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COMMISSION MEETING CITY OF ST. PETE BEACH

155 Corey Avenue

Tuesday, August 13, 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. **North Beach Beautification Awards - Vice Mayor Huhn**
3. **Audience Comments** - Comments shall be limited to 3 minutes per person to issues not on the agenda.
4. **Consent**
 - a. **Approval of the July 17, 2013 City Commission Budget Workshop minutes and the July 23, 2013 City Commission regular meeting minutes**

- 4

**order to maintain decorum. (Previously heard on 6/25
as Resolution 2013-08)**

8. Items for Discussion

- a. Design Guidelines Pass-A-Grille - Commissioner Pletcher**
- b. Renaming Community Center - Mayor McFarlin**
- c. Corey Area Project - Next Steps - City Manager**

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.

CITY COMMISSION BUDGET WORKSHOP

MINUTES

JULY 17, 2013

6:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PRESENT:

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

ALSO PRESENT:

Mike Bonfield, City Manager
Rebecca C. Haynes, City Clerk
Elaine Edmunds, Administrative Services Director
Steve Hallock, Public Services Director
Jennifer McMahon, Recreation Director
George Kinney, Community Development Director
Dan Graves, Fire Chief
Phyllis Ruscella, Library Administrator

1. Items for Discussion

a. Review of Proposed FY 2014 Budget

Mr. Bonfield introduced the proposed budget to the Commission and reminded them this budget is not set yet and changes can be made. The proposed FY 2014 Budget will be presented at the regular Commission meeting on Tuesday, July 23, 2013 when the tentative millage rate will be set.

Director Edmunds presented an overview of the FY 2014 budget with anticipated revenue for the General Fund; a reduction in the Franchise and Utility Tax account; and increased revenue from building permits, fire inspections, street parking and rental income at the Community Center.

Ms. Edmunds highlighted the projected expenditures for the General Fund that include a salary increase for two employee groups, the addition of a short-term disability benefit, increased health insurance and increased workers compensation insurance. An overall decrease in retirement contributions is anticipated, which includes a reduction in the police pension plan contribution.

The Wastewater Fund will see a proposed increase of 4% and the Reclaimed Water Fund has a proposed 8% increase in revenue. There were no proposed increases to the Stormwater Revenue Fund with the largest portion of those funds transferring to Capital Improvement Plan (CIP).

In addition to a portion of the General, Wastewater, Reclaimed Water and Stormwater Funds being transferred to CIP, revenue is generated from Penny for Pinellas and grant funds.

The proposed Fiscal Year 2014 CIP projects are: (1) A five-year lease on a Fire Pumper Truck; (2) continuation of City-wide street rehabilitation and seawall repairs; (3) Bayway Bridge landscaping; (4) repair of beach walkovers; (5) Pass-A-Grille Way engineering; (6) Gulf Boulevard median landscaping; (7) Blind Pass Road reconstruction project; (8) Egan Ball Park lighting; (9) resurface playground at Lazarillo Park; (10) installation of boat dock at the Community Center; and (11) a note payment for the Community Center.

An anticipated \$900,000 from the transferred funds and a \$400,000 savings from transferring law enforcement services are not presently appropriated to a project.

The individual department budgets were presented:

City Commission

There were no recommended changes.

Charter Offices

a. City Clerk

One part-time position is eliminated, city-wide legal ads were consolidated into one account, a run-off election was eliminated from the election account.

b. City Attorney

Proposed extra legal fees decreased.

c. City Manager

One part-time position increased to a full-time position, increase for digitizing records, increase for copy machine rental moved from the Police Department which is still under contract.

Community Development Department

a. Planning

Increase in Professional Services for update to the GIS system, matching funds for a grant.

b. Building Services

Increase to replace permit tracking system (GEO Plan).

Administrative Services Department

a. Finance

No changes recommended.

b. IT

Two full-time employees changed to one full-time employee.

c. Library

The addition of one part-time position, increase in facilities maintenance and an increase for circulation books

d. Parking Enforcement

Change in personnel from one part-time employee to one full-time employee who would also serve as a 'floater' between the front receptionist desk and the Community Development Department.

Law Enforcement

A 3% increase in the law enforcement contract with Pinellas County Sheriff's Office, building maintenance and extra duty officer hours.

Fire Department

The operating budget and personnel remain unchanged, capital improvement increase to replace damaged doors. EMS is funded by the county-wide EMS.

Recreation Department

Increase in personnel and building maintenance in relation to the increase of participants in programs, a decrease in revenue from the contract instructors and an increase to lease an additional bus.

Public Services Department

a. Administration

Increase in the PSTA contract and rental of a barge for the 4th of July fireworks.

b. Building Maintenance

Two part-time employees have been transferred to Recreation where they have been working with maintenance of the Community Center.

c. Streets

No personnel changes are recommended, decrease in Professional & Contractual, pole and light rentals are included in this section.

d. Parks

No personnel changes are recommended.

e. Waste Water Fund

No personnel changes are recommended, a four percent increase in fees and Capital expenditures will include reconstruction of Lift Station #2 and replacement of two pumps at Station #1.

f. Reclaimed Water Fund

Eight percent increase in fees.

g. Storm Water Fund

Capital expenditures will include the Blind Pass Road project and the Pass-A-Grille Way project.

h. Vehicle Replacement Fund

No vehicles scheduled for replacement.

Capital Improvement Plan

It was noted the proposed expenditures for capital improvement projects were listed in Ms. Edmunds presentation.

Mr. Parent referred to the Library addition scheduled to begin in 2015 and wanted to know how fund-raising could be started. Mr. Bonfield said if the City is making an effort toward the project, the Library should not lose their grant. The next steps would be to proceed with fund-raising, additional state grants and land acquisitions.

Discussion continued on the extension of the Pass-A-Grille Way project past the proposed 19th Avenue completion point. The Commission requested more information on the cost to extend the project to 1st Avenue.

10. Adjournment

There being no further business to come before the commission, the meeting was adjourned at 7:18 pm.

Attest:

Rebecca C. Haynes, City Clerk

Steve McFarlin, Mayor

Minutes approved on: _____

CITY COMMISSION MEETING

MINUTES

JULY 23, 2013

6:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENT:

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

ALSO PRESENT:

Mike Bonfield, City Manager
Susan Churuti, City Attorney
Rebecca C. Haynes, City Clerk
Elaine Edmunds, Administrative Services Director
Steve Hallock, Public Services Director
Jennifer McMahon, Recreation Director
George Kinney, Community Development Director
Dan Graves, Fire Chief
Renee Cooper, CIP Manager
Mandy Edmunds, Recreation Program Coordinator

1. Changes to the Agenda

There were no changes to the agenda.

2. Presentations

a. Good Citizen Awards

Recreation Director McMahon noted that July is “National Recreation Month” and encouraged residents to stop by the Community Center and parks to join the fun.

Ms. McMahon and Mandy Edmunds then presented “All Star Team” awards to six children who participated in the summer program and showed excellent, helpful behavior.

Travis Miller: positive attitude, always helpful, brightens the day with his smile

Elyce Mairn: always friendly and helpful, makes others smile

Nolan Fitzpatrick: demonstrates kindness and helpfulness to others

Tyler Smith: brightens everybody’s day, friends with everyone in camp

Bianca Hurst: positive attitude and a good example to other campers

Toby Hobson: gets along with everyone, makes new campers feel welcome

The children stood smiling during a round of applause and then high-fived the City Commissioners and City Staff.

b. Capital Improvement Project Close-Out

CIP Manager Cooper presented the project close-out list that includes the subaqueous line cover (\$28,950), the generator housing/tank replacement (\$83,052), the Force Main #2 replacement (\$399,143) and repairs to Merry Pier (\$95,150).

3. Audience Comments

Rosemary Manning, First Avenue, supported moving ahead with the Comprehensive Plan and complete projects to update the City. Ms. Manning recommended having Code Enforcement personnel work an occasional weekend to issue tickets to violators.

Joanne Lentino, Boca Ciega Drive, reported a homeless person sleeping in the park at the end of 70th Avenue and requested assistance from City staff in the interest of public safety.

Deborah Martohue, Gulf Boulevard, spoke about the beautification of Blind Pass Road and Gulf Boulevard, installation/condition of bus shelters and using street furniture to identify Corey Avenue.

Dody Matthias, Blind Pass Road, spoke in support of the library expansion and listed several benefits of including the library improvements in the upcoming budgeted Capital Improvements Projects list.

Carol Walker, Gulf Boulevard, presented photographs of various bicycle stands to install along Corey Avenue to give the area a more whimsical, yet functional, appearance.

Reverend Bob Matthias, Blind Pass Road, spoke in support of the St. Pete Beach Library and using their services when defining a mission for the city.

Deborah Schechner, Boca Ciega Isle Drive, spoke in support of recognizing the children in the Recreation Department's "Good Citizen Awards" and in support of public art for the City.

Bruno Falkenstein, Pass-a-Grille Way, discussed burglar alarms, an after-hour telephone number for water leaks, lighting changes that reflect on the beach in relation to beach re-nourishment, and beautification along Pinellas Bayway. Mr. Falkenstein then complimented the Pinellas County Sheriff's Office.

John Michael, Bay Street, supported additional public parking areas and designating a portion of Upham Beach as a dog beach.

City Manager Bonfield stated that the City will apply for a \$500,000 state construction grant and, at the same time, the Friends of the Library will hold their fund-raising campaign. These two events will provide a better understanding of the funding requirements for library improvements.

4. Consent

a. Approval of June 25, 2013 regular meeting minutes and the July 9, 2013 regular meeting and shade meeting minutes.

b. Authorize the City Manager to enter into a purchasing agreement in the amount of \$88,186.58 with Southeastern Surfaces & Equipment, Inc. to replace the gym floor.

c. Authorize the City Manager to sign modification #2 for the FDOT District Seven Highway Beautification Maintenance Memorandum of Agreement (MOA) for the City of St. Pete Beach to construct and maintain new aesthetic landscape median up-lighting on the SR 699 right-of-way.

Commissioner Shavlan moved to approve the Consent Agenda as presented, Items (a), (b) and (c). The motion was seconded by Commissioner Parent and unanimously approved by an individual roll call vote.

5. Action Items

a. Authorization to approve special event application and street closure for the 5th Annual VW Beach Bash scheduled for September 1, 2013.

City Manager Bonfield explained the car show and street closure, with a portion of the profits donated to Wounded Warriors program.

Commissioner Parent moved to approve Item 5(a), the 5th Annual VW Beach Bash event application and street closures for September 1, 2013. The motion was seconded by Vice Mayor Huhn and unanimously approved by an individual roll call vote.

b. Amendment to the City Attorney Retainer Agreement

City Attorney Churuti noted the emerging case law allows for municipal attorneys to charge litigants a fair market value rate instead of paying a discounted rate when defending a city in a lawsuit. The Appellate Court requires a municipality to establish an amount in writing.

Vice Mayor Huhn moved to approve Item 5(b), amendment to the City Attorney Retainer Agreement. The motion was seconded by Commissioner Shavlan and unanimously approved by an individual roll call vote.

c. Authorize the City Manager to sign a proposal from CPWG in the amount of \$104,400 to perform preliminary engineering for Pass-a-Grille Way.

Public Services Director Hallock explained the preliminary engineering is basically data collection. Mr. Hallock noted that additional public meetings will take place, prior to any work, with the general public, neighborhood associations, etc.

Commissioner Pletcher moved to approve Item 5(c), authorizing the City Manager to sign a proposal from CPWG in the amount of \$104,400 to perform preliminary engineering for Pass-a-Grille Way. The motion was seconded by Commissioner Parent and unanimously approved by an individual roll call vote.

d. Presentation of a final report prepared by the Tampa Bay Regional Planning Council (TBRPC) and related to findings and conclusions resulting from two economic development workshops that were conducted for the Corey Avenue District.

Avera Winne, Director of Planning/TBRPC, conducted a Power Point presentation summarizing input/recommendations from City staff and residents during the public workshops and an on-line survey. Mr. Winne offered demographics, general themes and steps for revitalization in the Corey Avenue area.

John Michaels, Bay Street, reiterated his preference for increased public parking.

Deborah Schechner, Boca Ciega Isle Drive, supported maintaining a quaint beach town atmosphere.

Carol Walker, Gulf Boulevard, spoke in favor of creating a family friendly destination where people can have fun and enjoy themselves.

Vice Mayor Huhn moved to accept the Corey Avenue District plan submitted by Tampa Bay Regional Planning Council. The motion was seconded by Commissioner Parent and unanimously approved by an individual roll call vote.

6. Ordinances

a. Ordinance 2013-18, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Florida providing for a supplemental appropriation to the Capital Project Fund for fiscal year ending September 30, 2013, providing for funding and providing for an effective date.

City Manager Bonfield noted this proposed ordinance makes the budget changes to realign the Capital Improvement Projects discussed at a previous meeting.

Commissioner Parent moved to approve Item 6(a), approving Ordinance 2013-18, an ordinance of the City of St. Pete Beach, Florida providing for a supplemental appropriation to the Capital Project Fund for Fiscal Year ending September 30, 2013; providing for funding; providing for an effective date. The motion was seconded by Vice Mayor Huhn.

Mayor McFarlin called for public comments. There were none.

Mayor McFarlin called for the vote.

The motion was unanimously approved by an individual roll call vote.

7. Resolutions

a. Resolution 2013-11, a resolution of the City of St. Pete Beach, Florida establishing the tentative millage rate for Truth In Millage (TRIM) notices.

Mr. Bonfield stated that the Finance & Budget Review Committee recommended setting the rate at 3 mills; staff prepared the budget using the 2012 roll back rate of 2.8569 mills. The 2012 rate will produce the same amount of revenue as last year (due to increased property values) and is not considered a tax increase. Any higher amount would be advertised as a tax increase in the TRIM notice. The City Manager explained that the rate established for this resolution is the highest amount that can be set for budget adoption in September, but could also be set at a lower amount.

Public hearings on the FY 2014 budget adoption will be held at the City Commission meetings scheduled for first reading on September 3, 2013 and second reading on September 18, 2013.

Commissioner Parent moved to approve Item 7(a), Resolution 2013-11, a resolution of the City of St. Pete Beach, Pinellas County, Florida, establishing the tentative millage rate of 2.8569 for TRIM notices. The motion was seconded by Commissioner Shavlan and passed by a 3-2 vote, with Vice Mayor Huhn and Commissioner Pletcher voting 'no'.

b. Resolution 2013-12 authorization for the lease/purchase of a squad/pumper for the Fire Rescue Department.

City Manager Bonfield explained that the pumper truck is included in the proposed budget; if the Commission is not going to approve the budget as presented, the resolution should not be approved either. Staffing and the lead time for ordering are two key factors in ordering the pumper as soon as possible, which is funded through Penny for Pinellas.

Fire Chief Graves further explained the staffing changes that would take place if the truck is approved.

Commissioner Shavlan moved to approve Item 7(b), Resolution 2013-12, a resolution of the City of St. Pete Beach, Pinellas County, Florida approving a lease-purchase agreement between Oshkosh Capital and the City of St. Pete Beach, Florida; for financing of a fire truck in the amount not to exceed \$379,131.90; and providing for an effective date. The motion was seconded by Commissioner Parent and unanimously approved by an individual roll call vote.

8. Items for Discussion

There are no Items for Discussion.

9. City Manager, City Attorney and City Commission Reports

Mr. Bonfield reviewed the August 13, 2013 agenda items.

Mayor McFarlin requested staff review the possibility of having the Code Enforcement Division work an occasional weekend to cite violators and to place a discussion on the next agenda regarding re-naming the Community Center.

City Attorney Churuti reported she is expecting a reply brief by July 29th and the briefing will be closed on the Anderson case. Ms. Churuti expected that oral arguments may be set in the next few months.

Commissioner Pletcher requested to place a discussion on the next agenda to review the design guidelines for Pass-a-Grille.

Commissioner Shavlan reported that he attended the "Taste of the Beaches" event and was very impressed with staff and the attendance. Mr. Shavlan reminded everyone of the Sunday Market at Suntan Arts Center.

Commissioner Parent reiterated that the "Taste of the Beaches" was a great event, requested the dates for the budget hearings (September 3rd and September 18th), and reminded everyone of his 'Roundtable' meeting at the Library on Wednesday evening.

Vice Mayor Huhn commended the Public Services staff on the new dog park at McKenney Park and noted that "Jazz on the Avenue" has opened on Corey Avenue. Ms. Huhn reported that North Beach Beautification Awards will be handed out at the next Commission meeting.

10. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:45 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 enter into an Interlocal Agreement with the Pinellas County Sheriff's Office to provide law enforcement services to the City of St. Pete Beach from October 1, 2013 thru September 30, 2014 in the amount of \$2,077,477.07.

Date: August 13, 2013

Prepared By: Dan O'Connor, Administrative Services Supervisor

Through: Elaine Edmunds, Director of Administrative Services

Summary of Issue: This is a request to authorize the City Manager enter into an Interlocal Agreement with the Pinellas County Sheriff's Office to provide law enforcement services to the City of St. Pete Beach from October 1, 2012 thru September 30, 2104 in the amount of \$2,077,477.07. This amount reflects an increase .33% over the existing FY 13 agreement expiring September 30, 2013. The increase is primarily the result of the increase in the cost of fuel. The attached Interlocal Agreement outlines the key duties and responsibilities of the parties. The City Attorney has reviewed the agreement and related documents and has approved same as to form.

Requested Motion: "I move the City Manager be authorized to enter into an Interlocal Agreement with the Pinellas County Sheriff's Office to provide law enforcement services to the City of St. Pete Beach from October 1, 2013 thru September 30, 2014 in the amount of \$2,077,477.07."

Attachments: Pinellas County Sheriff's Office / City of St. Pete Beach Interlocal Agreement

Reviewed By:
City Manager: MB

INTERLOCAL AGREEMENT

THIS AGREEMENT is made and entered into by and between the CITY OF ST. PETE BEACH, FLORIDA, a municipal corporation of the State of Florida, hereinafter referred to as "CITY"; and BOB GUALTIERI, as Sheriff of Pinellas County, Florida, hereinafter referred to as "SHERIFF".

WITNESSETH:

WHEREAS, the PARTIES enter into this AGREEMENT pursuant to the provisions of Sections 163.01, et seq., the Florida Interlocal Cooperation Act of 1969; and

WHEREAS, the CITY is a municipality within the boundaries of Pinellas County, Florida, and wishes to provide municipal law enforcement services for that area of land within its municipal boundaries; and

WHEREAS, the CITY is desirous of providing a high level of competent law enforcement service in conjunction and in harmony with its fiscal policies of sound, economical management; and

WHEREAS, the CITY has requested that the SHERIFF furnish law enforcement protection to its inhabitants and citizens; and

WHEREAS, the CITY desires that the SHERIFF furnish law enforcement protection on a full-time basis and duly perform any and all necessary and appropriate functions, actions, and responsibilities of a law enforcement force for the CITY; and

WHEREAS, the SHERIFF has indicated his desire and willingness to accept and fulfill the responsibilities hereinbefore mentioned; and

WHEREAS, the CITY desires to retain its ability to determine whether law enforcement services shall be provided by a City police department, by contract with another law enforcement agency or otherwise; and

WHEREAS, the SHERIFF is an independent constitutional officer of the State of Florida; and

WHEREAS, it is further the desire of the CITY that the full, complete and entire responsibility for law enforcement within the CITY be transferred to and be performed by the SHERIFF;

NOW, THEREFORE, in consideration of the mutual promises contained herein and given by each party to the other, the parties do hereby covenant and agree as follows:

1. That the recitations set forth above are incorporated herein by reference in their entirety.

2. **PURPOSE:** The purpose of this Agreement is to provide the citizens of the CITY with high quality law enforcement services by the Sheriff's Office. The parties agree that the CITY'S determination to provide law enforcement services by transfer of its law enforcement function to the SHERIFF is an exercise of the legislative planning function of the CITY and that at no time will the CITY exercise any specific operational control over the activities of any of the employees of the SHERIFF or shall it perform or undertake any acts that are over and above a planning level function with regard to the administration of the Agreement.

3. **POWER OF THE CITY TO DIRECT SERVICES:** The SHERIFF shall confer with the Mayor and the City Commission and/or City Manager regarding law enforcement problems within the CITY and shall accept from the City Commission general policy direction on how law enforcement services are delivered and to what portion of the municipality a particular type or level of service shall be delivered to counteract law enforcement problems within the CITY. The SHERIFF shall comply with the request of the CITY regarding such matters unless such decisions will represent a danger to the deputies providing such service or to other members of the Sheriff's Office, will be violative of the law, good law enforcement practices, the rules and regulations of the Pinellas County Sheriff's Office, or detrimental to the citizens of the CITY or the County. In the event that such concern arises, the SHERIFF will meet and confer with the City Manager, Mayor and the City Commission, as is appropriate, on policy matters regarding the delivery of services and attempt to resolve any dispute or misunderstanding between them.

4. **NO PLEDGE OF AD VALOREM TAXES:** The parties agree that this Agreement does not constitute a general indebtedness of the CITY within the meaning of any constitutional, statutory, or charter provision or limitation and it is expressly agreed by the parties that the SHERIFF does not have the right to require or compel the exercise of ad valorem taxing power of the CITY or taxation of any real or personal property therein for the payment of any monetary obligations due under the terms of this Agreement, and it is further agreed between the parties that this Agreement and any funds called for to be paid hereunder shall not constitute a lien upon any real or personal property of the CITY, or any part thereof, and that the obligation for monetary payments called for to be made hereunder shall be deemed to exist for less than a year at any point in time and shall be entirely subject to the legislative budgetary discretion of the CITY.

It is expressly acknowledged and agreed that all services provided by the SHERIFF under the terms of this Agreement are completely paid for by the consideration paid by the CITY under the terms of this Agreement and are completely separate and in addition to any and all ad valorem taxes or any other revenues paid by or received on behalf of the citizens of the CITY to Pinellas County. In light thereof, the SHERIFF shall continue to have the obligation to provide normal services to the same degree that such services are provided to the rest of Pinellas County and the CITY is not to be charged extra for these normal services.

5. **INDEPENDENT CONTRACTOR:** The SHERIFF, for the purposes of this Agreement, is and shall remain an independent contractor, provided, however, such independent contractor status shall not diminish the power and authority vested in the SHERIFF and his sworn deputies.

6. **SOVEREIGN IMMUNITY:** The parties hereto agree that nothing contained herein shall in any way waive the sovereign immunity that both parties enjoy presently under the Constitution and statutes of the State of Florida and particularly with respect to Chapter 768, Florida Statutes.

7. **INDEMNIFICATION OF THE CITY:** The SHERIFF will defend and pay any litigation or judgment against the CITY, its agents or employees, arising out of the acts or omissions of the SHERIFF, his deputy sheriffs, or other members of the Sheriff's Office performing services under this Agreement. Lawsuits and claims that may be filed from time to time hereunder shall be handled by the SHERIFF in accordance with normal procedures. The SHERIFF shall defend such lawsuits or claims and pay judgments or settlements in accordance with law.

Nothing contained herein shall be construed to limit or modify the provisions of Florida Statute 768.28 as it applies to the CITY and the SHERIFF. Nothing herein shall abrogate or expand the sovereign immunity enjoyed by the SHERIFF and the CITY pursuant to the provisions of Chapter 768, Florida Statutes, nor shall any third party receive any benefit whatsoever from the indemnification provided herein.

8. **TRANSITION/LIABILITY:** The CITY is responsible for all liability, including but not limited to liability in both tort and workers' compensation, which arose out of acts or omissions of its employees which occurred prior to the January 6, 2013, transfer of the law enforcement function to the SHERIFF effective at 7:00 a.m. This includes pending lawsuits, administrative proceedings, and claims, as well as those filed after the transfer of the law enforcement function to the SHERIFF, provided that such lawsuits, claims, or administrative proceedings arose out of such acts or omissions which occurred prior to such transfer of the law enforcement function to the SHERIFF.

9. **SERVICE LEVEL:** The SHERIFF hereby agrees to provide all necessary and appropriate law enforcement services in and for the CITY by providing personnel as more particularly described in Attachment 1, attached hereto and incorporated herein by reference. The services to be provided by the Sheriff under the terms of this Agreement include but are not limited to routine patrol, marine patrol on the intracoastal and beach waterways, and periodic beach patrol. This service also includes one (1) deputy position titled as Community Policing Deputy to provide community-oriented policing as directed by the Patrol Bureau Commander or his designee in conjunction and after consultation with the City Manager. Additional deputies can be added at any time by mutual agreement, and the City may choose to utilize secondary employment deputies to supplement the personnel provided in Attachment 1 as special

circumstances or situations might temporarily warrant. Said use of secondary employment deputies shall be in accordance with Sheriff's Office policy and procedures, with the charges per hour provided in Attachment 2.

10. **COMMUNITY POLICING DEPUTY:** The community policing deputy shall be provided five (5) days per week for eight (8) hours per day excepting holiday leave, vacation leave, required training, court appearances, authorized sick leave, and such other absences as may be authorized by the SHERIFF or his designee. The specific hours of work of the community policing deputy shall be determined by his/her supervisor after consultation with the City Manager. The community policing deputy will perform interactive and proactive foot and bicycle patrols whenever transportation by a patrol vehicle is not necessary, will actively make personal contacts with both citizens and businesses to solve community crime problems, and meet with community leaders to explain crime prevention techniques. The community policing deputy shall utilize business cards, voice mail, and cellular phone to ensure citizen contact regarding public safety concerns.

11. **PROVISION OF SERVICE:** The SHERIFF shall provide each deputy who serves in the CITY pursuant to this Agreement with a patrol automobile and all other necessary or appropriate equipment, as determined by the SHERIFF.

12. **OFFICE SPACE:** The CITY, at no cost to the SHERIFF, will provide the SHERIFF office space in the CITY, the location and size of which is to be mutually agreed upon, for the purpose of allowing deputy sheriffs, particularly the community policing deputy and detective assigned to the CITY, to carry out their law enforcement responsibilities, including meeting with citizens.

13. **PERSONNEL:** The SHERIFF shall be responsible for the appointment, training, assignment, discipline and dismissal of all of his law enforcement personnel performing services under this Agreement. The SHERIFF shall also be legally responsible for the actions of his law enforcement personnel performing services under this Agreement in accordance with law. The parties shall mutually cooperate to carry out the terms and conditions of this Agreement. Should the CITY or its designee believe that any deputy assigned to the CITY pursuant to the terms of this Agreement is failing to perform in a satisfactory manner, the CITY or its designee shall notify the Commander of the Patrol Operations Bureau of the Pinellas County Sheriff's Office. The parties shall work together to reach a mutually satisfactory resolution of the matter. However, it is understood that under this Agreement, the SHERIFF shall retain sole authority to transfer, counsel, or discipline any deputy or other member of the Pinellas County Sheriff's Office.

14. **PERSONNEL TRANSITION:** Pursuant to Section 121.081(1), Florida Statutes, each former CITY employee who became employed by the SHERIFF pursuant to the Agreement dated November 13, 2012, had the choice to remain in the appropriate CITY-sponsored retirement plan or become a member of the Florida Retirement System (FRS). All former CITY employees electing to participate in FRS are bound to all statutory and administrative procedures regulating FRS. All former CITY employees electing to remain with the CITY pension plan are

subject to the terms of the CITY plan, except that all employer pension contributions shall be made by the SHERIFF on behalf of the employee, not to exceed the total employer contribution as required by FRS. In the event the required employer contribution to the CITY pension plan exceeds the FRS employer contribution, the CITY is responsible for the additional contribution.

15. **ENFORCEMENT OF LAWS:** The SHERIFF shall discharge his responsibility under this Agreement by the enforcement of all state laws, county ordinances applicable within the CITY and the ordinances of the CITY. The SHERIFF shall bring appropriate charges for violations of all laws and ordinances. The SHERIFF shall ensure that deputies assigned to the CITY will have a general familiarity with the code of ordinances of the CITY. The CITY will provide adequate copies of its ordinances for this purpose at no cost to the SHERIFF.

16. **FINES AND FORFEITURES:** All fines and forfeitures rendered in any court as a result of charges made by the SHERIFF shall be distributed according to general law and the rules of the court, and the CITY shall be paid the funds derived from fines due it within a reasonable time of receipt by the SHERIFF.

17. **RECORDS:** The SHERIFF shall maintain Uniform Crime Reporting records regarding crimes committed within the CITY. These records shall include the number and type of crimes committed, the number of arrests made for each type of crime, and any other information as required by law. A computer printout reflecting a summary of overall activity by event type shall be furnished to the CITY each month. Additionally, the SHERIFF shall maintain an electronic dispatch log with respect to calls for assistance. The dispatch log shall reflect the time a call is received, the time a call is dispatched, the deputy's arrival time, the time the assignment is completed and the geographical location of the incident.

18. **LIAISON:** A close liaison shall be maintained between the CITY and the SHERIFF. The SHERIFF agrees to make available to the CITY a specific member or members of the command staff who shall be available twenty-four (24) hours per day to act as liaison between the CITY and the SHERIFF. The City Manager, Mayor and Commissioners and the SHERIFF, or their designees, shall meet and confer with each other on a regularly scheduled basis to discuss the administration of this Agreement. The SHERIFF or his designee shall, upon request of the City Commission, be present at City Commission meetings for discussion of the provision of law enforcement services within the CITY, for budget preparation purposes, or for any other purpose as the City Commission shall request from time to time. The SHERIFF, or his designee, shall be responsible for submitting appropriate staffing or other information to the City Manager and City Commission as is necessary for it to conduct its legislative business. Any request for the presence of the SHERIFF or his designee, or for the production of any information or staffing, shall be communicated solely through the Mayor and Commissioners or the City Manager.

19. **CONTRACT COSTS:** The CITY shall pay to the SHERIFF, as payment in full for all of the services herein agreed to be performed by the SHERIFF, the sum of TWO MILLION SEVENTY-SEVEN THOUSAND FOUR HUNDRED SEVENTY-SEVEN DOLLARS AND SEVEN CENTS (\$2,077,477.07). Payment shall be made in twelve monthly

installments of ONE HUNDRED SEVENTY-THREE THOUSAND ONE HUNDRED TWENTY-THREE DOLLARS AND NINE CENTS (\$173,123.09) for the first eleven months , and ONE HUNDRED SEVENTY-THREE THOUSAND ONE HUNDRED TWENTY-THREE DOLLARS AND EIGHT CENTS (\$173,123.08) for the twelfth month. Payment shall be made on the first day of each month beginning on October 1, 2013, and each month thereafter. (See Attachment 1, Contract Worksheet.)

20. NOTICE: Notice as required to be given hereunder shall be given to the following persons:

- A. Sheriff, Pinellas County, Florida: Bob Gualtieri, P.O. Drawer 2500, Largo, FL 33779-2500.
- B. City of St. Pete Beach: City Manager, 155 Corey Avenue, St. Pete Beach, FL 33706.

21. TERM. This Agreement shall take effect October 1, 2013, and continue in effect thereafter through September 30, 2014, unless hereafter extended upon such terms and conditions as the parties hereto may later agree in writing.

22. TERMINATION. Either party may terminate this Agreement without cause or further liability to the other party, except as to the indemnification provided herein, upon written notice to the other party given not less than ninety (90) days prior to the requested termination date. The required notice is deemed delivered when a copy is delivered to the other party and a receipt therefore signed by the other party.

The parties agree that where the Agreement is not terminated as provided for herein, the terms of this Agreement shall automatically continue for 120 days beyond September 30, 2014, in the event a replacement contract has not yet been completely executed. The CITY shall continue to pay to the SHERIFF on a monthly basis the amount due per this Agreement, until such time as a replacement contract has been approved. The parties further agree that an increase, if any, in the cost of service, shall be retroactively applied for services rendered from October 1, 2014, to the approval and execution of the replacement contract, and shall be paid by the CITY to the SHERIFF immediately for the services already provided.

23. THIRD PARTIES. In no event shall any of the terms of this Agreement confer upon any third person, corporation or entity other than the parties hereto any right or cause of action or damages against the parties to this Agreement arising from the performance of the obligation and responsibilities of the parties herein or for any other reason.

24. NON-ASSIGNABILITY. The SHERIFF shall not assign or delegate the obligations, responsibilities or benefits imposed hereby or contained herein to any third party or in any manner contract for the provision of the services required to be performed herein by a third party without the express written consent of the CITY, which consent must have been agreed to by the CITY at a public meeting, and which consent may be withheld within the sole discretion of the CITY.

25. ENTIRE AGREEMENT. This Agreement reflects the full and complete understanding of the parties and may be modified or amended only by a document in writing executed by the parties hereto and with the same formality of this Agreement.

IN WITNESS WHEREOF the parties to this Agreement have caused the same to be signed by their duly authorized representatives this ____ day of _____ 2013.

ATTEST:

CITY OF ST. PETE BEACH, FLORIDA

City Clerk

City Manager

APPROVED AS TO FORM

City Attorney

SHERIFF, PINELLAS COUNTY, FLORIDA

Bob Gualtieri, Sheriff

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

Issue Considered: Authorization to waive sealed bid requirements and for the City Manager to enter an agreement to lease (2) 2013 25 passenger buses from Midwest Transit for 60 months at \$1,358 per month for both vehicles.

Date: August 13, 2013

Prepared By: Jennifer McMahon, Recreation Director

Summary of Issue: The City Commission approved expenditures toward the lease of (2) 25 passenger buses in the FY2013 budget. This is also requested in the FY2014 proposed budget. Under our *Purchasing Manual* all purchases exceeding \$10,000 but less than \$25,000 must be approved by City Commission and placed on the consent agenda regardless if they have already been approved by City Commission during the budget process. Staff is requesting the sealed bid requirements be waived in lieu of three written bids.

This year three (3) companies submitted written quotes:

- Midwest Transit - \$679 per month per vehicle for 60 month lease (\$1,358 total per month)
- National Bus - \$873 per month per vehicle for 60 month lease (\$1,746 total per month)
- Alliance Bus - \$889 per month per vehicle for 60 month lease (\$1,778 total per month)

Midwest Transit is who we currently lease the 25 passenger bus used in the Recreation Department. An additional bus is needed for the expanding after school program and summer camp program.

Requested Motion: “I move to waive sealed bid requirements and authorize the City Manager to enter an agreement to lease (2) 2013 25 passenger buses from Midwest Transit for 60 months at \$1,358 per month for both vehicles.”

Attachments: Bid Evaluation

**Reviewed by
City Manager**

MB

Jennifer McMahon

From: Tom Boldwin <tom.boldwin@midwesttransit.com>
Sent: Wednesday, July 17, 2013 11:54 AM
To: Jennifer McMahon
Subject: RE: St Pete Beach
Attachments: img-130717101827.pdf

Jennifer:

Good morning.

I have some more information for you on bus leasing. First as mentioned earlier the buses I quoted you that we had in stock I no longer have. They were sold. However I do have some other 25 passengers by the same bus manufacturer that have some additional features on them. So I am going to quote those. Attached is a brochure and specification sheet on these units for you to review. Here are some of the major differences.

1. Seats are a more plush design Berkshire design
2. Seats are covered with grey Leathermate material as shown in brochure.
3. Upgraded audio video system that includes DVD system with 6=10" monitors, PA system, GPS Navigation system, MP3, iPod, Bluetooth ready, backup camera and XM radio ready. I think the video system could be a real plus for you. Possible do some DVD's and sell advertising on them or simply insert some DVD's about the St. Pete area and attractions etc. and play while doing tours.

Based on these units here are the lease rates ranging from 24-60 months.

24 months	\$966.00
36 months	\$808.00
48 months	\$728.00
60 months	\$679.00

Again all quotes are based on current rates and are good for 30 days and subject to stock availability. Rates include 12,000 miles per year with excess being charged at 35 cents per mile. Rates do not include transportation to St. Pete which would be handled separately.

Here is something else I would like to propose to you. I suggest that you lease two new units now at the same time. This way they would be the same bus/features and lease would terminate at the same time down the road and you have two brand new buses. The bus you currently have that is scheduled to expire on the 31st of October, we would allow you to return early with no penalty. We would satisfy the remaining payments to the lease company.

If this all sounds good to you, I think we should look at getting the new buses to you on August 1st and start the lease then. You would need to make arrangements to return the current bus once you have the new buses. All I need is the OK from you and I will have the lease department start the process.

Upon your review should you have any question please let me know.

Thanks,

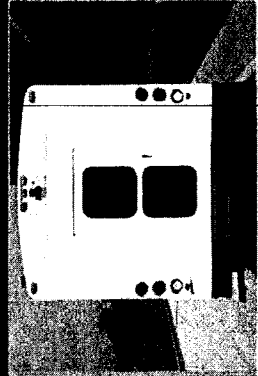
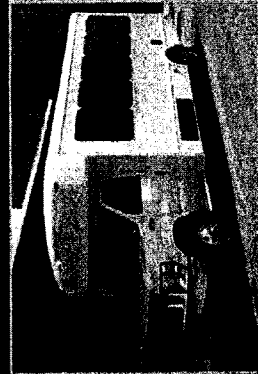
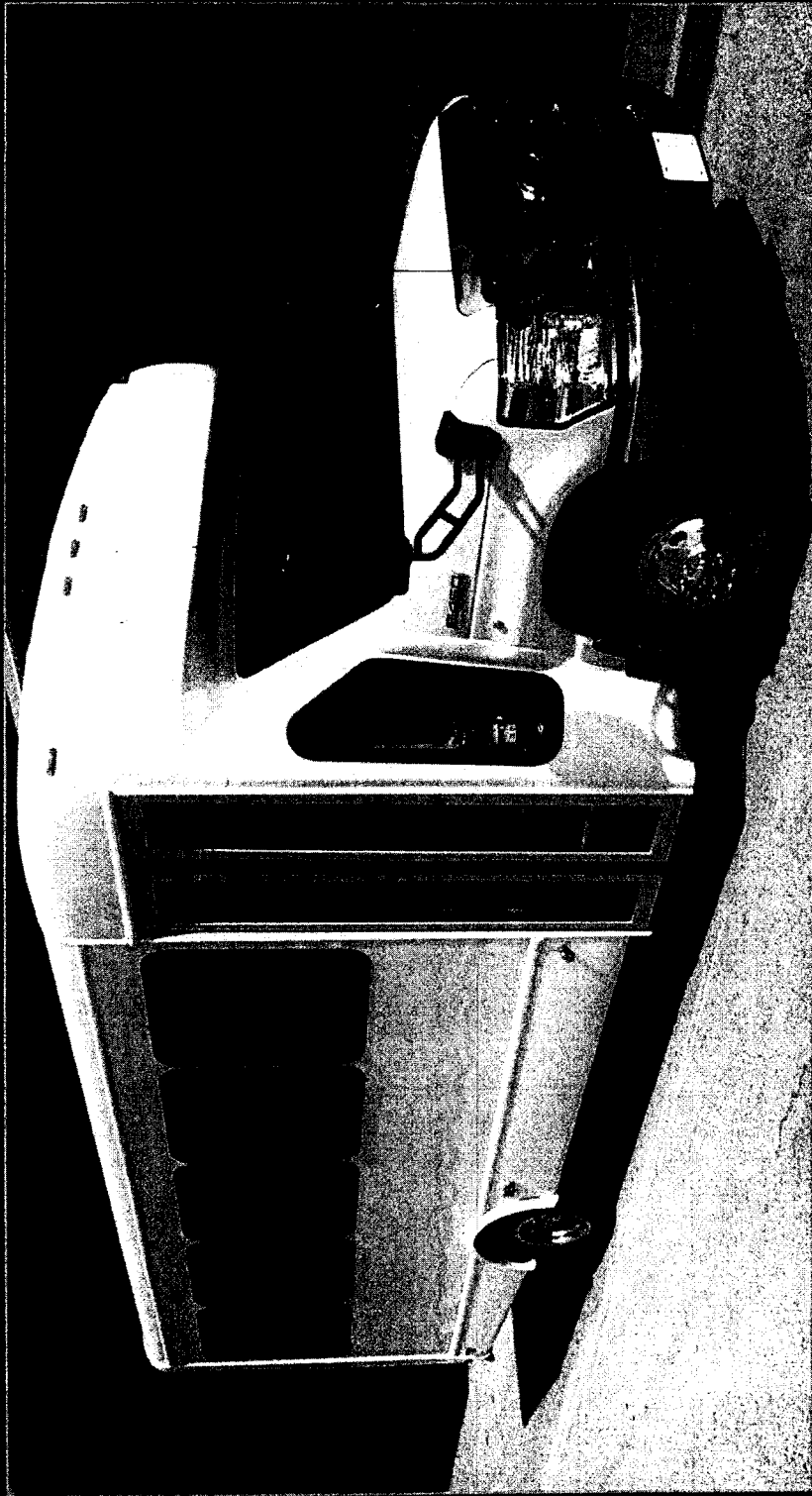
Tom Boldwin
800.933.2412 ext. 1423

**NATIONWIDE
BUS SALES**

2013 FORD/STARCRAFT-ALLSTAR 25 PASSENGERS

a division of midwest transit

midwest
TRANSIT EQUIPMENT



- Upgraded Berkshire Seats
- Jensen High Def. System
- GPS / Back-Up Camera
- DVD with (6) Monitors

www.nationwidebussales.com | (877) 933-2412

2013 FORD/STARCRAFT-ALLSTAR 25 PASSENGERS

CHASSIS SPECIFICATIONS

- | | |
|---|--|
| <ul style="list-style-type: none">• Ford E450 Super Duty Chassis• 6.8L V-10 Gasoline Engine• Automatic Over Drive Transmission• 14,500 # GVWR• 9,550 # Rear Axle, 4.10 Ratio• 5,000 # Front Axle• Front and Rear Stabilizer Bar• 190" Wheelbase• (6) LT225/75R16E Radial Tires• Power Disc Brakes, Anti-lock• Power Steering w/ Tilt Feature• Cruise Control | <ul style="list-style-type: none">• 225 AMP Alternator• Dual Batteries• 55 Gallon Fuel Tank• Heavy Duty Transmission Cooling Package• Block Heater• Tinted Glass• Interior Hood Release• Intermittent Wipers• Driver's Air Bag• Gauges: Fuel, Temp, Oil Pressure, Voltmeter• Chrome Front Bumper and Grille Accent |
|---|--|

BODY SPECIFICATIONS

CLIMATE CONTROL: REAR

- 65,000 BTU Heating System
- 68,000 BTU Air Conditioning System w/ Dual Compressors and Skirt-mounted Condenser

DOORS AND WINDOWS

- Side Emergency Exit Windows
- Solid Dark Tinted Side Windows (no T-slides)
- Full View Electric Entrance Door w/ Full Tempered Glass
- Exterior Entrance Door Key Switch
- Rear Door w/ Upper Window; Twin Windows Each Side of Door

ELECTRICAL: EXTERIOR

- Clearance Marker Lights (LED)
- Round Tail, Stop and Backup Lights
- License Plate Light
- LED Exterior Lights: Entry Door Exterior Light; Front Marking Lights; Rear Marker Lights; Center Mounted Brake Light; Mid-ship Marker and Turn Signals
- Lights Meet Federal Requirements
- Reverse Alarm

ELECTRICAL: INTERIOR

- Body Electrical Panel Mounted Inside
- Passenger Compartment, Courtesy Lights, Door-activated (LED)
- Strip Lighting Over Center Aisle (LED)
- Entrance Step Well Lights
- Driver Courtesy Light
- Color Coded Wiring Harness

FEATURES: EXTERIOR

- Steel Rear Bumper, Painted Black
- Welded Steel Cage Construction w/ Aluminum Side Walls
- Euro Style Exterior Mirrors w/ Convex
- Mud Flaps - rear and front passenger side
- Driver's Side Running Board
- Undercoating

FEATURES: INTERIOR

- Driver's Control Console within Reach of Driver
- Gray Padded Vinyl Interior Walls and Ceiling
- Interior Passenger View Mirror, 6" X 9"
- Entrance and Driver's Modesty Panels w/ Stanchion
- Hand Rails at Entry - Left and Right (parallel to entry steps)

PAINT

- White Body and Cab

FLOORING

- Upgraded Altro Flooring - Storm (this is a Non-slip Floor that also Helps Hide the Appearance of Dirt)
- Yellow Safety Step Nosing and Yellow Standee Line
- 5 Ply 5/8" Exterior Grade Plywood Sub Floor

SEATS

- Track Seating
- High Back Reclining Driver's Seat w/ Arm Rest and Lumbar
- Upgraded Berkshire Passenger Seats - High Back Reclining Passenger Seat- (rear row does not recline)
- Seat Covering (black) Leathermate
- Aisle-side Armrests
- Aisle-side Sliders
- Retractable Seat Belts

MISCELLANEOUS

- Safety Equipment: Fire Extinguisher, First Aid Kit, Reflector Triangles
- Safety Inspection (Illinois only)
- Roof Hatch emergency escape/vent
- Stainless Steel Wheel Inserts with Valve Stem Extenders on the Rear Wheels (for ease of checking pressure on inner tire)

STORAGE:

- Overhead Parcel Bins w/ Reading Lamps (LED upgrade)

JENSEN MULTI-MEDIA HIGH DEF SYSTEM

- AM/FM/CD/DVD/Touch Screen
- (6) 10" monitors
- PA with handheld mic
- Touchscreen GPS/Navigation System
- Trip Tracker/Route/Speed Recall
- Playback MP3; iPod; Bluetooth; USB, SD
- Blue Tooth ready
- Back-up Camera
- XM Satellite Ready

* All pricing is FOB Kankakee, IL and includes any/all possible incentives and/or rebates available at this time.

Includes Starcraft 3yr/36,000 mile bumper-to-bumper body warranty.

Quote #2

Jennifer McMahon

From: Nathan Baker <Nathan@nationalbus.com>
Sent: Thursday, July 18, 2013 6:02 PM
To: Jennifer McMahon
Subject: LEASE INFO. FOR MS. McMAHON FROM NATHAN BAKER AT NATIONAL BUS SALES!!!
Attachments: AllstarMain.jpg; Allstar-25-Pass.jpg

Hello Jennifer,

Dear Ms. Jennifer, Although I'm only 40, I have been in this industry for over 22 Years now..."They got me when I was just a Baby" With that said, I certainly know, and understand that every person that you talk with is going to have the Very Best Deal, and the Greatest Product Available...With that said we Really are in a situation, that you would actually be helping us out as much as what we would be helping you by getting you a Very, Very Discounted Opportunity...I need to make these 2013's go away, so that I can replace them with several 2014 models! With all of that said, I am enclosing a picture or two of the buses that I am talking about, so that you can actually see exactly what you would be getting! If I can get both of my 2013's off my lot by the end of July..."That doesn't necessarily mean that they have to leave by then, I just need to do the paperwork by then, then I can get you into 2 BRAND NEW 25 Passenger Shuttle Buses with Full Manufacture Warranty for \$858.00-\$873.00 Ea. P/MTH for a 60 month lease, this of course would be a Walk a Way Lease, and would be set up for 25,000 total Miles over a 60 Month Time Frame! If you have any questions, or any additional concerns, please feel free to give me a call, and I will get back with you Directly!!! Please do me a favor, and give me a very quick Call to let me know that you did indeed receive this Email, and that the pictures opened properly! I Truly look forward to having the Opportunity to having a Extremely Mutually Rewarding Relationship for many Years to come!!! Talk with you shortly!!! Have a Very Blessed Day!!!

Sincerely,

Nathan Baker

Regional Sales Manager

800-475-1439 ext. 320

405-226-0741 Cell

918-224-1092 Fax

nathan@nationalbus.com

Quote #3

ALLIANCE BUS

LEASE

City of St. Pete Beach Recreational Department

2013 Eldorado Advantage 25 Passenger

PROPOSAL

7/22/2013

Terms	24 Month FMV Lease	36 Month FMV Lease	60 Month FMV Lease
Payment Type	Standard Monthly	Standard Monthly	Standard Monthly
Monthly Payments	\$1396 + tax	\$1104 + tax	\$889 + tax
Lease End	Walk Away or Purchase for FMV	Walk Away or Purchase for FMV	Walk Away or Purchase for FMV
Mileage Maximum	10,000 Miles p/year	10,000 Miles p/year	10,000 Miles P/year

***At lease end customer may turn in vehicle or purchase at FMV

***FMV - Fair Market Value

***Quotes are valid for 30 days.

***Proposal is not a commitment to lend, subject to credit approval.

***Excess mileage .35 cents p/mile over.

Theresa Layerle

Retail Finance Manager

Direct: 985-605-1849 | Fax: 985-726-5131 | Cell: 985-630-1018

ATLANTA | DALLAS | NEW ORLEANS | JACKSON | NEW YORK | ORLANDO

Sovereign®



ORIGINAL FINANCE LEASE DOCUMENTS

Sign and fill out the **CONTRACT**. Please have signature notarized
and/or provide a copy of authority to sign contracts.

A School Seal may be used.

Fill in Federal ID # and sign the 8038 IRS Form.
(Sovereign Bank will file once lease is funded and finalized.)

Sign and fill out the Insurance Company and Coverage Information of
each set of terms. Fill out all necessary documents included in this
packet. Including all red checked and marked items.

Please attach a copy of signed Board Minutes in which this
finance arrangement was approved. The official minutes can
be used or the board's attorney must sign and approve.

ENCLOSE the most recent copy of the last TWO years of the
Audited Financial Statements. (REQUIRED)

Complete Audits/Reports

Please include 2010 & 2011

Return completed set of documents and other required documents to:

Mr. Chris Lounsbury
Midwest Transit Equipment, Inc.
146 West Issert Drive
P.O. Box 582
Kankakee, IL 60901

Sovereign[®]



Municipal Lease Program – LLC Leasing

Customer's Full LEGAL Name

Addresses (Street and Mailing)

City, State, Zip Code

Distributor

Midwest Transit Equipment, Inc.

Name of Administrator/Business Officer/Title

Telephone/Fax

Number of units to be sold & type

1 2012 IC/CE School Buses 71 pass

Initial Payment: XXXXX

PMT

Annual

Delivery Date: 8/15/2012 estimated

Year School District was formed: _____ Current Enrollment: _____

Districts Current Bus Fleet: _____ Federal /Employee ID Number: _____

Borrowing Reference: _____ Bank Relationship Reference: _____

Completed By: _____ Title: _____

Computations from Amortization Schedule: Quote Expires if not accepted within 30 days. Quote Date:

Acceptance by Sovereign Bank is subject to Credit review and approval by Sovereign Bank at it's sole discretion.

Compound Period: *Annual* Please send current two years audited financial statements to the below address.

If you have any questions, Please feel free to call, or email:

JDrawdy@SovereignBank.com

Jeff Drawdy, Vice President, Sovereign Bank

831 Whitfield Walk, Zebulon, Georgia 30295

(Office) 770-567-5514 (Fax) 770-567-5516

MUNICIPAL LEASE AGREEMENT

LESSOR:

Sovereign Leasing, LLC
3 Huntington Quadrangle, Suite 101N
Melville, NY 11747 631-531-0610

LESSEE:

Name: _____
Street: _____
City/State/Zip: _____
Responsible Official: _____
Phone: () _____

1. LEASE OF VEHICLES: LESSOR hereby agrees to lease to LESSEE and LESSEE hereby agrees to lease from LESSOR the school buses or other motor vehicles and equipment and accessories thereon (herein "Vehicles") on the terms and conditions provided in this Agreement and the schedule and additional schedules annexed hereto (each a "Schedule" and collectively, the "Schedules"). Each Schedule shall be a separately enforceable Lease, the terms and conditions of which shall be those set forth herein and on each Schedule (each a "Lease" and collectively, the "Leases").

2. COVENANTS: LESSEE represents, covenants and warrants that (a) It is a public body corporate and politic, (b) It is a "tax- exempt issuer" within the meaning of the Internal Revenue Code, (c) It is authorized by all applicable laws to make, and perform under, this Lease, (d) The Vehicles are essentially needed for its proper, efficient and economic operation, (e) At the time of making the Lease, sufficient funds were appropriated to fulfill the Lessee's obligations of the current fiscal year, (f) It will do all things lawfully within its power to obtain and maintain funds from which payments under this Lease may be made, including making provisions for such payments in each annual budget and using bona fide best efforts to have such portion of the budgets approved, and (g) LESSEE has not previously terminated a lease for non-appropriation.

3. TERM AND RENT: The Lease term shall commence as of the date that the Vehicles are delivered to LESSEE, or LESSEE's Agent (the "Commencement Date") and shall continue for the term shown on the attached Schedule relating thereto, unless Lessee notifies LESSOR that an Event of Non-appropriation (described below) has occurred or LESSEE exercises its option under Section 18. The rent under this Lease shall be payable in lawful money of the United States of America, and at the times and in the amounts as indicated on each attached Schedule. In lieu of cash, LESSOR will accept payment by check or wire transfer of immediately available funds only. Each payment will consist of a principal and interest component.

4. EVENT OF NON-APPROPRIATION: Lessee shall notify LESSOR promptly (and in no case later than thirty (30) days prior to the last day of its current fiscal year) if sufficient funds are not appropriated for the payments for the next fiscal period (an "Event of Non-appropriation"). If LESSEE terminates this Lease or an Event of Non-appropriation occurs, Lessee agrees, to the extent not prohibited or required by law, not to: (a) purchase, lease, rent, or otherwise acquire vehicles performing functions similar to those performed by the Vehicles, or (b) contract with another party to furnish services that the Vehicles had provided, for one (1) year after such termination or occurrence.

5. PAYMENTS UNCONDITIONAL: Lessee has examined, tested and accepted the vehicles covered by this lease and schedules, and subject only to an event of non-appropriation, lessee's obligation to pay rent and other payments hereunder shall be absolute and unconditional and not subject to any abatement, set-off, defense or counterclaim for any reason whatsoever, regardless of loss, damage, destruction, malfunction or disrepair of the equipment, or dispute with the manufacturer or supplier of the vehicles or for any other reason.

6. DISCLAIMER OF WARRANTIES: LESSOR, NEITHER BEING THE MANUFACTURER, NOR A SUPPLIER, NOR A DEALER IN THE VEHICLES, MAKES NO WARRANTY, EXPRESS OR IMPLIED, TO ANYONE, AS TO DESIGN, CONDITION, CAPACITY, PERFORMANCE OR ANY OTHER ASPECT OF THE VEHICLES OR THEIR MATERIAL OR WORKMANSHIP. LESSOR ALSO DISCLAIMS ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR USE OR PURPOSE WHETHER ARISING BY OPERATION OF LAW OR OTHERWISE. LESSOR FURTHER DISCLAIMS ANY LIABILITY FOR LOSS, DAMAGE OR INJURY TO LESSEE OR THIRD PARTIES AS A RESULT OF ANY DEFECTS, LATENT OR OTHERWISE, IN THE VEHICLES WHETHER ARISING FROM THE APPLICATION OF THE LAWS OF STRICT LIABILITY OR OTHERWISE. AS TO LESSOR, LESSEE LEASES THE VEHICLES "AS-IS". LESSEE HAS SELECTED THE SUPPLIER OF THE VEHICLES AND ACKNOWLEDGES THAT LESSOR HAS NOT RECOMMENDED SUPPLIER. LESSOR SHALL HAVE NO OBLIGATION TO MAINTAIN, OR SERVICE THE VEHICLES. If the Vehicles are unsatisfactory for any reason, LESSEE shall make claim on account thereof solely against Supplier, and any of Suppliers vendors, and shall nevertheless pay LESSOR all rent payable under the Lease. LESSOR hereby assigns to LESSEE all of the rights which LESSOR may have against Supplier and Suppliers vendors for breach of warranty or other representations respecting the Vehicles. LESSEE understands and agrees that neither Supplier nor any agent of Supplier; is an agent of LESSOR or is authorized to waive or alter any term or condition of this Lease.

7. RISK OF LOSS: LESSEE shall bear all risks of loss of and damage to Vehicles from any cause; occurrence of such loss or damage shall not relieve LESSEE of any obligation hereunder. In the event of loss or damage, LESSEE, at its option, shall (a) replace the damaged Vehicle in good repair, condition and working order; or (b) replace lost or damaged Vehicles with like Vehicles in good repair, condition and working order, with documentation creating a lien or favor of LESSOR or its assignee; or (c) purchase the Vehicles for the casualty value as listed on the Schedule in the term sheets.

8. INSURANCE: LESSEE will purchase and maintain in force during the term of this Agreement, insurance policies in at least the amounts listed below covering the Vehicles between the time of delivery thereof to LESSEE and final disposition by LESSOR. Said insurance shall be written by an insurance company or companies acceptable to LESSOR, insuring LESSEE against any loss, damage, claims, suits, actions or liability, and by endorsement naming LESSOR as [an Additional] Named Insured and Loss Payee. Such endorsement or endorsements shall provide in each case that said insurance company or companies shall give to LESSOR at least thirty (30) days' notice in writing of proposed cancellation, modification, or alteration of any said insurance.

Type

Amount

Public Liability and Property Damage (Comprehensive)

\$1,000,000 Combined Single Limit (per occurrence)
(\$5,000,000) for multi-passenger or I.C.C. Regulated Vehicles)

Collision, Fire and Theft (ALL RISK)

Not less than replacement value

The above insurance shall also include the following, in amounts not less than the applicable minimum legal requirements: (a) uninsured/underinsured motorist coverage, and (b) no fault protection. LESSEE shall in addition provide general liability insurance covering LESSEE'S indemnification responsibilities hereunder. Prior to the date that any Vehicle is placed in service by LESSEE, LESSEE shall furnish LESSOR with a certificate of insurance or other evidence thereof acceptable to LESSOR. Policies covering the aforementioned fire and theft and collision insurance shall bear endorsements to the effect that proceeds thereof shall be payable to LESSOR and/or LESSEE as their interests may appear. LESSEE hereby appoints LESSOR as LESSEE'S attorney-in-fact to receive payment of and endorse all checks and other documents and to take any other action necessary to pursue insurance claims and recover payments if LESSEE fails to do so. Any expense of LESSOR in adjusting or collecting insurance shall be borne by LESSEE. In the event a Vehicle is involved in any material accident, LESSEE shall immediately notify LESSOR and provide (a) a detailed report describing the accident, (b) copies of all reports provided to an insurance carrier or governmental agency, and (c) copies of any legal papers relating to the accident.

9. LESSEE'S OPERATION OF VEHICLES: LESSEE shall use the Vehicles only in the state of registration and only in the conduct of its traditional educational operations. LESSEE shall operate its Vehicles in a safe and lawful manner, and shall comply with all federal, state, county and municipal statutes, ordinances and regulations which may be applicable to the leasing, use or operation of the Vehicles. LESSEE shall, at its sole expense, maintain the Vehicles in good operating condition and repair. In addition, LESSEE shall prepare and furnish to LESSOR all documents, returns or forms legally required to be prepared by LESSEE. LESSEE shall be solely responsible for any fines or penalties assessed for violations of any statute, ordinance, by law or regulation of any duly constituted governmental authority, as a result of the use or operation of the Vehicles by any of LESSEE's employees, agents, sublessees or subcontractors, and indemnify LESSOR against any costs, fines or charges LESSOR is required to pay. LESSEE agrees to operate only those Vehicles which have adequate insurance coverage and to comply with all conditions of insurance related to the Vehicles, to maintain the Vehicles and all accessories and equipment thereof in safe and good mechanical condition and running order at all times during the term of this Agreement and to furnish all supplies, accessories, and other essentials required for the use or operation of the Vehicles. In no event will the Vehicles be used to transport any hazardous substances.

10. **TITLE; REDELIVERY OF VEHICLES:** Each Vehicle shall be titled in the name of the LESSOR c/o Lessee. If this Lease is terminated with respect to any Vehicles without the exercise by LESSEE of its rights under section 18 relating thereto, the LESSOR may repossess such Vehicles. If the LESSOR is entitled to repossess the Vehicles, the LESSEE shall permit the LESSOR or its agents to enter the premises where the Vehicles are located. In the event of any repossession, you shall execute and deliver such documents as reasonably required to restore possession of the Vehicles to the LESSOR, free of all liens and security interests incurred by the LESSEE. In the event of the exercise by LESSEE of its rights under Section 18 with respect to any Vehicles, LESSOR shall transfer legal title to such Vehicles to LESSEE AS IS, WITHOUT WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION WARRANTIES OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE OR FITNESS FOR THE USE CONTEMPLATED BY LESSEE, except such Vehicles shall be free of all liens and security interests incurred by LESSOR, and LESSOR shall execute and deliver such documents as LESSEE shall reasonably request with respect thereto.

11. **NON-ASSIGNABILITY BY LESSEE:** LESSEE shall not assign, sub-lease, transfer or otherwise encumber its rights in and to this Lease or the Vehicles without the prior written consent of the LESSOR, except as otherwise provided in Section 18.

12. **ASSIGNMENT BY LESSOR:** This Lease, the Vehicles and any payments by LESSEE due or to become due under it, may be assigned or otherwise transferred, either in whole or in part, by LESSOR and its assignee, without affecting any obligations of LESSEE, and in such event LESSOR's transferee or assignee shall have all the rights, powers, privileges and remedies of LESSOR hereunder. Any assignee's rights shall be free from all defenses, set-offs or counterclaims which LESSEE may be entitled to assert against LESSOR. No assignee shall be obligated to perform any duty or condition required to be performed by LESSOR under the terms of this Lease.

13. **DEFAULT:** In the event of default by LESSEE, in the payment of any sums due under this Lease when due which continues uncured for thirty (30) days, or receivership, insolvency, or proceedings by or against LESSEE under the bankruptcy laws, or LESSEE's failure to observe or perform any other required provision of this Lease, and such default continues for fifteen (15) days after written notice thereof, by LESSOR, to LESSEE, LESSOR shall have the right to exercise any one or more of the following remedies: (a) to declare all sums due and to become due hereunder, during the LESSEE's current fiscal period, immediately due and payable, without notice or demand to LESSEE; (b) to sue for and recover all payments then accrued or thereafter accruing with respect to the Vehicles; (c) to take possession of the Vehicles without demand or notice wherever it may be located, with or without legal process, and retain it free from any claims of LESSEE whatsoever; (d) to terminate this Lease; or (e) to pursue any other remedy at law or in equity. If LESSOR sells or re-leases any of the repossessed Vehicles, the net proceeds of such sale or lease, less LESSOR's expenses incurred in connection therewith, including attorneys' fees, shall be applied to the total amount due by LESSEE under this Lease and related Schedule and LESSEE shall be obligated to pay LESSOR any deficiency. All of the foregoing remedies are cumulative and may be exercised concurrently or separately. LESSEE shall pay all costs and legal expenses incurred by LESSOR in collecting, or attempting to collect, any sums due hereunder or in securing possession of the Vehicles. LESSEE consents to the personal jurisdiction of the courts, and the applicability of the laws, of the State of Illinois with respect to any dispute arising out of the Lease.

14. **FEDERAL, STATE AND LOCAL TAXES:** In addition to payments specified herein, LESSEE shall promptly pay all taxes, assessments and other governmental charges (including *ad valorem* taxation, penalties, interest, recording and registration fees, if any) levied or assessed: upon the ownership, use or operation of the Vehicles and the payments due hereunder. LESSEE acknowledges that its compliance with the reporting requirements of the Internal Revenue Code is essential to the exemption from Federal income tax of the interest portion of payments made by LESSEE hereunder. Accordingly, LESSEE agrees that its failure to comply with those requirements shall constitute a Default hereunder. LESSEE certifies that it reasonably anticipates that not more than \$10,000,000 of "qualified tax-exempt obligations" (as that term is defined in Section 265(b)(3)(D) of the Internal Revenue Code, as amended by the Tax Reform Act of 1986, (the "Code")) will be issued by it and subordinate entities during the calendar year in which the Lease begins. Further, LESSEE will, by resolution, designate the Lease as comprising a portion of the \$10,000,000 in aggregate issues to be designated as "qualified tax exempt obligations" eligible for the exception contained in Section 265(b)(3)(D) of the Code allowing for an exemption to the general rule of the Code which provides for a total disallowance of a deduction for interest expense allocable to the carrying of tax exempt obligations. If for any reason the payments due hereunder are not exempt from federal taxes, then LESSEE shall pay LESSOR such amounts as will permit LESSOR to realize the same after tax income as if such payments were so exempt, together with all costs, liabilities, damages, expenses, taxes and penalties (including Federal income tax penalties and interest) incurred as a consequence thereof, which LESSEE agrees to pay upon written demand therefor.

