This is a City-initiated application for review by the Development Review Commission (“DRC”) in its capacity as the Land Development Regulation Commission (“LDRC”). Staff requests that the LDRC make a finding of consistency with the Comprehensive Plan and recommend to City Council APPROVAL of the following text amendments to the City Code, Chapter 16, Land Development Regulations (“LDRs”).

The purpose of this text amendment application is to respond to the Supreme Court’s decision in Reed v. Town of Gilbert regarding the impermissibly content based sign standards and to reorganize and renumber the code for customer usability.

APPLICANT INFORMATION

APPLICANT: City of St. Petersburg
175 5th Street North
St. Petersburg, Florida 33701

CONTACT: Elizabeth Abernethy, Director
Planning and Development Services Department
One – 4th Street North
St. Petersburg, Florida 33711
Elizabeth.Abernethy@stpete.org
(727) 893-7868
COMMISSION AUTHORITY

Pursuant to Section 16.80.020.1 of the City Code of Ordinances, the DRC, acting as the LDRC, is responsible for reviewing and making a recommendation to the City Council on all proposed amendments to the LDRs.

PUBLIC SAFETY AND INFRASTRUCTURE COMMITTEE

The Public Safety and Infrastructure Committee of City Council (PSI) reviewed and discussed the updates for the sign code. During the meeting of March 14th, questions were asked concerning enforcement of the current code, applicability and the Pier District. It was determined at the PSI that a Committee of the Whole (COW) would be scheduled on April 25th to discuss further.

DEVELOPMENT REVIEW COMMISSION

A workshop was held before the Development Review Commission on March 6, 2019.

STAFF ANALYSIS

Background

Current sign standards for the location, size, spacing and design of signs are found in the Use Specific Development Standards Code Section (16.40.120) and are limited to any sign displayed, erected, or visible within the City.

- The key changes to the sign code are as follows: Nearly all sections have been reorganized and renumbered to be friendlier to online searches through Municode. The new system will make it easier for staff and the public to locate regulations responsive to the particular question or situation. The new order will generally be as follows:
  - General provisions, purpose, and definitions
  - Requirements for all signs
  - Zoning specific regulations
  - Regulations particular to a sign type
  - Non-conforming signs
  - Exemptions
  - Prohibited Signs
  - Abandoned Signs
  - Historic signs
- Eliminated around ten definitions which were found to be impermissibly content based in light of the Supreme Court’s decision in Reed v. Town of Gilbert. Several other definitions were amended to conform to Reed or just generally to enhance clarity to the reader. Example: Flags & banners
- Changed the date of non-conformity for grandfathering purposes from 1992 to 2008
- Existing nine zoning related charts were combined into two master charts for freestanding and wall signs. Former Section 16.40.120.17 requirements were added to the chart also in attempt to group related regulations into the same section.
  - City believes this will organization will better showcase the tiered review that occurs with sign applications: general requirements → zoning → specific regulations based on the type of sign requested
• District, neighborhood and subdivision entrances. Previous exemption for Neighborhood & District signs (6 s.f. and 6 ft in height) eliminated, New language added to code provides up to two single face signs per entrance, 24 s.f., 10-ft in height to address requests for these types of signs and “branding”; anticipates future plans and grandfathers existing examples.
• No changes beyond section #s to electronic messaging centers, off premises, and digital off premises signs. Specific findings made to the ordinance referencing the same and that this recodification shall have no effect on current contracts or future agreements with billboard companies.
• Language added to clearly state that temporary signs (unless exempt) require permits prior to installation/display
  o
• Eliminates exempt signs that are content based in light of the Supreme Court’s decision in Reed v. Town of Gilbert (Commemorative, Employment, Free Speech, Garage or Yard Sale, Identification, Menu, Political, Real Estate) and provides for additional temporary residential signs instead, up to 5 temporary signs on single or multi-family lot with 4 units or less, 4 s.f. in area, 6 ft in height

**Consistency and Compatibility (with Comprehensive Plan)**

The following objective and policy from the City's Comprehensive Plan are applicable to the attached proposal:

1.3.2.2:
The policies of this Comprehensive Plan supersede all conflicting provisions contained in existing land development regulations, as of the effective date of this Comprehensive Plan. Development order review and approval may, however, proceed pursuant to the provisions contained in the existing land development regulations where consistent with the policies of this Comprehensive Plan.

Policy:

LU8.1
Pursuant to the requirements of Section 163.3202 F.S. the land development regulations (Chapter 16, City Code of Ordinances) will be amended, as necessary, to ensure consistency with the goals, objectives and policies of the Comprehensive Plan.

**PROPOSED TEXT AMENDMENTS**

The draft ordinance is attached along with the previous code language. As stated, the changes that were made to Chapter 16 completely re-organized the chapter, therefore an underline strikethrough format was not provided.

Attached: Sign Code, current
         Sign Code proposed
         PSI Meeting Minutes – March 14, 2019
Each year, the City of St. Petersburg receives approximately $2 million in State Housing Initiative Partnership (SHIP) funds for its affordable housing programs. To receive these funds, the City is required to maintain an ongoing process for review of local policies, ordinances, resolutions, and plan provisions that increase the cost of housing construction, or of housing redevelopment, and to establish a tracking system to estimate the cumulative cost per housing unit from these actions for the period July 1–June 30 annually. This form should be attached to all policies, ordinances, resolutions, and plan provisions which increase housing costs, and a copy of the completed form should be provided to the City’s Housing and Community Development Department.

I. **Initiating Department:** Planning & Development Services Development

II. **Policy, Procedure, Regulation, or Comprehensive Plan Amendment Under Consideration for adoption by Ordinance or Resolution:**

   See attached proposed amendments to Chapter 16, City Code of Ordinances (City File LDR 2018-02).

III. **Impact Analysis:**

   A. Will the proposed policy, procedure, regulation, or plan amendment, (being adopted by ordinance or resolution) increase the cost of housing development? (i.e. more landscaping, larger lot sizes, increase fees, require more infrastructure costs up front, etc.)

      No [X] (No further explanation required.)
      Yes [ ] Explanation:

      If Yes, the per unit cost increase associated with this proposed policy change is estimated to be: $______________________.

   B. Will the proposed policy, procedure, regulation, plan amendment, etc. increase the time needed for housing development approvals?

      No [X] (No further explanation required)
      Yes [ ] Explanation:
IV: Certification

It is important that new local laws which could counteract or negate local, state and federal reforms and incentives created for the housing construction industry receive due consideration. If the adoption of the proposed regulation is imperative to protect the public health, safety and welfare, and therefore its public purpose outweighs the need to continue the community’s ability to provide affordable housing, please explain below:

CHECK ONE:

☑ The proposed regulation, policy, procedure, or comprehensive plan amendment will not result in an increase to the cost of housing development or redevelopment in the City of St. Petersburg and no further action is required. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)

Elizabeth Abernethy, AICP
Director, Planning & Development Services

3-28-19
Date

OR

☐ The proposed regulation, policy, procedure, or comprehensive plan amendment being proposed by resolution or ordinance will increase housing costs in the City of St. Petersburg. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)

Director, Planning & Development Services (signature)

Date

Copies to: City Clerk
Joshua A. Johnson, Director, Housing and Community Development
ATTACHMENT #1:

SIGN CODE (CURRENT)
SECTION 16.40.120. - SIGN CODE

Footnotes:

--- (15) ---


16.40.120.1. - Purpose and findings.

This section shall be known as the sign code and establishes standards for the location, size, spacing and design of signs. These standards are content-neutral and regulate only the form, not the content, of signs. Each regulation serves a significant governmental interest by furthering the purposes of this sign code. The City finds and determines that the following situations existed in the City and in the county prior to the adoption of this sign code on February 6, 1992, and that these conditions would occur without the regulations established in this revised sign code:

1. Inadequate sign regulation in the City;
2. Lack of attention to the relationship between proper sign regulation and the economic and other effects on the community;
3. Visual distraction and potential safety hazards posed to movement of pedestrian and vehicular traffic on public rights-of-way; and
4. Failure to consider signs as an integral component of the urban landscape.

In order to address these issues, the City finds and determines that the most effective, efficient and equitable approach is the implementation of a system of sign regulation which shall serve as a minimum norm or standard.

The purpose of this sign code is to establish minimum standards for an orderly system of signs and improve the quality of sign regulation in the City in a manner that contributes to the economic well-being, visual appearance, safety, and overall quality of life in the City. In particular, it is the purpose of this sign code to further the following objectives, taking into consideration that the mix of densities and intensities of different uses in each zoning district, the aesthetics of each zoning district, and the speed limits of abutting traffic may require different regulations to ensure that these purposes are met in each zoning district:

To establish a comprehensive system of sign regulation that addresses the full spectrum of principal sign considerations on a uniform basis;

To establish a system of sign regulation that gives special recognition to protecting the aesthetic and scenic beauty of the City and the natural characteristics and visual attractiveness that are essential to the economy and cultural development of the City;

To establish the minimum standards necessary to reduce the visual distraction and safety hazards created by sign proliferation along the public rights-of-way; and

To recognize the significance of signs and appropriate uniform regulation thereof as a component of community appearance and character in the City.

(Code 1992, § 16.40.120.1; Ord. No. 117-H, § 2, 7-24-2014)

16.40.120.2. - Applicability.

This sign code applies to any sign displayed, erected, or visible within the City.

(Code 1992, § 16.40.120.2)
16.40.120.3. - Generally.

A. It is the intent of the City Council to regulate signs consistent with the zoning designation which establishes the character of the area in which the signs are located.

B. All new signs shall comply with all applicable building and electrical code requirements, design requirements, and other applicable requirements.

C. The replacement of a sign face in a lawful sign structure with a sign face of equal size and material shall not require a permit, provided that the sign structure complies with all applicable Florida Building Code, electrical code, and design requirements of this sign code.

D. All signs shall be consistent with a uniform sign plan for multi-tenant structures or developments where a uniform sign plan is required.

E. All signs shall comply with design requirements where required by this sign code.

F. No person shall install, erect or create any sign without first obtaining a permit for the sign, except for exempt signs and prohibited signs, and except as may otherwise be provided specifically. No person who has obtained a permit for a sign shall install, erect or create a sign except in compliance with the terms of this sign code and any conditions or restrictions that may have been imposed upon the issuance of the permit.

Any person who commences such work shall prosecute the work to completion, pass the final inspection, and obtain a certificate of occupancy for such work. Work commenced under a permit which expires before the work is completed shall be deemed to be work done without a permit. It shall be unlawful for any property owner to allow any uncompleted work to remain on property owned by such owner if the work was commenced prior to the issuance of a permit for the work and a permit has not been obtained for the work, or if a permit for such work was obtained but expired prior to completion and final inspection of the work and the permit has not been re-issued.

(Code 1992, § 16.40.120.3)

16.40.120.3.1. - No content restrictions.

It is the intent of the City Council that protection of First Amendment rights shall be afforded by this sign code. Accordingly, any sign, display, or device allowed under this sign code may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with applicable size, lighting, dimension, design, spacing, and permitting requirements of this sign code.

(Code 1992, § 16.40.120.3.1)

16.40.120.3.2. - Exempt signs.

The following sign types are exempt from the permitting process and are exempt from other provisions of this sign code, but are not exempt from the requirements imposed by this subsection or from applicable requirements of the sign code relating to construction, illumination, placement, safety, and nonconformity, and are not exempt from other regulations related to public health, safety and welfare. Such sign types are not calculated as part of allowable freestanding or wall signs unless included as an integral component of a freestanding or wall sign.

Address numbers. The address numbers shall be at least four inches in height, in Arabic numerals and of contrasting color to background and displayed on the front of the structure.

A-frame signs. A-frame signs, when placed on sidewalks in front of businesses within corridor commercial traditional (CCT) and downtown center (DC) zoning districts, shall be allowed only for businesses that are situated in buildings that comply with the design criteria of the corridor commercial traditional (CCT) and downtown center (DC) zoning districts. No more than one such sign shall be allowed for each customer entrance to a business from the sidewalk. An A-frame sign may be displayed on the sidewalk only during hours of operation of the business.
An A-frame sign shall not exceed four square feet and five feet in height. Such signs are not allowed within four feet of the curb of the street. A minimum sidewalk clearance of four feet shall be required.

Artwork. Artwork, provided that all of the following criteria are met:

1. The artwork meets the definition of "artwork" in this sign code; and
2. If the artwork is to be located on a structure that is a designated historic landmark or within a designated historic district, such location shall require approval of a certificate of appropriateness as prescribed in the Code for the preservation of historic landmarks and historic districts.

Banners, museums. At a museum in a nonresidential zoning district, one banner may be allowed for every 50 feet of street frontage up to a maximum of three banners per street frontage. Each banner shall not exceed 240 square feet. Such banners shall not be included in the calculation of the total maximum area for wall or freestanding signs. Both ends of a banner shall be attached to the building.

Banners, place of public assembly. Banners at an arena, theater, or other place of public assembly on a site consisting of five acres or more with 1,900 or more fixed seats shall be allowed in addition to any other allowable signage. Such banners may include the name and logo(s) of the primary user of the facility. A company or corporate logo or name of any entity with a business location on the site, other than the primary user, may be allowed, provided that such logo(s) or text shall be limited to no more than ten percent of the overall graphic area and shall be located in the lower 20 percent of the banner. Any such banners shall comply with any applicable provisions of the Florida Building Code, St. Petersburg Fire Code, Florida Statutes (F.S. Ch. 479 Outdoor Advertising currently regulates banners within 660 feet from the interstate) and any other applicable laws. There is no limitation on the overall size of the banner. The banner shall not cover any character defining feature of the building, including but not limited to doors, windows, pilasters and other architectural features.

Banners, street. City banners within the public right-of-way shall be allowed as approved by the POD.

Changeable copy or changeable message on lawful signs.

Commemorative and historic signs.

Construction/contractor signs, downtown. For any project located within the downtown center district, construction/contractor signs of unlimited area may be attached to any fencing approved to surround or secure an active construction site, provided that such signs do not exceed eight feet in height. Such signs shall only be allowed when there is an open demolition or construction permit for the site upon which the project is to be constructed. If no building permit is required for the project, the sign may be displayed only during the period that work is in progress.

Construction/contractor signs, general contractor. One construction/contractor sign not to exceed a total of 32 square feet and up to ten feet in height may be displayed only during the time from building permit application to issuance of the certificate of occupancy. If no building permit is required for the project, the sign may be displayed only during the period that work is in progress.

Construction/contractor signs, subcontractor. Up to five construction/contractor signs not to exceed a total of eight square feet each, and up to five feet in height for any subcontractor who is approved for work in concert with a building permit may be displayed only during the time from building permit application to issuance of the certificate of occupancy. If no building permit is required for the project, the sign may be displayed only during the period that work is in progress.

Construction signs, project. One construction sign not to exceed a total of 32 square feet per 100 linear feet of frontage and up to ten feet in height may be displayed from the time of site plan approval to issuance of the certificate of occupancy. If no building permit is required for the project, the sign may be displayed only during the period that work is in progress.

Employment signs. One employment sign shall be allowed for each business on a property. Such signs shall not exceed six square feet and four feet in height.

Flags. Flags, where allowed; see supplementary sign regulations, below.
**Free speech signs.** One free speech sign shall be allowed on any lot where a residential use exists provided that such sign is located on private property and not within the visibility triangle at an intersection. The sign shall be no more than 12 square feet and six feet in height.

**Free-speech signs held or worn by a person and not attached to any pole or other object affixed to the ground.**

**Garage or yard sale signs.** Garage or yard sale signs are allowed only on the site where the sale takes place. One garage or yard sale sign is allowed on each site and shall not exceed four square feet.

**Government and public signs.** Informational, directional and regulatory signs located within rights-of-way or on publicly-owned land that are installed by the City or other governmental signs installed with the approval of the City. Official regulatory or warning signs upon any body of water (river, bay, lake, or other body of water) within the limits of the City, informational or directional signs installed by the City or with the approval of the City upon any body of water within the limits of the City in connection with a water path or paddling trail. Such signs shall not exceed nine square feet unless a larger sign is required by law. Directional signs may include wayfinding signs.

**Home occupation signs.** One home occupation sign shall be allowed for any address or premises which is the site of a lawful home occupation. The sign shall be a wall sign not exceeding four square feet. The sign shall not be internally illuminated. The sign shall have no text, numerals, symbols, logos or designs greater than eight inches in height.

**Human signs.** A business shall be allowed to use one human sign to advertise the products, programs, or services offered by the business provided that the human sign meets the following criteria:

1. Human signs may only be displayed during the hours of operation of the business location that the human sign is advertising.

2. Human signs shall operate only:
   a. On the private property of the business being advertised; or
   b. On the right-of-way adjacent to the private property of the business being advertised, provided that:
      1. If no sidewalk exists, the human sign shall be displayed a minimum of five feet from that portion of the street used for vehicular traffic lanes; or
      2. If a sidewalk exists, the human sign shall be displayed either a minimum of five feet from that portion of the street used for vehicular traffic lanes or anywhere on that portion of the sidewalk furthest away from the vehicular traffic lanes. Human signs shall not be displayed in parking spaces located on the street and shall not interfere with or prevent access to the sidewalk or right-of-way.

3. Podiums, risers, stilts, vehicles, roofs, or other structures or devices shall not support a human sign. Human signs shall only be persons who stand or walk on the ground.

**Identification signs.** One identification sign shall be allowed per business if the sign is attached, has a sign face which does not exceed two square feet, and has no text, numerals, symbols, logos, or designs greater than eight inches in height.

**Menu signs, pedestal/sidewalk.** A maximum of one sign per business is exempt if the sign complies with the requirements for A-frame signs. Menu signs for drive-through establishments are not exempt; see supplementary sign regulations, below.

**Menu signs, wall-mounted.** A maximum of one sign per business is exempt if the sign does not exceed four square feet and has no text, symbols, logos, or designs greater than eight inches in height. Menu signs for drive-through establishments are not exempt; see supplementary sign regulations, below.

**Neighborhood and business recognition signs.** Such signs shall be allowed for properties that are recognized by a neighborhood or business association as part of a regular program pursuant to a neighborhood or business plan which has been accepted by the City. Such signs shall not exceed six square feet and six feet in height.
On-site directional signs, minor. Signs that identify entrances, exits, drive-through lanes, loading, service, and other operational areas shall be allowed provided such signs do not exceed four square feet and four feet in height. Business names and logos shall not comprise more than 50 percent of the sign area. Such signs shall be permanently installed. On-site directional and directory signs for office/industrial parks, hospitals, colleges/universities, and regional shopping centers (more than 100,000 square feet) are not exempt; see supplementary sign regulations, below.

Political signs.

1. A political sign in a residential district shall not exceed six square feet and signs in nonresidential districts shall not exceed 32 square feet. The sign shall not be illuminated. The sign placement shall have the consent of the property owner. A political sign is prohibited in the right-of-way. Regardless of who installed the sign, the property owner and tenant, if any, shall be responsible for compliance of their property and the adjacent right-of-way with these regulations. Nothing herein shall be construed to restrict the ability of the property owner and tenant to remove signs from their private property and the adjacent right-of-way.

2. No more than one political sign per candidate or issue shall be placed on a lot unless it is a lot having more than one street frontage, in which case additional signs per candidate or issue may be placed so long as there is no more than one sign per street frontage.

3. Political signs on private property or in the right-of-way shall not exceed eight feet in height. A political sign shall be located a minimum of six feet from the curb or the edge of the pavement where no sidewalk exists or, where a sidewalk exists, anywhere on the side of the sidewalk away from the street. Where there is no pavement, the signs shall be a minimum of six feet from the edge of the portion of the road used for vehicular traffic and, where a sidewalk exists, anywhere on the side of the sidewalk away from the street. No part of any sign shall be located on or extend over any portion of a sidewalk.

4. Any person wishing to place a sign or signs within a public right-of-way shall execute and file with the City Clerk a hold harmless agreement stating that, in consideration of the privilege of placing a sign or signs within the public right-of-way, the person agrees to defend and hold the City and its officers, agents and employees harmless from any and all claims, liability, costs and expenses, including attorney’s fees, arising from the existence of or erection of the sign or signs. The agreement shall be filed prior to the erection of any such sign. Political signs found within the public right-of-way for which an executed hold harmless agreement has not been filed with the City Clerk shall be subject to removal and destruction without notice.

5. Political signs shall be removed not later than one week after the election. A political sign remaining on display more than one week after the election shall be deemed a free-speech sign, subject to the restrictions on the placement of such signs.

6. Exception for polling places on election day. On the day of an election, between the hours of 4:00 a.m. and 7:00 p.m., political signs not exceeding six square feet may be placed in the right-of-way abutting any polling place between the curb or edge of pavement and sidewalk. Each candidate or issue may have two signs for each street side at each polling place.

No part of any sign shall be placed within four feet of any part of another sign and no part of the sign shall be located on or extend over any portion of the right-of-way that is within two feet of the closest part of the curb or if there is no curb, the pavement or portion of road designed or used for vehicular traffic. Such signs shall not be removed by the City unless the sign is in a visibility triangle and exceeds 36 inches in height, or violates any of the provisions of this subparagraph.

Real estate signs, all other uses. One non-illuminated real estate sign not exceeding 32 square feet and eight feet in height shall be allowed for all uses except single-family residential uses.

Real estate signs, open house. Not more than four directional off-site real estate signs are allowed on those days when there is an open house conducted on the property. Such signs shall not exceed four square feet and three feet in height. Waterfront parcels are allowed one additional such sign oriented toward the water on such days.

