnel supervise the set up and operation of such Maintenance of Traffic devices at the site of the construction or maintenance activity.

7. The Department will require the City to cease operations and remove all personnel and equipment from the Department's right-of-way if any actions on the part of the City or representatives of the City violate the conditions or intent of this Agreement as determined by the Department.

8. It is understood between the parties that any or all of the Enhancements may be removed, relocated or adjusted at any time in the future as determined necessary by the Department in order that the adjacent state road be widened, altered or otherwise changed to meet with the future criteria or planning of the Department. The Department shall give the City notice regarding such removal, relocation or adjustment and the City shall be allowed sixty calendar days to remove all or part of the Enhancements at its own expense. The City will own that part of the Enhancements it removes. After the sixty-calendar day's removal period, the Department may remove, relocate or adjust the Enhancements as it deems best. Wherever the City removes improvements pursuant to this Agreement, the City shall restore the surface of the affected portion of the Enhancements premises to the same safe and trafficable condition as existed prior to installation of such improvements.

9. This Agreement may be terminated under any one of the following conditions:

- (a) By the Department if the City, following fifteen working days written notice, fails to perform its maintenance responsibilities under this Agreement.
- (b) By the City following sixty calendar day's written notice.
- (c) By the Department following sixty calendar day's notice.

10. Within 60 days following a notice to terminate pursuant to 9(a) or 9(b), if the Department requests, the City shall remove the Enhancements and restore the premises to the same safe condition existing prior to installation. If the Department does not request such restoration or terminates this Agreement pursuant to 9(c), the Department may remove, relocate or adjust the Enhancements as it deems best.

11. The City shall utilize the U.S. Department of Homeland Security's E-Verify system, in accordance with the terms governing use of the system, to confirm the employment eligibility of:

- (a) All new employees hired by the City during the term Agreement to perform employment duties within Florida; and
- (b) All new employees, including subcontractors, assigned by the City to perform work pursuant to this Agreement.

12. The Department's District Secretary shall decide all questions, difficulties, and disputes of any nature whatsoever that may arise under or by reason of this Agreement, the prosecution, or fulfillment of the service hereunder and the character, quality, amount, and value thereof; and his or her decision upon all claims, questions, and disputes shall be final and conclusive upon the parties.

13. This Agreement embodies the entire agreement and understanding between the parties and there are no other agreements or understandings, oral or written, with reference to the subject matter that are not merged and superseded hereby.

14. This Agreement may not be assigned or transferred by the City, in whole or in part without the consent of the Department.

15. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

16. All notices, demands, requests or other instruments shall be given by depositing the same in the U.S. Mail, postage prepaid, registered or certified with return receipt:

- (a) If to the Department, address to 11201 North McKinley Drive, Tampa, Fl 33612 or at such other address as the Department may from time to time designate by written notice to the City; and
- (b) If to the City, address to 155 Corey Ave., St. Pete Beach, Fl., 33706 or at such other address as the City may from time to time designate by written notice to the Department.

All time limits provided hereunder shall run from the date of receipt of all such notices, demands, requests and other instruments.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

a municipal corporation/political subdivision
TRANSPORTATION
of the State of Florida

STATE OF FLORIDA
DEPARTMENT OF

By: _____
Name: _____
Title: _____
Operations,

By: _____
James V. Moulton, Jr., P.E.
Director of Transportation
District Seven

Attest: _____
Title: _____ (SEAL)

Attest: _____
Executive Secretary (SEAL)

Legal Review:

Legal Review:

Title: _____

Office of the General Counsel, District 7

St. Pete Beach City Commission
Agenda Report

Issue Considered: Ratification of the City Manager decision to accept a proposal from Above All Caulking & Waterproofing, Inc. in the amount of \$20,330 for resealing the City Hall windows.

Date: January 22, 2013

Prepared By: Steven J. Hallock, Public Services Director

Summary of Issue: For the last several years the City Hall windows have leaked at times especially during a hard driving rain. Tropical Storm Debby highlighted how bad the water intrusion can be and during the damage assessment in addition to drywall and carpet damage, mold was discovered. The mold has been removed but will simply return if the water leaks are not stopped.

During the City Hall painting and sealing project we installed new caulk between the window frames and building. This solved part of the problem but leaks were still noticed. As a result we removed the drywall under several of the City Hall windows known to leak, monitored during the rainy season and even wet tested twice using the Fire Department. We observed leakage where the window glass meets the frame on several occasions verifying the sealant had failed. To solve this problem we reviewed three proposals to address the leaks and staff is recommending Above All Caulking & Waterproofing, Inc. since we think their proposal is the best long term solution. To be extra cautious we are going to have them complete one window first and then wet test it again with the fire truck to make sure the solution works. Their proposal also comes with warranties to protect the City in the future.

This is an unbudgeted project but it needs to be completed now that we have spent months evaluating, do not want mold to redevelop, and are confident in a solution. We tried to see if FEMA would cover the cost but it was determined to be a pre-existing condition prior to TS Debby. However, in speaking with the Finance Director we will have enough CIP reserves to cover the cost. Per the City's purchase policy any expenditure exceeding \$10,000 but less than \$25,000 must be approved by the City Commission and placed on the consent agenda.

Requested Motion: "I move to ratify the City Manager decision to accept a proposal from Above All Caulking & Waterproofing, Inc. in the amount of \$20,330 to reseal the City Hall windows."

Attachments: Above All Caulking & Waterproofing, Inc.

Reviewed by
City Manager:

MB

**ABOVE ALL CAULKING &
WATERPROOFING, INC.**

Bid Form



4150 114th Terrace North

Clearwater Fl. 33762

Office: 727-573-9771 Fax: 727-573-9773

Project Name:	St Petersburg Beach City Hall	10-2-12
Project Contractor:	RKM Building corp.	
Project Contact:	Tom Knapp	
Bid Package Description:	Joint Sealant restoration	
Scope Check List:	Is As Follows.	

BASE BID	COST	REMARKS Scope of Work qualified by:
<u>Joint Sealants Scope of work</u> Cut / remove all sealants/backing mat. Exterior windows,curtain wall glass jambs,heads and sills. Brush abrade jts, Xylene chemical wipe residual sealants, following dry rag wipe. Install new backing rods / bond breaker tape and primer as required to sub-straightts. Rod oversized compress to fit. Mask tape frames, apply cant beads dry tooled finish joints minimum, 3/16" to 1/2" bond on each side of joint. Wet-glazing fixed windows& curtainwall glass to frame. Cut gasket back, exposing frame sides. Clean & wipe surfaces, taped straight line finish. Spectrum black silicone sealants to Glass/frame, Spectrum White silicone at Mullion frame/frame, seal all mitter joints with-in system. 1. Smaller Punch opening windows @ 600' glass, 600' mullion bar. 600' perimeter seal. Total small windows...1,800' 2. Curtain wall glass systems 3,120' glass/mullion 1,080' mullion/frame, Perimeter 500'.....4,700' 3. Fixed operable Doors @ 450' glass/frame perimeter to stucco 150'.....600' 4. Fixed oper. Door systm. Re-attach Misciln decorative molding strips to glass w silicone 20' 5. Supply 80' man lift Access equipment 1 month <u>TOTAL</u>	4,500.00 11,750.00 1,500.00 80.00 2,500.00 20,330.00	• Field measured scope of work. • Polyurethane sealants • Tremco's 240 FC -fast cure • ITP polyethylene backing rod • Trem-prime # as recommended • Submittals provide color specs • Provide 5 yr manufacturers Warranty urethane materials/2 year labor • 20 year manufacturers warranty silicone sealants EXCLUSION: Entry doors storefronts not in scope of work. ADD Alt 1,200 If \$ 3,000.00

Above All Caulking and Waterproofing will comply with waterproofing or caulking manufacturers printed installation instructions applicable to products and applications to complete the job. All material is guaranteed to be as specified and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner. ACCEPTANCE OF PROPOSAL The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment is due 30 days from billing date, per standard AIA Document G702.

By: _____ Authorized Signature Date _____

Estimator: John Esquibel – 727-463-2773

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Public Hearing for Conditional Use/Variance 2013-0001.

Date: January 22, 2013

Prepared By: George Kinney, AICP, Community Development

Summary of Issue: The project site contains an abandoned hotel facility. Agent on behalf of applicant/owner requests 50 temporary lodging uses from those units collectively available to the Bayou Residential, Activity Center, and Town Center Core Districts Temporary Lodging Unit Density Pool, as established in the City of St. Pete Beach Comprehensive Plan. Applicant further requests Variances from Section 23.5 of the Land Development Code to permit 69 on-site parking spaces in lieu of the 81 spaces required and from Section 42.7 of the Land Development Code to permit the construction of a porte-cochere that will encroach 6' into the required 20' secondary front-yard setback.