15. **ADMINISTRATIVE SUPPORT:** LESSEE may, from time to time, be required to file, or assist in the filing of, reports to regulatory and/or taxing authorities, which may be necessary to establish, perfect or maintain the legality and/or tax-exempt status of this Lease, or to execute documents needed for LESSOR's financing. LESSEE promises to promptly make such filings or to render such assistance as may, from time to time, be reasonably requested by LESSOR or its Assigns, and to indemnify and hold harmless LESSOR or its assigns from any cost, expense or other damage caused by its failure to do so. LESSEE hereby further authorizes LESSOR to file UCC-1 financing statements without LESSEE'S signature, and to fill in dates and other obvious minor corrections on this Lease.

16. **SEVERABILITY:** Any term or provision of this Lease found to be prohibited by law or unenforceable shall be ineffective to the extent of such prohibition or unenforceability without, to the extent reasonably possible, invalidating the remainder of the Lease.

17. **INDEMNIFICATION:** The LESSEE agrees to indemnify the LESSOR and its officers, agents, employees, servicers, successors and assignees against any and all loss, damage, injury, claims, fees, fines, penalties, and expenses (including legal fees) of every kind that relate to the use, operation, ownership, possession, or condition of the Vehicles.

18. **EXERCISE OF OPTION:** LESSEE shall have the right to acquire legal title to any Vehicles and terminate this Lease with respect thereto: (i) on any payment date occurring on or after the five-year anniversary hereof by paying to LESSOR on such date all amounts then due and unpaid hereunder and the principal portion of all future rental payments due with respect thereto, provided that LESSEE gives to LESSOR sixty days written notice of its intent to exercise such option; or (ii) on the last payment date with respect to any Vehicle by paying all amounts then due hereunder with respect to such Vehicle and the amount of \$1.00, which option shall be deemed exercised unless LESSEE gives to LESSOR ninety days written notice to the contrary. LESSOR hereby consents to the exercise of the purchase option and the termination of this Lease with respect to any Vehicles, on any date prior to the five-year anniversary hereof and upon sixty days written notice from LESSEE, at a price of all unpaid principal with respect to such Vehicles and interest thereon accrued and unpaid to the date of exercise of such option, provided that such Vehicles are immediately assigned by LESSEE to Midwest Transit Equipment.

19. **FINANCIAL INFORMATION:** LESSEE shall provide LESSOR with current financial statements, budgets, proof of appropriation for the ensuing fiscal year and such other information relating to the ability of LESSEE to continue this Agreement within 180 days after the end of each fiscal year of LESSEE and at the request of LESSOR.

20. **ENTIRE AGREEMENT:** This Lease constitutes the entire agreement between the parties regarding the Vehicles, and there are no representations, warranties, promises, guarantees or agreements, oral or written, expressed or implied, between the parties hereto with respect to the Lease. No modification or amendment hereof shall be binding upon the LESSOR unless made in writing and executed on behalf of LESSOR by its duly authorized officer or agent.

Board Minutes of Lessee approving this transaction on (date) _____ are attached and included with these documents.

LESSOR: Sovereign Leasing, LLC

LESSEE: Chester East Lincoln Consolidated Community School District 61

Signature: _____

Signature: _____

Print Name: _____

Title: _____

Date: _____

Print Name: _____

Title: _____

Date of this Lease: _____

Please Have Notary sign and stamp below, or use school seal stamp.

"Signed and sworn before me this _____ day of _____".

3

OPINION OF LESSEE'S COUNSEL IN LIEU OF BOARD CERTIFICATION

As Counsel for aforementioned LESSEE, it is my opinion that:

- (a) LESSEE is a political subdivision of the State, duly organized, existing and operating under the constitution and laws of the State.
- (b) The Lease has been duly authorized and has been executed by an authorized representative.
- (c) The Lease creates a legal, valid and binding obligation of the LESSEE and that such Lease is enforceable in accordance with its terms.
- (d) The equipment covered by the Lease is not being used for other than a public purpose.

COUNSEL FOR LESSEE:

Print Name: _____

Title: _____

Signature: _____

Date: _____

Firm Name: _____

Address: _____

Information Return for Tax-Exempt Governmental Obligations

► Under Internal Revenue Code section 149(e)

► See separate instructions.

Caution: If the issue price is under \$100,000, use Form 8038-GC.

OMB No. 1545-0720

Part I Reporting Authority		If Amended Return, check here ☐	
1 Issuer's name		2 Issuer's employer identification number (EIN)	
3a Name of person (other than issuer) with whom the IRS may communicate about this return (see instructions)		3b Telephone number of other person shown on 3a	
4 Number and street (or P.O. box if mail is not delivered to street address)	Room/suite	5 Report number (For IRS Use Only) 3	
6 City, town, or post office, state, and ZIP code		7 Date of issue	
8 Name of issue		9 CUSIP number	
10a Name and title of officer or other employee of the issuer whom the IRS may call for more information (see instructions)		10b Telephone number of officer or other employee shown on 10a	

Part II Type of Issue (enter the issue price). See the instructions and attach schedule.	
11 Education	11
12 Health and hospital	12
13 Transportation	13
14 Public safety	14
15 Environment (including sewage bonds)	15
16 Housing	16
17 Utilities	17
18 Other. Describe ►	18
19 If obligations are TANs or RANs, check only box 19a	☐
If obligations are BANs, check only box 19b	☐
20 If obligations are in the form of a lease or installment sale, check box	☒

Part III Description of Obligations. Complete for the entire issue for which this form is being filed.					
	(a) Final maturity date	(b) Issue price	(c) Stated redemption price at maturity	(d) Weighted average maturity	(e) Yield
21		\$	\$	years	%

Part IV Uses of Proceeds of Bond Issue (including underwriters' discount)				
22	Proceeds used for accrued interest	22		
23	Issue price of entire issue (enter amount from line 21, column (b))	23		
24	Proceeds used for bond issuance costs (including underwriters' discount)	24		
25	Proceeds used for credit enhancement	25		
26	Proceeds allocated to reasonably required reserve or replacement fund	26		
27	Proceeds used to currently refund prior issues	27		
28	Proceeds used to advance refund prior issues	28		
29	Total (add lines 24 through 28)	29		
30	Nonrefunding proceeds of the issue (subtract line 29 from line 23 and enter amount here)	30		

Part V Description of Refunded Bonds. Complete this part only for refunding bonds.		
31	Enter the remaining weighted average maturity of the bonds to be currently refunded	years
32	Enter the remaining weighted average maturity of the bonds to be advance refunded	years
33	Enter the last date on which the refunded bonds will be called (MM/DD/YYYY)	
34	Enter the date(s) the refunded bonds were issued (MM/DD/YYYY)	

For Paperwork Reduction Act Notice, see separate instructions.

Cat. No. 63773S

Form **8038-G** (Rev. 9-2011)

Part VI Miscellaneous

35	Enter the amount of the state volume cap allocated to the issue under section 141(b)(5)	35	
36a	Enter the amount of gross proceeds invested or to be invested in a guaranteed investment contract (GIC) (see instructions)	36a	
b	Enter the final maturity date of the GIC ▶ _____		
c	Enter the name of the GIC provider ▶ _____		
37	Pooled financings: Enter the amount of the proceeds of this issue that are to be used to make loans to other governmental units	37	
38a	If this issue is a loan made from the proceeds of another tax-exempt issue, check box ☐ and enter the following information:		
b	Enter the date of the master pool obligation ▶ _____		
c	Enter the EIN of the issuer of the master pool obligation ▶ _____		
d	Enter the name of the issuer of the master pool obligation ▶ _____		
39	If the issuer has designated the issue under section 265(b)(3)(B)(i)(iii) (small issuer exception), check box	☐	
40	If the issuer has elected to pay a penalty in lieu of arbitrage rebate, check box	☐	
41a	If the issuer has identified a hedge, check here ☐ and enter the following information:		
b	Name of hedge provider ▶ _____		
c	Type of hedge ▶ _____		
d	Term of hedge ▶ _____		
42	If the issuer has superintegrated the hedge, check box	☐	
43	If the issuer has established written procedures to ensure that all nonqualified bonds of this issue are remediated according to the requirements under the Code and Regulations (see instructions), check box	☐	
44	If the issuer has established written procedures to monitor the requirements of section 148, check box	☐	
45a	If some portion of the proceeds was used to reimburse expenditures, check here ☐ and enter the amount of reimbursement ▶ _____		
b	Enter the date the official intent was adopted ▶ _____		

Signature and Consent

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. I further declare that I consent to the IRS's disclosure of the issuer's return information, as necessary to process this return, to the person that I have authorized above.

Signature of issuer's authorized representative _____ Date _____ Type or print name and title _____

Paid Preparer Use Only

Print/Type preparer's name	Preparer's signature	Date	Check ☐ if self-employed	PTIN
Firm's name ▶	Firm's EIN ▶			
Firm's address ▶	Phone no.			

Sovereign Leasing LLC Lease Agreement Terms Sheet

Lessor: Sovereign Leasing, LLC
3 Huntington Quadrangle
Suite 101N
Melville, NY 11747-4616

Lessee:

Equipment Description / Quantity

2012 IC/CE School Buses 71 pass

Schedule of Terms	Payment Date	Per Quantity		Total for Group		Combined Min. Insurance For Equip. After Payments
		Payment amount	Implied Interest	Payment Amount	Implied Interest	
Initial payment	9/1/2012	0.00	0.00	0.00	0.00	0.00
Second Payment	9/1/2013	0.00	0.00	0.00	0.00	0.00
Third Payment	9/1/2014	0.00	0.00	0.00	0.00	0.00
Fourth Payment	9/1/2015	0.00	0.00	0.00	0.00	0.00
Fifth Payment	9/1/2016	0.00	0.00	0.00	0.00	0.00
Sixth Payment	9/1/2017	0.00	0.00	0.00	0.00	0.00

Signed by: _____

INSURANCE COMPANY AND COVERAGE INFORMATION SHEET

TO: Sovereign Leasing, LLC
3 Huntington Quadrangle
Suite 101N
Melville, NY 11747-4616

From:

INSURANCE: COMPANY AND COVERAGE

Company _____
Address _____
City/ST/Zip _____
Agent _____
Phone Number _____ Fax Number _____

In Agreement with the Types and Amounts listed in the Insurance Section of Sovereign's Lease Agreement, paragraph 8, the Insurance Company / Agent listed above, has been asked to Issue a Certificate of Insurance naming Sovereign Leasing, LLC as Loss Payee.

<u>Type</u>	<u>Amount</u>
Public Liability and Property Damage(Comprehensive)	\$1,000,000.00 Combined Single Limit (per occurrence)
Collision, Fire and Theft (All Risk)	Not less than replacement Value
Combined Minimum for Collision, Fire and Theft(Risk)	\$ -

Lessee:

Responsible Official: _____
Title: _____

Leased Vehicle Assignment Agreement

Midwest: Midwest Transit Equipment, Inc. 146 W. Issert Drive, P.O. Box 582, Kankakee, IL 60901 Attn: Chris Lounsbury Telephone: 815-933-2412 Fax: 815-933-3966 Email: chris.lounsbury@midwesttransit.com	Lessee: Name: _____ Address: _____ Attn: _____ Telephone: _____ Fax: _____ Email: _____ State of Organization: _____
--	--

The Parties Agree as follows:

Date of This Agreement: _____	"Transfer Date" (i.e. the date Lessee will terminate Lease and assign Vehicles to Midwest) _____
Date of Termination of Lease by its terms: _____	

1. **LEASE.** Contemporaneously with the execution of this Agreement, Lessee is entering into a Municipal Lease Agreement (the "Lease") with Sovereign Leasing, Inc. ("Lessor"), a true, accurate and complete copy of which is attached to this Agreement as **Exhibit A**, pursuant to which Lessee is leasing those busses identified in the schedule attached to the Lease (the "Vehicles").

2. **ASSIGNMENT.** Lessee hereby assigns to Midwest the exclusive right to acquire legal title to the Vehicles upon the termination of the Lease in accordance with Section 3 of the Lease (including without limitation, any termination arising out of an Event of Non-Appropriation, as provided in Section 4 of the Lease). In addition to the foregoing, Lessee hereby acknowledges that Midwest is the assignee identified in Section 18 of the Lease, and assigns to Midwest the exclusive right to acquire legal title to the Vehicles upon termination of the Lease in accordance with Section 18 of the Lease.

3. **COVENANTS OF LESSEE.** During the term of the Lease, Lessee shall: (1) pay and perform all obligations under the terms of the Lease arising or accruing prior to the date of termination, including without limitation, the obligation to pay rent and other payments due under the Lease and to maintain insurance, (2) operate and maintain all Vehicles in accordance with **Exhibit B** (the "Guidelines"), (3) deliver to Midwest a copy of any notices given or received by Lessee under the terms of the Lease, and (4) if any one or more Vehicles are not operated and maintained in accordance with the Guidelines and delivered to Midwest in the condition required under the Guidelines, Lessee shall pay to Midwest on the termination date an amount equal to the cost to repair and replace the Vehicle caused by Lessee's failure. Lessee shall deliver all notices required in a timely fashion and shall terminate the Lease in accordance with Section 18 of the Lease effective as of the Transfer Date. Lessee shall not terminate the Lease pursuant to Section 18 of the Lease prior to the Transfer Date.

4. **CLOSING.** On the Lease termination date (which the parties agree is intended to be the Transfer Date set forth above): (1) Lessee shall deliver the Vehicles to Lessor at the address designated by Midwest in the condition required pursuant to the Guidelines, (2) Lessee shall pay to Lessor any amounts then due and owing under the Lease which are accrued but unpaid, (3) Midwest shall pay to Lessor all amounts due and owing under the Lease on termination, as set forth on the Schedule attached to the Lease, and (4) Lessee shall pay to Midwest the amounts due pursuant to Section 3(4) of this Agreement.

5. **LESSEE'S REPRESENTATIONS.** Lessee hereby represents and warrants that: (1) Lessee is a political subdivision of the State of Organization (set forth above), existing and operating under the constitution and law of the State of Organization, (2) the Lease and this Agreement have been duly authorized and have been executed by an authorized representative, (3) the Lease and this Agreement create a legal, valid and binding obligation of the Lessee, and the Lease and this Agreement are enforceable in accordance with their respective terms, and (4) the Vehicles are not being used for other than a public purpose.

6. **GOVERNING LAW; SUCCESSORS.** This Agreement shall be governed in accordance with the laws of the State of Illinois and shall be binding upon Midwest and Lessee and their respective successors and assigns. Neither the Lease nor this Agreement may be assigned by Lessee without Midwest's prior written consent.

MIDWEST:

Midwest Transit Equipment, Inc. a Nevada corporation

By: _____

Title: _____

LESSEE:

By: _____

Title: _____

Please have notary sign and stamp below, or use school seal stamp.

"Signed and sworn before me this ____ day of _____"



ACCEPTANCE GUIDELINES FOR RETURN OF LEASED VEHICLES

LEASE-END:

MIDWEST TRANSIT WANTS TO MAKE SURE THAT YOUR END-OF-LEASE EXPERIENCE IS AS CONVENIENT AND HASSLE FREE AS POSSIBLE. TO HELP YOU THROUGH OUR LEASING PROCESS WE HAVE CREATED SOME BASIC GUIDELINES FOR YOU TO FOLLOW.

PREVENTION OF WEAR AND USE:

ALWAYS ABIDE BY AND STAY IN ACCORDANCE TO THE MANUFACTURER'S RECOMMENDATIONS. TO MAINTAIN YOUR VEHICLE AND KEEP IT IN GOOD CONDITION:

- CHANGE THE OIL AND OIL FILTER REGULARLY BASED ON MILEAGE AND HOURLY REQUIREMENTS
- ROTATE TIRES AND MAINTAIN TIRE PRESSURE
- INSPECT AND REPLACE BELTS AND HOSES
- MAINTAIN FLUID LEVELS
- WASH BUS THOROUGHLY UNDERNEATH, ESPECIALLY AREAS WHERE SALT IS SPREAD FROM MELTING OF SNOW AND ICE

MILEAGE LIMIT:

IF YOU SURPASS THE MILEAGE ALLOWANCE FOR YOUR LEASE TERM, YOU WILL BE SUBJECT TO A PREDETERMINED MILEAGE FEE AS OUTLINED IN THESE GUIDELINES.

WEAR AND TEAR GUIDELINES:

AS YOU NEAR THE END OF YOUR LEASE, IT'S IMPORTANT THAT YOU UNDERSTAND THE RESPONSIBILITIES FOR YOUR VEHICLE MAINTENANCE AND REPAIR USE. THE FOLLOWING GUIDELINES SHOULD BE USED TO APPRAISE THE CONDITION OF YOUR VEHICLE. ANY VEHICLE RETURNED WITH "NORMAL WEAR AND TEAR" WILL BE ACCEPTABLE.

NOTE:

LESSEE WILL RETURN THE BUSES TO THE DISTRIBUTOR WHO FURNISHED THE BUSES TO LESSEE ON THE INSTRUCTIONS OF LESSOR. ALL THE EQUIPMENT AND ACCESSORIES ORIGINALLY FURNISHED WITH THE BUSES WILL BE IN PLACE AND IN GOOD OPERATING CONDITION. IF THE LESSOR/DISTRIBUTOR HAS TO PERFORM REPAIRS FOR THE FOLLOWING DEFECTS, THE LESSEE WILL BE RESPONSIBLE FOR PAYMENT AT THE TIME OF INVOICE.

"NORMAL WEAR AND TEAR" WILL NOT INCLUDE:

- MISMATCHED (SIZES OR TYPES) TIRES WITH LESS THAN FORTY PERCENT (40%) OF TREAD REMAINING
- TIRES WHICH ARE RE-CAPPED, DAMAGED, GOUGED, CUT OR DETERMINED BY DISTRIBUTOR TO BE IN AN UNSAFE OPERATING CONDITION
- BRAKE SHOES AND PADS MUST HAVE BEEN REPLACED WITHIN 15,000 MILES OF WHEN EACH BUS IS RETURNED TO THE LESSOR
- BODY CREASED, GOUGES, DENTS, OR NON-BUFFABLE PAINT SCRATCHES OR SCUFFS. EXCESSIVE BODY DIMPLES AND/OR DINGS REQUIRING METAL AND/OR PAINT WORK TO RESTORE TO ACCEPTABLE "NORMAL" CONDITION
- ANY PAINT DAMAGE DUE TO SANDBLASTING, HAIL, ROAD TAR, TREE SCRAPES, AND/OR CHEMICAL FALLOUT
- ANY DEFECTIVE PAINT OR BODY REPAIRS DUE TO SUB-STANDARD REPAIRS, MUST BE ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS
- ANY LESSEE APPLIED PAINT OF IDENTIFICATION WHICH CANNOT BE REMOVED WITHOUT METAL AND/OR PAINT WORK
- ANY DAMAGE TO INTERIOR LINING, BULKHEADS, SCUFF PLATES, LIGHTS, ROOF BOWS OR SUPPORTS, INCLUDING BUT NOT LIMITED TO CRACKS, BREAKS, TEARS, GOUGES, OR ANY OTHER DAMAGE WHICH MAKES VEHICLE UNABLE TO PASS ANY STATE OR LOCAL SAFETY INSPECTION
- BROKEN AND/OR INOPERATIVE FRONT, REAR, OR SIDE LIGHT(S), MARKER(S), OR REFLECTOR(S)

- BENT, TWISTED, DENTED, DINGED, OR GOUGED BUMPER(S) AND/OR DOOR(S)
- ANY HOLES OR OTHER MODIFICATIONS MADE TO THE VEHICLE, WHETHER INTERIOR OR EXTERIOR, FOR THE INSTALLATION OF ANY ADDITIONAL EQUIPMENT BY THE LESSEE AND/OR DRIVER(S) OF THE VEHICLE WHICH ARE NOT COMPLETELY REMOVED AND/OR REPAIRED
- ANY MECHANICAL REPAIRS ON ANY COMPONENTS OR SUSPENSION WHICH MAY BE REQUIRED DUE TO ABUSE, ACCIDENT, NEGLIGENCE, OR THE LACK OF PROPER MAINTENANCE, OR ANY REPAIRS REQUIRED WHICH ARE NOT CONSIDERED "NORMAL WEAR AND TEAR"
- EACH BUS MUST HAVE A CURRENT STATE INSPECTION STICKER WITH AN EXPIRATION DATE AT LEAST THREE MONTHS FOLLOWING THE MONTH IN WHICH THE BUS IS RETURNED TO LESSOR. EACH BUS MUST BE CLEAR OF MECHANICS' AND OTHER LIENS
- TORN, PUNCTURED, BURNED, VANDALIZED OR OTHERWISE DAMAGED UPHOLSTERY WILL BE REPLACED PRIOR TO RETURNING THE BUS TO THE LESSOR/DISTRIBUTOR
- WINDSHIELD CRACKS OR STARS MORE THAN ¼" DIAMETER OR ANY CRACKS OR STARS WITHIN THE SWEEP OF THE WINDSHIELD WIPERS
- BUS IS TO BE CLEANED INSIDE AND OUT, FLOORS FREE FROM GUM, TAR, AND GARBAGE. EXTERIOR SHALL BE CLEAN
- FLOORS TO BE FREE FROM ALL SPORTS SHOE SPIKE DAMAGE OR STAINS FROM SPILLS OF LIQUIDS
- ANNUAL MILEAGE ALLOWANCE = 15,000 . \$0.35 PER MILE WILL BE ASSESSED TO THE LESSEE IF MILEAGE OVER THE ALLOWABLE AMOUNT, DUE UPON RECEIPT OF INVOICE
- LESSOR HAS ASSIGNED MIDWEST TRANSIT EQUIPMENT AS ITS AGENT FOR THE INSPECTION OF THESE BUSES UPON RETURN

DISTRIBUTOR: MIDWEST TRANSIT EQUIPMENT, INC LESSEE: _____
/AGENT

BY: _____ BY: _____

TITLE: _____ TITLE: _____

DATE: _____ DATE: _____

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

Issue Considered: Public Hearing for Conditional Use 2013-0029.

Date: August 13, 2013

Prepared By: George Kinney, AICP, Community Development

Summary of Issue: The project site contains a relocated historic structure. Agent on behalf of applicant/owner requests the ability to re-use this locally designated historic structure for two-family residential use. The request is brought pursuant to a recent text amendment to the CRD-EA zoning category. Applicant has received a number of past approvals including a setback variance and a certificate of appropriateness necessary to relocate the structure.

Requested Motion: “I move to approve Conditional Use 2013-0029 subject to the conditions noted in the City staff report”

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 Application No. 2013-0029
City Commission Public Hearing – August 13, 2013

I. Property Information

Address: 101 8th Avenue (Parcel ID 19-32-16-58932-005-0220)
Owner: Carl and Jacqueline Hollenbach (Zephaniah Phillips House)
Agent: Ralph Lickton

Existing Use: Vacant - Relocated Historic Structure
Zoning: CRD-EA (Community Redevelopment District – Eighth Avenue)

II. Request/Code Requirements

The project site is located between Bamboozle and the Sea Horse Restaurant on 8th Avenue. Alleys border the rear and east side of the property and the previously undeveloped site was used for parking and storage. It currently contains the relocated Zephaniah Phillips house, which the applicant intends to use for residential purposes. Accordingly, applicant is requesting Conditional Use approval pursuant to the following:

Sec. 40.4. - Permitted conditional uses and structures.

Single-family and two-family residential, subject to the following conditions:

- The structure is eligible for local historic designation pursuant to Section 28.22 of the Land Development Code;
- The applicant applies for designation of the structure as historic and the Historic Preservation Board approves the request;
- 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 applicant applies for and is granted the conditional use pursuant to Section 4.4 of the Land Development Code.

III. Background Information/History

November 1, 2012 – Case #2012-0050 was approved by the Historic Board. Applicant applied for and received a Certificate of Appropriateness to relocate the ZP House from Pass-A-Grille Way to the current location on 8th Avenue. The Board also recommended the approval of a setback variance request to the Board of Adjustment.

November 15, 2012 – Case #2012-0051 was approved by the Historic Board. This approval authorized a FEMA elevation variance.

November 28, 2012 – Case #2012-0052 was approved by the Board of Adjustment approving a setback variance. The Development Order for that request prohibited parking in front of the structure and required a site plan that included an outdoor seating plan and front courtyard details including amenities related thereto.

February 22, 2013 – Ordinance 2013-06 was approved by the City Commission and articulated a process to allow residential use in the CRD-EA subject to conditions.

IV. Zoning and Comprehensive Plan

The property is zoned Community Redevelopment District – Eighth Avenue (CRD-EA), which permits *‘Single-Family and Two-Family Residential’* as a Conditional Use. The Comprehensive Plan land use designation is also CRD-EA.

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. Staff would offer the following additional conditions for approval:

1. Applicant has agreed to advise all potential tenants of the secondary impacts related to residing in a commercial corridor. Staff would encourage a relevant statement written into all rental agreements.
2. The ZP historic marker on Pass-A-Grill Way shall either be removed or relocated to the 8th Avenue site.
3. The courtyard shall be developed as noted in the ‘Proposed Landscape/Hardscape Plan’ and is encouraged to be available for public use at owner discretion.

Aerial Photograph



July 15, 2013



Site Photos



Figure 1. View across 8th Avenue



Figure 2. View west along 8th Avenue



Figure 3. From 8th Avenue along Alley (Sea Horse Restaurant to right)



Figure 4. From 8th Avenue toward Sea Horse Restaurant



Figure 5. From rear toward 8th Avenue



Figure 6. Existing courtyard on 8th Avenue

Relevant Code Provisions

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. 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;
 - (4) The applicant applies for and is granted the conditional use pursuant to Section 4.4 of the Land Development Code.

CONDITIONAL USE APPLICATION

Case Number: 2013 0029

PROPERTY FOR PROPOSED VARIANCE

Legal Description: LOT 22, BLOCK 5, MOREY BEACH, AS RECORDED IN PLAT BOOK 1, PAGE 102, HILLSBOROUGH COUNTY/PINELLAS COUNTY

Parcel ID 19/32/16/58932/005/0220

Address 101 EIGHTH AVENUE, ST. PETE BEACH, FLORIDA 33706

Current Zoning: CRDEA FLUM Designation: _____ Lot Area: 4330 sq.ft.

Existing Use: — Proposed Use: STAND ALONE RESIDENTIAL DUPLEX

APPLICANT/AGENT:

PROPERTY OWNER: (LETTER ATTACHED)

Name: RALPH O. LICKTON, DESIGNER

Name: CARL & JACQUELINE HOLLENBACK

Address: 1706 PASS-A-GRIFFIN WAY #3

Address: P.O. BOX 46408

City: ST. PETE BEACH, State: FLA.

City: ST. PETE BEACH State: FLA.

Zip: 33706 Phone: (727) 368-0017

Zip: 33741 Phone: (727) 363-0494

Email: LICKTONDESIGN@VERIZON.NET

Email: JHEMMSU@TAMPABAY.FLORIDA.GOV

DETAILS OF THE REQUEST: Cite code sections for which conditional use is requested: (Add additional sheets if necessary)

CONDITIONAL USE APPLICATION REQUEST

CONSISTANT WITH CRD EA ZONING DISTRICT

LAND DEVELOPMENT ORDINANCES

Attach the following supporting documentation to this application:

- Recent survey of the property
- A site plan, drawn to scale, illustrating the proposed conditional use

This completed application, together with all required supporting documents and fees, 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. If any materials are missing or any part of this application is left blank, staff may refuse the application until such time as it is completed by the applicant. [Signature] (applicant's initials)



Application Checklist:

Check here if document is attached	Required Document
✓	Recent Survey of the property illustrating all boundaries, easements, and physical improvements.
✓	Site Plan drawn to scale showing proposed deviations of the code. NO DEVIATIONS

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 your case meets these requirements (attach additional sheets if necessary):

COMPLIANT WITH PREVIOUS APPROVALS (2) FROM HISTORIC BOARD AND APPROVAL WITH CONDITIONS FROM BOARD OF ADJUSTMENT

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

— YES — SEE ATTACHED LETTER

- 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:

HISTORIC STRUCTURE LOCATED IN HISTORIC DISTRICT

- 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;

IMPROVEMENTS FROM UNDEVELOPED LOT FORMERLY UTILIZED FOR PARKING AND STORAGE :

- RELOCATED "OLDEST HOUSE" HISTORIC RESTORATION AND PRESERVATION
- BOARD OF ADJUSTMENT APPROVED 27' FRONT YARD SETBACK VARIANCE TO CREATE A LANDSCAPED COURTYARD

3 OFF-STREET PARKING SPACES ACCESSED FROM ALLEY
LESS IMPACT THAN COMMERCIAL DEVELOPMENT



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

RELOCATED AND PRESERVED HISTORIC
DESIGNATED CONTRIBUTING STRUCTURE RESOURCE
LOCATED IN HISTORIC DISTRICT

- 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;

PROPOSED DEVELOPMENT WILL BE AN ASSET TO COMMUNITY
PLEASE SEE RENDERING AND SITE PLAN

- 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;

DUPLEX RESIDENCIAL WILL HAVE NEGLIGABLE IMPACT
OR POTENTIAL FOR ADVERSE CONDITIONS

- 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);

LOCATED ON PUBLIC TRANSPORTATION
BUS ROUTE

DUPLEX RESIDENTIAL IS A LESSER IMPACT THAN
SURROUNDING COMMERCIAL DEVELOPMENT



- 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 and loading spaces);

SITE PLAN PROVIDES 3 STANDARD SIZE OFF-STREET
PARKING SPACES ACCESSED FROM ALLEY.
(CRDEA ZONING DOES NOT HAVE A REQUIREMENT)

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

YES - APPLICANT SHALL ADVISE TENANTS THAT THEY
WILL BE RESIDING IN A COMMERCIAL ZONED AREA.

- 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 guarantee the provision of such improvements and mitigation; and,

APPLICANT HAS ALREADY DEMONSTRATED ABILITY AND
CAPACITY WITH EXPENDING SIGNIFICANT FUNDS
FOR THE ACQUISITION, RELOCATION, ENGINEERING,
DESIGN, AND APPLICATION FOR APPROVALS

- 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.

YES - PROJECT HAS REQUISITE APPROVALS FROM
THE APPROPRIATE BOARDS

Signature of Applicant

Date

Signature of Authorized Agent

Date

For office use only:

Fees: _____

Hearing Date: _____

Board Action:
JUL 12 2013

☐ Approved as requested ☐ Approved with conditions ☐ Denied ☐ Continued





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

I/WE

CARL & JACQUELINE HOLLENBACK

(print name of property owner)

hereby authorize

RALPH O. LICKTON, DESIGNER

(print name of agent)

to represent me/us in an application for

CONDITIONAL USE

(type of application: variance, conditional use, zoning, etc.)


Signature of Owner

CARL HOLLENBACK

Print Name of Owner


Signature of Owner

JACQUELINE HOLLENBACK

Print Name of Owner

The forgoing instrument was acknowledged before me this 11 day of July
2013, by Carl Hollenback who is personally known _____
or produced FL Driver License as identification.


(Notary Signature)

7/11/2013
(Date)

My Commission Expires 1/9/2016



CHRISTOPHER TENCH
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE158354
Expires 1/9/2016

Mr. & Mrs. Carl Hollenback
P.O. Box 46408
St. Petersburg, FL 33741

Mr. Bruce Cooper
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL 33706

June 19, 2013

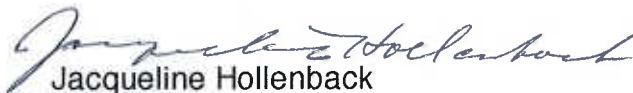
Dear Mr. Cooper,

It is our understanding that you have requested a written statement from us, outlining our intentions for the use of the relocated Zephaniah Phillips House. We are presently awaiting the positioning of the structure on our property at 101 8th Avenue in the Historic Section of Pass a Grille. We attended several meetings with the City's Historic Board and Board of Adjustment, as well as the January 8th 2013 meeting of the City Commission. We stated at all of these meetings that our intention was to remodel the structure and rent it out as two residential units (duplex), and the Commission approved an amendment to Ordinance 2013-06 to insure that this use was, in fact, allowed. Further, it is our understanding that we will be able to rent each unit for periods of not less than 90 days, with the exception of three separate periods of less than 90 days three times per year, per unit. I hope this clarifies any question you may have as to our intention in regard to the use of this structure.

Sincerely,



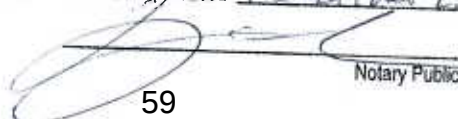
Carl Hollenback



Jacqueline Hollenback



State of Florida
County of Duval
Subscribed and sworn to (or affirmed) before me this
21 day of June 2013
By Carl & Jacqueline Hollenback
Personally known OR produced identification
Type identification produced FL Driver License



Notary Public



RECEIVED
JUL 12 2013
COMMUNITY DEVELOPMENT

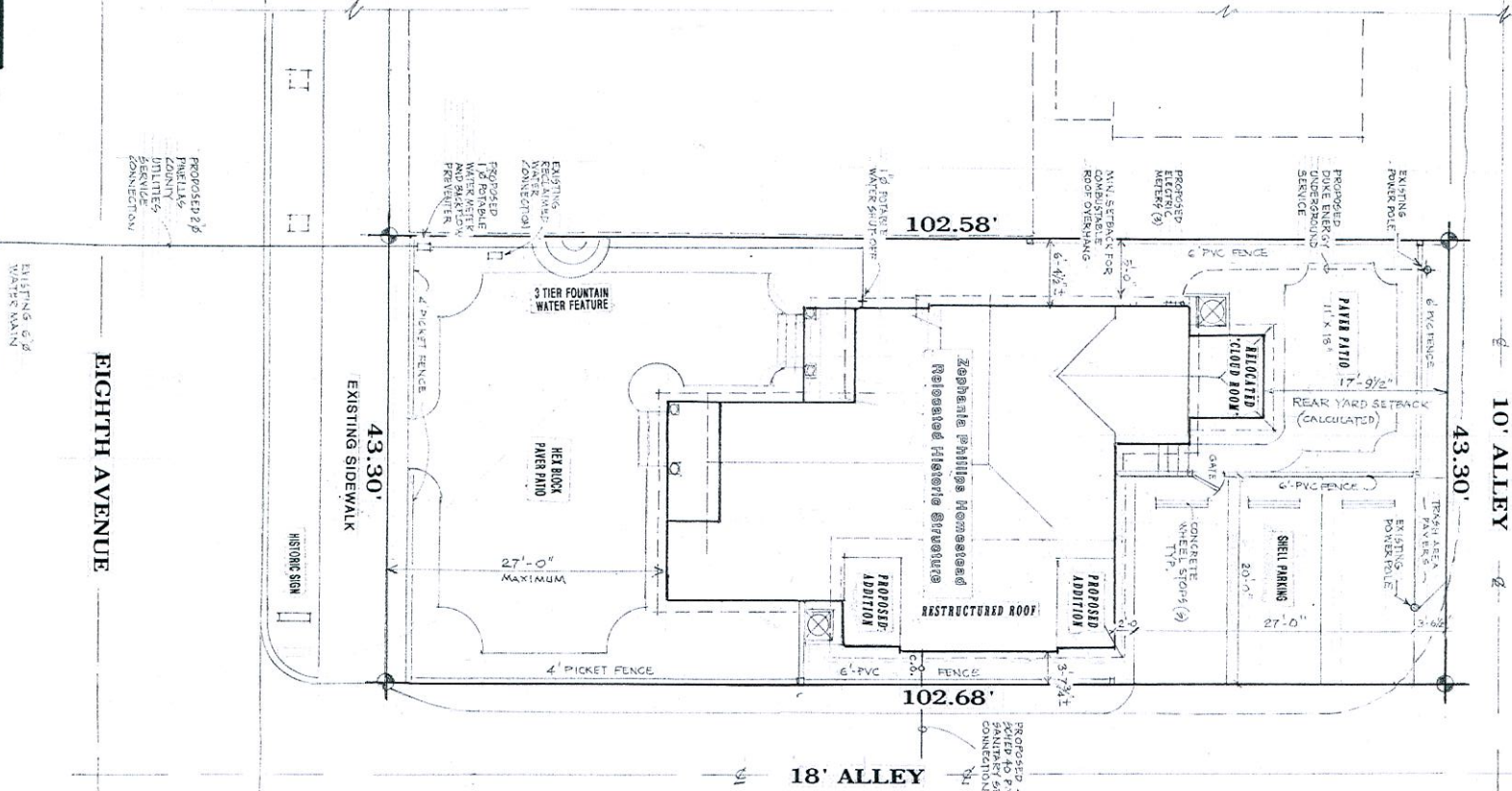
AREA CALCULATIONS

LOT AREA:	102.415 (overlaid) : 100%
STRUCTURE COVER:	1395.41 sq/ft
PATIO PATIO & TERRACE:	584.6 sq/ft
TOTAL IMPERVIOUS:	1082.01 sq/ft : 42.5%

PROPOSED SITE PLAN

SCALE 1/8" = 1'-0"

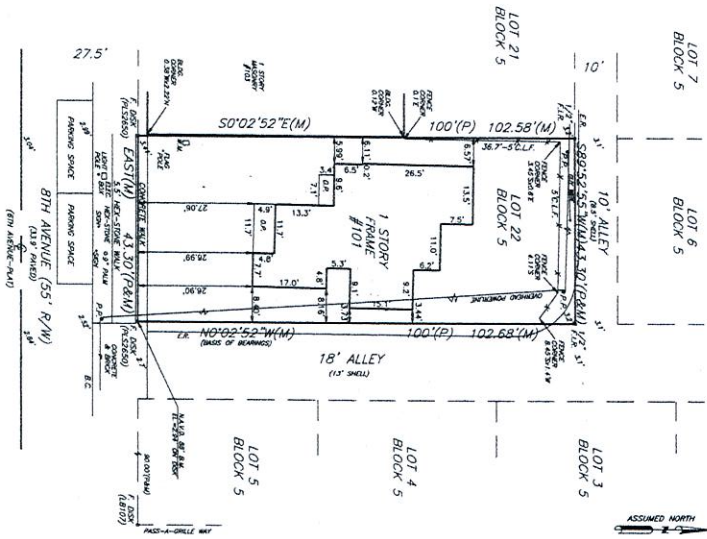
NORTH



FOUNDATION PERMIT ONLY

JOB NUMBER: 100102	DATE: 8/19/09	PROPOSED: LAND SURVEYOR	DATE: 8/19/09
DATE OF FIELD SURVEY: 2/05/13	SCALE: 1" = 20' FEET	SECTION: 19 TOWNSHIP 33 SOUTH RANGE 14 EAST	CREATED BY: DON
OWNER: CLARK AND JACQUELINE HOLLENBACK		FLOOD ZONE: XE-1 (FE-10&11)	
DESIGNED BY: CLARK AND JACQUELINE HOLLENBACK		FLOOD MAP DATE: 8/19/09	
		PANEL NUMBER: 0278 G	
		CREATED BY: DON	

A BOUNDARY SURVEY WITH SPOT ELEVATIONS OF LOT 22 BLOCK 5, WARD BEACH, AS RECORDED IN PLAT BOOK 1, PAGE 102, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, OF WHICH PINELLAS COUNTY WAS FORMERLY A PART.



- INDEX TO DRAWINGS
- 1 PROPOSED SITE PLAN WITH UTILITIES
 - 2 EXISTING FLOOR PLAN WITH SELECTIVE DEMOLITION
 - 3 FOUNDATIONS/LAB PLAN
 - 4 FLOOR FRAMING PLAN
 - 5 PROPOSED FLOOR PLAN
 - 6 ROOF FRAMING PLAN
 - 7 ROOF PLAN
 - 8 EXTERIOR ELEVATIONS
 - 9 TYPICAL SECTION DETAILS
 - 10 SECTION DETAILS ENGINEER'S GENERAL NOTES WITH WIND LOAD CALCULATIONS
 - 11 ELECTRICAL PLANS
 - 12 PLUMBING AND H.V.A.C. PLANS
 - 13 INTERIOR ELEVATIONS

CITY OF ST. PETE BEACH CRD-EA ZONING DISTRICT

PROPERTY LOCATED IN A DESIGNATED FLOOD HAZARD AREA

F.E.M.A. DESIGNATION - AE ELEVATION 11.0' N.A.V.D. 1988

Community Panel #125149 0278 G

PINELLAS GULF BEACH COASTAL CODE ZONE -3'

Ralph Orville Lickton Designer

1706 PASS-A-GRILLE WAY, #3
ST. PETE BEACH, FLORIDA 33706-4277
Phone/Fax: 727-368-0017 licktondesign@verizon.net

In Association with: PATRICK KNAPP, P.E.
301 Woodward Avenue
Oldsmar, Florida 34677
P.E. # 41059 (813) 855-6743 HEAVYPK@AOL.COM

PROPOSED SITE PLAN

REPRODUCTION OR REUSE OF THESE DRAWINGS AND/OR DESIGN ELEMENTS IS PROHIBITED NOR SHALL CHANGES EFFECTING THE STRUCTURAL AND ARCHITECTURAL DESIGN BE MADE WITHOUT OBTAINING THE PROJECT ENGINEER'S AND DESIGNER'S WRITTEN PERMISSION. COPYRIGHT: PATRICK KNAPP, P.E. AND RALPH O. LICKTON, DESIGNER. ALL RIGHTS RESERVED.

Foundation 4/20/13

12/1/12
Landscape 11/16/12
Revised 11/01/12
Revised 10/25/12
Preliminary 10/24/12

PROPOSED STRUCTURE RELOCATION, ADDITIONS, AND RENOVATIONS
THE HISTORIC
ZEPHANIAH PHILLIPS HOMESTEAD
CARL & JACQUELINE HOLLENBACK
101 EIGHTH AVENUE PASS-A-GRILLE
ST. PETE BEACH, FLORIDA 33706

Comm. # 1012

1

RECEIVED
JUL 1 2 2013
COMMUNITY DEVELOPMENT

LICKTON 2012



PROPOSED PASS-A-GRIFF HISTORIC STRUCTURE RELOCATION FOR ZEPHANIA PHILLIPS HOMESTEAD CARL & JACQUELINE HOLLENBACK ST. PETE BEACH, FLORIDA 33706	PATRICK KNAPP, P.E. 301 Woodward Avenue Osprey, Florida 34277 P. O. Box 41050 Osprey, Florida 34277 P. 813 856-5743 HOLLENBACK.COM ST. PETE BEACH, FLORIDA 33706 PROPOSED PASS-A-GRIFF HISTORIC STRUCTURE RELOCATION FOR ZEPHANIA PHILLIPS HOMESTEAD CARL & JACQUELINE HOLLENBACK ST. PETE BEACH, FLORIDA 33706	REPRODUCTION OR REUSE OF THESE DRAWINGS WITHOUT THE WRITTEN PERMISSION OF PATRICK KNAPP, P.E. IS PROHIBITED. ANY VIOLATION OF THIS AGREEMENT WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW. 11/1/12
---	--	---

EIGHTH AVENUE

NORTH

102.58'

POSTLAMPS

3 TIER FOUNTAIN
WATER FEATURE

bench

bench

POST LAMPS

4' PICKET FENCE

EXISTING SIDEWALK

43.30'

HEX BLOCK
PAVER PATIO

picnic table

bench

picnic table

HISTORIC SIGN

Zephania Phillips Homestead
Relocated Historic Structure

SHELL PARKING

P.P.

43.30'

10' ALLEY

102.68'

4' PICKET FENCE

POSTLAMPS

bench

SABAL PALMS (TYPICAL)

18' ALLEY

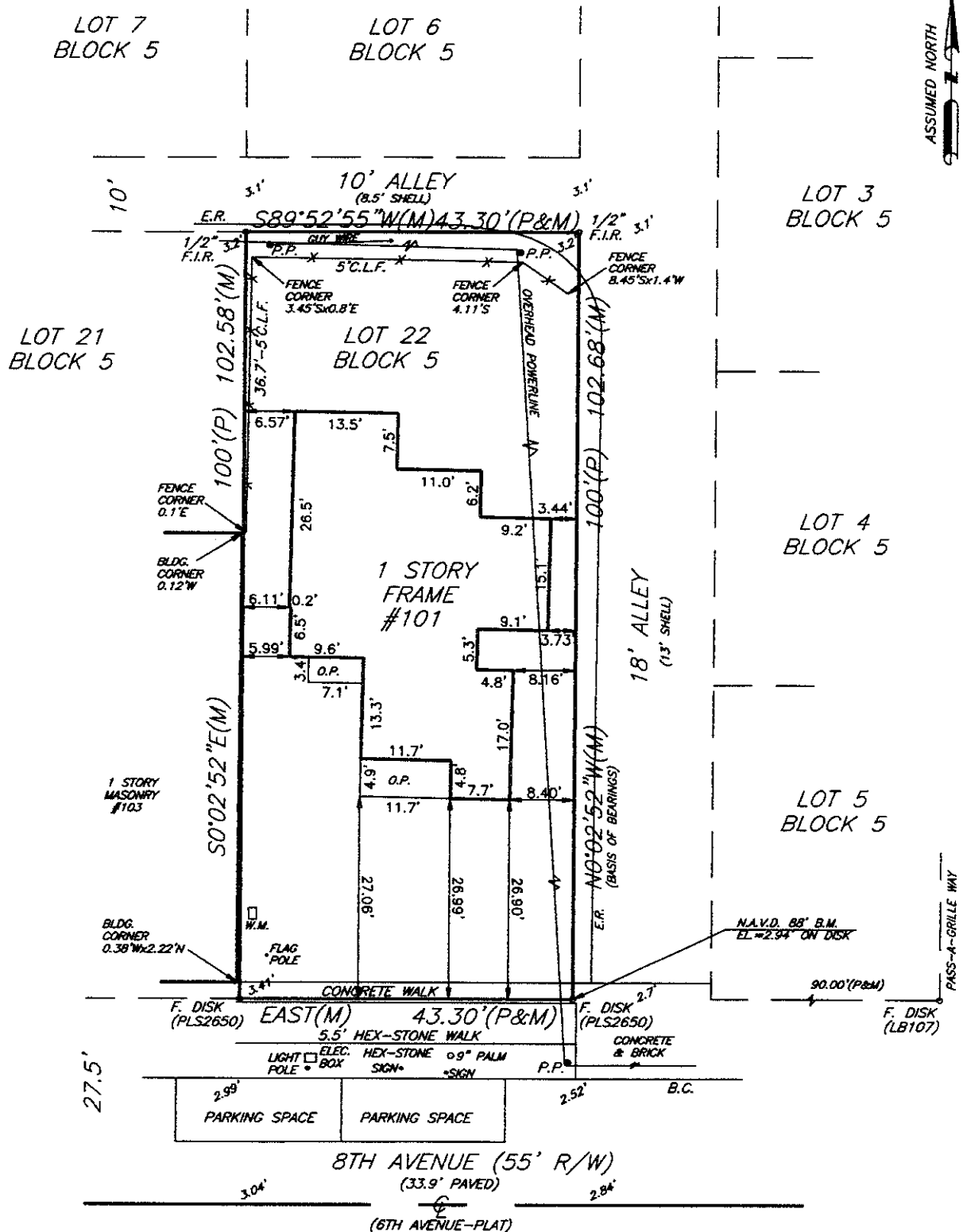
RECEIVED

JUL 12 2013

CLIMAX DEVELOPMENT

PROPOSED LANDSCAPE/HARDSCAPE PLAN

SCALE 1/8" = 1'-0"



A BOUNDARY SURVEY WITH SPOT ELEVATIONS OF LOT 22, BLOCK 5, MOREY BEACH, AS RECORDED IN PLAT BOOK 1, PAGE 102, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, OF WHICH PINELLAS COUNTY WAS FORMERLY A PART.

JOB NUMBER: MMXIII032
TELEPHONE: (727) 360-0636
DATE OF FIELD SURVEY: 2/05/13
SCALE: 1 INCH = 20 FEET
DRAWN BY: DCH

DAVID C. HARNER
PROFESSIONAL LAND SURVEYOR
9925 GULF BOULEVARD
TREASURE ISLAND, FL. 33706
SECTION 19 TOWNSHIP 32 SOUTH RANGE 16 EAST

FLOOD ZONE: "AE" (BFE=10' & 11')
FLOOD MAP DATE: 8/18/09
COMMUNITY NUMBER: 125149
PANEL NUMBER: 0278 G
CHECKED BY: DCH

CERTIFIED TO: CLARK AND JACQUELINE HOLLENBACK

I HEREBY CERTIFY TO THE HEREON NAMED PARTY OR PARTIES, AND ONLY TO THOSE NAMED HEREON, THAT THE BOUNDARY SURVEY REPRESENTED HEREON MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO FLORIDA STATUTE 472.027.

NOTES: UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN. OTHER EASEMENTS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. THIS SURVEY IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE. ONLY THOSE EASEMENTS KNOWN TO ME OR SUPPLIED TO ME BY THE HEREON NAMED PARTY OR PARTIES ARE DEPICTED HEREON.

LEGEND:

A=ARC LENGTH ADJ=ADJACENT B.C.=BACK OF CURB CH.=CHORD LENGTH C=CALC C.L.F.=CHAINLINK FENCE CONC=CONCRETE M.H.=MANHOLE C/C=COVERED CONC CL=CENTERLINE CH. BRG.=CHORD BEARING O.P.=OPEN PORCH EL=ELEVATION FF=FINISHED FLOOR F.I.P.=FOUND IRON PIPE S.I.P.=SET IRON PIPE WITH CAP #2650 F.I.R.=FOUND IRON ROD F.C.M.=FOUND CONCRETE MONUMENT M=MEASURED M.S.=METAL SHED P.O.L.=POINT ON LINE D=DEED R=RECORD W/W=WING WALL W.F.=WOOD FENCE DR=DRAINAGE UT=UTILITY EASE=EASEMENT B.M.=BENCHMARK P.I.=POINT OF INTERSECTION P.R.M.=PERMANENT REFERENCE MONUMENT P=PLAT E.P.=EDGE OF PAVEMENT

"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER"

David C. Harner 2/06/13
DAVID C. HARNER P.L.S.
REGISTRATION NUMBER 2650



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

July 15, 2012

**St. Pete City Commission
NOTICE OF PUBLIC HEARING
Hearing Date: August 13, 2013 at 6:00 PM
City Commission Chambers
155 Corey Avenue
St. Pete Beach, Florida 33706**

Case No: 2013-0029
Address: 101 8th Avenue
Owner: Carl and Jacqueline Hollenbach (Zephaniah Phillips House)
Ralph Lickton, Agent
Request: Applicant requests Conditional Use approval pursuant to Section 40.4 of the Land Development Code to permit the re-use of a locally designated historic structure for two-family residential use.

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).

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

Issue Considered: Authorization to approve special event application and street closure for the Hot Summer Night Run scheduled for Thursday, September 19, 2013. Closures would be Gulf Blvd and Pass-a-Grille Way from 16th Ave to 1st Ave.

Date: August 13, 2013

Prepared By: Jennifer McMahon, Recreation Director

Summary of Issue: The Hot Summer Night Run is a 5K and 10K run that would be held in Pass-a-Grille. The request is asking to close Gulf Blvd and Pass-a-Grille Way from 16th Ave to 1st Ave from 7-9pm. The event expects 800-1,500 runners. A portion of the profits is being donated to 2 Pass-a-Grille non-profits: AMI Kids and Suntan Art Center. The City will not be paying for anything out of pocket. Our in-kind services will be cones and barricades we own and delivered and picked up during normal work hours. All OT, equipment rental, porto-lets, permit fees, insurance to cover alcohol, PCSO, stand by ambulance, etc., will be at the expense of the race coordinator.

Requested Motion: "I move to authorize the approval of The Hot Summer Night Run event application and street closures for September 19, 2013"

Attachments: Event information and application

**Reviewed by
City Manager**

MB

FLORIDA GULF BEACHES ROAD RACES

July 18, 2013

Ms. Jennifer McMahon
City of St. Pete Beach Recreation Department
7701 Boca Ciega Drive
St. Pete Beach, FL 33706

Dear Ms. McMahon,

As we discussed yesterday, I am submitting my special event application to stage a brand new road race, The Hot Summer Night Run (working title). Distances will be 5K and 10K and scheduled for Thursday evening, September 19th at 7:20 pm, starting and finishing on Gulf Way, adjacent to the Hurricane Restaurant.

This event will be sponsored and promoted by Radio Station Hot 101.5 (Cox Media Group), and hosted by the Hurricane Restaurant. Additional sponsors will be approached as well. I will be serving as race director.

We anticipate 800 - 1,500 athletes will participate. If successful, our intent is to use this year's race as a springboard to create a 3-race series next summer and beyond, with events in May, July, and September.

If approved, the 1.55 mile course will start at the Hurricane, head south on Gulf Way to 1st Avenue, east to Pass-A-Grille Way, north to 16th Avenue, west to Gulf Way and back to the Hurricane Restaurant. I have attached a map for your convenience.

The 5K Race will consist of two loops on the course. The 10K Race will consist of four loops on the same course. Both races will start at the same time at 7:20 pm. Sunset is at 7:30 pm on September 19th and the full moon will rise over the bay at 7:36 pm. This should provide a spectacular setting.

We are proposing to erect our start/finish line scaffolding on the Gulf Way southbound lane, which will consist of two 5'x7' sections, each two levels high. Signage on the scaffolding will consist of sponsor banners, to be determined. In addition, we will place a hydration station at Pass-A-Grille Park, between 9th and 10th Street, staffed by volunteers to distribute water to the athletes each lap. We will also place 6 mile markers at the appropriate spots along the course. We also propose to create an area for our post-race party (including beer) that includes Gulf Way from the Hurricane property to the double yellow line marking the center of the road. Site plan will need to be developed and approved.

Our dual goals are to create a safe, attractive course for our athletes, as well as keeping the inconvenience to local residents and visitors to a minimum. We are seeking road restrictions and traffic control as follows:

Gulf Way:	closed to vehicular traffic from 9th Avenue to 8th Avenue from 5:00 pm - 10:00 pm
	closed to vehicular traffic from 16th Avenue to 1st Avenue, 7:00 pm - 9:00 pm
1st Avenue:	closed to vehicular traffic, 7:00 pm - 9:00 pm
Pass-A-Grille Way:	southbound lane closed to vehicular traffic from 16th Ave to 1st Ave, 7:00 pm - 9:00 pm
16th Avenue:	closed to vehicular traffic, 7:00 pm - 9:00 pm

Vehicles will be allowed to exit Pass-A-Grille via the northbound lane of Pass-A-Grille Way. Vehicles will access Pass-A-Grille from the north by proceeding south in the northbound lane under control of the PCSO deputies, passing between the flow of athletes as directed by the deputies. Parking plan will need to be developed and approved.

We are seeking city co-sponsorship as follows: waiving permit fees, traffic control to include off-duty deputies and cones, standby ambulance positioned on the course, and barricades to define a beer-consumption zone on Gulf Way.

Thank you for considering our request - we look forward to staging a great event to promote a healthy, active lifestyle.

Sincerely,

IDAM Wed



Chris Lauber
Race Director

Complete and return to:



St. Pete Beach, FL 33706

Staff Use Only:

Date Received: _____

Permit Number: 20 ____ - ____

SPECIAL EVENT PERMIT APPLICATION

Name of Event Hot Summer Night Run (working name - subject to final approval): 5K & 10K Race

Date of Event Thursday, September 19, 2013 Time Race: 7:20 pm - 9:00 pm; After-party until 10:00 pm

Event Location Start/Finish on Gulf Way next to Hurricane; 1st Avenue, Pass-A-Grille Way, 16th Avenue

Applicant Name: Chris Lauber, Race Director Telephone # 727 468-9196

Email Address: FLRoadRaces@aol.com Mailing Address: 6161 7th Avenue N., St. Petersburg, FL 33710

Organization WaterCross International Inc. dba Florida Road Races Estimated Attendance 800 - 1,500 runners

Please attach a cover letter describing the activities for the event, along with proof of liability insurance. The City Manager may require that a liability bond be posted to insure that no damage is done; the amount of which is to be determined by the City Manager/City Commission according to the intensity of the event.

Do you request Co-Sponsorship? Yes XX No ____ If yes, please fill out page 6. (Co-sponsorship requires City Commission approval)

DO YOU REQUEST ANY OF THESE ACTIVITIES? Please checkmark ☒ all that apply.

	Signage (be specific on type of sign)		Food Sales (Additional DBPR Permit Required)
☒	Retail Vending- possibly	☒	Banner
☒	Fireworks	☒	Alcohol Sale/Consumption (Additional State Liquor Permit Required)
☒	Bonfire	☒	Cookout
☒	Street Closure	☒	Temporary Structure (i.e.: Tent, Stage, Etc.)
☒	Electricity	☒	On-Site Medical Team - Standby Ambulance
☒	Trailer On Site	☒	Traffic/Crowd Control (check with Sheriff's Office)
			Vehicles On The Beach

Other Aid Station at east-side, Pass-A-Grille Park; Cones for Traffic Control, Mile Markers on course

A map must be provided denoting all above referenced areas of activity. The appropriate attached forms must also be completed.

FEE SCHEDULE:

Special Event Permit Fee

\$20.00 Type 1 Events, \$50.00 Type 2 Events, \$500.00 Type 3 Events

Applicant Certification: I have read and understand the instructions provided in this packet. I understand that incomplete and late applications shall not be accepted due to interdepartmental coordination.

I hereby certify that I/we will be responsible for the preservation, sanitation and cleanup of the areas used for the special event. Additionally, I/we certify that there are no misrepresentations in the foregoing statements and answers.

Applicant Signature

July 17, 2013

Date





REQUEST FOR CITY CO-SPONSORSHIP (Resolution 92-16)

If you are requesting a street closure, you are requesting co-sponsorship. All application materials for a 2014 event must be received by August 30, 2013 for consideration.

Co-Sponsorship: An agreement entered into by the City of St. Pete Beach with an entity to provide money, services, or supplies to help promote and implement a program or event. Your request will be placed on the City Commission agenda for consideration of co-sponsorship. The sponsoring entity shall be notified of the decision of the City Commission by the City Clerk. Once approved for co-sponsorship for moneys, supplies or services, you will be required to submit a financial statement, (a final statement of expenditures and revenues), for the event to the City Manager within thirty (30) days of the conclusion of the program or event.

Name of Applicant: Chris Lauber, Race Director

Description of Event: Hot Summer Night Run (working title): 5K & 10K Races starting / finishing at the Hurricane, with appropriate road restrictions, along with post-race party hosted by the Hurricane.

Are you requesting:

1. Money? Yes _____ No XX Amount requested _____
2. In-kind services? Yes XX No _____
3. City supplies? Yes XX No _____
4. Describe in detail services/supplies requested: Is this event sponsored by a charitable or non-profit organization?
We are requesting permit fees to be waived, traffic control (both ~~sheriff personnel~~ & cones), standby ambulance, barricades (preferably bicycle type). This event is NOT sponsored by a non-profit entity, though a portion of the net proceeds after all expenses (TBA), will be donated to local non-profits.

If yes, what is the name of the charity or non-profit organization?

(A letter of authorization is required from the charitable/non-profit organization).

Is this fund-raiser for the non-profit organization? If yes, proof of a permit from the Department of Consumer Protection is required.

What percent of the gross proceeds will go to the non-profit organization?

A portion of the net proceeds after all expenses (TBA) will be donated to local non-profits.

Are you receiving funding from other sources? If yes, who?

Radio station HOT 101.5 is the primary sponsor and will be seeking co-sponsors. Entrants will pay an entry fee.

Do you presently have any outstanding balances due to the City of St. Pete Beach? If yes, describe No

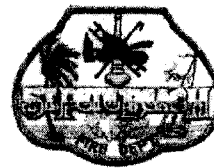
Will this be an annual event? Yes XX No _____

Will this event be recurring later this year? Yes XX No _____ But not calendar year 2013.

If yes, when? If successful, we hope to build this into a 3-race summer series next May, July, and September.

Will this event will be open to the public? Yes XX No _____

If yes, how will it be advertised? Primarily by radio station HOT 101.5, but also Facebook and email marketing.



TEMPORARY STRUCTURE PERMIT APPLICATION

COMPLETE AND RETURN TO:

St. Pete Beach Fire Department
7301 Gulf Blvd.
St. Pete Beach, FL 33706
(727) 363-9206 FAX: (727) 360-6744

Name of Event: Hot Summer Night Run (working name - subject to final approval): 5K & 10K Race
Date of Event: Thursday, September 19, 2013 Hour: 7:20 pm (AM/PM) to 9:00 pm (AM/PM)
Event Location: Start/Finish on Gulf Way next to Hurricane; 1st Avenue, Pass-A-Grille Way, 16th Avenue
(Authorization is required from the property owner)

Event Coordinator/Applicant: Chris Lauber, Race Director Phone: 727 468-9196
Organization: WaterCross International Inc. dba Florida Road Races
Summary of Event Activities: 5K & 10K Races, along with post-race party

Estimated Attendance: 800 - 1,500 athletes

Type of Temporary Structure to be used (check one): Tent ☐ Stage ☐ Bleachers ☐ Other ☒ scaffolding

What will the structure be used for? To define start & finish line

Will cooking be conducted in the structure? Yes: ☐ No: ☒ XX (If yes, a separate outdoor cooking permit is required.)

Who is supplying the structure? Scaffolding is owned by my company, WaterCross International, Inc.

What is the structure constructed of? Metal (If the structure is a tent, attach current Flame Spread Certificate)

Does the tent have open sides? Yes: ☐ No: ☒ NA

GUIDELINES FOR TEMPORARY STRUCTURES

- Tents and air supported structures shall comply with requirements of FPC CH.39
- All structures must be accessible by Fire equipment, Structurally stable, and flame resistant
- There must be separate tents for cooking and dining. Over 100 people, provide emergency lighting
- Fire Extinguishers (approved) minimum 2A-10BC in each tent. 40BC for fat fryers
- Heat producing appliances shall not sit on combustible surface (tables, saw horses, etc.)
- Cooking vendor separation - minimum of 8 feet between vendors
- Electrical connections shall be only approved main disconnect panels complete with circuit breakers and a limited number of receptacles (both 220 and 120 volt) available from the City Public Works Dept.
- Extension cords (temporary wiring) shall comply with NEC Article 305
- Each extension cord shall be plugged directly into an approved receptacle and shall, except for approved multiplying extension cords, serve only one appliance or fixture.
- Extension cords shall be in good condition without splices, deterioration, or damage.
- Extension cords shall be of grounded type when servicing grounded appliances or fixtures.
- Ground fault protection shall be provided to supply temporary power to equipment being used by personnel.
- Plans and necessary applications shall be submitted to the building department for electrical or gas installations. Permits shall be issued only to licensed contractors and limited to one of each per event.
- One EMS unit and one Fire Inspector may be required on site when 1,000 or more are expected to attend. Costs for these services will be billed to the sponsoring organization or promoter.

APPROVALS:

Building Department: _____ Date: _____

Zoning Department: _____ Date: _____

(A map must be provided denoting all above referenced areas of activity. All temporary structures, and electrical supplies must be in accordance with the City of St. Pete Beach guidelines accompanying this application.)

DO YOU HAVE PROOF OF LIABILITY INSURANCE FOR THIS EVENT? Yes ☐ No ☒ XX * If this event is to be held on Public Property, the City may require that a liability bond be posted to insure that no damage is done; the amount of which is to be determined by the City's Risk Management Officer according to the intensity of the event.

*Liability Insurance will be applied for and supplied prior to race day.

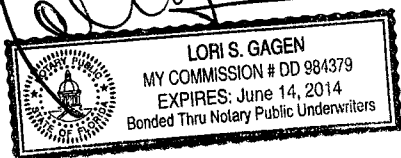
I HEREBY CERTIFY THAT I AM RESPONSIBLE FOR THE PRESERVATION, SANITATION, AND CLEANUP OF THE AREAS USED FOR THE EVENT. ADDITIONALLY, I WE CERTIFY THAT THERE ARE NO MISREPRESENTATION IN THE FOREGOING STATEMENTS AND ANSWERS.