Real estate signs, single-family residential uses. One non-illuminated real estate sign not exceeding six square feet and six feet in height shall be allowed for single-family residential uses.
Religious emblems. Religious emblems or logos shall be allowed for any house of worship provided they are not an integral component of a freestanding or wall sign. If such emblem or logo is an integral component of a freestanding or wall sign, such freestanding or wall sign shall be subject to the permitting requirements and area and height restrictions otherwise applicable to the freestanding or wall sign.

Umbrella signs. Signs printed on umbrellas. No signs shall be attached or suspended from umbrellas.

Undercanopy identification signs. One sign of up to four square feet for any business that is located at the street level and has a canopy. Signs shall have a minimum clearance of eight feet from the sidewalk to the lowest part of the sign.

Vehicle signs. A vehicle sign which identifies a product or service of the owner or lessee of the vehicle, or an advertising device attached to and within the normal unaltered lines of a vehicle of a licensed transit carrier (i.e., bus, trolley or taxicab), when and during that period of time said vehicle is regularly and customarily traversing or otherwise using a public right-of-way during the normal course of business of the vehicle owner or lessee or the transit carrier, is exempt. Provided, however, that any such vehicle shall, when not traversing or otherwise using a public right-of-way, be parked or stored at a location where commercial vehicles may be parked or stored, such as temporary parking for the convenience of the operator (i.e., restaurant, service station) but not overnight parking where commercial vehicles may not be parked or stored.

Vending signs. Signs printed on devices that dispense merchandise shall be allowed, provided such signs relate to the merchandise being sold and do not extend beyond the surface of the device. Examples of such devices shall include, but not be limited to, newspaper stands, gasoline pumps, telephone booths, and vending machines.

Warning signs. A warning sign shall not exceed six square feet and six feet in height.

Wayfinding signs. Wayfinding signs are directional signs within the right-of-way that provide individual names of private businesses and minimal directions to their location for pedestrians. Such signage shall be reviewed by the City as part of a districtwide directory sign program and shall include uniform design, dimensional, location and other standards as specifically set forth in this section.

Window signs, non-illuminated. The maximum cumulative area of non-illuminated signs in a window shall be 50 percent of the total window pane area. Window signs that are illuminated shall be included in the wall signage allowable for the site.

(Code 1992, § 16.40.120.3.2; Ord. No. 876-G, § 22, 2-21-2008; Ord. No. 893-G, § 6(16.40.120.3.2), 9-4-2008; Ord. No. 3-H, § 1, 11-3-2011; Ord. No. 52-H, §§ 7, 8, 11-1-2012; Ord. No. 81-H, § 5, 9-19-2013; Ord. No. 166-H, §§ 7, 8, 5-21-2015)
16.40.120.3.3. - Prohibited signs.

The following types of signs are prohibited except where such signs may be expressly allowed under this sign code:

Abandoned signs.

Banners, unless exempt or a permit has been issued for such banner as a temporary sign.

Bus shelter signs and bench signs except when approved by the City, pursuant to state statutes. A sign which identifies the transit company or its route schedule is not prohibited.

Cold air inflatables except as allowed for temporary signs in this section.

Damaged signs that exist in a damaged state for more than 90 consecutive days.

Lighting devices that project light or laser beams to form text, graphics, logos, or artwork upon streets, walkways, fences, sign structures, or exterior walls of buildings, and the text, graphics, logos or artwork projected by such lighting devices, except that text, graphics, logos or artwork may be projected against an exterior wall if the area of the wall occupied by such text, graphics, logos or artwork does not exceed the area of a wall sign that would be allowed, and such area together with existing wall signs does not exceed the number of wall signs allowed. Provided, however, that a permit shall be required prior to projecting such text, graphics, logos or artwork, and the applicant shall demonstrate that the lighting device, light, and laser beams to be utilized shall cause no threat to public health or safety, including but not limited to any risk of eye injury.

Off-premises signs, except those specifically allowed by this sign code.

Pavement markings, except official traffic control markings, markings authorized by any agency having jurisdiction over a particular roadway, and markings on a vehicular use area as shown on an approved site plan.

Pennants.

Roof signs, except for lawful integral roof signs in nonresidential districts.

Portable signs, including but not limited to inflatable and other gas- or air-filled devices.

Portable trailer signs.

Signs attached to or painted on piers or seawalls, except official regulatory or warning signs.

Signs in or upon any body of water (river, bay, lake, or other body of water) within the limits of the City, except official regulatory or warning signs and informational or directional signs installed by the City or with the approval of the City in connection with a water path or paddling trail.

Signs that are a threat to public health or safety because of their condition or location.

Signs that are located within or project over rights-of-way, publicly-owned lands, or easements for the use of the City or public utility service providers, except government and public signs. Such prohibited signs shall include, but are not limited to, handbills, posters, advertisements, or notices that are attached in any way to or upon lampposts, telephone poles, utility poles, bridges, sidewalks, or other public property or improvements. The person or business who owns or is advertised or identified on the sign shall be presumed to have permitted the placement of the sign in the absence of evidence to the contrary and may be cited for a violation of this section, as may the person or business installing the sign.

Signs that emit light or reflect glare of such intensity, brilliance or duration as to impair the vision of any motorist, cyclist, or pedestrian using or entering a travelway, or to constitute a nuisance that substantially impairs the enjoyment and use of property.

Signs that simulate or contain a likeness of a traffic control device.
Signs that emit sound, vapor, bubbles, smoke, odor, particles, or gaseous matter.

Signs that have unshielded illuminating devices permitting a light bulb or other light source to be viewed with the naked eye from off the premises, except as specifically allowed in the supplementary regulations. Digital or electronic off-premise signs that are constructed and operated in accordance with this Sign Code shall not be deemed to be included within this definition of prohibited signs.

Signs that have blinking, flashing, or fluttering lights or other illumination devices which have a changing light intensity, brightness, color, or direction, except as specifically allowed in the supplementary regulations. Digital or electronic off-premise signs that are constructed and operated in accordance with this Sign Code shall not be deemed to be included within this definition of prohibited signs.

Signs that exist in a poorly maintained state for more than 60 consecutive days after the City has provided notice to the sign owner. Signs in a poorly maintained state include, but are not limited to, signs where the advertisement on the sign face is peeling or where such poorly maintained signs are an eyesore or contribute to blight. Such signs shall be prohibited even if they do not pose a risk of imminent collapse or constitute a threat to public health or safety.

Signs that move, revolve, twirl, rotate, or flash, including, but not limited to: animated signs, multiprism signs, and beacon lights except when required by the Federal Aviation Administration or other governmental agency. Trivision signs shall be permitted for large facility signs.

Signs that obstruct, conceal, hide, or otherwise obscure from view any official traffic or government sign, signal, or device.

Signs that present a potential traffic or pedestrian hazard, including signs that obstruct visibility.

Snipe signs. The placement of this prohibited sign is transient in nature and irreparable. The adoption of this prohibition shall be deemed notice of the violation. The person or business in possession or control of the snipe sign and the person or business who owns or is advertised or identified (by name, address or other contact information) on the sign may be cited immediately upon observation of the violation. The person or business who owns or is advertised or identified on the sign shall be presumed to have permitted the placement of the snipe sign in the absence of evidence to the contrary. The term "transient in nature" shall mean that a condition exists on a temporary, periodic, or non-permanent basis.

The term "irreparable" shall mean the condition is incapable of being remedied, as the harm sought to be prevented has already occurred.

Streamers.

Vehicle signs. A vehicle sign which is parked on or otherwise utilizing a public right-of-way, public property or private property so as to be viewed from a public right-of-way for the purpose of attracting the attention of the traveling public to advertise a product or service or to direct people to the location of a business or activity, and which does not qualify as an exempt sign (see above), is prohibited.

Any sign that is not specifically allowed by this sign code.

(Code 1992, § 16.40.120.3.3; Ord. No. 893-G, § 6(16.40.120.3.3), 9-4-2008; Ord. No. 965-G, § 2, 12-17-2009; Ord. No. 3-H, §§ 2, 3, 11-3-2011; Ord. No. 35-H, § 2, 8-16-2012; Ord. No. 52-H, § 10, 11-1-2012; Ord. No. 81-H, § 6, 9-19-2013)
16.40.120.3.4. - Abandoned on-premises signs.

A. **Definition.** An on-premises sign becomes "abandoned" at the time any of the following conditions occur:

1. There has been no sign copy appearing on the sign face for a period of 90 consecutive days; or
2. The establishment with which the sign is associated has ceased operation for 90 consecutive days. This definition excludes signs for seasonal uses, which are operated intermittently throughout the year, where business has not ceased operation on a permanent basis. A conforming on-premises sign associated with an establishment that has ceased operation shall not be deemed "abandoned" if the owner takes one of the actions in paragraph B.

   a. Evidence that an establishment has ceased operation for 90 consecutive days includes, but is not limited to, the following:
      1. No water and/or electric service to the establishment for a 90 consecutive day period;
      2. Expiration of business tax at least 90 consecutive days prior without renewal;
      3. Personal documented observation of City code investigator(s) that establishment has ceased operation for a period of 90 consecutive days; or
      4. General community knowledge, as documented through going-out-of-business announcements, newspaper announcements, etc. showing that the establishment has ceased operation for at least 90 consecutive days.

B. When an establishment ceases operation, the owner of an on-premises sign that is associated with the establishment shall within 90 days reuse the sign in conjunction with the ownership or operation of a new establishment on the property or take one of the following actions:

1. Paint over the message on the sign face that advertises the business or other activity of the establishment.
2. Remove the sign face and replace it with a blank sign face.
3. Reverse the sign face and not illuminate the sign face from the interior. The message of the sign face shall not be visible when the sign face is reversed.
4. Utilize the sign face to display the message, "this space available," or words of similar significance, and the name and telephone number of the owner or the owner's agent, while the premises are vacant. A sign that contains such a message and that otherwise complies with the requirements of this sign code shall be deemed an allowable temporary sign for which a permit shall not be required.

C. If a freestanding on-premises sign that is nonconforming as to height, sign area, or placement becomes "abandoned" under paragraph A. and remains abandoned for 12 consecutive months, such sign shall be removed by the property owner at the owner's expense. If the owner fails to remove the sign upon notice by the City, the City shall have the right to seek available legal and equitable relief to have the sign removed, and the costs of such removal shall be paid by the owner. No permit for any new sign on the site shall be issued until the abandoned sign is removed. This shall not be deemed to require the removal of a lawful off-premises sign.

D. If an existing building or structure is demolished, any existing freestanding on-premises signs that are nonconforming as to height, sign area, or placement becomes "abandoned" under paragraph A. and remains abandoned at the time of demolition. This shall not be deemed to require the removal of a lawful off-premises sign.

(Code 1992, § 16.40.120.3.4; Ord. No. 52-H, § 1, 11-1-2012)

16.40.120.3.5. - Nonconforming signs.

A. Except as provided in this sign code, a sign shall not be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, unless in conformity with this sign code.
B. Nonconforming signs may be maintained or repaired. However, if a nonconforming sign is relocated or replaced, repaired or structurally altered by more than 25 percent of the replacement cost of the existing sign, the sign shall be made to conform to this sign code.

C. A building or site which is improved or redeveloped at a cost in excess of 50 percent of the assessed value of the existing building or site shall require any nonconforming sign which is located on or is part of such building or site to conform to this sign code.

(Code 1992, § 16.40.120.3.5; Ord. No. 52-H, § 2, 11-1-2012)

16.40.120.3.6. - Signs of historic significance.

A. Purpose. The signs of historic significance regulations are intended:

1. To provide for the preservation of the City of St. Petersburg's unique character, history, and identity, as reflected in its historic and iconic signs; and

2. To preserve the sense of place that existed within the central business district and in areas of the City with concentrations of surviving historic signs; and

3. To protect the community from inappropriate reuse of nonconforming and/or illegal signs while ensuring that the signs are safe and well maintained; and

4. To prevent the unintentional loss of individual signs with historic or unique characteristics and, where possible, to provide a means for their retention and restoration; and

5. To allow the owner the flexibility to preserve historic and vintage signs. This classification does not preclude owners from removing these signs. The regulations of this section apply only to signs included in the City's inventory of signs of historic significance as set forth below.

B. Criteria for identification of a sign of historic significance.

1. The Community Preservation Commission (the Commission) shall establish and maintain an inventory of signs of historic significance.

2. A proposed sign of historic significance shall comply with the following criteria.

   a. Technical criteria:

   1. The sign shall have been installed at least 40 years prior to the date of application;

   2. The sign is an example of technology, craftsmanship or design of the period when it was constructed;

   3. The sign uses historic sign materials or means of illumination such as exposed integral incandescent lighting, or exposed neon lighting;

   4. The sign may include, but is not limited to, a detached sign, a projecting sign, a roof sign, a painted building sign, or a sign integral to the building's design (fascia sign) or any other type of sign that was permitted on the property;

   5. The sign is structurally safe or can be made safe without substantially altering its historical appearance; and

   6. The sign retains the majority of its character-defining features (materials, technologies, structure, colors, shapes, symbols, text and/or art) that have historical significance, are integral to the overall sign design, or convey historical or regional context. If character-defining features have been altered or removed, the majority of these features must be able to be restored to their historic function and appearance.
b. Cultural/historical/design criteria:
   1. The sign exemplifies the cultural, economic, and historic heritage of the City;
   2. The sign exhibits extraordinary aesthetic quality, creativity or innovation; or
   3. The sign is unique, was originally associated with a local business or local or regional chain, there is academic research, including but not limited to sign industry journals, articles or books to support its significance, or it is a surviving example of a once common sign type that is no longer common.

C. Process for including a sign in the inventory of signs of historic significance.
1. Application for inclusion in the inventory of signs of historic significance may be made by the property owner having control over a sign or may be initiated by the City.
2. Within 30 days of submittal of an application, the POD shall determine if the application is complete and if the sign meets the applicable criteria for classification, and shall notify the property owner in writing whether or not the sign is eligible for classification as a sign of historic significance.
3. If the POD determines that the sign is not eligible for classification, the property owner may appeal the decision to the Commission by following the procedures for appeals in the application and procedures section. The Commission shall review the application at a public hearing after providing notice as required in the application and procedures section.
4. If the POD determines that the sign is eligible for classification, the POD shall prepare an inventory report within 45 days of the determination of eligibility, which shall identify how the sign meets the applicable criteria, and schedule a public hearing before the Commission after providing notice as required in the application and procedures section. The report shall include the legal description of the property on which the sign is located.
5. After the public hearing, the Commission shall approve, approve with conditions, or deny the request. The decision by the Commission shall be final unless appealed to the City Council.
6. Notice of the inclusion on the inventory of signs of historic significance shall be mailed to the property owner.
7. Any notice required to be mailed by this section regarding signs of historic significance is only required to be mailed to the property owner and not property owners within 200 feet.

D. Exemptions, replica signs.
1. Classification as a sign of historic significance does not require a certificate of appropriateness for changes to the sign or demolition of the sign.
2. Signs classified as a sign of historic significance are exempt from the sign regulations regarding height, area, and location as set forth in the sign code.
3. Signs of historic significance that are nonconforming as to size, height, or location are exempt from the regulations governing nonconforming signs and abandoned signs. However, changes to the sign may not increase the nonconformity unless a variance is approved by the Commission.
4. A sign of historic significance may be repaired, restored, and/or adaptively reused if there is sufficient surviving original material or sufficient historical documentation (photographs, postcards, permits, or other records) as determined by the POD on which to base the repair, restoration or adaptive reuse. A permit is required before a sign may be repaired, restored, and/or adaptively reused. The property owner may file an application for a permit with the POD. The POD shall review the application for compliance with this section. Upon issuance of the permit, an existing sign of historic significance may then be repaired, restored, or rehabilitated either in place, or off-site, and then re-erected on site as set forth in subsection E. (subject to receipt of any required building permit). If the POD denies the permit application, the property owner or applicant may appeal the decision to the Commission. The decision by the Commission shall be final unless appealed to the City Council.
5. A sign of historic significance may be repaired or restored to any past appearance prior to 40 years before the date of the application. If the owner of a sign of historic significance provides documentation or physical evidence that the original design included intermittent lighting features (e.g., flashing,
blinking, chasing or sequentially lit elements which create the appearance of movement) or moving parts, those sign elements may be repaired and restored and shall be exempt from those prohibitions in the sign code.

6. A sign of historic significance that will be adaptively reused must retain, repair, or restore the majority of the character-defining features (e.g., materials, technologies, structure, colors, shapes, symbols, text, typography and/or artwork) that have historical significance, or are integral to the overall design of the sign, or convey historical or regional context.

Changes to character-defining text (size, font, coloration) are not allowed. Any text that is not character defining can be changed. Changes to noncharacter defining text must either match or be compatible with the character defining text, or the text being replaced, in terms of materials, letter size, font, and color.

7. A replica sign is permissible when based on sufficient historical documentation of the sign and its location. The sign to be replicated must have been originally installed at least 40 years prior to the date of application. In order to construct a replica sign, the sign being replicated must be a sign of historic significance. A replica sign shall meet the same criteria, reviews and processes as a sign of historic significance. A sign can be replicated only once. Replicas of replicas are not permitted. A replica sign must use historical materials and technologies, or use contemporary materials and technologies that visually match historical ones. Replica signs shall only be allowed on the property on which the sign of historic significance was originally erected and shall not be relocated. Variances to height and area shall not be required, however, the replica sign must meet setback requirements unless a variance is granted by the Commission.

8. A permit is required before a sign may be replicated. The property owner may file an application for a replication permit with the POD. The POD shall review the application for compliance with this section. A replica sign shall meet the same criteria, reviews and processes as a sign of historic significance. Upon issuance of the permit, the sign of historic significance may be replicated. If the POD denies the permit application, the property owner may appeal the decision to the Commission. The decision by the Commission shall be final unless appealed to the City Council.

E. Guidelines for relocating a sign of historic significance. If the current location of a sign of historic significance prevents desired development, the sign may be relocated to another site to ensure preservation. Signs removed from their original location may be stored elsewhere before relocation.

1. A sign of historic significance may be relocated as follows:
   a. To another location on the same property;
   b. To another location that houses the same or similar business;
   c. To areas of similar character as the present location; or
   d. To the original location.

2. A sign of historic significance shall not be relocated to NT or NS zoned property.

3. All relocations are subject to the following:
   a. The sign shall meet the required sign setbacks of the zoning district in which it is relocated or the required setback for the principal structure, whichever is less.
   b. Projecting signs that project into the public right-of-way shall have the required incidental architectural details contained in Chapter 25 and shall follow the sign permitting process.

4. If relocated to another property, the sign of historic significance shall contain text on the sign face or display a plaque that indicates that the sign has been relocated, the date of relocation, and the original location.

5. A permit is required before a sign may be relocated. The property owner may file an application for a relocation permit with the POD. The POD shall review the application for compliance with this section. Upon issuance of the permit, the sign of historic significance may be relocated. If the POD denies the permit application, the property owner may appeal the decision to the Commission. The decision by the Commission shall be final unless appealed to the City Council.
F. **Sign calculations for a sign of historic significance.** A sign of historic significance (whether relocated or not) and a replica sign shall not count against the total allowable sign area allowed for the property and shall not count against the number of signs allowed for the property.

G. **Demolition of a sign of historic significance.** Classification as a sign of historic significance does not prevent the owner from demolishing the sign. Demolition is subject to a 30-day waiting period, which begins upon the date of the application for a demolition permit, to facilitate relocation of the sign. The sign owner shall allow reasonable access to the sign to facilitate documentation of the sign. The sign owner shall allow reasonable access to the sign for removal of all or part of a sign of historic significance from the property by a third party for reuse at a different location. If all or part of a sign is relocated to another property in the City, the guidelines for relocating a sign of historic significance contained in this section shall apply.

(Ord. No. 52-H, § 3, 11-1-2012)

16.40.120.4. - Subdivision entrances and multifamily uses.

The following types of signs shall be permitted for subdivision entrances and multifamily uses having three or more units in any zoning district:

<table>
<thead>
<tr>
<th>Subdivision Entrances and Multifamily Uses Having Three or More Units</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Freestanding signs</strong></td>
</tr>
<tr>
<td><strong>Maximum sign area</strong></td>
</tr>
<tr>
<td><strong>Wall signs</strong></td>
</tr>
<tr>
<td><strong>Maximum sign area</strong></td>
</tr>
</tbody>
</table>
16.40.120.5. - Neighborhood, planned unit development, and mobile home districts.

The following types of signs shall be permitted within the neighborhood, planned unit development, and mobile home zoning districts:

<table>
<thead>
<tr>
<th>Neighborhood, Planned Unit Development, and Mobile Home Districts (NT, NS, NSM, NMH, NPUD) (All uses, except subdivision entrances and single-family, duplex and multifamily residential uses)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freestanding signs</td>
</tr>
<tr>
<td>Maximum sign area</td>
</tr>
<tr>
<td>Maximum height</td>
</tr>
<tr>
<td>Wall signs</td>
</tr>
</tbody>
</table>

16.40.120.6. - Corridor residential districts.

The following types of signs shall be permitted within the corridor residential zoning districts:

<table>
<thead>
<tr>
<th>Corridor Residential Districts (CRS, CRT) (All uses, except subdivision entrances and single-family, duplex and multifamily residential uses)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freestanding signs</td>
</tr>
<tr>
<td>Maximum sign area</td>
</tr>
<tr>
<td>Maximum height</td>
</tr>
<tr>
<td>Wall signs</td>
</tr>
</tbody>
</table>
16.40.120.7. - Corridor commercial traditional districts.