Requested Motion: **First Action:** "I move to approve Conditional Use 2013-0001"
Second Action: "I move to approve Variance 2013-0001"

Attachments: Staff report, site and aerial photographs, site plan, conditional use application, legal ad, and property owner notice.

Reviewed by City Manager: MB

City of St. Pete Beach, Florida
Conditional Use/Variance Application No. 2013-0001
City Commission Public Hearing – January 8, 2013

I. Property Information

Address: 3701 Gulf Boulevard
Owner: St. Pete Beach Properties, LLC. (Hotel Zamora)
Agent: Marilyn Mullen Healy, Adams and Reese LLP.

Existing Use: Hotel Resort
Zoning: BR (Bayou Residential)

II. Request/Code Requirements

The project site contains an abandoned hotel facility. Agent on behalf of applicant/owner requests 50 temporary lodging uses from those units collectively available to the Bayou Residential, Activity Center, and Town Center Core Districts Temporary Lodging Unit Density Pool, as established in the City of St. Pete Beach Comprehensive Plan.

In addition to the Conditional Use request, Variance approval is also requested for the following:

- A. Section 23.5 of the Land Development Code to permit 69 on-site parking spaces in lieu of the 81 spaces required.
- B. Section 42.7 of the Land Development Code to permit the construction of a porte-cochere that will encroach 6' into the required 20' secondary front-yard setback.

III. Background Information

Density Pool Information			
<u>District</u>	<u>Total Units Available</u>	<u>Total Units Utilized</u>	<u>Total Units Remaining</u>
Town Center Core – Corey Circle	325	50	275
Town Center Core – Coquina West			
Activity Center			
Bayou Residential			
Total	325	50	275

Foreclosure and Lien

This application is brought by St. Pete Beach Properties, LLC. This property owner has purposely neglected the site despite repeated requests to maintain it. The City was forced to clean the property prior to the RNC convention and a Code Enforcement lien has been running on the property at \$750.00 per day. It has amassed to more than \$205,000. Applicants were informed of this issue at the time of submission and instructed to immediately clear the site of construction debris, mow the site, and repair the perimeter fence prior to the Commission meeting. To date, this has not been done.

Agency Comments

The request was circulated to appropriate City agencies. A response was received from the Fire Department and is included in the Final Packet. These issues will need to be addressed at the time of Site Plan submission and review. Additional items to be considered during the site plan review include but are not limited to landscaping, signage, design and transportation related issues.

IV. Zoning and Comprehensive Plan

The property is zoned Bayou Residential (BR), which permits *Temporary Lodging* as a Conditional Use and subject to an allocation of density units. The Comprehensive Plan land use designation is also BR, which recognizes *Temporary Lodging* as a primary use. Accordingly, the request does not appear to be contrary to any of the provisions existing in the Land Development Code or Comprehensive Plan.

V. Analysis/Summary

Section 4.4 of the Land Development Code sets forth the warrants that an applicant must meet in order for the Conditional Use to be granted while Section 3.12 of the Land Development Code sets forth the warrants that an applicant must meet in order for the Variance to be granted. Staff would offer the following conditions for approval:

1. Site Plan submission and approval is required prior to building permit approval. The Site Plan cannot be issued until all code violations and relevant liens have been fully resolved.
2. This Conditional Use approval and associated density allocation does not vest the property in perpetuity. The Conditional Use expires within one-year absent the reactivation and/or acquisition of a building permit within that time frame. In addition, staff will introduce an Ordinance to revert the density allocation should this occur.

Case # 2013-0001



Site Photos



Figure 1. View across Gulf Boulevard



Figure 2. View across 37th Avenue



Figure 3. Rear yard waterside



Relevant Code Provisions

Sec. 3.12. - Variances.

(a) Authority and approval criteria.

- (1) The appropriate board of authority may authorize variances to the land development regulations if the applicant is able to demonstrate the following conditions:
 - (a) The existence of conditions and circumstances that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same district which have complied with these regulations without hardship; that the strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building; and the peculiar conditions and circumstances are not the result of the actions of the applicant; and
 - (b) Neither a nonconforming use of neighboring lands, structures or buildings, legal or illegal, in the same district, nor a permitted use in adjacent districts shall be considered as grounds for issuance of a variance; and
 - (c) The proposed variance will not have the effect of changing any district boundary on the zoning map, nor constitute the granting of a nonconforming use. Under no circumstances shall a variance permit an increase in development density or permit a use not specifically permitted in the district; and
 - (d) The granting of a variance will be in harmony with the general purpose and intent of the land development regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In granting the variance, the appropriate board of authority may prescribe any conditions and safeguards it deems necessary or desirable as a condition of approval of the variance application; and
 - (e) The appropriate board of authority finds as a reasonable conclusion that hardship would unnecessarily result from a literal enforcement of the provisions of the land development regulations as set forth in the application, and the variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.

Sec. 4.7. - City commission review.

Upon receipt of the written staff analysis, the city commission shall hold a public hearing to consider the application for conditional use and may grant, grant with conditions or deny the application. Final action of the city commission shall be documented in the form of a development order containing a legal description of the real property to which the conditional use applies, together with the terms of the conditional use and any additional conditions imposed.

Sec. 4.4. - Standards for review.

- (a) *Standards applicable to all conditional uses.* When considering an application for approval of a conditional use, the city commission review shall consider the following standards:
- (1) Whether the conditional use is consistent with the goals, objectives, and policies of the Comprehensive Plan, any adopted special area plan and these regulations;
 - (2) Whether the proposed use will be compatible with the character of the existing area, including existing structures and structures under construction, existing public facilities and public facilities under construction, and residential, commercial and/or service facilities available within the existing area. More specifically:
 - a. Whether the overall appearance and function of the area will be significantly affected consideration shall be given to the existence of other uses in the area, based on the number, size, and location of the uses and the intensity and scale of the proposed and existing uses in the area;
 - b. Whether the application will preserve any city, state or federally designated historic, scenic, archaeological, or cultural resources;
 - c. Whether the application will be compatible with adjacent development, if any, based on characteristics such as size, building style and scale; or whether such incompatibilities are mitigated through such means as screening, landscaping, setbacks, and other design features; and
 - d. Whether the application will have significant adverse impacts on the livability and usability of nearby land due to noise, dust, fumes, smoke, glare from lights, late-night operations, odors, vehicular traffic, truck and other delivery trips, the amount, location, and nature of any outside activities, potential for increased litter, or privacy and safety issues.
 - (3) Whether the transportation system is capable of adequately supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, if any, site access requirements, neighborhood impacts, and pedestrian safety;
 - (4) Whether the minimum off-street parking area required and the amount of space needed for the loading and unloading of trucks, if applicable, will be provided and will function properly and safely;
 - (5) Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made;
 - (6) Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to guarantee the provision such improvements and mitigation; and

- (7) Whether the proposed use complies with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the regulations of the City of St. Pete Beach.

Sec. 23.5. – Number of parking spaces required.

The following minimum off-street parking requirements are applicable to all districts except as otherwise provided herein:

Use	Parking Requirement (spaces)
Transient Accommodations	1 per transient accommodation unit, plus 1 additional per 10 transient accommodation units, plus additional parking for accessory facilities in accordance with the following:
Retail and restaurant space	1 per 200 SF floor area
Ballrooms, lobby area, conference and meeting rooms, and fitness facilities	1 per 1,000 SF floor area

Sec. 42.4. – Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, allowable conditional uses in the Bayou Residential District are as follows.

- (b) Temporary Lodging, awarded on a first come, first serve basis, to come from the density pool established in the Comprehensive Plan (325 available units for potential use in the Town Center Core Core Circle, Coquina West, Activity Center, and Bayou Residential Districts).

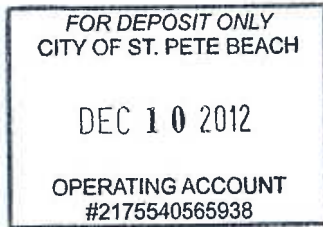
Sec. 42.7. – Height and setbacks.