Chris Lauber
(Applicant)

6161 7th Avenue N., St. Petersburg, FL 33710 727 468-9196
(Address) (Phone)

(Signature of Fire Marshal, Fire Chief, or his/her designee)

(Date)



St. Pete Beach Fire Department

2-22-61

St. Pete Beach City Commission Agenda Report

Issue Considered: Final Reading of Ordinance 2013-13

Date: August 13, 2013

Prepared By: George Kinney, AICP

Summary of Issue: The City Commission transmitted this Ordinance following approval of first reading on June 11, 2013. Pursuant to Florida statute, the Ordinance was transmitted to all appropriate review agencies for comment. Review results are as follows:

Review Agency	Date Sent	Date Received	Comment Deadline (30-Days)	Response	Comments
Department of Economic Opportunity	June 14, 2013	June 18, 2013	July 18, 2013	Letter of 'No Objection' with comment	One technical change to Coastal map requested
Pinellas Planning Council	June 14, 2013	June 17, 2013	July 17, 2013	Comments Received	Request to amend RFO multiplier and SAP inconsistencies
Pinellas County	June 14, 2013	June 17, 2013	July 17, 2013	Letter of 'No Objection'	None
Southwest Florida Water Management District	June 14, 2013	Not shown on green card	July 19, 2013	Letter of 'No Objection'	None
Tampa Bay Regional Planning Council	June 14, 2013	Not shown on green card	July 19, 2013	Letter of 'No Objection'	None
Florida Department of State	June 14, 2013	June 19, 2013	July 19, 2013	None	None

Florida Department of Environmental Protection	June 14, 2013	June 19, 2013	July 19, 2013	Letter of 'No Objection'	None
Florida Department of Transportation, District 7	June 14, 2013	June 17, 2013	July 17, 2013	Letter of "No Objection"	None

The review period has elapsed and the revised Comprehensive Plan reflects the following changes:

- The Coastal High Hazard Area (CHHA) map has been amended to reflect the change requested by the Department of Economic Opportunity and Tampa Bay Regional Planning Council. Specifically, the map has been revised consistent with the Tampa Bay Regional Planning Council's 2010 Statewide Regional Evacuation Study. This map will be relocated to the Coastal and Conservation Plan Element.
- The temporary lodging multiplier for the Resort Facilities Overlay (RFO) category in Policy 2.1.1 has been modified consistent with the recommendation of the Pinellas Planning Council and the Pinellas Countywide Rules.

Staff will continue to work with the Pinellas Planning Council to revise the CRD Special Area Plan for consistency with the remaining 5 items articulated in the Pinellas Planning Council letter. This will require a separate action that will be brought back to the Commission at a later time.

Requested Motion: "I move to approve Ordinance 2013-13 (read title)"

Attachments: Ordinance 2013-13, Exhibit, Review Letters.

Reviewed by City Manager: MB

ORDINANCE NO. 2013-__

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, READOPTING THE CITY OF ST. PETE BEACH'S COMPREHENSIVE PLAN TEXT AND MAP AMENDMENTS TO THE FUTURE LAND USE AND HOUSING ELEMENTS; ESTABLISHING WITHIN THE CITY OF ST. PETE BEACH'S COMPREHENSIVE PLAN ITS COMMUNITY REDEVELOPMENT DISTRICT, INCLUDING TWO MAJOR REDEVELOPMENT AREAS AND ELEVEN DESIGNATED CHARACTER DISTRICTS WITHIN THE COMMUNITY REDEVELOPMENT DISTRICT AS ADOPTED AND REVISED BY ORDINANCES 2010-13, 2010-15, 2011-19 and 2012-21; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about August 26, 2008, the City Commission of St. Pete Beach adopted an amendment to its comprehensive plan creating a Community Redevelopment District (CRD) future land use category, and amending the future land use map to designate property in the City as CRD (the Plan Amendment), pursuant to section 163.32465, Florida Statutes; and

WHEREAS, on September 24, 2008, Petitioner, William Pyle, timely challenged the Plan Amendment, pursuant to section 163.32465(6)(a), Florida Statutes, alleging the Plan Amendment was not "in compliance" as that term is defined in section 163.3184, Florida Statutes; and

WHEREAS, an administrative hearing was conducted on February 10-11, 2009, to determine whether the Plan Amendment was "in compliance"; and

WHEREAS, the Administrative Law Judge issued a Recommended Order on May 4, 2009, recommending the Department of Community Affairs find the Plan Amendment "in compliance"; and

WHEREAS, on August 11, 2009, the Department of Community Affairs issued a Final Order determining the Plan Amendment "in compliance" with the Growth Management Act; and

WHEREAS, section 163.3189(2)(a), Florida Statutes, provides that a plan amendment takes effect upon the issuance of a final order determining the plan amendment "in compliance"; and

WHEREAS, thirty days following the Department's "in compliance" finding, William Pyle ("Pyle") appealed the Department of Community Affairs' Final Order to the First District

Court of Appeal, which affirmed the Department of Community Affairs' determination of consistency on March 29, 2010; and

WHEREAS, Pyle's appeal of the Final Order did not stay the effectiveness of the Plan Amendment and it has been in effect under the Growth Management Act since August 11, 2009; and

WHEREAS, under City Charter section 3.15, the Plan Amendment adopted in 2008 was required to be approved by a Citywide referendum; and

WHEREAS, on June 3, 2008, the voters of St. Pete Beach overwhelmingly approved the Plan Amendment; and

WHEREAS, the Plan Amendment was the subject of litigation brought by Plaintiffs William Pyle and Bruce Kadoura, (Kadoura v. Huhn, et al., Case No. 08-12498-CI-08) in circuit court alleging, among other matters, that the ballot summary for the ordinance approving the Plan Amendment was invalid under section 101.161, Florida Statutes, governing ballot summaries for referendum issues; and requesting that the election to approve the Plan Amendment be declared invalid under City Charter section 3.15; and

WHEREAS, the City prevailed in the circuit court challenge as to all counts alleging failure to adhere to notice, hearing and review procedures in adoption of the Plan Amendment; significantly, the court ruled on December 29, 2010 that the City properly adopted the comprehensive plan amendment under the Growth Management Act; and

WHEREAS, the circuit court determined that the referendum was invalid and that in order to comply with the then existing City Charter section 3.15, a new referendum would be required, but ruled in the City's favor on all other issues; and

WHEREAS, the Final Judgments in the litigation in circuit court brought by William Pyle and Bruce Kadoura were appealed, but those appeals were dismissed prior to determination; and

WHEREAS, the Future Land Use Element of the City Comprehensive Plan was amended by Ordinance 2010-13, adopted July 12, 2011; and

WHEREAS, the Future Land Use Element, Future Land Use Map and Recreation Elements of the City Comprehensive Plan were amended by Ordinance 2010-15, adopted July 12, 2011; and

WHEREAS, the Comprehensive Plan was amended by Ordinance 2012-21 adopted November 13, 2012

WHEREAS, on March 7, 2011, the electors of St. Pete Beach voted to repeal section 3.15 of the City Charter, rendering those appellate issues moot; and

WHEREAS, the St. Pete Beach City Charter no longer requires such referendum approval of comprehensive plan amendments; and

WHEREAS, such a referendum is now prohibited by the Growth Management Act, specifically s.163.3167(8), Florida Statutes; and

WHEREAS, the Plan Amendment has been challenged both administratively and in the circuit courts and found to be in compliance with the Growth Management Act and these determinations are final; and

WHEREAS, s. 163.21466, Florida Statutes was adopted in 2011 upon the passage of HB 7207, and provides, "a comprehensive plan amendment adopted pursuant to s. 163.32465, Florida Statutes, and found in compliance before the effective date of this act, may be readopted by ordinance, shall become effective upon approval by the local government, and is not subject to review or challenge pursuant to the provisions of s. 163.32465 or s. 163.3184, Florida Statutes;" and

WHEREAS, the City of St. Pete Beach, as authorized by s. 163.32466, Florida Statutes, on June 28, 2011, by Ordinance 2011-19, readopted the Plan Amendment originally adopted by Ordinance 2008-15; and

WHEREAS, the validity of that adoption and the Plan Amendment, including the constitutionality of s. 163.32466, Florida Statutes, was challenged by James Anderson in Circuit Court on February 11, 2011 in the case of James Anderson v. City of St. Pete Beach, Circuit Civil No. 11-1319-CI-11; and

WHEREAS, as the circuit court has upheld the readoption, the Plan Amendment and the constitutionality of s. 163.32466, Florida Statutes; and rejected all challenges brought by James Anderson; and

WHEREAS, a Notice of Appeal to the District Court of Appeal of that Final Order upholding the validity of the Plan Amendment was filed on November 28, 2012 and that appeal is currently pending in James Anderson v. City of St. Pete Beach, Case No. 2D12-5969; and

WHEREAS, it is uncertain when a final decision on that matter will be rendered by the District Court of Appeal; and

WHEREAS, the Plan Amendment remains in effect pending resolution of the Appeal; however, there remains some uncertainty due to the pending appeal, pending legislation, and other litigation in the State of Florida; and

WHEREAS, the City of St. Pete Beach desires to comply with the state law mandating the adoption of a comprehensive plan, limit further litigation expenditures, bring closure to some issues in pending appeal, remove uncertainty regarding the effectiveness of the Plan

Amendment, provide certainty as to the property rights of its citizens and to implement the Plan Amendment, which remains in effect; and

WHEREAS, the City Commission finds it is in the best interest of the public to readopt, re-paginate and reformat the Plan Amendments adopted by Ordinance 2011-19, as further revised by ordinances 2010-13, 2010-15, 2012-21 (the "Plan Amendments") which are already in effect under the Growth Management Act, but which were, in part, allegedly not validly approved; and

WHEREAS, former City Charter sections 3.15, 3.16 and 3.18, which required voter approval of certain comprehensive land use plan amendments, land development code regulations and community redevelopment plans, have been repealed by the voters, and in part, prohibited by State law;

WHEREAS, all notice requirements and public hearing requirements of Florida law have been met;

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

SECTION 1. READOPTION OF PLAN AMENDMENTS

- (A) The City Commission hereby adopts the text and map amendments to the City's Comprehensive Plan Future Land Use Plan Element and Housing Plan Element, attached hereto and incorporated herein as Exhibit A.

SECTION 2. SEVERABILITY

If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

SECTION 3. CONFLICT WITH OTHER ORDINANCES

All ordinances or parts of ordinances in conflict herewith, are hereby repealed, to the extent of such conflict.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon adoption.

READOPTED this ____ day of _____, 2013.

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

Steve McFarlin, Mayor

ATTEST:

Rebecca C. Haynes, City Clerk



City of St. Pete Beach Comprehensive Plan *Future Land Use Element Housing Element*

St. Pete Beach Comprehensive Plan
Adopted: October 1998
Amended: August 2013

City of St Pete Beach Comprehensive Plan

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Please Note: This Table of Contents is for reference only and is not part of the adopted Comprehensive Plan.

I. Citizen Input on Community Redevelopment

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

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

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

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

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

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

~~If these plans and regulations are first approved by the voters of St. Pete Beach, and subsequently, the Ch. 163 Plan is approved by the County,~~ The City and its residents will benefit from a Redevelopment Trust Fund and a Community Improvements Fund that will provide capital infrastructure, public improvements and amenities that will improve the safety, services to, and beauty of our City.

II. Future Land Use Plan Element

Green Mission Statement

The residents, local business owners and hotel owners/operators of St. Pete Beach, by and through its local government elected officials and city staff, support achieving a sustainable community by: protecting and conserving water resources; constructing energy efficient and healthy buildings; creating environmentally sensitive site and building design; recycling construction materials and debris; making building, planning and site design decisions that recognize the complexities and environmental sensitivities of our coastal environment and its vulnerability to storms.

By adopting a Green Mission Statement as part of this amendment, the first step will be taken towards becoming the first Coastal Green City in Pinellas County. This step will also support the sustainability efforts of Pinellas County, Florida's first official Green County recognized by the Florida Green Building Coalition Inc., in 2006. This Green Mission Statement is intended to be an overarching environmental mission statement for the entire City extending beyond the boundaries of the Community Redevelopment District in keeping with the spirit of a community redevelopment program that embodies a community mindset that extends well beyond the physical realm. This mission not only embraces a birth of a lifestyle, it promotes a lifestyle that is environmentally and socially responsible.

To achieve these goals, the residents and business community of St. Pete Beach want the City to initiate an application to the Florida Green Building Coalition, Inc., seeking certification as a Green Local Government. This is the second step in formalizing and bringing recognition to this environmental commitment by the residents and the local business community. This commitment is already rapidly becoming evident in our resort community, several of whom have either achieved, are in the process of achieving or intend to seek certification as a Green Building and/or Green Lodge by the Florida Green Building Coalition, Inc., and the Department of Environmental Protection. Ultimately, the Green Mission is a comprehensive effort requiring committed partnerships between the City, its citizens, Pinellas County, neighboring municipalities, developers, local businesses, as well as hotel and resort owner/operators to achieve this vision of long-term sustainability of our barrier island.

Extensive research revealed that the primary way for St. Pete Beach to become a certified Florida Coastal Green City as a result of its built-out and aging condition, is to encourage redevelopment of properties that no longer comply with current safety, environmental, energy and aesthetic standards. Without a plan to redevelop that makes economic sense for landowners to tear down structures and redevelop sites that are not built to these current standards, these buildings and properties will continue to deteriorate in terms of both safety and value as well as consume non-renewable resources and pollute the environment. Without a redevelopment plan, the nearly paved over existing sites that create urban heat, poor drainage, pollutant-filled storm water run-off and greenhouse gas emissions from an auto-dependent community, will continue to cause harm to our natural environment and quality of life, that adversely impacts our health and safety. Further, it was discovered that reconstruction of buildings and the land they are located on as well as our community streetscapes to promote a pedestrian and bicycle-friendly community, is the only way to implement Green practices and technologies that will achieve the conservation and air quality goals of a healthy Green City.

Quality Community – Planning To Stay (General Provisions)

- (a) General Intent. In order to remain consistent with the Rules Concerning the Administration of the Countywide Future Land Use Plan, the following land use category designations and the standards described within each category shall be applied to the City of St. Pete Beach Future Land Use Map. The maps showing the new redevelopment districts that occupy approximately 20% of the total land area of the City and which properties each character district category is applied to, are included herein. The existing land use designations outside the boundaries of the new special area designation – Community Redevelopment District – remain unchanged from the adopted 1998 Plan by this amendment for the remaining 80% of the City.
- (b) Nonconforming Residential and Temporary Lodging Uses, Densities and Intensities –It is the intent of the City of St. Pete Beach to allow for the continuance of existing non-conforming residential and temporary lodging units under the circumstances outlined below:
 - 1. Catastrophic Events. In the case of natural disaster or other catastrophic event over which the owner is presumed to have had no control, residential and temporary lodging properties that were in existence prior to the event may be reconstructed with the same number of units, subject to the LDC requirements other than density and intensity, Florida Building Code requirements and FEMA regulations, in effect at the time of reconstruction.
 - 2. Routine Maintenance. In the event a residential or temporary lodging use would be considered a non-conforming use under the land use category designated for its property as adopted herein, it is the intent of the City to permit the routine maintenance of these residential or temporary lodging structures which pre-date the adoption of the Comprehensive Plan in 2009 that would prohibit their construction today.
 - 3. FEMA Compliance Required. Notwithstanding any statements to the contrary, there is no intention of superseding any regulations of the Federal Emergency Management Agency (FEMA) or National Flood Insurance Program requirements regarding the protection of properties from flood damage.
 - 4. Expansion Prohibited. There also is no intention of allowing for the expansion of non-conforming uses or an increase in a non-conforming density or intensity of a use as determined by the Future Land Use Plan and Map designation and implementing zoning regulations effective at the time of the event.
 - 5. Existing platted lots of record that are located in the Residential Urban, Residential Low Medium, Residential Medium, and Residential High land use categories shall not be prohibited from the construction of one residential unit due to a non-conforming lot size.

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

Future Land Use Policies – Green Practices, Residential Character and Introduction to Land Use Categories

GOAL 1:

Support rebuilding and maintaining a sustainable carbon-neutral community by adopting and implementing land development and building regulations that: protect and conserve water resources; promote energy efficient buildings; encourage environmentally sensitive site and building design; facilitate recycling of construction materials and debris; support innovative building and site design that recognizes the complexities and environmental sensitivities of our coastal environment and its vulnerability to storms; and protect and enhancement of the overall environmental quality of our City.

Objective 1.1

To become the first certified Coastal Green City in Pinellas County by the Florida Green Local Government following the leadership and example of Pinellas County as Florida's first Green County.

Policy 1.1.1.

The City shall initiate an application seeking certification as a Green Local Government to the Florida Green Building Coalition, Inc. as an initial step in formalizing and bringing recognition to this commitment.

Policy 1.1.2

The City shall establish a pilot Green practices program with requirements and incentives for new construction, major renovation, land development or redevelopment that is certified by the Florida Green Building Coalition Inc. (FGBC), DEP Florida Green Lodge, or Leadership in Energy and Environmental Design (LEED); and/ or achieve an Energy Star rating.

Policy 1.1.3

The City shall pursue incentives for location of Green businesses within the community.

Policy 1.1.4

The City shall promote and encourage through redevelopment land development regulations clean industries such as tourism-related businesses.

Policy 1.1.5

The City shall develop a Green Building, Green Lodge and Green Development awards and promotions program. This awards and promotions program should include a "Green" page on the City website and partnership with the local Chamber, Tourist Development Council, Convention and Visitors Bureau, and Pinellas County to be part of the County's Sustainable Quality Communities Initiative, a Countywide Green Lodging Tourism Campaign as well as promote a "Rebuilding to be a Coastal Green City" local Campaign.

Policy 1.1.6

The City shall consider participation in Cities for Climate Protection Campaign in support of Executive Order No.: 07-126, issued by the Governor of the State of Florida on July 13, 2007; and in partnership and support of a Resolution adopted by Pinellas County to become a national and state model for innovative and sustainable planning, economic development and Green design, by: (1) implementing strategies such as Livable Communities to increase pedestrian and bicycle travel to reduce auto-dependence; and (2) implement LEED and Energy Star standards for new buildings and major renovations.

Policy 1.1.7

The City shall pursue a partnership with local businesses in the Downtown Redevelopment District, Corey Area to initiate a Florida Main Street designation process and provide business grant assistance for façade improvements.

Policy 1.1.8

The City shall pursue the development of a disaster waste management and debris recycling plan.

Policy 1.1.9

The City shall implement a pilot incentive program to fast-track Green building construction by December, 2008.

Policy 1.1.10

The City shall offer incentives for the location and construction of affordable, Green, on-site workforce living accommodations in conjunction with large-scale temporary lodging uses.

Objective 1.2

Transform the City's development and permitting regulations into a Smart Growth and Quality Development Code, promoting flexibility, mixed use, incorporating economic and environmentally sustainable standards and pilot Green practices program incentives.

Policy 1.2.1

By 2012, determine a threshold and criteria for requiring a LEED certification standard, or an equivalent standard, in private design to be implemented through the LDC.

Policy 1.2.2

The City shall promote mixed use developments that reduce impacts on infrastructure and the environment.

Policy 1.2.3

The City shall identify and promote the use of native and drought tolerant landscape with particular emphasis on Florida-friendly landscaping techniques

including use of reclaimed water, and rain sensor irrigation systems to conserve water resources.

Policy 1.2.4

Regulate, maintain and reduce net impervious surfaces, with an emphasis on reducing large expanses of paved parking surfaces, wherever possible, to reduce urban heat and pollution and improve drainage.

Policy 1.2.5

Require energy efficient or solar lighting for all public improvements including LED traffic lights and pedestrian street lighting within the Community Redevelopment District; and strongly encourage energy efficient or solar lighting throughout the City for both the private and public sectors.

Policy 1.2.6

Advanced storm water controls and waterfront considerations to minimize and eliminate pollutant run-off into the intracoastal waterways shall be a priority.

Policy 1.2.7

Fountains and water features that promote water conservation methods and technologies shall be encouraged.

Policy 1.2.8

Entrance design features and art in public places that do not consume water shall be encouraged.

Policy 1.2.9

Low flow fixtures and high energy efficient rating construction materials, equipment and appliances shall be strongly encouraged and minimum standards shall be adopted in the LDC.

Policy 1.2.10

Environmentally integrated pest management practices that will contribute to the overall improvement of the environment shall be identified and encouraged.

Objective 1.3

The City's Land Development Code shall be amended to encourage implementation of transportation and alternative mobility and management strategies, including mixed use projects, that reduce dependence on automobiles, reduce greenhouse gas emissions and consumption of non-renewable energy sources.

Policy 1.3.1

Support and encourage public and private sector ride-share, vanpooling and shuttle service programs.

Policy 1.3.2

Encourage and facilitate mass transit ridership subsidies for employees.

Policy 1.3.3

Encourage alternative mobility options through safe, comfortable and continuous pedestrian and bicycle pathways linked to the downtown area, recreational facilities, activity and entertainment centers and public beach access points to reduce reliance on the auto.

Policy 1.3.4

The City shall develop and implement Land Development Standards which preserve and promote the continuance of the existing development pattern and architectural aesthetic of the Eighth Avenue commercial district in the Pass-a-Grille area of St. Pete Beach. Such standards may include Special Area Plans consistent with the requirements of the Pinellas County-Wide Plan as administered by the Pinellas Planning Council.

GOAL 2:

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

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

Objective 2.1

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

Policy 2.1.1

The following land use categories, including the stated residential densities and non-residential intensities of use standards, as administered through the land development regulations, shall be adopted for the City of St. Pete Beach:

- ❖ Residential Urban (RU), with a maximum residential density of 7.5 residential units per acre.

- ❖ Residential Low Medium (RLM), with a maximum residential density of 10.0 residential units per acre.
- ❖ Residential Medium (RM), with a maximum residential density of 15.0 residential units per acre.
- ❖ Residential High (RH), with a maximum residential density of 30.0 residential units per acre.
- ❖ Resort Facilities Medium (RFM), with a maximum residential density of 18.0 units per acre or 30.0 temporary lodging units per acre; non-residential uses shall not exceed neither a floor area ratio (FAR) of 0.45 to 0.65 nor an impervious surface ratio (ISR) of 0.65 to 0.85.
- ❖ Residential/Office/Retail (R/O/R), with a maximum residential density of 18.0 units per acre or 30 temporary lodging units per acre; non-residential uses shall not exceed neither a floor area ratio (FAR) of 0.20 to 0.40 nor an impervious surface ratio (ISR) of .65 to .85.
- ❖ Residential/Office General (R/OG), with a maximum residential density of 15 units per acre; non-residential uses shall not exceed neither a floor area ratio (FAR) of 0.30 to 0.50 nor an impervious surface ratio (ISR) of 0.55 to 0.75.
- ❖ Resort Facilities Overlay (RFO), where the density of residential units shall not exceed the maximum number of dwelling units per acre determined by the underlying residential plan category temporary lodging units shall not exceed a ratio of ~~6.0~~ 1.67 temporary lodging units to the permitted number of underlying residential units; and non-residential uses shall not exceed neither the floor area ratio (FAR) nor the impervious surface ratio (ISR) of the underlying plan category.
- ❖ Commercial General (CG), where the density of residential units shall not exceed 24 units per acre; temporary lodging units shall not exceed 40 units per acre; non-residential units shall not exceed neither a floor area ratio (FAR) of 0.35 to 0.55 nor an impervious surface ratio (ISR) of 0.70 to 0.85.
- ❖ Community Redevelopment District (CRD), where the densities and intensities shall be as determined within the Community Redevelopment District as specified in each designated character district pursuant to the provisions set forth in Special Area Designation – Community Redevelopment District section of this Future Land Use Element to encourage economic revitalization and redevelopment of properties and uses located within the CRD, with a particular emphasis on commercial, temporary lodging and mixed uses along the City’s main transportation corridors, adjacent to waterfront or located within major community activity centers.

- ❖ Community Redevelopment District - Eighth Avenue (CRD-EA), the following uses are proposed for the new Community Redevelopment District – Eighth Avenue (CRD-EA) land use classification:

Primary Uses - Residential; Office; Retail Commercial; Personal/Business Service; Commercial/Business Service; Temporary Lodging.

Secondary Uses - Residential equivalent; public/semi-public; ancillary non-residential; recreation/open space.

Density/Intensity Standards shall include the following:

- Density and intensity of use for commercial and residential components shall be inclusive, i.e. the same land area may be used to support both use types without pro-ration.
 - Residential use - Shall not exceed 24 dwelling units per acre.
 - Residential equivalent use - Shall not exceed an equivalent of 2.0 to 3.0 beds per permitted dwelling unit at 24 dwelling units per acre.
 - Non-residential use - Shall not exceed a floor area ratio (FAR) of 1.0 for single use commercial structures or 1.5 for mixed-use development, nor an impervious surface ratio (ISR) of .90. The standard for the purpose of establishing relative intensity and potential impacts shall be an FAR of .75 and an ISR of .75.
 - Transient accommodation use - Shall not exceed 50 units per acre.
 - Other standards shall include the following: Public/semi-public; ancillary non-residential use – shall not exceed a maximum area of three (3) acres. Any such use, alone or when added to existing contiguous like uses, which exceeds this threshold shall require a plan amendment which shall include such use and all contiguous like uses.
- ❖ Preservation (P), applied to the beaches seaward of the Florida Coastal Construction Control Line, Fuller Island and other environmentally significant natural resource areas; such designated areas shall not be developed except to provide beach access dune walkovers from adjacent developed properties under the provisions of the City's Beach Management Regulations.
 - ❖ Recreation/Open Space (R/OS), uses permitted in this category are limited to public and private open spaces, public/private parks, public recreation facilities and public beach or water access points; no use shall exceed neither a floor area ratio (FAR) of 0.05 to 0.25 nor an impervious surface ratio (ISR) of 0.40 to 0.60.

- ❖ Institutional (I), density of residential units shall not exceed 12.5 units per acre; non-residential uses shall exceed neither a floor area ratio (FAR) of 0.45 to 0.65 nor an impervious surface ratio (ISR) of 0.65 to 0.85; uses within this category are limited to the following:

Primary Uses - Public/private schools; Hospital; Medical clinic; Church, other religious institution; Social/public service agency; Child day care; Fraternal or civic organization; Municipal offices/public buildings; Public safety facility; Emergency medical service building.

Secondary Uses – Residential; Residential equivalent; Recreation/open space; Public/semi-public; Ancillary non-residential.

- ❖ Transportation/Utility (T/U), residential uses not permitted; non-residential uses shall not exceed neither a floor area ratio (FAR) of 0.50 to 0.70 nor an impervious surface ratio of 0.70 to 0.90; uses within this category shall be limited to the following:

Primary Uses - Marina; Municipal water/wastewater facility; Public works garage/storage; Electric power substation; Telephone switching station.

Secondary Uses - Storage/warehouse; Recreation/open space; Public/semi-public; Ancillary non-residential.

Policy 2.1.2

The City shall, through the land development regulations, encourage a balanced land use mix providing a variety of housing styles, densities and open space.

Policy 2.1.3

The City shall, whenever possible, ensure that opportunities are available for all citizens to purchase or rent decent, safe and sanitary housing which they can afford, free from arbitrary discrimination because of race, sex, handicap, ethnic background, marital status or household composition.

Policy 2.1.4

The City will continue to encourage the construction of residential units suitable for families with children.

Policy 2.1.5

Through the enforcement of the land development regulations, existing residential areas shall be protected from the encroachment of incompatible uses; likewise, other land use areas shall be protected from the encroachment of incompatible residential uses.

Policy 2.1.6

The conservation, maintenance and rehabilitation of existing residential areas shall be encouraged through provisions contained in the land development regulations and other applicable City codes.

Policy 2.1.7

Existing permanent residential dwellings and existing temporary lodging units shall be exempt from the density requirements.

Policy 2.1.8

All temporary lodging units shall be prohibited from conversion to permanent residential dwelling units that exceed the maximum permitted density and intensity standards applicable to the property.

Policy 2.1.9

All temporary lodging units shall be prohibited from seeking homestead exemption and home occupational licensing.

Policy 2.1.10

The land development regulations shall contain provisions which ensure that new residential areas are located and designed to protect life and property, as much as possible, from natural and man-made hazards such as flooding, excessive traffic, noxious odors, noise and deterioration of structures.

Policy 2.1.11

The land development regulations shall require buffering and open space within residential areas, as appropriate.

Policy 2.1.12

Consistent with this comprehensive plan, as amended, the standards and densities set forth herein will be maintained.

Policy 2.1.13

The land development regulations shall contain minimum buffering standards which will protect single-family residential uses from new abutting residential projects developed in excess of 15 units per acre and any new abutting non-residential projects. Such buffering regulations shall contain the following minimum standards:

- ❖ Construction of an ornamental wall sufficient in height according to the provisions of the land development regulations to provide for sound and aesthetic buffering;
- ❖ Minimum setback requirements;
- ❖ Minimum landscaping requirements sufficient to provide visually aesthetic shielding.

Policy 2.1.14

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

Objective 2.2

All developments, other than construction of one single-family or one two-family residence on a single lot, shall be permitted only through the site plan review process.

Policy 2.2.1

As administered through the land development regulations, multifamily residential and non-residential developments shall be required to undergo a site plan review process.

Policy 2.2.2

The site plan review provisions, as contained in the LDC shall, at a minimum, address the following:

- ❖ Allowance for a creative approach for development or redevelopment;
- ❖ A requirement that more open space, if practical, be provided than that called for by the strict application of the minimum requirements of the land development regulations;
- ❖ A harmonious development of the site with consideration given to the surrounding areas and community facilities, while providing for safe and efficient traffic circulation; and
- ❖ The establishment of procedures for the granting of increased structure height not to exceed 50 feet in all areas of the City excluding the Community Redevelopment District which establishes specific height standards by use within each character district; in exchange for increased open space and decreased amounts of impervious surfaces; and
- ❖ The repeal of variance procedures that would allow increased height above the maximum established in each character district located within the Special Area Designation - Community Redevelopment District shall be prohibited ~~subject to voter referendum approval, if required by the City Charter~~; and
- ❖ Other provisions as deemed appropriate by the City in keeping with the intent of the comprehensive plan and land development regulations.

Objective 2.3

New commercial development shall be required to be compatible with environmental and economic resources through the enforcement of the land development regulations.

Policy 2.3.1

Within any mixed use development, as appropriate, proper separation and buffering between residential and non-residential land uses shall be maintained through the administration of the LDC.

Policy 2.3.2

Neighborhood commercial facilities shall be located so as to serve residential areas without disrupting the residential quality of the area.

Policy 2.3.3

In order to minimize incompatibilities when residential and non-residential land uses share a common boundary, buffering shall be required, as appropriate.

Policy 2.3.4

The land development regulations shall ensure that commercial land uses are located in a manner which ensures their compatibility with the type and scale of surrounding land uses and where existing or programmed public facilities shall not be overburdened.

Policy 2.3.5

The City shall encourage the maintenance of tourist lodging facilities in keeping with the character of the community.

Policy 2.3.6

The conversion or development of temporary lodging units for use as permanent residential dwellings shall be prohibited within the Resort Facilities Medium and Resort Facilities High land use categories.

Policy 2.3.7

The City shall, through the LDC, ensure that commercial areas are located and designed so as to enhance safety by providing adequate off-street parking and loading areas and by separating pedestrian and vehicular traffic.

Policy 2.3.8

Through administration of the LDC, strip commercial development that compounds traffic and land use conflicts shall be strongly discouraged.

Policy 2.3.9

The City, through administration of the LDC and in cooperation with the Florida Department of Transportation and Pinellas County, shall minimize the amount of direct access onto major roads by controlling the number and location of curb cuts.

Objective 2.4

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

Policy 2.4.1

The City shall, through administration of the LDC, encourage the redevelopment or rehabilitation of existing non-residential areas and uses.

Policy 2.4.2

The City shall, through administration of the LDC, encourage the adaptive re-use or mixed use redevelopment incentives of no longer viable commercial properties, including the implementation of Community Redevelopment Districts, where appropriate.

Policy 2.4.3

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

Policy 2.4.4

In order to ensure the continued maintenance of its beach residential character, the City, through administration of its LDC shall encourage the rehabilitation and/or revitalization of existing residential structures.

Policy 2.4.5

In order to encourage economic redevelopment, the City, through its authority as a Community Redevelopment Agency that has been delegated to the City by Resolution 06-191 approved by Pinellas County Board of County Commissioners, in accordance with to Part III Chapter 163, Florida Statutes, shall actively pursue and shall take all reasonable measures to seek adoption and approval of a Ch. 163 Community Redevelopment Plan for the area approved by the County as a community redevelopment area, including implementation and funding of a Redevelopment Trust Fund to funding capital improvements, programs and programs approved as part of a Community Redevelopment Area Plan.

Objective 2.5

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

Policy 2.5.1

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

Policy 2.5.2

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

Objective 2.6

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

Policy 2.6.1

As appropriate, the City shall encourage owners of historic and architecturally significant structures to seek designation of their properties as historic sites by the federal government, state of Florida or by the City's Aesthetic and Historic Review Board and City Commission.

Policy 2.6.2

The City shall consider adoption of incentives to encourage preservation and enhancement of historic or architecturally significant structures and resources.

Policy 2.6.3

The City shall adopt procedures to be incorporated into the LDC which ensures that new development does not adversely impact designated historic or architecturally significant structures and resources.

Policy 2.6.4

Prior to approving any plans for redevelopment in the Community Redevelopment District, the property proposed for redevelopment shall be reviewed under Federal and State historic guidelines to determine whether the existing buildings(s) have historical significance and determine what measures will be taken to mitigate the impacts of redevelopment on the qualified historic resources.

Objective 2.7

Consistent with this comprehensive plan, as amended, development activities shall be regulated to ensure the protection of natural resources.

Policy 2.7.1

The City shall ensure that land is developed in such a manner as to protect natural resources through encouraging the planting of native vegetation, restoration of dunes, beach re-nourishment, and regulating construction along the Coastal Construction Control line.

Policy 2.7.2

Unique and/or irreplaceable natural resources such as the City's beaches, shores, dunes and mangroves shall be protected from the adverse effects of development. Sand dunes and mangroves may not be disturbed during development and construction activities.

Policy 2.7.3

Development review criteria shall include soil suitability.

Policy 2.7.4

Species of flora and fauna listed in the Coastal and Conservation Element of this comprehensive plan as endangered, threatened or species of special concern, as defined by federal law or Florida statutes, shall not be removed during development or redevelopment processes.

Policy 2.7.5

Recreational development shall be compatible with the environment and shall be subject to performance standards adopted in the land development regulations.

Policy 2.7.6

As administered through the LDC, the clearing of trees and wetland vegetation shall be prohibited prior to the issuance of a permit by the City.

Policy 2.7.7

Through the administration of the LDC coastal vegetative communities, coastal wildlife habitats and dune systems shall be protected from the adverse effects of development. Restoration of dune systems shall be administered through the City's Beach Management Regulations.

Policy 2.7.8

Through the administration of the LDC, tidal flushing and circulation patterns shall not be significantly altered by development activities.

Policy 2.7.9

The City shall ensure that natural water courses are protected in their natural state and are not subject to alteration. Activities that alter the flow of a watercourse that are expressly prohibited include: Damming, diking, or adding fill for the production of additional land for development purposes.

Policy 2.7.10

As administered through the LDC, land use proposals which could potentially increase point-source air and water pollution shall not be permitted, and Green building and site design standards, strategies, practices and technologies that reduce air and water pollution shall be adopted and implemented in the LDC.

Policy 2.7.11

Dredge and fill activities shall be conducted only when necessary, as determined after review and comment by the appropriate governmental agencies and interested citizens, and in a manner least harmful to the environment.

Policy 2.7.12

The mangrove island located in Little McPherson Bayou shall be designated as a preservation area on the Future Land Use Map.

Policy 2.7.13

The City shall cooperate with Pinellas County, regional and state efforts to monitor and improve the water quality of Boca Ciega Bay.

Policy 2.7.14

The City's limited non-potable water resources shall be conserved and protected from depletion or over-development through the implementation of water conservation site design techniques including Florida Friendly and waterwise landscapes through the administration of the Future Land Use Map and Future Land Use Element Policies.

Objective 2.8

Consistent with this comprehensive plan, as amended, the City shall seek to improve the storm water drainage system located within its municipal boundaries.

Policy 2.8.1

The City shall ensure that surface cover vegetation loss during construction is minimized and/or replaced to reduce erosion and flooding. A minimum of 10% of the site shall be covered with vegetation post-construction.

Policy 2.8.2

The City shall require that the developer/owner of any new development or redevelopment site to manage storm water runoff in a manner such that post-development runoff rates, volumes and pollutant loads do not exceed pre-development conditions.

Policy 2.8.3

Where feasible finished grades shall be designed to direct water flows along natural drainage courses and through natural terrain.

Policy 2.8.4

Impervious surfaces shall be limited through the application of lot coverage standards in the Future Land Use Element.

Policy 2.8.5

The City shall require that future drainage out-falls associated with both new development and redevelopment are designed to prevent the direct discharge of runoff into either Boca Ciega Bay or the Gulf of Mexico.

Policy 2.8.6

The City shall employ stormwater best management practices, such as the use of the use of vegetated swales, rain barrels, rain gardens, pervious parking areas, underground ex-filtration or sand filtration and catchments' systems where the lack of space prohibits the use of retention or detention ponds.

Objective 2.9

Consistent with this comprehensive plan, as amended, level of service standards set forth in this plan will not be degraded.

Policy 2.9.1

As administered by the land development regulations, the City of St. Pete Beach shall ensure that all development and redevelopment taking place within its municipal boundaries does not result in a reduction of the level of service requirements established and adopted in this comprehensive plan.

Policy 2.9.2

Recognizing the limitations of the potable water supply available to serve this community, the City shall adopt by reference those applicable provisions of water conservation ordinances which may be adopted by Pinellas County or recommended by the Southwest Florida Water Management District and in accordance with Florida Green Local Government standards.

Policy 2.9.3

The development of residential and commercial land shall be timed and staged in conjunction with provision of supporting community facilities, such as streets, utilities, police and fire protection, emergency medical service, public schools.

Policy 2.9.4

The City shall work with the appropriate governmental agencies in an attempt to avoid any unnecessary conflicts between highway traffic and Intracoastal Waterway traffic.

Policy 2.9.5

Public facilities and utilities shall be located so as to maximize the efficiency of services provided; to minimize their cost; and to minimize their adverse impacts on the natural environment.

Policy 2.9.6

Consistent with this Comprehensive Plan, as amended, all permits for future development and redevelopment activities shall be issued only if public facilities necessary to meet the level of service standards adopted pursuant to this comprehensive plan are available concurrent with the impacts of the development.

Objective 2.10

The City shall continue to ensure the availability of suitable land for utility facilities necessary to support proposed development.

Policy 2.10.1

As an ongoing policy, the City shall assure that adequate land is available for the maintenance of those public utility facilities necessary to support current and proposed development.

Policy 2.10.2

As an ongoing policy, the City will continue to protect existing rights-of-way and easements.

Objective 2.11

Consistent with this comprehensive plan, the City shall continue to maintain the community's open space and promote greater connectivity through alternative mobility options.

Policy 2.11.1

Those lands lying between the mean high water line and the Florida Coastal Construction Control Line are recognized as protected open spaces, as are any public lands which lie between the mean high water line and the water's edge.

Policy 2.11.2

Where feasible, preservation areas, parks, and other components of the City's open-space system shall be linked by bike paths, jogging trails, and/or pedestrian pathways.

Policy 2.11.3

The City shall continue to administer the land development regulations in a manner aimed at preserving the access to and view of the beach and other recreational facilities for all residents of and visitors to ~~of~~ this community.

Policy 2.11.4

The regulation of recreational uses of waterways and water access areas shall be consistent with sound waterway management.

Policy 2.11.5

The City shall work with Pinellas County and other appropriate governmental agencies to ensure and maintain public beach access.

Objective 2.12

The City shall continue to improve communication, cooperation, and coordination with area local governments, districts and agencies.

Policy 2.12.1

The City of St. Pete Beach will continue to ensure that development and redevelopment projects do not adversely impact neighboring governmental jurisdictions including the cities of Treasure Island, St. Petersburg, South Pasadena and Pinellas County by including these communities in the site plan review process, where applicable.

Policy 2.12.2

Recognizing that the impacts of development extend beyond the limits of the community, the City shall ensure that development permits are consistent with the objectives of the Southwest Florida Water Management District, the Tampa Bay Regional Planning Council, and state and federal agencies by including these agencies in the site plan review process, when appropriate.

Objective 2.13

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

Policy 2.13.1

The City shall implement an on-going process of assessing the status of the City's temporary lodging unit inventory through review of zoning and permitting activities.

Policy 2.13.2

The City shall, where appropriate, establish a Community Redevelopment District with standards that facilitate re-investment in temporary lodging/ temporary lodging use development on the west side of Gulf Boulevard, within the Town Center Core as small bed and breakfast inns, within the Upham Beach area where the existing small motels are located, and at either end of Corey Avenue as a catalytic waterfront project that may also include marina facilities.

Policy 2.13.3

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

Policy 2.13.4

The definition of transient occupancy contained in Division 2 of the LDC shall be renamed to “Temporary Occupancy” consistent with Countywide Future Land Use Plan and Rules recently adopted and redefined for temporary lodging uses and temporary lodging units located in the Community Redevelopment District in support of Objective 2.13 and Policy 2.13.4 above:

In addition, consistent with the recent adoption of revised terminology by Pinellas County, the City shall amend its LDC to rename the following terms defined in the LDC:

“Transient Accommodation Use” shall be renamed “Temporary Lodging Use.”

“Transient Accommodation Unit” shall be renamed “Temporary Lodging Unit.”

GOAL 3:

The promoting of sound coastal management shall be encouraged to ensure that maximum long-term benefits are attained in the use of the coastal zone by the residents of and visitors to the City of St. Pete Beach.

Objective 3.1

The City shall continue to participate with the City of Treasure Island and Pinellas County, and appropriate state and federal agencies in the implementation of a coastal management plan.

Policy 3.1.1

Through the on-going enforcement of the City’s Beach Management Regulations, beach areas shall be protected and restored to their natural state to the fullest extent possible, while only encouraging beach re-nourishment projects that are in the overall public interest.

Policy 3.1.2

The land development regulations shall ensure that all development along the coastline is in accordance with the Coastal Construction Control Line as established by the State of Florida, City of St. Pete Beach, or other appropriate governmental agencies.

Policy 3.1.3

~~The City of St. Pete Beach will re-evaluate its Coastal Construction Control Line from time to time in order to measure its effectiveness.~~

Policy 3.1.3

The Beach Management Regulations shall ensure that all development or any other activities which disturb the coastal dune system are prohibited except when a proper permit has been issued that will include provisions to ensure that the dune system is maintained through restoration and enhancement.

Policy 3.1.4

The Beach Management Regulations shall be enforced to ensure the restoration and maintenance of the coastal dune system on new developments or redevelopment projects.

Policy 3.1.5

Sensitive coastal resources shall be protected, through provisions contained in the land development regulations, from degradation and erosion resulting from improper development practices and recreational misuse.

Policy 3.1.6

Beach stabilization projects, using appropriate vegetation as the stabilizing medium, shall be incorporated into development plans, where appropriate.

Policy 3.1.7

The land development regulations shall include provisions whereby sand dunes are protected and enhanced, and native vegetation shall be planted to stabilize shorelines and protect upland areas from flooding hazards.

Policy 3.1.8

The City shall protect the public health, safety and welfare by requiring that development in high risk areas, such as the hurricane velocity zone, meets all current construction standards and by fully supporting Coastal Construction Zone limitations.

Objective 3.2

Recognizing its location within a Coastal High Hazard Area (CHHA), the City shall ensure that future development and redevelopment projects are built in accordance with the most recent hazard mitigation techniques and building materials.

Policy 3.2.1

All future development proposals shall be analyzed based upon existing and future interagency hazard mitigation reports.

Policy 3.2.2

In as much as is practical, the City of St. Pete Beach shall encourage property owners to retrofit hazard mitigation techniques and building materials into existing structures and shall require such techniques and materials for all major renovation construction projects.

Policy 3.2.3

All new temporary lodging facilities within the City shall be planned, designed, and constructed to meet or exceed the minimum wind-loading and structural requirements of the Florida and Local Building Code in effect at the time of permitting. All new construction shall comply with Federal Emergency Management Agency and National Flood Insurance Program requirements for protection from and mitigation of flood hazards.

Objective 3.3

The City shall assure that future developments are compatible with the topography, soil conditions and the availability of facilities and services.

Policy 3.3.1

The City shall require elevation certificates for all new development proposals.

Policy 3.3.2

The City shall require that building foundations be designed appropriately for the soil conditions of the building site.

Policy 3.3.3

The City shall permit no new developments where the facilities and services are not available or planned to be available in accordance with the Concurrency Management System adopted in 1992 as Chapter 102, St. Pete Beach Code of Ordinances, as amended.

GOAL 4:

The City, in cooperation with Pinellas County and neighboring communities, shall establish an effective and workable hurricane evacuation plan.

Objective 4.1

Recognizing its vulnerability to the effects of tropical storms, the City shall maintain an up-to-date hurricane evacuation plan.

Policy 4.1.1

Because the entire community is located within the identified Coastal High Hazard Area, as redefined by Rule 9J-5, Florida Administrative Code, the City shall, to the extent practical, limit public expenditures that subsidize development or redevelopment consistent with the Future Land Use Map as amended to reflect the revised the definition of the Coastal High Hazard Area (CHHA) to be the area below the elevation of the category 1 storm surge line as established by the SLOSH model. Ch. 2006-68, LOF; Section 163.3178(2)(h), Fla. Stat. except for the following:

- ❖ The expenditure for the maintenance, repair or replacement of existing facilities.
- ❖ The expenditure for restoration or enhancement of natural resources or public access.
- ❖ The expenditure needed to address an existing deficiency identified in this plan.
- ❖ The expenditure for the retrofitting of storm water management facilities for water quality enhancement of storm water runoff.

- ❖ The expenditure for the development or improvement of public roads and bridges identified in the Transportation Element or Capital Improvements Element of this plan.
- ❖ The expenditure for a public facility of overriding public interest to ensure public health and safety.

Policy 4.1.2

The Hurricane Evacuation Plan will set forth hurricane clearance times which will either be maintained or reduced. The City should adopt levels of service for both evacuation times to shelter and out-of-county for a Category 5 storm event.

Policy 4.1.3

The risk of exposure of human life and public and private property to natural disasters shall be reduced through preparedness planning and implementation of hazard mitigation measures. The City should coordinate with Pinellas County and the TBRPC to develop mitigation strategies including possibly the adoption of a Mitigation Fee.

Policy 4.1.4

The City shall coordinate plans for evacuation of coastal area populations with appropriate local or regional hurricane evacuation plans. The City should adopt levels of service for both evacuation times to shelter and out-of-county for a Category 5 storm event.

Policy 4.1.5

All new temporary lodging uses developed within the City shall prepare and file a Hurricane Closure and Evacuation Plan with the City and with the County's Director of Emergency Management at the time of building permit that complies with all applicable local and County emergency management procedures and requirements.

Policy 4.1.6

The City should determine how to address areas within its boundaries that are now no longer part of the CHHA in order to provide protection for these isolated areas as well.

GOAL 5:

The LDC shall be amended and adopted to implement the goals, objectives and policies of this comprehensive plan, as amended.

Objective 5.1

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

Policy 5.1.1

The City shall adopt and implement land development regulations which recognize the limitations of development on a barrier island, including its location in the 100-year flood plain, its vulnerability to tropical storms, and its topography and soil conditions.

Policy 5.1.2

The City shall adopt and implement land development regulations that contain specific and detailed provisions required to implement this comprehensive plan, as amended, which, at a minimum shall:

- ❖ Regulate the subdivision of land;
- ❖ Protect the limited amount of marine wetlands remaining in the community and those lands designated as Preservation on the Future Land Use Map;
- ❖ Regulate signs;
- ❖ Ensure that all future development is consistent with Federal Emergency Management Agency and National Flood Insurance Program regulations;
- ❖ Ensure that all future development is consistent with any coastal construction control regulations as may be adopted and/or amended by the State of Florida, Pinellas County, or the City of St. Pete Beach;
- ❖ Ensure the compatibility of adjacent land uses by requiring adequate and appropriate buffering between potentially incompatible uses;
- ❖ Ensure that development permits are issued only when it has been documented that such development is consistent with the level of service standards for the affected public facilities adopted by this comprehensive plan;
- ❖ Provide for improved drainage and storm water management by requiring compliance with the minimum criteria established by the Southwest Florida Water Management District, the City of St. Pete Beach Drainage Ordinance, the regulations of other appropriate governmental agencies and the Pinellas County Master Drainage Plan;
- ❖ Provide requirements for the provision of open space safe and convenient on-site traffic flow and parking requirements and encourage share access driveways, internal connectivity between compatible adjacent parcels to reduce curb cuts to reduce vehicular conflict with pedestrians and bicycles;
- ❖ Encourage the use of Waterwise Florida Landscapes and drought-tolerant vegetation, reclaimed water and rain sensor irrigation systems in the landscaping of multifamily and commercial developments;

- ❖ Provide regulations requiring the control of erosion and storm water or pollutant runoff from construction sites;
- ❖ Encourage land development which highlights scenic amenities and ensures public access to the waterfront;
- ❖ Adopt Green building and site design standards and encourage new construction and major renovation to utilize Green standards through incentive programs;
- ❖ Provide regulations and design standards that require internal and external pedestrian and bicycle pathway linkages to create a safe alternative mobility network throughout the City; and
- ❖ Provide regulations that promote mass transit use.

Policy 5.1.3

The City shall adopt land development regulations that shall prohibit the re-platting of existing recorded platted lots for the purpose of increasing the development density within existing single-family residential areas.

Policy 5.1.4

The City shall implement Community Redevelopment Districts pursuant to Part III Chapter 163, Florida Statutes in areas that meet the statutory requirements of blighted conditions and contain a substantial number of the following conditions: defective or inadequate street layout parking facilities, roadways, bridges, or public transportation facilities; faulty layout in relation to size, adequacy, accessibility and usefulness; unsanitary or unsafe conditions; deterioration of site or other improvements; inadequate and outdated building patterns.

Policy 5.1.5

Land development regulations shall be adopted which implement the provisions of the Future Land Use Element policies within the mandatory timeframes specified herein or pursuant to State law, whichever is more restrictive.

GOAL 6:

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

Objective 6.1

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

Policy 6.1.1

Through continued maintenance of the Future Land Use Element, the City shall maintain consistency with the Countywide Future Land Use Plan and Rules by:

- ❖ Identifying any inconsistencies between the future land use element and plan maps of the City of St. Pete Beach and the Countywide Future Land Use Plan and Rules.
- ❖ Processing for action by the Pinellas Planning Council and the Board of County Commissioners, acting in their capacity as the Countywide Planning Authority, all land use plan amendments required to reconcile outstanding inconsistencies between the respective land use plans.

Special Designation – Community Redevelopment District (CRD)

Introduction & Overview

St. Pete Beach has experienced very little meaningful investment or reinvestment in its core resort and commercial areas during the past 30 years. The lack of reinvestment can primarily be attributed to an outdated regulatory scheme and development patterns that no longer support the needs of residents or visitors, and further, is not environmentally sustainable. Over time in the City's history, the resident population has become more permanent and less seasonal, which requires a different approach to the design of the public realm. With the exception of new residential construction, most of the core resort and commercial areas consist primarily of older structures that fail to comply with current building and safety codes, flood protection and management regulations, and environmental regulations, as well as modern open space and design standards. There is a substantial need to improve the function of the public realm – streets, sidewalks, public facilities and off-street parking – in terms of safety, environmental and aesthetic design to create a quality sustainable community for residents and visitors alike.

In the past, in other aging communities similar to St. Pete Beach, a major catalytic project would be used to stimulate private investment. St. Pete Beach undertook one such project recently when it completed its Community Center in July, 2007. However, both experience and reality demonstrate that economic vitality and reinvestment in an aging community does not always follow a major public investment if the regulatory scheme is not in sync with redevelopment market conditions. In those instances, the regulatory scheme needs to be changed to encourage the type of redevelopment desired by a community instead of allowing the old scheme that facilitates or allows undesirable redevelopment or no reinvestment at all. In most revitalization efforts, one or more catalytic projects must be pioneers in the market to lead the way to overall reinvestment in a community that raises the standard of quality for the entire community.

Much of the obsolescence of St. Pete Beach is attributable to an obsolete regulatory scheme that discourages and impedes the redevelopment of resort facilities with a full range of on-site amenities that compare with other destination resorts in Florida and other markets with which St. Pete Beach competes. The decline and attrition of existing resorts, boutique hotels and mom & pop motels has also been a result of a booming residential condominium market for many years until March, 2006 when it appears all types of reinvestment slowed or stopped altogether. However, it is only a matter of time before the residential condominium market returns to continue its march down our beaches as it slowly replaces aging hotels and motels, unless a new regulatory scheme is put in place to ensure the economic viability of resort facilities.

This slow and steady decline in the number and quality of temporary lodging units is also reflected in the decline and attrition of local businesses on Gulf Boulevard and within the traditional historic shopping district located on Corey Avenue which serve residents and visitors but are primarily supported by tourists. In addition, the existing main boulevard has narrow, poorly maintained sidewalks, virtually no landscaping, substandard lighting, inadequate and substandard bike lanes, inadequate and too few pedestrian crosswalks, too many curb cuts, or curb cuts that are too wide with a curb cut approximately every 15 feet. These conditions leave the pedestrian and bicyclist feeling unsafe and unprotected from passing cars. The character of Gulf Boulevard in terms of both safety and aesthetics, is not only a deterrent to reinvestment, it lacks almost all of the amenities and improvements of a quality livable community.

A. Definitions

The definitions set forth below are terms used in the Community Redevelopment Plan and this Future Land Use Plan amendment that establishes a Community Redevelopment District containing two major redevelopment districts and eleven character districts.

- 1) **Base Flood Elevation** - as used herein means that elevation above grade level established by the Federal Emergency Management Agency and implemented by State, County and local laws, codes and ordinances, above which height for a building is measured.
- 2) **City** – the municipality of St. Pete Beach.
- 3) **City Commission** – the duly elected governing municipal body of officials for the City of St. Pete Beach.
- 4) **Character District** – within the context of this Community Redevelopment Plan means one of eleven sub-districts or sub-areas that together form the Community Redevelopment District as a whole. Each of these sub-districts is called a “character district” because each of these areas share a common character that needs to be revitalized, enhanced or modified to achieve the community goals of quality residential living complemented by resorts and supported by a tourist-based economy. Each character district has its own unique mini-master plan that will fit into the larger framework established within one of two core redevelopment Districts – either the Downtown Core or the Gulf Boulevard Redevelopment District - and ultimately support the overall goals and objectives of the Community Redevelopment District as a whole. For example, the character of the Town Center Core District emphasizes pedestrian mobility over vehicular mobility and provides neighborhood and government services in a smaller-scale village-like atmosphere. This “character” is a re-creation of historical main streets that provided a core area where people gathered in a community to go to City Hall or the Post office, work, shop, dine, play and live.
- 5) **Comprehensive Plan** – the plan required by Chapter 163, Florida Statutes, to manage development and redevelopment within the City limits in a manner that is consistent with County and State policies, provides for intergovernmental coordination, provides for the uses of land, coordinates the timing and provision of adequate infrastructure systems and facilities, establishes environmental, conservation, recreation and open space policies, and establishes housing policies that ensures among other things safety, density varieties, historic preservation and affordable housing mitigation. *The Comprehensive Plan contains eight elements that must be consistent with each other in achieving the overall goals, policies and objectives of the Comprehensive Plan, including the following elements: (1) Future Land Use; (2) Capital Improvements Plan; (3) Coastal / Conservation; (4) Housing; (5) Transportation; (6) Infrastructure; (7) Recreation & Open Space; and (8) Intergovernmental Coordination.*

- 6) **Community Redevelopment District** – within the context of this Community Redevelopment Plan is a 248.25 acre core area of the City representing about 20% of the City’s total land area that shares a common goal of revitalizing primarily resort and commercial areas of the City that have seen little or no reinvestment in the past 30 years and contain a substantial number of properties that are not designed to current public safety, environmental, aesthetic or market standards. It is divided into two core sub-areas that share the overall need and goal of revitalization but also have distinct character and district objectives as a result. For example, the Downtown Redevelopment District focuses on creating a traditional downtown core area that provides traditional community services provided on a smaller scale that emphasize a safe and comfortable pedestrian environment where people live, play and work which is surrounded by residential neighborhoods that are within walking distance and buffered from commercial intrusion. In comparison, the Gulf Boulevard Redevelopment District is a core resort and shopping destination for both residents and visitors that is more reliant on vehicular mobility with a focus on preserving and revitalizing the heritage of St. Pete Beach as a resort destination with Gulf beach access for residents and visitors alike that respects the quality residential living located primarily to the east on the intracoastal waterways.
- 7) **Density** - means the number of residential or temporary units allowed per acre of developable land. For example: If 15 units per acre is the density allowed on a two acre parcel of land, a total of 30 units are permitted.
- 8) **Development** - means the carrying out of any building activity having the effect of the development of land.
- 9) **Development Site/Building Site** - an area of land or contiguous areas of land assembled or combined for a unified development, for the purposes of calculating density and intensity.
- 10) **Height** - means the vertical distance measured from the minimum base flood elevation to the highest point of a flat roof, to the deck of a mansard roof or to the average height between the plate and the ridge of gable or hipped roofs, not including spires, belfries, cupolas, personal television antennae, water tanks, ventilators, chimneys, antennas, elevator shafts, mechanical rooms or other non-habitable areas. Such non-habitable architectural or mechanical features shall not extend more than ten feet above the eave line of a gable, mansard or hipped roof or the highest point of a flat roof, not including a parapet.
- 11) **Intensity** - refers to a standard of measurement such as floor area ratio and/ or impervious surface ratio.

- 12) **Floor Area Ratio (FAR)** - means the total amount of gross building square footage on a building site in relation to the total square footage of the building site, , expressed as a ratio. For example: a one acre parcel with a 1.0 floor area ratio equals 43,560 square feet of building space.
- 13) **Future Land Use Element** - is one element out of eight elements that comprise the City's Comprehensive Plan. It establishes the goals, objectives and policies for the use of land to manage future growth and redevelopment in accordance with the City's vision for its future. The Future Land Use Element establishes both the Future Land Use Plan and the Future Land Use Map.
- a. The Future Land Use Plan defines and describes the land use plan categories, establishes the goals, objectives and policies, designates primary and secondary uses permitted in each land use plan category, and establishes density and intensity standards. In addition in this plan amendment, height standards are established that shall not be exceeded ~~except by voter referendum approval, if required by the City Charter.~~
 - b. The Future Land Use Map is a graphic depiction of the location and boundaries of each of the land use designations including the Community Redevelopment District (CRD) and each character district within the CRD.
- 14) **Housing Element** - is one element out of eight elements that comprise the City's Comprehensive Plan. It establishes the goals, objectives and policies that strive to provide a variety of housing types to serve permanent and seasonal residents.
- 15) **Impervious Surface Ratio (ISR)** - means the measurement in square footage of a building site covered by hard-surfaced area that prevents the absorption of water into the ground divided by the gross square footage of the building site , excluding land Gulf ward of the Florida Coastal Construction Control Line, expressed as a ratio. For example: if the plan requires a maximum 0.70 impervious surface ratio (ISR) that means that at least 30% of the parcel must be landscaped or otherwise maintained as open space that allows water to penetrate the ground surface (i.e., grass, sand, gravel). ISR shall be calculated on the basis of those portions of the site which are landward of the Florida Coastal Construction Control Line.
- 16) **Infrastructure Systems and Facilities** - as used herein means sanitary sewer, solid waste, potable water, reclaimed water, storm water drainage road systems, recreation, and school facilities.
- 17) **Land Development Code (LDC)** - means ordinances and regulations enacted by the City of St. Pete Beach City Commission ~~or by voter referendum as required by City Charter~~ that regulates any aspect of development.

- 18) **Mixed Use Development** - as used herein means a development on a building site that may combine residential, temporary lodging commercial and/or office uses and may contain one or more buildings. Specific limitations regarding the combination of the types of uses, minimum parcel sizes as well as density and intensity of mixed use development is established in each character district where permitted.
- 19) **Multi-family Residential Use** - means development that contains a single building with three or more residential dwelling units that may be eligible for homestead status, shall not be occupied on a temporary basis and is intended to be occupied as a permanent residential home. Multi-family residential uses may have a fee-simple ownership scheme such as a town-home or may have a residential condominium ownership scheme.
- 20) **Primary Uses** - A principal use identified under the use characteristics of each category. These categories of uses are those which the category is primarily designed to accommodate.
- 21) **Redevelopment** - means the conversion, relocation, reconstruction, structural alteration or enlargement of any existing building and/or use.
- 22) **Resort Condominium** - also more recently referred in the market and media as a “Condominium Hotel” shall mean any unit or group of units in a condominium, cooperative or vacation ownership, that is designed, operated and used for temporary lodging use and is used for temporary occupancy.
- 23) **Secondary Uses** - A secondary use, identified under the use characteristics of each category. These categories of uses are those which the category is designed to accommodate as a secondary priority.
- 24) **Temporary Lodging Unit** means an individual unit or suite of rooms with a temporary lodging use designed and offered for temporary occupancy. These temporary lodging units shall not be eligible for homestead status and shall not be occupied or function as a permanent residential dwelling and shall not qualify or be used for home occupational licensing.
- 25) **Temporary Lodging Use** - means a property that has an existing or permitted structure containing one or more temporary lodging units. A Temporary Lodging Use shall be further classified herein as required by the LDC as a hotel, motel, bed & breakfast inn, or resort condominium. In determining whether a property is developed as a temporary lodging use containing temporary lodging units intended for temporary occupancy, such determination shall be made without regard to form of ownership of the property or unit. A temporary lodging use may include accessory uses such as recreational facilities, restaurants, bars, personal service uses, retail uses, meeting spaces, fitness centers, spa facilities, parking structures, workforce living accommodations and other ancillary uses commonly associated with temporary lodging uses.

- 26) **Temporary Occupancy** - for purposes of temporary lodging use as used in the Community Redevelopment District shall mean occupancy of a temporary lodging unit that is offered, advertised and occupied on a temporary basis for thirty (30) consecutive days or less for temporary lodging guests and no more than thirty (30) days cumulatively on an annual basis for a resort condominium unit owner. These occupancy and operational limitations shall apply to all temporary lodging uses permitted within the Community Redevelopment District.
- 27) **Vacation of Right-of-Way** - means the transfer of all or a portion of public right-of-way to private ownership of a contiguous parcel of land.