The following types of signs shall be permitted within the corridor commercial traditional zoning districts:

<table>
<thead>
<tr>
<th>Freestanding signs</th>
<th>Permitted number of signs</th>
<th>Maximum sign area</th>
<th>Maximum height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corridor Commercial Traditional Districts (CCT)</td>
<td>One for signs greater than eight ft. tall. Two if all freestanding signs are eight ft. in height or less; and with a minimum of 100 ft. of frontage.</td>
<td>64 sq. ft. per sign face</td>
<td>15 ft.</td>
</tr>
</tbody>
</table>

| Wall signs | Maximum sign area | 1.75 sq. ft. per linear front foot up to a maximum of 150 sq. ft. For buildings of four or more stories in height, one additional sign shall be permitted for building identification at the top of the building. The allowable sign area shall be 3.0 sq. ft. per lineal vertical foot of the building up to a maximum of 300 sq. ft. |

16.40.120.8. - Corridor commercial suburban districts.

The following types of signs shall be permitted within the corridor commercial suburban zoning districts:

<table>
<thead>
<tr>
<th>Freestanding signs</th>
<th>Permitted number of signs</th>
<th>Maximum sign area</th>
<th>Maximum height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corridor Commercial Suburban Districts (CCS)</td>
<td>One for signs greater than eight ft. tall. Two if all freestanding signs are eight ft. in height or less; and with a minimum of 100 ft. of frontage.</td>
<td>One square foot per linear front foot up to a maximum of 64 sq. ft.</td>
<td>20 ft.</td>
</tr>
</tbody>
</table>

| Wall signs | Maximum sign area | 1.75 sq. ft. per linear front foot up to a maximum of 150 sq. ft. For buildings of four or more stories in height, one additional sign shall be permitted for building identification at the top of the building. The allowable sign area shall be 3.0 sq. ft. per lineal vertical foot of the building up to a maximum of 300 sq. ft. |
16.40.120.9. - Suburban centers.

The following types of signs shall be permitted within the suburban center zoning districts.

<table>
<thead>
<tr>
<th>Suburban Center Districts (RC, EC, IC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(All uses, except subdivision entrances and single-family, duplex and multifamily residential uses)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Freestanding signs</th>
<th>Permitted number of signs</th>
<th>One for signs greater than ten ft. tall. Two if all freestanding signs are ten ft. in height or less; and with a minimum of 300 ft. of frontage.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Maximum sign area</td>
<td>One square foot per linear front foot up to a maximum of 150 sq. ft. For buildings of four or more stories in height, one additional sign shall be permitted for building identification at the top of the building. The allowable sign area shall be 3.0 sq. ft. per lineal vertical foot of the building up to a maximum of 300 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>Maximum height</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Wall signs</td>
<td>Maximum sign area</td>
<td>1.75 sq. ft. per linear front foot up to a maximum of 150 sq. ft.</td>
</tr>
</tbody>
</table>

16.40.120.10. - Downtown center.

The following types of signs shall be permitted within the downtown center zoning district.

<table>
<thead>
<tr>
<th>Downtown Center (DC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(All uses, except subdivision entrances and single-family, duplex and multifamily residential uses)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Freestanding signs</th>
<th>Permitted number of signs</th>
<th>One</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Maximum sign area</td>
<td>One square foot per linear front foot up to a maximum of 48 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>Maximum height</td>
<td>15 ft.</td>
</tr>
<tr>
<td>Wall signs</td>
<td>Maximum sign area</td>
<td>1.75 sq. ft. per linear front foot up to a maximum of 150 sq. ft. For buildings of four or more stories in height, one additional sign shall be permitted for building identification at the top of the building. The allowable sign area shall be 3.0 sq. ft. per lineal vertical foot of the building up to a maximum of 300 sq. ft.</td>
</tr>
</tbody>
</table>
16.40.120.11. - Industrial suburban districts.

The following types of signs shall be permitted within the industrial suburban zoning districts.

<table>
<thead>
<tr>
<th>Freestanding signs</th>
<th>Permitted number of signs</th>
<th>Maximum sign area</th>
<th>Maximum height</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>One for signs greater than ten ft. tall.</td>
<td>Two if all freestanding signs are ten ft. in height or less; and with a minimum of 300 ft. of frontage.</td>
<td>20 ft.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Wall signs</th>
<th>Maximum sign area</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>One square foot per linear front foot up to a maximum of 150 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>For buildings of four or more stories in height, one additional sign shall be permitted for building identification at the top of the building. The allowable sign area shall be 3.0 sq. ft. per lineal vertical foot of the building up to a maximum of 300 sq. ft.</td>
</tr>
</tbody>
</table>

16.40.120.12. - Industrial traditional districts.

The following types of signs shall be permitted within the industrial traditional zoning districts.

<table>
<thead>
<tr>
<th>Freestanding signs</th>
<th>Permitted number of signs</th>
<th>Maximum sign area</th>
<th>Maximum height</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>One</td>
<td>One square foot per linear front foot up to a maximum of 64 sq. ft.</td>
<td>10 ft.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Wall signs</th>
<th>Maximum sign area</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1.75 sq. ft. per linear front foot up to a maximum of 48 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>For buildings of four or more stories in height, one additional sign shall be permitted for building identification at the top of the building. The allowable sign area shall be 3.0 sq. ft. per lineal vertical foot of the building up to a maximum of 300 sq. ft.</td>
</tr>
</tbody>
</table>
16.40.120.13. - Reserved.


16.40.120.14. - Uniform sign plan required.

For any site on which the owner proposes to erect one or more signs requiring a permit, the owner shall, in addition to other information required to be provided in the sign permit application, submit two copies of a uniform sign plan for the site which contains the following information:

1. A plan of the site, drawn to scale, which shows the locations of buildings, parking lots, driveways, landscaped areas, adjoining streets and avenues, and the locations of all existing and proposed signs, including but not limited to signs exempt from permitting requirements;

2. A listing of existing and proposed sign types, the number of each existing and proposed sign type, the height of each existing and proposed sign, the area of each existing and proposed sign, and the maximum total area of all the existing and proposed signs;

3. Detailed drawings for each existing and proposed sign, indicating the dimensions, design, structure and location of each sign; provided that the message to be displayed on each sign shall not be required on such drawings. The drawings shall demonstrate a uniform plan for the signs with respect to the location and dimensions, materials, method of illumination and, for wall signs, the method of attachment;

4. Name, address, and telephone number of the person erecting the sign for which a permit is sought;

5. If the application is submitted by anyone other than the property owner, the application shall include or be accompanied by a written consent from the property owner indicating that the owner consents to the application, the uniform sign plan, and issuance of the permit;

6. Such other information as the POD may reasonably require to demonstrate full compliance with the requirements of this sign code and all other applicable ordinances of the City.

(Code 1992, § 16.40.120.14)

16.40.120.15. - Supplementary sign regulations.

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

A. Awning signs (illuminated). The sign area for signs integrated into an illuminated awning shall include the entire area of awning, unless the background color matches the background color of other awnings on the site, if any, and is part of a uniform sign plan for a multi-tenant building, or the background color is not associated with a corporate logo or identity.

B. Digital or electronic message centers. Digital or electronic message center signs shall comply with the following regulations:

1. Location. Digital or electronic message center signs are permitted in all zoning districts subject to the following conditions:

   a. Digital or electronic message center signs are prohibited within the boundary of a locally designated historic structure or site. Performing arts venues are exempt from this prohibition with approval of a certificate of appropriateness.

   b. Digital or electronic message center signs may not directly face a residential one- or two-unit property located within a neighborhood zoning district.
c. Digital or electronic message center signs are prohibited from being inserted into, or added to, nonconforming signs. No variance to this prohibition may be granted and the POD shall not accept any variance application to this requirement therefore.

d. In neighborhood and corridor residential districts, digital or electronic message center signs shall only be allowed for nonresidential uses on properties with a minimum of 200 feet of street frontage and a minimum of 2.0 acres of land area.

2. Design. An electronic message center sign shall be permitted only as an integral component of a freestanding sign or, to the extent permitted by these regulations, as an integral component of a building sign. An electronic message center sign shall be compatible with the design of the primary sign structure, including width, depth and color of the cabinet.

3. Size. An electronic message center sign shall comprise no more than 50 percent of the overall sign area of the sign structure and shall not, in any case, exceed 32 square feet in area.

4. Dwell time.
   a. Legislative findings and determinations. The recitals (whereas clauses) in Ordinance No. 117-H demonstrate a significant governmental interest and are hereby adopted as the legislative findings of the City of St. Petersburg and are incorporated into the sign code as if set forth in haec verba.
   
   b. Requirements. The dwell time, defined as the interval of change between each individual message, shall be at least one minute. Any change of message shall be completed instantaneously. There shall be no special effects between messages.
   
   c. Purpose. The longer minimum dwell time for electronic message center signs that are not large facility signs or digital or electronic off-premise signs is intended to further the significant governmental interests of this sign code, as specified in Section 16.40.120.1 and this section, including uniformity, aesthetics, and safety, by reducing the density of signs with short dwell times and by minimizing the proliferation of signs with short dwell times throughout the City.

5. Images and messaging.
   a. Consecutive images and messages. Consecutive images and messages on a single electronic changeable message sign face are prohibited when the second message answers a textual question posed on the prior slot, continues or completes a sentence started on the prior slot, or continues or completes a story line started on the prior slot.
   
   b. Static images and messages. The image or message shall be static. There shall be no animation, flashing, scintillating lighting, movement, or the varying of light intensity during the message. Messages or images shall not scroll and shall not give any appearance or optical illusion of movement.

   a. Each sign shall have a light sensing device to adjust brightness or illuminance as ambient light conditions change in order to ensure that the message meets the following brightness standards. The maximum brightness shall be 0.2 foot candles and shall be measured using the following formula:
      i. Measurement Distance = \( \sqrt{\text{Area of EMC Sign Face (sq. ft.)} \times 100} \)
   
   b. The sign face shall not display light that is of such intensity or brilliance to cause glare or otherwise impair the vision of a driver. No sign shall display light of such intensity that it interferes with the effectiveness of an official traffic sign, signal or device. Any violation of this section will result in the City requiring the sign owner to turn the sign off or show a “full black” image until the sign can be brought into compliance.

7. Default mechanism. The sign shall have a default mechanism or setting that will cause the sign to turn off or show a “full black” image if a visible malfunction or failure occurs.

8. Safety hazard. The sign shall not be configured to resemble a warning or danger signal. The sign shall not resemble or simulate any lights or official signage used to control traffic.
9. **Sign at a place of public assembly.** Electronic message center signs at an arena, theater, or other place of public assembly on a site consisting of five acres or more with 1,900 or more fixed seats:
   a. May be attached to a wall or to a freestanding sign, or both.
   b. Shall not exceed 250 square feet per side. At such locations, an electronic message center sign is not subject to the size limitations of subsection B.3. of this section.
   c. An electronic message center sign is deemed to be an on-premise sign but may also provide community, governmental and public information announcements.
   d. No variances to this subsection may be granted and the POD shall not accept any application therefore.

10. **Sign at large facility.** Electronic message center signs within large facility signs shall not exceed 50 percent of the overall sign area. At such locations, an electronic message center sign is not subject to the size limitations of subsection B.3. of this section.

11. **Sign in neighborhood and corridor residential districts.** Dwell time shall be at least 24 hours in neighborhood and corridor residential districts and shall be subject to all other requirements in this section. The display shall be limited to text on a black background.

12. **Fines increased**. Any person who violates any provision of this section shall be subject to the following fines:
   a. $300.00 for the first violation.
   b. $500.00 for all subsequent violations.

C. **Flags.**

   1. A maximum of three flags per property shall be permitted on properties with lot frontages of 100 feet or less. One additional flag shall be permitted for each 100 feet or less of lot frontage thereafter. For example, a maximum of four flags shall be permitted for properties with lot frontages greater than 100 feet up to 200 feet, and a maximum of five flags shall be permitted for properties with lot frontages greater than 200 feet up to 300 feet.

   2. Up to three flagpoles shall be permitted on any property with lot frontages of 100 feet or less. One additional flagpole shall be permitted for each additional flag that is permitted on the property under paragraph 1. of this subsection. For example, a property with lot frontages greater than 100 feet up to 200 feet would be permitted to have a maximum of four flags and a maximum of four flagpoles.

   3. The maximum vertical dimension of any flag displayed from a flagpole shall be 20 percent of the height of the flagpole upon which the flag is displayed, or in the absence of a flagpole, 20 percent of the distance from the top of the flag to the ground.

   4. Flags which read "model," "open," "open house," or any other phrase which identifies property for sale, may be displayed in the following locations and numbers. The maximum height of such flags shall be eight feet and the maximum size shall be 15 square feet. No more than two such flags shall be allowed at the entrance to any development and not more than two such flags shall be allowed at the site of the model or property for sale.

D. **Large facility signs.** Large facility signs for an arena, theater, or other place of public assembly may be permitted as follows:

   1. A maximum of one large facility sign may be permitted if no freestanding or wall signs have been utilized on the site.

   2. Large facility signs may be either freestanding or wall signs.

   3. The following types of display components shall be permitted as part of a large facility sign and may be combined within any one sign face:
      a. The dwell time, defined as the interval of change between each individual message, for electronic message center signs shall be at least ten seconds. Flashing, chasing and scintillating lighting or operations are prohibited.
b. Tri-vision signs shall not exceed 35 percent of the overall sign area.

c. Internally illuminated or non-illuminated cabinets and letters.

4. Operational restrictions. Not less than one-half of the sign area shall at all times provide information relating specifically to the primary use of the site or some form of community, governmental or public information announcement. Less than one-half of the sign area may be on-premises signs providing information relating to products or services available on the facility site.

5. Such signs shall be permitted only on sites that are contiguous to the interstate highway rights-of-way. Such signs shall be installed adjacent to the interstate highway right-of-way and shall be oriented toward the interstate highway right-of-way.

6. The area of such a large facility sign shall not exceed the otherwise allowable freestanding and wall sign area not being utilized on the site. A large facility sign shall not exceed 1,700 square feet per side. Two-sided signs shall be permissible.

For the purposes of the area limitations of this subsection, only one side of a two-sided sign shall be counted. No variances to the area limitations may be granted and the POD shall not accept any application for an area limitation variance.

7. The bottom of the sign frame shall not extend more than 20 feet above the crown of the interstate roadway surface closest to the sign, and the top of the sign shall not extend more than 60 feet above the crown of the interstate roadway surface closest to the sign.

8. The sign shall be setback a minimum of ten feet from all property lines or such greater distance as may be required by Florida Department of Transportation.

9. No permit shall be issued for a large facility sign unless the sign is in compliance with the requirements of this sign code and is included in, and consistent with, the uniform sign plan for the site.

10. Prior to the issuance of a permit for a large facility sign the proposed sign and location thereof shall be reviewed and approved by the Florida Department of Transportation for issues relating to public safety and other issues that may be deemed relevant by that agency. Due to the changeable message capabilities of the electronic message center portion of the large facility sign, prior to issuance of the permit for the sign, the operator of the sign shall enter into an agreement with the City to provide for public service announcements on a regular basis. Such announcements shall be provided regularly throughout the day and year and shall include messages of significant public interest related to safety and traffic matters (e.g., Amber Alerts, traffic hazards and congestion, hurricane evacuation notices, and traffic alerts or advisories) and messages related to City-sponsored and co-sponsored events. Messages shall be posted upon receipt of notice from the City or its designee and shall continue to be posted throughout the duration of the event in a manner designed to provide reasonable and effective notice of the event (such posting shall not be exclusive of other messages).

11. Sponsor signs shall be allowed in addition to any other permitted signage provided that the number is limited to one sign per acre of the subject parcel and the sign area is limited to 25 square feet per sign. Sponsor signs shall be oriented to the internal auto and pedestrian circulation network, or be attached directly to the large facility structure and associated structured parking. The design of such signs shall be consistent and feature the name, wordmark, or logo of the sponsors only.

E. Menu signs for drive-through establishments. There shall be not more than two signs per drive-through lane. Each sign shall not exceed 40 square feet and eight feet in height. No speaker shall be oriented to face a single-family residence or a district that permits a residential use, unless buffering is provided.

F. Off-premises signs.

1. Number. A maximum of one off-premises sign per zoned lot is permitted.

2. Lot area. The sign shall be located on a lot or parcel having no less than 50 linear feet of frontage.

3. Location. Off-premises signs shall be allowed only on sites in the Corridor Commercial Traditional (CCT), Corridor Commercial Suburban (CCS), Employment Center (EC), Retail Center (RC), Institutional Center (IC), Industrial Suburban (IS) and Industrial Traditional (IT) zoning districts that are abutting the interstate or interstate feeders.
4. **Area.** The maximum area for an off-premises sign shall be 672 square feet per sign face. Two such sign faces may be mounted back to back on the same sign structure.

5. **Height.** The maximum height shall be 25 feet. If the sign is on a parcel contiguous to an overpass or elevated road (excluding service roads) from which the sign is designed to be viewed, the maximum height of the sign shall be measured vertically from the average elevation of the crown of the roadway surface of the overpass or elevated road. The average elevation shall be determined by averaging the elevation of the crown of the roadway surface between the horizontal extensions of the boundary lines of the contiguous parcel upon which the sign is to be located, where such boundary lines intersect the crown of the overpass or elevated road.

6. **Separation requirements.** Off-premises signs shall not be located within a radius of 1,500 feet of another such sign on interstate designated roadways, and shall not be located within a radius of 1,000 feet of another such sign on all federal-aid-primary (FAP) designated roadways. Additionally, no off-premises sign shall be placed within 500 feet of residentially zoned property. Residentially-zoned property within the National Highway System, Interstate, and FAP right-of-way shall be exempt from this spacing requirement.

7. **Setbacks.** The sign shall be set back behind the front, street side, and side yards required by the applicable zoning district regulations.

8. **Intergovernmental coordination.** In those locations at or in proximity to jurisdictional boundaries where inconsistent sign regulations would serve to undermine the purpose and intent of these regulations, the City may enter into an agreement to provide for the basis of regulation in such transition areas; provided, that the operative terms of any such agreement shall be incorporated into these regulations by adoption of an ordinance before such terms may take effect.

9. **Relocation.** A lawfully erected off-premises sign may be relocated upon the same site or to an adjoining site under the same ownership, provided that the sign after such relocation complies with the following requirements. No variance from this requirement may be approved and the POD shall not accept any application for any such variance.
   a. Except for such relocated signs, no new off-premises sign may be erected upon any site upon which another building or structure has been erected on the site unless the building or structure is removed prior to or simultaneously with the erection of the sign. In such cases, after the erection of such sign, no other building or structure except a wall or fencing may be permitted upon the zone lot and no building permit for any building or structure shall be issued which is contingent upon the removal of the sign, unless the owner of the property voluntarily elects to remove the sign.
   b. This paragraph shall not apply when the owner of the land on which a lawfully erected sign is located is seeking to have the property redesignated on the City or countywide future land use map of the Comprehensive Plan for exclusively single-family residential use; in such instances, if the property is redesignated for such residential use, the sign shall be removed prior to the issuance of a permit for any residential building or structure.

10. **Three-dimensional extensions.** Off-premises signs may include one or more three-dimensional extensions. Each extension is permitted to project to a maximum depth of five feet beyond the surface of the sign face but not into any right-of-way. Three-dimensional extension(s) on any sign shall not exceed a total maximum area that exceeds 30 percent of the total sign face area. Each three-dimensional extension shall comply with the requirements of the Florida Building Code and shall be required to obtain a building permit when necessary.

G. **On-site directional and directory, major.** Directional and directory signs which are located on the site of office/industrial parks, hospitals, colleges/universities, and regional shopping centers (more than 100,000 square feet) shall be permanently installed, and shall require a permit.
H. Temporary signs.

1. Temporary signs, banners. Up to two banner signs per site or business shall be permitted in any zoning district, except at residential uses having ten dwelling units or less. Such banners shall be attached to an existing freestanding sign structure or to a legally permitted structure or building. The maximum area of each banner shall not exceed 48 square feet. The maximum period for display shall not exceed 14 days per permit.

2. Temporary signs, cold-air inflatable. One cold-air inflatable sign per site shall be permitted in commercial corridor, downtown, and suburban center districts. Signs attached to or integrated into inflatable devices shall not exceed 150 square feet. The actual inflatable device shall not exceed 25 feet in any dimension and shall be firmly attached to the ground. The maximum period for display shall not exceed ten days per permit.

3. Temporary signs, freestanding. One freestanding temporary sign per site shall be permitted in any zoning district except at residential uses having ten dwelling units or less. Such signs shall have a maximum height of eight feet and a maximum area of 48 square feet. The maximum period for display shall not exceed 30 days per permit.

4. Temporary signs, wind feather. In lieu of a temporary freestanding sign or a temporary banner, one wind feather sign per site or business shall be permitted in any zoning district except at residential uses having ten dwelling units or less. Such signs shall have a maximum height of 15 feet. The maximum period for display shall not exceed 30 days per permit.