For the Bayou Residential District, front yard setbacks for exclusively residential and temporary loading uses are based on height per the Comprehensive Plan and as follows:

Other setback requirements:

Secondary front:	20 Feet
------------------	---------

11/22/20



City of St. Pete Beach
Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706
727-363-9265
www.stpetebeach.org

CONDITIONAL USE APPLICATION

580' Abutter's Notice

Case Number: 2013 0001

APPLICANT/AGENT:

Name: Marilyn Mullen Healy
Adams and Reese LLP

Address: 101 E. Kennedy Blvd.
Suite 4000

City: Tampa State: FL

Zip: 33602 Phone: (813) 227-5503

PROPERTY OWNER:

Name: St. Pete Beach Properties, LLC

Address: P. O. Box 1839

City: Tampa State: FL

Zip: 33601 Phone: _____

PROPERTY:

Address: 3701 Gulf Blvd. and 3751 Gulf Blvd., St. Pete Beach, FL 33706

Parcel ID: 07-32-16-21852-029-0000, 07-32-16-07398-001-0300

Current Zoning: Bayou Residential FLUM Designation: Bayou Residential Lot Area: 53,833 sq.ft.
(1.24 acres)

Existing Use: Hotel Proposed Use: Hotel

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

See attached details of the Conditional Use request.

This application, together with all required supporting document, shall be submitted by 12:00 noon on the stated filing date for the City Commission. Failure to do so will delay your application to a later date.

Signature of Applicant _____ Date _____ Signature of Authorized Agent *Maulyn Mullen* _____ Date *11/27/12*

For office use only:

Hearing Date: _____ Fees: _____

Board Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied
☐ Continued

In order for an application for a Conditional Use to be approved or approved with conditions, the City Commission must make a positive finding with regard to each of the provisions below. The applicant has the burden of proof demonstrating that the application for the conditional use complies with each of the requirements. Please explain in detail how our case meets these requirements (attach additional sheets if necessary):

Details of the Request:

The purpose of the Conditional Use application is to request 50 temporary lodging units from the City's temporary lodging density pool established in the City of St. Pete Beach Comprehensive Plan. The temporary lodging units will include secondary uses permitted by Section 6.6 of the Land Development Code. These secondary uses include but are not necessarily limited to restaurants with or without bars or cocktail lounges, fitness facilities and business centers.

1. Whether the conditional use is consistent with the goals, objectives and policies of the Comprehensive Plan, any adopted special area plan.

The request for 50 temporary lodging units is clearly consistent with the goals, policies and objectives of the City's Comprehensive Plan. The City recently approved an amendment to the Comprehensive Plan to correct an error which inadvertently prohibited temporary lodging on properties less than 2 acres in size because it excluded every eligible property. In the staff report for the Comprehensive Plan amendment, the subject property is specifically referenced as a site with an existing hotel that was unable to be completed because of the Comprehensive Plan prohibitive language. According to the permitted uses of the Bayou Residential Comprehensive Plan category, temporary lodging uses are permitted as a primary use.

2. Whether the proposed use will be compatible with the character of the existing area, including existing structures and structures under construction, existing public facilities and public facilities under construction, and residential, commercial and/or service facilities available within the existing area. More specifically:

- a. Whether the overall appearance and function of the area will be significantly affected consideration shall be given to the existence of other uses in the area, based on the number, size and location of the uses and the intensity and scale of the proposed and existing uses in the area;**

The hotel building was approved by the City of St. Pete Beach in 2008 and issued building permits for the construction of the existing hotel building. Due to unforeseen fiscal issues with the construction lender, the construction of the building ceased after it was 75 to 80 percent complete. Therefore, it is clear that the hotel is consistent with the uses along Gulf Boulevard in terms of use, intensity and scale of the building.

- b. Whether the application will preserve any city, state or federally designated historic, scenic, archeological or cultural resources; (check with Planning Dept to determine historic resource status);**

The hotel is existing and the property does not include any historic, scenic, archeological or cultural resources.

- c. Whether the application will be compatible with adjacent development, if any, based on characteristics such as size, building style and scale; or whether such incompatibilities are mitigated through such means as screening, landscaping, setbacks and other design features;**

The constructed hotel building style is complementary to the adjacent buildings along Gulf Boulevard. The building is designed in accordance with the height, bulk and placement requirements of the Bayou Residential Zoning District. The first floor parking area is integrated into the appearance of the hotel and provides a pleasing aesthetic to the overall design concept. Landscaping will be installed on the property which will significantly enhance the appearance of the property.

- d. Whether the application will have significant adverse impacts on the livability and usability of nearby land due to noise, dust, fumes, smoke, glare from lights, late-night operations, odors, vehicular traffic, truck and other delivery trips, the amount, location, and nature of any outside activities, potential for increased litter, or privacy and safety issues;**

The hotel will be a good neighbor to the community. It is contrary to the success of the hotel to permit excessive noise, dust, fumes, smoke, or outside activities that encourage litter. Lighting will be designed to serve the hotel use and not intrude on neighboring properties. Trash collection will be via curb side service and will coincide with the schedule of the surrounding development.

- e. Whether the transportation system is capable of adequately supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, if any, site access requirements, neighborhood impacts and pedestrian safety; (a traffic study may be required);**

The transportation concurrency impacts were evaluated and approved as a part of the 2008 hotel review.

- f. Whether the minimum off-street parking area required and the amount of space needed for the loading and unloading of trucks, if applicable, will be provided and will function properly and safely; (please provide current and proposed number of parking spaces);**

The hotel property will accommodate 69 parking spaces. There are 5 additional boat slips available that guests and patrons can use to access the hotel and associated uses. The attached letter from Premier Parking Ventures confirms that the valet company can park approximately 145 cars using a back to back parking method. In addition, Premier Parking Ventures confirms that there are additional parking lots near the hotel property that could be utilized for overflow parking under a rental arrangement. There is an on-site loading space provided for deliveries.

- g. Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made;**

The hotel is designed to fully protect the health, safety and welfare of the public.

- h. Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to grantee the provision such improvements and mitigation, and;**

The property has been purchased as a distressed asset and now has sufficient financial and technical capacity to complete the required improvements.

- i. Whether the proposed use complies with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the regulations of the City of St. Pete Beach.**

The proposed use will comply with all applicable regulations of the City of St. Pete Beach.



June 29, 2011

St Pete Beach Properties, LLC
Mr. Henry Suarez
Manager PO Box 1839
Tampa, Florida 336001

Re: The Hotel Zamora

Dear Henry:

Thank you for following back up with me today regarding our interest in providing the valet parking service for your hotel in St Pete Beach, The Hotel Zamora.

As we spoke about several months ago we did a parking analysis on the parking capacity within the footprint of your property. We did conclude that we project we could get approximately 145 cars parked under your roof coverage using our valet controlled, stacked parking system. This would allow for us to park cars back to back in configurations that would be determined by the usage of the car. We also determined that we could occupy several parking areas near your property for extreme overflows. These could be rented on an as needed basis determined by your projected occupancy levels and events. In summary, we are very confident that we can provide you with more than adequate parking strategies for your hotel.

Premier Parking is a national parking management company headquartered in Tampa, Florida. Premier currently manages valet, hotel, monthly, cruise, airport, stadium, and special event parking facilities. Lots under Premier management have a value of approximately \$200 million and include facilities in Tampa, Miami, Ft. Lauderdale, Port Canaveral, Orlando, Newark, Chicago, Dallas, and Los Angeles.

I look forward to moving these discussions to a formal agreement for Premier Parking Service to provide The Hotel Zamora with the parking alternatives it desires.

Thank you and I look forward to talking with you soon.

Sincerely,

Tejas Patel
Premier Parking Ventures
401 South Florida Ave, Ste 201
Tampa, FL 33602

Owner's Authorization for Agent
Community Development Department
City of St. Pete Beach, Florida

I/WE HENRY SUAREZ, AS MANAGER OF ST. PETE BEACH PROPERTIES, LLC
(print name of property owner)

hereby authorize

MARILYN HEALY OF ADAMS AND REESE, LLP
(print name of agent)

to represent me/us in an application for

VARIANCE and CONDITIONAL USE APPLICATIONS and all ZONING
(type of application: variance, land use, zoning, special event, etc)
and Developmental issues and requirements

[Signature]
Signature of owner

Signature of owner

HENRY SUAREZ, AS MANAGER
OF ST. PETE BEACH PROPERTIES, LLC
Print name of owner

Print name of owner

The foregoing instrument was acknowledged before me this 26 day

of November 2011, by Henry Suarez who

is personally known _____ or produced Florida Drivers License as
identification.