B. Community Redevelopment District

General Provisions and Maps

(a) **Geographic Location.** This Future Land Use Plan and Map Amendment contains a Special Designation named the Community Redevelopment District (CRD) that is an area containing approximately 248.25 acres or approximately 20% of the total land area of the City. The Community Redevelopment District is shown on Map 1 and includes two major redevelopment areas (shown on Maps 2 and 3) as follows:

1. Gulf Boulevard Redevelopment District; and
2. Downtown Redevelopment District.

There are a combined total of eleven designated character districts within the Community Redevelopment District as a whole, including: four (4) character districts in the Gulf Boulevard Redevelopment District; and seven (7) character districts in the Downtown Redevelopment District as follows:

a. *The overall Gulf Boulevard Redevelopment District boundary is shown on ~~Map 10 and on~~ Map 2, the following character districts within this Redevelopment District are shown:*

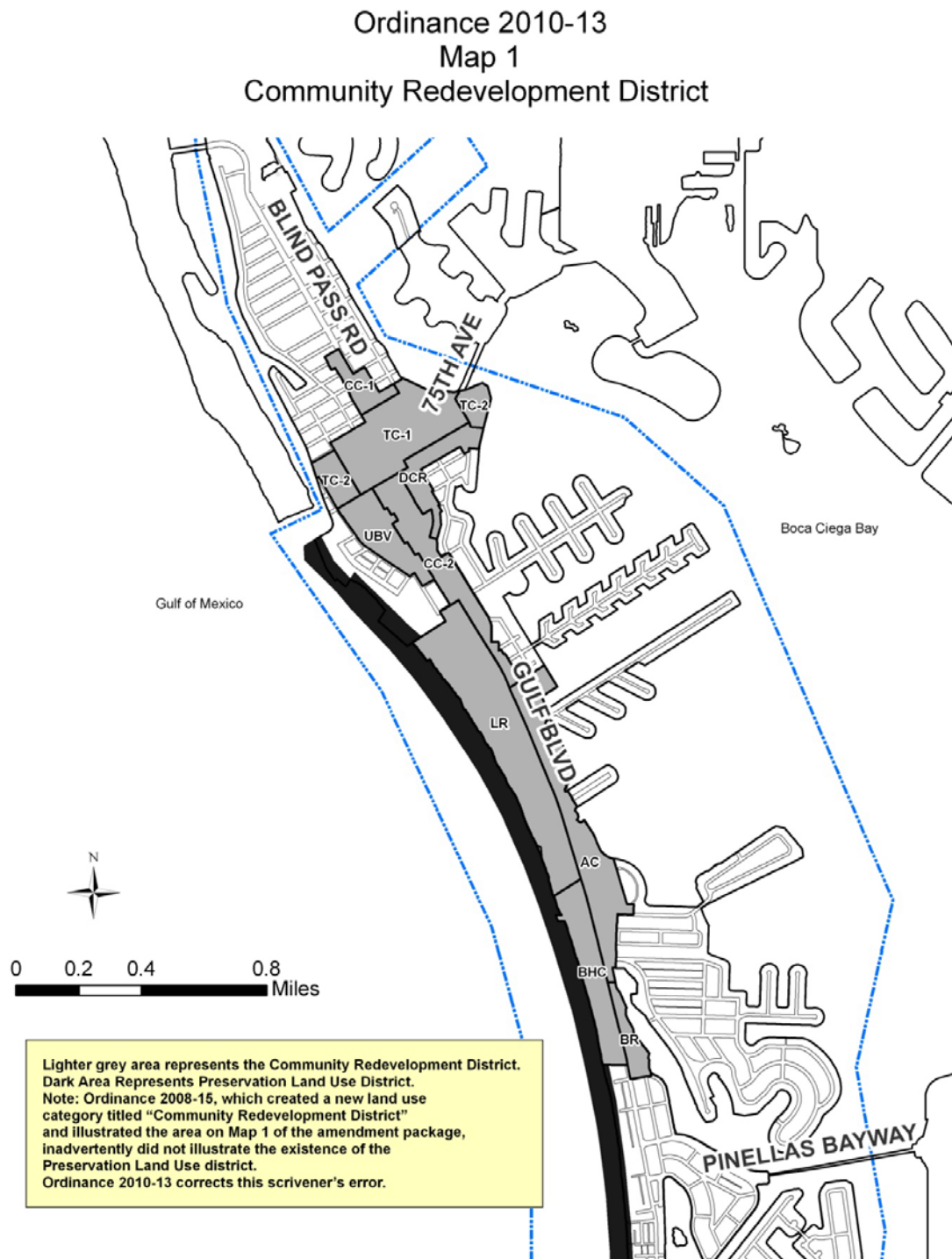
- 1) Large Resort District
- 2) Boutique Hotel/Condo District
- 3) Activity Center District
- 4) Bayou Residential District

b. *The overall Downtown Redevelopment District boundary is shown on ~~Map 11 and on~~ Map 3, the following character districts within this Redevelopment District are shown:*

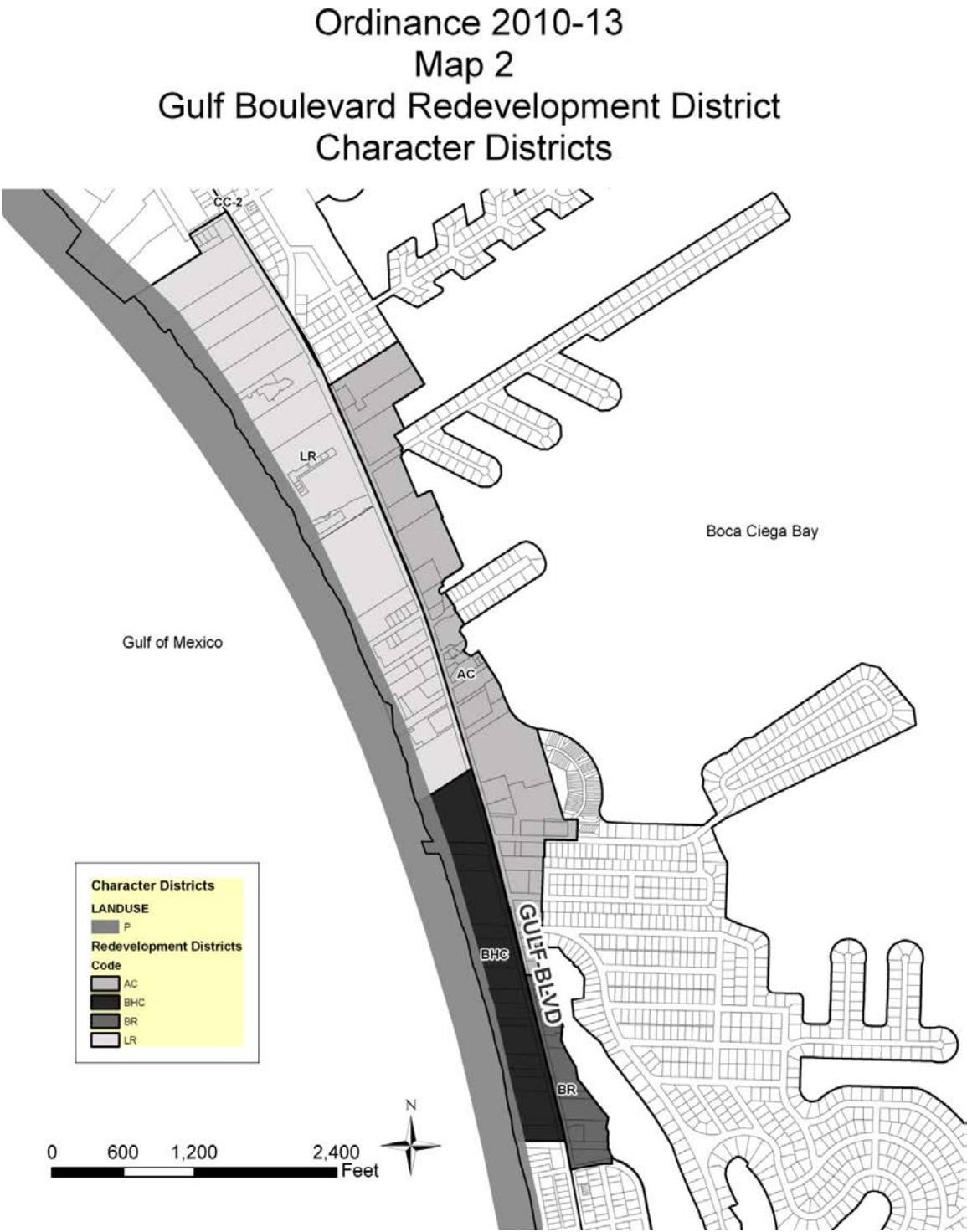
- 1) Town Center Core District
- 2) Town Center Corey Circle District
- 3) Town Center Coquina West District
- 4) Downtown Core Residential District
- 5) Upham Beach Village District
- 6) Commercial Corridor Blind Pass Road District
- 7) Commercial Corridor Gulf Boulevard District

The above designated character districts are intended to replace the conventional land use plan categories adopted in 1989 and 1998 that provided for medium and high density and intensity uses ranging up to forty (40) units per acre for temporary Lodging uses (Commercial General land use category) and up to thirty (30) units per acre for residential use (High Density Residential land use category) within the boundaries of the Community Redevelopment District.

Map 1. Community Redevelopment Districts Location

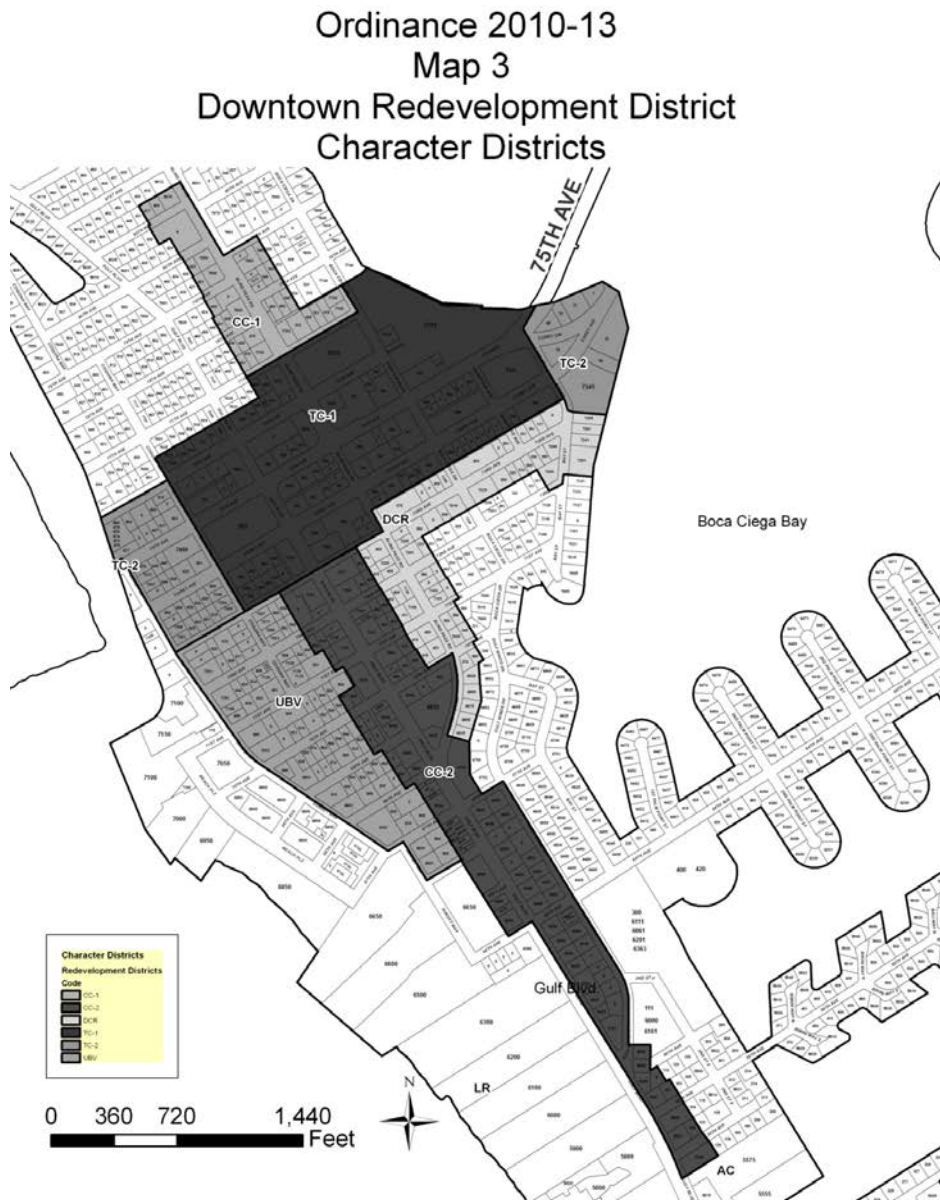


Map 2. Gulf Boulevard Redevelopment District Character Districts



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Map 3. Downtown Redevelopment District



(b) Locational Characteristics. This CRD land use plan category:

1. Is generally appropriate to those community areas designed to serve as local retail, office, temporary lodging uses, financial, governmental, and multi-family residential focal points for a community.
2. Shall target those neighborhoods and core areas of the community in a manner that is designed to encourage development and redevelopment in one or more combinations of uses as identified above and set forth in each specific character district plan.

(c) Purpose. It is the purpose of this CRD land use plan category to:

1. Depict those areas of the City that are now designated, or appropriate to be designated, as community core areas and certain defined and limited neighborhoods adjacent to these core areas that contain non-residential and residential uses, for development and redevelopment in accordance with the specific plan for each character district within the overall Community Redevelopment District.
2. To encourage and promote quality sustainable development and redevelopment throughout each character district and the Community Redevelopment District as a whole, that provides quality of life, economic and aesthetic benefits to the residents throughout the City as well as its visitors.

(d) Use Characteristics. Those uses appropriate to and consistent with this CRD land use plan category include:

Primary Uses: Temporary lodging uses, including large resorts, boutique hotels, motels, resort condominiums and bed & breakfast inns; Residential; Commercial; Office; Institutional; Marina; and Transportation/ Utility uses as specifically designated for each character district within the Community Redevelopment District.

Secondary Uses: Commercial; Office; Residential; Temporary lodging uses – bed & breakfast inns as specifically designated for each character district within the Community Redevelopment District; Marina.

Goals, Objectives and Policies for the Community Redevelopment District

GOAL 1:

To support achieving a quality sustainable community through livable community design standards as well as Green building, site design and operation strategies.

Objective 1.1

Promote a sustainable community by requiring the use of Green standards and practices for all development and redevelopment within the Community Redevelopment District by establishing minimum Green building and site design standards; and establishing incentive programs such as expedited site plan review and building permitting, and credits against impact fees in exchange for utilizing Green design standards and practices that benefit the quality and sustainability of the environment and:

- ❖ conserve water and other natural resources.
- ❖ reduce energy consumption.
- ❖ improve air quality by reducing Greenhouse gas emissions.
- ❖ reduce impacts on infrastructure by participating in ride sharing and shuttle service programs.
- ❖ reduce urban heat by reducing paved surfaces, reduce the need for parking by participating in shared parking plans, employer ride-share and shuttle service programs.
- ❖ reduce urban heat and encourage pedestrian mobility by planting additional shade trees.
- ❖ reduce waste through efficient design and recycling programs.
- ❖ promote a walkable environment by providing on-site pedestrian pathways that link to adjacent properties and off-site sidewalks to reduce traffic impacts and Greenhouse gas emissions.
- ❖ provide trolley stops or improve existing trolley stops as a comfortable, safe, convenient and attractive experience that encourages mass transit use.

Policy 1.1.1

Require minimum Green standards and encourage the use of Green redevelopment practices that exceed minimum standards for public and private development.

Policy 1.1.2

The City shall establish an incentive program for the implementation of Green standards, practices and technologies for new construction, major renovation and redevelopment within the Community Redevelopment District that exceed minimum requirements.

Policy 1.1.3

The City shall adopt and implement Green standards and an incentive program Citywide.

Policy 1.1.4

The City shall adopt and implement an incentive program that may include expedited site plan review, expedited building permit review and processing, and credits against impact fees or building permit fees that rationally relate to the environmental benefits being achieved such as lower water and energy consumption, reduced Greenhouse gas emissions, and reduced traffic impacts through the implementation of mitigation measures described in Policies 1.1.5, 1.1.6 and 1.1.7 below.

Policy 1.1.5

Encourage site design that promotes safe, comfortable pedestrian pathways internally within the site and provides externally pedestrian pathway linkages to activity centers, shopping, dining and entertainment.

Policy 1.1.6

Encourage employer-sponsored ride-share programs, mass transit subsidies for employees, shuttle services for employees, patrons and guests for work travel, and airport and off-site recreational, parks, entertainment and other tourist destinations.

Policy 1.1.7

Encourage temporary lodging facilities to have bicycles available for guest use.

Policy 1.1.8

Encourage construction waste management and recycling.

Policy 1.1.9

Encourage the use of fountains and water features that promote water conservation.

Policy 1.1.10

Encourage the use of low flow fixtures and high energy efficient rating construction materials, equipment and appliances.

Policy 1.1.11

Encourage the use of Waterwise Florida landscapes and drought tolerant plant material.

Policy 1.1.12

Encourage the use of reclaimed water and rain sensor irrigation systems.

Policy 1.1.13

Encourage the use of energy efficient and solar lighting.

Policy 1.1.14

Encourage the use of advanced storm water controls and waterfront considerations to minimize and eliminate pollutant run-off.

GOAL 2:

To meet the needs of residents and further the ideal of quality communities as a function of living, working, and recreation opportunities, the design and functionality of the Community Redevelopment District will have a renewed focus on livable community strategies that focus more on people and less on the auto with community improvements and site design that values connectivity, safe and attractive gathering places, functional and attractive design, and alternative safe mobility options.

Objective 2.1

Create livable, healthy streets that are designed and oriented towards safe pedestrian and bicycle movement.

Policy 2.1.1

Where appropriate, development and redevelopment should include the following pedestrian- friendly design features:

- ❖ Continuous sidewalks with a minimum width of ten feet, buffered from traffic by on-street parking and/or landscaping, and that include pedestrian amenities such as benches, trash receptacles, trolley shelters, and pedestrian-scale street lighting.
- ❖ Street trees to provide pedestrian-scale as well as shade and comfort to the pedestrian.
- ❖ Buildings should be served by primary walkways that directly link the main building entrance to the street, parking structure and parking areas.

- ❖ Pedestrian walkways should be visually distinct from parking lot and driveway surfaces and may include textured or colored materials.
- ❖ Permanent structures such as utility poles and traffic control poles within the sidewalk that restrict pedestrian movement should be discouraged.
- ❖ Direct routes between destinations, especially between adjacent parcels, to create walking and bicycling connections between neighborhoods and neighborhood (activity) centers.
- ❖ Additional sidewalk width and distinctive interesting sidewalk patterns for outdoor café seating.
- ❖ Internal vehicular access between adjacent properties that allows vehicular movement between properties without returning to the street to reduce curb cuts and improve traffic flow on roadways.
- ❖ Shared access driveways to reduce curb cuts and pedestrian-vehicular conflict.

Policy 2.1.2

The following livable roadway strategies and features shall be pursued wherever appropriate within the Community Redevelopment District and all features shall meet or exceed ADA requirements:

- ❖ Sidewalks on both sides of the street.
- ❖ Bike lanes.
- ❖ Pedestrian roadway crossing treatments such as bulb-outs, crossing islands, pedestrian refuge islands in the median, in-pavement pedestrian lights, textured or other distinctive crosswalk paving patterns, countdown signals, mid-block signals, “hot response” signals, pedestrian bridges over Gulf Boulevard at critical activity areas, signals that are consistent with the international symbols, and crosswalk signals that assist the visually and hearing impaired and wheelchair bound citizens, with particular emphasis on Gulf Boulevard, Corey Avenue, 75th Avenue, Blind Pass Road, and Sunset Way.
- ❖ Use of mid-block crossings, for blocks more than 800 linear feet in length.

- ❖ Signage that is clear, easily readable, user-friendly, is consistent with international signage rules and symbols, does not create visual clutter and is part of an overall comprehensive branding signage program for St. Pete Beach.

Policy 2.1.3

Where feasible, provide trolley transit stops in conjunction with pedestrian crosswalks, bike lanes and pedestrian pathways in conjunction with amenities such as pedestrian-scale decorative lighting, landscaping, secured bicycle storage, benches, trash receptacles, public art and other elements that provide comfort and weather protection for the waiting trolley passenger.

Policy 2.1.4

The provision of landscaping near the trolley stop in the form of shade or ornamental/palm trees is encouraged to maximize passenger comfort.

Policy 2.1.5

The City shall establish an off-site public improvements review and approval process for eligibility for community improvement impact fee credits.

Objective 2.2

Parking lots and driveways should be designed to support pedestrian safety, connections and comfort by reducing the number of curb cuts and providing interconnectivity between and through sites.

Policy 2.2.1

Allow a parking requirement reduction for properties that share both cross access and a common entrance drive that utilize shared-parking agreements and cross-access agreements.

Policy 2.2.2

New commercial, office, and retail buildings and centers should be planned to reduce the number of curb cuts and driveways. Where possible, projects should share driveways and parking access with adjacent sites to provide an interconnected system of auto and service access points.

Policy 2.2.3

The location and width of driveways should be reviewed through local site plan review processes to identify opportunities for shared driveways with neighboring properties and to reduce access points on the surrounding road network to the extent possible.

Policy 2.2.4

Parking lots and driveways should provide pedestrian connections to entrances. Dedicated walkways through parking lots should be included in the design.

Policy 2.2.5

Parking lots should include trees to provide shade and reduce temperature for pedestrians.

Policy 2.2.6

In furtherance of pedestrian safety, Pinellas County will coordinate with the Pinellas County Metropolitan Planning Organization and the FDOT to encourage the construction of traffic control/pedestrian crossings on Gulf Boulevard near beach access points.

Objective 2.3

The City will encourage and promote public art and design, and seek ways to increase opportunities for public art and design throughout the Community Redevelopment District as part of a Public Art and Design Master Plan that identifies opportunities, locations and priorities for public art and establishes an implementation/funding strategy and schedule.

Policy 2.3.1

The City will integrate art into City project designs, as appropriate.

Policy 2.3.2

The City will investigate revising building and land development regulations to create incentives to encourage private development to integrate public art into project designs, where appropriate.

GOAL 3:

To rebuild the core commercial and resort areas of the City utilizing Green practices, strategies and technologies.

Objective 3.1

Implement building and site design construction and operation practices that support long-term environmental sustainability by: protecting and conserving water resources; constructing energy efficient buildings; using Florida waterwise and native landscape

plant materials and design; recycling construction materials and debris; reducing urban heat through innovative building and site design; reducing pollutant run-off; protecting further degradation of the beach dune system and coastal wildlife species habitat and restoring or enhancing existing conditions through dune restoration measures, lighting and refuse controls and other measures.

Policy 3.1.1

All development within the Community Redevelopment District shall comply with a minimum of two environmental standards that will be established in Division 39.

Policy 3.1.2

All development within the Community Redevelopment District shall be encouraged to exceed minimum Green standards and redevelop, renovate or develop new projects that implement the “Green” objectives and policies contained in GOAL 1 of the Future Land Use Element relating to energy efficient and environmental sustainable practices.

Policy 3.1.3

All development within the Community Redevelopment District shall be encouraged to implement as many livable community design and operation strategies to promote safe and comfortable pedestrian, bicycle and mass transit mobility that will reduce the consumption of nonrenewable resources, reduce the need for parking and thus reduce urban heat and polluted run-off, and reduce greenhouse gas emissions.

Community Redevelopment District General Redevelopment Guidelines, Standards and Initiatives

(a) **Designation of Densities and Intensities in General.** Densities and intensities shall be designated for each classification of use in each character district within the Community Redevelopment District. The City Commission shall amend its LDC and adopt densities and intensities for each character district which shall be consistent with, and implement the Community Redevelopment District guidelines, standards, goals, objectives and policies as established herein. Further, the City shall amend its LDC to include densities and intensities for each character district that shall:

1. not exceed the overall density approved within the Community Redevelopment District and the City limits; and
2. ensure that a comprehensive redevelopment strategy can be and shall be implemented through land development regulations that maintain the City's heritage of quality residential living complemented by resort facilities and supported by a tourist-based economy that includes temporary lodging uses, local retail, restaurants and local pubs and bars; and
3. recognize that successful redevelopment of each character district is interdependent upon the implementation of successful redevelopment strategies in each of the other character districts; and
4. require the adoption and implementation of land development regulations by the City Commission or the registered voters of St. Pete Beach, as may be required by the City Charter and Code of Ordinances, for each character district that shall be consistent with and allow the implementation of an economically feasible strategy that promotes comprehensive redevelopment of consistent quality for the Community Redevelopment District as a whole and within each designated character district; and
5. not be exceeded by approval of variances.

(b) **Temporary Lodging Unit Density Pools ("TLU Density Pools") - Generally.**

1. **General Purpose.** The TLU Density Pools are intended to provide adequate and available temporary lodging unit density to those existing temporary lodging use properties to redevelop as economically viable resort facilities in the areas of the City where they have traditionally existed for decades. The initial base density provided for the temporary lodging uses in the Gulf Boulevard Redevelopment District are intended to bring almost every existing resort hotel property back into conformity which will allow them to rebuild as a resort hotel in the event of a natural disaster or other catastrophic event. The density provided above the base level, including reserve or density pools, is intended to provide economic incentives to redevelop existing temporary lodging properties as resort projects

rather than multi-family residential projects.

2. **Limiting Overall Density.** Realistically, not all existing resort properties can or will be redeveloped as such. In some cases, the existing density is not only higher than the 30 units per acre allowed under the existing land use designation is higher than the density allowed in the character districts providing for increased density for temporary lodging uses within the Community Redevelopment District. Therefore, rather than allowing every existing property the maximum potential density which would overestimate the need for density, and further, to ensure that almost every existing property first and foremost has the opportunity to become a conforming property in terms of use, TLU Density Pools shall be created to allow density to be utilized in meaningful ways in the areas of the City where temporary lodging uses currently exist. The goal and intent is to promote economic redevelopment but also provide an absolute overall maximum density cap to ensure that the overall approved density for the Community Redevelopment District is not exceeded and overdevelopment does not occur. Each TLU Density Pool shall have a maximum cap on the allocation of density on a project by project basis to ensure the redevelopment occurs on an orderly basis overtime throughout each character district and avoid a potential overdevelopment scenario that could arise without a cap and a program of first-come first-serve.
3. **TLU Density Pools Established.** TLU Density Pools shall be established in the following seven specific character districts*:
 - a. Boutique Hotel/Condo*
 - b. Town Center Core*
 - c. Upham Beach Village*
 - d. Town Center Core Corey Circle**
 - e. Town Center Core Coquina West**
 - f. Activity Center **
 - g. Bayou Residential**

The total number of temporary lodging units approved in 2005 as part of transient unit density pools for the three character districts designated with one asterisk* was 350 units. That 350 unit total for those three designated character districts* remains unchanged in this plan.

In the 2007 amendment, temporary lodging use density was reduced in the Large Resort District from 80 to 75 units per acre over 65.16 acres. The total temporary lodging unit decrease in the Large Resort District is 325 units. Therefore, these 325 units are available for redistribution to character districts with the potential for temporary lodging use redevelopment. These 325 available units are redistributed for potential use in the Town Center Core Corey Circle, Coquina West, Activity Center, and Bayou Residential Districts** upon approval of a conditional use request and on a first come, first serve basis. These two additional

character districts are identified as having temporary lodging use redevelopment potential as a result of their location at either terminus of the Corey Avenue main street corridor and proximity to waterfront.

The TLU Density Pool for each character district was determined based upon the following factors:

- a. The existing number of temporary lodging units in each district.
 - b. The degree of existing non-conforming densities.
 - c. The base temporary lodging density allowed in the specific character district.
 - d. The realistic number of units that may be potentially utilized to promote temporary lodging use redevelopment balancing both acreage and the actual number of existing temporary lodging facilities.
 - e. The potential to maintain waterfront access and views for the public.
 - f. The potential to redevelop temporary lodging uses in close proximity to entertainment, shopping, dining and activity centers.
4. **TLU Density Pool Allocation.** Any units allocated under this provision shall be by conditional use approval and shall be specific to each character district's existing temporary lodging use classifications (i.e., hotel, boutique hotel, motel, resort condominium, and bed & breakfast inn). The allocation of TLU density shall only be by ordinance of the City Commission approving a conditional use on a project by project basis. Such allocations shall not exceed the maximum allocation cap per project and further, shall not exceed total available remaining density in each TLU Density Pool for each of the character districts listed in subsection (b) 3 above. *This limitation on density is absolute.*
5. **Large Resort District Not Eligible.** Temporary lodging uses in the Large Resort District shall not be eligible for any TLU Density Pool allocations.

(c) Affordable Housing Mitigation Programs & Density Bonus¹.

1. **Existing Conditions.** Pinellas County, as in many areas of the State of Florida, is experiencing an affordable housing crisis. A scarcity of land, increasing land

¹ The Affordable Housing Density Bonus as established herein allows only 50% of the potential increased density that was approved in the 2005 Plan. In 2005, the maximum density bonus approved was ten (10) temporary lodging units per acre. It was the decision of the City, County and DCA in 2005 that any density bonus that may be utilized in the Large Resort District is speculative and as a result of countervailing public policies to promote and encourage affordable housing as well as the redevelopment of temporary lodging uses that support tourism as the #1 economy in Pinellas County and the State, the potential number of affordable housing bonus units was not calculated against the overall density cap for the Community Redevelopment District. Consistent with the policy for affordable housing density bonus calculation approved in 2005, the potential five (5) temporary lodging units per acre potentially available, subject to certain requirements and restrictions, as part of a voluntary affordable housing mitigation program in addition to the mandatory general mitigation program requirements, will not be calculated against the overall density cap for the Community Redevelopment District.

values and rising insurance and property taxes are creating a substantial impediment to providing affordable housing options for City and County residents who provide needed services to our community. Meaningful affordable housing solutions will require public/private partnerships and innovative strategies. At the time of this proposed amendment, several affordable housing mitigation strategies are being explored by the County and local municipal governments within the County. It is the express intent of St. Pete Beach to participate in any such adopted affordable mitigation strategies as agreed to by the City and County in cooperation with existing affordable housing programs in The City of St. Petersburg and Pinellas County to create affordable housing units within reasonable proximity to the City of St. Pete Beach.

2. **Interpretation and Construction.** This affordable housing provision is intended to enable the implementation of any and all affordable housing strategies mandated by any lawful means by the State, County or City, as may be established and amended from time to time. The City shall work in partnership with the County and neighboring jurisdictions to establish an affordable housing mitigation program. This provision shall be construed to be consistent with any future implementing land development regulations that provide affordable housing mitigation strategies.
3. **General Affordable Housing Mitigation Program Implementation, Limitations and Restrictions.** The City shall establish an affordable housing general mitigation program that includes impact fees or alternative mitigation options that shall be imposed on net development, with credit provided for any existing units or floor area which is removed during the redevelopment process. Alternative mitigation options in lieu of mitigation fees may include eligible, qualified and approved: a) construction of on-site workforce living accommodations; b) credits for off-site construction of affordable housing; c) credits for land purchases or donations that are legally restricted and used for affordable housing only; d) credits for participation in employer-assisted housing programs; or e) such other affordable housing mitigation strategies that may be established by the City in partnership with the County and neighboring jurisdictions. This general mitigation program shall be imposed on a City-wide basis. Jurisdictions, agencies and programs that will receive the revenues generated will be determined through negotiation with appropriate authorities.
4. **Implementation.** The City shall amend its LDC to establish or amend an existing affordable housing and mitigation program, as appropriate, to be consistent with this plan amendment. The LDC shall be amended as soon as reasonably possible, but no later than thirty (30) days after receiving all final County, State, agency and City Commission approvals of this amendment to the Comprehensive Plan ~~after approval by a voter referendum~~. This affordable housing mitigation program shall be established in partnership with the County and neighboring jurisdictions and shall comply with all governing County and State laws in effect at that time.

5. **Large Resort Affordable Housing Mitigation Program & Density Bonus.** In consideration of the legitimate State, County and City public interest to encourage and promote both affordable housing mitigation strategies as well as tourism which is the number one industry in both the State and County and the City's only industry, temporary lodging unit density bonuses in exchange for affordable housing mitigation exceeding that established by the General Affordable Housing Mitigation Program shall be established for the Large Resort District. The City Commission shall amend its LDC and provide for a Large Resort Affordable Housing Mitigation program as soon as reasonably possible in accordance with the following restrictions and limitations:
- a. **Density Bonus Limitations.** A density bonus in exchange for affordable housing mitigation may only be allowed in conjunction with a defined Large-scale temporary lodging use development.
 - b. **Density Bonus Restrictions.** A maximum temporary lodging unit density bonus shall be permitted up to, but shall not exceed an additional five (5) bonus units per acre and an additional 0.2 floor area ratio to accommodate the additional temporary lodging units for a defined Large-scale temporary lodging development. Five bonus units shall be allowed for every affordable unit constructed.
 - c. **Mitigation Exemption.** Temporary lodging units built as part of the affordable housing density bonus and on-site workforce living accommodations provided in compliance with the General or Large Resort Affordable Housing Mitigation programs, as applicable, shall not be subject to the affordable housing mitigation fees or other program requirements.
 - d. **Prohibitions and Restrictions.** All on-site workforce living accommodations shall be:
 - (i) prohibited from being advertised for, or otherwise used for guest temporary lodging or home occupational licensing purposes;
 - (ii) exclusively used for providing on-site workforce living accommodations for employees eligible for low income or very low income status as defined by the County and City; and
 - (iii) prohibited from being advertised for or otherwise sold as a residential dwelling unit that does not qualify as an on-site affordable housing unit occupied exclusively by an employee(s) of the temporary lodging facility.
 - e. **Covenant Required.** A legally enforceable restrictive covenant, in form and content acceptable to the City, shall be required as a condition of site plan approval and recorded in the public records of Pinellas County upon issuance

of a building permit setting forth the restrictions provided in subsection (c)5 above. In addition, such on-site workforce living accommodation units shall be subject to all procedures and requirements of the hurricane closure and evacuation plan for the temporary lodging facility.

(d) **Height Standards, Restrictions and Limitations.** Height standards, restrictions and limitations are:

1. Established in response to the residents':
 - a. strong objection to the potential for overdevelopment of the community that could create a dense urban high-rise City;
 - b. strong desire to restrict height increases generally to the minimum necessary to implement the desired redevelopment goals, objectives and policies; and
 - c. strong desire to prohibit high-rise residential development throughout the City, particularly along the Gulf beaches.
2. Intended to preserve the City's heritage of quality residential living complemented by resorts and supported by a tourist-based economy in acknowledgement of the following:
 - a. that a significant number of high-rise residential condominiums exceeding ten (10) stories in height exist from just north of 38th Avenue northward to the northernmost boundary of the City abutting Treasure Island; and
 - b. that a substantial majority of residents desire to prohibit more such high-rise residential condominiums that do not contribute to maintaining the diverse tourist-based economy of the City and will potentially "privatize" our local beaches and waterfronts by denying public access and views to the water; and
 - c. that socio-economic needs support:
 - (i) Increased building height for large-scale resort redevelopment only.
 - (ii) Limited height increases for small-scale resort redevelopment, boutique hotels, and Upham Beach Village motels.
3. Defined and described in each character district to promote the preservation of the City's diverse residential resort community by allowing the redevelopment of existing temporary lodging uses throughout the areas of the City that have traditionally provided such resort and temporary lodging facilities because:
 - a. socio-economic needs support limited height increases for mixed use development projects in a few select core commercial areas within the Community Redevelopment District including the Dolphin Village Shopping

Center and the east and west ends of Corey Avenue to anchor the Corey Avenue main street that will act as a catalyst for revitalization of the City's historic downtown area; and

- b. socio-economic reasons at this time support discouraging or strictly limiting height increases in the City's land development regulations, including prohibiting variances for increased height for residential condominium development.
4. Established in the Community Redevelopment District to:
 - a. acknowledge the residents' objections and desires as well as existing conditions and the socio-economic needs of the community as set forth above to promote and support the future sustainability of a quality residential and resort community;
 - b. provide that only certain height increases will be allowed and are limited both in actual height as well as select core areas within only 5 of the 11 character districts that represent approximately 8.5 % of the total land area of the City;
 - c. provide the necessary catalyst for quality reinvestment of these core areas that will enhance the overall value and opportunity for reinvestment by residents, local retail, hotel and motel owners, and investors alike;
 - d. selectively target those limited areas that will minimize or avoid any encroachment upon existing residential neighborhoods and provide maximum protection and opportunity for compatibility with existing uses; and
 - e. selectively targets only those uses that contribute significantly to our local economy and quality of life.
5. Specified in each character district within the Community Redevelopment District and shall be:
 - a. consistent with and allow the implementation of the redevelopment strategy for the respective types of uses provided for in each character district; and
 - b. subject to the height limitations contained in the City's LDC.
6. Established in each character district. ~~with the express intent of complying with the Section 3.18 of the City Charter, as amended on Nov. 7, 2006, that requires voter referendum approval for any increases to height allowed by the City's LDC.~~
 - a. It is the express intent of this amendment to the Future Land Use Element of the Comprehensive Plan designating a Special Area - Community Redevelopment District designation, to establish such height standards not as

a recommendation, but rather as a mandatory maximum height for each type of use within each character district within the Community Redevelopment District that shall be adopted by Ordinance of the City Commission amending its LDC. These height standards are mandatory only for the purposes of establishing maximum permissible heights in both the Comprehensive Plan and the LDC and shall not be construed as requiring that a developer build the maximum height allowed, only that they may build up to, but not exceed, the maximum height for each use as established in each character district.

- b. The height standards established for each use within each character district within the Community Redevelopment District have generally been determined to be the minimum necessary to implement an effective redevelopment strategy as contemplated herein for each character district and for the Community Redevelopment District as a whole.
- c. It is expressly intended, and shall be construed that any increases to the maximum height in each character district shall be governed by the referendum procedures established in Section 3.18 of the City Charter, as adopted on November 11, 2009, as well as procedures established in Florida Statutes for amendments to the adopted comprehensive plan.

~~7. Any increases to the maximum allowable height, including by variance, established for each use in each character district within the entire Community Redevelopment District shall be prohibited unless approved by voter referendum, if required by the City Charter.~~

7. Variances to increase the maximum height allowed for any use or structure shall be prohibited.

- (e) **Public Safety Standards.** Shall be required, implemented and updated as necessary in the City Land Development and Building Codes to provide the maximum flood, hurricane and tropical cyclone protection and mitigation; and further, to proactively improve public safety and emergency procedures in the event of a natural disaster with particular emphasis on emergency evacuation plans and procedures. All new construction shall comply with Federal Emergency Management Agency and National Flood Insurance Program rules and regulations as may be further restricted by local rules, regulations, ordinances, building codes or other governing laws. All temporary lodging uses shall comply with closure and evacuation procedures in accordance with State, County and local rules.
- (f) **Traffic Generation Characteristics.** The Comprehensive Plan standard for the purpose of calculating typical traffic impacts relative to a plan amendment for this land use category shall be based upon the actual mix and intensity of land use proposed in the Community Redevelopment District plan map area and represents the maximum trip generation rate potential, calculated by using the appropriate traffic generation characteristics for each corresponding category of land use, adjusted to

account for proposed density/intensity of said land use. Actual implementation of the comprehensive plan will not result in the maximum potential densities and intensities permitted herein. Actual implementation of land development regulations on a project by project basis will require transportation management plans and strategies. As a result, the maximum trip generation rate calculated under the maximum potential build out under this plan will further be reduced.

(g) Infrastructure Systems & Facilities Characteristics and Standards.

1. Major findings:

- a. Generally, with few exceptions, the design and materials of existing potable water, sanitary sewer, and storm water within the designated CRD are characteristic of 40-50 year old facilities.
- b. That new development and redevelopment will create additional impacts on existing and future infrastructure systems and facilities.
- c. There is a need to continue to modernize and improve infrastructure, maintain or improve levels of service provided to residents and visitors, including safety and aesthetic improvements, where practical and feasible.
- d. Physical constraints, as well as safety and aesthetic considerations affecting the feasibility and practicality of widening existing roads, require a greater emphasis on increasing mobility through strategies that do not involve road expansion and include alternative mobility strategies.
- e. That used on its own, an established letter grade system for measuring levels of service on roadways which is based primarily on travel speed, can be misleading as an indicator of roadway performance. Roadway congestion and duration of congestion also need to be considered to more accurately assess roadway performance.
- f. Escalating cost of right-of-way is cost-prohibitive.

2. Concurrency Management System and Transportation Management Plan Requirements:

- a. **Concurrency Statement.** All new development or redevelopment that increases density or intensity shall be required to prepare and submit a Concurrency Management Statement to the City, at its sole expense, to determine the sufficiency of capacity and any potential adverse impacts or degradation of the levels of service below acceptable levels established by the City or County, as applicable, on existing or future infrastructure systems and facilities except transportation which shall be required to submit a Transportation Management Plan. At a minimum, Concurrency Management

Statement(s) shall be submitted for the following:

- (i) potable water;
 - (ii) sanitary sewer;
 - (iii) transportation facilities;
 - (iv) parks and recreation facilities (for residential development only); and
 - (v) educational facilities (for residential development only).
- b. **Infrastructure Study.** An infrastructure study may be required on one or more of the above-listed systems or facilities to determine the extent of any degradation of the infrastructure below the adopted levels of service caused by increases in density or intensity of use on the development site. Mitigation fees and/or physical or operational improvements determined to be reasonably required and in proportion to the impacts caused by the increased density and density of new development, in consideration of the long-term concurrency management plan of the local government who owns and operates the facility or system, shall be a condition of site plan approval.
- c. **Transportation Management Plan.** All new development, excluding single-family and duplex residential, shall be required to prepare and submit a Transportation Management Plan (TMP) to the City, at its sole expense, to determine the extent of the impacts on existing transportation systems based upon adopted levels of service and concurrency management standards to address impacts caused by any increases to density or intensity on the development site. The TMP shall determine any necessary physical or operational improvements, alternatives and other mitigation strategies that can be implemented to maintain the adopted levels of service and address a long-term concurrency management program. A TMP that includes one or more strategies to reduce external trip generation, improve traffic flow, reduce Greenhouse gas emissions, and/or emphasizes safe and comfortable pedestrian, bicycle and mass transit mobility, will be required. TMP strategies may include, but are not limited to:
- (i) Physical and operational improvements.
 - (ii) Expanding and improving mass transit and trolley stops with amenities that provide protection from sun and rain and are aesthetically pleasing to encourage increased mass transit/trolley rider-ship.
 - (iii) Employer-sponsored employee ridesharing and vanpooling programs.
 - (iv) Employer-subsidized mass transit passes for employees.
 - (v) Implementation of a temporary lodging shuttle service to the Tampa International and St. Petersburg/Clearwater Airports shall be mandatory for all Large-scale temporary lodging uses and encouraged for all other temporary lodging uses. Shuttle service to area attractions, parks and entertainment venues may be included as part of a TMP but shall not be required. Shuttle services for guests of temporary lodging facilities may be operated for one resort or as part of a shared shuttle service program

with participating member resorts.

- (vi) Bicycle and/or segway rental or complimentary programs for temporary lodging guests.
- (vii) Provision of on-site pedestrian and bicycle linkages to external pathways to expand, improve and enhance a safe, continuous pedestrian, bicycle and segway network throughout the City.
- (viii) Expansion, improvement or enhancement of off-site bike/segway lanes and sidewalks to form a continuous safe and comfortable network Citywide.
- (ix) On-site secured bicycle storage areas.
- (x) Additional tree canopy adjacent to sidewalks to provide shade and comfort to the pedestrian that will increase pedestrian mobility.
- (xi) Pedestrian-scale decorative street lighting and street furniture along pedestrian pathways to create a safe and comfortable experience to encourage pedestrian mobility.
- (xii) Monetary contributions towards a City-owned and operated Looper Trolley fleet operated solely within the City limits and fueled by alternative fuels or electrically-charged batteries.
- (xiii) Construction or monetary contributions towards a Gulf Beach Boardwalk, should the City pursue a beach boardwalk or trail.
- (xiv) Construction of crosswalks and related crosswalk features that facilitate safe movement across roadways.
- (xv) Dedication of easements for pedestrian and non-motorized pathways.
- (xvi) Right-of-way donation for turn lanes and/or wider bike/segway lanes.
- (xvii) Construction or monetary contributions towards a pedestrian bridge over Gulf Boulevard linking major activity areas.

- d. **Governing laws.** Mitigation or elimination of impacts shall comply with applicable State, County and City concurrency and proportionate share requirements, and shall also implement the goals, objectives and policies of the redevelopment and character district where the development is located.

(h) **Transportation Concurrency Management Standard for Large-scale Temporary Lodging Development.** In accordance with the Countywide transportation concurrency management rules and regulations, each project developed or redeveloped within the Community Redevelopment District shall be consistent with the Metropolitan Planning Organization's (MPO) countywide approach to the application of a concurrency management system and implementation of a Transportation Management Plan requirement and shall:

1. recognize standard data sources as established by the MPO;
2. identify level of service (LOS) standards for state and county roads as established by the MPO;

3. utilize the proportionate fair share requirements consistent with Ch. 163, F.S., and the MPO model ordinance;
 4. utilize the MPO Traffic Impact Study Methodology; and
 5. recognize the MPO designation of “Constrained Facilities” as set forth in the most current MPO Annual Level of Service Report.
- (i) **Environmental and Conservation Standards.** The City shall amend its LDC to provide minimum Green building and development standards. All development, redevelopment and major renovation projects shall be required to meet a minimum of two Green building and development standards that will be established by the City in the LDC and shall be strongly encouraged to implement Green practices in building and site design that exceed the minimum standards. All development shall be encouraged to utilize fixtures, equipment and best practices in water, energy and waste efficiency standards during and after construction is completed to support the City goal of becoming the first Coastal Green City in Pinellas County. In addition, the City shall amend its LDC, Building Code, application procedures and processes, as applicable and appropriate, to implement a pilot Green practices incentive program in accordance with GOAL 1 of the overall Future Land Use Element and Goal 3 above and Section (j)3 below of this Community Redevelopment District Future Land Use Element.
- (j) **Community Involvement.** A minimum of one (1) community meeting shall be held at least thirty (30) days prior to submitting an application for administrative approval of a development or redevelopment site plan proposed to be built within the Community Redevelopment District. Single family homes, duplexes and projects less than ½ acre in size, may, but shall not be required, to host a community meeting. The purpose of the community meeting shall be to present the development project site plan to interested City residents and business owners, answer questions and solicit comments. A sign-in sheet and comment cards shall be provided to all attendees and a copy shall be provided to the City Clerk within three (3) days of the meeting. At least one City Staff person from the Community Development Services Department shall attend the community meeting. The City shall consider the written comments submitted by attendees during its administrative site plan review process, and may implement such public comment as appropriate that are consistent with and not contrary to law and local land development regulations, and are in the best interests of the public health, safety and welfare of the community.

Densities Reserved for the Community Redevelopment District

(a) **Coastal High Hazard Limitations.** State, County and local laws discourage an increase to the overall density within the City limits as a result of the State designation of the City as a Coastal High Hazard community. The following reserves are restricted to ensure that the overall density in the Community Redevelopment District and the City is not increased.

(b) **Residential Unit Reserves (“RU Reserve”).** RU Reserves are established for the following three designated character districts ~~for a minimum of five (5) years~~ in accordance with each district’s specific redevelopment plan:

- ❖ Downtown Core Residential District for two (2) units per acre for a total of 23 reserved residential units.
- ❖ Commercial Corridor Blind Pass Road District for three (3) units per acre for a total of 22 reserved residential units.
- ❖ Commercial Corridor Gulf Boulevard District for three (3) units per acre for a total of 64 reserved residential units.

1. **Purpose and Intent.** The purpose of the RU Reserve in any character district where such a reserve is established is to balance the need for redevelopment in certain diverse neighborhoods of the community against a strong desire not overdevelop these same neighborhoods in acknowledgement of the conditions set forth in sections (b)2 and (b)3 below.

2. **Existing Physical & Economic Conditions.** There are two primarily commercial character districts and one mixed residential/temporary lodging use character districts where the RU Reserve will be established. The following describes their respective existing conditions:

- a. The Downtown Core Residential is a very diverse neighborhood with residential and non-residential uses, including a mix of housing types ranging from single family to higher density aging multi-family apartment complexes and temporary lodging densities.
- b. The two Commercial Corridor districts, one located on the south end of Blind Pass Road and the other located at the north end of Gulf Boulevard have narrow lot depths abutting residential neighborhoods that need redevelopment in a manner that will be more compatible with the residential neighborhoods located behind these character districts.
- c. Several of the aging apartment complexes have already been or may be converted to condominium ownership at higher densities than allowed by current land development regulations if the existing regulatory scheme is not updated to encourage redevelopment in lieu of remodeling that does not require compliance with current building, safety, FEMA and LDCs and

regulations.

3. Consequences of Existing Built Densities that Exceed Densities Allowed under Current LDC are:

- a. **Maintenance and repair only.** Aging properties are maintained, repaired and at best cosmetically remodeled and renovated instead of rebuilt to current site design, building code and FEMA regulations. This consequence impedes the City's ability to improve overall public safety through the implementation of current building codes and FEMA flood regulations, as well as improve the overall quality of life of its residents through the implementation of more stringent site and building design standards.
- b. **Decline in Material Reinvestment.** If current safety, building, flood protection and design standards cannot be implemented because landowners find it more economically viable to remodel than to rebuild to current standards, these diverse neighborhoods will continue to see a decline in reinvestment, property value and overall quality of life from a public safety, building safety, aesthetic, and environmental perspective.

4. Implementation of RU Reserves in Three Character Districts

~~a. **Five Year Waiting Period.** RU Reserves shall not be implemented through the City's Future Land Use Plan and LDC prior to five years after final initial adoption (Ordinance 2008 15, August 26, 2008) of this plan and map amendment to:~~

~~(i) Allow the City adequate time to assess whether or not the incentive provided by this redevelopment plan is sufficient in the short term to effectuate redevelopment without implementing all available residential density immediately upon approval of this amendment.~~

~~(ii) Avoid the potential for overdevelopment in the short term while simultaneously allowing future Commissions to re-evaluate economic conditions beyond five years and decide if additional incentives are needed to encourage redevelopment in each specific character district.~~

~~(iii) Provide future Commissions the necessary planning tools when and if warranted, to further the stated goals, objectives and policies of the Community Redevelopment Plan.~~

- a. **FLUE Implementation.** After the expiration of this five-year waiting period, The maximum permitted residential density for land designated in Future Land Use Plan and Map is as follows:

- (i) Commercial Corridor Gulf Boulevard District and the Commercial Corridor Blind Pass Road District shall be fifteen (15) residential units per acre without further need to amend this Future Land Use Plan and Map.
 - (ii) Downtown Core Residential District shall be twelve (12) residential units per acre without further need to amend this Future Land Use Plan and Map.
- b. **LDC Implementation.** ~~After that initial mandatory five-year reserve period,~~ Future City Commissions may increase the residential density permitted in each of the three character districts as established immediately above by amending the land development regulations, but only if such increase is determined necessary by a future City Commission.
- (c) **General Residential Unit “RU” Density Pool Reserve.** is established for the entire Community Redevelopment District by reducing the previously allowed maximum residential density of 18 dwelling units per acre in the Large Resort character district by three dwelling units per acre to a maximum of 15 dwelling units per acre over the entire 65.16 acres. The total residential density reduction in the Large Resort district equals 195 residential dwelling units.
 - 1. **Purpose and intent.** For the same purposes stated in Section 3 above relating to residential reserves for specific character districts, these 195 residential units previously permitted in the Large Resort character district shall be reserved for future use within the CRD, as may be necessary and warranted.
 - 2. ~~**Ten-Year Waiting Period.** The residential dwelling units contained in this General RU Density Reserve shall not be implemented through the City’s Future Land Use Plan prior to ten years after final initial adoption of this amendment (Ordinance 2008-15, August 26, 2008).~~
 - 2. **FLUE Implementation.** ~~After the expiration of this Ten-year waiting period,~~ 195 residential dwelling units shall automatically become available as a residential density reserve for any property located within the boundaries of the Community Redevelopment District that permits residential use without further need to amend this Future Land Use Plan and Map.
 - 3. **LDC Implementation.** ~~After that initial mandatory Ten-year reserve period,~~ Future City Commissions may implement the residential density pool through the LDC with proper allocation procedures and absolute density limitations to ensure that the cumulative total of allocations does not exceed the available reserve density.

Other Standards for the Community Redevelopment District (CRD)

Shall include the following:

- (a) **Countywide Amendment CRP Approval.** The utilization of this Comprehensive Plan Future Land Use Element land use plan category and corresponding Future Land Use Map change to provide for a Community Redevelopment District shall require the subject area to be formally designated as a community or neighborhood redevelopment area and a special area plan ~~initially approved by a voter referendum as prescribed by City Charter~~. Thereafter, the process for the Countywide Future Land Use Plan amendment to employ or alter this land use plan category shall require recommendation by the Pinellas Planning Council and approval by the Countywide Planning Authority for the special area plan and any substantive amendments thereto. Minor plan changes that are not considered substantive shall not constitute an amendment to the Future Land Use Plan, and shall be submitted to the Pinellas Planning Council and the Countywide Planning Authority for receipt and acceptance. Where such comprehensive plan amendment is prepared pursuant to Chapter 163, Part III, F.S. ~~or governing laws in effect at the time of voter referendum approval~~, all applicable provisions of that process will be complied with prior to or simultaneous with the review of the Community Redevelopment Plan under the Countywide Rules.
- (b) **Countywide Amendment CRP Content/Criteria.** The Community Redevelopment Special Area Plan prepared in support of this land use plan category and amendment to the City's Comprehensive Plan Future Land Use Element and Future Land Use Map shall include at a minimum that information for such special area designation determined necessary by the Pinellas Planning Council to evaluate the proposed amendment in relationship to the policies of the Countywide Future Land Use Plan, the assessment of infrastructure impacts and the adequacy of provision therefore and the relationship of the proposed special area plan to the Countywide Future Land Use Plan and affected local government plans.

C. Gulf Boulevard Redevelopment District

General Provisions

- (a) **Location and Character.** The Gulf Boulevard Redevelopment District contains approximately 148.20 acres of land shown on Map 2. This District represents approximately 11.5% of the total land area of the City.
- (b) **Purpose and Intent; Redevelopment Incentives & Deterrents.** This District is one of two core redevelopment districts and this District is designed to:
1. Encourage revitalization and redevelopment of primarily:
 - (i) temporary lodging uses -resorts, hotels, resort condominiums and boutique hotels on the west side of Gulf Boulevard; and
 - (ii) commercial and mixed-use retail/residential projects on the east side of Gulf Boulevard with an emphasis on the central core Activity Center character district.
 2. Discourage residential condominium development on the west side of Gulf Boulevard.
 3. Prohibit exclusive residential use projects exceeding current height and density restrictions contained within the City's LDC, as may be amended from time to time in accordance with the City Charter.

Goals, Objectives and Policies for the Gulf Boulevard Redevelopment District

GOAL 1:

Gulf Boulevard shall be a place that attracts people for living, employment and recreation. The City shall encourage the revitalization of Gulf Boulevard through commercial and temporary lodging redevelopment that will attract residents and visitors to the Gulf Boulevard core resort area as a recreation, entertainment, resort and shopping destination.

Objective 1.1

All development and redevelopment within the Gulf Boulevard Redevelopment District shall further the goals, objectives and policies of the Community Redevelopment District, this District and each character district within which development occurs; and shall comply with the design guidelines and the applicable land development regulations for the respective character district.

Objective 1.2

High-rise residential condominium projects in the Gulf Boulevard Redevelopment District are prohibited along the Gulf beaches and intracoastal waterways by prohibiting height and density increases for exclusively residential uses on Gulf Boulevard.

Objective 1.3

A variety of incentives shall be available to encourage commercial and temporary lodging development in the Gulf Boulevard Redevelopment District, with particular emphasis on redeveloping temporary lodging uses on the west side of Gulf Boulevard along the Gulf beaches; and redeveloping appropriate commercial and residential uses on the east side of Gulf Boulevard.

Objective 1.4

The Gulf Boulevard Redevelopment District shall maintain, and where practical, expand parks and recreational activities, including waterfront recreation that serves residents and visitors.

Objective 1.5

The Gulf Boulevard Redevelopment District shall be a safe environment for both residents and visitors, and real and perceived public safety issues will be addressed including improved lighting, improved pedestrian circulation on the east and west sides of Gulf Boulevard and crossing Gulf Boulevard, improved bicycle lanes for safer circulation for all modes of non-vehicular transportation, and shall consider traffic flow devices and improvements to assist in daily traffic flow and emergency evacuation.

Objective 1.6

The City shall recognize the unique features of Gulf Boulevard and shall implement the Gulf Boulevard Improvement Program or develop a Master Boulevard plan that promotes uniform beautification landscape standards, provides a pedestrian and bicyclist-friendly and safe environment that minimizes pedestrian-vehicular conflict and bicycle-vehicular conflict.

Objective 1.7

Public beach access will be preserved and expanded through redevelopment of temporary lodging uses.

Objective 1.8

All new building construction shall comply with current Building and Safety Codes, FEMA and National Flood Insurance program regulations to maximize protection of the City's built infrastructure from all manner of hazards, natural disasters and flooding. The City shall ensure compliance not only through the building permit process but through Code Enforcement and inspections as necessary to maintain the highest FEMA rating achievable for a coastal barrier island.

Objective 1.9

The City shall recognize the importance of temporary lodging uses and public beach access to its residents and visitors in preserving and maintaining its socio-economic quality of life; and further, the City recognizes that additional high-rise residential development along the Gulf beaches is not desirable and not in keeping with the City and its residents' desire to preserve and expand public beach access and temporary lodging uses that if lost, and replaced with high-rise residential uses, will adversely impact the City's tourism-based economy; and as a result, such high rise residential development shall be discouraged throughout the Gulf Boulevard Redevelopment District and shall not be allowed to exceed current height limitations of five stories over parking for exclusively multi-family residential use projects in the Gulf Boulevard Redevelopment District.

GOAL 2:

Create a quality livable community where people and vehicles can circulate in the Gulf Boulevard Redevelopment District area safely, comfortably and efficiently.

Objective 2.1

Gulf Boulevard shall be reclaimed as a functioning local street to the maximum extent permitted by FDOT to operate within the Gulf Boulevard Redevelopment District for vehicular, non-vehicular and pedestrian circulation.

Objective 2.2

Temporary lodging redevelopment shall be required to file an enforceable mandatory closure and evacuation plan that complies with County Emergency evacuation and management procedures and local emergency management rules and procedures,

which shall be updated and amended as may be required by the County and/or City, from time to time.

Objective 2.3

A Master Boulevard Plan shall be implemented to enhance the pedestrian and vehicular environment, invite residents and visitors into the Gulf Boulevard Redevelopment core resort area, improve traffic circulation and encourage private reinvestment and investment, subject to FDOT approval.

Objective 2.4

A variety of parking solutions for motorized and non-motorized vehicles shall be pursued to support redevelopment, while maintaining ease of access and adequate parking throughout the Gulf Boulevard Redevelopment District.

Objective 2.5

Large-scale temporary lodging redevelopment shall be required to develop and implement a Transportation Management Plan that includes shuttles to and from the airport and may include shuttles to off-site amenities and attractions, an employee ridesharing or vanpooling program and a guest bicycle program.

Objective 2.6

Public and private sector development shall create and contribute to pedestrian and bicycle linkages throughout the Gulf Boulevard Redevelopment District for safety, as part of the Green practices initiative to reduce Greenhouse gas emissions.

Objective 2.7

Development of on-site and off-site public parking, as well as additional and enhanced trolley stops, shall be pursued in proximity to public beach access points, pedestrian crosswalks and major retail and entertainment areas.

GOAL 3:

Maintain and improve Gulf Boulevard as a memorable place to be enjoyed by residents and visitors that emphasizes pedestrian mobility, waterfront and Gulf beach access, a quality built environment that focuses on retail services and entertainment.

Objective 3.1

The existing parks shall be improved to provide residents and visitors a memorable experience.

Objective 3.2

Public beach access points will be preserved, expanded and improved through redevelopment and coordinated with pedestrian crosswalks, bike lanes and sidewalks, trolley stops and entrances to major residential neighborhoods on the east side of Gulf Boulevard to the maximum extent practical and feasible.

Objective 3.3

Redevelopment is encouraged to create a vibrant Gulf Boulevard core resort environment containing a variety of building forms and styles of exceptional architectural design and high quality finishes that respect the Gulf Boulevard resort character and heritage, increase Green space, reduce paved surface parking, increase side yard setbacks, increase setbacks from Gulf Boulevard, and provide amenities, retail services, restaurants and waterfront beach bars that serve guests and residents alike.

Policies

Policy 1:

All development shall be consistent with building and site design guidelines and standards that establish the quality of design features expected for renovation, redevelopment and new construction in the Gulf Boulevard Redevelopment District.

Policy 2:

The character of each district shall be reinforced through the site plan review and approval process. Projects shall be consistent with and contribute positively to the vision of the character district in which they are located.

Policy 3:

The design of all projects in the Gulf Boulevard Redevelopment District shall make meaningful contributions to a safe and comfortable pedestrian environment through site and building design, internal connections between adjacent properties, and external connections to and along Gulf Boulevard.

Policy 4:

On-site overhead utilities shall be placed underground as part of all development projects.

Policy 5:

Utility and sidewalk easements along Gulf Boulevard may be required as part of all development projects if the existing site conditions and redevelopment plans permit the location of such easements that can be integrated into the redevelopment site plan without undue hardship to the property owner. The City may also require the construction of a sidewalk along Gulf Boulevard in a location that can be coordinated with existing off-site sidewalks and integrated with the proposed site plan to provide continuous safe pedestrian pathways.

Policy 6:

Property owners/developers are encouraged to meet with area neighborhood associations/business groups prior to submitting a major redevelopment project for City review.

Policy 7:

Residential developments shall provide on-site recreational opportunities wherever possible.

Policy 8:

Shared parking for commercial, office and mixed uses shall be accomplished wherever possible.

Policy 9:

All new development and redevelopment shall mitigate potential flood, hurricane and tropical cyclone hazards.

Policy 10:

To improve traffic flow and reduce pedestrian/bicyclist – vehicular conflict, vehicular curb cuts to access Gulf Boulevard shall be minimized, shared access driveways should be pursued, and internal connectivity between adjacent properties should be encouraged, to the practical extent feasible to allow reasonable, adequate and safe ingress and egress to new development.

Policy 11:

A Transportation Management Plan (TMP) shall be required on all development and redevelopment that increases density or intensity of development on a site. Physical and operational improvements and strategies should be considered as part of any project Transportation Management Plan.

Policy 12:

Pedestrian bridges over Gulf Boulevard shall be pursued at critical intersections along Gulf Boulevard to ensure safe and continuous pedestrian linkages between major activity core areas such as Dolphin Village and the County Park/Resort Districts as well as East and West Corey Avenue shopping, business and entertainment districts.

Policy 13:

Increased setbacks from Gulf Boulevard for any building exceeding fifty (50) above based flood elevation.

Policy 14:

All new development projects shall contribute their pro rata share to the Community Improvements Fund, as may be required at the time of building permit approval or before

Policy 15:

The assembly of smaller parcels into larger development sites will be encouraged.

Policy 16:

All new development or redevelopment shall be required to obtain administrative site plan approval prior to construction.

Large Resort District (LR)

- (a) **Location and Character.** The Large Resort character district is a 0.9 mile strip of land, illustrated on the Future Land Use Map, containing 65.16 acres of land or approximately 5% of the total land area of the City. This District is devoted almost exclusively to larger resort temporary lodging uses that occupy approximately 84% of the land area within the District. There are five (5) existing high-rise multi-family residential condominiums in the District that likely will not be redeveloped in the foreseeable future. In addition, there are a very limited number of properties along this 0.9 mile strip of Gulf Boulevard that could potentially redevelop as Large-scale temporary lodging uses that may be eligible for increased height and density.
- (b) **Purpose and Intent; Redevelopment Incentives & Deterrents.** Hotel redevelopment is encouraged by increasing permitted density and height for temporary lodging use only. Exclusive residential use development is strongly discouraged by decreasing permitted density and prohibiting any increases to allowable height for this type of use. It is the goal and intent of the City to limit height and density in this District to the minimum that will provide comparatively equal market value between multi-family residential use and temporary lodging use for the reasons discussed below.

Pinellas County has lost 5,000 of its 40,000 hotel rooms and has lost thousands of tourism-related jobs from 2002 -2006. Hundreds of those rooms and jobs were lost here in St. Pete Beach with an imminent risk of losing more that would adversely impact the socio-economic quality of life the City has enjoyed for more than 50 years. Vacancy rates have remained stagnant for several years even with the loss of thousands of hotel rooms. This is a strong indicator that the resort community on St. Pete Beach is losing its market share as a result of aging properties and facilities that cannot compete with other regional, National and global resort destinations despite the fact our beaches are consistently listed within the Top 5 beaches in the Country. The purpose of the Large Resort character district redevelopment plan is to provide an economically feasible choice to pursue resort reinvestment and redevelopment as an alternative to high-rise residential development overtaking the City's Gulf beaches as it has in most other beach communities in the State.

Creating an economically viable commercial reinvestment opportunity instead of a residential redevelopment opportunity will not only stimulate the local economy, it will correct the disproportionate tax burden allocation between commercial and residential properties that exists in 2007. The disproportionate tax burden allocation is a direct result of the lack of commercial reinvestment. Substantial commercial reinvestment has not occurred in the past 25 to 30 years. By contrast, new residential construction and renovation has steadily increased residential property values for the past decade, slowing only recently due to temporary market conditions.

A decline in commercial reinvestment results in a decline in commercial property value. When combined with the increase in residential property values as a result of market conditions and new construction, the overall effect is a disproportionate tax burden shift from the commercial property tax base to the residential property tax base.