5. Temporary signs, one-way frontage roads. Additional freestanding temporary signs shall be allowed on properties that front on one-way frontage roads, subject to all other provisions of this Code. A maximum of two temporary signs shall be permitted on properties with lot frontages of 100 feet or less. One additional temporary sign shall be permitted for each additional 100 feet or portion thereof of lot frontage (for example, a maximum of three temporary signs shall be permitted for properties with lot frontages more than 100 feet up to 200 feet, and a maximum of four temporary signs shall be permitted for properties with lot frontages more than 200 feet up to 300 feet). Such signs shall have a maximum height of eight feet and a maximum area of 48 square feet. These additional signs shall be allowed on weekends, holidays and twice a year for special events which not exceed seven days per permit.

6. Frequency. The use of temporary signs shall be restricted to four times per calendar year per site, per business, regardless of the type of sign displayed unless greater restrictions are set forth herein for a temporary sign. A display of temporary signs may consist of any combination of the types of temporary signs listed above; provided, that the maximum period for displays of a sign type shall not be exceeded.

I. Digital or electronic off-premise signs. Digital or electronic off-premise signs shall only be allowed in conjunction with an approved enforceable agreement that provides for a reduction in the number of off-premise signs in the City, as authorized pursuant to F.S. § 70.20 (2009), of the Bert J. Harris, Jr. Private Property Rights Protection Act. The City may enter into such consensual agreements with sign owners for the removal, reconstruction, and construction of signs. If (a) Section 16.40.120.15(I)(12) (providing for the permanent removal of a minimum of ten static off-premise signs in exchange for the conversion of one remaining sign face to a digital or electronic sign, with affected signs to be designated by agreement, and providing for public service and City-sponsored messages on the digital or electronic sign(s)) of this section is declared invalid, illegal, or unenforceable by a final court order from a court of competent jurisdiction, or (b) any other portion of this section is declared invalid, illegal, or unenforceable by a final order from a court of competent jurisdiction and such court order specifically requires the removal of any digital or electronic off-premise sign constructed in accordance with this section, then, upon such court order becoming final and non-appealable, (i) the authorization for any digital or electronic off-premise sign allowed by this subsection and implemented through an agreement entered into pursuant to this section shall immediately be illegal and null and void; (ii) any digital or electronic off-premise sign that has been constructed pursuant to this subsection of the City Code shall become illegal and, within 30 days of the expiration of the date the order becomes final and non-appealable, must be either demolished and removed at the expense of the sign owner or converted to a static sign at the expense of the sign owner; (iii) any static off-premise signs that were removed in order to construct digital or electronic off-premise signs may be rebuilt, on the same properties on which they were previously constructed and to the same dimensions, subject to the receipt of required permits and compliance with the Florida Building Code, and provided that the following conditions are met: (1) the only static off-premise signs that may be rebuilt are those on Federal Aid Primary (FAP) roadways;
(2) if the court order described in this subsection becomes final and non-appealable within five years of the effective date of the ordinance codified in this section, the sign owner shall not rebuild more than 50 percent of the static off-premise signs previously removed under this section and associated agreements; (3) if the court order becomes final and appealable between five years and ten years after the effective date of the ordinance, the sign owner shall not rebuild more than 25 percent of the static off-premise signs previously removed under this section and associated agreements; (4) if the court order becomes final and appealable ten years or more after the effective date of the ordinance, the sign owner shall not rebuild any static off-premise sign previously removed under this section and associated agreements; and (5) any static off-premise sign rebuilt under this subsection shall be classified as a legally nonconforming off-premise sign; and (iv) this subsection of the City Code shall become void and repealed. Digital or electronic off-premise signs shall be permitted, constructed, and operated in accordance with the following standards:

1. Locations. Digital or electronic off-premise signs shall only be allowed within 100 feet of the right-of-way of the interstate, including the downtown feeders. Digital or electronic off-premise signs are prohibited on the same site as a National Register or locally designated historic structure or within a National Register or locally designated historic district. Digital or electronic off-premise signs are prohibited within 500 feet of a National Register or locally designated historic structure, except where an interstate highway or feeder separates the digital or electronic off-premise sign from the National Register or locally designated historic structure. Digital or electronic off-premise signs are also prohibited within 500 feet of residentially zoned property as defined in this chapter. Distance requirements shall be measured from the leading edge of the digital or electronic sign face to the closest property line of the residentially zoned property.

2. Separation. Digital or electronic off-premise signs shall be spaced so that a driver cannot read more than one digital or electronic off-premise sign face at the same time, regardless of ownership. Digital or electronic off-premise signs shall be oriented to face traffic on the interstate or feeder right-of-way. A digital or electronic off-premise sign shall be at least 2,500 feet from any other digital or electronic off-premise sign facing the same direction on the same roadway, regardless of ownership. Such distance shall be measured along the centerline of the abutting roadway.

3. Size. The sign face of each sign shall not exceed 14 feet and 1¾ inches in height and 48 feet and 2¼ inches in width. The area of any border shall be included in the area of the sign face. Such a border shall be black, with no illumination and no writing or symbols other than the identification (name and/or logo) of the sign owner.

4. Height. The maximum height shall be 25 feet or the height of the existing static billboard that is being replaced, whichever is greater. The height of each existing static billboard to be replaced with a digital or electronic off-premise sign shall be subject to verification by the City prior to the existing billboard being altered, demolished, removed, or converted. The maximum height shall be measured to the highest point of the sign or sign structure, including any border or extensions. If the sign is on a parcel contiguous to an overpass or elevated road (excluding service roads) from which the sign is designed to be viewed, the maximum height of the sign shall be measured vertically from the average elevation of the crown of the roadway surface of the overpass or elevated road. The average elevation shall be determined by averaging the elevation of the crown of the roadway surface between the horizontal extensions of the boundary lines of the contiguous parcel upon which the sign is to be located, where such boundary lines intersect the crown of the overpass or elevated road. Structures upon which digital or electronic off-premise signs will be located may be constructed or reconstructed, as applicable, to support and allow the incorporation of the digital or electronic off-premise signs. This includes permitting construction or reconstruction that meets the current building department standards of wind load and the building code.

5. The dwell time, defined as the interval of change between each individual message, shall be at least ten seconds. Any change of message shall be completed instantaneously. The dwell time shall not include the time required to change a message. There shall be no special effects between messages.

6. Consecutive messages on a single electronic changeable message sign face (digital slots) are prohibited when the second message answers a textual question posed on the prior slot, continues or completes a sentence started on the prior slot, or continues or completes a story line started on the prior slot. Nothing in this subsection shall prohibit consecutive messages by the same advertiser or consecutive messages for the same product provided that the second of such advertisements does not
answer a textual question posed in the first advertisement, continue or complete a sentence started on the first advertisement, or continue or complete a story line started on the prior slot. For example, consecutive advertisements by a single grocery store advertising the same or multiple products are permitted provided that such advertisements do not answer textual questions, continue or complete a sentence from one slot to the next slot, or continue or complete a story line from one slot to the next slot.

7. The message shall be static. There shall be no animation, flashing, scintillating lighting, movement, or the varying of light intensity during the message. Messages shall not scroll and shall not give any appearance or optical illusion of movement.

8. Each sign shall have a light sensing device to adjust brightness as ambient light conditions change in order to insure that the message meets the following brightness standards.

The maximum brightness shall be 0.3 foot candles above the ambient light measured 150 feet perpendicular from the face of a sign that is less than or equal to 300.0 square feet in area, 200 feet perpendicular from the face of a sign that is greater than 300.0 square feet in area but less than or equal to 378.0 square feet in area, and 250 feet perpendicular from the face of a sign that is greater than 378.0 square feet in area.

9. The sign face shall not display light that is of such intensity or brilliance to cause glare or otherwise impair the vision of a driver. No sign shall display light of such intensity that it interferes with the effectiveness of an official traffic sign, signal or device. Any violation of this section will result in the City requiring the sign owner to turn the sign off or show a “full black” image until the sign can be brought into compliance.

10. The sign shall have a default mechanism or setting that will cause the sign to turn off or show a “full black” image if a visible malfunction or failure occurs.

11. The sign shall not be configured to resemble a warning or danger signal. The sign shall not resemble or simulate any lights or official signage used to control traffic.

12. Prior to the issuance of a permit for construction of the digital or electronic off-premise sign, the operator of the sign shall enter into an agreement with the City in accordance with F.S. § 70.20. The agreement shall specify which existing billboard faces shall be permanently removed and the location(s) of the requested digital or electronic off-premise sign faces. A minimum of ten existing billboard faces shall be permanently removed for each digital or electronic off-premise sign face requested to be approved. All sign faces must be removed from an existing structure in order for each removed face to qualify as a removed sign. The agreement shall require approval by City Council. The agreement shall also provide for public service announcements on a regular basis without charge. Such announcements shall be provided regularly throughout the day and year as specified in the agreement and shall include messages of significant public interest related to safety and traffic matters (e.g. Amber Alerts, Cop Killer Alerts, and hurricane evacuation notices) and messages related to City-sponsored and co-sponsored events.

13. Upon completion of the demolition, removal, and disposal of any existing sign that is conforming or nonconforming under the Land Development Regulations and that is not replaced by a replacement sign as authorized in an agreement with the City in accordance with F.S. § 70.20, the property upon which the conforming or nonconforming sign was located shall no longer include off-premise signs as a permitted structure except as otherwise expressly authorized by such agreement with the City.

14. Prior to the issuance of a permit for a sign, the applicant shall provide a letter or other written documentation from the State of Florida stating that either the proposed sign is not subject to State regulation, complies with applicable State regulations, or will comply as proposed with applicable State regulations.

15. No variances may be granted that would alter any of the provisions of this Section.

16. This subsection I of Section 16.40.120.15 shall terminate and be of no further force and effect as of the 20th anniversary of the effective date of the ordinance codified in this section. Any agreement entered into between the City and a sign owner pursuant to this subsection I of Section 16.40.120.15 and F.S. § 70.20 shall also terminate and be of no further force and effect as of the 20th anniversary of the
effective date of the ordinance. On such 20th anniversary, the sign owner, at its own expense, (i) shall convert any digital or electronic off-premise signs into static off-premise signs, which shall be classified as legally nonconforming off-premise signs or (ii) shall demolish any digital or electronic off-premises signs, remove all debris from the properties upon which such signs are located, and dispose of same in accordance with applicable regulations. The replacement of a digital sign face with a static sign face shall be deemed an acceptable improvement to or alteration of a nonconforming structure or use under this Code.

17. In connection with the City’s issuance of a notice of violation or other process pursuant to Chapter 9 of the City Code, by which the City seeks to enforce the provisions of this section related to an alleged violation of the lighting standards, brightness standards, message sequencing, or minimum message dwell time standards established in this section, six hours shall be deemed a reasonable time for the owner or operator to cure a first-time alleged violation. Any time period in which the digital or electronic changeable message display is turned off while the owner or operator attempts to address or cure the alleged violation shall toll the running of the six-hour period. The fine for a violation of any provision of this section pertaining to a digital or electronic off-premise sign shall be not less than $1,000.00 per day for the first violation, $2,500.00 per day for the second violation, and $5,000.00 per day for the third and subsequent violations.


16.40.120.16. - Design requirements.

All signs except temporary signs and off-premises signs shall be subject to the design requirements below:

1. Freestanding signs. Signs shall be designed to complement the architectural design of the building, utilizing the same materials, colors, finishes, and details. In addition to color, freestanding signs shall incorporate at least one additional element (such as, but not necessarily limited to, building material or architectural feature) to reflect the architectural design of the building.

2. Freestanding monument signs. All signs of ten feet in height or less shall be designed as monument signs. The materials, finishes and colors of the base shall match the architectural design of the building. In lieu of a monument base, any combination of landscaping of sufficient density and maturity at the time of planting may be used to achieve the same opacity as would have been achieved with the monument base.

3. Tenant panels in freestanding signs. All tenant panels in freestanding signs, including those added to existing sign structures, shall be constructed of the same materials and illuminated by the same method. Panels added to existing signs shall match the existing panels with respect to their color, materials, and illumination.

4. Landscaping. All freestanding and monument signs shall be landscaped around the base of the sign structure. Landscaping (e.g., ornamental trees, shrubs, and ornamental plants) shall meet the requirements for foundation landscaping as prescribed by this Code.

5. Wall signs. Wall signs shall not be installed in a manner that detracts from the architectural design of a building. Wall signs shall not be installed over windows, doors, or other types of fenestration.

6. Wall signs for multi-tenant developments. Wall signs installed within a development having three or more tenant spaces shall be consistent with a uniform sign plan for the development. The uniform sign plan shall demonstrate that the signs will be consistent with each other with respect to size, materials, method of illumination and, for wall signs, method of attachment.

7. Illumination of signs adjacent to single-family uses. No wall or freestanding sign located within 50 feet of a property with a single-family use or zoned for a single-family use shall be internally illuminated.
8. **Three-dimensional signs.** An on-premises sign may be in the shape of a three-dimensional object or may include one or more three-dimensional extensions.
   a. Three-dimensional signs shall conform in all respects to the required height, area, location and numerical requirements of this section.
   b. The area of a three-dimensional sign shall be determined by drawing a square, rectangle, parallelogram, triangle, circle or semi-circle, the sides of which touch the extreme points or edges of the projected image of the sign and multiplying that area by two. The “projected image” is that image created by tracing the largest possible two-dimensional outline of the sign.
   c. The three-dimensional sign shall be located so that no sign or portion thereof is within a public pedestrian easement or extends beyond the property line of the premises on which such sign is located into the right-of-way unless the sign is attached to the face of the building and located at least eight feet above grade.

(Code 1992, § 16.40.120.16; Ord. No. 985-G, § 55, 7-15-2010; Ord. No. 52-H, § 12, 11-1-2012)

16.40.120.17. - Number, area, height, and placement requirements.

The following rules shall apply to the following types of signs:

1. **Freestanding signs.**
   a. **Number.** No more than one freestanding sign shall be permitted within any yard, unless such yard has a minimum frontage of 500 feet. In such case, a second freestanding sign may be permitted provided the signs are placed a minimum of 300 feet apart.

      This provision shall not be applicable when other provisions of this sign code which allow more than one sign in any yard are utilized.
   b. **Height.** The height of a sign shall be measured from the finished grade of the yard in which the sign is located to the top of the sign structure or sign. If the sign is on a parcel contiguous to an overpass or elevated road (excluding service roads) from which the sign is designed to be viewed, the maximum height of the sign shall be measured vertically from the average elevation of the crown of the roadway surface of the overpass or elevated road. The average elevation shall be determined by averaging the elevation of the crown of the roadway surface between the horizontal extensions of the boundary lines of the contiguous parcel upon which the sign is to be located, where such boundary lines intersect the crown of the overpass or elevated road.
   c. **Placement.**
      (1) **Visibility triangle and visual clearance.** All freestanding signs shall be installed in compliance with requirements for sight clearance and visibility triangles, as prescribed by this Code, or any additional requirements of any county, state, or federal agency having regulations related to the placement of structures adjacent to roadways under their jurisdiction.
      (2) **Yards.** The primary freestanding sign shall be installed within the yard abutting the roadway having the highest classification or use, regardless of which yard is defined as the legal front yard.
      (3) **Setbacks.** Minimum setbacks for freestanding signs shall be as follows:
         (a) Zero feet for signs that are six feet in height or less.
         (b) Three feet for signs that are ten feet in height or less, but greater than six feet in height.
         (c) Five feet for signs that are 15 feet in height or less, but greater than ten feet in height.
         (d) Ten feet for signs that are greater than 15 feet in height.
      (4) **Intersections.** No more than one freestanding sign shall be installed within 25 feet of a street intersection. If the property within 25 feet of an intersection is not under common ownership,
the first freestanding sign to be lawfully erected within 25 feet of the intersection shall preclude the erection of a second freestanding sign within 25 feet of the intersection.

(5) **Conflicts.** The POD shall have authority to grant minor variances to the required locations and setbacks for freestanding signs to address specific site conflicts that might result from existing trees, overhead utilities, or other site conditions. Applicants for such variances shall be required to demonstrate compliance with the criteria for granting of variances as prescribed by this Code. Such variance shall be granted only after a finding by the POD that such variance does not negatively affect the public health, safety, or welfare.

d. **Signs for properties with multiple street frontages.** For lots having more than one street frontage, one additional freestanding sign shall be allowed for each additional street frontage. The sign face area and height allowed shall be a percentage of the primary sign face area and height based on the classification of the non-primary frontage roadway as shown on the future major streets map of the Comprehensive Plan, and as outlined in the table below:

<table>
<thead>
<tr>
<th>Nonprimary Frontage Classification</th>
<th>Percent of Primary Sign Face Area and Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial</td>
<td>100 percent</td>
</tr>
<tr>
<td>Collector</td>
<td>75 percent</td>
</tr>
<tr>
<td>All others</td>
<td>50 percent</td>
</tr>
</tbody>
</table>

2. **Wall signs.**

a. **Number.** There shall be no limit to the number of wall signs on any one wall provided that the total sign area of such signs does not exceed the maximum allowable area for wall signs.

b. **Area calculation.** The maximum allowable area for wall signs shall be calculated using the front foot measurement along the building frontage. For lots having more than one street frontage, sign area calculations shall be allocated to each building facade facing an abutting street.

c. **Height.** The height of a wall sign attached to a one-story building shall not exceed the allowable height of the building or the lowest part of the roof, whichever is lower. For two-story buildings, wall signs shall be permitted on the same floor or fascia as the business to be identified. Except as otherwise permitted by this sign code, no wall signs shall be permitted above the third floor.

d. **Placement.** The placement of wall signs shall be permitted as follows:

   (1) On the primary building facade facing the abutting street of the highest classification or use.

   (2) On each side of a building that faces other streets if the property has multiple street frontages.

   (3) On any secondary building facade containing the main building entrance.

   (4) On any other building facade that has a fully finished architectural treatment matching other facades of the building, provided that the area of such signage shall be deducted from the maximum allowable area for all wall signs.

e. **Over rights-of-way.** A wall sign within the downtown districts and traditional commercial corridors may be permitted to extend over the right-of-way, provided that the City shall have approved a minor easement permit for the sign.

f. **Signs for properties with multiple street frontages.** For a property having more than one street frontage, one additional wall sign shall be allowed for each additional street frontage. The sign face
area allowed shall be a percentage of the primary sign face area based on the classification of the non-primary frontage roadway as shown on the future major streets map of the Comprehensive Plan, and as outlined in the table below:

<table>
<thead>
<tr>
<th>Nonprimary Frontage Classification</th>
<th>Percent of Primary Sign Face Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial</td>
<td>100 percent</td>
</tr>
<tr>
<td>Collector</td>
<td>75 percent</td>
</tr>
<tr>
<td>All others</td>
<td>50 percent</td>
</tr>
</tbody>
</table>

(Code 1992, § 16.40.120.17; Ord. No. 123-H, § 5, 8-28-2014)

16.40.120.18. - Procedures.

A. Permitting, variances and appeals. See the application and procedures section.

B. Enforcement.

1. The erection, display, construction, maintenance, or use of any sign in any manner contrary to the requirements of this sign code shall be deemed a violation of the municipal code, punishable by fine or imprisonment as provided by section 1-7 or by the imposition of fines and liens as provided by section 9-29, or by such other remedies as are available to the City. Each day that a violation continues to occur shall be deemed a separate violation.

2. Any prohibited sign shall be removed from publicly-owned lands and rights-of-way upon demand by the City. Nothing shall prohibit a duly authorized officer or employee of the City from removing a sign from public property.

C. Illegal signs. Signs that existed on February 6, 1992, that were not in conformance with the Codes and ordinances at the time they were constructed are illegal signs and shall conform with this sign code or be removed. Signs which were constructed without a permit but which are currently lawful may remain if the owner demonstrates that the sign was or became lawful, provides an engineering certification that the sign is constructed according to Florida Building Codes, and obtains an after the fact permit.

(Code 1992, § 16.40.120.18; Ord. No. 893-G, § 6(16.40.120.18), 9-4-2008)

16.40.120.19. - Definitions.

As used herein, the following terms shall have the following meanings unless the context in which a term is used clearly indicates a different meaning:

Advertising means any form of public announcement intended to aid, directly or indirectly, in the sale, use, or promotion of a product, commodity, service, activity, or entertainment.

A-frame sign means a non-illuminated incidental freestanding portable sign which is ordinarily in the shape of an "A" or some variation thereof. For purposes of this sign code, such signs shall also include, but not be limited to, pedestal signs and sandwich board signs.

Animated sign means any sign which includes action, motion, the optical illusion of action or motion or color changes of all or any part of the sign face, requiring electrical energy or set in motion by movement of the atmosphere or a sign made up of a series of sections that turn and stop to show two or more pictures or messages.
in the copy area. The term "animated sign" does not include signs which display time of day, temperature, or both, and does not include electronic message center signs or tri-vision signs.

Artwork means drawings, pictures, symbols, paintings (including the painting of patterns or designs) or sculpture, which does not in any way include a company or corporate logo or text identifying any product, service or business sold or available on the premises.

Awning sign means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area.

Banner means any sign of fabric or similar material that is mounted to a pole, a wire, a fence, a structure or a building at one or more edges. Flags shall not be considered banners.

Beacon means a stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which is intended to attract or divert attention. However, the term "beacon" does not include any kind of lighting device which is required or necessary under the safety regulations prescribed by the Federal Aviation Administration or similar agencies.

Bench sign/bus shelter sign means a bench or bus shelter upon which a sign is drawn, painted, printed, or otherwise affixed thereto.

Building frontage, for purposes of this sign code, means the single facade of a building abutting a street or containing the primary building entrance. For multi-tenant buildings where each tenant has its own entrance, the term "building frontage" means the single facade of each tenant.