[Signature]
(Notary Signature)
My commission expires 09/16/2015

11/26/12
(Date)





Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706
727.363.9265
email: k.holley@stpetebeach.org

VARIANCE APPLICATION

Applicants must acknowledge understanding of the following. Initial each of the statements below. If you do not understand any of these, staff will explain them to you.

 m

I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a variance. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a variance.

 m

On all variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.

 m

I understand that if a variance is approved by the BOA/City Commission, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval from the Board/City Commission becomes voided.

 m

I understand that any person aggrieved by the final decision has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.

 m

I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application.

After acknowledgement of these conditions, complete the application form on the following pages.

Michael M. Holley 11/27/12
Signature of Applicant / agent Date

VARIANCE APPLICATION

Case Number: _____

APPLICANT/AGENT:

Name: Marilyn Mullen Healy
Address: Adams and Reese LLP
101 E. Kennedy Blvd.
Suite 4000
City: Tampa State: FL
Zip: 33602 Phone: (813) 227-5503

PROPERTY OWNER:

Name: St. Pete Beach Properties, LLC
Address: P. O. Box 1839
City: Tampa State: FL
Zip: 33601 Phone: _____

PROPERTY:

Address: 3701 Gulf Blvd. and 3751 Gulf Blvd., St. Pete Beach, FL 33706

Parcel ID: 07-32-16-21852-029-0000, 07-32-16-07398-001-0300

Current Zoning: Bayou Residential FLUM Designation: Bayou Residential Lot Area: 53,833 sq.ft. (1.24 acres)

Existing Use: Hotel Proposed Use: Hotel

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

See attached description of the Variance request.

Attach the following supporting documentation to this application:

- Recent survey of the property
- A site plan, drawn to scale, illustrating the proposed variance.

This application, together with all required supporting document, shall be submitted by 12:00 noon on the stated filing date for the Board of Adjustment/City Commission. Failure to do so will delay your application to a later date.

Signature of Applicant _____ Date _____

Signature of Authorized Agent _____ Date 11/27/12

For office use only:

Hearing Date: _____ Fees: _____

Board Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied
☐ Continued

In order for an application for a variance to be approved or approved with conditions, the Board of Adjustment or the City Commission must make a positive finding with regard to each of the provisions below, which are also located in Division 3 of the Land Development Code. The application has the burden of proof demonstrating that the application for the variance complies with each of the requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

Details of the Request

The variance application is to request a parking variance and six foot setback encroachment associated with the 50 room hotel with ancillary uses. Based on the City of St. Pete Beach parking requirements for transient accommodations, the hotel is required to provide 80 parking spaces. The hotel property is 1.26 acres in size and able to accommodate 69 parking spaces. There are 5 additional boat slips available that guests and patrons can use to access the hotel and ancillary uses. The shortage in required parking spaces is alleviated by employing the services of a valet parking services. The attached letter from Premier Parking Ventures confirms that they are able to park approximately 145 cars for the Hotel under the Hotels roof coverage using a back to back parking method. In addition, Premier Parking Ventures confirms that there are additional parking lots near the hotel property that could be utilized for overflow parking under a rental arrangement. Therefore, while the required spaces are not able to be provided for on the property, the valet company will be able to park all guests to the hotel.

A porte-cochere is proposed at the main entrance of the building which will extend into the building setback along 37th Avenue by six feet. The porte-cochere is integral to the design of the hotel and considered a significant design feature.

- 1. Conditions and circumstances exist that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same zoning district which have complied with these regulations without hardship.**

The hotel property can accommodate 69 parking spaces on-site. Although this is 11 spaces short of the number of spaces required by the City of St. Pete Beach, the hotel has contracted with Premier Parking Ventures to valet park approximately 145 on the property under roof coverage in a back to back parking configuration. This will satisfy the parking requirements on-site and not affect neighboring properties. The porte-cochere will enhance the aesthetic appearance of the building thereby providing a better aesthetic quality to the overall development.

- 2. The strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building.**

The cars associated with the employees and guests of the hotel will be accommodated on the hotel property. The strict application of the City's parking regulations leaves the hotel 11 parking spaces short of Code standards. The use of the valet service to park approximately 145 cars on-site, meets the intent of the City's parking regulations.

The porte-cochere would not be constructed with a strict adherence to the setback requirement and would be considered a significant design loss for the overall appearance of the building.

- 3. The peculiar conditions and circumstances are not the result of the actions of the applicant.**

The property was approved by the City of St. Pete Beach for a hotel in 2008. Economic conditions prevented completion of the project. The hotel is under new ownership and intends to be an asset to the community and Pinellas County as a whole.

4. The proposed variance will not have the effect of changing any district boundary on the zoning map.

The requested variance will not have an effect on the zoning map.

5. The variance shall not permit a non-conforming use or permit a use not specifically permitted in the zoning district.

The requested variance pertains to parking which is a permitted use according to the City of St. Pete Beach land use regulations. The requested variance for the porte-cochere is a requested setback variance and will not create a non-conforming use.

6. The variance shall not increase density or intensity over that which is permitted in the Comprehensive Plan.

The variance pertains to parking and a setback encroachment and does not include an increase in density nor intensity.

7. The granting of the variance will be in harmony with the general purpose and intent of the land development regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The requested variance for parking is mitigated by the fact that the cars associated with the hotel use will be parked on the hotel property by a valet company which will institute a back to back parking configuration that will not affect surrounding neighbors. The encroachment of the porte-cochere will enhance the overall appearance of the building.

8. The variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.

The parking variance and setback variance are the minimum variance needed for the hotel.

Owner's Authorization for Agent
Community Development Department
City of St. Pete Beach, Florida

I/WE HENRY SUAREZ, As Manager of St. Pete Beach Properties, LLC
(print name of property owner)

hereby authorize

Marilyn Healy of Adams and Reese, LLP
(print name of agent)

to represent me/us in an application for

VARIANCE and (conditional) USE APPLICATIONS and All ZONING
(type of application: variance, land use, zoning, special event, etc)
and developmental issues and requirements

[Signature]
Signature of owner

Signature of owner

HENRY SUAREZ, As Manager
of St. Pete Beach Properties, LLC
Print name of owner

Print name of owner

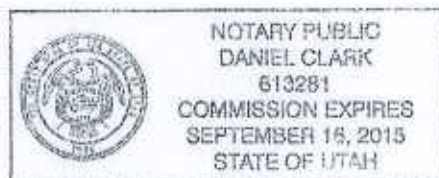
The foregoing instrument was acknowledged before me this 26 day

of November 2012, by Henry Suarez who

is personally known _____ or produced Florida Drivers License as
identification.

[Signature]
(Notary Signature)
My commission expires 09/16/2015

11/26/12
(Date)



[illegible]

MACPHERSON BAYOU

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SECTION 5, ARTICLE 2

Prepared For:

SPB Acquisition Group, LLC

Class by

Scale	1:200
Job No.	12027.00

Page	1000012
Sheet	1 OF 1

DATE	OFFICER	ONE OF



MONAWECK SURVEYING, INC.
 PROFESSIONAL SURVEYING
 SURVEYING CONSULTANTS
 10110 N. FLORIDA AVENUE
 SUITE 100
 TELEPHONE (313) 240-4800

TELEPHONE (813) 240-6822
FAX (813) 682-7537

TECHNICAL REVIEW COMMITTEE

Date 12-10-12

Case # 2013 0001 Address 3701 Gulf Boulevard
(Hotel Zamora)

George Kinney, Comm. Dev. Director
Ernie Hand, Fire Marshall
Bruce Cooper, Building Official
Steve Hallock, Public Srvs. Director
Rence Cooper, Utilities Division

The following proposal has been submitted for review. Please review the attached plans/documents and return all plans/documents to Community Development with all written comments on or before Dec 21, 2012. Should you have access to GEOPLAN you may insert your written comments into the appropriate zoning appeal file (Case # listed above).

SEE Attached Comments
GEO Plan.

This site is commonly referred to as the Hotel Zamora. It is partially constructed. Applicants are requesting Conditional Use to draw on the density pool for transient lodging use. Also included in the request are two variances for parking and an awning yard encroachment. It is expected that a site plan submission will follow pending the outcome of this request.

Thanks you for your assistance.

REQUEST

ARGUMENTS FOR APPROVAL

GENERAL COMMENTS:

CHRONOLOGICAL HISTORY

12/10/2012
REC'D

12/11/2012
MAILING

12/12/2012
ADVERT

12/13/2012
TRC-FIRE

Comments are for the review of the submitted plans for Conditional Use Only.