In 2007, that local tax revenue is allocated at approximately 88% residential and 12% commercial. As commercial property reinvestment remains stagnant, values will continue to decline and the tax burden shift will become increasingly progressive rather than lineal. This trend must be reversed to re-establish a sustainable and healthy economy or eventually, residents will shoulder nearly 100% of the City's operating and capital costs with no alternative revenue sources except property taxes, special assessments and user fees. Cuts in City services may also result if a shortfall in property tax revenue is not otherwise funded. To achieve a balanced and healthy local economy in a City of this size and population, a minimum of 25% of the local tax revenue should be derived from commercial properties. Ideally, for the healthiest economy, approximately 30% to 40% of local tax revenue should be generated by commercial properties while only occupying 15%-20% of the total land area or less. Increased commercial property tax revenue plus sales tax create a long-term stable economy that reduces the tax burden on residents.

To achieve this tax allocation correction and shift a greater tax burden back to commercial properties and away from residents, commercial reinvestment and redevelopment must be encouraged through regulatory means. As a result of the disparate regulatory density scheme between residential condominiums and temporary lodging uses that has existed in the community at least since 2001, there is a significant opportunity to accomplish a tax burden correction simply by adjusting the outdated land development regulations. By increasing density only for temporary lodging use, this will stimulate reinvestment and revitalization of tourist lodging uses and discourage or limit the redevelopment of residential uses. This regulatory correction should rebalance the current disproportionate tax burden on residents by increasing commercial property values, and as a result, increase the percentage share of local tax revenue collected from commercial properties.

This type of redevelopment has several additional advantages over residential condominium development. These advantages include: 1) reduced daily vehicular travel demand; 2) improved evacuation procedures; 3) decreased number of residents needing to evacuate in the event of a hurricane watch or warning; 4) reduced demands on public facilities and services by hotel guests as compared to residents since full service resorts provide most of the services and amenities otherwise needed by a resident; 5) increased assessed property valuations that are not subject to homesteading; 6) increased sales tax that helps fund Penny for Pinellas projects that has included several parks and a portion of the Community Center in St. Pete Beach; and 7) and bed tax revenue paid only by temporary lodging uses that currently is the only source of revenue to provide the local matching funds needed for beach renourishment projects within the City and County.

- (c) **Economic Disparity.** The only way to eliminate all or most of the existing economic disparity between the development of a residential condominium and a temporary lodging use is to level the economic playing field through increased density for hotels only. Many recent studies, including the Opportunities Assessment & Strategies Analysis dated May 2003 prepared by Owen Beitsch, a nationally renowned economist with Real Estate Research Consultants, Inc., found that in today's modern economy there is roughly a 5 or 6: 1 ratio of hotel rooms needed to equal the value of one Gulf front condominium. The existing Comprehensive Plan Resort Facilities Medium land use designation and zoning category provide only a 2:1 ratio of permitted temporary lodging units compared to permitted residential condominium unit density allowed.

For example, the current Resorts Facilities Medium (RFM) land use category permits up to 30 temporary lodging units per acre or up to 18 residential multi-family units per acre. The current zoning regulations allow up to 30 temporary lodging units per acre and up to 15 residential multi-family units per acre. This existing comparative ratio gives a landowner the choice of building only two (2) hotel units for every one (1) residential condo. The existing regulatory choice clearly favors the residential condominium market over the resort hotel market.

Thus, to encourage temporary lodging use redevelopment and simultaneously discouraging multi-family residential development along the Gulf beaches, the density standards approved in 1998 must be updated and modified to synchronize with current market conditions and remove the artificial regulatory barrier to normal cycles of reinvestment and redevelopment pattern experienced over time in any aging community. The regulatory correction needed is density modifications that includes a simultaneous decrease in permitted residential density with an increase in temporary lodging density to create a 5:1 ratio of hotels: residential condominiums.

This density readjustment needed to create economic equilibrium and balance is accomplished by increasing density for exclusive temporary lodging use from 30 units per acre to 50 -75 units per acre at the same time as decreasing the multi-family residential density from 18 units per acre to 15 units per acre. The result will provide an economically feasible choice for hotel owners and operators to redevelop as a resort facility as an alternative to selling existing resort properties for redevelopment as a residential condominium project.

- (d) **Nonconforming Densities.** Further exacerbating the economic disparity described above, the existing temporary lodging properties located within the Large Resort District lost approximately 16.5 acres to the City's implementation of the Countywide Preservation designation in 2003. Prior to 2003, those 16.5 acres were calculated by the City for density purposes at thirty (30) temporary lodging units per acre. As a result, 495 potential temporary lodging units were lost after November 2003.

In addition, the reduction of acreage by government regulation for every property abutting the Gulf beaches in 2003 created a significant disconnect between the number of units actually built on the ground as compared to the number of units that are potentially allowed under the current land development regulations. This circumstance is referred to as non-conforming density for a permitted land use.

The existing as-built density on the ground in the Large Resort district averages approximately 50 hotel units per acre, some properties are more, some just slightly less. One hotel property is already over 80 units per acre as it is built today. However, the current land use and zoning classifications only allow thirty (30) units per acre, or roughly 60% or less of the number of units actually built. The result is that every single existing hotel and motel along the west side of Gulf Boulevard has a non-conforming density.

Non-conforming density status prohibits the rebuilding of the existing number of units in the event of a natural disaster, and also precludes or severely limits financing or refinancing needed for reinvestment in these aging properties. Reinvestment into non-conforming properties is not practical or feasible unless a portion of the property is sold off as residential condominiums to raise capital for reinvestment. The non-conforming status of these temporary lodging properties as they continue to age and reach functional obsolescence, only serves to encourage redevelopment as residential condominiums, unless a regulatory remedy is adopted.

Policies

Policy 1:

Architectural design features that provide visual interest, are aesthetically pleasing and relate to the human scale at ground level are equally important for both the street and water side of buildings. Blank wall facades shall be prohibited.

Policy 2:

At least one functional public beach access a minimum of ten (10) feet average width shall be provided on all temporary lodging use development projects if: (a) the buildable site is at least three gross acres in size; and (b) new construction exceeds 67% or more of the total aggregate floor area located on the buildable site; and (c) the buildable site has a westerly boundary abutting the Gulf beaches or is part of an overall unified development that has a westerly boundary abutting the Gulf beaches. Abutting resort owners will be encouraged to combine public beach access on adjacent boundaries in the site plan approval process to maximize the width and meaningful public access to the Gulf beaches wherever possible. Any combined public beach access shall be an average fifteen (15) feet in width. Further, wherever practical and feasible, public beach access will be encouraged and pursued in coordination with trolley stops, crosswalks, bike and pedestrian pathways.

Policy 3:

A functional public beach access may be required that shall not exceed seven (7) feet average width for temporary lodging use redevelopment projects if: (a) new construction is 67% or less but exceeds 50% of the total aggregated floor area located on the buildable site; (b) the site has a westerly property boundary abutting the Gulf beaches; and (c) only if the conditions of site redevelopment permit its location without causing undue hardship on the property owner as a result of existing site conditions that may impede the reasonable location of an easement for the public that can be integrated with the overall site development. Abutting resort owners will be encouraged to combine public beach access on adjacent boundaries in the site plan approval process to maximize the width and meaningful public access to the Gulf beaches wherever possible. Further, wherever practical and feasible, public beach access will be encouraged and pursued in coordination with trolley stops, crosswalks, bike and pedestrian pathways.

Policy 4:

Public beach access will be by foot traffic and wheelchair only and shall be directed to marked paths or dune walkovers in order to protect the dune system. Emergency police, fire rescue and lifeguard response vehicles, or bicycles will be allowed access in a manner that minimizes adverse impacts to the dune system to the maximum extent possible.

Policy 5:

All development and redevelopment projects may be required to provide an easement to the City for a beach boardwalk or trail Gulf ward of the Florida Coastal Construction Control Line in the event the City pursues the development of a beach boardwalk or trail and the location is necessary to provide a continuous, uninterrupted pedestrian beach system.

Policy 6:

Professional landscaping and design standards consistent with the standards contained in the LDC shall be required on the entire building site where any large-scale development or development of an entire site occurs, with particular emphasis on the Gulf Boulevard frontage.

Policy 7:

Professional landscaping and design standards consistent with the standards contained in the LDC shall be the minimum required for all redevelopment projects that are not redeveloping the entire buildable site for those areas of the development site being redeveloped only; and may be required where practical and feasible on the remainder of the development site if new construction exceeds 50% of the total buildable site area; all with particular emphasis on the Gulf Boulevard frontage. All landscape design including the type and quantity of plant material as well as hardscape design, shall be of exceptional quality and consistent with the character and vision of a high quality tropical resort destination.

Policy 8:

Temporary lodging facilities shall comply with all County and local hurricane closure and evacuation procedures that will ensure orderly evacuation of guests and visitors prior to evacuation orders being issued for residents in Zone A.

Policy 9:

All temporary lodging uses shall comply with adopted City rules and regulations that ensure that projects approved as temporary lodging facilities are built, function, operate and are occupied exclusively as temporary lodging uses.

Permitted Uses & Standards

(a) **Primary uses** - Temporary lodging uses – hotel, motel, resort condominium; medium density multi-family residential.

(b) **Secondary uses** - Commercial and office.

(c) **Density/Intensity and Height Standards** – Density and intensity shall be calculated on the basis of those portions of the site which are landward of the Florida Coastal Construction Control Line and shall be permitted as follows:

*A. **Scenario 1:** Existing development, and all development that does not qualify as Large-scale development under subsection B. Scenario 2 below:*

1. **Density** – shall not exceed the following:

- a. 50 temporary lodging units per acre; or
- b. 15 residential dwelling units per acre; and
- c. **Variances to exceed the maximum density above as established in this Future Land Use Plan shall be prohibited.**

2. **Intensity Standards for Temporary Lodging Use** - shall include indoor amenities and shall exclude structured parking, any on-site affordable housing or worker living accommodations² and outdoor amenities including but not limited to tennis courts, pools, and the like. The floor area ratio for Scenario 1 shall not exceed the following:

- a. 1.8 floor area ratio; and
- b. shall not include additional floor area for freestanding non-residential facilities; and
- c. **Variances to exceed the maximum floor area ratio above as established in this Future Land Use Plan shall be prohibited.**

² Providing on-site affordable housing or worker living accommodations shall neither be calculated as part of any density permitted nor shall it entitle the landowner or developer to any density bonuses; however, such accommodations shall be eligible for affordable housing mitigation fee credits and shall not be subject to any General or Large Resort Affordable Housing Mitigation requirements adopted by the City or County. In addition, any such workforce living accommodations shall also be subject to the same legally enforceable closure and evacuation plan required for all temporary lodging uses pursuant to the LDC.

3. **Height** - shall not exceed, but shall be permitted up to the following, subject to height limitations contained in the City's LDC:

- a. One hundred (100) feet above base flood elevation, inclusive of structured parking, for any building that exclusively contains only temporary lodging uses; or
- b. Fifty (50) feet above base flood elevation for any building containing temporary lodging and residential dwelling units; or
- c. Fifty (50) feet above base flood elevation for any building containing residential dwelling units only; and
- d. **Variances to increase the height above shall be prohibited unless approved by voter referendum, if required by the City Charter.**

B. Scenario 2 Large-scale Development: shall mean development of a parcel that is at least three gross acres in size or greater and provided that new construction exceeds sixty-seven percent (67%) of the combined aggregate floor area of new and existing principal buildings and accessory structures that constitute the entire unified development scheme on the buildable site.

1. **Density** – shall not exceed the following:

- a. 75 temporary lodging units per acre excluding any affordable housing density bonus; or
- b. 15 residential units per acre; or
- c. a combination of residential and temporary lodging units which shall be prorated on an acreage basis allocated to each use, provided that a minimum of 200 temporary lodging units are provided; and
- d. **Variances to exceed the maximum density above as established in this Future Land Use Plan shall be prohibited.**

2. **Intensity Standards for Temporary Lodging Use** shall include indoor amenities and shall exclude on-site affordable housing or workforce living accommodations, structured parking and outdoor amenities including but not limited to tennis courts, pools and the like. The maximum floor area ratio for Scenario 2 shall not exceed the following:

- a. 2.6 floor area ratio; and
- b. as a bonus, street level retail and restaurant uses facing Gulf Boulevard that are accessible by pedestrians along Gulf Boulevard and serve the general public, may be constructed but shall not exceed an additional floor area ratio of 0.15 of the building site; and
- c. the preceding intensities may include the normal ancillary residential for on-site security, maintenance and management, and normal ancillary non-residential guest facilities; and
- d. **Variances to exceed the maximum floor area ratio above as**

established in this Future Land Use Plan shall be prohibited.

3. **Height** shall not exceed, but shall be permitted up to the following, subject to any height limitations contained in the City's LDC:
 - a. One hundred-forty six (146) feet above base flood elevation, inclusive of structured parking, for any building exclusively contains only temporary lodging uses as part of a Large-scale Development project; or
 - b. Fifty (50) feet above base flood elevation, inclusive of structured parking, for any building containing multi-family residential units combined with temporary lodging units; or
 - c. Fifty (50) feet above base flood elevation, for any buildings containing residential dwelling units only; and
 - d. **Any increases to, including variances to increase, the maximum height for each type of use set forth above for this Large Resort character district shall be prohibited unless approved by voter referendum, if required by the City Charter.**
4. **Impervious Surface Ratio Standards.** *In both Scenarios 1 and 2*, the maximum impervious surface ratio shall not exceed:
 - a. 0.85 for temporary lodging uses only;
 - b. 0.70 for residential use only; and
 - c. a combination of residential and temporary lodging units not to exceed the floor area ratio for each use set forth above, which shall be prorated on an acreage basis allocated to each use, and
 - d. **Variances to exceed the maximum impervious surface ratios above as established in this Future Land Use Plan shall be prohibited.**

Boutique Hotel/Condo District (B-HC)

- (a) **Location and Character.** The Boutique Hotel/Condo District contains 22.5 acres and less than 2% of the total land area of the City. This District is illustrated on the Future Land Use Map. Several multi-family residential condominiums exist and several more are currently under construction or have been recently constructed in this District. It is anticipated that only approximately two or three boutique hotel projects potentially could be developed or redeveloped in the Boutique Hotel/Condo District that will qualify for increased height and density under this proposed plan and map amendment.
- (b) **Purpose and Intent; Redevelopment Incentives & Deterrents.** The following policies shall govern development and redevelopment in the Boutique Hotel/Condo District and are intended to preserve the remaining inventory of Boutique Hotels to the maximum extent possible within this District by increasing density for temporary lodging uses and prohibiting height and density increases for residential condominium development.

Policies

Policy 1:

Architectural design features that provide visual interest, are aesthetically pleasing and relate to the human scale at ground levels are equally important for both the street and waterside of buildings. Blank wall facades shall be prohibited.

Policy 2.1:

At least one functional public beach access a minimum of seven (7) feet average width shall be provided on all new development projects that redevelop more than 75% of the buildable site unless a hardship exists resulting from a property width that is less than 150 feet.

Policy 2.2:

Public beach access will be by foot traffic and wheelchair only and shall be directed to marked paths or dune walkovers in order to protect the dune system. Emergency police, fire rescue and lifeguard response vehicles, or bicycles will be allowed access in a manner that minimizes adverse impacts to the dune system to the maximum extent possible.

Policy 3:

All development projects may be required to provide an easement to the City for a beach boardwalk or trail easement Gulf ward of the Florida Coastal Construction Control Line in the event the City pursues the development of a beach boardwalk or trail and the location is necessary to provide a continuous, uninterrupted pedestrian beach system.

Policy 4:

Professional landscaping and design standards consistent with the standards contained in the LDC shall be the minimum required on the entire building site for new development that exceeds 75% of the buildable site, with particular emphasis on the Gulf Boulevard frontage and screening from any adjacent low-rise residential use that may include landscaping and privacy walls. Landscape design, including the type and quantity of plant material as well as creative tropical hardscape designs, shall be consistent with the quality and character of a high quality tropical resort destination

Policy 5:

Increased building setbacks from Gulf Boulevard shall be required for increases to building height allowed for temporary lodging uses.

Policy 6:

Temporary lodging uses shall comply with all County and local hurricane closure and evacuation procedures that will ensure orderly evacuation of guests and visitors prior to evacuation orders being issued for residents in Zone A.

Policy 7:

All temporary lodging uses shall comply with adopted City rules and regulations that ensure that projects approved as temporary lodging facilities are built, function, operate and are occupied exclusively as temporary lodging uses.

Permitted Uses and Standards

(a) **Primary uses** - Temporary lodging use – hotel, motel, resort condominium; medium density residential.

(b) **Secondary uses** - None.

(c) **Density/Intensity and Height Standards** - shall be calculated on the basis of those portions of the site which are landward of the Florida Coastal Construction Control Line and shall be permitted as follows:

1. **Density** - Shall not exceed the following:

- a. 50 temporary lodging units per acre unless approved by ordinance of the City Commission to provide additional temporary lodging units from the TLU Density Pool established below; or
- b. 18 residential units per acre; and
- c. Any increases to temporary lodging unit density is subject to the restrictions and limitations in Section (2) below - Temporary Lodging Unit Reserve; and
- d. **Variances to exceed the maximum residential density above as established in the Future Land Use Plan shall be prohibited.**

2. **Temporary Lodging Unit Density Pool (“TLU Density Pool”)** -The City shall

establish a TLU Density Pool not to exceed a total of 125 units for the entire Boutique Hotel/Condo district and the following shall govern the allocation of density from the TLU Density Pool:

- a. The TLU Density Pool shall be allocated to individual projects by ordinance of the City Commission upon request of an individual property owner; and
- b. Such allocation may be up to but shall not exceed twenty (20) temporary lodging units per acre and further, the cumulative allocation shall not exceed sixty (60) units per development project; and
- c. The number of available temporary lodging units remaining after such project allocation shall be specified in each City Commission ordinance allocating such units and each such ordinance shall provide that no units beyond those TLU Density Pool units remaining available to the Boutique Hotel/ Condo District shall be allocated to any subsequent temporary lodging use project; and
- d. *This limitation shall be absolute and shall apply regardless of the proposed size or density of the project requesting such allocation. Such units shall be established exclusive of any other use provided for in the District.*

(d) Intensity Standards.

1. **Temporary lodging use** shall not exceed an aggregate floor area of 750 square feet per temporary lodging unit excluding indoor amenities, common areas and structured parking. Indoor amenities and common areas shall not exceed an additional 0.2 floor area ratio combined. For example: 50 units x 750 square feet = 38,500 square feet plus 0.2 x total parcel square feet for common areas & indoor amenities = total building square footage, excluding structured parking.
2. **Variances to exceed the maximum floor area ratio above as established in the Future Land Use Plan shall be prohibited.**

(e) Height shall not exceed, but shall be permitted up to the following, subject to height limitations contained in the LDC:

1. Seventy-six (76) feet above base flood elevation for any building that exclusively contains only temporary lodging uses with a minimum setback of one hundred (100) feet from Gulf Boulevard; or
2. Sixty-five (65) feet above based flood elevation for any building that exclusively contains only temporary lodging uses with a minimum setback of seventy-five (75) feet from Gulf Boulevard; or
3. Fifty (50) feet above base flood elevation for any buildings containing multi-family residential dwelling units. , or any temporary lodging facility that does not comply with the minimum setbacks required for additional height established in sections (e)1 and (e)2 above, subject to a minimum setback of fifty (50) feet from Gulf Boulevard; and
4. **Any increases to, including variances to increase, each of the maximum heights set forth above for this Boutique Hotel/Condo Resort character**

district shall be prohibited ~~unless approved by voter referendum, if required by the City Charter.~~

(f) **Impervious Surface Ratio Standards-** shall not exceed:

1. 0.85 impervious surface ratio for any exclusive temporary lodging uses; or
2. 0.70 impervious surface ratio for any residential use or combined residential and temporary lodging use; and
3. **Variances to exceed the maximum impervious surface ratio above as established in the Future Land Use Plan shall be prohibited.**

Activity Center District (AC)

- (a) **Location and Character.** The Activity Center District contains 52.68 acres or approximately 4% of the total land area of the City. This District is illustrated on the Future Land Use Map. It includes the Dolphin Village Shopping Center which is the hub of commercial activity in the Gulf Boulevard area and is located across from the County Park to the west.
- (b) **Purpose and Intent; Redevelopment Incentives and Deterrents.** The following policies shall govern development in the Activity Center District and are intended to encourage commercial revitalization through reinvestment and redevelopment throughout the District. The primary focus of commercial redevelopment is Dolphin Village Shopping Center which is the most significant commercial hub on Gulf Boulevard.

The Activity Center is a primary commercial core of the City in need of revitalization, not a change of core character. Therefore, exclusive residential use is prohibited in this district. Commercial redevelopment will be encouraged in a manner that will serve the retail services needs of residents and visitors alike for several decades into the future.

As a result, a more comprehensive and unified approach to commercial redevelopment will be encouraged by allowing a secondary residential component if certain minimum standards are met. One important requirement is the assembly of land to reduce the existing number of smaller lots and provide opportunities for unified redevelopment that reduces curb cuts on Gulf Boulevard that will result in improved traffic flow and reduced vehicular-pedestrian conflict.

Parcel assembly combined with mixed use redevelopment also enables other livable community strategies such as increased open space and buffering opportunities from residential neighborhoods to the east and increased opportunities for pedestrian linkages to neighborhood services that will reduce vehicular trip generation and greenhouse gas emissions.

These policies and development standards are also needed from a public safety standpoint to encourage and facilitate modern utilization of land along the east side of Gulf Boulevard that includes buildings that comply with current Building and Safety Codes, FEMA regulations, as well as architectural, landscaping and drainage standards.

In addition, encouraging commercial redevelopment through the use of regulatory tools and incentives will provide the best opportunity to implement Green building and site design standards and strategies that not only benefit the landowner but also patrons and the community-at-large.

Policies

Policy 1:

Architectural design features that provide visual interest, are aesthetically pleasing and relate to the human scale at ground levels are equally important for both the street and water side of buildings. Blank wall facades shall be prohibited. Street-level retail facades shall have a storefront character. Architectural elements that provide protection to the pedestrian from weather elements shall be encouraged.

Policy 2:

Parking shall be integrated into the principal building and hidden from public view to the maximum extent feasible and practical on all commercial redevelopment projects. The substantial majority of parking required for mixed-use development projects shall be integrated into the principal buildings and hidden from public view for projects that are four acres in size or greater. Surface parking for freestanding non-residential use shall be permitted for any development or redevelopment.

Policy 3:

The first habitable floor of any principal building of any development or redevelopment project shall be retail uses only accessible from street level and connected to pedestrian walkways to provide easy public access.

Policy 4:

Professional landscaping and design standards consistent with the standards contained in the LDC shall be the minimum required on the entire building site where any development will occur, with particular emphasis on the Gulf Boulevard frontage, and screening and buffering from adjacent residential uses that may include landscaping and privacy walls.

Policy 5:

Encourage commercial waterfront properties to have slips available for public use.

Permitted Uses and Standards

(a) **Primary uses** - Commercial and office.

(b) **Secondary uses** – Multi-family Residential or temporary lodging as part of a mixed use retail project only. Exclusive residential or tourist lodging uses shall be prohibited, however, the site may be horizontally mixed as long as pedestrian, bicycle, and vehicular accessibility is maintained within the site.

(c) **Density/Intensity and Height Standards.**

1. **Intensity for Commercial and Office Uses** shall not exceed:

a. a floor area ratio of 0.75; and

- b. **Variances to exceed the maximum floor area ratio above as established in this Future Land Use Plan shall be prohibited.**
- 2. **Density & Intensity for a Mixed Use Commercial, Office, Residential, Temporary Lodging Use** project shall not exceed:
 - a. 15 dwelling units per acre combined or 40 temporary lodging uses per acre, not to exceed a total of 50 units per project nor the density pool allocated, with a maximum 1.0 floor area ratio on a minimum one (1) acre buildable site. To qualify for mixed use densities and intensities, a minimum of four (4) residential units, or 10 temporary lodging units, mixed with a minimum of 0.35 floor area ratio for commercial or office uses shall be required; or
 - b. 18 dwelling residential units per acre combined with a maximum 1.0 floor area ratio on a minimum four (4) acre buildable site; and
 - c. the combination of commercial, office, temporary lodging, and/or residential uses shall not exceed the preceding density and intensity which shall be prorated on an acreage basis allocated to each use; and further, provided that the commercial and office uses are the primary use of the property and residential use is secondary; and
 - d. **Variances to exceed the maximum density and intensity above as established in the Future Land Use Plan shall be prohibited.**
- 3. **Impervious Surface Ratio** shall not exceed:
 - a. 0.85 impervious surface ratio for any exclusive commercial/office use; or
 - b. 0.70 impervious surface ratio for any residential use or combined residential or temporary lodging use mixed with a commercial or office use; and
 - c. **Variances to exceed the maximum impervious surface ratio above as established in the Future Land Use Plan shall be prohibited.**
- 4. **Height** shall not exceed, but shall be permitted up to the following, subject to any height limitations contained in the City's LDC:
 - a. Twenty-eight (28) feet for exclusively commercial or office development; or
 - b. Forty (40) feet for a building containing nonresidential uses on the first floor mixed with a secondary residential use above and located on a minimum one (1) acre parcel; or
 - c. Eighty-six (86) feet, inclusive of structured parking, for a building containing non-residential uses on the first floor mixed with a secondary residential use above and located on a minimum parcel size of four (4) acres or more; and
 - d. Commercial mixed with residential or temporary lodging uses may be mixed horizontally under the following conditions:
 - ❖ Neither the commercial nor the residential/temporary lodging use may exceed 40 feet in height;
 - ❖ The development site is a minimum of one acre in size;
 - ❖ The commercial and residential uses shall have internal pedestrian,

bicycle, and vehicular circulation.

- e. **Any increases to, including variances to increase, the maximum height for each type of use set forth above for this Activity Center character district shall be prohibited unless approved by voter referendum, if required by the City Charter.**
5. **Temporary Lodging Unit Density Pool (“TLU Density Pool”)** -The City shall establish a TLU Density Pool not to exceed a total of 325 units for the entire TC-2, Bayou Residential, and Activity Center districts and the following shall govern the allocation of density from the TLU Density Pool:
- a. The TLU Density Pool shall be allocated to individual projects by ordinance of the City Commission upon request of an individual property owner; and
 - b. Such allocation may be up to but shall not exceed forty (40) temporary lodging units per acre and further, the cumulative allocation shall not exceed fifty(50) units per development project; and
 - c. The number of available temporary lodging units remaining after such project allocation shall be specified in each City Commission ordinance allocating such units and each such ordinance shall provide that no units beyond those TLU Density Pool units remaining available to the TC-2 and Activity Center districts shall be allocated to any subsequent temporary lodging use project; and
 - d. *This limitation shall be absolute and shall apply regardless of the proposed size or density of the project requesting such allocation. Such units shall be established exclusive of any other use provided for in the District.*

Bayou Residential District (BR)

- (a) **Location and Character.** The Bayou Residential District is a small narrow strip of land containing 7.86 acres or approximately 6/10ths of 1% of the total land area of the City. This District is illustrated on the Future Land Use Map. The lot depths are extremely narrow and preclude the potential of redeveloping prior existing temporary lodging uses that have long-since closed and have been demolished. Redevelopment options are limited to primarily multi-family residential as a result of the lot depths; however, to encourage parcel assembly and a more unified redevelopment opportunity because of and the District's direct access to Gulf Boulevard, a small bonus commercial component will be allowed on a limited basis. Several properties are currently vacant and demolished.
- (b) **Purpose and Intent; Redevelopment Incentives and Deterrents.** The following policies shall govern development in the Bayou Residential District to encourage redevelopment in a physically constrained area that is primarily vacant and is a transition area between higher intensity commercial uses along Gulf Boulevard and lower density residential neighborhoods to the east. High-rise residential development is prohibited. Height for exclusive residential use is decreased over existing permitted heights. Increased building setbacks are required from Gulf Boulevard. The maximum allowable density is permitted only for mixed use projects located on parcels assembled that contain two or more acres to encourage more comprehensive and unified redevelopment, reduce trip generation, increase pedestrian linkages to neighborhood services and reduce curb cuts along Gulf Boulevard.

Policies

Policy 1:

Architectural design features that provide visual interest, are aesthetically pleasing and relate to the human scale at ground level are equally important for both the street and water-side of buildings. Blank wall facades shall be prohibited.

Policy 2:

Increased setbacks from Gulf Boulevard will be required for increases in building height.

Policy 3:

Professional landscaping and design standards consistent with the standards contained in the LDC shall be the minimum required on the entire building site where any development will occur, with particular emphasis on the Gulf Boulevard frontage.

Permitted Uses and Standards

- (a) **Primary uses** – Residential and Temporary Lodging Uses.
- (b) **Secondary uses** -Commercial uses only as a component of a mixed use residential or temporary lodging development.

(c) **Density/Intensity and Height Standards.**

1. **Residential and Temporary Lodging use** – shall not exceed:
 - a. 15 dwelling units per acre for an exclusively residential use.
 - b. 18 dwelling units per acre for multifamily residential mixed with a commercial use. The maximum floor area ratio for the commercial portion of the mixed use project is 0.3; or
 - c. 40 temporary lodging units per acre not to exceed the density pool allocated. The temporary lodging use can be mixed with a commercial use. The maximum floor area ratio for the commercial portion of a mixed use project is 0.3.
 - d. **Variances to exceed the maximum density or intensity above as established in this Future Land Use Plan shall be prohibited.**
2. **Height** shall not exceed, and shall be permitted up to the following, subject to any height limitations contained in the City’s LDC:
 - a. Thirty-five (35) feet above base flood elevation for an exclusively residential use;
 - b. Fifty-four (54) feet above base flood elevation all other uses.
 - c. **Any increases to, including variances to increase, any of the maximum heights set forth above for this Bayou Residential character district shall be prohibited.**
3. **The maximum impervious surface ratio** shall not exceed:
 - a. 0.70 for exclusively residential uses. Maximum impervious surface ratio (ISR) for all other uses: 0.85; and
 - b. **Variances to exceed the maximum impervious surface ratio above.**
4. **Temporary Lodging Unit Density Pool (“TLU Density Pool”)** -The City shall establish a TLU Density Pool not to exceed a total of 325 units for the entire TC-2, Bayou Residential, and Activity Center districts and the following shall govern the allocation of density from the TLU Density Pool:
 - a. The TLU Density Pool shall be allocated to individual projects by ordinance of the City Commission upon request of an individual property owner; and
 - b. The number of available temporary lodging units remaining after such project allocation shall be specified in each City Commission ordinance allocating such units and each such ordinance shall provide that no units beyond those TLU Density Pool units remaining;

D. Downtown Redevelopment District

General Provisions

- (a) **Location and Character.** The Downtown Redevelopment District contains approximately 100.05 acres in the Downtown Core area shown on Map 3 and represents approximately 8% of the total land area of the City. This District is comprised of 391 parcels, with approximately 40% developed as existing commercial and office uses, 11% temporary lodging uses, 33% supporting residential uses of a variety of densities and housing types, and the remaining 16% devoted to government uses. This District also contains the adjacent downtown core neighborhoods that contain a mix of residential and nonresidential uses including the smaller mom and pop motels located in the Upham Beach Village District.
- (b) **Purpose and Intent; Redevelopment Incentives & Deterrents.** This Downtown Core Redevelopment District is one of the two core areas within the Community Redevelopment District that emphasizes pedestrian mobility over vehicular mobility and is designed to recreate a more traditional main street core gathering area by encouraging revitalization that will provide:
1. quality neighborhood, government and commercial services in the City's traditional historic shopping district by creating a live, work, shop, dine and play main street;
 2. quality residential neighborhoods surrounding the core commercial areas by reducing commercial encroachment into those residential neighborhoods and by establishing increased open space and buffering between residential and nonresidential uses;
 3. a traditional village community where the focus is on safe and comfortable pedestrian mobility and a "sense of place" or a "sense of community" where residents come together to live, play, work and share recreational activities; and
 4. increased pedestrian linkages to neighborhood services that will reduce vehicular dependence, reduce trip generation and improve the overall traffic flow, pedestrian circulation, and safety throughout the downtown area.

Goals, Objectives and Policies for the Downtown Redevelopment District

GOAL 1:

The downtown commercial core of the District shall be a community gathering place that attracts people to the area with living, working, shopping, entertainment and recreational opportunities. The City shall encourage revitalization through redevelopment that is designed to attract residents and visitors to Downtown core community destination. The downtown residential neighborhoods surrounding and within walking distance of the Downtown core area, are encouraged to redevelop in a manner that enhances pedestrian and non-vehicular mobility.

Objective 1.1

All development and redevelopment within the Downtown Redevelopment District shall further the goals, objectives and policies of the Community Redevelopment District where applicable, and development and redevelopment shall be consistent with the policies for the character district within which the development occurs and shall comply with the design guidelines and the applicable land development regulations for each respective character district.

Objective 1.2

Residential uses in the Downtown are encouraged only as part of a mixed use commercial project with a variety of densities, housing types and affordability, consistent with the character districts. Exclusively residential use projects shall be prohibited in the Town Center Core Districts located along Corey Avenue Corey Circle East, and Coquina West as well as the small commercial corridors located near Corey Avenue on Blind Pass Road and Gulf Boulevard.

Objective 1.3

A variety of incentives shall be available to encourage commercial revitalization through various redevelopment prototypes in the Town Center Core Districts located along Corey Avenue, on Corey Circle East and Coquina West as well as the small commercial corridors located near Corey Avenue on Blind Pass Road and Gulf Boulevard that also promote a pedestrian-friendly, safe, comfortable, aesthetically pleasing village-like environment.

Objective 1.4

The City shall use all existing incentives to encourage an affordable mix of housing types and varieties that are located within walking distance of the downtown Corey Avenue core area integrated with retail, commercial, office and entertainment uses at street level to create a live, shop, work and play environment in the Corey downtown area that will revitalize the traditional main street as a vibrant center of activity for residents and visitors.

Objective 1.5

Parks shall be maintained and expanded and recreational activities that serve residents and visitors shall be encouraged.

Objective 1.6

Public waterfront access shall be pursued and expanded.

Objective 1.7

Downtown shall be a safe environment for both residents and visitors, and real and perceived public safety issues will be addressed.

Objective 1.8

The City shall recognize the unique features of Downtown neighborhoods and shall continue to expand neighborhood retail, business, and recreation services.

Objective 1.9

The Downtown Core areas located at either end of Corey Avenue on the waterfront shall consider temporary lodging uses in conjunction with a comprehensive mixed use redevelopment project that will act as a catalyst project to stimulate reinvestment and redevelopment of the historic core neighborhood main street shopping and entertainment district.

Objective 1.10

Public or private small-scale marina facilities with transient boat slips to encourage alternative non-vehicular modes of transportation and attract visitors to the core main street shopping, restaurant and entertainment district shall be encouraged and pursued, where appropriate.

GOAL 2:

Create a livable community environment where safe and comfortable pedestrian, bicycle and other non-vehicular mobility is emphasized over vehicular transportation in a manner that ensures that pedestrians, bicyclists and vehicles circulate together throughout the Downtown safely, comfortably and efficiently.

Objective 2.1

The Downtown street grid should be maintained to provide multiple access points in and through Downtown to assist in dispersing traffic on various routes that will contribute to improved traffic flow and safety.

Objective 2.2

Blind Pass Road and Gulf Boulevard within the Downtown Redevelopment District shall be reclaimed as local streets to operate within the Downtown not only for vehicular circulation, but more importantly, for safe and comfortable pedestrian and bicycle circulation.

Objective 2.3

A Master Streetscape Plan shall be implemented to enhance the comfort and safety of the pedestrian environment in the Downtown area, provide for bicycle or other non-vehicular parking and safe circulation, improve traffic circulation and provide traffic calming, improve lighting, landscaping, and streetscape, and consider placement of public art wherever possible.

Objective 2.4

A variety of parking solutions for motorized and non-motorized transportation systems shall be pursued to support development and redevelopment while maintaining ease of access and parking throughout the Downtown Redevelopment District.

Objective 2.5

Development and redevelopment will be encouraged to provide public improvements that create and contribute to pedestrian and bicycle linkages throughout the Downtown Redevelopment District.

Objective 2.6

A joint use public/private parking garage, including public restroom facilities, as centrally located as practical and feasible, shall be pursued in the Downtown Redevelopment District.

GOAL 3:

Create a downtown core community that has a “sense of place” that is a vibrant and memorable place for residents and visitors that will provide neighborhood services, and opportunities for living, working, recreation and entertainment that showcases the City’s waterfront, main street environment and history.

Objective 3.1

The Community Center site shall continue to be redeveloped and expanded as a waterfront park accessible to all residents and visitors containing active and passive open space that will be a venue for local and regional outdoor activities and entertainment; a pedestrian waterfront boardwalk access to Corey Avenue, public boat slips and a kayak launch ramp will be encouraged and pursued; and a public marina for daily transient slips only should be considered.

Objective 3.2

Sunset and Sunrise parks for public use and enjoyment shall be pursued as an integral element of development and redevelopment at either end of Corey Avenue as focal points for these areas.

Objective 3.3

Development and redevelopment are encouraged to create a vibrant Downtown environment containing a variety of building forms and styles that respect the Downtown village-like character and heritage along the Corey Avenue main street and provide building designs that relate to the human scale at the street level.

Objective 3.4

All new building construction shall comply with current Building and Safety Codes, FEMA and National Flood Insurance Program regulations to maximize protection of the City's built infrastructure from all manner of hazards, natural disasters and flooding. The City shall ensure compliance not only through the building permit process but through Code Enforcement and inspections as necessary to maintain the highest FEMA rating achievable for a coastal barrier island.

Policies

Policy 1:

All projects shall be consistent with building and site design guidelines and standards that establish the quality design features expected for renovation, redevelopment and new construction in the Downtown Redevelopment District.

Policy 2:

The character of each district within Downtown shall be reinforced through the site plan review and approval process. Projects shall be consistent with and contribute positively to the vision of the character district in which it is located.

Policy 3:

The design of all projects in the Downtown Redevelopment District shall make meaningful contributions to the pedestrian environment through site and building design.

Policy 4:

New development and redevelopment shall be compatible with the human scale of the area and contribute to a pedestrian-friendly and safe environment.

Policy 5:

On-site overhead utilities shall be placed underground as part of all development projects.

Policy 6:

All development projects shall contribute their pro rata share to the Community Improvements Fund, as may be required at the time of building permit or before.

Policy 7:

Property owners/developers are encouraged to meet with residents, area neighborhood associations/business groups prior to submitting major development and redevelopment projects for City review.

Policy 8:

Shared parking for commercial, office and mixed use developments should be accomplished wherever possible.

Policy 9:

All new development and redevelopment shall mitigate potential flood, hurricane and tropical cyclone hazards.

Policy 10:

Internal connectivity and shared driveway access points between adjoining properties of compatible uses should be pursued wherever practical and feasible to further reduce curb cuts to improve traffic flow on adjacent roadways as well as reduce vehicular conflict with pedestrians and bicyclists.

Policy 11:

A Transportation Management Plan (TMP) shall be required on all development that increases density or intensity of development on the site. All physical and operational improvements and strategies, including mitigation, as may be required by the TMP approved by the City, shall be a condition of site plan approval.

Policy 12:

A pedestrian bridge over Gulf Boulevard connecting the east and west areas of Corey Avenue shopping and entertainment district shall be pursued.

Policy 13:

The assembly of smaller parcels into larger buildable sites will be encouraged.

Policy 14:

All new development or redevelopment shall be required to obtain administrative site plan approval prior to construction.

Town Center Core District (TC-1)

- (a) **Location and Character.** The Town Center Core District contains 32.54 acres or approximately 2.5% of the total land area of the City. This District is illustrated on the Future Land Use Map. Corey Avenue between Gulf Boulevard and Mangrove Avenue has served as the “downtown” shopping area for almost 50 years and is experiencing a high rate of vacancies.
- (b) **Purpose and Intent; Redevelopment Incentives and Deterrents.** The following policies shall govern development in the Town Center Core District and are intended to revitalize the historic “downtown” shopping area and expand the City’s “Main street” from the waterfront edge of Corey Circle to the east, through downtown westward to Sunset Way and Blind Pass Channel on the west end of Corey Avenue, and includes 75th Avenue from the Corey Causeway westward to Blind Pass Channel. The primary focus shall be to encourage revitalization and redevelopment where the focus is on safe and comfortable pedestrian mobility and a “sense of place” or a “sense of community” where residents come together to live, play, work and share recreational activities.

Policies

Policy 1:

Architectural design features that provide visual interest, are aesthetically pleasing and relate to the human scale at ground level are equally important for both the street and water-side of buildings. Blank wall facades shall be prohibited. Street-level retail facades shall have a storefront character. Architectural elements that provide protection to the pedestrian from weather elements shall be encouraged.

Policy 2:

Vehicular curb cuts and driveways shall be discouraged and minimized on Corey and 75th Avenues to ensure a pedestrian-friendly, comfortable and safe environment as well as minimize pedestrian-vehicular conflict.

Policy 3:

Non-residential uses only shall be allowed on the ground floor of any building fronting Corey Avenue or 75th Avenue and shall be the primary use component of every new development or redevelopment in the Downtown area.

Policy 4:

Residential uses shall be permitted only as a secondary use to an overall mixed use retail redevelopment project and shall be allowed only above the first floor.

Policy 6:

On-site parking shall be located to the side or rear of properties. A portion of required parking may be on-street parking, off-site shared-use parking or located within an off-site public parking facility.

Policy 7:

Temporary lodging facilities shall comply with all County and local hurricane closure and evacuation procedures that will ensure orderly evacuation of guests and visitors prior to evacuation orders being issued for residents in Zone A.

Policy 8:

All temporary lodging uses shall comply with adopted City rules and regulations that ensure that projects approved as temporary lodging facilities are built, function, operate and are occupied exclusively as temporary lodging uses.

Policy 9:

A centrally located public, private or joint public/private shared parking facility, including public restroom facilities, for the Town Center Core District shall be pursued to improve the accessibility, convenience and comfort of residents and visitors to the Downtown area.

Permitted Uses and Standards

- (a) **Primary uses** - Commercial and office.
- (b) **Secondary uses** – Residential use as a component of a mixed use retail and/or office redevelopment project only; Temporary lodging use – bed and breakfast inns.
- (c) **Density/Intensity and Height Standards.**
 - 1. **Commercial and office uses** – shall not exceed:
 - a. a floor area ratio of 1.00 with no residential component; and
 - b. a floor area ratio bonus of 0.45 shall be permitted for a mixed use retail/office/residential development project; and
 - c. **Variances to exceed the maximum floor area ratios above as established in this Future Land Use Plan shall be prohibited.**
 - 2. **Residential use as part of a Mixed Use project** – shall only be allowed as a secondary component to a mixed use retail/office/residential development project and shall not exceed 15 dwelling units per acre in addition to the preceding floor area allowed for commercial and office uses as part of the mixed use project. **Variances to exceed the maximum density established in the Future Land Use Plan shall be prohibited.**
 - 3. **Temporary Lodging Unit Density Pool (“TLU Density Pool”)**: In addition to any density and intensity which may be allowed in the Town Center Core District, the City shall also establish a TLU Density Pool, not to exceed a total of fifty (50) units for the entire Town Center Core District. The following shall govern the implementation of the TLU Density Pool:

- a. The TLU Density Pool shall be allocated by Ordinance of the City Commission upon request of an individual property owner; and
 - b. Such allocation shall not exceed ten (10) temporary lodging units per acre or a cumulative total of ten (10) units per development project; and
 - c. The remaining number of available units shall be specified in each City Commission ordinance allocating such units and each such ordinance shall provide that no temporary lodging units beyond those remaining in the TLU Density Pool available for the Town Center Core District shall be allocated to any subsequent project; and
 - d. *This limitation shall be absolute and shall apply regardless of the proposed size or density of the project requesting such allocation. Such units shall be established exclusive of any other use provided for in the District.*
4. **Height** shall not exceed, but shall be permitted up to the following, subject to any height limitations contained in the City's LDC:
- a. Twenty-eight (28) feet for an exclusively nonresidential development; or
 - b. Forty (40) feet for a building containing nonresidential uses on the first floor mixed with a secondary residential use located above the first habitable floor; and
 - c. **Any increases to, including variances to increase, the maximum height for each use set forth above for this Town Center Core character district shall be prohibited unless approved by voter referendum, if required by the City Charter.**
5. **Impervious Surface Ratio** shall not exceed:
- a. 0.90 for all development; and
 - b. **Variances to exceed the maximum impervious surface ratio above as established in the Future Land Use Plan shall be prohibited.**

Town Center Corey Circle District (TC-2)

- (a) **Location and Character.** The Town Center Corey Circle District contains 4.67 acres or less than 4/10ths of 1% of the total land area of the City. This District is illustrated on the Future Land Use Map. The entire area has become vacant, unsafe and in disrepair except for one restaurant and an automotive service shop. Corey Circle is clearly visible from the Corey Causeway main entrance to the City.
- (b) **Purpose and Intent; Redevelopment Incentives & Deterrents.** The following policies shall govern development in the Town Center Corey Circle District and are intended to encourage redevelopment of the area as one or two comprehensive mixed use residential/commercial projects to anchor the east terminus of the Corey Avenue Main street that will act as a catalyst for revitalizing the entire Corey Avenue area as well as create a safer environment and attractive entrance to the City.

Policies

Policy 1:

Architectural design features that provide visual interest, are aesthetically pleasing and relate to the human scale at ground level are equally important for both the street and water side of buildings. Blank wall facades shall be prohibited. Street-level retail facades shall have a storefront character. Architectural elements that provide protection to pedestrians from weather elements shall be encouraged.

Policy 2:

Parking shall be integrated into the principal building and hidden from public view to the maximum extent feasible and practical.

Policy 3:

Retail/Restaurant uses shall be located on the first floor or accessible from street level and near the pedestrian walkways to provide easy public access.

Policy 4:

Publicly or privately-owned small-scale marina facilities with transient boat slips will be encouraged in locations and quantities that attract visitors to the Downtown core and minimize adverse environmental impacts.

Policy 5:

Professional landscaping and design standards consistent with the standards contained in the LDC shall be the minimum required on the entire building site where any new development will occur, with particular emphasis on screening and buffering from adjacent residential uses that may include landscaping and privacy walls.

Policy 6:

Temporary lodging uses shall comply with all County and local hurricane closure and evacuation procedures that will ensure orderly evacuation of guests and visitors prior to

evacuation orders being issued for residents in Zone A.

Policy 7:

All temporary lodging uses shall comply with adopted City rules and regulations that ensure that projects approved as temporary lodging facilities are built, function, operate and are occupied exclusively as temporary lodging uses.

Permitted Uses and Standards

(a) **Primary uses** - Commercial and office use; Temporary lodging use – hotel, motel, resort condominium; Residential use but only as part of a mixed-use development on a minimum 1.8 acre buildable site.

(b) **Secondary uses** - Commercial and office as a component of a mixed use project; Marina.

(c) **Density/Intensity and Height Standards.**

1. Residential use

- a. Shall only be permitted as part of mixed-use residential development project located on a minimum 1.8 acre buildable site and shall not exceed 24 dwelling units per acre. Commercial, office or temporary lodging uses only shall be located on the first habitable floor accessible at street level; and
- b. Exclusive residential development shall be prohibited; and
- c. **Variances to exceed the maximum density above as established in this Future Land Use Plan shall be prohibited.**

2. Commercial and office use only – shall not exceed:

- a. a floor area ratio of 0.55; and
- b. **Variances to exceed the maximum floor area ratio above as established in this Future Land Use Plan shall be prohibited.**

3. Temporary Lodging Use. Density and Intensity shall be approved by Conditional use only and shall not exceed fifty (50) temporary lodging units per acre located on a minimum 1.8 acre buildable site and shall also not exceed a cumulative total of 150 units per project subject to the requirements, restrictions and limitations established below for the TLU Density Pool for the Town Center Core Corey Circle Coquina West, Activity Center, and Bayou Residential Districts.

4. Height shall not exceed, but shall be permitted up to the following, subject to any height limitations contained in the City's LDC:

- a. Twenty-eight (28) feet for exclusively nonresidential uses; or

- b. Seventy-six (76) feet above base flood elevation for buildings containing non-residential uses on the first habitable floor accessible at street level mixed with a primary residential and temporary lodging use; or
 - c. Seven Eighty-six (86) feet above base flood elevation for buildings containing nonresidential uses on the first habitable floor accessible at street level and either a minimum of fifty (50) temporary lodging units or a primary residential use above the first floor or all three uses in one or more buildings as part of a unified development project, provided that the main principal building provides retail/commercial uses at street level; and
 - d. **Any increases to, including variances to increase, the maximum height for each type of use set forth above for this Town Center Corey Circle character district shall be prohibited unless approved by voter referendum, if required by the City Charter.**
5. **Impervious Surface Ratio** shall not exceed:
- a. 0.70 for all new development; and
 - b. **Variances to exceed the maximum impervious surface ratio above as established in the Future Land Use Plan shall be prohibited.**

Town Center Coquina West District (TC-2)

- (a) **Location and Character.** Town Center Coquina West contains 6.11 acres or less than ½% of the total land area of the City. This District consists of a three block area that currently is a mix of existing residential, light industrial, small motel and commercial restaurant/bar uses.
- (b) **Purpose and Intent; Redevelopment Incentives and Deterrents.** The following policies shall govern development in the Town Center Coquina West District and are intended to encourage redevelopment of the area as one or two comprehensive mixed use residential/commercial projects to anchor the west terminus of the Corey Avenue Main street and to act as a catalyst for revitalizing the entire Corey Avenue Main street.

Policies

Policy 1:

Architectural design features that provide visual interest, are aesthetically pleasing and relate to the human scale at ground level are equally important for both the street and water-side of buildings. Blank wall facades shall be prohibited. Street-level retail facades shall have a storefront character. Architectural elements that provide protection to the pedestrian from weather elements shall be encouraged.

Policy 2:

Structured parking that can be integrated into the principal building and hidden from public view will be encouraged and pursued.

Policy 3:

Retail/Restaurant uses shall be located on the first floor or accessible from street level and near the pedestrian walkways to provide easy public access.

Policy 4:

Publicly or privately-owned small-scale marina facilities with transient boat slips will be encouraged in locations and quantities that attract visitors to the Downtown core and minimize adverse environmental impacts.

Policy 5:

Professional landscaping and design standards consistent with the standards contained in the LDC shall be the minimum required on the entire building site where any new development will occur, with particular emphasis on screening and buffering from adjacent residential uses that may include landscaping and privacy walls.

Policy 6:

Temporary lodging uses shall comply with all County and local hurricane closure and evacuation procedures that will ensure orderly evacuation of guests and visitors prior to evacuation orders being issued for residents in Zone A.

Policy 7:

All temporary lodging uses shall comply with adopted City rules and regulations that ensure that projects approved as temporary lodging facilities are built, function, operate and are occupied exclusively as temporary lodging uses.

Permitted Uses and Standards

- (a) **Primary uses** - Commercial and office; Temporary lodging use – hotel, motel, resort condominium; Residential use but only as part of a mixed use development project located on a minimum two acre buildable site.
- (b) **Secondary uses** - Commercial and office as a secondary component of a mixed use residential/commercial development project; Marina.
- (c) **Density/Intensity and Height Standards.**

1. Residential use

- a. Shall only be permitted as part of mixed-use development project located on a minimum two acre buildable site and shall not exceed 24 dwelling units per acre. Commercial, office or temporary lodging uses only shall be located on the first habitable floor accessible at street level; and
- b. Exclusive residential development shall be prohibited; and
- c. **Variances to exceed the maximum density above as established in this Future Land Use Plan shall be prohibited.**

2. Commercial and office use only – shall not exceed:

- a. a floor area ratio of 0.55; and
- b. **Variances to exceed the maximum floor area ratio established in this Future Land Use Plan shall be prohibited.**

3. Temporary Lodging Use. Density and Intensity shall be approved by Conditional use only and shall not exceed fifty (50) temporary lodging units per acre located on a minimum 1.8 acre buildable site and shall also not exceed a cumulative total of 150 units per project subject to the requirements, restrictions and limitations established below for the TLU Density Pool for the Town Center Core Corey Circle, Coquina West, Activity Center, and Bayou Residential Districts.

4. Height shall not exceed, but shall be permitted up to the following, subject to any height limitations contained in the City's LDC:

- a. Twenty-eight (28) feet for an exclusively nonresidential use; or
- b. Seventy-six (76) feet above base flood elevation for buildings containing non-

residential uses on the first habitable floor accessible at street level mixed with a primary residential component above; or

- c. Eighty-six (86) feet above base flood elevation buildings containing nonresidential uses on the first habitable floor accessible at street level and either a minimum of fifty (50) temporary lodging units or a primary residential use above the first floor or all three uses in one or more buildings as part of a unified development project, provided that the main principal building provides retail/commercial uses at street level; and
 - d. **Any increases to, including variances to increase, the maximum height for each type of use set forth above for this Town Center Coquina West character district shall be prohibited unless approved by voter referendum, if required by the City Charter.**
5. **Impervious Surface Ratio** shall not exceed:
- a. 0.70 for all new development; and
 - b. **Variances to exceed the maximum impervious surface ratio established in the Future Land Use Plan shall be prohibited.**

TC-2 Temporary Lodging Use

(a) **Density - TC-2 Temporary Lodging Unit Density Pool (“TC-2 TLU Density Pool”)**: The City shall establish a TC-2 TLU Density Pool, not to exceed a total of three-hundred and twenty-five (325) units for the entire Town Center Corey Circle and Coquina West Districts (TC-2). These density pool units may also be allocated to the Activity Center and Bayou Residential Districts. The following shall govern the allocation of temporary lodging units from the TLU Density Pool:

1. The TC-2 TLU Density Pool shall be allocated by Ordinance of the City Commission upon request of an individual property owner; and
2. Such allocation shall not exceed fifty (50) temporary lodging units per acre; and
3. Such allocation shall not exceed a cumulative total of one hundred fifty (150) temporary lodging units per development project; and
4. The remaining number of available temporary lodging units in the TLU Density Pool shall be specified in each City Commission ordinance allocating such units and each such ordinance shall provide that no temporary lodging units beyond those remaining in the TC-2 TLU Density Pool for the TC-2 Districts shall be allocated to any subsequent project; and
5. *This limitation shall be absolute and shall apply regardless of the proposed size or density of the project requesting such allocation. Such units shall be established exclusive of any other use provided for in the District.*

(b) **Intensity Standards.**

1. **Temporary lodging use** shall not exceed an aggregate floor area of 750 square feet per temporary lodging unit allocated by Ordinance, excluding indoor amenities, common areas and structured parking. Indoor amenities and common areas shall not exceed an additional 0.2 floor area ratio combined. For example: 50 units x 750 square feet = 38,500 square feet plus 0.2 x total parcel square feet for common areas & indoor amenities = total building square footage, excluding structured parking.
2. **Variances to exceed the maximum floor area ratio above as established in the Future Land Use Plan shall be prohibited.**

Downtown Core Residential District (DCR)

- (a) **Location and Character.** Downtown Core Residential District contains 11.65 acres or less than 1% of the total land area of the City. This District is illustrated on the Future Land Use Map.
- (b) **Purpose and Intent; Redevelopment Incentives and Deterrents.** The following policies shall govern development in the Downtown Core Residential District to encourage quality residential redevelopment that supports the downtown core shopping and entertainment area and acts as a transition area from downtown core mixed commercial and residential uses to lower density residential neighborhoods to the south and west.

Policies

Policy 1:

Architectural design features that provide visual interest, are aesthetically pleasing and relate to the human scale at ground levels are equally important for both the street and water side of residential homes, town homes and multi-family structures. Blank wall facades shall be prohibited.

Policy 2:

Development and redevelopment shall be compatible with the existing developments that remain in the neighborhood.

Permitted Uses and Standards

- (a) **Primary uses** - Residential.
- (b) **Secondary uses** - None.
- (c) **Density/Intensity and Height Standards.**
 - 1. **Residential use** – Shall not exceed:
 - a. Ten (10) dwelling units per acre; and
 - b. **Variances to exceed the maximum density above as established in the Future Land Use Plan shall be prohibited.**
 - 2. **Height** for residential buildings shall not exceed:
 - a. Thirty-five (35) feet above base flood elevation inclusive of structured parking; and
 - b. **Any increases to, including variances to increase, the maximum height set forth above for this Downtown Core Residential character district shall be prohibited unless approved by voter**

~~referendum, if required by the City Charter.~~

3. **Impervious Surface Ratio** shall not exceed:
 - a. 0.70 for all development; and
 - b. **Variances to exceed the maximum impervious surface ratio above as established in the Future Land Use Plan shall be prohibited.**

Upham Beach Village District (UBV)

- (a) **Location and Character.** The Upham Beach Village District contains 16.10 acres or approximately 1-¼% of the total land area of the City. This District is illustrated on the Future Land Use map.

The neighborhood is a mixture of residential and motel temporary lodging uses that are at or near functional obsolescence. There is a diverse mixture of densities and intensities of existing development in this neighborhood, ranging from single family homes to motels that have an existing density of 78 units per acre, and include aging apartment complexes that are being converted to residential condominiums that will preclude redevelopment anytime in the foreseeable future. This diversity of uses, densities and intensities within this character district gives rise to unique compatibility issues that must be sensitively addressed.

- (b) **Purpose and Intent; Redevelopment Incentives and Deterrents.** The following policies shall govern development in the Upham Beach Village District and are intended to allow redevelopment of residential uses as well as allow existing motel temporary lodging uses that are part of the heritage of this Upham neighborhood to redevelop as temporary lodging uses at the same density as exists. Such redevelopment shall be subject to height limitations and design standards that protect existing and future neighborhood residential uses as well as improve safety, circulation and drainage:

Policies

Policy 1:

Architectural design features that provide visual interest, are aesthetically pleasing and relate to the human scale at ground level are equally important for both the street and water- side of buildings. Blank wall facades shall be prohibited. Street-level facades shall integrate architectural elements that provide protection to the pedestrian from weather elements shall be encouraged.

Policy 2:

Only existing temporary lodging uses may be redeveloped and new temporary lodging uses shall be strictly prohibited.

Policy 3:

A mixture of residential and temporary lodging uses throughout the district shall be encouraged to be preserved and redeveloped.

Policy 4:

Redevelopment of existing temporary lodging uses shall provide the minimum necessary vehicular curb cuts and driveways to provide reasonable, adequate and safe ingress and egress to the development site and ensure a pedestrian-friendly and safe environment by minimizing pedestrian-vehicular conflict.

Policy 5:

Structured parking that can be integrated into the principal building and hidden from public view will be encouraged and pursued.

Policy 6:

Professional landscaping and design standards consistent with the standards contained in the LDC shall be the minimum required on the entire building site where any development will occur, with particular emphasis on screening and buffering from adjacent residential uses that may include landscaping and privacy walls.

Policy 7:

Development and redevelopment shall be compatible with the existing neighboring residential uses that immediately surround the development site.

Policy 8:

Temporary lodging uses shall comply with all County and local hurricane closure and evacuation procedures that will ensure orderly evacuation of guests and visitors prior to evacuation orders being issued for residents in Zone A.

Policy 9:

All temporary lodging uses shall comply with adopted City rules and regulations that ensure that projects approved as temporary lodging facilities are built, function, operate and are occupied exclusively as temporary lodging uses.

Permitted Uses and Standards

(a) **Primary uses** - Residential; Temporary lodging uses – hotel, motel, resort condominium, bed & breakfast inn.

(b) **Secondary uses** - None.

(c) **Density/Intensity and Height Standards.**

1. **Residential use** shall not exceed:

- a. 7.5 dwelling units per acre for single family homes and duplexes; or
- b. 18 dwelling units per acre for multi-family residential use on a minimum $\frac{1}{3}$ acre buildable site; or
- c. 21 dwelling units per acre for multi-family residential use on a minimum $\frac{1}{2}$ acre buildable site; or
- d. 24 dwelling units per acre for multi-family residential use on a minimum $\frac{3}{4}$ acre buildable site.
- e. **Variances to exceed the maximum density above as established in this Future Land Use Plan shall be prohibited.**

2. **Temporary Lodging use – motel and bed & breakfast inn** – Temporary lodging units shall be allocated on a first come first serve basis utilizing the Temporary Lodging Unit Density Pool established below.
3. **Temporary Lodging Unit Density Pool (“TLU Density Pool”)**: Density for temporary lodging uses in the Upham Beach Village District shall be regulated as follows:
 - a. The City shall establish a TLU Density Pool not to exceed 175 total units for the entire Upham Beach Village District; and
 - b. The TLU Density Pool shall be allocated by ordinance of the City Commission upon request of an individual property owner; and
 - c. Any TLU Density Pool allocation by ordinance per project shall not exceed the number of existing licensed temporary lodging units located on the development site; and
 - d. The remaining number of available TLU Density Pool units shall be specified in each City Commission ordinance allocating such units and each such ordinance shall provide that no units beyond those remaining in the TLU Density Pool shall be allocated to any subsequent temporary lodging use project in the Upham Beach Village District; and
 - e. *This limitation shall be absolute and shall apply regardless of the proposed size or density of the project requesting such allocation. Such units shall be established exclusive of any other use provided for in the District.*
4. **Height** shall not exceed, but shall be permitted up to the following, subject to any height limitations contained in the City’s LDC:
 - a. Thirty-five (35) feet above base flood elevation, inclusive of structured parking, for single family homes, duplexes and multi-family uses 18 dwelling units per acre or less; or
 - b. Forty-five (45) feet above base flood elevation, inclusive of parking, for multi-family residential use exceeding 18 dwelling units per acre and all temporary lodging uses; and
 - c. **Any increases to, including variances to increase, the maximum height for each type of use set forth above for this Upham Beach Village character district shall be prohibited unless approved by voter referendum, if required by the City Charter.**
5. **Impervious Surface Ratio** shall not exceed:
 - a. 0.85 for temporary lodging use; or
 - b. 0.70 for residential use; and
 - c. **Variances to exceed the maximum impervious surface ratio established in the Future Land Use Plan shall be prohibited.**

Commercial Corridor Blind Pass Road District (CC-1)

- (a) **Location and Character.** The Commercial Corridor Blind Pass Road District contains 7.4 acres or approximately ½% of the total land area of the City. This District is illustrated on the Future Land Use Map. Nearly all of the parcels fronting Blind Pass Road lost frontage property during the widening of the Road in 2003 expanding it from 2 lanes to 5 lanes. As a result, many of the parcels lost parking and are too shallow to provide standard parking and buffers from the residential neighborhoods causing commercial encroachment into almost exclusively single-family residential neighborhoods.
- (b) **Purpose and Intent; Redevelopment Incentives and Deterrents.** The following policies shall govern development in the Commercial Corridor Blind Pass Road District and are intended to facilitate assembly and redevelopment of commercial frontage parcels to increase lot depth and reduce non-residential encroachment into the existing residential neighborhoods, increase buffering between residential and nonresidential uses, redevelop sites to current code design and safety standards, as well as reduce curb cuts to reduce pedestrian/bicyclist – vehicular conflict and improve traffic flow.

Policies

Policy 1:

Architectural design features that provide visual interest, are aesthetically pleasing and relate to the human scale at street level is important for any façade facing street frontage. Blank walls shall be prohibited on any street facing or residential facing facade. Any street-level retail facades shall have a storefront character. Both street-level retail and office facades should be designed to integrate architectural elements that provide protection to the pedestrian from weather elements wherever possible.

Policy 2:

Commercial redevelopment of property that does not have direct access to Blind Pass Road shall be prohibited.

Policy 3:

Frontage properties along Blind Pass Road shall be permitted to assemble properties and expand to the limits of the District boundaries only. Encroachment into the residential neighborhoods beyond the District boundaries is expressly prohibited.

Policy 4:

A physical buffer that may include landscaping and privacy walls adjacent to existing residential properties shall be required for all new non-residential development and redevelopment or renovation, whether or not the development site is expanded by assembling parcels of land.

Policy 5:

Vehicular access from side streets shall be encouraged for residential development provided such access is not incompatible with the residential neighborhood abutting the redevelopment.

Policy 6:

Professional landscaping and design standards consistent with the standards contained in the LDC shall be the minimum required on the entire building site where any new development will occur, with particular emphasis on screening and buffering from adjacent residential uses.

Permitted Uses and Standards

(a) **Primary uses** - Commercial and office; Mixed Use Residential/Commercial/Office; Residential.

(b) **Secondary uses** – Commercial and office.