Business establishment means any individual person, nonprofit organization, partnership, corporation, other organization or legal entity which has paid, or is required to pay, the business tax and which occupies distinct and separate physical space.

Changeable copy (or changeable message) sign means a portion of a sign upon which the message copy may be changed manually through the utilization of attachable letters, numbers, symbols, and other similar characteristics.

Construction or construction/contractor sign means any sign giving the name and other identifying information of principal contractors, architects, or lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

Damaged sign means a sign missing more than 25 percent of the sign structure, or missing more than 25 percent of the area of a sign face, or having suffered damage to one or more structural support elements such that the sign is at risk of imminent collapse.

Digital or electronic off-premises sign means an off-premise sign utilizing digital message technology, capable of changing the static message or copy on the sign electronically.

Directional sign, or directory sign any sign which exclusively contains information providing direction or location to any object, place, or area. The term includes, but is not limited to, a sign indicating an avenue of ingress or egress and a sign listing the occupants of a property and their office or suite numbers. Double-faced sign means a sign which has two display surfaces backed against the same background, one face of which is designed to be
seen from one direction and the other from the opposite direction, every point on each face being either in contact with the other face or in contact with the same background.

*Electronic message center sign* means a sign by which the message copy may be electronically changed and controlled. The term includes, but is not limited to, time and temperature signs.

*Employment sign* means a sign that advertises job openings, company hiring, or specific employment opportunities or positions.

*Erect* means to build, construct, attach, hang, place, suspend or affix.

*Flag* means any fabric, banner or bunting containing distinct colors, patterns or symbols, which is used or may be used as a symbol of a government, political subdivision, corporation, business, or other entity. A flag may also be used to express symbolic speech or for decorative purposes. For the purpose of these regulations, the message expressed by a flag shall not be relevant to the display of the flag.

*Free speech sign* means a sign used to exercise the First Amendment right to free speech by expressing any lawful non-commercial message.

*Freestanding sign* means any sign supported by a structure or support that is placed on or anchored in the ground and that is structurally independent of any building or other structure.

*Frontage* means the length of the street boundary line for a parcel which runs coterminous with the boundary of an adjoining parcel. The measurement includes utility and drainage easements but does not include alleys or public ingress-egress easements.

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

*Height* means the vertical distance to the highest point of a sign, measured from ground level nearest the base of the sign or from another point such as the crown of a road if a measurement from such starting point is required by this sign code.

*Human sign* means a sign held or worn by a human being for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product.

*Identification sign* means any sign which indicates no more than the name, address, company logo and occupation or function of an establishment or premises.

*Integral roof sign* means any sign erected or constructed as an integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the roof by a space of more than six inches. Any integral portion of the roof shall not extend more than five feet above the structural roof.

*Large facility sign* means a sign erected on a site consisting of 20 acres or more and which contains an arena, theater, or other place of public assembly with 20,000 seats or more fixed seats.

*Linear front foot* means a measurement of the horizontal length of the wall upon which a wall sign is attached.
Maintenance means the replacing, repairing or repainting of a sign structure or any portion of a sign structure, including but not limited to changing or renewing copy which has been made unusable by ordinary wear or weather or accident. The term "maintenance" does not include changing the message on a changeable copy sign.

Menu sign for drive-through establishments means a product sign placed so as to be viewed from a drive-through lane, containing only a listing of products, with prices, offered for sale by the business. A menu sign provides a mechanism for ordering products while viewing the sign.

Monument sign means a sign that is erected on an opaque base having a width equal to or greater than 75 percent of the width of the sign for the entire vertical dimension of the base. If the width of the base is less than 75 percent of the width of the sign, the sign is a pole sign.

Multifamily use means any building having a residential use comprised of more than one family dwelling unit.

Nonconforming sign means any sign that does not conform to the requirements of this section. Prohibited signs are not nonconforming signs.

Off-premises sign means any sign identifying or advertising a product, business, person, activity, condition, or service not located or available on the same parcel of property where the sign is installed and maintained.

On-premises sign means any sign which identifies a use, business or advertises a product for sale or service to be rendered on the parcel of property where the sign is located.

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

POD see chapter 1.

Pole sign means a sign attached to a pole or mast that is not attached to a building.

Political sign means any sign which constitutes a political advertisement which the primary purpose is related to the candidacy of any person for public office or any issue which has been submitted for referendum approval.

Portable sign means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, any sign designed to be transported by means of wheels. The term "portable sign" includes, but is not limited to, an A-frame sign, a menu sign, a sandwich board sign, and a balloon or other inflatable device used for communicating a message.

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

Property means, unless a different meaning is indicated by the context in which the term is used, real property, or the total land area represented by the outside boundaries of a parcel of land.

Public/semi-public sign means:
(1) Any sign erected on-site for a public use or a nonprofit or quasi-public use such as a library, school, church, hospital, or government owned building.

(2) Public/semipublic is a future land use plan classification which includes the following plan categories: preservation, recreation/open space, institutional, and transportation/utility.

The characteristics of these categories shall be used in determining whether or not a use is public/semi-public.

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

Roof sign means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure.

Section means this sign code and any section, subsection, paragraph, subparagraph or other provision herein, regardless of the organization and numbering of these provisions.

Shopping or business center means a group of three or more business establishments with a single architectural plan, with common ownership of property, or cooperative or condominium ownership.

Sign means any device, fixture, placard, structure or representation that uses any color, form, graphic, illumination, or writing to advertise, attract attention, announce the existence of, or identify the purpose of a person, entity, product or service or to communicate information of any kind to the public.

Sign area means the total area of a sign face. Sign area shall include the background and frame of a sign structure and any borders or extensions, but not the structural supporting elements outside of its frame or extensions. Where a sign is composed of skeletal letters, characters, or symbols applied to a wall or other background that is not a part of the sign, the area of the sign shall be the area of the smallest rectangle, square, triangle, circle, or other geometric figure that will enclose the whole group of letters, characters and symbols. Where a sign is built with two faces back-to-back, the area of the sign shall be the larger of the areas of the two faces computed as herein before specified. In the case of a three-sided sign forming a triangle with sign faces on each side, sign area shall be calculated as 1½ times the largest face. In the case of a four-faced sign forming a square with sign faces on each side, sign area shall be calculated as two times the largest face.

Sign face means any plane, surface, curve or other area upon which appears the letters, characters and symbols composing the sign message, and the background of the letters, characters and symbols.

The total surface of a sign, including the background, frame, border, and any extensions, but not the structural supporting elements outside of the frame or extensions. Where a sign is composed of skeletal letters, characters, or symbols applied to a wall or other background that is not a part of the sign, the face of the sign shall be the area of the smallest rectangle, square, triangle, circle, or other geometric figure that will enclose the whole group of letters, characters and symbols. Background colors that are part of a corporate logo shall be considered a part of the sign face. Where a freestanding sign contains two or more tenant panels on the same side of the sign, the sign face shall include all of the tenant panels including framing.

Sign structure means any structure which is designed specifically for the purpose of supporting a sign, whether or not the structure is presently supporting a sign. The term "sign structure" does not include any decorative covers, braces, wires, supports, or components attached to or placed around the sign structure when designed to meet the design requirements of this sign code.
Snipe sign means a sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to a tree, pole, fence, public bench, street light pole, or other object, or on any public property or within the right-of-way.

Street means a public right-of-way used for vehicular and pedestrian traffic. The term "street" includes, but is not limited to, an alley.

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

Temporary approved sign means a sign approved by the POD for up to 45 days when an applicant demonstrates a hardship while applying for a variance from this sign code.

Tenant panel means one of two or more sign panels on the same side of a freestanding sign, each of which typically (but not necessarily) represents one business or other use on the site, all of which collectively form the sign face.

Tri-vision sign means a sign which contains a number of triangular tubes, called prisms, standing upright and kept in place by a frame. Advertising copy is painted or affixed to the prisms and the sign thereby can separately display three different messages. The prisms that stand closely together are turned simultaneously by a smooth movement at determined intervals. The advertising message on a tri-vision sign is stationary for determined intervals.

Umbrella sign means a sign printed on an umbrella used by a legal outdoor eating and drinking establishment, pushcart, or sidewalk vendor which is made of lightweight fabric or similar material.

Vehicle sign means a sign attached to or placed upon a vehicle or a boat, camper, or trailer, permanently or temporarily, or which is constructed as an integral component of a vehicle, boat, camper, or trailer. A vehicle sign will be a prohibited sign or exempt from this sign code depending upon the location and usage of the vehicle sign, as set forth more particularly in this sign code. Provided, however, that the term "vehicle sign" does not include any sign which is required by any unit of government, nor does the term "vehicle sign" include a single sign that is placed upon a single vehicle, camper, or trailer at the residence of the owner or a boat where lawfully docked to advertise that such is for sale.
Wall sign means any sign attached to, on, or supported by any part of a building (e.g., walls, integral roof, awning, windows, or canopy) which encloses or covers usable space.

Warning sign means a sign that warns of a dangerous condition on a parcel of property or that posts the property parking, trespassing, hunting, fishing, swimming, or other activity, or that gives notice to the public of information required by law regarding the towing of motor vehicles, provided that such sign does not carry any commercial message or identification except the name, address, and telephone number of the property owner.

Waterside identification sign means a sign intended to identify a residential complex, single business property or shopping center, and intended to be viewed only from the waters of the Gulf of Mexico, Tampa Bay, the Intracoastal Waterway or any other bays, rivers, lakes and waterways.

Wind feather sign means a type of temporary lightweight sign comprised of a frame pole and/or base which may be made of metal, plastic or any other substance, to which a vinyl, nylon, canvas, polyester, or other type of fabric, sign is attached.

Window sign means a sign located on a window or within a building or other enclosed structure and which is visible from the exterior through the window or any other opening.


16.40.120.20. - Computation of dimensions.

A. Computation of sign area. See the definition of "sign area" in the definitions section, and specific provisions for measuring the area of sign types in this sign code. The following is for signs:
The following is for banner signs:
B. **Computation of sign height.** See the definition of "height," in section 16.40.120.19, and specific provisions for measuring the height of sign types in this sign code.

C. **Computation of visual clearance and sight triangle.** To ensure adequate visibility at intersections sign placement shall comply with the requirements of the visibility at intersections section or the criteria of the Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways, whichever is the stricter.

(Code 1992, § 16.40.120.19.3; Ord. No. 985-G, §§ 56, 57, 7-15-2010)
ATTACHMENT #2:

SIGN CODE (PROPOSED)
AN ORDINANCE AMENDING THE ST. PETERSBURG 
CITY CODE BY REPLACING SECTION 16.40.120 WITH 
a reorganized and revised section 16.40.120 
sign code; enhancing readability and 
correcting scrivener’s errors; creating a 
Consolidated zoning chart for signage; 
and creating a sign code consistent with 
current state and federal requirements; 
and providing an effective date.

WHEREAS, in 2015 the U.S. Supreme Court issued a decision in Reed v. Town of Gilbert which struck down local sign codes which differentiate based upon the sign’s message and imposed a strict 
scrutiny review standard for local sign codes with content based standards for regulation; and

WHEREAS, the City along with the majority of local governments across the county were 
required to cease enforcing subsections related to exempt and temporary signs or change their sign 
codes; and

WHEREAS, the City chose to wait for post-Reed judicial interpretation and guidance before 
undertaking a revision of its own, previously upheld Sign Code, and

WHEREAS, the City, having such judicial interpretation now available, seeks to update its Sign 
Code to be more clearly compliant with the current state of Constitutional law, and also seeks to amend 
and restructure its code to enhance readability for the use and understanding of its citizens, and

WHEREAS, the City believes a reorganization amendment will further the goals of the original 
sign code passed in 1992 and its subsequent amendments and further the efficiency of the review 
process by City staff, and

WHEREAS, the majority of the City’s existing sign code, besides subsections relating to 
exemptions, does not require substantial amendment beyond a reorganization of the various subsections 
themselves, and

WHEREAS, this revised sign code shall not repeal or otherwise effect previously adopted City 
Ordinances, including Ordinance 177-H and 35-H related to off premises signs, digital billboards, or the 
agreements related to these sign types.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. Section 16.40.120 is hereby replaced in its entirety by a new Section 16.40.120 
which shall read as follows:

16.40.120 – SIGN CODE

16.40.120.1. - Purpose and findings.

This section shall be known as the sign code and shall establish standards for the location, size, 
spacing and design of signs. These standards are content-neutral and regulate only the form and 
placement, not the content, of signs. Each regulation serves a compelling governmental interest by 
furthering the purposes of this sign code. The City finds and determines that the following situations existed
in the City and in the county prior to the original adoption of this sign code on February 6, 1992, and that these conditions would occur without the regulations established in this revised sign code:

1. Inadequate sign regulation in the City;

2. Lack of attention to the relationship between proper sign regulation and resultant economic and other effects on the community;

3. Visual distraction and potential safety hazards posed to movement of pedestrian and vehicular traffic on public rights-of-way; and

4. Failure to consider signs as an integral component of the urban landscape.

In order to address these issues, the City finds and determines that the most effective, efficient and equitable approach is the implementation of a system of sign regulation which shall serve as a minimum norm or standard.

The purpose of this sign code is to establish minimum standards for an orderly system of signs and improve the quality of sign regulation in the City in a manner that contributes to the economic well-being, visual appearance, safety, and overall quality of life in the City. The sign code seeks to address the goals of the Vision Element of the City's Comprehensive Plan. In particular, it is the purpose of this sign code to further the following objectives, taking into consideration that the mix of densities and intensities of different uses in each zoning district, the aesthetics of each zoning district, and the speed limits of abutting traffic may require different regulations to ensure that these purposes are met in each zoning district:

To establish a comprehensive system of sign regulation that addresses the full spectrum of principal sign considerations on a uniform basis;

To establish an organized system of sign regulation to prevent oversized and competing signage systems within the commercial corridors of the City;

To establish a system of sign regulation that gives special recognition to protecting the aesthetic and scenic beauty of the City and the natural characteristics and visual attractiveness that are essential to the economy and cultural development of the City;

To establish the minimum standards necessary to reduce the visual distraction and safety hazards created by sign proliferation along the public rights-of-way; and

To recognize the significance of signs and appropriate uniform regulation thereof as a component of community appearance and character in the City.

16.40.120.2. - Applicability.

This sign code applies to any sign displayed, erected, or visible and legible from a right of way within the City.

16.40.120.3. - Generally.

A. It is the intent of the City Council to regulate signs consistent with the zoning designation which establishes the character of the area in which the signs are located.

B. All new signs shall comply with all applicable Florida Building Code requirements, design requirements, and other applicable requirements.
C. The replacement of a sign face in a lawful sign structure with a sign face of equal size and material shall not require a permit, provided that the sign structure complies with all applicable Florida Building Code, and design requirements of this sign code.

D. All signs shall be consistent with a uniform sign plan for multi-tenant structures or developments where a uniform sign plan is required.

E. All signs shall comply with design requirements where required by this sign code.

F. No person shall install, erect or create any sign without first obtaining a permit for the sign, except for exempt signs and prohibited signs, and except as may otherwise be provided specifically herein. No person who has obtained a permit for a sign shall install, erect or create a sign except in compliance with the terms of this sign code and any conditions or restrictions that may have been imposed upon the issuance of the permit. Any person who commences such work shall prosecute the work to completion, and pass the final inspection for such work. Work commenced under a permit which expires before the work is completed shall be deemed to be work done without a permit. It shall be unlawful for any property owner to allow any uncompleted work to remain on property owned by such owner if the work was commenced prior to the issuance of a permit for the work and a permit has not been obtained for the work, or if a permit for such work was obtained but expired prior to completion and final inspection of the work and the permit has not been re-issued.

16.40.120.3.1. - No content restrictions.

A. It is the intent of the City Council that protection of First Amendment rights shall be afforded by this sign code. Accordingly, any sign, display, or device allowed under this sign code may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with applicable size, lighting, dimension, design, spacing, and other requirements, including permitting requirements of this sign code.

B. In the event that a court of competent jurisdiction determines that allowing any sign to be exempt from the permitting process is unconstitutional or unenforceable, or causes the remainder of this section to be unconstitutional or unenforceable, then that sign or signs shall thereafter be required to obtain a permit and comply with the other requirements of this section. In the event that a court of competent jurisdiction determines that any provision allowing a specific sign or signs to be permitted is unconstitutional or unenforceable, or causes the remainder of this section to be unconstitutional or unenforceable, then that sign shall become a prohibited sign. In the event that a court of competent jurisdiction determines that this section, known as the Sign Code, is unconstitutional or unenforceable, then no new signs are allowed to be constructed and no existing sign is allowed to be modified, expanded or changed and a sign moratorium shall be in place for up to six months or until a new Sign Code is adopted.

16.40.120.4 - Definitions.

As used herein, the following terms shall have the following meanings unless the context in which a term is used clearly indicates a different meaning:

A-frame sign means a non-illuminated incidental freestanding portable sign which is ordinarily in the shape of an “A” or some variation thereof. For purposes of this sign code, such signs shall also include, but not be limited to, pedestal signs and sandwich board signs.
Animated sign means any sign which includes action, motion, the optical illusion of action or motion or color changes of all or any part of the sign face, requiring electrical energy or set in motion by movement of the atmosphere or a sign made up of a series of sections that turn and stop to show two or more pictures or messages in the copy area. The term "animated sign" does not include signs which display time of day, temperature, or both, and does not include electronic message center signs or tri-vision signs.

Artwork means drawings, pictures, symbols, paintings (including the painting of patterns or designs) or sculpture, which does not in any way include a company or corporate logo; or text identifying any product, service or business sold or available on the premises, or text advertising a business at another location

Awning sign means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area.

Banner means a temporary sign that is (i) made of wind- and weather-resistant cloth or other similar material; (ii) mounted to a pole, wire, fence, structure, or building at one or more edges; (iii) hangs downward; and (iv) designed to limit articulation or activation by the wind. Flags shall not be considered banners.

Beacon means a stationary or revolving light which flashes or projects illumination, single color or multicolored, and which is intended to attract or divert attention. However, the term "beacon" does not include any kind of lighting device which is required or necessary under the safety regulations prescribed by the Federal Aviation Administration or similar agencies.

Bench sign/bus shelter sign means a bench or bus shelter upon which a sign is drawn, painted, printed, or otherwise affixed thereto.

Building frontage, for purposes of this sign code, means the single facade of a building abutting a street or containing the primary building entrance. For multi-tenant buildings where each tenant has its own entrance, the term "building frontage" means the single facade of each tenant.

Business establishment, for the purposes of this sign code, means any individual person, nonprofit organization, partnership, corporation, other organization or legal entity which has paid, or is required to pay, the business tax and which occupies distinct and separate physical space.

Changeable copy (or changeable message) sign means a portion of a sign upon which the message copy may be changed manually through the utilization of attachable letters, numbers, symbols, and other similar characteristics. The overall size is included in the square footage of the sign.

Construction area or construction site means any property or building at which active construction work is currently ongoing or for which there are active permits for said construction on file with the Building Department.

Damaged sign means a sign missing more than 25 percent of the sign structure, or missing more than 25 percent of the area of a sign face, or having suffered damage to one or more structural support elements such that the sign is at risk of imminent collapse.
Double-faced sign means a sign which has two display surfaces backed against the same background, one face of which is designed to be seen from one direction and the other from the opposite direction, every point on each face being either in contact with the other face or in contact with the same background.

Digital or Electronic sign means a sign utilizing digital message technology by which the message copy may be electronically changed and controlled. The term includes, but is not limited to, time and temperature signs.

Erect means to build, construct, attach, hang, place, suspend or affix.

Flag means a sign that is (i) made of any fabric, banner, bunting, or other non-rigid material; (ii) attached to a flagpole, stanchion, or bracket; and (iii) intended to be articulated or activated by the wind.

Flagpole means a pole for which the primary purpose of which is the display of flags.

Freestanding sign means any sign supported by a structure or support that is placed on or anchored in the ground and that is structurally independent of any building or other structure. This includes monument and pole signs.

Frontage means the length of the street boundary line for a parcel which runs coterminous with the boundary of an adjoining parcel. The measurement includes utility and drainage easements but does not include alleys or public ingress-egress easements.

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

Height means the vertical distance to the highest point of a sign, measured from ground level nearest the base of the sign or from another point such as the crown of a road if a measurement from such starting point is required by this sign code.

Human sign means a sign held or worn by a human being for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, idea, cause, or product.
Integral roof sign means any sign erected or constructed as an integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches. Any integral portion of the roof sign shall not extend more than five feet above the structural roof.

Large facility sign means a sign erected on a site consisting of 20 acres or more and which contains an arena, theater, or other place of public assembly.

Linear front foot means a measurement of the horizontal length of the wall upon which a wall sign is attached.

Maintenance means the replacing, repairing or repainting of a sign structure or any portion of a sign structure, including but not limited to changing or renewing copy which has been made unusable by ordinary wear or weather or accident. The term “maintenance” does not include changing the message on a changeable copy sign.

Monument sign means a sign that is erected on an opaque base having a width equal to or greater than 75 percent of the width of the sign for the entire vertical dimension of the base. If the width of the base is less than 75 percent of the width of the sign, the sign is a pole sign.

Multifamily use means any building having a residential use comprised of more than one family dwelling unit.

Nonconforming sign means any sign that does not conform to the requirements of this section. Prohibited signs are not nonconforming signs.

Off-premises sign means any sign identifying or advertising a product, business, person, activity, condition, or service not located or available on the same parcel of property where the sign is installed and maintained.