The Fire Department comments are as follows:

Per the Florida Fire Code a complete site plan identifying the location and size of:

1. Underground fire main from the point of connection to the required fire pump.
2. The underground fire protection water from the fire pump to the boat docks for the required horizontal standpipe. This can be accomplished in two ways.
 - Option a. Wet Standpipe - Connect the boat dock standpipe to the building fire pump.
 - Option b. Dry Standpipe - Provide a FDC for the standpipe and Fire Hydrant at 37th Ave. using requirements of NFPA 1 and Pinellas County Utilities.
3. The relocation of the FDC to the property line near Gulf Blvd.
4. The backflow prevention device location and size. The existing backflow is not sized properly (Minimum is six inch piping).
5. Dimensions of the proposed awning (Fire Codes require awnings or portecocheres to be sized to 20 feet in clear width and clear height of 13 feet 6 inches for Fire Department Access).

12/10/2012
REC'D

12/11/2012
MAILING

12/12/2012
ADVERT

**ST. PETE BEACH
FIRE DEPARTMENT
FEE**

\$ 150.00

CITY OF ST. PETE BEACH

ORDINANCE NO. 2013-02

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR THE ALLOCATION OF 50 UNITS OF TOURIST LODGING DENSITY UNDER THE PROVISIONS OF THE BAYOU RESIDENTIAL DISTRICT TEMPORARY LODGING UNIT DENSITY POOL, AS ESTABLISHED IN THE CITY OF ST. PETE BEACH COMPREHENSIVE PLAN, TO PROPERTY LOCATED AT 3701 GULF BOULEVARD (HOTEL ZAMORA); PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to facilitate the preservation of independent tourist lodging facilities in areas of the City with an appropriate tradition of such use; and

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

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

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

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

Section 1. 50 units of tourist lodging density are assigned to the property located at 3701 Gulf Boulevard (Hotel Zamora) in the City of St. Pete Beach from those units collectively available to the Bayou Residential, Activity Center, and Town Center Core Districts Temporary Lodging Unit Density Pool, as established in the City of St. Pete Beach Comprehensive Plan.

Section 2. Upon this ordinance becoming effective, there shall be 275 tourist lodging units remaining in the collective Bayou Residential, Activity Center, and Town Center Core Districts Temporary Lodging Unit Density Pool.

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

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

Section 5. This ordinance shall become effective upon adoption.

STEVE MCFARLIN, MAYOR

FIRST READING: 1/8/2013

PUBLISHED: 12/26/2012

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this ____ day of ____ 2013.

Rebecca Haynes, City Clerk

Density Pool Information			
<i>District</i>	<i>Total Units Maximum</i>	<i>Total Units Utilized</i>	<i>Total Units Remaining</i>
Boutique Hotel/Condo	125	0	125
Town Center Core	50	0	50
Upham Beach Village	175	0*	175
Total	350	0	350

* Request for 19 units was made by Ordinance 2010-23. The request was withdrawn by the applicant prior to final reading

Density Pool Information			
<i>District</i>	<i>Total Units Available</i>	<i>Total Units Utilized</i>	<i>Total Units Remaining</i>
Town Center Core -- Corey Circle	325	50	275
Town Center Core -- Coquina West			
Activity Center			
Bayou Residential			
Total	325	50	275



**CITY OF ST. PETE BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

January 8, 2012

**St. Pete City Commission
NOTICE OF PUBLIC HEARING
Hearing Date: January 8, 2013 at 6:00 PM
City Commission Chambers
155 Corey Avenue
St. Pete Beach, Florida 33706**

Case No: 2013-0001
Address: 3701 Gulf Boulevard
Owner: St. Pete Beach Properties, LLC (Hotel Zamora)
Request: Applicant requests Conditional Use approval pursuant to Division 42 of the Land Development Code to draw temporary lodging units from the St. Pete Beach density pool. Applicant also seeks Variances from Section 23.5 of the Land Development Code for parking and Section 42.7 of the Land Development Code to construct a porte-cochere that will encroach into the secondary front-yard setback.

You are hereby notified that a conditional use/variance application for the above-referenced request has been filed with the Community Development Department. Records indicate that you own property within 500 feet of this property. The application is on file with the Community Development Department, which is located on the first floor in City Hall, 155 Corey Avenue, St. Pete Beach.

Interested persons are urged to examine the application materials prior to the scheduled hearing date. Individuals who wish to object to the request may either appear at the hearing or file their objection in writing with the Community Development prior to the hearing date. If the objection is in writing, it should refer to the assigned case number and specify the grounds for the objection. Written objections will be presented to the City Commission for consideration.

The Community Development Department may be contacted by telephone at 727-363-9265 or by email at cddirector@stpetebeach.org. This public hearing is part of a quasi-judicial proceeding and is subject to special rules and procedures relative to evidence and appeals. Discussions with any board member will be disclosed at the public hearing. Appeals of the decision are by petition for writ of certiorari to the Circuit Court. Persons appealing a decision will need a record of the proceedings and may need to ensure that a verbatim record is made, including testimony and evidence upon which the appeal is based. The City does not provide verbatim transcripts.

In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact Public Services, no later than seven days prior to the proceeding at (727) 363-9243 for assistance; if hearing impaired, contact the Florida Relay Service Numbers, (800) 955-8771 (TDD).

ALLOCATION OF TOURIST LODGING DENSITY
UNDER THE PROVISIONS OF THE BAYOU
RESIDENTIAL DISTRICT TEMPORARY LODGING
UNIT DENSITY POOL

-First Reading-

The City of St. Pete Beach **City Commission** will conduct public hearings on **Tuesday, January 8, 2013 at 6:00 P.M.** at City Hall, 155 Corey Avenue, to receive comments on the following ordinances:

Ordinance No. 2013-02

An Ordinance of the City of St. Pete Beach, Florida providing for the allocation of 50 units of tourist lodging density under the provisions of the Bayou Residential District temporary lodging unit density pool, as established in the City of St. Pete Beach Comprehensive Plan, to property located at 3701 Gulf Boulevard (Hotel Zamora); Providing for the repeal of ordinances, in conflict herewith, to the extent of such conflict; Providing for severability; and Providing for an effective date.

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Second Reading and Public Hearing of Ordinance 2013-02.

Date: January 22, 2013

Prepared By: George Kinney, AICP, Community Development

Summary of Issue: An Ordinance providing for the allocation of 50 units of tourist lodging density under the provisions of the Bayou Residential District temporary lodging unit density pool, as established in the City of St. Pete Beach Comprehensive Plan, to property located at 3701 Gulf Boulevard (Hotel Zamora). This is a companion Ordinance to Conditional Use/Variance 2013-0001.

Requested Motion: “I move to approve Ordinance 2013-02 (read title)”

Attachments: Ordinance 2013-02.

Reviewed by City Manager: MB

CITY OF ST. PETE BEACH

ORDINANCE NO. 2013-02

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR THE ALLOCATION OF 50 UNITS OF TOURIST LODGING DENSITY UNDER THE PROVISIONS OF THE BAYOU RESIDENTIAL DISTRICT TEMPORARY LODGING UNIT DENSITY POOL, AS ESTABLISHED IN THE CITY OF ST. PETE BEACH COMPREHENSIVE PLAN, TO PROPERTY LOCATED AT 3701 GULF BOULEVARD (HOTEL ZAMORA); PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to facilitate the preservation of independent tourist lodging facilities in areas of the City with an appropriate tradition of such use; and

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

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

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

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

Section 1. 50 units of tourist lodging density are assigned to the property located at 3701 Gulf Boulevard (Hotel Zamora) in the City of St. Pete Beach from those units collectively available to the Bayou Residential, Activity Center, and Town Center Core Districts Temporary Lodging Unit Density Pool, as established in the City of St. Pete Beach Comprehensive Plan.

Section 2. Upon this ordinance becoming effective, there shall be 275 tourist lodging units remaining in the collective Bayou Residential, Activity Center, and Town Center Core Districts Temporary Lodging Unit Density Pool.

Section 3. The 50 units awarded by this ordinance shall revert back to the density pool if a building permit has not been obtained within one-year from the date of this ordinance and if a Certificate of Occupancy permit has not been issued within 2-years from the date of this ordinance and unless all other provisions of the Land Development Code, including Section 4.3(c)(2) and 22.3(g) are adhered to unless the time for meeting these conditions is extended by resolution of the City Commission.

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

Section 5. If any portion or part of this Ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 6. This ordinance shall become effective upon adoption.

STEVE MCFARLIN, MAYOR

FIRST READING: 1/8/2013

PUBLISHED: 12/26/2012

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this ____ day of ____ 2013.