(c) **Density/Intensity and Height Standards.**

1. **Residential Use** shall not exceed:

- a. 7.5 dwelling units per acre for single family homes and duplexes for lots that do not access Blind pass Road; or
- b. 12 dwelling units per acre for a multi-family residential use as part of a mixed use residential/commercial/office project on a minimum ½ acre buildable site with commercial or office on the first floor at street level and residential use permitted on the second and third floors only; and
- c. **Variances to increase the density above as established in the Future Land Use Plan shall be prohibited.**

2. **Intensity - Commercial and office** – shall not exceed a floor area ratio of:

- a. 0.7 as an exclusive nonresidential use; or
- b. 0.9. as part of a mixed use residential/commercial/office project on a minimum ½ acre buildable site with commercial or office on the first floor at street level and residential use permitted on the second and third floors only; and
- c. **Variances to exceed the maximum density or floor area ratio established in this Future Land Use Plan shall be prohibited.**

3. **Height** shall not exceed, but shall be permitted up to, the following, subject to any height limitations contained in of the City's LDC:

- a. Twenty-eight (28) feet for an exclusively nonresidential use only; or
- b. Forty (40) feet for mixed-use development projects located on a minimum ½

acre buildable site with a retail or office component on the first floor at street level and the residential use located above the first floor; and

- c. **Any increases to, including variances to increase, the maximum height for each type of use set forth above for this Commercial Corridor Blind Pass Road character district shall be prohibited unless approved by voter referendum, if required by the City Charter.**
4. **Impervious Surface Ratio** shall not exceed:
- a. 0.70 for all new development; and
 - b. **Variances to exceed the maximum impervious surface ratio above as established in this Future Land Use Plan shall be prohibited.**

Commercial Corridor Gulf Boulevard District (CC-2)

- (a) **Location and Character.** Commercial Corridor Gulf Boulevard District contains 21.58 acres or less than 2% of the total land area of the City. This District is illustrated on the Future Land Use Map. This District also has substandard parking, narrow-depth lots that encroach into adjacent residential neighborhoods and too many curb cuts that create pedestrian-vehicular conflict and impede traffic flow on Gulf Boulevard.
- (b) **Purpose and Intent; Redevelopment Incentives and Deterrents.** The following policies shall govern development in the Commercial Corridor Gulf Boulevard District and are intended to allow for the assembly of land to increase lot depth and reduce nonresidential encroachment into adjacent residential neighborhoods, increase buffering between residential and non-residential uses, as well as redevelop to current code design and safety standards, reduce curb cuts that will improve traffic flow on Gulf Boulevard and reduce pedestrian/bicyclist-vehicular conflict:

Policies

Policy 1:

Architectural design features that provide visual interest, are aesthetically pleasing and relate to the human scale at street level for any façade facing street frontage. Blank walls shall be prohibited on any street facing or residential facing facade. Any street-level retail facades shall have a storefront character. Both street-level retail and office facades should be designed to integrate architectural elements that provide protection to the pedestrian from weather elements wherever possible.

Policy 2:

Commercial redevelopment of property that does not have direct access to Gulf Boulevard shall be prohibited.

Policy3:

Frontage properties along Gulf Boulevard shall be permitted to assemble properties and expand to the limits of the District boundaries only. Encroachment into the residential neighborhoods beyond the District boundaries is expressly prohibited.

Policy4:

Utility Easements and sidewalks shall be required on all development projects if existing conditions permit the construction of a sidewalk and location of a utility easement that can be integrated into the redevelopment site plan without undue hardship to the property owner.

Policy5:

A physical buffer that may include landscaping and privacy walls adjacent to existing residential properties shall be required for all new nonresidential development and redevelopment or renovation, whether or not the development site is expanded by

assembling parcels of land.

Policy 6:

Vehicular access from side streets shall be encouraged for residential development provided such access is not incompatible with the residential neighborhood abutting the redevelopment.

Policy 7:

Professional landscaping and design standards consistent with the standards contained in the LDC shall be the minimum required on the entire building site where any development will occur, with particular emphasis on screening and buffering from adjacent residential uses and on Gulf Boulevard frontage.

Permitted Uses and Standards

(a) **Primary uses** - Commercial and office; Mixed Use Residential/Commercial/Office.

(b) **Secondary uses** – Commercial and office.

(c) **Density/Intensity and Height Standards.**

1. **Residential Use** shall not exceed:

- a. 7.5 dwelling units per acre for single family homes and duplexes for lots that do not access Gulf Boulevard; or
- b. 12 dwelling units per acre for a multi-family residential use as part of a mixed- use residential/commercial/office project located on a minimum ½ acre buildable site with commercial or office on the first floor at street level and residential use permitted on the second and third floors only; and
- c. **Variances to increase the density above as established in the Future Land Use Plan shall be prohibited.**

2. **Commercial and office** – shall not exceed a floor area ratio of:

- a. 0.7 as an exclusive nonresidential use; or
- b. 0.9. as part of a mixed use residential/commercial/office project on a minimum ½ acre buildable site with commercial or office on the first floor at street level and residential use permitted on the second and third floors only; and
- c. **Variances to exceed the maximum density or floor area ratio above as established in this Future Land Use Plan shall be prohibited.**

3. **Height** shall not exceed, but shall be permitted up to, the following, subject to any height limitations contained in the City's LDC:

- a. Twenty-eight (28) feet for an exclusively nonresidential use only; or

- b. Forty (40) feet for a mixed-use development project located on a minimum $\frac{1}{2}$ acre buildable site with a retail or office component on the first floor at street level and the residential use located above the first floor; and
 - c. **Any increases to, including variances to increase, the maximum height for each type of use set forth above for this Commercial Corridor Gulf Boulevard character district shall be prohibited unless approved by voter referendum, if required by the City Charter.**
4. **Impervious Surface Ratio** shall not exceed:
- a. 0.70 for all new development, and
 - b. **Variances to exceed the maximum impervious surface ratio above as established in this Future Land Use Plan shall be prohibited.**

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IV. Housing Plan Element

GOAL 1:

The City shall provide decent, safe and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the City, free from arbitrary discrimination because of race, sex, handicap, ethnic background, age, marital status or household composition.

Objective 1.1

In accordance with this Comprehensive Plan the City shall continue to provide technical assistance to the private sector so that they will be able to provide a suitable mix of housing types and numbers to meet the City's housing needs as well as making all housing sites in the City available to low and moderate income families.

Policy 1.1.1

The City shall provide technical information for use by the private sector.

Policy 1.1.2

The City shall periodically review ordinances, codes, regulations and permitting processes in order to increase the efficiency and economy of meeting the housing needs of the City, while continuing to ensure the health, welfare and safety of the residents.

Policy 1.1.3

The City shall continue to allow a variety of residential densities and housing types in order to enhance the opportunity for the private sector to provide housing in a wide range of types and costs.

Policy 1.1.4

Because the City of St. Pete Beach suffers physical and economic constraints beyond its control that prevent efforts to provide affordable housing in accordance with the requirements of Rule 9J-5, the City shall continue to work with neighboring communities and continue its support of the public transportation system and other affordable housing strategies through implementation of an affordable housing impact fee mitigation program for all new construction.

Policy 1.1.5

For all developments in areas covered by a Community Redevelopment Plan approved in accordance with Pinellas Planning Council guidelines for the establishment of such plan, the City shall implement an Affordable Housing Impact Fee in accordance with the standards approved in the Community Redevelopment Plan. Additionally, the City shall provide for such density bonuses for the provision of affordable housing as are represented in the approved Community Redevelopment Plan.

Measure: The availability of housing suitable for the needs of the residents

Objective 1.2

In accordance with this Comprehensive Plan the City shall attempt to increase the opportunity for all citizens to purchase or rent decent, safe and sanitary housing which they can afford, free from arbitrary discrimination because of race, sex, handicap, ethnic background, age, marital status or household composition.

Policy 1.2.1

The City shall continue to support and enforce Fair Housing legislation, as may be enacted or amended periodically, to include age, handicap and household composition in addition to race, sex, national origin and religion.

Policy 1.2.2

The City shall facilitate the notification of enforcement agencies whenever housing discrimination is encountered.

Measure: Continuing availability of suitable housing opportunities for all residents

Objective 1.3

Group homes shall continue to be permitted within suitable locations to insure that the needs of the City residents requiring such housing are met.

Policy 1.3.1

The City shall establish non-discriminatory standards and criteria addressing the location of group homes and foster care facilities where appropriate.

Policy 1.3.2

The City shall review, and amend if warranted, the zoning codes so that different classes of group homes will be permitted in appropriate residential neighborhoods where the class of group homes is necessary to meet the needs of the City residents.

Measure: The continued permitting of group homes

Objective 1.4

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

Policy 1.4.1

The City shall periodically review and amend, where necessary, the housing and health codes and other standards relating to care and maintenance of residential and neighborhood environments and facilities.

Policy 1.4.2

The City shall encourage individual homeowners to increase private reinvestment in housing by providing information and technical assistance programs.

Policy 1.4.3

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

Measure: The number of housing units improved or maintained

Objective 1.5

The City shall continue to provide uniform and equitable treatment for persons and businesses displaced by state and local government programs consistent with Sec. 421.55, FS.

Policy 1.5.1

The City shall insure that reasonably located, standard housing at affordable costs is available to persons displaced through public action prior to their displacement.

Policy 1.5.2

Before approving the taking of private residential property, the City Commission shall review the current housing market to assure that standard housing, at affordable cost is available to displaced persons.

Measure: The implementation, as necessary, of procedures to deal with displacement

Objective 1.6

As an ongoing objective, the City shall eliminate any substandard housing that may exist.

Policy 1.6.1

The City shall maintain or increase code enforcement activities, through regular inspections of the housing stock.

Policy 1.6.2

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

Measure: The absence of substandard housing

Objective 1.7

The City shall assist property owners in the identification, preservation, and protection of historical and architecturally significant housing with the adoption of this Comprehensive Plan.

Policy 1.7.1

By providing referral to the appropriate governmental and other agencies, the City shall assist property owners in the identification of historically significant structures.

Policy 1.7.2

The City shall assist property owners of historically or architecturally significant housing in applying for and utilizing state and federal assistance programs.

Measure: The identification, preservation, and protection of historically significant or architecturally significant housing

Objective 1.8

Encourage, and provide incentives, when appropriate for design and construction techniques and building materials capable of significantly reducing the cost of maintenance and energy consumption of housing while providing for a more healthy and durable home environment.

Policy 1.8.1

Promote sustainable communities by encouraging Green housing that conserves natural resources and reduces monthly operating costs.

Policy 1.8.2

The City will encourage housing construction that uses the U.S. Green Building Council or the Florida Green Building Coalition land development, new construction and major renovation building standards.

Policy 1.8.3

By 2012, determine a threshold and criteria for requiring LEED standards and FGBC and USGBC certification of development and redevelopment projects, and implement those standards and criteria in the LDC. In addition, consider pilot incentive programs to encourage Green building and development Citywide, including the Community Redevelopment District.

Policy 1.8.4

Implement the requirements of the latest Florida Energy Efficiency Code for Building Construction that assures a conscious effort toward energy efficiency so that proper equipment, building orientation on site, adequate insulation, and appliance selection will be considered by developers.

Policy 1.8.5

By 2012, The City shall require all new construction and major renovations to meet Green Building and site design minimum standards and encourage development to exceed minimum standards with various incentive and promotion programs.

Map 104. Coastal High Hazard Area - Storm Surge for Category 1 and 2 (2010)
St. Pete Beach, FL

Source: Pinellas County Planning Department, March 6, 2007 Tampa Bay Regional Planning Council 2010 Statewide Regional Evacuation Study



Note: Map to be relocated to Coastal and Conservation Element



George G. Kinney, AICP
Planning and Community Development Director
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, Florida 33706

June 14, 2013

Mr. D. Ray Eubanks, Plan Processing Administrator
Florida Department of Economic Opportunity
The Caldwell Building
107 East Madison Street
Tallahassee, Florida 32399-4120

Re: City of St. Pete Beach Comprehensive Plan
City of St. Pete Beach Ordinance #2013-13

Dear Mr. Eubanks,

Please find enclosed three (3) copies of the City of St. Pete Beach Comprehensive Plan and a summary of the plan amendment(s) for your consideration under the expedited state review process. The City has been advised to re-adopt relevant portions of the City Comprehensive Plan pursuant to the rationale provided.

The enclosed materials and pending City Ordinance #2013-13 mirror the past re-adoption effort brought by City Ordinance #2011-19 and includes subsequent amendments made by City Ordinances 2010-13, 2010-15, and 2012-21. Current changes are generally editorial in nature and are clearly denoted pursuant to 163.3184(3)(c)3 FS. with amended language shown in yellow highlight and underlined or deleted as appropriate.

This matter was put forward to the local planning agency on May 21, 2013 where it was positively recommended to the City Commission by unanimous vote. This hearing was properly advertised on May 8, 2013 (see enclosed advertisement and meeting minutes).

This matter then went before the St. Pete Beach City Commission on June 11, 2013 for first reading and public transmittal hearing where it was unanimously approved. The meeting minutes will be forwarded once they are certified by the City Clerk and made available. This meeting was properly advertised on June 2, 2013 (see enclosed advertisement). The City anticipates a second and final adoption hearing to occur in early August, 2013. Further, the City finds that the amendment is not applicable to an area of critical state concern.

A copy of a complete amendment transmittal package including supporting data and analysis has been sent to the following agencies:

- ✓ Florida Department of Economic Opportunity (3 copies)
- ✓ Florida Department of Transportation, District 7
- ✓ Florida Department of Environmental Protection
- ✓ Florida Department of State
- ✓ Tampa Bay Regional Planning Council
- ✓ Southwest Florida Water Management District
- ✓ Pinellas County and Pinellas Planning Council

All packages went out simultaneously on June 14, 2013 with return receipt service. These receipts will be kept on file and available at your request. The local contact person is as follows:

George Kinney, AICP
Planning and Community Development Director
City of St. Pete Beach, Florida
155 Corey Avenue, St. Pete Beach, Florida 33706
Phone: 727.363.9265 Email: g.kinney@stpetebeach.org

Please acknowledge receipt of this transmittal and feel free to contact me with any additional comments or questions at 727.363.9265 or by email at g.kinney@stpetebeach.org.

Sincerely,

George G. Kinney, AICP
Planning and Community Development Director
City of St. Pete Beach, Florida

Cc: The Honorable Steve McFarlin, Mayor
 Mr. Michael Bonfield, City Manager
 Mr. Mike Davis, City Attorney
 Ms. Rebecca Haynes, City Clerk

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

July 3, 2013

The Honorable Steve McFarlin
Mayor, City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, Florida 33706

Dear Mayor McFarlin:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the City of St. Pete Beach (Amendment No. 13-1ESR) which was received on June 17, 2013. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Department of Economic Opportunity's authorized scope of review that will be adversely impacted by the amendment if adopted.

We are, however, providing a technical assistance comment consistent with Section 163.3168(3), F.S. The technical assistance comment will not form the basis of a challenge. It is technical in nature and designed to ensure consistency with the provisions of Chapter 163, F.S.: **The City of St. Pete Beach should update its Coastal High Hazard Area Map to reflect the Coastal High Hazard Areas denoted in the Tampa Bay Regional Planning Council's 2010 Statewide Regional Evacuation Study.**

The City is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the City. If other reviewing agencies provide comments, we recommend the City consider appropriate changes to the amendment based on those comments. If unresolved, such reviewing agency comments could form the basis for a challenge to the amendment after adoption. The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment.

Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held and the amendment adopted within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

July 3, 2013

Page 2 of 2

If you have any questions concerning this review, please contact Jeannette Hallock-Solomon, AICP, at (850) 717-8490, or by email at jeannette.hallock-solomon@deo.myflorida.com.

Sincerely,

A handwritten signature in dark ink that reads "Mike McDaniel". The signature is fluid and cursive, with the first name "Mike" and last name "McDaniel" clearly legible.

Mike McDaniel
Comprehensive Planning Manager

MM/jhs

Enclosure(s): Procedures for Adoption

cc: George G. Kinney, AICP, Director, St. Pete Beach Planning Department
Manny Pumariega, AICP, Executive Director, Tampa Bay Regional Planning Council

George Kinney

From: Stahl, Chris <Chris.Stahl@dep.state.fl.us>
Sent: Tuesday, June 25, 2013 12:51 PM
To: George Kinney
Cc: Craig, Kae; DCPexter@deo.myflorida.com
Subject: St. Pete Beach 13-1ESR

To: George Kinney, Planning Director, St. Pete Beach

From: Chris Stahl, Office of Intergovernmental Programs, Florida Department of Environmental Protection

Re: St. Pete Beach 13-1ESR – Expedited Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, *Florida Statutes*. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Should you have any questions or require further assistance, please call me at (850) 245-2169.

Please take a few minutes to share your comments on the service you received from the department by clicking on this link. [DEP Customer Survey](#).



Florida Department of Transportation

**RICK SCOTT
GOVERNOR**

11201 N. McKinley Drive
Tampa, Florida 33612

**ANANTH PRASAD, P.E.
SECRETARY**

July 18, 2013

Mr. George G. Kinney, AICP, Director
Planning and Community Development Department
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL 33706

Re: St. Pete Beach Comprehensive Plan Amendment 13-1 ESR

Dear Mr. Kinney:

We have reviewed the City of St. Pete Beach proposed Comprehensive Plan (the Plan) Amendment 12-1 ESR according to Chapter 163, Florida Statutes, and our review guidelines. The Department is providing the following assessment.

Background St. Pete Beach is the southernmost barrier island community in Pinellas County. The 2010 estimate of population was 9,346 (US Census). The City (approximately two square miles) is comprised mostly of residential, commercial, recreation/open space and public/semi-public land uses. SR 682 (Pinellas Bayway), SR 693 (75th Avenue) and SR 699 (Gulf Boulevard) are the only three state facilities in the city.

Proposal: The City proposes to modify objectives and policies in the Future Land Use Plan and Housing Plan Elements. Most of the changes center around removal of language referencing approval by voter referendum; several changes involve deletion of waiting periods, removal of references to specific maps, and the deletion of a policy to re-evaluate the Coastal Construction Control Line. Because none of these modifications affect transportation facilities of state importance, the Department has no comments.

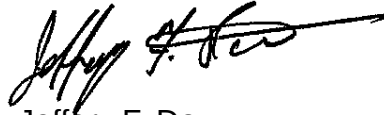
Ms. George R. Kinney

Page 2

July 18, 2013

Thank you for the opportunity to review this amendment. Please ensure that we receive a copy of the adopted amendment. Should you have any questions please do not hesitate to contact me at 813-975-6444 or at jeffery.dow@dot.state.fl.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffery F. Dow", with a long horizontal flourish extending to the right.

Jeffery F. Dow
LGCP Coordinator

cc: Robert Magee, Public Transportation Manager, Office of Policy Planning, FDOT
Ray Eubanks, Plan Processing Administrator, DEO
Waddah Farah, PDA Administrator, FDOT District 7
Daniel Santos, AICP, Growth Management Supervisor, FDOT District 7

**BOARD OF COUNTY
COMMISSIONERS**

Charlie Justice
n Latvala
Janet C. Long
John Morroni
Norm Roche
Karen Williams Seel
Kenneth T. Welch



June 26, 2013

George G. Kinney, AICP
Planning and Community Development Director
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, Florida 33706

RE: City of St. Pete Beach Comprehensive Plan, Ordinance #2013-13


Dear Mr. Kinney:

Thank you for the opportunity to review the referenced City of St. Pete Beach Comprehensive Plan Amendment package. Upon review, the Pinellas County Department of Strategic Planning & Initiatives has no comments regarding the proposal. If you have any questions regarding this finding, please feel free to contact me at 727-464-8200.

Sincerely,



Gordon Beardslee, General Planning Administrator
Pinellas County Planning Department

CC: D. Ray Eubanks, Administrator of Plan Review and Processing
State Land Planning Agency, Florida Department of Economic Opportunity
DCPexternalagencycomments@deo.myflorida.com

PLEASE ADDRESS REPLY TO:
310 Court Street
Clearwater, Florida 33756
Phone: (727) 464-8200
Fax: (727) 464-8201
Website: www.pinellascounty.org





Community Development Department

155 Corey Avenue
St. Pete Beach, Florida 33706
Phone: 727.367.2735
Fax: 727.363.9222

July 11, 2013

Mr. Christopher M. Mettler, Program Planner
Pinellas Planning Council
310 Court Street
Clearwater, Florida 33756

Re: Comprehensive Plan Amendment (Ordinance 2013-13)
Consistency with Countywide Rules

Dear Mr. Mettler,

Pursuant to your letter dated July 5, 2013, please find the following actions and/or responses:

- Ordinance Numbers 2011-19 and 2012-21 are enclosed pursuant to your request. Your letter indicates a request for Ordinance #2012-12, which appears to be an accidental inversion of the numbers. However, please advise if you need to see Ordinance #2012-12 as well.
- As it relates to the temporary lodging multiplier for the Resort Facilities Overlay category, staff will recommend an amendment to the City Commission to assure consistency with the Countywide Rules.
- Staff will further recommend an amendment to the CRD Special Area Plan to assure consistency with the Comprehensive Plan.

Should you have additional comments or questions, please feel free to contact me at 727.363.9265 or by email at g.kinney@stpetebeach.org.

Sincerely,



George G. Kinney, AICP
Planning and Community Development Director
City of St. Pete Beach, Florida

Cc: Mayor Steve McFarlin
Commissioner Marvin Shavlan
Mr. Mike Bonfield, City Manager
Mr. Mike Davis, City Attorney



310 Court Street • Clearwater, Florida 33756-5137
Telephone 727.464.8250 • Fax 727.464.8212 • www.pinellasplanningcouncil.org

Councilmember Jim Kennedy, Chairman
Mayor David O. Archie, Vice Chairman
Mayor Samuel Henderson, Secretary
Commissioner John Morroni, Treasurer
Mayor Joe Ayoub
Mayor Doug Bevis
Commissioner Harriet K. Crozier
Mayor Dave Eggers
Councilmember Doreen Hock-DiPolito
Vice Mayor Joanne "Cookie" Kennedy
Vice Mayor Jerry A. Mullins
School Board Member Peggy O'Shea
Commissioner Marvin Shavlan

Michael C. Crawford, AICP
Interim Executive Director

July 5, 2013

George G. Kinney, AICP
Planning and Community Development Director
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL 33706

RE: Review of the Proposed Amendments to the Comprehensive Plan (Ord. No. 2013-13) Consistency with the Countywide Rules

Dear George,

Thank you for forwarding the ordinance referenced above. Your letter indicates the City Commission held the first hearing on June 11, 2013. For future reference, please note that per Subsection 3.3.1.1 of the Countywide Rules, "(a) amendments to local future land use plans and local land development regulations which relate to and are governed by the criteria and standards in Article 4 of (the) Countywide Rules shall be submitted by the local government to the PPC not less than twenty-one (21) days prior to the initial public hearing by the governing body."

Ord. No. 2013-13 re-adopts the city's comprehensive plan and four subsequent amending ordinances (Ord. Nos. 2010-13, 2010-15, 2011-19, and 2012-²¹12). Our records indicate that the PPC staff has not previously received copies of Ord. Nos. 2011-19 and 2012-²¹12 / 21 for consistency review. It is not clear from the submission which amendments are associated with those two ordinances. Please provide copies of these two ordinances so that the PPC staff may review them for consistency with the Rules.

Pursuant to Division 3.3 of the *Rules Concerning the Administration of the Countywide Future Land Use Plan* (Countywide Rules), the Council staff has reviewed the amendments for consistency with the Countywide Rules:

- The temporary lodging multiplier for the Resort Facilities Overlay (RFO) plan category stated in Policy 2.1.1 is inconsistent with the Countywide Rules; it should be 1.67, not 6.

- As noted in the July 21, 2011 consistency review letter to Catherine Hartley, Ord. Nos. 2010-13 and 2010-15 included a number of changes to the CRD plan category that were inconsistent with the special area plan (SAP). The inconsistencies include:
 1. allowing temporary lodging uses in the Activity Center (AC) and Bayou Residential (BR) character districts;
 2. allowing allocations from the temporary lodging density pool to the AC and BR character districts;
 3. amending the restrictions on allocations from the temporary lodging density pool to the Upham Beach Village (UBV) character district;
 4. changing the requirements associated with the Large Resort Affordable Housing Mitigation Program and Density Bonus; and
 5. reducing the minimum acreage requirements for mixed-use development and temporary lodging use in the Town Center Corey Circle and Town Center Coquina West (both TC-2) character districts.

These comprehensive plan amendments necessitate amendments to the SAP to maintain consistency between the two documents. If you need additional information regarding the resolution of these issues, please call and we can discuss.

Thank you for forwarding the ordinance for review. We recognize that the consistency process is an ongoing one and if either the City or the Council staff has failed to note a matter governed by the consistency process in the course of this review, we will be happy to work with you to resolve any such matter as may be necessary.

Again, if you have any questions, please feel free to call me at 464-8250.

Sincerely,



Christopher M. Mettler
Program Planner

cc: Commissioner Marvin Shavlan, PPC Representative



Agenda Item #3.H.3.

8/12/13

LOCAL GOVERNMENT COMPREHENSIVE PLAN

PROPOSED AMENDMENT REPORT

CITY OF ST. PETE BEACH

DEO #13-1 ESR

For Council Meeting of August 12, 2013
Report prepared July 16, 2013

Staff Contact: Brady Smith
brady@tbrpc.org, ext. 42

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CITY OF ST. PETE BEACH

Ord. # 2013-13
Text and Map Amendments
Future Land Use and Housing Elements
EXPEDITED STATE REVIEW

DEO Amendment Number: **13-1ESR**

Is the RPC precluded from commenting on the proposed plan or element pursuant to s. 163.3184(5), F.S., or Rule 9J-11.0084, L.O.F.; or commenting on the proposed amendment pursuant to s.163.32465(4)(b), F.S.? _____ YES X NO

Date RPC Received Amendment: 6/17/13

Date Amendment Review must be Completed and Transmitted to LG/DEO: 7/17/13

Date the Amendment Review was transmitted to LG/DEO: 7/17/13

DEO Amendment Archive:

<http://dcapapers.eoconline.org/FloridaPAPERS/FlashAug16/Model/documentView.cfm?UserID=6239&AreaID=11&DocumentID=464122>

Summary of the Amendment:

The City of St. Pete Beach proposes to re-adopt its Comprehensive Plan (re-adopted in 2011) along with re-adopting text and map changes to the Future Land Use and Housing Elements that were previously adopted in 2011 and 2012.

The Department of Economic Opportunity has reviewed this amendment and has provided one technical assistance comment with regard to the City's Coastal High Hazard Area (CHHA) Map. TBRPC staff will work with City staff to ensure the City's CHHA Map reflects the Coastal High Hazard Areas denoted in the Tampa Bay Regional Planning Council's *2010 Statewide Regional Evacuation Study*.

Are any inconsistencies with the Strategic Regional Policy Plan noted?

None identified.

Does the amendment potentially have adverse effects on any Natural Resources of Regional Significance (NRRS), or Regional Resources or Facilities identified in the Strategic Regional Policy Plan including, but not limited to, protection of spring and groundwater resources, and recharge potential:

None identified.

Extra-Jurisdictional Impacts that would be Inconsistent with the Comprehensive Plan of the Affected Local Government:

None identified.

Analysis of the effects of extra-jurisdictional impacts which may be created by the amendment and/or compatibility among local plans including, but not limited to, land use and compatibility with military bases

None identified

Located in the Coastal High Hazard Area (CHHA)? (X YES or ____ NO) If yes, adequacy and compatibility with emergency preparedness plans and local mitigation strategies including, but not limited to, the impacts on and availability of hurricane shelters, maintenance of county hurricane clearance times, and hazard mitigation:

Much of the City of St. Pete Beach is located in the CHHA. However, since this is a re-adoption of a previously adopted Comprehensive Plan and subsequent amendments, no new impacts on hurricane shelter availability, maintenance of county hurricane clearance times, and hazard mitigation have been identified. As noted in the Summary of the Amendment (above), TBRPC staff will work with City of St. Pete Beach staff to ensure City's CHHA Map reflects the Coastal High Hazard Areas denoted in the Tampa Bay Regional Planning Council's *2010 Statewide Regional Evacuation Study*.

George Kinney

From: Brady Smith <brady@tbrpc.org>
Sent: Wednesday, July 17, 2013 12:47 PM
To: George Kinney; DCPexternalagencycomments@deo.myflorida.com
Cc: Reviews
Subject: St. Pete Beach CPA DEO #13-1ESR - TBRPC Review
Attachments: St Pete Beach 13-1ESR TBRPC review.pdf

Dear Mr. Kinney:

The Tampa Bay Regional Planning Council has reviewed the above referenced amendment to the City of St. Pete Beach Comprehensive Plan, and finds no adverse regional impacts.

The attached report will appear on TBRPC's August 12, 2013 Meeting Agenda for information only (Agenda Item 3.H.3.). TBRPC's report will also be available for download by August 2, 2013 via the following link: http://www.tbrpc.org/council_members/councilagendas/2013/081213/3H3.pdf

Please note that I am the new point-of-contact at TBRPC for matters related to Local Government Comprehensive Plans. My contact information is provided below. Please feel free to call or e-mail me with any questions or comments you may have.

Also, in reading the Florida Department of Economic Opportunity's review of this amendment, TBRPC staff noticed DEO's technical assistance comment regarding their recommendation that the City update its Coastal High Hazard Area Map to reflect the areas denoted in TBRPC's *2010 Statewide Regional Evacuation Study*. I believe TBRPC staff may have provided you with some of the information you need related to this recommendation. However, please contact me if you have any questions or require any additional information for the CHHA map update.

Sincerely,

Brady Smith, AICP
Senior Planner
Tampa Bay Regional Planning Council
727.570.5151 x42



An Equal
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Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899

(352) 796-7211 or 1-800-423-1476 (FL only)

On the World Wide Web at WaterMatters.org

Bartow Service Office

170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Service Office

6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Service Office

7601 U.S. 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

Carlos Beruff
Chair, Manatee

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Vice Chair, Hillsborough

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Hillsborough

George W. Mann
Polk

Vacant
Charlotte, Sarasota

Vacant
Citrus, Lake, Levy, Sumter

Blake C. Guillory
Executive Director

July 8, 2013

Mr. George Kinney, AICP
Planning and Community Development Director
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, Florida 33706

Subject: **City of St. Pete Beach Plan Amendment 13-1ESR**

Dear Mr. Kinney:

The Southwest Florida Water Management District (District) has reviewed the proposed amendment. It does not appear that the amendment will result in any adverse regional water resource-related impacts. Therefore, the District is not forwarding any comments for consideration.

We appreciate this opportunity to participate in the review process. If we may be of further assistance, please do not hesitate to contact me at (352) 796-7211, ext. 4422, or melissa.dickens@watermatters.org.

Sincerely,

Melissa Dickens
Staff Planner

cc: Ray Eubanks, DEO

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

ISSUE CONSIDERED: Final Reading: Ordinance 2013-18 providing a supplemental appropriation and revenue for fiscal year 2013 to the Capital Project Fund and providing for funding.

DATE: August 13, 2013

PREPARED BY: Elaine Edmunds, Administrative Services Director

SUMMARY OF ISSUE: Ordinance 2013-18 provides a supplemental appropriation to the Capital Projects Fund in the amount of \$934,006. **This amount is higher than the \$874,606 amount presented in the first reading of the ordinance. The increase of \$59,400 is a result of transfers from the Wastewater, Reclaimed and Stormwater funds toward funding the Pass-A-Grille Way project.** The adjustments are as follows:

- Professional services with the Tampa Bay Regional Planning Council relating to Corey area improvements in the amount of \$22,500.
- Sealing of City Hall windows in the amount of \$20,330.
- Repairs to Merry Pier resulting from Tropical Storm Debby last fiscal year in the amount of \$102,900.
- Rehabilitation of fire stations in the amount of \$329,745
- Purchase of a Pierce pumper/squad truck for the fire department in the amount of \$399,131.
- **Preliminary Engineering services for Pass-A-Grille Way in the amount of \$59,400.**

Revenues increases to the Capital Projects Fund are as follows:

- Additional Infrastructure Sales tax revenue from Pinellas County in the amount of \$110,625. This money is allocated to the Gulf Blvd. landscaping project.
- FDOT Grant monies in the amount of \$201,228. This money is allocated to the Gulf Blvd. landscaping project and general FDOT landscaping. Some of these costs were incurred in prior years and are just new getting reimbursed.
- Loan proceeds in the amount of \$379,131 to be used toward the purchase of a new fire truck.
- Trade-in value on old fire truck in the amount of \$20,000 to be used toward the purchase of the new fire truck.
- A transfer from general fund reserves in the amount of 163,622 to be used toward funding additional purchases.
- **Transfer from the Wastewater fund in the amount of \$12,575.**
- **Transfer from the Reclaimed Water fund in the amount of \$3,435.**
- **Transfer from the Stormwater fund in the amount of \$43,390.**

REQUESTED MOTION: "I move to approve Ordinance 2013-18, (read title)..."

ATTACHMENTS: Ordinance 2013-18
CIP Summary

**REVIEWED BY
CITY MANAGER:** MB

ORDINANCE 2013-18

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR A SUPPLEMENTAL APPROPRIATION TO THE CAPITAL PROJECT FUND FOR FISCAL YEAR ENDING SEPTEMBER 30, 2013; PROVIDING FOR FUNDING; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, estimated revenues and expenditures are provided in Ordinance 2012-19, Budget Ordinance; and

WHEREAS, the authority for appropriation amendments is provided in Article III, Section 3.13 (a) of the City Charter; and

WHEREAS, the City Commission wishes to recognize revenues received and fund additional projects in fiscal year 2013.

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

Section One. For the Capital Project Fund, an additional appropriation in the amount of \$934,006 for the following projects: Corey Avenue improvements (\$22,500), fire truck (\$399,131), sealing of city hall windows (\$20,330), repairs to Merry Pier (\$102,900), Preliminary Engineering for Pass-A-Grille Way (\$59,400) and rehabilitation to fire stations (\$329,745). . This increase is to be funded by infrastructure sales tax revenue (\$110,625) grant monies (\$201,228) sale of surplus equipment (\$20,000), loan proceeds (\$379,131), transfer from Wastewater fund (\$12,575), transfer from the Reclaimed Water fund (\$3,435), transfer from the Stormwater fund (\$43,390) and fund balance reserves (\$163,622).

Section Two. This ordinance shall become effective upon final passage.

Steve McFarlin, MAYOR

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

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

City of St. Pete Beach
Capital Improvement Plan Changes
Fiscal Year 2013

	Original Budget	Plus FY 2012 Encumbrances	Project Transfers	Ordinance 2013-16	Ordinance 2013-18	Adjusted Balance
Revenues:						
Penny for Pinellas	\$762,850					\$762,850
Infrastructure Sales Tax - County					\$110,625	\$110,625
Grants	\$60,000				\$201,228	\$261,228
Transfer from Wastewater					\$12,575	\$12,575
Transfer from Reclaimed					\$3,435	\$3,435
Transfer from Stormwater					\$43,390	\$43,390
Transfer from General Fund	\$925,000			\$400,000		\$1,325,000
Sale of Equipment					\$20,000	\$20,000
Loan Proceeds					\$379,131	\$379,131
Reserves		\$453,588			\$163,622	\$617,210

Total Revenues	\$1,747,850	\$453,588	\$0	\$400,000	\$934,006	\$3,535,444
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Expenditures:						
Architectural Study of Facilities	\$0	\$0	\$10,000			\$10,000
Corey Avenue Improvements					\$22,500	\$22,500
FDOT Landscaping	\$60,000	\$59,729				\$119,729
Gulf Blvd Landscaping	\$0	\$161,891				\$161,891
Vina Del Mar Bridge	\$110,900					\$110,900
Street Rehabilitation	\$700,000	\$52,365	(\$95,000)			\$657,365
Pass-A-Grille Way	\$0	\$0	\$45,000		\$59,400	\$104,400
City Hall Roofing	\$136,950		(\$81,000)			\$55,950
Generator	\$0	\$78,692				\$78,692
Gymnasium Rehabilitation	\$190,000		\$81,000			\$271,000
Hurley Park Playground	\$25,000					\$25,000
Seawall Repairs	\$80,000	\$75,211				\$155,211
Marina Project	\$0	\$25,700				\$25,700
Replace dock for Marine Unit			\$20,000			\$20,000
Purchase of Fire Truck					\$399,131	\$399,131
Purchase ATV for Beach Patrol			\$20,000			\$20,000
Community Center Debt	\$445,000					\$445,000
Sealing City Hall Windows					\$20,330	\$20,330
Merry Pier Repairs					\$102,900	\$102,900
Rehabilitation of Fire Stations					\$329,745	\$329,745

	\$1,747,850	\$453,588	\$0	\$0	\$934,006	\$3,135,444
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**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Resolution 2013-10 adopting changes to the City of St. Pete Beach Personnel Rules and Regulations Manual and providing for an effective date

Date: August 13, 2013

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

Summary of Issue: The Personnel Rules and Regulations (PRR) Manual is in need of updating. The changes to the PRR attempt to further balance employee benefits and taxpayer costs, dealing primarily with workers compensation coverage and consolidating annual/sick leave into a single “paid time off” (PTO) policy.

These two changes are both viewed as “take backs” by the employees, although it is my belief that most will not be negatively affected. In any case, I intend to grant each employee impacted by these changes a one-time pay adjustment of \$1,000 out of the current budget. A similar offer has been made to the unions representing the employees that will not be affected by these changes and to date they have been rejected.

Requested Motion: “I move to approve Resolution 2013-10 . . . (read title).”

Attachments: Resolution 2013-10
Personnel Rules and Regulations Manual

RESOLUTION 2013-10

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, ADOPTING CHANGES TO THE CITY OF ST. PETE BEACH PERSONNEL RULES AND REGULATIONS MANUAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Personnel Rules and Regulations outline City policies for personnel to follow; and

WHEREAS, these rules and regulations must be accurate with applicable state and federal laws, and

WHEREAS, the proposed changes to the Personnel Rules and Regulations attempt to further balance employee benefits and taxpayer costs, and

WHEREAS, to offset some of the financial loss to employees covered by the Personnel Rules and Regulations and recognize that no pay increases were provided in FY13, a \$1,000 lump sum payment will be provided to all MAPS employees.

NOW, BE IT RESOLVED by the City Commission of the City of St. Pete Beach, that:

Section 1. The City Commission hereby adopts the attached Personnel Rules and Regulations Manual changes.

Section 2. This Resolution shall take effect August 19, 2013, upon passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, THIS 13rd DAY OF August 2013.

Mayor Steven McFarlin

ATTEST:

Rebecca Haynes, City Clerk

CITY OF ST. PETE BEACH



PERSONNEL RULES AND REGULATIONS

Revised 74/1/2013

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WELCOME TO THE CITY OF ST. PETE BEACH

The City of St. Pete Beach, Florida welcomes you as a member of its municipal staff. As a City employee, you are an important part of a group of select individuals dedicated to providing the most efficient, professional and courteous service possible for our City's customers - its citizens, property owners and visitors. We hope your association with us will be a happy and successful one. While our resources are directed toward serving our community, we are vitally concerned about your well-being, as an employee. An organization is defined by its values -- the principles or standards that the organization considers to be important. Recognizing that the public is our ultimate customer, the employees of St. Pete Beach exist to serve our citizenry including the City Commissioners, the press, and fellow employees. The employees of St. Pete Beach are the organization's most valuable resource in terms of service to the public, and therefore the City places high priority on the well being of its employees. It is through your efforts, combined with those of other employees, that the most efficient, effective and professional services can be provided. Every effort will be made to assist you in adjusting to your job and in finding satisfaction in your work.

These Personnel Rules and Regulations have been developed to establish a consistent and equitable basis for administering matters affecting the working environment in which the City's staff functions. The policies contained in this manual are administered by the City Manager. Any questions you may have regarding this manual can be answered by your immediate Supervisor or the ~~Personnel Officer~~Human Resources Administrator. These policies are not to be construed as a contract of employment for any definite period of time between you and the City or to vest entitlement in you to any of the benefits contained herein. For those of our employees represented by a union, to the extent the collective bargaining agreement conflicts with these policies or the benefits provided in these policies, the collective bargaining agreement will prevail. In all other cases the adopted rules and regulations shall apply. The Personnel Rules and Regulations contained herein supersede and replace any previous versions and any prior Employee Handbook, memoranda or materials provided regarding the subjects herein. Inasmuch as the rules and regulations contained herein are guides only, the City, subject to applicable law, reserves the right to amend, terminate, or modify any of the policies, practices and procedures contained herein. Employees will be advised of changes, deletions or additions.

We hope these Personnel Rules and Regulations answer most of your questions regarding the City's personnel/human resource practices. Should you have questions regarding any of the City's rules and regulations contained herein, or if you have suggestions for improvement to these Personnel Rules and Regulations, please feel free to forward your comments to the ~~Personnel Officer~~Human Resources Administrator, or me.

Both the City Commission and other staff personnel are pleased to have you as a member of the City's team and join with me in the hope that you will enjoy both your work and the new friends you may make while associated with our City.

Michael Bonfield
City Manager

SECTION 1*
GENERAL PROVISIONS

1.01 PURPOSE

The purpose of these Personnel Rules and Regulations (hereafter referred to as "PRR" or "Rules") is to establish procedures, which will serve as a guide to administrative actions covering most personnel actions, which may arise. The final interpretation and application of these Rules shall be made by the City of St. Pete Beach (hereinafter "City") or its designee. The City reserves the right to amend, alter, modify, delete and add to these Rules.

1.02 POSITIONS COVERED

A. Unless a specific Section or Subsection provides otherwise, the provisions of these Rules shall be applicable to all employees in City service except:

1. Elected officials.
2. Persons hired as independent contractors on a contractual, fee, or retainer basis (e.g. City Attorney)
3. Temporary, probationary or seasonal employees.
4. Persons employed under the provisions of government programs or grants unless they are classified as regular full-time employees by the City.

Provided, however, the sections or subsections with an asterisk (*) beside them apply to all employees.

B. Employees employed as the City Manager's ~~Executive Administrative Services~~—Assistant, Department Directors and the ~~Personnel Officer~~Human Resources Administrator—are classified "at will" and:

1. Shall be supervised and evaluated by the City Manager or his designee, and shall serve in their capacity - and as City employees at his will and pleasure.
2. Shall not have access to Sections 12 or 13, but shall present their grievances directly to the City Manager who shall resolve same as he deems in the best interest of City operations.

- C. Except as provided in subparagraph (B) above, employees in positions in pay grades 122-128 serve in their position at the will and pleasure of the City Manager but may be terminated from City employment as provided in Sections 11.05 of these PRR.
- D. The City Clerk shall serve at the will and pleasure of the City Commission.

1.03 ADMINISTRATION

- A. General Administration: The City Manager or ~~Personnel Officer~~Human Resources Administrator shall be responsible for the City's personnel administration.
- B. Directors are responsible for the efficient and effective operation and the direct supervision of the employees assigned to their department or area of responsibility and for the proper and effective administration and enforcement of these Rules. These duties may be delegated by the Director, but the ultimate responsibility shall remain with the Director.

1.04 OVERALL EMPLOYMENT POLICY

The overall employment policy of the City shall include:

- A. There shall be no illegal discrimination in employment, employment opportunities or job actions on the basis of race, color, religion, age, sex, national origin, legally-recognized disability, or marital status unless one or more of the above constitute a bona fide occupational qualification within the meaning of the law. No job applicant or present employee will be illegally discriminated against or given preference because of any of the above characteristics, unless otherwise required by law.
- B. Persons with known legally recognized disabilities will be given full consideration for employment and opportunities for advancement in all departments and divisions. The City will offer to such persons reasonable accommodation with respect to the essential functions of the job, provided the person is otherwise qualified to perform the job, and provided further such accommodation does not create undue hardship on City operations.
- C. The City will take affirmative recruitment actions to expand employment opportunities for groups that are underutilized in the City workforce, but not in any way which violates applicable law.

1.05 COLLECTIVE BARGAINING AGREEMENT (CBA)

Where these Rules or departmental rules and regulations are in conflict with the express terms of any CBA, the terms of the CBA shall take precedence.

1.06 AMENDMENTS

Amendments to the PRR shall be promulgated by the City Manager. Copies will be distributed to all Departments and employees for review.

1.07 DEPARTMENT POLICIES

- A. Departmental policies and standard operating procedures will be in writing and submitted to and reviewed by the City Manager for approval.
- B. Departmental policies and standard operating procedures approved by the City Manager will serve as supplements to these Policies. In the event of conflict, the PRR shall prevail unless the departmental rule has been specifically approved as an exception by the City Manager.
- C. Approved changes in departmental policies and standard operating procedures shall be distributed to the affected employees after approval.

1.08 MEMOS, POLICIES AND REGULATIONS

All prior memos, policies, procedures and regulations inconsistent with this PRR are null and void.

SECTION 2*

DEFINITION OF TERMS

For the purposes of the Personnel Rules and Regulations, the following terms and related definitions shall apply and shall be interpreted and applied by the City, or its designee.

Active Pay Status - When an employee is working, on authorized paid ~~leave~~time off, paid holidays or other time where pay is being credited to employee.

ADA - Americans with Disabilities Act

Anniversary Date – The original date an employee begins employment and the same date in following years. This is the date upon which entitlement to fringe benefits are based unless a specific benefit provides otherwise. The anniversary date may be changed in accordance with these Rules.

At-Will Employee – Employees who serve at the pleasure of the City, or its designee, may be removed from their position and disciplined up to and including termination for any or no reason subject only to applicable law. Refer to Sections 1.02 B, 1.02 C and 4.03 for a listing of at-will positions.

CBA – A collective bargaining agreement.

Calendar Year - For the purposes of recording leave, such as emergency, personal, military and all other leaves that have a calendar year limitation (excluding FMLA), the dates used for reporting W-2 wages for employees shall be considered the calendar year.

City – City Commission of the City of St. Pete Beach or an employee authorized to act on behalf of the City with respect to a particular matter.

City Manager - The City Manager, or his designee.

City Seniority - The total time an employee has continuously worked for the City without loss of seniority under Section 9.

Classification Plans – Commission approved pay structures.

Classification Seniority (also referred to as job or position seniority) - The length of time an employee has been continuously employed in his current position classification. Classification seniority will be lost or changed upon the loss of seniority as described under Section 9.02, and/or the transfer, promotion, demotion or reassignment to or from one job classification to another.

Collective Bargaining Agreement (also referred to as "CBA") - An agreement between an employee organization and the Commission negotiated and ratified as required by the Public Employees Relations Act.

Commission - The City Commission of the City of St. Pete Beach.

Compensatory Time (also referred to as Comp Time) - Time off from work in lieu of pay.

Confidential Employee - An employee who assists a managerial employee in a confidential manner relating to labor relations and is exempt from coverage of the Public Employee Relations Act.

Demotion - Permanent reassignment of an employee to a lower level job classification for disciplinary reasons. Disciplinary demotions are covered under Section 8.08 and Section 11. Non-disciplinary demotions are made at will by the City Manager for operational reasons.

Departmental Seniority - The length of time an employee has been continuously employed in a department.

Department Director – A Director who is assigned the overall responsibility for the operation of a recognized department or area of City operation.

Dismissal or Termination - Involuntary separation from City employment.

DOL – Department of Labor.

Domestic Partner - Domestic Partner shall mean a person who is neither married to nor related by blood or marriage to the employee; is the employee's sole spousal equivalent; lives together with the employee in the same residence and the employee and Domestic Partner intend to do so indefinitely; is responsible with the employee for each other's welfare. The employee may not be married to another person at the time of declaration of domestic partnership; or have declared a domestic partnership within the prior twelve (12) months. In order to declare domestic partnership, the employee must execute a Declaration of Domestic Partnership.

DOT – Department of Transportation.

Driving Position - A position where the employee drives or may be required to drive a City vehicle in the performance of his duties.

Employee -

- A. Regular full-time employee is any employee who is non-probationary and assigned a regular schedule of a minimum of forty (40) hours a week or the regular Section 7(K) schedule (~~Police and Fire~~), whichever applies,

- B. Regular Part-time employee is any employee who is assigned a regular schedule of less than forty (40) hours per week.
- C. A probationary employee is any full-time employee who has not completed the initial probationary period.
- D. Part-time Temporary employee is any employee hired for a fixed period of time. ~~that is not classified as a regular full-time, part-time or probationary employee, such as a seasonal or a part-time employee who does not work a regular schedule.~~
- ~~E. Seasonal employee is a temporary employee who is employed for a specific period of the year only.~~

Exempt Employee - An employee exempt from the minimum wage and/or overtime under the Fair Labor Standards Act and paid a salary for all hours worked in a work week.

FCRA - The Florida Civil Rights Act.

FLSA - The Fair Labor Standards Act.

FMLA - Family Medical Leave Act.

Flexible Scheduling – A method of scheduling typically used for adjusting an hourly employee's work hours (start and stop times) within an eight (8) hour workday or forty (40) hour workweek.

He/His/Him - Are generic and used for reference purposes only to signal reference to both males and females.

Immediate Family - Includes spouse, domestic partner, children, parent, brother, sister, In-laws (father, mother, brother, sister, son or daughter only), any relative living in the same household, stepparent, stepchild, step brother or sister, grandmother, grandfather and grandchild, legal guardian, provided such definition shall not apply to FMLA leave under Section 189.

Job Description - A written description of some but not all of the duties and responsibilities of a job.

Managerial/Confidential Employee - An employee who performs jobs that are not routine and clerical in nature, and which require the exercise of independent judgment and is exempt from coverage of the Public Employee Relations Act.

MAPS Classification Plan – (Managerial, Administrative, Professional, Supervisory) pay-for-performance pay plan based on established goals.

May - The word "may" shall be interpreted as permissive.

Merit Pay Increase - An increase in compensation established in the Classification Plan which may be granted to an employee based on merit.

Nonexempt Employees – Employees that are entitled to overtime pay according to the Fair Labor Standards Act (FLSA).

Paid Time Off (PTO) – PTO is an all-inclusive flexible time off policy which takes the place of traditional individual vacation, sick, injury and personal leave programs.

Pay Grade - The salary range, which is assigned to a particular classification title, expressed as a pay range number.

Performance Evaluation (also referred to as “PE”) - A written report of an employee's job performance.

Permanent Transfer - The reassignment of an employee from one position to another as provided in Section 7.02.

Probationary Period - The first 365 days of continuous employment as a regular full or part-time employee upon hiring or promotion; provided where a formal training period, certification or license is required for a job, the probationary period shall continue until the certification or license is obtained. After successful completion of the probationary period, the employee will be classified as a regular employee.

Promotion - Subject to completion of the promotional probationary period of 365 days, regular assignment of an employee to a higher-level job classification.

Reclassification - Movement of a job or job classification from one pay grade to another based on significant changes in the job duties, responsibilities, job market and/or other work-related factors.

Reemployment - The hiring of a person who formerly worked for the City. Persons rehired shall be new employees for all purposes, unless the Director recommends and the City Manager approves otherwise in a particular case.

Reinstatement - An action returning a person to City employment.

Resignation - Act of voluntarily withdrawing from City employment.

Section 7(K) - Section 7(K) of the Fair Labor Standards Act allowing certain employees in the Fire ~~and Police~~ Departments to be paid overtime based on a schedule other than after forty (40) hours in a seven (7) day period.

Shall - The word “shall” will be interpreted as mandatory.

Status Date – The day an employee was hired, permanently transferred, promoted or demoted to his current position. Also changing from Part-time to Full-time, from temporary to regular employment or vice versa.

Work Day - The scheduled number of hours an employee is required to work per day.

Work Week or Work Period - The number of hours regularly scheduled to be worked during any seven (7) consecutive days or other work period allowed by the Fair Labor Standards Act and is authorized by the City.

SECTION 3*

STANDARDS OF CONDUCT

3.01 POLICY

- A. One of the primary objectives of the City of St. Pete Beach, in accordance with the Charter, is to establish and administer a system of personnel administration consistent with the goal of providing superior service to the community by employing and retaining individuals of the highest caliber who display pride and dignity in the performance of their duties in a public service career.
- B. To an unusual extent and in a special way, employees in the City organization are "Good Will Ambassadors". Such status involves a degree of duty and obligation regarding public and private conduct which is not common to other classes of employment. The attitude and deportment of a City employee should at all times be such as to promote the good will and favorable attitude of the public toward the City, its programs, and policies.
- C. All employees are encouraged to develop skills and seek formal training that will enhance their personal development and add to the overall expertise of the organization.
- D. It is the policy of the City to expect from employees compliance with this PRR, State Statutes, Federal Regulations and Departmental Rules in the performance of duties, as well as compliance with all safety rules and standards. An employee who violates any of the Standards of Conduct, Departmental Rules, or the PRR shall be subject to disciplinary action.

3.02 CONFLICT OF INTEREST

- A. Employees in a position to influence actions and decisions of the City or a member of the managerial staff shall refrain from internal or external relationships which may adversely affect the exercise of their independent judgment in dealing with suppliers of goods or services and other persons not employed by the City.
- B. No City employee shall accept any gift, loan, favor or service that might reasonably appear to improperly influence them in the discharge of their official duties.
- C. An employee shall not use his position with the City to obtain or attempt to obtain any special preferences, favors, privileges or exemptions for himself or for any other person.

- D. No employee shall disclose confidential information gained by reason of his official position with the City except in and as a part of his normal duties as a City employee; nor shall such employee use such confidential information not available to the public for personal gain or benefit.
- E. When an employee has or anticipates creating a business relationship with another person, partnership, firm, corporation or other business entity which does or seeks to do business with the City, or any division thereof, the employee shall advise the City Manager in writing as soon as that potential relationship is known. Failure to so advise the City Manager may result in immediate termination. The City Manager will determine whether there is a conflict of interest or a potential conflict of interest and direct the employee's activities in such a way that the conflict or potential conflict of interest no longer exists. The City Manager's determination as to whether there is a conflict of interest or a potential conflict of interest and the actions required by the City Manager shall be final.
- F. No City employee shall transact any business in their official capacity with any business entity of which he or she is an officer, Director, agent, or member, or in which he or she owns a controlling interest.
- G. No employee shall have or hold any employment or contractual relationship with any business entity or any agency that is subject to the regulation of or is doing business with the City, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the City; nor shall an officer or employee of the City have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his private interests and the performance of his public duties or that would impede the full and faithful discharge of his public duties. This shall not prohibit an employee from practicing in a particular profession or occupation when such practice is required or permitted by law or ordinance.
- H. All employees shall comply with the Code of Ethics for Public Officers and employees under Florida State Statutes 112, as well as all City ordinances and policies, including this PRR.
- I. An employee shall not use his employment with the City to attempt to persuade any person, including, but not limited to, citizens, residents or guests, to make contributions to any cause, unless that cause has been specifically approved by the City Manager.

3.03 POLITICAL ACTIVITY

- A. Employees may engage in political activities during their non-duty time so long as their activities do not interfere with the operation of City business.

- B. Employees shall not wear or display political badges, buttons or stickers when on duty, when wearing a City insignia, riding in or on City equipment or when in a City uniform.
- C. Employees shall comply with all state and local laws involving political activity.
- D. Employees may run for elective office or be appointed to non-elective office other than those involving the City of St. Pete Beach so long as the position in no way interferes with their work as a City employee.
- E. Subject to applicable law the restrictions set forth in that law, employees may run for City office so long as they handle their candidacy in such a manner as to not interfere with the efficient operation of the City.
- F. No City employee shall solicit any contribution for the campaign fund of any candidate for City office or take part in the political campaign of any candidate for City office while on duty.
- G. No City employee shall solicit, orally or by letter, or be in any other manner involved in obtaining any assessments, contributions or services for any political candidate or party from any employee while on duty.

3.04 EMPLOYMENT OF RELATIVES

- A. The term relative includes the following relationships: immediate family as defined in "Definition of Terms" and uncle, aunt, first cousin, nephew, niece. Under no circumstance shall an employee have supervisory authority (direct/or indirect) over a relative or be employed in a position that creates or there is a likelihood may create a conflict of interest. In some areas or departments the City Manager may determine if it is in the best interest of the City to insure discipline and operational harmony that relatives not be hired or employed.
- B. Current employees who marry or otherwise acquire the relationship of relative with another employee during the term of employment shall notify the City Manager/~~Personnel Officer~~Human Resources Administrator. In the event it is determined the relationship is inconsistent with subparagraph a, the City Manager/~~Personnel Officer~~Human Resources Administrator shall make an effort to reassign one (1) of the employees so as not to have a conflict with this policy. The decision by which an employee is reassigned should be based on the qualifications of the employee and the availability of suitable positions within another department. If reassignment is not acceptable or available for resolving the conflict, one (1) of the employees shall be separated from employment. If the employees/relatives involved cannot agree as to which person is to terminate their employment, the decision shall be made at the discretion of the City Manager based on the needs of the City.

Employees/relatives who would be disqualified from employment as a result of this directive, but were employed under such status as of the effective date of this section, are grandfathered in for their status as of that

date and will not be required to terminate their employment, although such employees may be subject to transfer to minimize any potential for conflict. Further, such employees will not be eligible for promotions or transfers if such would result in the creation of a conflicting situation as described in this policy. Employees/relatives who were employed by the City prior to the effective date of this rule and who would otherwise thus be entitled to continue their employment with the City, but who terminate employment after the effective date of this policy, shall be subject to this rule with regard to any future employment or reemployment.

No employee who has the ability to appoint, employ, promote, affect compensation, advance employees or to recommend such action shall do so with regard to a relative.

3.05 OUTSIDE EMPLOYMENT

- A. Employees will not engage in outside employment which may in any way hinder the proper performance of their public duties or impair the efficiency of City employees as determined by the Employer.
- B. No employee shall engage in outside employment with, or render services for, any person or business transacting business with any agency or department of the Employer without approval of the Department Director and the City Manager.
- C. Employees who engage in secondary employment shall do so only with approval of the Department Director and the understanding and acceptance that their primary duty and obligation and responsibility are to the Employer. Employees who engage in secondary employment will provide a source of telephone communications with the place of off-duty employment, and such information shall be current at all times.
- D. All employees are subject to call at any time for emergencies for overtime duty, and no secondary employment may interfere with this obligation. Employees may be subject to disciplinary action under this section if they fail to report for emergency or overtime duty after being ordered to do so.
- E. The City may require proof of workers' compensation coverage by the outside employer. An employee shall not drive any City owned vehicle to his outside employment, nor take any City owned equipment to said employment.
- F. Employee may not work at outside employment while on a leave of absence from the City, except with the authorization of the City Manager.
- G. Employees who are injured while working another job or jobs are required to notify their Director, or his designee, immediately.

3.06 RELEASE OF INFORMATION

- A. Employees shall at all times be courteous, friendly and helpful to those members of the public who seek information.
- B. Unless release of information of City records, including those concerning personnel records or the operations of City business is a normal part of their duties, or unless under subpoena, employees will not release and if asked will courteously decline to release City records or to reveal information pertaining to personnel and other City business and shall direct such inquiries to their Director.
- C. Managerial, confidential and supervisory employees are cautioned that subjects under discussion or consideration among City staff often change in content and meaning before becoming an accomplished fact. Discussions of said subjects with anyone other than City employees or officials with a need to know before final decisions or disposition often cause misunderstandings and confusion resulting in waste of time and money. Such discussions should be avoided.

3.07 SOLICITATION AND DISTRIBUTION

- A. Employee contributions to recognized charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted.
- B. Employees of the City are prohibited from conducting or promoting private business for gain while on duty or during scheduled working hours of any of the employees involved or within any City building.
- C. Employees are prohibited from soliciting for any reason during time they or the person they seek to solicit are being paid to perform actual work, including solicitations in behalf of or in opposition to a labor organization under circumstances which management determines interfere with the efficient operation of the City.
- D. Employees are prohibited from distributing literature of any kind during hours they are being paid to perform actual work or in any area where employees are engaged in work at any time under circumstances which management determines interfere with the efficient operations of the City.
- E. The solicitation and distribution prohibitions set forth in paragraphs C and D above shall not apply to solicitation and/or distribution by the City or its managerial staff, when such is part of the normal operation of City business.

3.08 EMPLOYEES' PERSONAL LIFE AND DEBTS

Employees shall handle their personal life, including their financial obligations, in such a manner that it will not interfere with the efficient operation of City business or the performance of their own job responsibilities.

3.09 USE OF CITY PROPERTY

Employees shall not use City property, equipment or vehicles except in the performance of their official duty, nor shall they permit their use by an unauthorized person, unless approved by the City Manager.

3.10 UNIFORMS, DRESS AND APPEARANCE

- A. Employees supplied uniforms by the City, or expected to wear uniforms in the performance of their job, shall report in a clean full uniform on each day worked. Uniforms must also be worn in the manner prescribed by the Department Director. Failure to comply may result in the employee being suspended for the day without pay. Repetition of such conduct shall subject the employee to further discipline.
- B. Employees are expected to observe normal and reasonable standards of personal hygiene and to present a professional appearance at all times. Failure to do so may result in the employee being sent home to correct the situation or for the day without pay. Repetition of such conduct shall subject the employee to further discipline.
- C. All hair, beards and mustaches must be of a length so as not to create operational or possible safety problems and must be maintained in a clean, neat and orderly fashion.
- D. Uniforms supplied by the City will be replaced by the City when they become unusable through normal wear and tear. A request to replace a uniform shall be submitted to the Director along with the damaged uniform.
- E. The employee is responsible to reimburse the City for uniforms lost or damaged through the employee's negligence and to return same upon cessation of employment.
- F. The City will withhold from the employee's pay reimbursement under E above up to the maximum allowed by applicable law.
- G. City issued uniforms may not be worn at times other than during the performance of City duties and during the normal trip to and from the employee's place of residency.
- H. The employee shall be responsible for all laundering and minor repairs.

- I. Safety shoes, mandated by the employer to be worn on duty, shall be furnished without cost to the ~~employer-employee~~ once a year, unless the Department Director determines in a particular case an employee's work responsibilities require an additional pair or pairs. Upon approval of the Employer, an employee shall be reimbursed for the purchase of safety shoes which meet or exceed the minimum quality standards provided the reimbursement does not exceed either the actual cost of the safety shoes or the actual cost of the standard, whichever is less. The Employer shall establish and post the standard for view by all employees at the start of each year.

J. UNIFORMS PROVIDED BY THE CITY

1. Building Services: SS Shirts, Polo Shirts, Pants/Shorts, and Jacket (excluding office personnel).

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2. Fire: SS/LS Shirts, Polo Shirts, Pants/Shorts, T-Shirts, Jacket, and Steel-toed Shoes (excluding office personnel).

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3. Parking: SS/LS Shirts, Polo Shirts, Pants/Shorts, Jacket.

4. Pool: Bathing Suits, Sweat Shirts.

5. Public Services: SS Shirts, T-Shirts (long/short), Pants, Shorts, Steel-toes Shoes and Jacket (excluding office personnel).

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6. Recreation: T-Shirts, Polo Shirts, Jackets (for full time).

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3.11 GENERAL PROHIBITIONS

- A. Employees are expected to be aware that they are public service employees and to conduct themselves in a manner, which will in no way discredit the City, public officials, fellow employees or themselves.
- B. Employees shall avoid conduct or speech that is inconsistent with good order and discipline. They shall treat each other with the utmost courtesy and respect, and at all times refrain from making any derogatory remarks concerning each other. They shall direct and coordinate their efforts toward establishing and maintaining the highest level of efficiency, morale and achievement, and shall conduct themselves in such a manner as to bring about harmony among the various units of the City.
- C. No employee whose duties involve the use of a badge, card or clothing insignia as evidence of authority or for identification shall permit such badges, cards or insignia to be used or worn by anyone who is not authorized to use or wear them. Such badges, cards and insignia shall be

used only in the performance of the official duties of the position to which they are related.

SECTION 4*

TYPES AND TERMS OF EMPLOYMENT

4.01 BASIS OF EMPLOYMENT

Employees are employed by the City as either probationary full-time, regular full-time, part-time, seasonal or temporary employees. (See Section 2).

4.02 PARTICIPATION IN BENEFITS

All regular full-time employees are eligible to participate in all City benefits. Other employees do not participate in employee benefit plans unless a particular plan so provides or unless required by law.

4.03 EMPLOYMENT TERMS

- A. Regular full-time employees who are not Directors or at-will shall continue as employees unless they are terminated, laid off, retire, or otherwise leave City employment as provided in these Rules.
- B. Full-time employees who have not successfully completed their initial probationary period as defined in Section 2 and all other employees of the City, including those covered by Subsection 1.02(B), serve at the will and pleasure of the City and may be disciplined or dismissed for any reason or no reason, subject only to applicable law. Such employees shall not have access to the grievance procedure set forth in these Rules or any applicable collective bargaining agreement unless the agreement provides otherwise. All decisions concerning their wages, hours, and working conditions shall be made by the City, or its designee.