On-premises sign means any sign which identifies a use, business or advertises a product for sale or service to be rendered on the parcel of property where the sign is located.

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

POD see chapter 1.

Pole sign means a sign attached to a pole or mast that is not attached to a building.

Portable sign means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, any sign designed to be transported by means of wheels. The term “portable sign” includes, but is not limited to, an A-frame sign, a menu sign, a sandwich board sign, and a balloon or other inflatable device used for communicating a message.
**Projecting sign** means any wall sign affixed perpendicularly to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

**Property** means, unless a different meaning is indicated by the context in which the term is used, real property, or the total land area represented by the outside boundaries of a parcel of land.

**Roof sign** means any sign that is erected, constructed and/or maintained on the roof of a building or structure, which is placed above the eaves, mansards, parapets, or other similar architectural features of such roof.

**Section** means this sign code and any section, subsection, paragraph, subparagraph or other provision herein, regardless of the organization and numbering of these provisions.

**Shopping center** means a group of three or more business establishments with a single architectural plan, with common ownership of property, or cooperative or condominium ownership.

**Sign** means any device, fixture, placard, structure or representation that uses any color, form, graphic, illumination, or writing to advertise, attract attention, announce the existence of, or identify the purpose of a person, entity, product or service or to communicate information of any kind to the public.

**Sign area** means the total area of a sign face. Sign area shall include the background and frame of a sign structure and any borders or extensions, but not the structural supporting elements outside of its frame or extensions. Where a sign is composed of skeletal letters, characters, or symbols applied to a wall or other background that is not a part of the sign, the area of the sign shall be the area of the smallest rectangle, square, triangle, circle, or other geometric figure that will enclose the whole group of letters, characters and symbols. Where a sign is built with two faces back-to-back, the area of the sign shall be the larger of the areas of the two faces computed as herein before specified. In the case of a three-sided sign forming a triangle with sign faces on each side, sign area shall be calculated as 1½ times the largest face. In the case of a four-faced sign forming a square with sign faces on each side, sign area shall be calculated as two times the largest face.

**Sign face** means any plane, surface, curve or other area upon which appears the letters, characters and symbols composing the sign message, and the background of the letters, characters and symbols, and includes the total surface of a sign, including the background, frame, border, and any extensions, but not the structural supporting elements outside of the frame or extensions. Where a sign is composed of skeletal letters, characters, or symbols applied to a wall or other background that is not a part of the sign, the face of the sign shall be the area of the smallest rectangle, square, triangle, circle, or other geometric figure that will enclose the whole group of letters, characters and symbols. Background colors that are part of a corporate logo shall be considered a part of the sign face. Where a freestanding sign contains two or more tenant panels on the same side of the sign, the sign face shall include all of the tenant panels including framing.
Sign structure means any structure which is designed specifically for the purpose of supporting a sign, whether or not the structure is presently supporting a sign. The term "sign structure" does not include any decorative covers, braces, wires, supports, or components attached to or placed around the sign structure when designed to meet the design requirements of this sign code.

Snipe sign means a sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to a tree, pole, fence, public bench, street light pole, or other object, or on any public property or within the right-of-way.

Street. See the definition of “street” in the Definitions section (currently Sec. 16.90.020.3). For the purposes of this section, ‘street’ generally does not include an ‘alley’.

Tenant panel means one of two or more sign panels on the same side of a freestanding sign, each of which typically (but not necessarily) represents one business or other use on the site, all of which collectively form the sign face.

Tri-vision sign means a sign which contains a number of triangular tubes, called prisms, standing upright and kept in place by a frame. Advertising copy is painted or affixed to the prisms and the sign thereby can separately display three different messages. The prisms that stand closely together are turned simultaneously by a smooth movement at determined intervals. The advertising message on a tri-vision sign is stationary for determined intervals.

Umbrella sign means a sign printed on an umbrella.

Vehicle sign means a sign attached to or placed upon a vehicle or a boat, camper, or trailer, permanently or temporarily, or which is constructed as an integral component of a vehicle, boat, camper, or trailer. A vehicle sign will be a prohibited sign or exempt from this sign code depending upon the location and usage of the vehicle sign, as set forth more particularly in this sign code. The term "vehicle sign" does not include any sign which is required by any unit of government.
**Wall sign** means any sign attached to, on, or supported by any part of a building (e.g., walls, integral roof, awning, windows, or canopy) which encloses or covers usable space.

**Warning sign** means a sign that warns of a dangerous condition on a parcel of property or that posts the property warning of restrictions concerning parking, trespassing, hunting, fishing, swimming, or other activity, or that gives notice to the public of information required by law regarding the towing of motor vehicles, or other information specifically required to be posted by law, provided that such sign does not carry any commercial message or identification except the name, address, and telephone number of the property owner, or other person responsible for the property.

**Waterside identification sign** means a sign intended to be viewed only from the waters of the Gulf of Mexico, Tampa Bay, the Intracoastal Waterway or any other bays, rivers, lakes and waterways.

**Wind feather sign** means a type of temporary lightweight sign comprised of a pole and/or base which may be made of metal, plastic or any other substance, to which a vinyl, nylon, canvas, polyester, or other type of fabric, sign is attached.

**Window sign** means a sign located on a window or within a building or other enclosed structure and which is visible from the exterior through the window or any other opening.
16.40.120.5 - GENERAL REQUIREMENTS FOR ALL SIGNS

16.40.120.5.1 - Procedures.

A. Permitting, variances and appeals. See the application and procedures section.

B. Enforcement.

1. The erection, display, construction, maintenance, or use of any sign in any manner contrary to the requirements of this sign code shall be deemed a violation of this code, punishable by fine or imprisonment as provided by section 1-7, or by the imposition of fines and liens as provided by Chapter 9, or by such other remedies as are available to the City. Each day that a violation continues to occur shall be deemed a separate violation.

2. Any prohibited sign shall be removed from publicly-owned lands and rights-of-way upon demand by the City. Nothing shall prohibit a duly authorized officer or employee of the City from removing a sign from publicly-owned lands and rights-of-way.

C. Illegal signs. Signs that existed on September 4, 2008 that were not in conformance with the Codes and ordinances at the time they were constructed are illegal signs and shall conform with this sign code or be removed. Signs which were constructed without a permit but which are currently lawful may remain if the owner demonstrates that the sign was or became lawful, provides an engineering certification that the sign is constructed according to Florida Building Codes, and obtains an after the fact permit.

16.40.120.5.2 - Design requirements.

All signs except temporary signs and off-premises signs shall be subject to the design requirements below:

A. Freestanding signs. Signs shall be designed to complement the architectural design of the building on the same site, utilizing the same materials, colors, finishes, and details. In addition to color, freestanding signs shall incorporate at least one additional element (such as, but not necessarily limited to, building material or architectural feature) to reflect the architectural design of the building.

B. Freestanding monument signs. All signs of ten feet in height or less shall be designed as monument signs. The materials, finishes and colors of the base shall match the architectural design of the building on the same site. In lieu of a monument base, any combination of landscaping of sufficient density and maturity at the time of planting may be used to achieve the same opacity as would have been achieved with the monument base.

C. Tenant panels in freestanding signs. All tenant panels in freestanding signs, including those added to existing sign structures, shall be constructed of the same materials and illuminated by the same method. Panels added to existing signs shall match the existing panels with respect to their color, materials, and illumination.

D. Landscaping. All freestanding and monument signs shall be landscaped around the base of the sign structure. Landscaping (e.g., ornamental trees, shrubs, and ornamental plants) shall meet the requirements for foundation landscaping as required by this Code.

E. Wall signs. Wall signs shall not be installed in a manner that detracts from the architectural design of a building. Wall signs shall not be installed over windows, doors, or other types of fenestration.

F. Wall signs for multi-tenant developments. Wall signs installed within a development having three or more tenant spaces shall be consistent with the uniform sign plan for the development. The uniform sign plan shall demonstrate that the signs will be consistent with each other with respect to size, materials, method of illumination and, for wall signs, method of attachment.
G.  **Illumination of signs adjacent to single-family uses.** No wall or freestanding sign located within 50 feet of a property with a single-family use or zoned for a single-family use shall be internally illuminated.

H.  **Three-dimensional signs.** A sign may be in the shape of a three-dimensional object or may include one or more three-dimensional extensions.

   1. Three-dimensional signs shall conform in all respects to the required height, area, location and numerical requirements of this section.

   2. The area of a three-dimensional sign shall be determined by drawing a square, rectangle, parallelogram, triangle, circle or semi-circle, the sides of which touch the extreme points or edges of the projected image of the sign and multiplying that area by two. The "projected image" is that image created by tracing the largest possible two-dimensional outline of the sign.

   3. The three-dimensional sign shall be located so that no sign or portion thereof is within a public pedestrian easement or extends beyond the property line of the premises on which such sign is located into the right-of-way unless the sign is attached to the face of the building and located at least eight feet above grade.

**16.40.120.5.3 - Uniform sign plan required.**

For any individual site or parcels subject to a common plan of development on which the owner(s) proposes to erect one or more signs requiring a permit, the owner shall, in addition to other information required to be provided in the sign permit application, submit two copies of a uniform sign plan for the site or parcels which contains the following information:

   1. A plan of the site or parcels, drawn to scale, which shows the locations of buildings, parking lots, driveways, landscaped areas, adjoining streets and avenues, and the locations of all existing and proposed signs, including but not limited to signs exempt from permitting requirements;

   2. A listing of existing and proposed sign types, the height of each existing and proposed sign, and the maximum total area of all the existing and proposed signs;

   3. Detailed drawings for each existing and proposed sign, indicating the dimensions, design, structure and location of each sign; provided that the message to be displayed on each sign shall not be required on such drawings. The drawings shall demonstrate a uniform plan for the signs with respect to the location and dimensions, materials, method of illumination and, for wall signs, the method of attachment;

   4. Name, address, and telephone number of the person erecting the sign for which a permit is sought;

   5. If the application is submitted by anyone other than the property owner, the application shall include or be accompanied by a written consent from the property owner indicating that the owner consents to the application, the uniform sign plan, and issuance of the permit;

   6. Such other information as the POD may reasonably require to demonstrate full compliance with the requirements of this sign code and all other applicable ordinances of the City.

**16.40.120.5.4 - Computation of dimensions.**

A.  **Computation of sign area.** See the definition of "sign area" in the definitions section, and specific provisions for measuring the area of sign types in this sign code. The following graphics are intended to provide assistance in measuring the sign area of signs:
B. *Computation of sign height.* See the definition of “height,” in section 16.40.120.4, and specific provisions for measuring the height of certain sign types in this sign code.

C. *Computation of visual clearance and sight triangle.* To ensure adequate visibility at intersections sign placement shall comply with the requirements of the visibility at intersections section or the criteria of the Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways, whichever is the stricter.
16.40.120.5.5 Freestanding Signs - Requirements for Placement, Area, and Height

Placement.
(1) The primary freestanding sign shall be installed within the yard abutting the roadway having the highest classification or use, regardless of which yard is defined as the legal front yard.
(2) No more than one sign shall be installed within 25 feet of a street intersection. The first freestanding sign to be lawfully erected within 25 feet of an intersection shall preclude the erection of a second freestanding sign within 25 feet of an intersection.
(3) The height shall be measured from the finished grade of the yard in which the sign is located to the top of the sign structure or sign. If the sign is on a parcel contiguous to an overpass or elevated road (excluding service roads) from which the sign is designed to be viewed, the maximum height of the sign shall be measured vertically from the average elevation of the crown of the roadway surface of the overpass or elevated road. The average elevation shall be determined by averaging the elevation of the crown of the roadway surface between the horizontal extensions of the boundary lines of the contiguous parcel upon which the sign is to be located, where such boundary lines intersect the crown of the overpass or elevated road.

Setbacks. Minimum setbacks for freestanding signs that are six feet in height or less.
(1) Zero feet for signs that are six feet in height or less.
(2) Three feet for signs that are ten feet in height or less, but greater than six feet in height.
(3) Five feet for signs that are 15 feet in height or less, but greater than ten feet in height.
(4) Ten feet for signs that are greater than 15 feet in height.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th># Allowed</th>
<th>Maximum Sign Area</th>
<th>Max Height</th>
</tr>
</thead>
</table>

1 Signs for properties with multiple street frontages. For lots having more than one street frontage, one additional freestanding sign shall be allowed for each additional street frontage. The sign face area and height allowed shall be allowed for each additional street frontage. The sign face area and height allowed shall be a percentage of the primary sign face area and height based on the classification of the non-primary frontage roadway as shown on the future major streets map of the Comprehensive Plan, and as outlined in the table below:

<table>
<thead>
<tr>
<th>Nonprimary Frontage Classification</th>
<th>Percent of Primary Sign Face Area and Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial</td>
<td>100 percent</td>
</tr>
<tr>
<td>Collector</td>
<td>75 percent</td>
</tr>
<tr>
<td>All others</td>
<td>50 percent</td>
</tr>
<tr>
<td>District Type</td>
<td>Limitations</td>
</tr>
<tr>
<td>---------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Neighborhood, Planned Unit Development, and Mobile Home Districts (NT, NS, NSM, NMH, NPU)</td>
<td>All uses except single-family and duplex uses.</td>
</tr>
<tr>
<td>Corridor Residential District (CRT, CRS)</td>
<td>All uses, except subdivision entrances, single-family, and duplex uses.</td>
</tr>
<tr>
<td>Corridor Commercial Traditional Districts (CCT)</td>
<td>All uses except subdivision entrances and single-family, and duplex uses.</td>
</tr>
<tr>
<td>Corridor Commercial Suburban Districts (CCS)</td>
<td>All uses, except subdivision entrances and single-family, and duplex uses.</td>
</tr>
<tr>
<td>Suburban Center Districts (RC, EC, IC)</td>
<td>All uses except subdivision entrances and</td>
</tr>
<tr>
<td>District</td>
<td>Sign Area Requirements</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>single-family, and duplex, uses.</strong></td>
<td>10 ft. in height or less; and with a minimum of 300 ft. of frontage. One additional sign shall be permitted for building identification at the top of the building. The allowable sign area shall be 3.0 sq. ft. per lineal vertical foot of the building up to a maximum of 300 sq. ft.</td>
</tr>
<tr>
<td><strong>Downtown Center (DC)</strong></td>
<td>1 square foot per linear front foot up to a maximum of 48 sq. ft. 15 ft.</td>
</tr>
<tr>
<td><strong>Industrial Suburban District (IS)</strong></td>
<td>One for signs greater than ten feet tall; 2 if all freestanding signs are ten ft. in height or less if a minimum of 300 ft. of frontage One square foot per linear front foot up to a maximum of 150 sq. ft. 20 ft.</td>
</tr>
<tr>
<td><strong>Industrial Traditional District (IT)</strong></td>
<td>One One square foot per linear front foot up to a maximum of 64 sq. ft. 10ft</td>
</tr>
</tbody>
</table>
16.40.120.5.6 Wall Signs – Requirements for Placement, Area, and Height

**Placement - (1)** Signs shall be allowed on the primary building façade facing the abutting street of the highest classification or use; on each side of a building that faces other streets if the property has multiple street frontages; on any secondary building façade containing the main building entrance; or on any other building façade that has a fully finished architectural treatment matching other facades of the building, provided that the area of such signage shall be deducted from the maximum allowable area for all wall signs.

(2) A wall sign may be permitted to extend over the right-of-way in all DC or CCT districts, provided that the City shall have approved a minor easement permit for the sign. A projecting sign shall have a minimum clearance of 8 feet above the ground.

(3) The height of a sign attached to a one-story building shall not exceed the allowable height of the building or the lowest part of the roof, whichever is lower. For two-story buildings, wall signs shall be permitted on the same floor or fascia as the business to be identified. Except as otherwise permitted by this sign code, no wall signs shall be permitted above the third floor.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th># Allowed²</th>
<th>Maximum Sign Area³</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood, Planned Unit Development, and Mobile Home Districts (NT, NS, NSM, NMH, NPUD) (All uses except single-family, duplex and multifamily residential uses)</td>
<td>No limit on any one wall provided that the total sign area does not exceed the maximum allowable area for wall signs.</td>
<td>1.75 sq. ft. per linear front foot up to a maximum of 48 sq. ft.</td>
</tr>
<tr>
<td>Corridor Residential Districts (CRT, CRS) (All uses, except subdivision entrances and single-family, duplex and multi-family residential uses)</td>
<td>No limit on any one wall provided that the total sign area does not exceed the maximum allowable area for wall signs.</td>
<td>1.75 sq. ft. per linear front foot up to a maximum of 48 sq. ft.</td>
</tr>
</tbody>
</table>

²See note 1 above.
³The maximum allowable area for wall signs shall be calculated using the front foot measurement along the building frontage. For lots having more than one street frontage, sign area calculations shall be allocated to each building facing an abutting street.
<table>
<thead>
<tr>
<th><strong>Corridor Commercial Traditional Districts (CCT)</strong> (All uses except subdivision entrances and single-family, duplex and multi-family residential uses)</th>
<th>No limit on any one wall provided that the total sign area does not exceed the max allowable area for wall signs.</th>
<th>1.75 sq. ft. per linear front foot up to a maximum of 150 sq. ft. For buildings of four or more stories in height, one additional sign shall be permitted for building identification at the top of the building. The allowable sign area shall be 3.0 sq. ft. per lineal vertical foot of the building up to a maximum of 300 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Corridor Commercial Suburban Districts (CCS)</strong> (All uses, except subdivision entrances and single-family, duplex and multifamily residential uses)</td>
<td>No limit on any one wall provided that the total sign area does not exceed the max allowable area for wall signs.</td>
<td>1.75 sq. ft. per linear front foot up to a maximum of 150 sq. ft. For buildings of four or more stories in height, one additional sign shall be permitted for building identification at the top of the building. The allowable sign area shall be 3.0 sq. ft. per lineal vertical foot of the building up to a maximum of 300 sq. ft.</td>
</tr>
<tr>
<td><strong>Suburban Center Districts (RC, EC, IC)</strong> (All uses except subdivision entrances and single-family, duplex, and multi-family residential uses)</td>
<td>No limit on any one wall provided that the total sign area does not exceed the max allowable area for wall signs.</td>
<td>1.75 sq. ft. per linear front foot up to a maximum of 150 sq. ft.</td>
</tr>
<tr>
<td><strong>Downtown Center (DC)</strong> (All uses except subdivision entrances and single-family, duplex, and multi-family residential uses)</td>
<td>No limit on any one wall provided that the total sign area does not exceed the max allowable area for wall signs.</td>
<td>1.75 square foot per linear front foot up to a maximum of 150 sq. ft. For buildings of four or more stories in height, one additional sign shall be permitted for building identification at the top of the building. The allowable sign area shall be 3.0 sq. ft. per lineal vertical foot of the building up to a maximum of 300 sq. ft.</td>
</tr>
<tr>
<td><strong>Industrial Suburban District (IS)</strong> (All uses except subdivision entrances and single-family,</td>
<td>No limit on any one wall provided that the total sign area does not exceed the max allowable area for wall signs.</td>
<td>1.75 square foot per linear front foot up to a maximum of 150 sq. ft. For buildings of four or more stories in height, one additional sign shall be permitted for building identification at the top of the building. The allowable sign area shall be 3.0 sq. ft. per lineal vertical foot of the building up to a maximum of 300 sq. ft.</td>
</tr>
</tbody>
</table>

19
<table>
<thead>
<tr>
<th>District Description</th>
<th>Maximum Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duplex, and multi-family residential uses</td>
<td>sq. ft. per lineal vertical foot of the building up to a maximum of 300 sq. ft.</td>
</tr>
<tr>
<td>Industrial Traditional District (IT) (All uses except subdivision entrances and single-family, duplex, and multi-family residential uses)</td>
<td>No limit on any one wall provided that the total sign area does not exceed the max allowable area for wall signs.</td>
</tr>
<tr>
<td></td>
<td>1.75 square foot per linear front foot up to a maximum of 48 sq. ft. For buildings of four or more stories in height, one additional sign shall be permitted for building identification at the top of the building. The allowable sign area shall be 3.0 sq. ft. per lineal vertical foot of the building up to a maximum of 300 sq. ft.</td>
</tr>
</tbody>
</table>
16.40.120.6 - SIGN TYPE SPECIFIC REGULATIONS

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

16.40.120.6.1 – District, Neighborhood, Subdivision entrances, and large multifamily uses.

A. The following types of signs shall be permitted for district, neighborhood and subdivision entrances and multifamily uses having ten or more units in any zoning district:

<table>
<thead>
<tr>
<th>Freestanding signs</th>
<th>Permit number of signs</th>
<th>Up to two single-faced signs per entrance, one on each side of the entrance if the subdivision/development is located on both sides of the entry or one double-faced sign</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Maximum sign area</td>
<td>24 sq. ft. per sign face; for properties with 100 or more ft. of frontage, an additional 12 sq. ft. per sign face shall be permitted for every additional 50 ft. of frontage up to a maximum of 72 sq. ft.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Wall signs</th>
<th>Maximum height</th>
<th>10 ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Maximum sign area</td>
<td>One wall sign may be substituted for one permitted freestanding sign. Sign area shall be the same as would be permitted for the freestanding sign</td>
</tr>
</tbody>
</table>

B. No district, neighborhood, subdivision, or multi-family development shall have more than four “entrances” for the purposes of this sign code. Such signs shall meet all sign visibility triangle requirements and be installed and maintained in a safe and neat manner and shall not conflict with the principal permitted use of the site or adjoining sites. The POD may approve signs at additional entrances based on the following criteria: overall size of the site, relationship between building setback and sign location, frontage, access and visibility of the site, intended and existing traffic circulation, hierarchy of signage, and consistency with any applicable neighborhood or special area plan.