Rebecca Haynes, City Clerk

Density Pool Information			
<i>District</i>	<i>Total Units Maximum</i>	<i>Total Units Utilized</i>	<i>Total Units Remaining</i>
Boutique Hotel/Condo	125	0	125
Town Center Core	50	0	50
Upham Beach Village	175	0*	175
Total	350	0	350

* Request for 19 units was made by Ordinance 2010-23. The request was withdrawn by the applicant prior to final reading

Density Pool Information			
<i>District</i>	<i>Total Units Available</i>	<i>Total Units Utilized</i>	<i>Total Units Remaining</i>
Town Center Core – Corey Circle	325	50	275
Town Center Core – Coquina West			
Activity Center			
Bayou Residential			
Total	325	50	275

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Second Reading and Public Hearing of Ordinance 2013-03

Date: January 22, 2013

Prepared By: Catherine Hartley, AICP, CNU-A, Senior Planner

Summary of Issue: The City Commission discussed the issue of murals throughout the City and directed staff to amend the code to allow them. This item was discussed at the October 16, 2012 Planning Board meeting. The Board agreed to delete the prohibition of certain paint colors in the Community Redevelopment District, which would indirectly allow for murals if no commercial message was displayed, but requested that murals and public art be discussed separately when the City Commission sets up the Public Art program directed by the Comprehensive Plan.

Requested Motion: "I move to approve Ordinance 2013-03 (read title)"

Attachments: Ordinance 2013-03.

Reviewed by City Manager:

MB

CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE NO. 2013-03

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING DIVISION 39.3 OF THE LAND DEVELOPMENT CODE, DELETING THE PROHIBITION OF THE USE OF PRIMARY OR SECONDARY COLORS FOR EXTERIOR PAINT COLORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City adopted Division 39 of the Land Development Code via Ordinance number 2008-12, establishing design standards for the Community Redevelopment District; and

WHEREAS, the City Commission finds it in the best interest of the City to promote good urban design of the District through regulating exterior paint colors; and

WHEREAS, the City's Planning Board, acting as the City's local planning agency, has reviewed this ordinance amending Division 39 and found it to be consistent with the City's adopted comprehensive plan and has recommended approval thereof; and

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

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

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

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

Section 1. Division 39 of the City of St. Pete Beach, Florida Land Development Code is hereby amended as illustrated in "Exhibit A".

Section 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 3. If any portion or part of this Ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 4. This Ordinance shall become effective immediately upon adoption.

STEVE MCFARLIN, MAYOR

LPA PUBLIC HEARING: 11/20/2012

PUBLISHED: 11/11/2012

FIRST READING: 1/8/2013

PUBLISHED: 12/23/2012

SECOND READING/ADOPTION HEARING:

PUBLISHED:

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this ____ day of _____, 2013

Rebecca Haynes, City Clerk

“Exhibit A”

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

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

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

(1) Only 25 percent of the required frontage may be credited as part of a knee wall.

(2) A knee wall must be constructed in accordance with the design criteria specified herein.

(3) The knee wall should be the length of the primary building frontage.

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

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

(1) Divisions or breaks in materials (materials should be drawn from a common palette).

(2) Window bays.

(3) Separate entrances and entry treatments, porticoes.

(4) Variation in rooflines.

(5) Awnings.

(6) Dormers.

(7) Gables.

(8) Recessed entries.

(9) Covered porch entries.

(10) Cupolas.

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

(1) Corner building entrances on corner lots.

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

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

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

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

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

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

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

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

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

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

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Second Reading and Public Hearing of Ordinance 2013-04

Date: January 22, 2013

Prepared By: Catherine Hartley, AICP, CNU-A, Senior Planner

Summary of Issue: The City Commission discussed the issue of outdoor display of merchandise in May of 2012 and directed staff to amend the Code to allow for it in certain cases. The Planning Board conducted a public hearing on this ordinance on November 20, 2012 and unanimously recommended approval of the ordinance. This eliminates the prohibition of outdoor display of merchandise in the Community Redevelopment District. This item relates to Ordinance 2013-05, which regulates outdoor display City-wide.

Requested Motion: “I move to approve Ordinance 2013-04 (read title)”

Attachments: Ordinance 2013-04.

Reviewed by City Manager: MB

ORDINANCE NO. 2013-04

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING DIVISION 39 OF THE LAND DEVELOPMENT CODE AS IT RELATES TO THE OUTDOOR DISPLAY OF MERCHANDISE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City adopted Division 39 of the Land Development Code via Ordinance number 2008-12, establishing design standards for the Community Redevelopment District; and

WHEREAS, the City Commission finds it in the best interest of the City to promote good urban design of the District through regulating the outdoor display of merchandise; and

WHEREAS, the City's Planning Board, acting as the City's local planning agency, has reviewed this ordinance amending Division 39 and found it to be consistent with the City's adopted comprehensive plan and has recommended approval thereof; and

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

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

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

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

Section 1. Division 39 of the City of St. Pete Beach, Florida Land Development Code is hereby amended as illustrated in "Exhibit A".

Section 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 3. If any portion or part of this Ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 4. This Ordinance shall become effective immediately upon adoption.

STEVE MCFARLIN, MAYOR

LPA PUBLIC HEARING: 11/20/2012

PUBLISHED: 11/11/2012

FIRST READING: 1/8/2013

PUBLISHED: 12/23/2012

SECOND READING/ADOPTION HEARING:

PUBLISHED:

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this ____ day of _____, 2013

Rebecca Haynes, City Clerk

“Exhibit A”

Sec. 39.7. - Street-level facades.

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

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

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

(1) The building, or

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

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

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

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

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

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

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Second Reading and Public Hearing of Ordinance 2013-05

Date: January 22, 2013

Prepared By: Catherine Hartley, AICP, CNU-A, Senior Planner

Summary of Issue: The City Commission discussed the issue of outdoor display of merchandise and temporary fencing issues in May of 2012 and directed staff to amend the Code to regulate fencing and outdoor display. The proposed ordinance requires temporary fencing only while a permit is active; if the permit becomes inactive or is closed, the temporary fence must be removed. It can be replaced with a permanent fence or no fence. Outdoor display is differentiated between events in the City right of way and those that are on private property. At a minimum, safety standards are imposed. If on private property, items must be related to the business and may not be displayed while the business is closed. The Planning Board conducted a public hearing on this ordinance on November 20, 2012 and unanimously recommended approval of the ordinance.

Requested Motion: "I move to approve Ordinance 2013-05 (read title)"

Attachments: Ordinance 2013-05.

Reviewed by City Manager: MB

ORDINANCE NO. 2013-05

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING DIVISION 6 OF THE LAND DEVELOPMENT CODE TO ADD REGULATIONS AND CONDITIONS FOR THE OUTDOOR DISPLAY OF MERCHANDISE AND TO ADD REGULATIONS FOR TEMPORARY CONSTRUCTION FENCING; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City regulates accessory uses and structures and temporary uses in Division 6 of the Land Development Code; and

WHEREAS, the City Commission finds it in the best interest of the City to promote aesthetic qualities of the City via regulating fencing and outdoor display of merchandise; and

WHEREAS, the City's Planning Board, acting as the City's local planning agency, has reviewed this ordinance amending Division 6 and found it to be consistent with the City's adopted comprehensive plan and has recommended approval thereof; and

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

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

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

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

Section 1. Division 6 of the City of St. Pete Beach, Florida Land Development Code is hereby amended as illustrated in "Exhibit A".

Section 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 3. If any portion or part of this Ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 4. This Ordinance shall become effective immediately upon adoption.