4.04 REGULAR FULL-TIME AT-WILL EMPLOYEES – SPECIAL CONDITIONS

- A. Because regular full-time employees covered by Section 1.02(B) serve at the will and pleasure of the City Manager and have no property right in employment or their position, they shall be entitled to receive severance pay excluding statutory deductions if terminated by the City Manager.
- B. Employees who have served in a position covered by Section 1.02(B) for more than three hundred sixty-five (365) consecutive days whose employment with the City is terminated will, subject to Subsections 4.04(C) and (D), be paid severance pay of one (1) week's pay for each year of continuous employment with the City but not less than eight (8) weeks nor more than twenty-six (26) weeks.

- C. To receive severance, the employee must execute a release satisfactory to the City.
- D. Severance under this subsection will not be paid to an employee terminated because of dishonesty in connection with City business, for violation of the City drug-free workplace and alcohol policy, sexual and other illegal or improper misconduct and harassment policy, failure to fully or truthfully cooperate in an investigation conducted by or at the direction of the City, or failure to be acquitted if charged with a felony connected with City business.

4.05 PROBATIONARY EMPLOYEES

- A. Subject to 4.03(b), all regular full-time employees shall serve an initial probationary period of three hundred sixty-five (365) continuous calendar days. Said probationary period may be extended by their Director for up to an additional ninety (90) days with the approval of the City Manager.
- B. When an employee is initially hired in a position which has a formal training program or requires certification or licensing, the probationary period as set forth in paragraph A above shall continue until the program, certification, or licensing is successfully completed.

4.06 PROMOTIONAL PROBATION

- A. An employee promoted to a higher level job classification shall serve an initial probationary period of three hundred sixty-five (365) calendar days except where a license or certification is a prerequisite to holding the job, in which event the probationary period will continue until the license or certification is successfully obtained. During the promotional probationary period, the employee shall serve in the position to which he was promoted at the will and pleasure of the Director.
- B. In the event a promotional appointee is found to be unable or unwilling to perform the duties of the position to which the employee was promoted, the employee shall be returned to the position and status held immediately before the promotion, if the position is vacant; or the employee may be transferred to a vacancy within the same pay range subject to the approval of the City Manager. If there are no vacancies, the employee will be dismissed but may be considered for any future vacancies for which the employee is qualified.
- C. Extension of probation. Employees out on leave, while on probation will have the probationary period extended, on a day-by-day basis equal to the amount of leave time taken. Employees shall not be removed from initial or promotional probation without the express, written approval by the

Department Director and City Manager.

- D. Accruals. Employees are entitled to accrue ~~sick and vacation leave~~PTO during their probationary period. During probation employees may use ~~sick leave~~PTO as it accrues ~~but cannot utilize accrued vacation until they have completed six (6) months of their probationary period. The City Manager may allow an exception when he determines it is necessary to facilitate efficient operations.~~

4.07 LOYALTY OATH

As a recipient of public funds, and to the extent allowed by law, employees are required to sign a loyalty oath(s) as a condition of employment.

SECTION 5*
HIRING PROCEDURES

5.01 VACANCIES

All persons inquiring about employment shall be directed to the ~~Personnel~~ Human Resources Office where they will be required to complete the standard application form.

5.02 BASIS FOR SELECTION

- A. Employment with the City shall be based on skills, experience, training, education, ability, physical and mental ability to do the available work and other factors that are related to the performance of the job in question.
- B. As part of the pre-employment procedure, former supervisors, employers and references provided by candidates shall be checked as a precaution against obtaining undesirable employees. Reference checks will be documented and made part of the applicant's file.
- C. The City reserves the right to reject any applicant for any reason or no reason subject only to applicable law.

5.03 TESTING

At its option and expense, the City may use legal physical, written or oral examinations and performance tests to assist it in the selection process.

5.04 DRUG TESTING

Subject to applicable law, the City may require submission to and successful passing of testing for the use of illegal controlled substances as a condition of employment or continued employment with the City.

5.05 DISABILITY AND MEDICAL EXAMINATIONS

- A. At the option of the City, applicants may be required to take a medical examination after they have been offered employment.
- B. If with the prior approval of the City Manager, an applicant is placed on the payroll prior to having completed a required medical examination, he shall be advised at the time he is placed on the payroll that his employment will be conditioned upon successfully passing a medical examination.

- C. Employees may be required to take a medical and/or psychological examination at any time by the City for reasons connected with their job (e.g., an accident on the job, fitness for duty).
- D. Applicants and employees who are directed to take a medical examination under paragraph A, B or C above and who refuse to do so will be automatically terminated.
- E. Applicants and employees who take a medical examination pursuant to paragraph A, B or C above shall not be employed, or, if previously employed, shall be terminated immediately if the results of the medical examination show that they are either mentally or physically unable to perform the essential functions of the job. However, if they have a legally recognized disability, they will be terminated only if they cannot be reasonably accommodated to perform the essential job functions of the job without undue hardship to the City and such action shall be subject to applicable federal, state and local laws dealing with handicap status.
- F. Subject to applicable law, all medical examinations required to be taken under paragraphs A and B above shall include drug testing to determine the presence or absence of illegal controlled substance in their body. Drug testing above will be conducted under the Drug and Alcohol Policy of the City.

5.06 PAY RATES FOR NEW EMPLOYEES

In an effort to successfully recruit the most qualified candidates for employment, the City of St. Pete Beach may recognize past years of comparable service in determining starting pay for new hires as follows:

Less than two (2) years applicable experience	Step A or base
Two (2) to three (3) years applicable experience	Step B or 5% above base
Four (4) to seven (7) years applicable experience	Step C or 10% above base
Eight (8) + years applicable experience	Step D or 15% above base

This should not be viewed as a guaranteed starting pay and should only be recommended when it is necessary to hire the desired employee.

All credited service must be approved by the City Manager prior to making any offers of employment.

Wages are set forth in collective bargaining agreements except for Management, Administrative, Professional, Supervisory (MAPS) employees. The wage rates for MAPS employees are reviewed and subject to modification upon recommendation of the City Manager and approved by the City Commission. Wage rates for employees covered by a collective bargaining agreement are reviewed and modified consistent with the agreements and Florida law.

SECTION 6*

TYPES OF SEPARATIONS

6.01 TYPES OF SEPARATIONS

Separations and/or terminations from positions in the City service are designated as one of the following types. Personnel forms shall show the reason for the separation, and the last day worked. The effective date of the separation shall be the last day on which the employee is present for duty.

- A. Deceased
- B. Disabled
- C. Dismissed
- D. Laid off
- E. Probationary termination
- F. Resigned
- G. Retired
- H. End of temporary hire

6.02 RESIGNATION

An employee wishing to leave the City in good standing shall file with his Director a written resignation, stating the date and reasons for his resignation. Such notice must be given at least two (2) weeks prior to the date of separation and the employee must work each regularly scheduled day during said two (2) week period to maintain good standing status. Employees who give such notice may be considered for reemployment with specific approval of the City Manager. A Director, with City Manager approval, may exempt an employee who has given less than the required notice if, in the Director's judgment, exceptional circumstances warrant such an exemption. If proper notice is not given to the Director at least two (2) weeks prior to the date of separation employee is subject to forfeiture of any accrued sick leave or PTO balances.

6.03 RETIREMENT

Retirement from City employment occurs when an employee retires under the terms and conditions set forth for the City-sponsored applicable Pension Plan.

6.04 DEATH

Separation shall be effective as of the date of death. All compensation and benefits due to the employee as of the effective date of separation shall be paid to the beneficiary, surviving spouse, or to the estate of the employee as determined by law or by executed forms in the employee's personnel folder.

6.05 REDUCTION IN FORCE (LAYOFF)

Reductions in force shall be in accordance with Section 9.

6.06 DISABILITY

When an employee is determined to have a legally recognized disability which impairs his ability to perform the essential functions of the job, which he still cannot perform with reasonable accommodation and without undue hardship to the City, the City Manager may take whatever action he deems in the best interests of the City, including termination of employment.

6.07 DISMISSAL OR DISCHARGE

- A. Temporary, part-time, seasonal and probationary employees are subject to dismissal from City employment pursuant to Section 4.03(B).
- B. Except as provided in Section 1.02(B), (C) and (D), regular full-time employees are subject to dismissal from City employment pursuant to Section 11.

6.08 RETURN OF PROPERTY AND FINANCIAL OBLIGATIONS

- A. At the time of separation from employment, the employee shall return all records, books, assets, uniforms, keys, tools and other items of City property to his department. Failure to return same in usable condition shall result in the maximum deduction allowed by law from the employee's final paycheck. Any balance due over and above the amount deducted from the employee's paycheck may be collected by the City through appropriate legal action.
- B. All outstanding voluntary debts to the City incurred by the employee, such as the cost of non-compensatory training, shortages or advance of leave or expense accounts, advances on pay and other standing debts due to the City will be deducted from the employee's final paycheck.

- C. All deductions under paragraphs A and B above shall be subject to the applicable State and Federal law.

SECTION 7

TRANSFERS AND WORK OUT OF CLASSIFICATION

7.01 TEMPORARY TRANSFERS/WORK OUT OF CLASSIFICATION

- A. An employee assigned for thirty (30) calendar days or more to a position in a higher pay grade shall have a rate increase retroactive to the first day of the transfer. A 5% increase or the entry level of the temporary pay grade shall be given, whichever is greater. When the employee is reassigned to his original position, he shall be at the step he would have achieved if no transfer had occurred.
- B. When a non-exempt employee temporarily works in a lower paid job classification, he shall receive the rate of pay for his regular job classification.
- C. A routine assumption of duties that occurs in the absence of another employee on vacation or with a short-term illness is not a transfer and does not affect salary.

7.02 PERMANENT TRANSFERS

- A. An employee may be permanently transferred from one job classification or department to another job classification or department:
 - 1. At the employee's request, if in the opinion of the City Manager, it is in the City's best interest. An employee requesting a transfer shall submit a written request to the Department Director. Consideration for such action will depend on vacancy availability and other conditions which are deemed necessary as determined by the Department Director, and as approved by the City Manager.
 - 2. By the City Manager for operational or efficiency reasons.
 - 3. In all cases involving more than one (1) department, both Directors must agree to the transfer, unless in a particular case, the City Manager decides otherwise.
- B. When an employee is permanently transferred:
 - 1. If to a position in the same pay grade, his rate of pay will remain the same and his anniversary date will not change.
 - 2. For employees not covered by a step pay plan:

- a. If to a position in a higher pay grade, his rate of pay will be the minimum rate in the new pay grade or a 5% increase whichever is higher.
- b. If to a position in a lower pay grade, his rate will be adjusted back to the rate closest to, but not less than, the rate in the job from which he was transferred or to the maximum rate of the new pay grade, whichever is less.
- c. In the event an employee laterally transfers from a union to a non-union position, there will be no change in the performance review date.

7.03 RECLASSIFICATION

When a job is reclassified, the employee holding the reclassified position will be paid in accordance with the applicable City Classification Plan and Section 7.02(B) at the grade assigned for the reclassified job.

- A. Purpose – The most common type is the reclassification of an entire class of jobs. Reclassification can also take place when the work performed on a particular job changes substantially over a period of time, due to new technology or a change in the department's focus, by design or evolution.
- B. Request for Reclassification – Reclassification can be initiated through independent, outside review conducted by or at the direction of the City or at the request of the individual or the supervisor, if accompanied by written supporting documentation. This documentation should be sufficient to support a reclassification, e.g., actual job duties and tasks.
- C. Approval – Implementation of a requested reclassification of an individual or individuals to another job title within the existing Classification Plan requires authorization of the City Manager. If the reclassification is for an entire class of jobs, it requires an amendment to the pay approved by the City Commission.
- D. Effect on Pay – When a reclassification occurs, the employee is placed in the new grade.

SECTION 8
PROMOTIONS/DEMOTIONS

8.01 NOTICE OF JOB VACANCY (OR POSTING)

Except when determined operationally necessary and efficient by the City Manager, all vacancies within the City will be posted for a minimum of ten (10) working days. Posted vacancies may also be advertised outside the City when deemed necessary by the City Manager. The posting will advise whether the job will be advertised or be initially restricted to employee applicants. The ~~Personnel~~Human Resources Office maintains the procedure used for posting positions.

8.02 APPLICATION

Employees who wish to be considered for the vacancy must apply by completing a new application and turning it into the ~~Personnel~~Human Resources Office during the posting period.

8.03 POOL OF QUALIFIED APPLICANTS

The Director of the Department in which the vacancy exists, in conjunction with ~~Personnel~~Human Resources, will determine which of the employees, if any, who bid the job and outside applicants, when applicable, meet the minimum qualifications for the job.

8.04 INTERVIEW

All employee applicants determined by the Director and ~~Personnel Officer~~Human Resources Administrator to meet the minimum qualifications for the job will be interviewed. When applicable, the most qualified from among outside applicants, if any, whom the City determines appear to be better qualified than employee applicants will also be interviewed.

8.05 NO SUFFICIENTLY QUALIFIED APPLICANTS

If, after completing the interview and evaluation, the Director determines that none of the applicants are sufficiently well qualified for the job, the City Manager may fill the position in any manner he wishes.

8.06 BASIS OF SELECTION

- A. When the posting is restricted to City employees, in determining whom to promote from among qualified employee applicants, if any, the Director

shall consider:

1. ~~Skills, knowledge and abilities~~ ~~Qualifications and ability~~ to perform the job.
2. The employee's past work related experience with the City and elsewhere.
3. The employee's past performance record with the City.

When factors 1, 2 and 3 are relatively equal in the opinion of the City, time of continuous service in the Department and with the City, in that order, will be given preference.

- B. When the posting is not restricted to City employees, the Director will consider factors 1, 2 and 3 for employees and factor 1, plus the outside applicant's references and past work-related experience and performance with other employers. When, in the opinion of the Director, all factors are considered relatively equal among all qualified applicants, City employees will be given preference, and as among them, time of continuous service with the Department and the City, in that order, will be given preference.

8.07 WAGE RATE

- A. No employee shall be eligible for promotion to any higher grade unless the employee has completed an initial probationary period.
- B. Promoted employees shall be paid the same as if it were a transfer to a higher paid position, as provided in Section 7.02(B)2. The effective date of salary change will coincide with the effective date of promotion.

8.08 DEMOTION

An employee may be demoted to a lower position for any of the following reasons: an employee's position is being abolished; an employee's position is being reclassified due to a lack of work; lack of funds; being removed during probation; an employee voluntarily requests a demotion; or for disciplinary reasons.

- A. An employee who is demoted to a position in a lower pay grade shall receive a decrease in pay. The new pay shall be the top of the range in the lower pay grade or a 5% decrease in current salary whichever results in the lower rate of pay.
- B. A demoted employee will be required to serve a new probationary period. Demoted employees may be eligible for consideration for a merit pay increase one (1) year after the effective date of such demotion, provided the employee is not at the top of the pay grade.
- C. All demotions must be at the direction of the Department Director

| concerned, reviewed by the ~~Personnel Officer~~Human Resources Administrator for compliance with all related PRR and approved by the City Manager.

SECTION 9
SENIORITY LAYOFF AND RECALL

9.01 ACCRUAL

City, departmental and job classification seniority shall continue to accrue during all types of compensable leave approved by the City. Approved leaves of absences of thirty (30) or more consecutive work days without pay shall not count towards the accrual of classification seniority unless the law requires otherwise.

9.02 LOSS OF SENIORITY

An employee shall lose his seniority and be terminated from employment as the result of any one of the following:

- A. Discharge.
- B. Retirement.
- C. Voluntary resignation.
- D. Layoff exceeding one (1) year.
- E. Failure to report to the Director the intention to return to work within three (3) business days of receipt of a recall offer notice.
- F. Failure to report-return from military leave within the time limits prescribed by law or any other leave unless an extension has been approved in advance by management.

9.03 LAYOFF SELECTION

In the event the City decides to lay off employees within a department, the City will first lay off those employees employed on a part-time, temporary or probationary basis. If further layoffs are necessary, selection among regular full-time employees shall be based upon:

- A. Ability to perform all skills, knowledge and abilities of the work available.
- B. Special skills essential to the performance of the available work.
- C. Job performance as reflected by the performance evaluations for the past three (3) years or the most recent evaluations available.

D. Departmental classification seniority.

When, in the opinion of the Director, factors A, B and C are relatively equal among employees, factor D shall prevail.

9.04 PERMANENT LAYOFFS

In some cases, the City may utilize a layoff under circumstances where there is no reasonable expectation to return to work. Such layoffs will be designated permanent and the employees laid off shall not be eligible for recall.

A. Full-time employees who have completed their initial probationary period and who are scheduled to be laid off for lack of work, funds or other reasons where there is no fault on the part of the employee shall be eligible to receive severance pay as follows:

1. One (1) week of pay at their straight time hourly rate or salary, whichever applies, less statutory deductions, for each full year of service as an employee of St. Pete Beach, capped at twelve (12) weeks.
2. The employee's last annual performance evaluation must be satisfactory or better and the employee must be on active duty not on leave of absence or suspension without pay.
3. If the employee is covered by a Collective Bargaining Agreement or policy that allows the employee selected for layoff to bump into another job, the employee must have unsuccessfully sought to bump, unless there is no job to which the employee may bump under the applicable Collective Bargaining Agreement or policy.
4. The employee must execute a release of all claims, including the right to file a grievance under any applicable CBA, the City PRR, as well as any and all judicial and/or administrative claims. If an employee is in a collective bargaining unit, the collective bargaining agent must approve the employee's release of his/her right to file a grievance under the applicable collective bargaining agreement and the City PRR.
5. Employees covered by Section 1.02(B) are not entitled to severance pay under this Section, but as provided in Section 1.02(C).

B. Eligible employees not covered by Section 1.02(B) or (C) who have recall rights under this PRR or any CBA, may elect to retain recall rights in lieu of severance pay as provided in Section 9.04(A) above.

9.05 RECALL

Except for employees laid off pursuant to Section 9.04 above regular full-time employees who are recalled by the City within twelve (12) months shall have their City service, departmental service, and job classification seniority restored; however, they will not be given credit for the period of the layoff nor shall they receive wages or benefits during the period of the layoff.

9.06 DECISIONS FINAL

Decisions made pursuant to this Section shall be final and shall not be subject to the grievance procedure in Sections 12 or 13.

SECTION 10*

ATTENDANCE/TARDINESS

10.01 PRESENT AND ON TIME

All employees are expected to report for duty at the scheduled time and remain there until the scheduled leaving time. Each Director shall be responsible for the attendance and timeliness of all persons within his department.

10.02 CALL-IN

Employees are required to call in before they are scheduled to report to work when they are going to be absent or late. (Check with your Supervisor or Director for specific instructions that pertain to your department). Failure to call in before the employee's shift begins will subject the employee to discipline, unless the Director is satisfied that the failure to call in was for a reason beyond the employee's control.

10.03 VERIFICATION

The Director may require an employee to establish to his satisfaction that an absence or tardiness was for a legitimate reason. Such proof, in the case of sickness or injury, may include the presentation of a medical doctor's excuse from a doctor acceptable to the City.

10.04 CONTINUING ABSENCE

In the case of a continuing absence, the employee must call in each day unless otherwise instructed by his Director or Supervisor.

10.05 PERSON TO CALL

Call-ins are to be directed to the employee's immediate Supervisor; however, in the event the immediate Supervisor is not available, the employee must speak with the Director, or his designee. If no one is available to speak with the employee, the employee must leave a contact number where they can be reached.

SECTION 11
DISCIPLINARY ACTION

11.01 GENERAL STATEMENT

It is the hope of the City that effective supervision and employee relations will avoid most difficulties which otherwise might necessitate discipline of employees. However, when disciplinary action becomes necessary, the City recognizes the fact that each situation differs in many respects from others that may be similar in some ways. Thus, the City retains the right to treat each incident on an individual basis without creating a precedence for other cases which may arise in the future as to a particular employee or group of employees and to determine the appropriate discipline in every matter on a case by case basis.

11.02 FORMS OF DISCIPLINE

- A. The City recognizes the following types of discipline:
1. Verbal reprimands.
 2. Written reprimands.
 3. Suspension without pay.
 4. Demotion.
 5. Combination of the above.
 6. Termination of employment.
- B. A Director may also combine a probationary period not to exceed six (6) months with all forms of discipline except termination.
- C. The Director, or his designee, will consult with ~~Personnel~~ Human Resources in deciding appropriate disciplinary action greater than a written reprimand. However, the Director may place the employee on administrative leave with pay to the next regular work day of the City (Monday through Friday) if the Director deems it is operationally necessary. The Director shall then immediately consult with ~~Personnel~~ Human Resources, to determine whether temporary suspension without pay or additional administrative leave is appropriate pending completion of an investigation and a final decision as to the appropriate disciplinary action, if any.

The City Manager will determine if at-will employees will continue administrative leave past the first day and if so, whether it will be with or without pay.

11.03 APPLICATION OF DISCIPLINARY ACTION

- A. Verbal and written warnings for regular full-time employees may be given for any reason listed in Section 11.05, Group I or Group II, or for any other just cause.
- B. Subject to Section 11.02(C), regular full-time employees may be suspended without pay temporarily pending investigation and final determination of possible disciplinary action.
- C. Subject to Sections 1.02(B), (C) and (D), 3.10 (A), 4.05, 11.03(B) and 11.06(A), regular full-time employees who have completed their initial probationary period may be suspended without pay, demoted for disciplinary reasons or terminated for any reason listed in Section 11.05 below, or for any other just cause.
- D. All other employees serve at the will and pleasure of the City Manager and may be subject to discipline, up to and including termination, as he deems appropriate subject only to applicable law.

11.04 NOTICE OF DISCIPLINARY ACTION AND PRE-DISCIPLINARY HEARING OPPORTUNITIES

In all cases of written reprimand, probation, suspension without pay, demotion, any combination of same, or termination, the regular full-time employee will be notified in writing of the action taken and a copy of such notice shall be retained by the City in the employee's personnel file; provided a temporary suspension without pay will be removed from the employee's personnel file if the employee is exonerated and he shall be provided back pay, less interim earnings, and deductions for periods the employee was unable to work because of sickness or personal reasons. Such removed documents shall be retained by ~~Personnel~~ Human Resources in a separate file.

11.05 TYPES OF OFFENSES

There are two (2) groups of example offenses for which full-time employees may be disciplined up to and including termination, and the guidelines for recommended penalties for those examples of unacceptable conduct are set forth below; however, the principles concerning application of discipline to these sample offenses or others as set forth in Sections 11.01-11.02 above shall apply. Nothing herein shall be construed to limit disciplinary action to the sample offenses enumerated below, and suspension without pay, demotion or termination may be for any just cause.

This paragraph provides recommended but not mandatory penalties to apply to the specific example offenses listed here; however, the penalty utilized shall be discretionary with management in all matters of discipline and nothing herein shall require that a particular form of discipline be utilized in any case prior to the utilization of another form of discipline.

GROUP 1 OFFENSES

First Offense – Verbal or written reprimand

Second Offense - Up to ten (10) days suspension without pay

Third Offense - Up to and including termination

1. Quitting work, wasting time, loitering or leaving assigned work area during working hours without permission.
2. Excessive tardiness and/or absenteeism, which disrupts departmental operation regardless of the reason.
3. Taking more than allowable times for meal or rest periods.
4. Unacceptable, inefficient productivity or competency.
5. Sleeping on the job unless authorized to do so.
6. Reporting to work or working while unfit for duty, either mentally or physically, unless the condition is a legally recognized disability in which case the matter will be dealt with in accordance with applicable law.
7. Violating a safety rule or practice.
8. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the work of others, catcalls, or other disorderly conduct.
9. Failure to report the loss or damage of City equipment or other City property entrusted in the employee's custody.
10. Failure to keep the City and department notified of the employee's current proper address and telephone number.
11. Gambling, lottery or engaging in any other game of chance in any fashion, while on duty or that brings disrepute upon the City.
12. Violation of published City or departmental policies, rules, standard, orders, operating procedures or regulations.
13. Unexcused tardiness or absence.
14. Violation of the Standards of Conduct in Section 3.

15. Not wearing required safety clothing or equipment.

GROUP II OFFENSES

First Offense - Up to and including termination

1. Conviction of a felony.
2. Abuse of leave privileges.
3. Use of official position for personal advantage.
4. Deliberately or negligently misusing, destroying, losing or damaging any City property or property of an employee.
5. Falsification of personnel, City, or Departmental records, including employment applications, accident records, work records, purchase orders, time sheets, or any other report, record, or document.
6. Making false claims or intentional misrepresentation in an attempt to obtain sickness or accident benefits, workers' compensation, or any other benefit.
7. Insubordination or the refusal to perform work assigned, or to comply with written or verbal instructions of a Supervisor.
8. Use or possession or display of fire arms, explosives, or weapons on or in City property unless authorized.
9. Removal of City property or any other employee's property from City locations without proper authorization, theft of City property or any employee's property.
10. Failure to return at the end of an authorized leave of absence.
11. Concerted curtailment, restriction of production, or interference with work in or about the City's work stations including, but not limited to, instigating, leading, or participating in any walkout, strike, sit down, stand-in, slowdown, or refusal to return to work at the scheduled time for the scheduled shift.
12. Absent without permission or leave (AWOL).
13. Acceptance of a gift, service, or anything of value in the performance of duty or under any other circumstances where the employee knew or should have known it was given with an expectancy of obtaining a service or favored treatment.

14. Possession, use, sale, attempt to sell, or procure illegal controlled substances at any time whether on or off City property or whether on or off duty; and possession, use, sale or attempt to sell or procure alcoholic beverages while on duty, on City property, or while operating or riding in or on City equipment. Police officers transporting controlled substances or alcohol as evidence are excluded from this provision.
15. Refusal to fully and truthfully cooperate in an investigation conducted by or at the direction of the City.
16. On or off the job conduct which adversely affects the ability of the employee to perform his duties and/or adversely affects the efficient operation of the City government or any department, division, or area of City government.
17. Discourteous, insulting, abusive, or inflammatory language or conduct toward the public or co-workers.
18. Improper racial or sexual comments, harassment or acts directed to any City employee or the general public.
19. Threatening, intimidating, coercing, or interfering with fellow employees or supervision at any time.
20. Provoking or instigating a fight or fighting while on duty.
21. Unauthorized personal use of the City's exempt tax number for any reason.
22. Accepting a bribe or gratuity, committing an illegal act or accepting a gratuity for performing the normal duties as a City employee.
23. Failure to report in writing an offer of a bribe or gratuity to permit an illegal act.
24. Communicating or imparting confidential information either in writing or verbally to any unauthorized person.
25. Refusal to sign an acknowledgment of receipt of disciplinary action.
26. Failure to possess and maintain a current and valid state motor vehicle operator's license, if driving a vehicle is required by the City as an essential part of the employee's job.
27. Failure to immediately report an arrest or conviction of a DUI or DWI to the City when driving a vehicle is or may be required of the employee.

- 28. Loss of a license or certification required by the City, the State or other governmental entity to perform the job for which the employee is assigned.
- 29. Failure to return to light duty when assigned to do so.
- 30. Disclosure of medical information which violates HIPAA regulations.
- 31. Failure to immediately report an on-the-job accident or personal injury.

The above list does not include all of the reasons for which an employee may be subject to disciplinary action, but as stated earlier, is intended to provide examples of inappropriate conduct.

11.06 SUSPENSION PENDING RESOLUTION OF CRIMINAL CHARGES

- A. In the event an employee is charged with any crime, the employee may be suspended with or without pay.
- B. At any time, the City Manager shall have the option of taking disciplinary action based on his own investigation without regard to the existence, status or final disposition of the criminal charges.
- C. The City Manager may elect to wait until the criminal proceeding, or a particular phase thereof is concluded before considering disciplinary action. In such a case, the City Manager may take the resolution of the criminal proceeding, or phase thereof, under consideration but shall not be bound thereby and shall make its determination as to the facts and the appropriate disciplinary action, if any.
- D. Under paragraphs B and C above, the City Manager will not consider anything less than a finding by a judge or jury, whichever is applicable, of not guilty as relevant to the issue of whether the employee engaged in the conduct in question.
- E. If an employee charged with a crime is found not guilty by a judge or jury, and the City Manager determines no disciplinary action is warranted, the employee will be reinstated with back pay less amounts earned, unemployment compensation and periods of time the employee was unavailable to work or did not make every reasonable effort to find work.

SECTION 12

GRIEVANCE PROCEDURE FOR DISCIPLINARY ACTIONS

12.01 WRITTEN WARNINGS

Appeals of written warnings shall be under PRR Section 13.

12.02 TEMPORARY SUSPENSIONS WITHOUT PAY

Before an employee is temporarily suspended without pay if the employee is available, the Director, or his designee, will advise the employee of and the reason for the temporary suspension and give the employee the opportunity to explain his position verbally or in writing.

12.03 SUSPENSIONS WITHOUT PAY, DEMOTION AND TERMINATION

- A. *Pre-Disciplinary Procedure.* When a Director is considering suspension without pay, other than temporary pending a final decision, demotion or termination of a regular full-time employee who has completed his initial probationary period:
 - 1. The employee shall be given written notice of the reason such disciplinary action is being considered, the names of the witnesses, a summary of the information on which the Director relies and an opportunity to present his position either verbally or in writing to the Director before the decision is made. Notice shall be complete upon either personally handing it to the employee or mailing it to the employee's address as contained in the City personnel file.
 - 2. The Director, with the approval of the City Manager, may suspend the employee without pay immediately pending the ultimate decision, provided the employee shall be given an opportunity to explain his position before the temporary suspension without pay.
 - 3. If after considering all of the evidence before him, the Director decides to suspend the employee without pay, demote or terminate, he shall notify the employee in writing of the decision and the reasons therefore, and advise the employee of his right to a due process hearing under Section 12.03(B) below.
- B. *Appeal Procedure.*
 - 1. A regular full-time employee who has successfully completed his initial probationary period who is suspended without pay (other than

temporarily), demoted for disciplinary reasons or terminated who wishes to appeal must appeal in writing to the City Manager, or his designee, within ten (10) working days after notice of his suspension without pay, disciplinary demotion or termination.

2. Upon receipt of a timely appeal, the City Manager shall arrange a hearing at which the Director shall be required to establish just cause by a preponderance of the evidence.
3. Not less than five (5) calendar days prior to the hearing, to the extent not already provided under paragraph A (1) above, the Department Director and the employee will provide the other with a list of witnesses, except rebuttal witnesses, a brief summary of their anticipated testimony, and a list of all documents, except rebuttal documents, upon which they intend to rely.
4. The employee shall be entitled to be represented by counsel of his choice at his expense and shall have the right to present evidence, examine and cross-examine witnesses and state his position orally or in writing.
5. Proceedings shall be recorded by tape, video or other recorder or by court reporter.
6. The City Manager shall consider the evidence before him and make Findings of Fact and Conclusions of Law, which shall be final and binding on all concerned.

12.04 GENERAL PROVISIONS

- A. The time limits set forth above, may be extended upon written request for reasons considered appropriate by the City Manager, or his designee. Failure of an employee to file an appeal in a timely fashion, unless an extension has been granted in advance, will constitute an automatic abandonment of his appeal.
- B. In the event a grievance is filed which involves two (2) or more employees in the same or similar event, happening or condition, the City Manager may rule that all grieving parties shall be governed by one (1) grievance form and resulting decision. The Department Director, City Manager or his designee need not rule on each individual grievant's case separately when the foregoing conditions are present.

12.05 DELEGATION OF AUTHORITY

At his option, the City Manager may delegate to another Director, an attorney or other person to hold the hearing and make the final decision or hold the hearing and make recommended Findings of Fact and Conclusions of Law, in which

event the City Manager shall be bound by the recommended findings of fact as long as they are supported by probative evidence in the record, shall not be bound by the conclusions of law, and shall make the final decision for the City. The City shall bear the fee of any substitute for the City Manager which he delegates.

SECTION 13

EMPLOYEE GRIEVANCE PROCEDURE – WRITTEN WARNINGS AND NON-DISCIPLINARY MATTERS

13.01 PURPOSE

- A. It is the purpose of this grievance procedure to assure employees that written warnings and non-disciplinary problems and complaints arising under the PRR will be considered fairly, rapidly and without reprisal. It is expected that the procedures set forth below will encourage employees to discuss with their supervisors matters pertaining to conditions of employment as they affect individual employees. In addition, free discussion between employees and supervisors will lead to better understanding of practices, policies, and procedures which affect employees. This will serve to identify and eliminate conditions which may cause misunderstandings and grievances.

13.02 DEFINITION OF A GRIEVANCE

A grievance is a complaint about a written warning on the misapplication or misinterpretation of these rules or applicable Departmental rules and regulations. Discipline except written warnings shall not be considered under this Section, but only under Section 12.

13.03 PROCEDURE

- A. Step one: An employee shall present his complaint to his immediate Supervisor within five (5) working days from the time of occurrence of the problem. The Supervisor shall attempt to resolve the problem within five (5) working days after the complaint is made to him.
- B. Step two: If the employee has not received an answer from the immediate supervisor within five (5) working days, or if the employee feels the answer received is not satisfactory, he will put in writing the facts and circumstances of the problem and present the written statement to his Director within five (5) working days after the Supervisor's deadline in Step one. Assistance will be provided by Personnel, if requested, including for those employees who cannot read or write or have a language problem. The Director will investigate the grievance and meet with the employee to discuss the grievance within five (5) working days. The Director will notify the employee of his decision within five (5) working days following the meeting date.
- C. Step three: If the employee has not received an answer from the Director

within five (5) working days, or if the employee feels the answer received is not satisfactory, he will put in writing the facts and circumstances of the problem and present the written statement to the City Manager, or his designee, within five (5) working days after the Director's deadline in Step two. Assistance will be provided by Personnel, if requested, including for those employees who cannot read or write or have a language problem. The City Manager, or his designee, will investigate the grievance and meet with the employee to discuss the grievance within five (5) working days. The City Manager, or his designee, will notify the employee of his decision.

SECTION 14

HOURS OF WORK AND OVERTIME

14.01 HOURS OF WORK*

- A. The City shall establish the hours of work in accordance with the operational needs of the City.
- B. The Directors shall schedule the work as necessary to provide full service, but should attempt to avoid overtime work except where operationally necessary.
- C. Unless otherwise provided by a CBA, employees shall be scheduled for an unpaid lunch break of not less than one-half (½) hour. Employees requesting a longer lunch break must get approval from their Director and will not be paid for the time.

14.02 REGULAR WORK WEEK OR PERIOD

Except for employees on a Section 7(K) schedule in the Fire ~~and Police~~ Departments or as otherwise provided by a CBA:

- A. The regular workweek for regular full-time employees shall be forty (40) hours in a seven (7) day period. The City Manager may establish the basic work schedule and hours of work best suited to meet the needs of the departments and the City to provide proper service to the community. Nothing in these rules shall be construed as a guarantee or limitation of the number of hours to be worked per week.
- B. The basic work schedule shall be from Monday through Friday of each week unless specified or scheduled by the City Manager to meet the particular requirements of the City or individual departments. When the City Manager deems it necessary, work schedules may be established other than the basic Monday through Friday schedule.
- C. Lunch and break periods are scheduled at the discretion of the Director or his designee.

14.03 OVERTIME*

Except for employees on a Section 7(K) schedule in the Fire ~~and Police~~ Departments:

- A. Non-exempt employees shall be paid at a rate of one and one-half (1½) their regular hourly rate after forty (40) hours in a seven (7) day work period unless they take comp time pursuant to (D) below.
- B. There shall not be any duplication of overtime or premium pay.
- C. Non-exempt employees may be allowed or required to take comp time in lieu of overtime up to the maximums allowed under the FLSA and subject to applicable law. Comp time standing in an employee's comp time account shall be paid in accordance with applicable law upon cessation of employment.
- D. When the governor of the State of Florida, mayor of St. Pete Beach or representative of another local jurisdiction officially declares a state of emergency, employees performing essential services may be required to work as deemed necessary by the City Manager or designee.

Pay for time worked during emergency conditions will be as follows:

- 1. FLSA exempt employees shall be paid additional compensation above their regular salary for work during any week in which an emergency has been declared and they work in excess of 50 hours, as recommended by the City Manager and approved by the City Commission.
- 2. All other MAPS employees) will be paid time and half for all hours worked in excess of their normal work week.

Employees on official paid or unpaid leave e.g. ~~vacation, sick leave~~PTO, family or medical leave, etc. during an emergency, will not be eligible for any excused absence declared as a result of the emergency or emergency pay during the official leave.

14.04 ASSIGNMENT AND WORKING OVERTIME

- A. Overtime will be authorized or directed only when it is in the interest of the City and is the most practicable and economical way of meeting workloads or deadlines. Employees are to work only overtime as authorized but must report all hours worked to ensure compliance with the FLSA regardless of whether the work is authorized or not.
- B. Employees are required to work overtime when assigned unless excused by their Supervisor. An employee desiring to be excused from overtime work assignments shall submit a request to the immediate Supervisor who shall rule on the request.

14.05 HOURS COUNTED

Hours of absence due to paid conference/training time, approved paid vacation, or jury duty will be counted as hours worked for the purpose of determining eligibility for overtime. No other time except actual hours worked shall be counted.

14.06 CALL BACKS

When a non-exempt regular full-time employee who has worked his regular shift or more, is released to go home, leaves the City premises, and is called back to work from home, the employee shall be paid at the applicable hourly rate for two (2) hours, or the actual hours worked, whichever is greater.

SECTION 15

HOLIDAYS

15.01 LIST OF LEGAL HOLIDAYS/DAYS OBSERVED

- A. The City recognizes the following holidays:

New Year's Day	Veterans Day
Martin Luther King Day	Thanksgiving
Presidents' Day	Friday after Thanksgiving
Memorial Day	Christmas Day
Independence Day	Personal Day
Labor Day	

- B. Eligibility for Holidays:

1. Regular Full Time employees receive 8 hours.

~~B. 2. Regular Part Time employees who work an average of 20 hours per week or more will receive 4 hours. All MAPS employees shall be granted two (2) additional personal holidays per year which are to be used by September 30th of each year or will be lost. New Hires will not be eligible for the additional two (2) days until they have completed six (6) months of employment.~~

3. Part Time Temporary employees are not eligible for holiday pay.

- ~~C.~~ C. When a holiday falls on a Saturday or Sunday, the following Monday or the preceding Friday will be declared a holiday for City employees, as determined by the City Manager.

~~D. Personal days must be taken a full day at a time and must be approved in advance by the Department Director, or his designee.~~

~~E. The personal leave day(s) shall be treated as a holiday and therefore is not subject to accrual. All personal days shall be used within the fiscal year, unless Departmental management denies the request due to scheduling problems, in which event the employee shall be compensated for personal days to which he was entitled but could not use at the end of the fiscal year. Personal days shall be requested in writing on the proper leave form prior to the chosen day and are subject to approval by the Department Director.~~

D Employees shall also enjoy special holidays that are observed by the City during the term of this Agreement. Special holidays are defined as non-regularly scheduled holidays established by the City Commission to

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commemorate a special event or occasion not regularly provided to employees.

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15.02 REQUIREMENTS TO RECEIVE HOLIDAY COMPENSATION

- A. Subject to ~~Subsection F below~~ 15.01 (B) above, all eligible employees will receive one (1) workday off with pay for each of the holidays.
- B. An employee must be on active pay status ~~and work the normal schedule of hours on the regularly scheduled working day immediately prior to a holiday and the regularly scheduled working day immediately following a holiday,~~ in order to qualify for the holiday time.
- C. Employees who are on ~~vacation leave~~ PTO or other leave with pay during the holiday will receive holiday compensation. Employees who are required by their Supervisor to work on the day observed as a holiday must work that day to be eligible to receive holiday pay. An employee who is scheduled to work on the day observed as a holiday and reports sick will be charged with ~~sick leave~~ PTO for that day subject to Section 15.03.
- D. Employees scheduled to work on a holiday, and who in fact do work, shall receive pay at the normal straight rate or overtime, whichever applies, for the actual number of hours worked that day, plus a normal day's pay for the holiday provided they meet the eligibility requirements.
- E. Employees whose normal day off from work falls on a holiday shall receive holiday pay at the normal straight rate for the day, provided they meet the eligibility requirements.
- ~~F. Non-exempt regular part-time employees who meet the eligibility requirements will be paid the number of hours they would normally be scheduled to work.~~
- ~~G.F.~~ When a holiday falls on a day a part-time employee is not scheduled to work and the employee does not work, the employee shall receive the normal days pay at the straight time rate for the holiday.

15.03 ABSENCE DUE TO SICKNESS

An employee scheduled to work a holiday who fails to work because of sickness or injury shall not receive holiday pay unless (1.) he notifies his Director at least one (1) hour before he is scheduled to report for work and (2.) upon request, he presents evidence satisfactory to the Director, which may be a medical doctor's excuse, that his absence was due to a bona fide, unforeseen serious illness or injury. The employee who fails to follow this procedure will also be subject to disciplinary action up to and including termination. The Director may excuse the first requirement if he is convinced that failure to notify as required was for a reason clearly beyond the employee's control.

SECTION 16

VACATION PAID TIME OFF (PTO) POLICY

16.01 ELIGIBILITY AND ACCRUAL DEFINITION

Paid Time Off (PTO) is an all-inclusive flexible time off policy in place of traditional individual vacation, sick, injury, and personal leave programs. It does not apply to Jury Duty or bereavement leave. PTO is an employee benefit. It is a program to allow employees an established amount of paid absence without regard to the reason, however subject to the requirements and restrictions set forth below.

All employees who are eligible to accrue vacation leave are eligible to use such leave after six (6) months of employment, or reemployment, with the City. Vacation leave begins to accrue on the day a person begins their employment with the City.

- A. Vacation leave for full time regular employees is accrued in increments based on years of continuous service.

COMPLETED CONTINUOUS MONTHS OF SERVICE	ANNUAL VACATION ACCRUAL
--	-------------------------

0 through 59 months	80 work hours
60 through 119 months	120 work hours
120 + months	160 work hours

- B. Part-time employees who have a regular schedule of more than fifteen (15) hours a week shall accrue at one-half (½) the rate of regular full-time employees.

- C. All other employees are not entitled to vacation leave.

16.02 ACCUMULATION ELIGIBILITY

- A. Regular full-time employees may accumulate vacation time up to the following maximum hours and must take the following minimum hours as vacation each calendar year. All full time employees will be eligible to accrue PTO time.

- A.B. Part-time employees are not eligible.

YEARS OF CONTINUOUS SERVICE	MAXIMUM HOURS ACCUMULATION	MINIMUM VACATION HOURS
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Less than 15 years	280	40
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15 or more years	400	80
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16.03 CONDITIONS ON USE/USAGE OF PTO LEAVE

~~The use of vacation leave is subject to the following conditions: PTO leave may be used for the following purposes (subject to approval in paragraph 16.05 below):~~

- ~~1.A. (a) Application for vacation leave shall be made in writing on forms provided for that purpose and approved in advance of use by the Department Director. In emergency cases, the Department Director may waive this requirement. Vacation leave~~
- ~~(b) Vacation must be approved in writing by the employer at least two (2) weeks before being taken, provided, however, under unusual circumstances a twenty-four (24) hour notice may be approved at the discretion of the Employer. Normally, vacation days will be used consecutively.~~
- ~~(c) The nature of an employee's job may require the Department Director to restrict the scheduling of vacations or to modify the guidelines related to the maximum/ minimum number of days that can be taken. Any exceptions to the guidelines must be approved in advance by the City Manager.~~

~~2B.: No employee shall be given vacation with pay in excess of the accumulated annual leave balance. Sick leave.~~

C. Maternity Leave.

- ~~1. Maternity leave is a period of approved absence for incapacitation related to pregnancy and follows the specified rules outlined in the Family/Medical Leave Act.~~
- ~~2. The time when a pregnant woman should leave or return to work will be determined on an individual basis and will depend on the physical condition of the particular employee and the nature of the employee's job.~~
 - ~~a). An employee will be permitted to continue to work as long as the conditions of the pregnancy do not adversely impair the employee's work performance or health. The judgment of the Department Director and the City Manager concerning the beginning of maternity leave shall be based on the written medical opinion of the employee's physician, the nature of the job and/or the employee's ability to perform essential tasks.~~
 - ~~b). The date an employee shall return to work following maternity leave may be based on a medical statement from~~

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a certified physician stating that the employee is able to perform the essential tasks of the employee's position. It shall be the responsibility of the employee to obtain and submit the physician's medical statement

3.D. Subject to applicable law, vacation leave may not be earned while an employee is on a leave of absence without pay, suspension or other non-pay status. Leave for any number of personal reasons, such as:

2. Medical and dental appointments and treatment which is necessary during working hours.
3. Absences for personal business which cannot be conducted during off duty hours.
4. Holidays other than those observed by the City as official holidays.
5. Maternity/paternity leave.
6. Caring for immediate family members who are ill.

4.E. No extra vacation leave is earned for time worked in excess of the employee's standard work period. To supplement FMLA leave, short term disability leave, or a Workers' Compensation absence, only to the extent necessary to make up the difference in all compensation received from any source and the employee's straight time weekly earnings or salary whichever applies.

5.F. Vacation checks may be paid in advance, provided the appropriate request for advance payment procedures are followed and the request is approved. All unused vacation as defined in 16.10 below must be exhausted prior to usage of any PTO leave.

16.04 PAY-IN-LIEU OF TIME ACCRUAL

Subject to 16.02 above, payment of vacation time in lieu of actually taking vacation will not be permitted.

-A. Full-time employees shall accrue PTO leave each payroll as follows:

B. New hires will be eligible to begin accruing as of their date of hire. Hours available may be used with no waiting period.

<u>Completed Continuous Months of Service</u>	<u>Bi-weekly Accrual</u>	<u>Annual Accrual</u>	<u>Max Accrual End of FY</u>
<u>0 to 59 Months</u>	<u>5.538 hours</u>	<u>144 hours/18 days</u>	<u>240 hours</u>
<u>60 to 119 Months</u>	<u>7.076 hours</u>	<u>184 hours/23 days</u>	<u>280 hours</u>
<u>120 + Months</u>	<u>8.615 hours</u>	<u>224 hours/28 days</u>	<u>320 hours</u>

C. Employees working twenty-four hour shifts shall accrue PTO as follows:

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<u>Completed Continuous Months of Service</u>	<u>Bi-weekly Accrual</u>	<u>Annual Accrual</u>	<u>Max Accrual End of FY</u>
<u>0 to 59 Months</u>	<u>7.770 hours</u>	<u>202 hours/18 days</u>	<u>336 hours</u>
<u>60 to 119 Months</u>	<u>9.924 hours</u>	<u>258 hours/23 days</u>	<u>392 hours</u>
<u>120 + Months</u>	<u>12.077 hours</u>	<u>314 hours/28 days</u>	<u>448 hours</u>

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16.05 ~~INTERVENING HOLIDAY~~APPROVAL

- A. ~~In order to ensure effective operational scheduling, PTO time should be requested as far in advance as possible, but in no event less than one (1) work day before the leave is to commence unless the failure to make a timely request is determined by the employee's Department Director to be for reasons beyond the control of the employee.~~
- B. ~~In the case of unforeseen sickness or injury of the employee or an immediate family member, the employee must advise his/her supervisor or Department Director as soon as possible, but not later than one hour before the employee's scheduled reporting time unless prohibited from doing so for reasons determined by management to be beyond the control of the employee.~~
- C. ~~When a leave is for FMLA or an absence resulting in three (3) consecutive sick days the employee must provide a medical return to work approval from a medical doctor or other health care professional acceptable to management to return to work.~~

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~~Employees who are on vacation leave or other leave with pay during the holiday will receive holiday compensation.~~

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16.06 DEPARTMENT DIRECTORS

The City Manager shall be authorized to establish different terms for use and accrual of ~~vacation leave~~PTO for employees covered by Section 1.02(B).

16.07 ~~USE OF VACATION~~CHARGING TIME

~~PTO will be charged hourly for the time the employee is away from work in increments of not less than one (1) hour.~~

- A. ~~Vacation time may not be taken in anything less than one-half (1/2) hour increments.~~
- B. ~~An employee may not take more than eighty (80) consecutive hours of vacation in a calendar year unless approved by the City Manager.~~

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~~C. Subject to Section 16.03, accrued vacation may be used with prior approval of the Director for the following purposes:~~

- ~~1. Approved vacation.~~
- ~~2. Absences for transacting personal business which cannot be conducted during off duty hours.~~
- ~~3. Religious holidays other than those designated by the City Commission as official holidays.~~
- ~~4. For uncompensated approved absences due to medical or dental or optical reasons once paid medical leave has been exhausted.~~
- ~~5. Any approved uncompensated leave of absence, including leaves under the FMLA.~~
- ~~6. For approved bereavement leave beyond that paid under Section 18.~~
- ~~7. Employees who become sick on vacation leave may use medical leave for such period of illness (full days only), but may be required to present a doctor's certificate and will be given another vacation day or pay at the option of the City. Such time will be charged to sick leave. The use of sick leave does not alter the planned date of return to work as approved before the leave.~~

~~D. Vacation pay may be used to supplement workers' compensation approved leaves and unpaid military; providing the total compensation received from all sources by the employee, including workers' compensation, shall be no more than forty (40) times the employees straight time hourly rate of pay or the number of hours in their regular straight time schedule for employees on a Section 7(K) schedule.~~

16.08 PAYOFF OF UNUSED VACATION HOURSUNUSED PTO TIME

~~A. Employees may carry over unused PTO hours from one fiscal year to the next to a maximum of 240 hours (for employees with less than 5 years of service), 280 hours (for employees with more than 5 years but less than 10 years), and 320 hours (for employees with more than 10 years of service). Hours in excess of these maximums at the end of the fiscal year will be forfeited. For example: An employee with 36 months (3 years) of continuous service accrues 144 hours in a fiscal year. He/she may carry over their unused balance until they reach 240 hours, excess hours over 240 are forfeited.~~

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~~B. Employees working 24 hours shifts may carry over unused PTO hours from one fiscal year to the next to a maximum of 336 hours (for employees with less than 5 years of service), 392 hours (for employees with more than 5 years but less than 10 years), and 448 hours (for employees with more than 10 years of service). Hours in excess of these maximums at the end of the fiscal year will be forfeited. For example: An employee with 36 months (3 years) of continuous service accrues 202 hours in a fiscal year. He/she may carry over their unused balance until they reach 336 hours, excess hours over 336 are forfeited.~~

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~~A. Employees shall be paid accrued but unused vacation pay upon cessation of their employment except as indicated in D below.~~

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~~B. In no event, will an employee be allowed to take vacation in conjunction with termination, i.e., to extend the termination date.~~

~~C. In the event of an employee's death, his beneficiary or estate, in the absence of a designated beneficiary, shall be paid for accrued vacation.~~

~~D. At the time of enrollment, Fire, Police and General Pension members that choose to participate in the DROP plan will be afforded an opportunity to cash in all or a portion of their vacation accrual hours up to the maximum of 400 hours. If only a portion of vacation accrual hours are cashed in, only the remaining portion of the maximum 400 hours will be paid at the time of separation from the City. For example, an employee with 400 hours of accrued vacation hours, could cash in 200 hours pay and still be able to cash in 200 hours pay at the time of separation. At no time will vacation leave payout exceed a maximum of 400 hours. Accruals will continue consistent with the PRR or respective contract for the duration of the DROP plan participation.~~

16.09 ~~SCHEDULING OF VACATION~~PAYMENT OF UNUSED PTO

~~The Employer shall make reasonable efforts to comply with the desires of employees consistent with the requirements of its operations to give preference by classification to the most senior employees in scheduling vacation requests provided, employees who schedule their vacations ahead of time and have them approved by the Department Director, cannot have their vacation time superseded by more senior employees.~~

~~A. Payment of unused PTO at time of separation:~~

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~~I. Full Time 40 hours employees: Subject to subparagraph D below, upon separation from City employment, employees are entitled to compensation for any balance of unused PTO hours to a maximum of 160 hours (for employees with less than 5 years of service), 200 hours (for employees with more than 5 years but less than 10 years), and 240 hours (for employees with more than 10 years of service).~~

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2. Employees working 24 hour shifts: Subject to subparagraph D below, upon separation from City employment, employees are entitled to compensation for any balance of unused PTO hours to a maximum of 224 hours (for employees with less than 5 years of service), 280 hours (for employees with more than 5 years but less than 10 years), and 336 hours (for employees with more than 10 years of service).

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B. Should an employee die while in service, any balance of unused PTO hours to a maximum of 160 hours (for employees with less than 5 years of service), 200 hours (for employees with more than 5 years but less than 10 years), and 240 hours (for employees with more than 10 years of service) will be paid to the designated beneficiary listed on the form for his/her employee's City life insurance. For employees working 24 hour shifts see 16.09 A2 above.

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C. Payment shall be at the employee's base hourly rate at time of employment termination.

D. An employee terminated for any of the following reasons shall not be entitled to be paid unused PTO hours at the time of separation:

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1. Use of official position for personal advantage.
2. Making false claims or intentional misrepresentation in an attempt to obtain sickness or accident benefits, workers' compensation, or any other benefit.
3. Concerted curtailment, restriction of production, or interference with work in or about the City's work stations including, but not limited to, instigating, leading, or participating in any walkout, strike, sit down, stand-in, slowdown, or refusal to return to work at the scheduled time for the scheduled shift.
4. Possession, use, sale, attempt to sell, or procure illegal controlled substances at any time whether on or off City property or whether on or off duty; and possession, use, sale or attempt to sell or procure alcoholic beverages while on duty, or City property, while operating or riding in or on City equipment.
5. Stealing from the City.
6. Intentionally causing the City to be found in violation of Federal or State law.

16.10 UNUSED VACATION LEAVE BALANCE AS OF OCTOBER 1, 2013

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A. Employees with a vacation balance as of October 1, 2013 will retain that balance and will be able to use that time until the balance is exhausted. All vacation balances must be exhausted prior to using PTO.

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B. Should the employee separate from his/her employment, or die while in service, they or their beneficiary will be paid any remaining vacation leave balance in accordance with the Personnel Rules and Regulations, Section 16.09, in effect before October 1, 2013.

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16.11 UNUSED SICK LEAVE BALANCE AS OF OCTOBER 1, 2013

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Upon implementation of this policy, employees with a sick leave balance as of October 1, 2013 will retain that full balance of which the hours will only be available for use in a "catastrophic" situation. Catastrophic will be defined as any illness lasting longer than seven (7) consecutive working days. To receive payment, the employee will be required to submit forms the City requires to be completed and a medical excuse acceptable to the City. Upon separation of employment, or death while in service, those hours will be paid in a lump sum payment (less statutory deductions) as outlined below using the employees years of service at date of separation.

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Years of Service	% of Sick Leave Payment
0-9 years	0%
10-14 years	30%
15-19 years	40%
20 + years	50%

~~SECTION 17~~

~~SICK LEAVE~~

~~17.01 SICK LEAVE ACCRUAL AND CONDITIONS~~

~~A. Sick leave with pay shall be accrued by all regular full-time and part-time employees and will be subject to the following conditions:~~

- ~~1. Probationary employees may be granted sick leave with pay, up to the amount accrued.~~
- ~~2. No more than eight hundred (800) hours of sick leave may be accrued at any time by any employee.~~
- ~~3. For full-time regular employees, sick leave shall accrue at the rate of 3.692 hours per fourteen (14) day pay period. Part-time employees assigned a regular schedule of twenty (20) or more hours shall accrue sick leave at 1.846 hours per fourteen (14) day pay period. No other employees accrue paid sick leave.~~

~~4. Employee must be on active status.~~

~~5. An employee making a departmental transfer will retain unused sick leave and, where applicable, shall be converted up or down based on the regular schedule of the job to which he is transferred. (E.g., from 40 hour to 56 hour schedule, multiply by 1.4; from 56 hour to 40 hour schedule, divide by 1.4).~~

~~B. In order to be granted sick leave with pay, an employee must meet the following conditions:~~

- ~~1. Notify the immediate supervisor not later than one (1) hour prior to the beginning of the scheduled workday of the reason for such employee's absence. This procedure shall be followed for each day the employee is unable to work, unless prior approval by the Department Director or his designee has been given.~~
- ~~2. If required, submit a written request to the Department Director for such sick leave on the form and in the manner prescribed, and submit, if requested by the Department Director or City Manager, a medical certificate signed by a physician satisfactory to the City stating the kind and nature of the sickness or injury of the employee and describing the period of absence from work that will be necessary. Medical certifications may be required when the Department Director determines an employee may be abusing sick leave. Upon request by the City, the employee must provide a written release from the physician stating that the employee is~~

~~again able to perform the duties of their position before returning to work.—~~

- ~~3. Department Directors, or the City Manager, shall provide the Personnel Office with a copy of all approved sick leave requests requesting more than three (3) consecutive days or shifts, no later than the next business day after such requests are approved.~~

~~17.02 CHARGING~~

- ~~A. In computing sick leave taken, employees shall be charged one (1) hour sick leave for each hour not worked because of illness. Partial hours will not be charged for less than one half (1/2) hour.~~
- ~~B. Paid holidays which occur during paid sick leave shall not be chargeable to sick leave.~~

~~17.03 USE~~

- ~~A. Paid sick leave may be used provided it is approved for the following purposes:
 - ~~1. Bona fide sickness, injury or disability off the job.~~
 - ~~2. Medical, dental, optical or chiropractic examination or treatment which cannot be scheduled during non-duty hours.~~
 - ~~3. Illness of a member of the employee's immediate family defined under the FMLA which requires the personal care or attention of the employee, or the death of a member of the employee's immediate family as defined in Section 2.~~
 - ~~4. An unpaid leave under the FMLA.~~
 - ~~5. Sick leave may be used to supplement workers' compensation approved leaves; providing the total compensation received from all sources by the employee, including workers' compensation, shall be no more than forty (40) times the employee's straight time hourly rate of pay or the number of hours in their regular straight time schedule for employees on a Section 7(K) schedule.~~~~
- ~~B. Use of medical leave for any purpose not specified above may be considered misconduct and result in disciplinary action.~~

~~17.04 EXTENDED UNPAID MEDICAL LEAVE~~

- ~~A. When paid medical leave and accrued vacation leave are exhausted for absence due to bona fide sickness, disability or injury, the employee may~~

~~be given extended medical leave without pay for up to six (6) months. However, no benefits such as holidays, vacations, emergency leave and paid medical leave accrue during such unpaid leaves unless the leave is FMLA leave in which case Section 19 applies.~~

- ~~B. The City retains the right to require the employee to submit to another medical examination by a doctor of the City's choice at the City's expense to verify the employee's inability to work.~~
- ~~C. The employee shall be required to return to work not later than the last day of the leave granted, unless prior to that time, the employee has obtained permission from the City Manager to extend the medical leave or has applied for and been granted additional time off as allowed by these rules.~~
- ~~D. The employee may continue his group medical plan insurance during such absence provided the employee pays the full premium by the time each month and in the manner required by the City. For continuation of insurance during FMLA leave, see Section 19.06.~~

~~17.05 SICK LEAVE DONATION~~

- ~~A. Any MAPS employee may donate sick leave to another MAPS employee who is in need of additional leave for a personal, debilitating illness or accident which substantially delays his/her ability to resume duty, so that the employee will continue receiving compensation. Such donation requires the following circumstances:~~
 - ~~1. The sick employee has a satisfactory work record, has exhausted his sick leave and all accumulated vacation and is on approved sick leave.~~
 - ~~2. The sick employee does not appear to have abused sick leave benefits (refer to Code of Conduct 11.05, Group 2, #3) prior to the current illness.~~
 - ~~3. Time may be donated in minimum increments of eight (8) hours by any employee eligible to accrue and use sick leave up to a maximum donation of forty (40) hours per fiscal year. The maximum amount of donations an employee may receive in any one (1) fiscal year is eight hundred (800) hours.~~
 - ~~4. If the receiving employee returns to work or leaves employment prior to using all of the donated sick leave, the amounts remaining will be returned to the employees that donated time on a prorated basis.~~

- ~~5. Donations will be credited to the receiving employee on an hour for hour basis, regardless of differences in the rates of pay between the donating and receiving employees.~~
- ~~6. All donations must be pre-approved by the receiving employee's Department Director and the City Manager. Employees will not be penalized for making donations if they are otherwise eligible for the sick leave award in any given year.~~
- ~~7. Department Directors, or the City Manager, shall provide the Personnel Office with a copy of all approved sick leave donation requests, no later than the next business day after such requests are approved.~~

~~17.06 SICK LEAVE PAYOUT~~

- ~~A. Upon voluntary separation of employment an employee shall receive payment for sick leave time according to the following schedule provided all of the following conditions have been met (Ref. Resolution 86-30) except as indicated in C below:~~

Years of Service	% of Sick Leave Accrual Payment
0-9 years	0%
10-14 years	30%
15-19 years	40%
20 or more years	50%

- ~~1. The employee shall have been a full-time employee of the City of St. Pete Beach for at least ten (10) years.~~
 - ~~2. The ten (10) years' service of the employee shall have been consecutive and uninterrupted up to the time of his/her separation from City employment, with the exception of time spent in military service, provided the employee has returned to City service within one (1) year of the normal date of honorable discharge or separation or following an extension beyond the normal date of separation.~~
- ~~B. There shall be no payout of accumulated sick leave for employees who are involuntarily terminated.~~
- ~~C. At the time of enrollment, Fire, Police and General Pension members that choose to participate in the DROP plan will be afforded an opportunity to cash in all or a portion of their sick accrual hours up to the maximum of 800 hours. If only a portion of sick accrual hours are cashed in, only the remaining portion of the maximum 400 hours will be paid at the time of separation from the City. **For example**, an employee with 800 hours of accrued sick hours, who is eligible to receive 50% of the hours, could cash in 400 hours for 200 hours pay and still be able to cash in up to 400 hours~~

~~for 200 hours pay at the time of separation. At no time will sick leave payout exceed a maximum of 800 hours. Accruals will continue consistent with the PRR or respective contract for the duration of the DROP plan participation. Any accrued sick hours remaining after payout shall be forfeited.~~

~~17.07 SICK LEAVE AWARD~~

~~In an effort to encourage use of paid sick leave only when absolutely necessary and as an incentive for good attendance, all full-time employees shall be eligible for additional vacation leave.~~

~~The award, if any will be based on the employee's use of sick leave during the prior anniversary year (according to the initial date of hire) and is based on the schedule below.~~

Sick Leave Used	Vacation Hours Awarded
None	32
1 hour	31
2 hours	30
3 hours	29
4 hours	28
5 hours	27
6 hours	26
7 hours	25
8 hours	24
9 hours	23
10 hours	22
11 hours	21
12 hours	20
Etc.	

~~For each sick hour used, one (1) hour sick award shall be subtracted to a maximum thirty-two (32) hours.~~

~~17.08 LIGHT DUTY*~~

- ~~A. If an employee is released by his physician for "light duty", return to light duty shall be at the option of the City based on its operational needs. Refusal to accept a light duty assignment made by the City Manager, or his designee, which the employee is capable of performing in accordance with applicable law will result in termination of employment.~~
- ~~B. The employee will be paid his normal hourly rate for light duty work; provided; employees on a Section 7(k) schedule in the Fire Department who are assigned light duty on another schedule shall have their normal hourly rate multiplied by 1.40%.~~
- ~~C. No sick leave will be charged for those hours worked while on light duty.~~

SECTION ~~1817~~

BEREAVEMENT LEAVE

~~1817.01~~ BEREAVEMENT LEAVE

A. Approved leave in the event of the death of a member of a regular full-time employee's immediate family (as defined in Section ~~1817.02~~) will be granted as provided below:

1. Up to twenty-four (24) hours with pay if the funeral is in Florida and up to forty ~~eight~~ (48~~0~~) hours with pay if the funeral is outside Florida.
2. The minimum leave under this section shall be four (4) hours.
3. Regular part-time employees shall be entitled to one-half (1/2) of the bereavement leave provided to regular full-time employee.

B. The employee may be required to provide the Director with proof satisfactory to him of death in the employee's immediate family and that the employee attended the funeral before compensation will be approved.

C. If, in the opinion of the Director, additional days are necessary, accrued PTO and medical leave may be used or the employee may be given additional time off without pay.

B.