C. Such signs shall be erected on privately-owned property. In the event there is insufficient land owned by a district, neighborhood or subdivision association, or multi-family development, developed or existing prior to 2019, the POD may approve the location of such sign in a city right-of-way or on city-owned property provided that such signs are otherwise in compliance with this Sign Code and will not obstruct the vision of motorists, bicyclists, or pedestrians, are installed and maintained in a safe and neat manner, will not conflict with the principal permitted use of the site or adjoining sites. A city right of way permit shall be obtained prior to the installation.
16.40.120.6.2 Awning signs (illuminated).

The sign area for signs integrated into an illuminated awning shall include the entire area of awning, unless the background color matches the background color of other awnings on the site, if any, and is part of a uniform sign plan for a multi-tenant building.

16.40.120.6.3 Digital or electronic message center signs.

Digital or electronic message center signs shall comply with the following regulations:

A. Location. Digital or electronic message center signs are permitted in all zoning districts subject to the following conditions:

   a. Digital or electronic message center signs are prohibited on a designated local landmark. Performing arts venues are exempt from this prohibition with approval of a Certificate of Appropriateness.

   b. Digital or electronic message center signs may not directly face a residential one- or two-unit property located within a neighborhood zoning district.

   c. Digital or electronic message center signs are prohibited from being inserted into, or added to, nonconforming signs. No variance to this prohibition may be granted and the POD shall not accept any variance application to this requirement.

   d. In neighborhood and corridor residential districts, digital or electronic message center signs shall only be allowed for nonresidential uses on properties with a minimum of 200 feet of street frontage and a minimum of 2.0 acres of land area.

B. Design. A digital or electronic message center sign shall be permitted only as an integral component of a freestanding sign or, to the extent permitted by these regulations, as an integral component of a building sign. A digital or electronic message center sign shall be compatible with the design of the primary sign structure, including width, depth and color of the cabinet.

C. Size. A digital or electronic message center sign shall comprise no more than 50 percent of the overall sign area of the sign structure and shall not, in any case, exceed 32 square feet in area.

D. Dwell time.

   a. Legislative findings and determinations. The recitals (whereas clauses) in Ordinance No. 117-H demonstrate a significant governmental interest and are hereby adopted as the legislative findings of the City of St. Petersburg and are incorporated into this sign code as if set forth in haec verba.

   b. Requirements. The dwell time, defined as the interval of change between each individual message, shall be at least one minute. Any change of message shall be completed instantaneously. There shall be no special effects between messages.

   c. Purpose. The longer minimum dwell time for digital or electronic message center signs that are not large facility signs or digital or electronic off-premise signs is intended to further the significant governmental interests of this sign code, as specified in Section 16.40.120.1 and this section, including uniformity, aesthetics, and safety, by reducing the density of signs with short dwell times and by minimizing the proliferation of signs with short dwell times throughout the City.

E. Images and messaging.
a. **Consecutive images and messages.** Consecutive images and messages on a single digital or electronic changeable message sign face are prohibited when the second message answers a textual question posed on the prior slot, continues or completes a sentence started on the prior slot, or continues or completes a story line started on the prior slot.

b. **Static images and messages.** The image or message shall be static. There shall be no animation, flashing, scintillating lighting, movement, or the varying of light intensity during the message. Messages or images shall not scroll and shall not give any appearance or optical illusion of movement.

F. **Brightness.**

a. Each sign shall have a light sensing device to adjust brightness or illuminance as ambient light conditions change in order to ensure that the message meets the following brightness standards. The maximum brightness shall be 0.2 foot candles and shall be measured using the following formula:

   \[ \text{Measurement Distance} = \sqrt{\text{Area of EMC Sign Face (sq. ft.)} \times 100} \]

b. The sign face shall not display light that is of such intensity or brilliance to cause glare or otherwise impair the vision of a driver. No sign shall display light of such intensity that it interferes with the effectiveness of an official traffic sign, signal or device. If there is a violation of this section the sign owner shall turn the sign off or show a “full black” image until the sign can be brought into compliance.

G. **Default mechanism.** The sign shall have a default mechanism or setting that will cause the sign to turn off or show a “full black” image if a visible malfunction or failure occurs.

H. **Safety hazard.** The sign shall not be configured to resemble a warning or danger signal. The sign shall not resemble or simulate any lights or official signage used to control traffic.

I. **Sign at a place of public assembly.** Digital or electronic message center signs at an arena, theater, or other place of public assembly on a site consisting of five acres or more:

   a. May be attached to a wall or to a free standing sign, or both.

   b. Shall not exceed 250 square feet per side. At such locations, a digital or electronic message center sign is not subject to the size limitations of subsection C of this section.

   c. A digital or electronic message center sign is deemed to be an on premise sign but may also provide community, governmental and public information announcements.

   d. No variances to this subsection may be granted and the POD shall not accept any variance application to this requirement.

J. **Sign at large facility.** Digital or electronic message center signs within large facility signs shall not exceed 50 percent of the overall sign area. At such locations, a digital or electronic message center sign is not subject to the size limitations of subsection C of this section.

K. **Sign in neighborhood and corridor residential districts.** Dwell time shall be at least 24 hours in neighborhood and corridor residential districts and shall be subject to all other requirements in this section. The display shall be limited to text on a black background.

L. **Fines increased.** Any person who violates any provision of this section shall be subject to the following fines:

   a. $300.00 for the first violation.

   b. $500.00 for all subsequent violations.
16.40.120.6.4 Flags.
A. A maximum of three flags per property shall be permitted on properties with lot frontages of 100 feet or less. One additional flag shall be permitted for each 100 feet or less of lot frontage thereafter. For example, a maximum of four flags shall be permitted for properties with lot frontages greater than 100 feet up to 200 feet, and a maximum of five flags shall be permitted for properties with lot frontages greater than 200 feet up to 300 feet.

B. Up to three flagpoles shall be permitted on any property with lot frontages of 100 feet or less. One additional flagpole shall be permitted for each additional flag that is permitted on the property under paragraph A of this subsection. For example, a property with lot frontages greater than 100 feet up to 200 feet would be permitted to have a maximum of four flags and a maximum of four flagpoles.

C. The maximum vertical dimension of any flag displayed from a flagpole shall be 20 percent of the height of the flagpole upon which the flag is displayed, or in the absence of a flagpole, 20 percent of the distance from the top of the flag to the ground.

16.40.120.6.5 Large facility signs.
Large facility signs for an arena, theater, or other place of public assembly on a site consisting of 20 acres or more are permitted as follows:

A. A maximum of one large facility sign is permitted on the site.

B. Large facility signs may be either freestanding or wall signs.

C. The following types of display components shall be permitted as part of a large facility sign and may be combined within any one sign face:
   1. The dwell time, defined as the interval of change between each individual message, for digital or electronic message center signs shall be at least ten seconds. Flashing, chasing and scintillating lighting or operations are prohibited.
   2. Tri-vision signs shall not exceed 35 percent of the overall sign area.
   3. Internally illuminated or non-illuminated cabinets and letters.

D. Such signs shall be permitted only on sites that are contiguous to the interstate highway rights-of-way. Such signs shall be installed adjacent to the interstate highway right-of-way and shall be oriented toward the interstate highway right-of-way.

E. The area of such a large facility sign shall not exceed the otherwise allowable freestanding and wall sign area not being utilized on the site. A large facility sign shall not exceed 1,700 square feet per side. Two-sided signs shall be permissible. No variances to the area limitations may be granted and the POD shall not accept any application for an area limitation variance.

F. The bottom of the sign frame shall not extend more than 20 feet above the crown of the interstate roadway surface closest to the sign, and the top of the sign shall not extend more than 60 feet above the crown of the interstate roadway surface closest to the sign.

G. The sign shall be setback a minimum of ten feet from all property lines or such greater distance as may be required by Florida Department of Transportation.

H. No permit shall be issued for a large facility sign unless the sign is in compliance with the requirements of this sign code and is included in, and consistent with, the uniform sign plan for the site.
I. Prior to the issuance of a permit for a large facility sign the proposed sign and location thereof shall be reviewed and approved by the Florida Department of Transportation for issues relating to public safety and other issues that may be deemed relevant by that agency. Due to the changeable message capabilities of the digital or electronic message center portion of the large facility sign, prior to issuance of the permit for the sign, the operator of the sign shall enter into an agreement with the City to provide for public service announcements on a regular basis. Such announcements shall be provided regularly throughout the day and year and shall include messages of significant public interest related to safety and traffic matters (e.g., Amber Alerts, traffic hazards and congestion, hurricane evacuation notices, and traffic alerts or advisories) and messages related to City-sponsored and co-sponsored events. Messages shall be posted upon receipt of notice from the City or its designee and shall continue to be posted throughout the duration of the event in a manner designed to provide reasonable and effective notice of the event (such posting shall not be exclusive of other messages).

16.40.120.6.6 Signs for drive-through establishments.

There shall be not more than two signs per drive-through lane. Each sign shall not exceed 40 square feet and eight feet in height. No speaker shall be oriented to face a single-family residence or a district that permits a residential use, unless buffering is provided.

16.40.120.6.7 Off-premises signs.

A. Number. A maximum of one off-premises sign per zoned lot is permitted. No new off-premises sign may be erected upon any site upon which another building or structure has been erected on the site unless the building or structure is removed prior to or simultaneously with the erection of the sign. In such cases, after the erection of such sign, no other building or structure except a wall or fencing is permitted upon the zone lot and no building permit for any building or structure shall be issued which is contingent upon the removal of the sign, unless the owner of the property voluntarily elects to remove the sign.

B. Lot area. The sign shall be located on a lot or parcel having no less than 50 linear feet of frontage.

C. Location. Off-premises signs shall be allowed only on sites in the Corridor Commercial Traditional (CCT), Corridor Commercial Suburban (CCS), Employment Center (EC), Retail Center (RC), Institutional Center (IC), Industrial Suburban (IS) and Industrial Traditional (IT) zoning districts that are abutting the interstate or interstate feeders.

D. Area. The maximum area for an off-premises sign shall be 672 square feet per sign face. Two such sign faces may be mounted back to back on the same sign structure.

E. Height. The maximum height shall be 25 feet. If the sign is on a parcel contiguous to an overpass or elevated road (excluding service roads) from which the sign is designed to be viewed, the maximum height of the sign shall be measured vertically from the average elevation of the crown of the roadway surface of the overpass or elevated road. The average elevation shall be determined by averaging the elevation of the crown of the roadway surface between the horizontal extensions of the boundary lines of the contiguous parcel upon which the sign is to be located, where such boundary lines intersect the crown of the overpass or elevated road.

F. Separation requirements. Off-premises signs shall not be located within a radius of 1,500 feet of another such sign on or abutting interstate designated roadways (including feeders). Additionally, no off-premises sign shall be placed within 500 feet of residentially zoned property. Residentially-zoned property within the Interstate right-of-way shall be exempt from this spacing requirement.
G. **Setbacks.** The sign shall be set back behind the front, street side, and side yards required by the applicable zoning district regulations.

H. **Intergovernmental coordination.** In those locations at or in proximity to jurisdictional boundaries where inconsistent sign regulations would serve to undermine the purpose and intent of these regulations, the City may enter into an agreement to provide for the basis of regulation in such transition areas; provided, that the operative terms of any such agreement shall be incorporated into these regulations by adoption of an ordinance before such terms may take effect.

I. **Relocation.** A lawfully erected off-premises sign may be relocated upon the same site or to an adjoining site under the same ownership, provided that the sign after such relocation complies with the requirements of this section. No variance from this requirement may be approved and the POD shall not accept any application for any such variance. This paragraph shall not apply when the owner of the land on which a lawfully erected sign is located is seeking to have the property redesignated on the City or countywide future land use map of the Comprehensive Plan for exclusively single-family residential use; in such instances, if the property is redesignated for such residential use, the sign shall be removed prior to the issuance of a permit for any residential building or structure.

J. **Three-dimensional extensions.** Off-premises signs may include one or more three-dimensional extensions. Each extension is permitted to project to a maximum depth of five feet beyond the surface of the sign face but not into any right-of-way. Three-dimensional extension(s) on any sign shall not exceed a total maximum area that exceeds 30 percent of the total sign face area. Each three-dimensional extension shall comply with the Florida Building Code and shall obtain a building permit if required.

16.40.120.7 **Temporary signs.**

All temporary signs must obtain a permit prior to installation or display, unless they are exempt signs.

1. **Temporary signs, banners.** Up to two banner signs per site or business shall be permitted in any zoning district, except at residential uses having ten dwelling units or less. The maximum area of each banner shall not exceed 48 square feet. The maximum period for display shall not exceed 30 days per permit.

2. **Temporary signs, cold-air inflatable.** One cold-air inflatable sign per site shall be permitted in commercial corridor, downtown, and suburban center districts. Signs attached to or integrated into inflatable devices shall not exceed 150 square feet. The actual inflatable device shall not exceed 25 feet in any dimension and shall be firmly attached to the ground. The maximum period for display shall not exceed ten days per permit.

3. **Temporary signs, freestanding.** One freestanding temporary sign per site shall be permitted in any zoning district except at residential uses having ten dwelling units or less. Such signs shall have a maximum height of eight feet and a maximum area of 48 square feet. The maximum period for display shall not exceed 30 days per permit.

4. **Temporary signs, wind feather.** In lieu of a temporary freestanding sign or a temporary banner, one wind feather sign per site or business shall be permitted in any zoning district except at residential uses having ten dwelling units or less. Such signs shall have a maximum height of 15 feet. The maximum period for display shall not exceed 30 days per permit.

5. **Temporary signs, one-way frontage roads.** Additional freestanding temporary signs shall be allowed on properties that front on one-way frontage roads, subject to all other provisions of this Code. A maximum of two temporary signs shall be permitted on properties with lot frontages of 100 feet or less. One additional temporary sign shall be permitted for each additional 100 feet or portion thereof of lot frontage (for example, a maximum of three temporary signs shall be permitted for properties with lot frontages more than 100 feet up to 200 feet, and a maximum of four temporary...
signs shall be permitted for properties with lot frontages more than 200 feet up to 300 feet. Such signs shall have a maximum height of eight feet and a maximum area of 48 square feet. These additional signs shall be permitted on weekends, holidays and twice a year for special events which not shall exceed seven days per permit.

6. **Frequency.** The use of any temporary signs shall be restricted to four times per calendar year per site, per business, regardless of the type of sign displayed unless greater restrictions are set forth herein for a temporary sign. A display of temporary signs may consist of any combination of the types of temporary signs listed above; provided, that the maximum period for displays of a sign type shall not be exceeded.

7. **Temporary signs, DC and CCT zoning districts.** One temporary sign shall be allowed for each business when placed on sidewalks in front of businesses within corridor commercial traditional (CCT) and downtown center (DC) zoning districts for special events up to four times a year, for a maximum display period of no more than 72 hours per event. Such signs are not allowed within eight feet of the curb of the street. A minimum sidewalk clearance of five feet and a minimum vertical clearance of eight feet is required. Such signs shall not be tacked, nailed, posted, pasted, glued, or otherwise attached to a tree, pole, fence, public bench, street light pole. Permits may be issued to the special event sponsor (such permit shall include the boundary of the special event area, each business within the special event area shall be allowed one temporary sign) or to individual businesses.

**16.40.120.8 Digital or electronic off-premise signs.**

A. Digital or electronic off-premise signs shall only be allowed in conjunction with an approved enforceable agreement that provides for a reduction in the number of off-premise signs in the City, as authorized pursuant to F.S. § 70.20 (2009), of the Bert J. Harris, Jr. Private Property Rights Protection Act. The City may enter into such consensual agreements with sign owners for the removal, reconstruction, and construction of signs.

B. Upon completion of the demolition, removal, and disposal of any existing sign that is conforming or nonconforming under the Land Development Regulations and that is not replaced by a replacement sign as authorized in an agreement with the City in accordance with F.S. § 70.20, the property upon which the conforming or nonconforming sign was located shall no longer include off-premise signs as a permitted structure except as otherwise expressly authorized by such agreement with the City.

C. Prior to the issuance of a permit for a sign, the applicant shall provide a letter or other written documentation from the State of Florida stating that either the proposed sign is not subject to State regulation, complies with applicable State regulations, or will comply as proposed with applicable State regulations.

D. Digital or electronic off-premise signs shall be permitted, constructed, and operated in accordance with the following standards:

1. **Locations.** Digital or electronic off-premise signs shall only be allowed within 100 feet of the right-of-way of the interstate, including the downtown feeders. Digital or electronic off-premise signs are prohibited on the same site as a National Register or locally designated historic structure or within a National Register or locally designated historic district. Digital or electronic off-premise signs are prohibited within 500 feet of a National Register or locally designated historic structure, except where an interstate highway or feeder separates the digital or electronic off-premise sign from the National Register or locally designated historic structure. Digital or electronic off-premise signs are also prohibited within 500 feet of residentially zoned property as defined in this chapter. Distance requirements shall be measured from the leading edge of the digital or electronic sign face to the closest property line of the residentially zoned property.
2. **Separation.** Digital or electronic off-premise signs shall be spaced so that a driver cannot read more than one digital or electronic off-premise sign face at the same time, regardless of ownership. Digital or electronic off-premise signs shall be oriented to face traffic on the interstate or feeder right-of-way. A digital or electronic off-premise sign shall be at least 2,500 feet from any other digital or electronic off-premise sign facing the same direction on the same roadway, regardless of ownership. Such distance shall be measured along the centerline of the abutting roadway.

3. **Size.** The sign face of each sign shall not exceed 14 feet and 1 ¾ inches in height and 48 feet and 2 ¼ inches in width. The area of any border shall be included in the area of the sign face. Such a border shall be black, with no illumination and no writing or symbols other than the identification (name and/or logo) of the sign owner.

4. **Height.** The maximum height shall be 25 feet or the height of the existing static billboard that is being replaced, whichever is greater. The height of each existing static billboard to be replaced with a digital or electronic off-premise sign shall be subject to verification by the City prior to the existing billboard being altered, demolished, removed, or converted. The maximum height shall be measured to the highest point of the sign or sign structure, including any border or extensions. If the sign is on a parcel contiguous to an overpass or elevated road (excluding service roads) from which the sign is designed to be viewed, the maximum height of the sign shall be measured vertically from the average elevation of the crown of the roadway surface of the overpass or elevated road. The average elevation shall be determined by averaging the elevation of the crown of the roadway surface between the horizontal extensions of the boundary lines of the contiguous parcel upon which the sign is to be located, where such boundary lines intersect the crown of the overpass or elevated road. Structures upon which digital or electronic off-premise signs will be located may be constructed or reconstructed, as applicable, to support and allow the incorporation of the digital or electronic off-premise signs. This includes permitting construction or reconstruction that meets the current building department standards of wind load and the building code.

5. The **dwell time**, defined as the interval of change between each individual message, shall be at least ten seconds. Any change of message shall be completed instantaneously. The dwell time shall not include the time required to change a message. There shall be no special effects between messages.

6. Consecutive messages on a single electronic changeable message sign face (digital slots) are prohibited when the second message answers a textual question posed on the prior slot, continues or completes a sentence started on the prior slot, or continues or completes a story line started on the prior slot. Nothing in this subsection shall prohibit consecutive messages by the same advertiser or consecutive messages for the same product provided that the second of such advertisements does not answer a textual question posed in the first advertisement, continue or complete a sentence started on the first advertisement, or continue or complete a story line started on the prior slot. For example, consecutive advertisements by a single grocery store advertising the same or multiple products are permitted provided that such advertisements do not answer textual questions, continue or complete a sentence from one slot to the next slot, or continue or complete a story line from one slot to the next slot.

7. The message shall be static. There shall be no animation, flashing, scintillating lighting, movement, or the varying of light intensity during the message. Messages shall not scroll and shall not give any appearance or optical illusion of movement.

8. Each sign shall have a light sensing device to adjust brightness as ambient light conditions change in order to insure that the message meets the following brightness standards. The maximum brightness shall be 0.3 foot candles above the ambient light.
measured 150 feet perpendicular from the face of a sign that is less than or equal to 300.0 square feet in area, 200 feet perpendicular from the face of a sign that is greater than 300.0 square feet in area but less than or equal to 378.0 square feet in area, and 250 feet perpendicular from the face of a sign that is greater than 378.0 square feet in area.

9. The sign face shall not display light that is of such intensity or brilliance to cause glare or otherwise impair the vision of a driver. No sign shall display light of such intensity that it interferes with the effectiveness of an official traffic sign, signal or device. If there is a violation of this section the sign owner shall turn the sign off or show a "full black" image until the sign can be brought into compliance.

10. The sign shall have a default mechanism or setting that will cause the sign to turn off or show a "full black" image if a visible malfunction or failure occurs.

11. The sign shall not be configured to resemble a warning or danger signal. The sign shall not resemble or simulate any lights or official signage used to control traffic.

15. No variances may be granted that would alter any of the provisions of this Section and the POD shall not accept an application for such a variance.