STEVE MCFARLIN, MAYOR

LPA PUBLIC HEARING: 11/20/2012

PUBLISHED: 11/11/2012

FIRST READING: 1/8/2013

PUBLISHED: 12/23/2012

SECOND READING/ADOPTION HEARING:

PUBLISHED:

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this ____ day of _____, 2013

Rebecca Haynes, City Clerk

“Exhibit A”

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

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

- (1a) ~~Permits for outdoor sidewalk sales and/or display of merchandise shall be issued to an individual business or a group of businesses for a maximum of 3 consecutive days. on one property only two times, for a maximum of three consecutive days for each permit, in any one calendar year.~~
- (2b) ~~Outdoor storage is specifically prohibited in connection with any outdoor sidewalk sale and/or display of merchandise. Merchandise must be removed from the public right of way between the hours of 10 p.m. and 7 a.m.~~
- (3e) ~~Outdoor Sidewalk sales and/or outdoor display of merchandise shall be clearly related to the principal use of the site and shall be wholly conducted upon the site.~~
- (4d) ~~Outdoor Sidewalk sales or and outdoor display of merchandise shall not be allowed at any time the principal permitted use of the site is not open for business and shall not be allowed between the hours of 10:00 p.m. and 7:00 a.m.~~
- (e) ~~All sidewalk sales and display that will require the use of a public right of way shall require city commission approval prior to the issuance of a temporary use permit.~~
- (5) A minimum of one unobstructed pedestrian path at least five feet wide shall be maintained, parallel to the abutting building(s) at all times;
- (6) Unobstructed passage shall be provided to building entrances including at least a two-foot clearance on each side of any entrance, fire hydrants, or other street fixtures located within the display area;
- (7) Furniture and equipment shall neither be permanently anchored to the sidewalk in the right-of-way nor shall they be attached or affixed to any tree, post, sign or other structure in any way;
- (8) Access for a fire rescue vehicle and equipment shall be maintained in accordance with Section 98-26 of the City’s Code of Ordinances;
- (9) The owner or operator shall acquire and keep in full force and effect, at its own expense, the insurance in the following amounts and types:

- (a) Commercial general liability in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage. The City must be named as an additional insured on this policy and an endorsement must be issued as part of the policy evidencing compliance with this requirement.
 - (b) Workers' compensation and employers' liability as required by the State of Florida.
 - (c) The City shall receive at least 30 days written notice prior to any cancellation, non-renewal or material change in the coverage provided.
 - (d) Any person operating a sidewalk sale shall provide to the City an original certificate of insurance as evidence that the above requirements have been met prior to the initiation of the merchandise display.
- (10) Failure to comply with all the requirements in this section shall cause a suspension or revocation of the temporary use permit.

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

- (1) Outdoor display of merchandise shall be a permitted accessory use to a retail business in non-residential and mixed-use zoning districts. Outdoor display of merchandise is not permitted for any non-conforming use within any residential zoning district.
- (2) A minimum of one unobstructed pedestrian path at least five feet wide shall be maintained, parallel to the abutting building(s) at all times;
- (3) Unobstructed passage shall be provided to building entrances including at least a two-foot clearance on each side of any entrance, fire hydrants, etc.
- (4) Access for a fire rescue vehicle and equipment shall be maintained in accordance with Section 98-26 of the City's Code of Ordinances;
- (5) The merchandise displayed shall be related to the principal use of the property.
- (6) Outdoor display of merchandise is prohibited at any time the establishment is not open for business and is prohibited between the hours of 10:00 p.m. and 7:00 a.m.
- (7) No merchandise display shall obstruct pedestrian or vehicular traffic or located within in a visibility triangle.

Sec. 6.15. - Fences and walls.

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

- (a) The height of a fence or a wall shall be determined from grade to the average top elevation of the fence or wall. Landscape berms, in conjunction with fences, shall be included in height determinations.
- (b) No fence shall impede or divert the flow of water through any drainage way without the approval of the city.
- (c) In general, the design of fences shall be in keeping with neighborhood appearance. Fences shall be constructed of commonly used materials such as chain link, masonry, vinyl, wrought iron, or wood. All fences except chain-link fences shall have upper and lower rails between posts. A chain-link fence shall have a top rail. Such materials as corrugated or sheet metal or any scrap or offensive material shall not be permitted. In addition, fences shall not contain any substance such as broken glass, spikes, barbs, nails, electronically charged wiring or similar materials designed to inflict pain or injury to any person or animal.
- (d) Temporary fencing during construction is permitted and regulated in Section 98 of the Code of Ordinances. Once a building permit is closed or becomes inactive, the temporary construction fencing shall be removed. The parcel may remain without a fence or a permanent fence can be erected pursuant to this section.

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Second Reading and Public Hearing of Ordinance 2013-06

Date: January 22, 2013

Prepared By: Catherine Hartley, AICP, CNU-A, Senior Planner

Summary of Issue: Recently and at the direction of the City Commission, the 8th Avenue Special Area Plan was amended to include single family residential as a permitted use and increase the temporary lodging density from 30 to 50 units per acre. The Comprehensive Plan was also amended to increase the temporary lodging density. The Historic Preservation Board voted 3-0 to allow single family residential as a conditional use at their Special Meeting on November 15, 2012. The Planning Board held a public hearing on December 18, 2012, and voted 4-1 that the ordinance be approved with the following conditions: that single family homes be permitted *only* as a conditional use if the home is saving, restoring, and/or moving and restoring a historic single family structure. Those conditions are noted in the attached ordinance.

Requested Motion: “I move to approve Ordinance 2013-06 (read title)”

Attachments: Ordinance 2013-06.

Reviewed by City Manager: MB

ORDINANCE 2013-06

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING THE TEXT OF SECTION 40 OF THE LAND DEVELOPMENT CODE TO INCREASE THE TEMPORARY LODGING DENSITY FROM 30 TO 50 UNITS PER ACRE AND TO ALLOW STAND ALONE RESIDENTIAL USES THAT ARE HISTORIC STRUCTURES AS A CONDITIONAL USE IN THE CRD-EA (COMMUNITY REDEVELOPMENT DISTRICT-EIGHTH AVENUE) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted Ordinance 2008-24 on August 26, 2008, establishing a special Future Land Use designation for Eighth Avenue, known as the Community Redevelopment District- Eighth Avenue; and

WHEREAS, the Citizens of St. Pete Beach validated the adoption of this comprehensive plan amendment via public referendum in 2009; and

WHEREAS, The City Commission amended the Special Area Plan via Ordinance 2011-39, adopted on August 28, 2012, to allow for single family residential and increase the temporary lodging density from 30 to 50 units per acre; and

WHEREAS, The City Commission amended the Comprehensive Plan via Ordinance 2011-40, adopted on August 28, 2012, to increase the temporary lodging density from 30 to 50 units per acre;

WHEREAS, the Planning Board of the City of St. Pete Beach conducted a public hearing on December 18, 2012, and voted 4-1 to approve Ordinance 2013-06, noticed pursuant to Florida law and conducted pursuant to Section 3.4 of the Land Development Code; and

WHEREAS, City Commission of the City of St. Pete Beach conducted public hearings on Tuesday January 8, 2013 and _____, noticed pursuant to Florida law and conducted pursuant to Ordinance 88-36 of the City of St. Pete Beach and Section 3.4 of the Land Development Code; and

WHEREAS, the City Commission finds these amendments to the Land Development Code to be consistent with the Goals, Objectives, and Policies of the Comprehensive Plan and the 8th Avenue Special Area Plan.

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

Section 1. Division 40 of the Land Development Code is amended as illustrated in “Exhibit A”.

Section 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 3. If any portion or part of this Ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 4. This Ordinance shall become effective immediately upon adoption.

STEVE MCFARLIN, MAYOR

LPA PUBLIC HEARING: 12/18/2012

PUBLISHED: 12/2/2012

FIRST READING: 1/8/2012

PUBLISHED : 12/23/2012

SECOND READING/ADOPTION HEARING:

PUBLISHED:

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2013.

Rebecca Haynes, City Clerk

“Exhibit A”

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.

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 ~~are permitted only~~ as a component of a vertically mixed-use development;
- (b) Temporary Lodging; ~~Transient accommodations~~;
- (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.

Sec. 40.3. - Permitted secondary uses and ~~structures~~.

- (a) Transit facilities;
- (b) Public recreation and other governmental or civic uses.

Sec. 40.4 Permitted 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. 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;
~~— The Historic Preservation Board makes a recommendation to the City Commission regarding the Conditional Use Application;~~
4. The applicant applies for and is granted the Conditional Use pursuant to Section 4.4 of the Land Development Code;

Sec. 40.54. - 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.

Sec. 40.65. - Prohibited uses and structures.

~~Single family residential uses are prohibited in the CRD EA District. All other uses and structures not of a nature specifically permitted herein are prohibited in the CRD EA District.~~
Existing non-historic sSingle family residences currently located in the 8th Avenue district may

Note: With Planning Board recommended changed at Public Hearing 12/18/2012

continue as legal non-conforming uses or can be adaptively reused as uses permitted in Sections 40.2 and 40.3. ~~transient accommodation or commercial uses.~~

Sec. 40.76. - 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~~30~~ 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.

Sec. 40.87. - Building height.

Height shall not exceed 35 feet.

Sec. 40.98. - Setbacks.

For structures that front 8th Avenue:

Front Yard: When new construction is proposed and no structures exist on either side (east or west of) of the proposed structure, the structure can be set back between 0 and 2 feet from the front property line. A maximum of 15 feet of the frontage can be set back up to 7 feet in order to accommodate recessed doorways.