~~1817.02~~ IMMEDIATE FAMILY

Defined in Section 2.

~~18.03~~ CHARGING EXCEPTIONS

~~Bereavement leave shall not be charged to vacation or to sick leave, except as specifically provided in Section 18.04.~~

~~18.04~~ ADDITIONAL TIME

~~Should an employee require time in addition to that provided in Section 18.01 of this section, the employee may request additional time from the Department Director, or his designee. Upon approval by the Department Director, any additional time used shall be charged to vacation time or sick leave, provided the employee has accrued sufficient time, otherwise the employee shall be considered in a leave without pay status.~~

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SECTION ~~1918~~

FAMILY MEDICAL LEAVE POLICY*

~~1918~~.01 ELIGIBILITY AND REASONS

Employees, who have worked for the City for at least twelve (12) months, and for at least 1,250 hours during the preceding twelve (12) months, may:

- A. Take up to twelve (12) weeks of unpaid leave in a twelve (12) month period for the following reasons:
 - 1. The birth of the employee's child and to care for the newborn child;
 - 2. The placement of a child with the employee for adoption or foster care;
 - 3. In order to care for the employee's spouse, domestic partner, child or parent who has a serious health condition;
 - 4. Because of a serious health condition which renders the employee unable to perform the essential functions of the employee's position.
 - 5. Because of a qualifying exigency (as defined below) arising out of the fact that the employee's spouse, child (of any age) or parent is a retired or reservist member of the military on active duty or has been notified of an impending call or order to active duty in support of a contingency operation. Leave under this subsection is not available for an employee whose family member is on active duty as a member of the Regular Armed Forces.
- B. Take up to twenty-six (26) weeks of unpaid leave in a single twelve (12) month period in order to care for the employee's spouse, domestic partner, child (of any age), parent or next of kin who is a military service member who is undergoing medical treatment, recuperation, or therapy, or who is in outpatient status, or who is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty while on active duty in the Armed Forces.

~~1918~~.02 DEFINITIONS

The following definitions apply for purposes of this Policy:

- A. Serious Health Condition -- A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either: (1) inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., the inability to

work, attend school or perform other regular daily activities), or any subsequent treatment in connection with the inpatient care; or (2) continuing treatment by health care provider, as defined by the FMLA and the pertinent regulations.

- B. Serious injury or illness – A “serious injury or illness” means an injury or illness incurred by a military service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating.
- C. Child – Except as otherwise noted in this policy, “child” means a biological, adopted or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis (in the place of a parent) and who is either under the age of eighteen (18) or, if older than the age of eighteen (18), is incapable of self care because of a mental or physical disability.
- D. Parent – Parent means a biological, adoptive, step or foster parent, or any other individual who stood in loco parentis (in the place of a parent) to the employee when the employee was a child. Parent does not include parents “in law.”
- E. Next of Kin – The “next of kin” of a military service member means the nearest blood relative other than the service member’s spouse, parent or child, in the following order of priority (unless the service member has specifically designated in writing another blood relative as his nearest blood relative for purposes of military caregiver): (1) blood relatives who have been granted legal custody of the service member, (2) brothers and sisters, (3) grandparents, (4) aunts and uncles and (5) first cousins.
- F. Qualifying exigency – A “qualifying exigency” includes leave taken for any of the following reasons : (1) to address any issue resulting from an impending call to active duty deployment on less than seven days’ notice, (2) to attend military events and related activities (such as a military ceremony, briefing, family support program, etc.), (3) to make arrangements relating to childcare and school activities, (4) to make financial and legal arrangements, (5) to attend counseling, (6) to spend time with a covered military member who is on a short-term, temporary rest and recuperation leave during the period of deployment, (7) to attend post-deployment activities (such as a military ceremony, event, reintegration briefing, etc.), and (8) any other exigency agreed upon by the City and employee.

| ~~19~~18.03
LEAVE

MEASURING THE TWELVE MONTH PERIOD AND COUNTING FMLA

- A. For leave taken for any of the reasons listed in Section 1(A), the twelve (12) month period in which eligible employees may take twelve (12) weeks of leave will be calculated using a “rolling” twelve month period measured backward from the date an employee uses any FMLA leave. At any time when a need for FMLA leave arises, the amount of FMLA that an employee would be entitled to use is measured by counting how much FMLA leave the employee has used during the prior twelve months. If during that prior twelve month period the employee has already used 12 weeks of FMLA leave, the leave is exhausted. If the employee has not used twelve weeks of FMLA leave during the prior twelve month period, he or she is entitled to the balance of the twelve weeks that has not been used. For example, if an employee used four weeks of FMLA leave beginning 2/1/~~94~~11, four weeks beginning 6/1/~~94~~11, and four weeks beginning 12/1/~~94~~11, the employee would not be entitled to any additional leave until 2/1/~~95~~12. However, beginning on 2/1/~~95~~12, the employee would be entitled to four weeks of leave, on 6/1/~~95~~12 the employee would be entitled to an additional four weeks of leave, etc.
- B. For leave taken for the reason listed in Section 1(B), the single twelve (12) month period for calculating leave needed to care for a military service member begins when the employee first starts taking leave for that reason and ends twelve (12) months after that date. Leave under Section 1(B) may not exceed twenty-six (26) weeks in any single twelve (12) month period when combined with other FMLA-qualifying leave under any section of this policy.
- C. For leave taken for the birth of a child or placement of a child for adoption or foster care, the entitlement to leave under this policy expires twelve (12) months from the date of the child's birth or placement.
- D. If both spouses/domestic partners work for the City, the combined leave shall not exceed twelve (12) weeks in a twelve (12) month period if the leave is taken for the birth of the employee's child, or to care for the child after birth, for the placement of a child with the employee for adoption or foster care, or to care for the employee's parent with a serious health condition.
- E. If both spouses/domestic partners work for the City the combined leave shall not exceed twenty-six (26) weeks of leave during the single twelve (12) month period described in Section 3(B) above if the leave is taken for the birth of the employee's child, or to care for the child after birth, for the placement of a child with the employee for adoption or foster care, to care for the employee's parent with a serious health condition, or to care for a service member with a serious injury or illness.
- F. To the extent allowed by law, in the event an absence is for a reason covered by this policy, the City reserves the right to count it as FMLA leave

whether the employee has requested FMLA leave or not. Leaves covered by workers' compensation and/or a disability plan will also be counted as FMLA leave to the extent the leave qualifies under this policy.

1918.04 INTERMITTENT LEAVE OR LEAVE ON A REDUCED SCHEDULE BASIS

- A. In the case of leave based upon a serious health condition or a service member's serious injury or illness, leave may be taken intermittently or on a reduced schedule basis, but only if such leave is medically necessary and the medical need can be best accommodated by intermittent leave or a reduced schedule. If intermittent leave or leave on a reduced hour's basis is required for planned medical treatment, the employee is required to make reasonable efforts to schedule the treatment so as not to unduly disrupt the City operations.
- B. In the case of leave for the birth or placement of a child in adoption or foster care, intermittent leave or working a reduced schedule is not permitted unless the City, in its sole discretion, elects to allow it.
- C. In the case of leave based upon a qualifying exigency, leave may be taken intermittently or on a reduced schedule basis.
- D. If intermittent leave or leave on a reduced hours leave is required or provided, the City may, in its sole discretion, temporarily transfer the employee to another position for which the employee is qualified with equivalent pay and benefits that better accommodates that type of leave.

1918.05 EMPLOYEE NOTICE AND CERTIFICATION REQUIREMENTS

- A. For leave that is foreseeable, the employee must provide the City with at least thirty (30) days' notice. If the need for leave is not foreseeable, the employee is required to provide the City with as much notice as is practicable once the need for leave becomes known. Requests for leave should be on approved forms which are available from the human resources department.
- B. The City will require that leave based upon a serious health condition, or a service member's serious injury or illness, be supported by a medical certification from a health care provider. In accordance with applicable regulations, the City may request, at the City's expense, a second opinion from a health care provider of the City's choice (as well as a third opinion if the second opinion conflicts with the first opinion). The City will require that medical certification be submitted showing that a request for intermittent leave or leave on a reduced schedule basis is medically necessary.
- C. The City may require subsequent medical recertification of an ongoing condition from the employee's health care provider every six (6) months in

conjunction with an absence, or more often to the extent permitted by applicable law.

- D. The City will require that leave based upon a qualifying exigency also be supported by a certification and supporting documentation, including a copy of the military member's active duty orders or other similar documentation.
- E. Certification forms to be completed under this section are available from human resources. If an employee's certification or recertification is deemed by the human resources to be incomplete, the Human Resources Administrator will notify the employee of the deficiency and the employee will be provided seven (7) days to cure the deficiency. A failure to complete the certification may result in the denial of leave for the period of time until the completed certification is submitted.
- F. During leaves under this policy, the employee must periodically report on their medical status and intent to return to work. Upon taking such leave, the employee will be advised of the reporting requirements.
- G. For leave taken because of the employee's own serious health condition, the employee is required to furnish a medical certification from his or her health care provider advising that the employee is able to safely resume performing the essential functions of his or her position before the employee will be allowed to return to work.

1918.06 HEALTH INSURANCE PREMIUMS

- A. During leaves of absence under this policy, the City will continue to pay its portion of the health insurance premiums and maintain the employee's coverage under the health plan in the same manner as if the employee had been continuously employed during the entire leave period, provided the employee continues to pay his or her share of the premiums.
- B. Should the employee fail to continue to pay his or her share of the premium, notices of proposed insurance cancellation and the opportunity to pay the premium as required by the FMLA will be provided before the cancellation.
- C. The employee will be advised in advance of any changes in premiums so that he or she will have ample opportunity to make arrangements to continue to pay his or her share of the premiums during the FMLA leave.
- D. If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the City for the employee portion of health insurance premiums during the family leave as permitted by law, unless the employee does not return due to a serious health condition which prevents the employee from performing his job or circumstances beyond the control of the employee. To avoid required reimbursement, appropriate

certification from a health care provider may be required if the employee does not return to work because of a serious health condition.

~~1918~~.07 ACCRUAL

During any period of leave under this policy, accrual of employment benefits, such as ~~vacation pay, medical leave~~PTO and, seniority, etc., shall continue. Pension benefits will be determined in accordance with applicable regulations, but employees will be required to make the pension contributions required, if any, under any City sponsored pension plan covering them. Employment benefits to which an employee may be entitled on the day on which the FMLA leave of absence begins will not be lost because of such leave, except for those paid leave days substituted for unpaid leave taken under this policy as described below. Upon return from FMLA leave, employees are entitled to any changes in benefit plans not dependent upon seniority or accrual during the leave period.

Employees will not be disqualified from bonuses based upon attendance or safety for which they qualified prior to leave because of the taking of FMLA leave.

~~1918~~.08 SUBSTITUTION OF ACCRUED PAID LEAVE

- A. For unpaid leaves under this policy, the City will require employees to substitute any accrued paid leave (including ~~vacation, sick, personal leave~~PTO, etc.) that he or she may have. This means that the employee's FMLA leave under this policy will run concurrently with the use of any accrued paid leave. The employee will be notified of the designation when the leave begins.
- B. Where the leave is not unpaid but the employee is not receiving his or her full pay (such as when on workers' compensation leave or leave under a disability plan), accrued paid leave may be used to supplement the employee's pay to bring him or her up to their full salary, to the extent that both the City and the employee agree.

~~1918~~.09 JOB RESTORATION UPON RETURN FROM FMLA LEAVE

With the exception of certain key employees, employees who return to work from FMLA leave of absence within or on the business day following the expiration of the leave are entitled to return to their job or an equivalent position with equivalent benefits, pay and other terms and conditions of employment. Designation of key employee status and whether such status will affect the employee's right to reinstatement will be made at the time the employee requests leave, or at the commencement of leave, whichever is earlier, or as soon as practicable thereafter if such determination cannot be made at that time.

1918.10 FAILURE TO COOPERATE

Employees who fail to provide information to, or otherwise cooperate with, the City in administering this policy, or who provide intentionally untruthful information as to the facts upon which the FMLA leave was granted, may have their leave delayed and/or be subject to discipline up to and including discharge as permitted by law.

SECTION ~~2019~~

COURT/WITNESS LEAVE

~~2019~~.01 WITNESS LEAVE FOR THE CITY*

Employees who appear as witnesses on behalf of the City in any judicial or administrative proceeding, or who are subpoenaed as a witness in a matter which involves City business in which the City is not a party in any judicial or administrative proceeding, including deposition, or who are directed by the City to testify in any proceeding shall have all such time treated as compensable work time.

~~2019~~.02 OTHER COURT-RELATED LEAVE

- A. Subject to Section ~~2019~~.01, those employees who become plaintiffs or defendants in personal litigation or who testify or appear on behalf of parties and other persons except the City are not eligible for leave with pay unless they request and are approved for ~~vacation or personal days~~PTO under Sections ~~15 or~~ 16.
- B. Unless they are parties in the action, employees subpoenaed by the Pinellas County State Attorney's Office as witnesses for the State shall receive their normal pay less any witness fees received from the State under the same conditions as applied to jury duty under Section ~~2019~~.03(A)-(D).

~~2019~~.03 JURY ~~LEAVE~~DUTY

The City shall make up the difference between a regular full-time employee's pay for his normal schedule provided the employee:

- A. Advises his Director no later than three (3) working days before he is to report for jury duty or when he is first advised, whichever first occurs.
- B. Returns to duty each day he is released from jury duty when two (2) or more hours remain on his scheduled work day or shift unless he gets permission from his Director not to return.
- C. Provides the City with a copy of his check for jury pay.
- D. An employee who attends court or serves jury duty under the conditions described in Section ~~2019~~.01 above while on ~~vacation leave~~PTO shall be allowed to reinstate ~~vacation~~ PTO hours served in court providing satisfactory evidence of the time served on such duty is presented to the City.

2019.04 RETURN TO WORK

Employees who attend court or any other legal or administrative proceeding for only a portion of a regularly scheduled work day are expected to report to their supervisor when excused or released.

2019.05 REPORTING

An employee subpoenaed to attend court, give a deposition, attend any administrative hearing, or serve jury duty shall promptly notify his immediate supervisor so that arrangements can be made for his absence.

SECTION ~~21~~20

GENERAL LEAVE WITHOUT PAY

~~21~~20.01 LEAVE OF ABSENCE WITHOUT PAY

(Other than Family/Medical Leave or in the event that the employee does not qualify for Family/Medical Leave)

- A. A regular full-time employee may be granted leave of absence without pay for a period not to exceed one (1) year (inclusive of FMLA leave) for sickness, disability or other good and sufficient reasons which are considered to be in the best interest of the City. Such leave shall require the prior approval of the Department Director and the City Manager.
- B. If for any reason the leave of absence without pay is granted, such leave may subsequently be withdrawn and the employee recalled to service if determined to be operationally necessary by the City.
- C. All employees on leave of absence without pay are subject to these rules.
 - 1. Subject to applicable law, leave without pay shall be granted only when the City determines it will not adversely affect the interests of the City.
 - 2. Failure of an employee to return to work upon expiration of approved leave shall result in termination from the City, absent any unforeseen circumstances as determined by the City Manager.
 - 3. An employee granted a leave of absence without pay, and who wishes to return before the leave period has expired, must make a request to return early to his Department Director as soon as possible to discuss the possible return to work.
 - 4. No ~~sick leave, vacation leave~~PTO, or holiday pay will be accrued or earned by an employee for the time that the employee is on leave without pay.
 - 5. An employee who obtains employment elsewhere, while on authorized leave of absence without pay, will be terminated by the City unless approval has been obtained in advance from the Department Director and the City Manager.
- D. An employee returning from a leave of absence without pay shall be entitled to employment in the same department and position as when the leave began, providing an opening exists. If no vacancies exist, the

employee may be offered a lesser position for which he/she is considered by the City to be qualified. If no such vacancies exist at the time, the employee may be terminated or the leave extended at the option of the City.

2120.02 EFFECT OF LEAVES ON INSURANCE COVERAGE

- A. Compensable Leave. The City shall continue the employee's group life, medical, dental and short term disability and hospitalization insurance during compensable leave of absence provided the employee pays his share of the premium.
- B. Workers' Compensation. The City shall continue the employee's group life, medical, dental and short term disability and hospitalization insurance during an unpaid leave of absence due to a valid workers' compensation injury or illness, provided the employee pays his share of the premium. If the employee's claim is later determined by law to be invalid, the employee shall reimburse the City for all premiums paid in his behalf during the injury. Failure to repay the City such premium upon demand or under terms agreeable to the City will result in termination of employment, and loss of accumulated sick and vacation leave to the extent necessary to cover the reimbursement. To the extent not fully reimbursed, the City may collect the premiums by any means allowed by law.
- C. Other Non-Compensable Leave. If an employee is on an unpaid leave of any type other than FMLA leave, including sick leave covered by Section 17.05, he shall be responsible to pay the full premium for group life and hospitalization insurance beginning the month in which the leave began. The employee shall be entitled to continue coverage for the period of the leave provided he pays the premiums subject to any restrictions imposed by the insurance carrier.

2120.03 MILITARY LEAVE*

A military leave of absence will be provided to employees who are absent from work because of service in the U.S. uniformed services in accordance with federal and state law. In order to be eligible for military leave, advance notice of the need for leave is required, unless military service necessity prevents such notice or it is otherwise impossible.

SECTION 2221*

SEXUAL AND OTHER ILLEGAL OR IMPROPER
MISCONDUCT AND HARASSMENT POLICY

2221.01 PURPOSE

The purpose of this policy is to make all employees of the City aware that it is the policy of the City that sexual, racial or other forms of illegal or improper harassment and misconduct will not be tolerated.

2221.02 STATEMENT OF POLICY

Sexual harassment is included among the prohibitions of Title VII of the Civil Rights Act of 1964, which prohibits sex discrimination in employment, and is prohibited by the City.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical acts of sex based nature, where submission to such conduct is made a term or condition of employment, or an employment decision is based on an individual's acceptance or rejection of such conduct, or such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment. Sexual harassment involves not only members of the opposite sex but also of the same sex.

Other forms of harassment in addition to sexual harassment are illegal (such as racial harassment) and/or are improper and will not be tolerated. Such harassment involves unwelcome language or actions involving race, religion, national origin, age, marital status or disability.

Sexual misconduct is a course of conduct that causes bodily injury or personal injury arising from that bodily injury, from sexual abuse, sexual molestation, sexual assault, sexual exploitation and/or physical sexual abuse.

Sexual harassment or misconduct, as well as other illegal or improper harassment of our employees by other employees or by persons who are not employed by but do business with the City, will not be tolerated.

In addition, the City will not allow any retaliation against any employee who raises a concern about sexual harassment or misconduct as well as other improper or illegal harassment or participates in an investigation of any of the aforementioned and tells the truth to the best of his knowledge and belief.

2221.03 EXAMPLES OF PROHIBITED SEXUALLY RELATED CONDUCT

The City considers the following conduct to be examples of conduct, which violates its prohibition of sexual harassment or misconduct.

- A. Unwelcome physical assaults or touching of a sexual nature, including:
 - 1. Rape, sexual battery, molestation, or attempts to commit such acts.
 - 2. Intentional physical contact which is sexual in nature such as touching, pinching, patting, grabbing, rubbing, hugging, or poking another employee's body.
- B. Unwelcome sexual advances, propositions, and other sexual comments, such as sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of an employee who has indicated in any way that such conduct in his presence is unwelcome.
- C. Job actions related to sexual matters such as:
 - 1. Preferential treatment for submitting to sexual activity, including soliciting or attempting to solicit an employee to engage in sexual activity for compensation or reward.
 - 2. Threatening to, or actually making an employee's job more difficult, or taking away any benefit or privilege to entice an employee to submit sexually.
- D. Display of sexually related material, such as:
 - 1. Pictures, posters, computer screensavers, calendars, graffiti, objects, promotional material, reading or other material of a sexually suggestive or sexually demeaning nature is not permitted in the workplace.
 - 2. Reading or otherwise publicizing in the work environment materials that are sexually revealing, pornographic, or sexually demeaning.

2221.04 EXAMPLES OF OTHER ILLEGAL OR IMPROPER HARASSMENT

Derogatory, critical or uncomplimentary jokes, comments, displays, posters, other written materials as well as actions based on age, race, religion, national origin, marital status, or disability are often unwelcome and hurtful to others and can be illegal. Such actions have no place in the work environment at the City and will not be tolerated.

The above examples are not to be considered a comprehensive list of prohibited conduct, but set forth examples of the types of prohibited conduct.

| 2221.05 MAKING COMPLAINTS OF SEXUAL HARASSMENT OR MISCONDUCT OR OTHER ILLEGAL OR IMPROPER HARASSMENT OR RETALIATION

- A. Anyone who has suffered sexual harassment or misconduct or other illegal or improper harassment or retaliation or who has observed such conduct should report it to his immediate Supervisor, his Director, ~~Personnel Officer~~ Human Resources Administrator, City Manager, or any member of the City Commission.
- B. All complaints will be investigated expeditiously. Upon completion, and a determination that a complaint is valid, the City will take appropriate remedial action, including discipline up to termination of employment. If the complaint is found to be without merit, no disciplinary action will be taken against the employee against whom the complaint was made.

| 2221.06 BAD FAITH CLAIMS OF SEXUAL HARASSMENT OR MISCONDUCT OR OTHER ILLEGAL OR IMPROPER HARASSMENT

Bad faith claims of sexual harassment or misconduct or other illegal or improper harassment are claims made when the person making the claims knows the claim is false but makes it anyway. Persons who make bad faith claims under this subsection will be subjected to disciplinary action up to and including termination.

| 2221.07 INTERNAL INVESTIGATION PROCEDURE

The following procedure for investigating and resolving claims of sexual harassment or misconduct or other forms of illegal/improper harassment prohibited by this policy.

- A. All employees have been informed as to the policy concerning illegal/improper harassment or misconduct. All incidents, reports or complaints of sexual harassment or misconduct should be filed or reported to the ~~Personnel Officer~~ Human Resources Administrator immediately. All such complaints, once filed, shall be investigated and handled exclusively by the City Manager, or his designee, in consultation with the City's Attorney and/or the City's Labor Attorney, unless otherwise specifically provided in this procedure. However, an employee disciplined as a result of a finding of sexual harassment or misconduct or filing a willful and intentional bad faith claim of sexual harassment misconduct shall be entitled to file a grievance in accordance with applicable policy or an applicable collective bargaining agreement.
- B. Because of the extremely sensitive nature of these types of problems and

the potential “spill-over effect” on the job future and personal lives of all involved, the following procedures are established.

C. When a complaint of illegal/improper harassment is made against an employee or person doing business with the City:

1. A complaint file will be opened by the ~~Personnel Officer~~Human Resources Administrator which will be separate from the personnel file of the employee involved. Said file will be confidential to the extent allowed by Florida law and will be available only to the City Manager, or his designee, for the specific case, and;
 - a. The City Attorney and City Labor Counsel;
 - b. Investigators, if any (until the investigation is completed) assigned the specific case by the City Manager.
2. Investigators assigned to handling the complaint will not discuss any aspect of the investigation with anyone, except those persons who have access to the file as provided in Paragraph 1 above and then only upon request or as necessary to complete the investigation.
3. The investigators will be charged with the responsibility of gathering information relevant to the complaint. The identity of persons interviewed will remain confidential except to those persons enumerated in Paragraph 1 above unless otherwise directed by the City Manager or required by law.
4. Unless otherwise directed by the City Manager, the investigation will be supervised by the City Attorney or the City Labor Counsel.
5. Upon completion of the investigation the investigators will make a verbal report to the City Manager.
 - a. A record of the decision of management will be made in the separate file by the City Manager and the parties will be advised of the decision.
 - b. If the decision involved discipline of any employee other than oral reprimand (e.g., written reprimand, suspension or discharge) a copy of the actual notice of disciplinary action will be placed in the employee’s personnel file.

- c. If the person against whom the claim was made is exonerated or no disciplinary action other than oral reprimand is taken, no entry will be made in the personnel file. In such instance, the complaint investigation shall clearly state whether there was no merit to the complaint or that it was insufficiently serious to warrant discipline more severe than oral reprimand. If any oral reprimand was given, the City Manager shall prepare a memo explaining the oral reprimand. The complaint investigation file will not be disclosed to anyone other than as provided in Paragraph 1 above unless disclosure is required by law.

SECTION ~~2322~~

PENSION

~~2322~~.01 SECTION 457 DEFERRED COMPENSATION PLAN

The City maintains a Section 457 Deferred Compensation Plan for eligible employees. Employees may select from three providers, ICMA, Great West or Nationwide.

~~2322~~.02 (LOCAL ORDINANCE) PENSION PLAN

A. The City maintains a Defined Benefit Pension Plan for eligible employees, not covered by the Florida Statutes Chapter 175 and Chapter 185 Pension and Disability Plans. Participation by eligible employees is mandatory, and the employee and City share in contributions. The City will advise as to the mandatory City and employee contribution rates.

B. The City maintains a Section 401a Defined Contribution Plan for MAPS employees. The City only contributes to this plan.

C. The City maintains a Section 401a Defined Contribution Plan for eligible General and IAFF employees. The City and the employee share in the contributions.

~~2322~~.03 DETAILS AND COPIES

Copies of the Summary Plan Description, which includes the requirements for eligibility for each of the plans generally described in Sections ~~2322~~.01 and ~~2322~~.02 above, have been provided to all eligible employees. Additional copies, as well as a copy of each entire plan, are available in Human Resources~~Personnel~~. The Summary Plan Description provides details as to eligibility, cost, benefits, and all other related matters.

SECTION 2423

PERFORMANCE EVALUATIONS

2423.01 THE PERFORMANCE EVALUATION SYSTEM

- A. The process for rating the work performance and work attitude of employees accurately is important to the efficient operation of the City and the job opportunities for employees.
- B. Performance Evaluations (PEs) are given to evaluate the employee's work attitude, quality, quantity and performance and to assist the employee and management in recognizing strengths and weaknesses and to assist in improving areas identified as weak.
- C. PEs will be conducted annually for employees and on other occasions as determined necessary by the Director.

2423.02 USE

In addition to assisting employees and management in achieving and maintaining acceptable or better job performance, PEs are considered in determining advancement, merit pay increases, disciplinary actions and other job related actions.

2423.03 REVIEW

A full-time employee may seek review of his PE under Section 13, provided the decision of the Director shall be final unless the employee alleges a violation of Section 1.05.

2423.04 MAINTENANCE OF RECORDS

The ~~Personnel Officer~~Human Resources Administrator will maintain the original copy of completed performance evaluations in each employee's personnel file.

SECTION ~~2524~~*

DRUG-FREE WORKPLACE AND ALCOHOL POLICY

~~2524~~.01 POLICY

The City's Drug-free Workplace Policy is aimed at insuring "0" tolerance to illegal drugs at all times and its Alcohol-Free Policy to "0" tolerance under circumstances that affect or might affect the safety and well being of employees, citizens and others, or the effective operation of City business. In addition, all employees required to have a Commercial Driver's License (CDL) under Chapter 49 CFR Part 383 are subject to controlled substance and alcohol testing rules established by the Federal Highway Administration (FHWA) under the Omnibus Transportation Employee Testing Act of 1991 (revised February 1994), in accordance with 49 CFR, Parts 40, 383, 392, 4, and 392.5 regulatory penalties for infractions are in addition to disciplinary action including termination of employment.

~~2524~~.02 PROHIBITIONS

- A. *Illegal controlled substances.* The City prohibits the use, distribution, possession, manufacture, cultivation, sale or attempt to sell or distribute illegal controlled substances at any time whether on or off duty, whether on or off City property. Illegal controlled substances are defined by applicable State and Federal laws.
- B. *Alcohol abuse.* Employees of the City are prohibited from using or possessing alcohol while on duty; while on City premises; while driving a City vehicle, operating a piece of City equipment, or being transported in City vehicles at any time; reporting to work under the influence of alcohol; or, from otherwise using alcohol in a manner at any time which adversely affects the business interests of the City.

~~2524~~.03 USE OF LEGAL DRUGS

The use of legal drugs, that is drugs prescribed by licensed physicians for a specific medical purpose, is often necessary. However, such drugs can and often do have a direct impact on the vigilance, judgment and/or coordination of the employee and adversely affect the employee's job performance and the employee's ability to work in a safe and efficient manner. This is particularly true in safety-sensitive assignments involving the operation of motor vehicles and other moving equipment. Therefore, an employee for whom a licensed physician or dentist prescribes a controlled substance, must advise the supervisor

immediately in order that an evaluation can be made on the impact, if any, on the safe and efficient operation of the City.

2524.04 TESTING

- A. Substances Tested For: Employees will be subject to drug testing for the detection of the following illegal drugs/drug groups, as well as others that may from time to time be declared illegal by state or federal law:
 - 1. Amphetamines
 - 2. Barbiturates
 - 3. Benzodiazepines
 - 4. Cannabinoids (marijuana)
 - 5. Cocaine
 - 6. Methadone
 - 7. Methaqualone
 - 8. Opiates (heroin, morphine, codeine)
 - 9. Phencyclidine (pcp)
 - 10. Propoxyphene
- B. Testing for Illegal Controlled Substances – Classes of Employees/Circumstances, Subject to applicable law:
 - 1. Employees in special risk and safety sensitive positions.
 - (a) Special risk and safety sensitive employees include all employees in all classifications of requiring a CDL license, and all police officers authorized to carry a weapon, firefighter EMTs and firefighter Paramedics regardless of their rank. Other employees who are considered special risk or safety sensitive shall be notified of said status in writing.
 - (b) Applicants and employees are subject to testing on the same basis as other employees under Section 2524.04(B)(2), except no reasonable suspicion is required for testing such employees for illegal controlled substances for:

- (1) When involved in any accident involving any personal injury that results in a worker's compensation claim or serious damage to property occurs.
- (2) As otherwise allowed or required by law, provided unless required by law, there shall be no random drug testing except in conjunction with rehabilitation under Section ~~2524~~.08.

2. Non-Safety Sensitive/Special Risk Employees.

- (a) All job applicants shall be subject to pre-employment drug testing as a prerequisite to employment with the City. It is the obligation of the job applicant to notify the approved testing facility of any controlled substances prescribed for the job applicant by a physician or dentist.
- (b) When an employee is involved at any time directly in an equipment or vehicular work-related accident, any accident on-the-job, or in any unsafe and/or negligent maintenance or operation of the City's equipment or vehicles at any time where in the opinion of the City Manager the employee was at fault or the employee's conduct contributed to the accident and there is reasonable suspicion to believe the employee was in violation of Section ~~2524~~.02(A) or (B).
- (c) When reasonable suspicion exists to believe the employee is using drugs or alcohol in violation of this policy. Reasonable suspicion is a belief by two (2) or more supervisors or managers that an employee is using or has used drugs or alcohol in violation of this policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:
 - (1) Observable phenomena while at work, such as direct observation of drug use or of physical symptoms or manifestation of being under the influence of a drug or alcohol;
 - (2) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
 - (3) A report of drug use;

- (4) Evidence that an individual has tampered with a drug test during his employment with the City;
- (5) Information that an employee has caused, contributed to, or been involved in an accident while at work;
- (6) Evidence that an employee has used, possessed, manufactured, cultivated, sold, solicited, or transferred drugs;
- (7) Frequent absences from work without a satisfactory explanation.

C. Employee Rights – When testing to determine the presence of illegal controlled substances under subparagraphs (1) and (2) above:

- 1. Employees and job applicants have the right to consult with the testing laboratory for technical information regarding prescription and non-prescription medications. The name, address and telephone number of the testing laboratory will be provided to the employee or job applicant upon request.
- 2. All test results will be kept confidential and will only be provided to managerial employees on a need-to-know basis.
- 3. For tests under Section ~~2524~~.04(B)(1)(b)(1) and (2), Employer shall meet with and inform an employee that, in the opinion of the Employer, there is a basis for reasonable suspicion and of the Employer's intention to schedule a drug or alcohol screen or test. At said meeting, the Employer shall consider the comments of the employee regarding the matter and shall then make a final determination of whether to proceed and require the screen or test.
- 4. Employee may upon his request have a representative present at said meeting, however, the meeting shall not be delayed because the employee wishes to have a specific representative present. If it is determined by the Employer that a drug or alcohol screen or test will be required, the employee shall be immediately escorted to the appropriate facility for the test. Refusal by the employee to submit to said test may be grounds for disciplinary action, including termination of employment.
- 5. If the employee is in a collective bargaining unit, the representative in subparagraph (4) above may be a Union representative.
- 6. Procedures for testing for the presence of illegal controlled substances shall be conducted consistent with the provisions of

Florida Statute 440.102(5)(a) through (o) and (6) for alcohol, a positive result is 0.02, or greater. For drugs, a positive result is in accordance with the detection levels established by HRS guidelines.

7. The common and chemical names of the substances identified in Sub-section A above, a copy of *Florida Statute* 440.102(5) and (6) and a list of local drug rehabilitation programs is available from Personnel.

| **2524.05** REPORTING AND CONVICTION OF ALLEGED CRIMES INCLUDING DRUGS OR ALCOHOL

- A. All employees must report to their supervisor any arrest, indictment or conviction of a drug or alcohol related violation or alleged violation of law not later than the next work day after they become aware of it. Failure to so report may result in immediate termination.
- B. Upon conviction of a crime involving illegal drugs, the employee will be immediately terminated.
- C. Without regard to prosecution or conviction by appropriate governmental entities, the City may, at its option, conduct its own independent investigation to determine whether or not there has been a violation of the City's drug and/or alcohol policy. If, in the opinion of the City, it believes a violation has occurred, it will take whatever disciplinary action it deems appropriate regardless of the ultimate outcome of any criminal case that may be brought against the employee.

| **2524.06** DISCIPLINE FOR VIOLATION OF POLICY

Employees who violate this policy or who are directed to take a physical examination, blood, breathalyzer, urinalysis or other test allowed by law, and refuse or fail to do so when and as directed; or who, after having taken such examination and/or test are determined to have utilized illegal controlled substance at any time or to have violated the City's Alcohol Abuse Policy, shall be subject to immediate termination; provided, however, if the presence of an illegal controlled substance is established as a result of the test, the employee or job applicant may, within five (5) working days of receipt of written notification of a positive result, request an opportunity to explain the result to the City and/or the medical review officer.

| **2524.07** EMPLOYEE INJURED ON THE JOB

Any employee injured on the job who refuses to submit to a drug test, or has a positive confirmation test, in addition to other provision of the policy, may forfeit

his eligibility for all workers' compensation medical and indemnity benefits depending on applicable law.

2524.08 EMPLOYEE ASSISTANCE PROGRAM

The City has an Employee Assistance Program (EAP) with one of its missions being to assist employees who voluntarily report drug or alcohol related problems, which have not yet adversely affected their job or City operations. The City may require any employee in violation of this policy, whether he voluntarily reports his problem or not, to participate in the EAP or other medical and rehabilitative assistance programs as a condition for continued employment. For further information regarding the EAP, contact the ~~Personnel~~ Human Resources Office.

- A. *Employees Who Voluntarily Ask For Help.* Employees with drug or alcohol related problems who wish assistance through the EAP may contact the EAP provider on a confidential basis or through the Personnel Office. If the request is made through the ~~Personnel~~ Human Resources Office, City referrals will be made only upon execution by the employee of a release to the EAP provider to keep Personnel advised as to the employee's attendance and progress in the rehabilitation program. If the employee has a satisfactory performance record and is otherwise qualified to perform his job, the City may grant the employee an unpaid leave of absence for a period determined by the City to participate in a City approved treatment or rehabilitative program. Such a leave will be granted only one (1) time. This employee will be responsible for all expenses resulting from the treatment or program to the extent they are not covered by insurance.
- B. *Other Employees.* In the event the City discovers a violation of this drug or alcohol policy, or an alcohol-related problem that adversely affects or may adversely affect the employee's performance or the City business, the City may proceed to discipline the employee up to and including discharge, or at its option, require the employee to undergo approved medical or rehabilitative assistance. The City may grant the employee leave with or without pay to participate in a rehabilitation program, including referral to the City EAP program. Such leave may be granted only one (1) time. Allowing of rehabilitation under the City EAP program will be conditioned on the execution of a consent by the employee to allow the EAP provider, or persons providing medical or rehabilitative assistance to keep ~~Personnel~~ Human Resources advised of the employee's attendance and the success of rehabilitation. The employee will be responsible for all expenses resulting from the treatment or rehabilitation to the extent they are not covered by insurance.
- C. *Return to work.* Employees who are granted a leave of absence under paragraph A or B above must successfully complete all EAP, medical and

other rehabilitative requirements established by the City within a reasonable amount of time. A successfully rehabilitated employee who has been granted a leave of absence under A above shall be returned to his former job provided he successfully completed rehabilitation within the period of his leave. Return is also conditioned on maintaining all certifications required of the job. Employees who successfully complete rehabilitation under B above within the period of his leave will be returned to his former job if vacant, but if not to any vacancy which the City considers him qualified to perform, if any, and if there is none he shall be terminated.

- D. *Re-testing.* Employees allowed to return to work from an illegal controlled substance problem shall be subject to re-testing any time without notice and must submit to such test as and when directed by the City for one (1) year after they have been free of illegal drugs as determined by the City, or its designee.

2524.09 REPORTING VIOLATION OF THE POLICY

- A. *Reporting violations.* It is the obligation of every employee of the City to report violations of the City's drug and alcohol abuse policies. Failure to report may subject employees to discipline up to and including discharge.
- B. *Good faith reports.* Any employee who in good faith, based upon reasonable suspicion or observation, reports an alleged violation of these policies, or any supervisory or managerial employee who investigates or take action in good faith based on reasonable suspicion or observation shall not be harassed, retaliated against, or discriminated against in any manner for making reports, participating in the investigation or because of any reasonable action he takes as a result of the investigation.
- C. *Bad faith claims.* Any knowingly false reporting of a violation of the policies set forth herein shall subject the employee to immediate termination.

2524.10 COORDINATION WITH THE ~~PERSONNEL~~ HUMAN RESOURCES OFFICE

All action taken by members of management under this Section ~~25-24~~ must be coordinated through the ~~Personnel Officer~~ Human Resources Administrator to ensure compliance with all applicable laws.

SECTION ~~26~~25

EDUCATIONAL INCENTIVES AND BENEFITS

~~26~~25.01 TUITION

The City may authorize payment for tuition for courses it considers will be helpful to successful completion of the mission of the City subject to budgetary constraints as follows:

- A. The City Manager, or his designee, shall determine if the course or curriculum is related to the employee's job or contributes to the long range value of the employee to the City.
- B. If the course is reimbursable through some other source, then provisions of the City's education tuition payment plan shall not apply.
- C. Based on budgetary constraints, the City Commission shall budget a set annual amount for tuition reimbursement. Once that amount is dispersed, no other reimbursement requests will be approved.

~~26~~25.02 ELIGIBILITY

- A. Fulltime employment with the City at least one (1) year, unless the City Manager grants an exception.
- B. The educational training can be at the post high school or adult educational levels.
- ~~B.~~ C. ~~No~~ more than two (2) courses per quarter or semester (or equivalent period of time) may be taken.
- D. No employee will be reimbursed for more than six (6) classes in a calendar year unless previously approved by the City Manager.

~~26~~25.03 REQUESTS AND PAYMENT

- A. The employee must request to their Director, in writing prior to new fiscal budgets being finalized, by submitting an application to their Director with a school schedule attached prior to enrollment. In order to process the request in a timely manner, employees should make every effort to request necessary funding as soon as school schedules are released. Failure to obtain approval in advance may result in requests for reimbursement being denied.

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B. Employees are encouraged to attend any accredited technical or trade school, Florida College or University; however, tuition reimbursement shall be paid at the Public College or University tuition rate (see application). Correspondence schools will not be considered for tuition reimbursement. Employees shall not be reimbursed for mileage or personal expenses unless they are required by the City Manager, or his designee, to take the course.

C. The employee shall submit to the ~~Personnel~~ Human Resources Office the final grade, certification, or degree (if applicable) and paid receipts in order to receive reimbursement. Students utilizing financial assistance and that have deferred payment until a later date can request payments be made directly to the lender.

D. Tuition Reimbursement will be made according to the following matrix:

1. Grade A = 100%

2. Grade B = 75%

3. Grade C = 50%

4. Grade D or below: 0%

5. Grade P = 100%

C.

2625.04 REPAYMENT BY THE EMPLOYEE

The employee who receives any funds under this program shall be required to work for the City for at least one (1) year, or longer depending on applicable law or departmental policy, from date money is received, or shall reimburse the City for every dollar received upon termination. The City reserves the right to withhold the money owed from any final paycheck upon separation subject only to applicable law. The City Manager may excuse repayment in whole or in part for circumstances he determines to be extenuating and justifiable.

2625.05 SCHEDULES

The City will attempt to rearrange work schedules for classes if it does not interrupt the normal work flow.

2625.06 INCENTIVE PAY

When the State or other governmental agency mandates additional pay for a class of employees and funds or reimburses the City for same, the City will provide the incentive pay to those employees who meet and maintain the

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| qualifications to receive the incentive pay. Department Directors are required to advise the ~~Personnel~~ Human Resources Office of employees in their Department who are eligible for such pay.

SECTION ~~2726~~*

MISCELLANEOUS

~~2726~~.01 SMOKING/TOBACCO PRODUCTS

- A. The purpose of this policy is to protect the public health, comfort, and environment for citizens and employees by creating areas in public places and at public meetings that are reasonably free from tobacco smoke, to comply with Florida Statute, the Florida Clean Air Act and problems created by the use of other tobacco products in the workplace.
- B. No person may smoke or use any tobacco product in any City building, facility or vehicle. This includes, but is not limited to, private offices, hallways, rest rooms, conference rooms and break rooms, even with only one (1) occupant.
- C. Smoking is permitted outdoors except for the following conditions:
 - 1. Whenever a safety hazard exists;
 - 2. In any area where smoking is specifically prohibited by Federal, State, County or City Ordinance;
 - 3. In any area posted "No Smoking".
- D. The City Manager shall be responsible for ensuring City-wide implementation of this policy. Directors and Managers shall be responsible for uniform implementation of this policy in their respective work areas, facilities and buildings.
- E. Violation of this policy shall subject the employee to disciplinary action up to and including termination.
- F. Citizens, clients, contractors and visitors to City facilities shall be expected to comply with this policy. Violators shall be requested to extinguish their smoking material or to leave the building/facility area if they refuse to do so.

~~2726~~.02 UNEMPLOYMENT COMPENSATION

- A. The City is registered with the State of Florida Bureau of Unemployment Compensation.

Terminated employees who file a claim and are determined qualified under the Florida Unemployment Compensation Law may be eligible to receive unemployment compensation benefits. Employees who are terminated for violation of the City Drug Free Workplace Policy may not be entitled to unemployment compensation under Florida law.

~~2726~~.03 WORKERS' COMPENSATION

- A. ~~The City will pay regular full-time employees on leave covered by the Workers' Compensation Law for the first twelve (12) months at their regular hourly rate for their regular straight time schedule, provided they sign over to the City checks for lost wages received from the workers' comp insurance carrier. After the first twelve (12) months, if the employee remains on workers' compensation, the employee may use accumulated but unused vacation and sick leave to supplement workers' compensation as provided in Sections 16.07(D) and 17.03(A)(5). When an employee is injured on the job and losses time from work as a result of that injury, the employee will receive only that which is required under Workers' Compensation Law. The amount paid by the workers' comp insurance carrier will be paid directly to the employee. At the request of the employee the balance can be deducted from the individual's accrued sick or vacation balances to make up their regular straight time income.~~
- B. Injury or compensable illness shall be determined to have incurred while on duty with the City only if such injury is a compensable injury under Florida's worker's compensation law. ~~In the event of any dispute or disagreement concerning the interpretation of the entitlement to or amount of compensation, said dispute shall be resolved in accordance with the Florida's worker's compensation law, and not under any collective bargaining agreement, or this PRR.~~
- C. Length of disability shall be determined by the Employer's physician in accordance with worker's compensation law. ~~Additional payments made by the Employer during the twelve (12) month period shall not be charged against any leave time which the employee may have accrued.~~
- D. ~~Sick and vacation~~Paid Time Off (PTO) accrual shall continue for a maximum of twelve (12) months for employees who are receiving worker's compensation benefits due to a compensable on-the-job injury or compensable illness.
- E. If the employee's claim is later determined by law to be invalid, the employee shall reimburse the City for supplemental compensation received and as to benefits received or accrued, he shall be treated as having been on unpaid leave of absence; provided, he shall not be required to repay accrued ~~vacation or sick leave~~PTO used to supplement workers' compensation. Failure to repay the City upon demand or under

terms agreeable to the City will result in termination of employment, and loss of accumulated sick and vacation leave to the extent necessary to cover the reimbursement. To the extent not fully reimbursed, the City may collect by any means allowed by law.

- F. The "Notice of Injury" form must be submitted following an accident or injury, regardless of severity within twenty-four (24) hours. Failure to submit such form will result in disciplinary action.
- G. When an employee is released from Workers' Compensation to return to full duty, any subsequent absences related to that sickness or injury will not be paid by the City unless the City receives payment from the Workers' Compensation carrier. The employee may utilize accrued unused ~~sick leave~~PTO to compensate for lost wages so long as the employee meets the requirements for use of ~~sick leave~~PTO under the Personnel Rules and Regulations or any collective bargaining agreement. The twelve month limitation set forth in subsection A above shall apply.

2726.04 DESKS, LOCKERS, OTHER CITY PROPERTY/EQUIPMENT,
PERSONAL PROPERTY

- A. Employees may request a locker if available.
- B. All personal equipment, clothing, property and belongings, including, but not limited to, car trunks and lunch bags, brought onto the City property or placed in City property, as well as lockers, desks, file cabinets and other City equipment used by employees, are subject to inspection by management at any time if management has any reason to suspect they contain or may contain anything the possession of which would violate a City or department ordinance, rule, procedure or policy, or any Federal, State or Local law or regulation.
- C. In the event the employee is unavailable or it is deemed necessary to access any item described in Section 2726.04(B) above without the employee's presence, the Director must request authority to access from the City Manager. The City Manager shall make the determination.
- D. Prescription eyeglasses, contact lenses, hearing aids and watches of employees that are lost, damaged or destroyed in the line of duty, except through employee negligence, shall be replaced or repaired at the Employer's expense subject to the following restrictions. The Employer shall not be responsible for any other personal property which is lost, damaged or destroyed in the line of duty.
 - 1. The maximum reimbursement for prescription eyeglasses, contact lenses and hearing aids shall be the cost of replacing the precise

item of one of equal quality or two hundred fifty dollars (\$250.00), whichever is less.

2. The maximum reimbursement for watches shall be the cost of replacing the item with one of equal quality or one hundred fifty dollars (\$150.00), whichever is less.
3. Request for reimbursement for lost or damages personal property shall be made in writing to the employee's immediate supervisor during the work shift in which the article of personal property was damaged or lost.
4. Except when lost, the item for which reimbursement is sought must be turned in along with the written request for reimbursement.
5. Reimbursement for lost or damaged personal property must be approved by the Employer.

2726.05 RECORDS AND REPORTS

~~Personnel~~ Human Resources Administrator is responsible for establishing and maintaining comprehensive central personnel records of all City employees.

- A. All records and material relating to the administration of the City Personnel Management System shall be considered confidential to the extent allowed by law and the property of the City.
- B. Employees should keep their personnel records current. This means immediately notifying ~~Personnel~~ Human Resources of any changes; such as, change of address (even if temporary), change of telephone number, change of beneficiary, number of dependents, divorce, marriage or any status change not previously reported, from that which was originally given at the time of employment. This is the responsibility of the employee and failure to comply may result in loss of employee benefits.
- B. ~~Personnel~~ Human Resources should be informed of any special training courses completed by an employee. Copies of diplomas or certificates shall be forwarded to the ~~Personnel~~ Human Resources Office to become a permanent part of the employee's personnel file.

2726.06 EMPLOYEE TRAINING AND DEVELOPMENT

It is the responsibility of the City Manager in conjunction with Department Directors and the ~~Personnel~~ Office Human Resources Administrator, to foster and promote in-service training of employees. The purpose of this training is to improve the level of service rendered to the public, the quality of personnel, and to assist employees in preparing themselves for advancement in City service.

Department Directors in cooperation with the ~~Personnel Office~~ Human Resources Administrator will establish standards for training programs, assure that training is carried out as approved, and prepare certificates or other forms of recognition to persons who satisfactorily complete approved courses and programs. The ~~Personnel Office~~ Human Resources Administrator will provide assistance to Department Directors in developing and conducting training to meet specific needs of their departments and to assure that employee, supervisory and management training are available to all Departments.

~~2726~~.07 DEDUCTIONS

Federal withholding, Social Security and pensions are deducted from paychecks in accordance with law and City ordinance. Voluntary deductions authorized by the City Manager, are made only upon written authorization of the employee and approval by Personnel and by the Finance Department. Employees who believe that an improper pay deduction has been made, may utilize the grievance procedure in Section 13 to file a complaint. If the deduction is found to be improper, the City will reimburse the employee.

~~2726~~.08 CELL PHONES

When it is deemed that a City employee has a need for a cell phone to effectively perform their job requirements, the following policy shall apply:

- A. A requisition for the cell phone shall be submitted along with written authorization from the Director explaining the reason for the need for the employee to have a cell phone. ~~Cell phone vendors must be approved in advance by the City Manager, or his designee.~~ The cell phones shall remain the property of the City and will remain so until it is declared surplus and disposed of in a manner acceptable to the City. All bills for the use of the cell phone shall be sent to the City, care of the Finance Department. ~~The employee shall reimburse the City for all calls over the allowed monthly allotment.~~ The employee shall reimburse the City for all personal calls transacted by the use of the cell phone ~~upon request by the City Manager at the rate of 5 cents per minute.~~ Reimbursement shall be by cash or by submittal of a check or money order made out to the City.
- B. If an employee is using their personal cell phone for City business calls, they shall be responsible for full payment of their bill and the City will pay them a stipend of \$25 per month thru payroll (\$300 annually) ~~and may submit requests for reimbursement for the City business calls only to the Finance Department using the proper form. Written authorization from the Director for the reimbursement along with a copy of the bill highlighting such calls must be submitted with the Request Form. Reimbursement will be given in the employee's name only, not to the cell phone service provider. The rates established for the cell phone service shall remain between the employee and the service provider. Most cell phone service~~

~~providers offer governmental employee rates.~~

- C. Should a dispute arise involving any of the above procedures, the decision of the City Manager shall be considered final and binding.

2726.09 ELECTRONIC COMMUNICATIONS USAGE AND RETENTION

The availability of e-mail and Internet resources are offered to the employees for the furtherance of their work as City employees. However, it is recognized that occasional communication between employees at work via e-mail; for personal reasons under circumstances that do not take away from or interfere with their duties or the duties of those employees with whom they communicate, is not prohibited except:

1. No e-mail will contain any material which is political, slanderous, controversial, critical of any person or entity, or which contains vulgar language, reference to sexual matters or is otherwise inappropriate.
2. E-mail for personal reasons should be used only when it is important for the employee to communicate with another employee at work about a personal matter and another method of communication would take time away from the employee's work. E-mail is not to be used for "chit-chat" and telling jokes.
3. E-mail to persons not employed by the City is prohibited unless e-mail communications with such persons is part of your job.
4. The City Manager or his designee will determine when this section is being violated.

E-mail transmissions, e-mail passwords, and any information transmitted via the City e-mail network are the property of the City of St. Pete Beach and are open to examination by the public, news media or any City official. Employees should not have any expectation of privacy with respect to the contents of such communications. The City reserves the right to make public all personal e-mails, therefore, employees should not put anything in an e-mail they do not want to be made public upon a proper request made in accordance with applicable law. E-mail transmissions are governed by Chapter 119 F.S. and will be retained by the City in accordance with that statute. This can be done either by printing a hard copy which will be kept according to the required retention period set by the State of Florida or by backing up to electronic mail and retaining it in digitized form for the required retention period. It shall be the responsibility of the sender to ensure the proper retention of the information.

E-mail transmissions and web site activities that are vulgar, offensive,

obscene, discriminatory, harassing, or otherwise inappropriate are prohibited.

Checking personal e-mail accounts (i.e. AOL, hotmail, etc.) through City computers is prohibited.

Chat room usage is expressly prohibited

E-mail transmissions that unlawfully distribute copyrighted materials, coordinate illegal activities (e.g. gambling) and facilitate illegal conduct are strictly prohibited.

E-mail passwords and corresponding accounts are non-transferable. Employees are responsible for maintaining the confidentiality of their passwords and corresponding accounts.

Employees may not install unapproved software packages on their computers without obtaining advance permission from the City Manager or his designee.

Violation of this policy will subject the employee to disciplinary action, up to and including termination.

To ensure that the use of the City's electronic communication system is consistent with the City's legitimate business interests and not a violation of this section, authorized representatives of the City will monitor the use of such equipment from time to time. No notice of such monitoring will be given.

REMEMBER: Our computer system is for City business and any personal use should be as limited as possible and must comply with all of the standards set forth in this policy.

2726.10 TAKE-HOME VEHICLES

- A. Some City employees have City vehicles at their disposal so they may carry out their duties properly. Because City vehicles are typically marked, the way they are operated has a direct impact on the public image of the City. Employees operating City vehicles will adhere to the following rules:
1. Operator will possess a valid Florida driver's license.
 2. All vehicular safety laws will be observed.
 3. Safety belts will be used at all times when the vehicle is in operation.
 4. In the event that a City vehicle is involved in an accident, the employee will notify the appropriate law enforcement agency and

the employee's immediate supervisor, the Director and ~~Personnel~~Administrative Supervisor.

5. City vehicles will be used for official business only; they will not be used for pleasure or personal business unless otherwise approved by the City Manager.
 6. Any employee who abuses a City vehicle in any manner will be subject to disciplinary action including possible payment for the deductible portion of damages to the vehicle.
- B. Overnight use of a non-assigned City vehicle will require approval of the City Manager before a vehicle is driven home. Such use normally will be authorized only under the following conditions:
1. The employee requires use of a vehicle overnight or whose responsibilities involve an evening or weekend public appearance. (i.e. Code Enforcement)
 2. The employee holds a position with duties and responsibilities involving on-call or standby status.
 3. The employee is traveling on City business.
 4. Operator will possess a valid Florida driver's license.
- C. In addition to the rules for operating a City vehicle, employees who are assigned overnight use of City vehicles will adhere to the following rules:
1. Under no circumstances will the vehicle be used for transporting members of the employee's family or for anything pertaining to personal business or pleasure unless otherwise approved by the City Manager.
 2. The employee will be responsible to keep the vehicle in clean condition.
- D. Vehicle assignments may change from time to time, and each vehicle will be available for other purposes when not being used by the employee to whom it is normally assigned.
- E. All vehicles, which are not to be driven home by employees, will remain parked overnight in the building parking lot where the vehicle is assigned.

2726.11 SAFETY

- A. All Directors, managers and supervisors are to take all reasonable steps to ensure that City employees work in an environment free from hazards and dangerous conditions which they observe or which, with the exercise of reasonable diligence, they should have observed. They also are responsible to enforce all City, Departmental, State, Local and Federal laws relating to safety applicable to their area of responsibility.
- B. All employees are required to abide by all applicable City, Departmental, State, Local and Federal safety laws and regulations applicable to their area of responsibility.
- C. All employees should report to their Department Director or Supervisor, any condition, equipment or practice they consider to be unsafe.

~~D.~~ D. Employees who are required to must wear safety equipment and clothing provided by the City must do so. Failure to do so will justify immediate termination.

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26.12 LIGHT DUTY

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A. If an employee is released by his physician for "light duty," return to light duty shall be at the option of the City based on its operational needs. Refusal to accept a light-duty assignment by the City Manager, or his designee, which the employee is capable of performing in accordance with applicable law will result in termination of employment.

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B. The employee will be paid his normal hourly rate for light duty work.

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C. No PTO will be charged for those hours worked while on light duty.

SECTION ~~2827~~*

GROUP HEALTH INSURANCE

~~2828~~.01 INSURANCE

The Employer shall provide health insurance selected by the Employer to include dependent coverage at the option of the employee. In the event that more than one (1) plan is offered, the Employer shall pay the individual premium cost for the lowest plan offered. To be eligible for employee insurance, an employee must be classified regular full-time.

~~2827~~.02 DEPENDENT COVERAGE

The employee shall have the choice of plans offered by the Employer and shall be responsible for the premium cost for dependent coverage not paid by the Employer.

~~2827~~.03 LIFE INSURANCE

The Employer will provide life insurance coverage for employees in the amount of one times the employee's annual base salary, to a maximum of \$100,000.00. This coverage will be in addition to any life insurance required by state law, if any, for a particular classification or group of employees.

~~2827~~.04 RETIREES

Upon retirement under a City sponsored retirement plan, a retiree shall be allowed to continue participation in the City Group Medical Insurance Plan for himself and his dependents at his own cost under conditions acceptable to the City as to payment, subject to the terms of the Plan and applicable law.

~~2827~~.05 CAROUSEL BENEFITS PROGRAM

- A. An employee may elect not to participate in the City Group Medical Insurance Plan upon proof acceptable to the City that the employee is covered by another health plan.
- B. An employee wishing to opt out of the City Group Medical Insurance Plan shall complete the forms and supply proof of other coverage with the Personnel Office.
- C. If approved by the City, the employee will be paid ~~eight two dollars and 75 cents~~ ninety-nine dollars and 41 cents bi-weekly in lieu of Group Medical Insurance coverage for those weeks he would have been covered by the City plan but for his opt out.

- D. The employee may utilize the amount received as he wishes, including participating in voluntary benefit plans offered by the City.
- E. It is the obligation of the employee to advise the City in writing immediately in the event the employee no longer has other Group Medical Insurance or the plan on which the City allowing the opt out has changed.
- F. The City reserves the right to withdraw its approval of an employee's opt out at any time for failure to provide satisfactory proof of alternative coverage and to change the benefit options available to all City employees.

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

Issue Considered: Resolution 2013-13, amending and restating Resolution 2009-12 which governs actions and deliberations during City Commission meetings in order to maintain decorum

Date: August, 2013

Prepared By: Mike Bonfield, City Manager

Summary of Issue: This resolution was first heard on June 25th as Resolution 2013-08. This resolution number had already been assigned to another Resolution; therefore, it has been presented again with a new number.

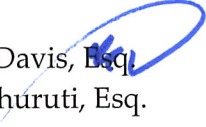
Requested Motion: “I move to approve Resolution 2013-13... (read title).”

Attachments: City Attorney Memo
Resolution 2013-13

**Reviewed by
City Manager:** MB

MEMORANDUM

TO: Honorable Mayor Steve McFarlin and
City Commissioners for the City of St. Pete Beach

FROM: Michael S. Davis, Esq. 
Susan H. Churuti, Esq.

DATE: June 17, 2013

RE: Revised Decorum Resolution

We recommend that you revise your decorum resolution as described in the attached resolution in order to remove section 4-4 which reads as follows. That provision is not lawful:

~~3. Any person removed from the Commission Chamber is barred from speaking at future meetings unless permission to address the Commission is granted by the majority vote of the Commission members present.~~

RESOLUTION 2013-13

A RESOLUTION OF THE CITY COMMISSION OF ST. PETE BEACH, FLORIDA AMENDING AND RESTAING RESOLUTION NO. 2009-12, WHICH GOVERNS ACTIONS AND DELIBERATIONS DURING CITY COMMISSION MEETINGS IN ORDER TO MAINTAIN DECORUM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, by Resolution No. 2009-12, the City Commission of the City of St. Pete Beach adopted a policy, which governs actions and deliberations during City Commission meetings, in order to maintain decorum;

WHEREAS, the Florida Legislature passed Senate Bill 50, which sets limitations on the rules and policies that can govern the opportunity to be heard, during the 2013 Regular Term; and

WHEREAS, the City Commission wishes to amend and restate Resolution No. 2009-12 to comply with Senate Bill 50 by repealing Section 4, paragraph 3 of Resolution 2009-12;

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

SECTION A. Resolution No. 2009-12 is amended and restated as follows:

SECTION 1. BALANCE OF RIGHTS AND DECORUM. The City is afforded the means to ensure that individual's right to participate in a public meeting is balanced with maintaining decorum during that meeting. The right of the individual

to express his or her thoughts will generally prevail over restrictions on public participation.

SECTION 2. ADDRESSING THE COMMISSION. Each person who wishes to address the Commission under Citizens To Be Heard shall complete a citizen's comment card and submit the card to the City Clerk.

1. Any person desiring to address the Commission shall first secure the permission of the presiding officer to do so.

2. The remarks of each speaker are limited to three (3) minutes. The presiding officer shall be responsible for tolling the time and advising the speaker when their time has run out. When the speaker's time is finished he or she shall leave the lectern.

3. When the person is recognized by the presiding officer, each person addressing the Commission shall step up to the microphone and shall give his or her name and address in an audible tone of voice for the records. During all quasi-judicial and public hearings on comprehensive plan amendments each speaker is also required to record this information with the City Clerk.

4. If requested by the presiding officer, the person may be required to state whether the person speaks for a group of persons or a third party, if the person represents an organization, whether the view expressed by the person represents an

established policy or position approved by the organization and whether the person is being compensated by the organization.

5. All remarks shall be addressed to the Commission as a body and not to any member thereof.

6. No person other than the Commission, and the person having the floor, may be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the presiding officer. No questions shall be asked except through the presiding officer.

7. Speakers should make their comments concise and to the point, and present any data they wish the Commission to consider.

8. During Audience Comments the discussion cannot include issues on the agenda or previously acted on by the Commission at the same meeting. If the matter was not listed on the meeting agenda, the members of the Commission must limit their participation to listening to the speaker and asking questions of the speaker and/or appropriate City staff for clarification only. Under no such circumstances may the Commission discuss or take any action on matters presented under such circumstances.

SECTION 3. SIGNS, PLACARDS, BANNERS. For public safety purposes, no signs or placards mounted on sticks, posts or similar structures shall be

allowed in the City Commission meeting rooms. Other signs, placards, banners, shall not disrupt meetings or interfere with others' visual rights.

SECTION 4. DECORUM. While the Commission is in session, the members must preserve order and decorum and a member will neither, by conversation nor otherwise delay or interrupt the proceedings or the peace of Commission or disturb any member while speaking or refuse to obey the orders of the Commission or the presiding officer, except as otherwise permitted herein.

1. All those in attendance must be respectful of others' opinions and refrain from making personal attacks. Any person who becomes disorderly or who fails to confine remarks to the identified subject or business at hand shall be cautioned by the presiding officer and given the opportunity to conclude remarks on the subject in a decorous manner and within the designated time limit. Any person failing to comply as cautioned may be barred from making any additional comments during the meeting by the presiding officer, unless permission to continue or again address the Commission is granted by the majority of the Commission members present.

2. If the presiding officer or a majority of the Commission members declares an individual out of order, he or she may be requested to relinquish the podium. If the person does not do so, he or she may be subject to removal from the Commission Chamber.

~~3. Any person removed from the Commission Chamber is barred from speaking at future meetings unless permission to address the Commission is granted by the majority vote of the Commission members present.~~

4. 3. Clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be discouraged. Persons exiting the Commission Chamber shall do so quietly.

5. 4. The City Commission reserves the right to designate the placement of video, still or phone cameras within the commission chamber to minimize disruptions at the public meeting. The use of cell phones in the Commission Chamber is not permitted. Ringers must be set to silent mode to avoid disruption of proceedings. Individuals, including those on the dais, must exit the Commission Chamber to answer incoming cell phone calls.

SECTION 5. ENFORCEMENT OF DECORUM. The Mayor, or anyone acting in his or her stead, shall preserve order and decorum, prevent clashes of personalities or the impugning of members or motives, confine members in debate to the question under discussion and shall decide all points of order to an appeal to the Commission. The ~~Chief of Police~~ Pinellas County Sheriff, or such member or members of the ~~St. Pete Beach Police Department~~ Sheriff's Department as the ~~Chief of Police~~ Sheriff so designates, shall be the Sergeant-at-Arms of the Commission meetings. He,

or they, will carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum of the Commission meetings.

PASSED AND DULY AMENDED, with a quorum present and voting, this ____ day of _____, 2013.

CITY OF ST PETE BEACH, FLORIDA, BY AND THROUGH THE CITY COMMISSION OF THE CITY OF ST PETE BEACH.

By: _____
Steve McFarlin, Mayor

ATTEST:

By: _____
Rebecca Haynes, City Clerk