When there is an existing structure on one side of the proposed structure, then the proposed building frontage shall be in line with the adjacent building. 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. For the purposes of this section, adjacent shall mean those properties abutting one another and not separated by any street or alley. No more than 15 feet of the frontage may be set back up to 7 feet to accommodate recessed doorways.

Note: With Planning Board recommended changed at Public Hearing 12/18/2012

Secondary front yard: None

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

Side yard: 5 feet

Rear Yard: 10 feet. Parking can be placed in the rear yard setback.

For structures that front Gulf Way or 9th Avenue:

Front yard: 0' minimum, 7' maximum

Secondary front yard: None

Side yard: None

Rear yard: 10 feet minimum. Parking may be placed in the rear yard setback.

Sec. 40.109. - Maximum impervious surface ratio.

Maximum impervious surface ratio (ISR) for all uses: 0.90

Sec. 40.110. - 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.

Note: With Planning Board recommended changed at Public Hearing 12/18/2012

- b. Parcels without alley access shall be granted a curb cut from the main thoroughfare and may provide parking in the front yard.

Sec. 40.124. - 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.

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Final Reading: Ordinance 2013-07 amending Chapter 50, Library, of the City of St. Pete Beach Code of Ordinances

Date: January 22, 2013

Prepared By: Elaine Edmunds, Administrative Services Director

Summary of Issue: The three changes being proposed to fines for overdue library materials will bring the St. Pete Beach Library in alignment with the charges of the majority of other libraries participating in the Pinellas Public Library Cooperative.

Beginning this fiscal year, October 2013, the majority of PPLC libraries are charging the increased daily fine rate of 20 cents per day for books/general materials that are overdue and a reduced rate of 50 cents per day for VHS and DVD's. Our current rate is 15 cents per day for books/general materials and \$1 per day for VHS and DVD's.

By bringing our fees in alignment with the other libraries participating in the PPLC, it will eliminate confusion experienced by both patrons and staff when materials are loaned and returned to the various libraries within the PPLC. Adhering to an agreed-upon standard of fines and charges will enable a seamless exchange of materials for our patrons.

The financial gain or loss is expected to be negligible; however, will be monitored.

The balance of the proposed changes provide for a general clean-up of Chapter 50 of the Code of Ordinances pertaining to the library.

Requested Motion: "I move to approve Ordinance 2013-07....(read title.)"

Attachments: Ordinance 2013-07

Reviewed by
City Manager: MB

**CITY OF ST. PETE BEACH, FLORIDA
ORDINANCE 2013-07**

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENT OF SECTION 50 OF THE CODE OF ORDINANCES OF THE CITY, PERTAINING TO THE LIBRARY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES, IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the City Commission's desire to amend portions of Section 50 pertaining to fines to be consistent those being charged by other libraries participating in the Pinellas Public Library Cooperative and;

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

Section 2. Section 50-2 of the code of Ordinances of the City of St. Pete Beach, Florida is hereby amended as follows:

- (a) Materials borrowed from the public library for a 28-day period shall be returned within that period. A fine of ~~\$0.15~~ **\$0.20** per day to a maximum of \$5.00 per item shall be charged to the library patron for the late return of materials.
- (b) ~~Materials borrowed from the library for a seven day period shall be returned within that period. A fine of \$.10 per day to a maximum of \$2.50 per item shall be charged to the library patron for the late return of such materials.~~
- (e b) Materials borrowed from the library for a seven day period shall be returned within that period. A fine of ~~\$1.00~~ **\$.50** per day to a maximum of \$5.00 per item shall be charged to the library patron for the late return of such materials.
- (c) Materials borrowed from the public library for a 14-day period shall be returned within that period. A fine of ~~\$0.15~~ **\$0.20** per day to a maximum of \$5.00 per item shall be charged to the library patron for the late return of such materials.

Section 4. This ordinance shall become effective upon passage.

STEVE MC FARLIN, MAYOR

FIRST READING : _____
PUBLISHED : _____
SECOND READING : _____

PUBLIC HEARING : _____

CA: 10/15/07 V1

I, Rebecca Haynes, Acting 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 _____, 2013.

Rebecca Haynes, City Clerk

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Resolution 2013-01, supporting firefighter pension plan and disability presumption reforms

Date: January 22, 2013

Prepared By: Michael P. Bonfield, City Manager *MB*

Summary of Issue: This resolution is presented at the request of the Florida League of Cities and urges the Florida Legislature to pass and the Governor to approve responsible reform recommendations relating to firefighter pension plans and disability presumptions in the 2013 legislative session.

Requested Motion: "I move to approve Resolution 2013-01 . . . read title"

Attachments: Resolution 2013-01

RESOLUTION 2013-01

A RESOLUTION OF THE CITY OF ST. PETE BEACH SUPPORTING FIREFIGHTER PENSION PLAN AND DISABILITY PRESUMPTION REFORMS TO MAKE THE PLANS SUSTAINABLE, SOUND AND SECURE FOR CURRENT AND FUTURE FIREFIGHTERS.

- WHEREAS,** to honor their service now and in years to come, current and future firefighters in the City of St. Pete Beach deserve a pension plan that is sound, secure and sustainable; and
- WHEREAS,** City of St. Pete Beach opposes unfunded mandates from the Florida Legislature that have created a pension plan system for firefighters that is unstable, unsustainable and unreliable for current and future firefighters; and
- WHEREAS,** state level fire unions have exercised undue influence on the Florida Legislature relating to the provision of city firefighter pensions and disability presumptions; and
- WHEREAS,** the Florida Legislature has imposed significant unfunded mandates onto the City of St. Pete Beach relative to the operation of the City's firefighter defined benefit pension plans by mandating minimum pension benefit levels and mandating the use of revenues to fund pension plan costs; and
- WHEREAS,** the Florida Legislature has provided that health conditions related to heart disease, hypertension or tuberculosis suffered by a firefighter are presumed to be job related, and these "disability presumptions" are applicable to both workers' compensation and disability pension claims; and
- WHEREAS,** the Florida Legislature has written and the courts have interpreted the disability presumption laws so favorably toward these employees that cities and other government employers basically cannot overcome the presumption and show the health condition was not work related; and
- WHEREAS,** the Florida Legislature transferred all operational and administrative control of firefighter pension plans from the City of St. Pete Beach to a legislatively created board of trustees, a separate legal entity apart from the City of St. Pete Beach that exercises broad powers outside the City's control, and is not required to provide fiscal transparency or accountability for substantial amounts of public funds; and
- WHEREAS,** the City of St. Pete Beach is seeking immediate mandate relief from the Florida Legislature and requests the Legislature to untie its hands so that it can responsibly address its pension and other personnel issues locally and in a manner that best serves its taxpayers, stops potential pension abuse and protects pensions for current and future generations of firefighters.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA:

- Section 1.** That the City hereby supports responsible firefighter defined benefit pension and disability presumption reforms to ensure sound, secure and stable pensions will be there for current and future police and firefighters.
- Section 2.** That the City believes local issues should be addressed locally and hereby requests the Florida Legislature to remove itself from the local collective bargaining process between the City and its firefighters.
- Section 3.** That the City hereby requests the Florida Legislature to remove mandates establishing minimum pension benefit standards for firefighter pensions, remove the requirement to provide new, extra pension benefits to firefighters, and allow the City to use insurance premium tax revenues to pay for the level of pension benefits for firefighters that meets the needs and priorities of the City.
- Section 4.** That the City hereby requests the Florida Legislature to enact responsible reforms to bring a fairer balance to the application of disability presumption laws relating to certain health conditions suffered by firefighters by allowing a disability presumption to be overcome by a preponderance of the evidence, and allowing certain individual risk factors to be considered when applying a disability presumption, such as tobacco or alcohol use, weight and diet, genetics and lifestyle choices.
- Section 5.** That the City hereby requests the Florida Legislature to impose reasonable fiscal transparency and accountability standards on legislatively created firefighter pension boards of trustees.
- Section 6.** That the City urges the Florida Legislature to pass and the Governor to approve the above responsible reform recommendations relating to firefighter pension plans and disability presumptions in the 2013 legislative session.
- Section 7.** That the City Clerk is directed to transmit a copy of this resolution to Governor Rick Scott, the Florida Legislature, and the Florida League of Cities, Inc.
- Section 8.** That this resolution shall be effective upon adoption.

INTRODUCED AND PASSED by the City Commission of St. Pete Beach, Pinellas County, Florida on this 22nd day of January 2013

Steve McFarlin, Mayor

Rebecca Haynes, City Clerk