E. Effect of Invalidity of Agreement or Ordinance

(a) If Section 16.40.120.9.A (providing for the permanent removal of a minimum of ten static off-premise signs in exchange for the conversion of one remaining sign face to a digital or electronic sign, with affected signs to be designated by agreement, and providing for public service and City-sponsored messages on the digital or electronic sign(s)) of this section is declared invalid, illegal, or unenforceable by a final court order from a court of competent jurisdiction, or

(b) any other portion of this section is declared invalid, illegal, or unenforceable by a final order from a court of competent jurisdiction and upon such court order becoming final and nonappealable, and such court order specifically requires the removal of any digital or electronic off-premise sign constructed in accordance with this section, then,

(c) If either of the occurrences specified by subsections (a) or (b) above occur then:

(i) the authorization for any digital or electronic off-premise sign allowed by this subsection and implemented through an agreement entered into pursuant to this section shall immediately be illegal and null and void;

(ii) any digital or electronic off-premise sign that has been constructed pursuant to this subsection of the City Code shall become illegal and, within 30 days of the expiration of the date the order becomes final and non-appealable, must be either demolished and removed at the expense of the sign owner or converted to a static sign at the expense of the sign owner;

(iii) any static off-premise signs that were removed in order to construct digital or electronic off-premise signs may be rebuilt, on the same properties on which they were previously constructed and to the same dimensions, subject to the receipt of required permits and compliance with the Florida Building Code, and provided that the following conditions are met: (1) the only static off-premise signs that may be rebuilt are those on Federal Aid Primary (FAP) roadways; (2) if the court order described in this subsection becomes final and non-appealable within five years of the effective date of the ordinance codified in this section, the sign owner shall not rebuild more than 50 percent of the static off-premise signs previously removed under this section and associated agreements; (3) if the court order becomes final and appealable between five years and ten years after the effective date of the ordinance, the sign owner shall not rebuild more than 25 percent of the static off-
premise signs previously removed under this section and associated agreements; (4) if the court order becomes final and appealable ten years or more after the effective date of the ordinance, the sign owner shall not rebuild any static off-premise sign previously removed under this section and associated agreements; and (5) any static off-premise sign rebuilt under this subsection shall be classified as a legally nonconforming off-premise sign; and (iv) this subsection of the City Code shall become void and repealed.

F. This subsection (currently Section 16.40.120.9) shall terminate and be of no further force and effect as of the 20th anniversary of the effective date of the ordinance codified in this section (Ordinance No. 35-H, effective August 23, 2012). Any agreement entered into between the City and a sign owner pursuant to this subsection A of Section 16.40.120.9 and F.S. § 70.20 shall also terminate and be of no further force and effect as of the 20th anniversary of the effective date of the ordinance. On such 20th anniversary, the sign owner, at its own expense, (i) shall convert any digital or electronic off-premise signs into static off-premise signs, which shall be classified as legally nonconforming off-premise signs or (ii) shall demolish any digital or electronic off-premises signs, remove all debris from the properties upon which such signs are located, and dispose of same in accordance with applicable regulations. The replacement of a digital sign face with a static sign face shall be deemed an acceptable improvement to or alteration of a nonconforming structure or use under this Code. The agreement shall remain in effect for the duration of the existence of the digital or electronic off-premise sign but, if its terms provide for expiration or termination, the agreement shall be deemed automatically extended until the sign is removed or a new agreement is in effect.

G. In connection with the City's issuance of a notice of violation or other process pursuant to Chapter 9 of the City Code, by which the City seeks to enforce the provisions of this section related to an alleged violation of the lighting standards, brightness standards, message sequencing, or minimum message dwell time standards established in this section, six hours shall be deemed a reasonable time for the owner or operator to cure a first-time alleged violation. Any time period in which the digital or electronic changeable message display is turned off while the owner or operator attempts to address or cure the alleged violation shall toll the running of the six-hour period. The fine for a violation of any provision of this section pertaining to a digital or electronic off-premise sign shall be not less than $1,000.00 per day for the first violation, $2,500.00 per day for the second violation, and $5,000.00 per day for the third and subsequent violations (this enhanced Code Enforcement Board fine is authorized pursuant to F.S.162.09(2)(d) and the Board shall use the criteria in subsection (2)(b) in determining such fine amount).

16.40.120.9 - Nonconforming signs.

A. Except as provided in this sign code, a sign shall not be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, unless in conformity with this sign code.

B. Nonconforming signs may be maintained or repaired. However, if a nonconforming sign is relocated or replaced, repaired or structurally altered by more than 25 percent of the replacement cost of the existing sign, the sign shall be made to conform to this sign code.

C. A building or site which is improved or redeveloped at a cost in excess of 50 percent of the assessed value of the existing building or site shall require any nonconforming sign which is located on or is part of such building or site to conform to this sign code.
16.40.120.10 - Exempt signs.

The following sign types are exempt from the permitting process and are exempt from other provisions of this sign code, but are not exempt from the requirements imposed by this subsection or from applicable requirements of the sign code relating to construction, illumination, placement, safety, and nonconformity, and are not exempt from other regulations related to public health, safety and welfare. Such sign types are not calculated as part of allowable freestanding or wall signs unless included as an integral component of a freestanding or wall sign.

A-frame signs. A-frame signs, when placed on sidewalks in front of businesses within corridor commercial traditional (CCT) and downtown center (DC) zoning districts, shall be allowed only for businesses that are situated in buildings that comply with the design criteria of the corridor commercial traditional (CCT) and downtown center (DC) zoning districts. No more than one such sign shall be allowed for each customer entrance to a business from the sidewalk. An A-frame sign may be displayed on the sidewalk only during hours of operation of the business. An A-frame sign shall not exceed four square feet per sign face and five feet in height. Such signs are not allowed within four feet of the curb of the street. A minimum sidewalk clearance of five feet is required.

Artwork. Artwork, provided that all of the following criteria are met:

1. The artwork meets the definition of "artwork" in this sign code; and
2. If the artwork is to be located on a structure that is a designated historic landmark or within a designated historic district, such location shall require approval of a Certificate of Appropriateness as prescribed in the Code for the preservation of historic landmarks and historic districts.

Banners, museums. At a museum in a nonresidential zoning district, one banner may be allowed for every 50 feet of street frontage up to a maximum of five banners per street frontage. Each banner shall not exceed 240 square feet. Such banners shall not be included in the calculation of the total maximum area for wall or freestanding signs. Both ends of a banner shall be attached to the building.

Banners, place of public assembly. Banners at an arena, theater, or other place of public assembly on a site consisting of five acres or more with 1,900 or more fixed seats shall be allowed in addition to any other allowable signage. Any such banners shall comply with any applicable provisions of the Florida Building Code, St. Petersburg Fire Code, Florida Statutes (F.S. Ch. 479 Outdoor Advertising currently regulates banners within 660 feet from the interstate) and any other applicable laws. There is no limitation on the overall size of the banner. The banner shall not cover any character defining feature of the building, including but not limited to doors, windows, pilasters and other architectural features.

Banners, street. Banners which have been approved by the City through its street banner program within the public right-of-way shall be allowed as approved by the POD.

Non-Electronic or Non-Digital changeable copy or changeable message on otherwise lawful signs.

Construction site, downtown. For any project located within a downtown center district, in addition to any signs allowed by a construction site generally, signs of unlimited area may be attached to any fencing approved to surround or secure an active construction site, provided that such signs do not exceed eight feet in height. Such signs shall only be allowed when there is an open demolition or construction permit for the site upon which the project is to be constructed. If no building permit is required for the project, the sign may be displayed only during the period that work is in progress.

Construction site, generally For any project, not including single family or multifamily projects consisting of four units or less (for these uses see Temporary Residential Signs, below), one sign not to exceed a total of 32 square feet per 100 linear feet of frontage and up to ten feet in height may be displayed from the time of site plan approval to issuance of the certificate of occupancy. If no building permit is required for the project, the sign may be displayed only during the period that work is in progress. One additional sign not
to exceed a total of 32 square feet and up to ten feet in height and up to five signs not to exceed a total of eight square feet each, and up to five feet in height may be displayed only during the time from building permit application to issuance of the certificate of occupancy may be displayed only during the time from building permit issuance to issuance of the certificate of occupancy. If no building permit is required for the project, the signs may be displayed only during the period that work is in progress.

**Government and public signs.** Informational, directional and regulatory signs located within rights-of-way or on publicly-owned land that are installed by the City or other governmental signs installed with the approval of the City. Official regulatory or warning signs upon any body of water (river, bay, lake, or other body of water) within the limits of the City, informational or directional signs installed by the City or with the approval of the City upon any body of water within the limits of the City in connection with a water path or paddling trail. Such signs shall not exceed nine square feet unless a larger sign is required by law.

**Home occupation signs.** One sign shall be allowed for any address or premises which is the site of a lawful home occupation. The sign shall be a wall sign not exceeding four square feet. The sign shall not be internally illuminated. The sign shall have no text, numerals, symbols, logos or designs greater than eight inches in height.

**Human signs.** A business shall be allowed to use one human on premises sign provided that the human sign meets the following criteria:

1. **Human signs may only be displayed during the hours of operation of the business location that the human sign is advertising.**

2. **Human signs shall operate only:**
   a. On the private property of the business being advertised; or
   b. On the right-of-way adjacent to the private property of the business being advertised, provided that:
      1. If no sidewalk exists, the human sign shall be displayed a minimum of five feet from that portion of the street used for vehicular traffic lanes; or
      2. If a sidewalk exists, the human sign shall be displayed either a minimum of five feet from that portion of the street used for vehicular traffic lanes or anywhere on that portion of the sidewalk furthest away from the vehicular traffic lanes. Human signs shall not be displayed in parking spaces located on the street and shall not interfere with or prevent access to the sidewalk or right-of-way.

3. **Podiums, risers, stilts, vehicles, roofs, or other structures or devices shall not support a human sign.** Human signs shall only be persons who stand or walk on the ground.

**Restaurant or Bar.** A maximum of one wall sign per business is exempt if the sign does not exceed four square feet and has no text, symbols, logos, or designs greater than eight inches in height. A maximum of one pedestal/sidewalk sign per business is exempt if the sign complies with the requirements for A-frame signs. Menu signs for drive-through establishments are not exempt; see sign type specific regulations, above.

**On-site directional, operational, access signs, minor.** Signs located adjacent to vehicular entrances, exits, drive-through lanes, loading, service, and other operational areas of commercial uses shall be allowed provided such signs do not exceed four square feet and four feet in height. On-site directional and directory signs for office/industrial parks, hospitals, colleges/universities, and regional shopping centers (more than 100,000 square feet) are not exempt and may be required by a uniform sign plan.
Religious emblems. Religious emblems or logos shall be allowed for any house of worship provided they are not an integral component of a freestanding or wall sign. If such emblem or logo is an integral component of a freestanding or wall sign, such freestanding or wall sign shall be subject to the permitting requirements and area and height restrictions otherwise applicable to the freestanding or wall sign.

Signs that are required to be placed by Federal or State law or the City Code.

Temporary residential signs. Up to five temporary signs shall be allowed on any lot where a single family or multifamily residential use of four units or less exists provided that such signs are located on private property and not within the visibility triangle at an intersection. Such signs shall be no more than four square feet and six feet in height or such smaller size if the size of the specific sign is limited by this subsection. Such signs shall not be illuminated. Such signs shall not be allowed to remain in a damaged condition or disrepair, including peeling or faded sign faces.

Umbrella signs. Signs printed on umbrellas used in the outdoor area of a restaurant or bar, sidewalk café or pushcart vendor. Umbrellas shall be made of lightweight fabric or similar material. No signs shall be attached or suspended from umbrellas.

Under canopy signs. One sign of up to four square feet for any business that is located at the street level and has a canopy. Signs shall have a minimum clearance of eight feet from the sidewalk to the lowest part of the sign. Canopies may be made of any material and, for the purposes of the exemption, must extend over a sidewalk to provide protection from the elements for pedestrians.

Vehicle signs. A sign or an advertising device attached to and within the normal unaltered lines of a vehicle of a licensed transit carrier (i.e., bus, trolley or taxicab), when and during that period of time said vehicle is regularly and customarily traversing or otherwise using a public right-of-way during the normal course of business of the vehicle owner or lessee or the transit carrier, is exempt. Provided, however, that any such vehicle exhibiting a vehicles sign which is exempt under this sign code must comply with the parking regulations relating to commercial vehicles in this Chapter and Chapter 26. A single sign that is placed, and not permanently attached upon a single vehicle, camper, or trailer, at the residence of the owner, or boat where lawfully docked may be exempt under the residential temporary sign exemption.

Vending signs. Signs printed on devices that dispense merchandise shall be allowed, provided such signs do not extend beyond the surface of the device. Examples of such devices shall include, but not be limited to, newspaper stands, gasoline pumps, telephone booths, and vending machines.

Warning signs. A warning sign shall not exceed six square feet and six feet in height.

Waterside identification sign. One sign not exceeding 25 square feet per property which is located on a parcel greater than 2 acres and abutting one of the following water bodies, and which is only visible from the waters of the Gulf of Mexico, Tampa Bay, the Intracoastal Waterway or any other bays, rivers, lakes and waterways.

Wayfinding signs. Wayfinding signs are government signs within the right-of-way that provide individual names of destinations and minimal directions to their location for pedestrians. Such signage shall be allowed when it is a part of a districtwide directory sign program and shall include uniform design, dimensional, location and other standards.

Window signs, non-illuminated. The maximum cumulative area of non-illuminated signs in a window shall be 50 percent of the total window pane area. Window signs that are illuminated shall be included as part of the wall signage allowable for the site.
16.40.120.11 - Prohibited signs.

The following types of signs are prohibited except where such signs may be expressly allowed under this sign code:

*Abandoned signs.*

*Banners,* unless exempt or a permit has been issued for such banner as a temporary sign.

*Bus shelter signs and bench signs* except when approved by the City, pursuant to state statutes. A sign which identifies the transit company or its route schedule or map is not prohibited.

*Cold air inflatables* except as allowed for temporary signs in this section.

*Damaged signs* that exist in a damaged state for more than 90 consecutive days.

*Lighting devices that project light or laser beams* to form text, graphics, logos, or artwork upon streets, walkways, fences, sign structures, or exterior walls of buildings, and the text, graphics, logos or artwork projected by such lighting devices, except that text, graphics, logos or artwork may be projected against an exterior wall if the area of the wall occupied by such text, graphics, logos or artwork does not exceed the area of a wall sign that would be allowed, and such area together with existing wall signs does not exceed the number of wall signs allowed. Provided, however, that a permit shall be required prior to projecting such text, graphics, logos or artwork, and the applicant shall demonstrate that the lighting device, light, and laser beams to be utilized shall cause no threat to public health or safety, including but not limited to any risk of eye injury.

*Off-premises signs,* except those specifically allowed by this sign code.

*Pavement markings,* except official traffic control markings, markings authorized by any government agency having jurisdiction over a particular roadway, traffic control and parking markings on a private vehicular use area necessary for vehicular or pedestrian safety.

*Pennants.*

*Portable signs,* including but not limited to inflatable and other gas- or air-filled devices, unless otherwise specifically allowed by this Code.

*Portable trailer signs.*

*Signs attached to or painted on piers, docks, posts, pilings, or seawalls,* or any portion thereof, except official regulatory signs, signs specifically allowed by this Code, or warning signs.

*Signs in or upon any body of water* (river, bay, lake, or other body of water) within the limits of the City, except official regulatory or warning signs and informational or directional signs installed by the City or with the approval of the City in connection with a water path or paddling trail.

*Signs that are a threat to public health or safety because of their condition or location.*

*Signs that are located within or project over rights-of-way,* publicly-owned lands, or easements for the use of the City or public utility service providers, except government and public signs, signs located upon publicly owned property that is being actively leased to a private person or entity, and signs specifically allowed by this Code. Such prohibited signs shall include, but are not limited to, handbills, posters, advertisements, or notices that are attached in any way to or upon lampposts, telephone poles, utility poles, bridges, sidewalks, or are located on any other public property or improvements including the right of way. The person or business who owns or is advertised or identified on the sign, including candidates, shall be presumed to have permitted the placement of the sign in the absence of evidence to the contrary and may
be cited for a violation of this section, and the person or business installing the sign is also in violation of this section.

*Signs that emit light or reflect glare* of such intensity, brilliance or duration as to impair the vision of any motorist, cyclist, or pedestrian using or entering a right of way.

*Signs that simulate or contain a likeness of a traffic control device.*

*Signs that emit sound, vapor, bubbles, smoke, odor, particles, or gaseous matter.*

*Signs that have unshielded illuminating devices* permitting a light bulb or other light source to be viewed with the naked eye from off the premises, except designated historic signs and signs otherwise specifically allowed by this sign code. Digital or electronic off-premise signs that are constructed and operated in accordance with this Sign Code shall not be deemed to be included within this definition of prohibited signs.

*Signs that have blinking, flashing, or fluttering lights or other illumination devices* which have a changing light intensity, brightness, color, or direction, except as specifically allowed in the supplementary regulations. Digital or electronic off-premise signs that are constructed and operated in accordance with this Sign Code shall not be deemed to be included within this definition of prohibited signs.

*Signs that exist in a poorly maintained state* for more than 60 consecutive days after the City has provided notice to the sign owner. Signs in a poorly maintained state include, but are not limited to, signs where the advertisement on the sign face is peeling or where such poorly maintained signs are an eyesore or contribute to blight. Such signs shall be prohibited even if they do not pose a risk of imminent collapse or constitute a threat to public health or safety.

*Signs that move, revolve, twirl, rotate, or flash,* including, but not limited to: animated signs, multiprism signs, and beacon lights except when required by the Federal Aviation Administration or other governmental agency. Tri-vision signs shall be permitted for large facility signs.

*Signs that obstruct, conceal, hide, or otherwise obscure from view any official traffic or government sign, signal, or device.*

*Signs that present a potential traffic or pedestrian hazard,* including signs that obstruct visibility.

*Snipe signs.* The placement of this prohibited sign is transient in nature and irreparable. The adoption of this prohibition shall be deemed notice of the violation. The person or business in possession or control of the snipe sign and the person or business who owns or is advertised or identified (by name, address or other contact information) on the sign may be cited immediately upon observation of the violation. The person or business who owns or is advertised or identified on the sign shall be presumed to have permitted the placement of the snipe sign in the absence of evidence to the contrary. The term "transient in nature" shall mean that a condition exists on a temporary, periodic, or non-permanent basis. The term "irreparable" shall mean the condition is incapable of being remedied, as the harm sought to be prevented has already occurred.

*Streamer.*

*Vehicle signs.* A sign attached to, constructed or placed on a vehicle which is not attached to and within the normal unaltered lines of a vehicle and which is parked on or otherwise utilizing a right-of-way, public property or private property so as to be viewed from a right-of-way for the purpose of attracting the attention of the traveling public to advertise a product or service or to direct people to the location of a business or activity, and which does not qualify as an exempt sign (see above), is prohibited. Car covers which are utilized as vehicle signs must comply with the regulations for tarped vehicles (currently, Sec. 8-201).

*Any sign that is not specifically allowed by this sign code.*
16.40.120.12 - Abandoned on-premises signs.

A. **Definition.** An on-premises sign becomes "abandoned" at the time any of the following conditions occur:

1. There has been no sign copy appearing on the sign face for a period of 90 consecutive days; or
2. The establishment which is on the same premises as the sign has ceased operation for 90 consecutive days. This definition excludes signs for seasonal uses, which are operated intermittently throughout the year, where business has not ceased operation on a permanent basis. A conforming on-premises sign associated with an establishment that has ceased operation shall not be deemed "abandoned" if the owner takes one of the actions in paragraph B.

   a. Evidence that an establishment has ceased operation for 90 consecutive days includes, but is not limited to, the following:

      1. No water and/or electric service to the establishment for a 90 consecutive day period;
      2. Expiration of the business tax certificate for at least 90 consecutive days prior without renewal;
      3. Personal documented observation of City code investigator(s) that establishment has ceased operation for a period of 90 consecutive days; or
      4. General community knowledge, as documented through going-out-of-business announcements, newspaper announcements, etc. showing that the establishment has ceased operation for at least 90 consecutive days.

B. When an establishment ceases operation, the owner or lessee of the property shall within 90 days reuse the sign in conjunction with the ownership or operation of a new establishment on the property or take one of the following actions:

1. Paint over the message on the sign face that advertises the business or other activity of the establishment.
2. Remove the sign face and replace it with a blank sign face.
3. Reverse the sign face and not illuminate the sign face from the interior. The message of the sign face shall not be visible when the sign face is reversed.
4. Utilize the sign face to display the message, "this space available," or words of similar significance, and the name and telephone number of the owner or the owner's agent, while the premises are vacant. A sign that contains such a message and that otherwise complies with the requirements of this sign code shall be deemed an allowable temporary sign for which a permit shall not be required.

C. If a freestanding on-premises sign that is nonconforming as to height, sign area, or placement becomes "abandoned" under paragraph A. and remains abandoned for 12 consecutive months, such sign and sign structure shall be removed by the property owner at the owner's expense. If the owner fails to remove the sign and sign structure after notice by the City, the City shall have the right to remove the sign and sign structure by following the notification and assessment procedures for the demolition of structures, and the costs of such removal shall be paid by the owner and become a lien on the property superior to all other liens except taxes. No permit for any new sign
on the site shall be issued until the abandoned sign is removed. This shall not be deemed to require the removal of a lawful existing off-premises sign.

D. If an existing building or structure is demolished, any existing freestanding on-premises signs that are nonconforming as to height, sign area, or placement shall be considered abandoned and shall be removed at the time of demolition. This shall not be deemed to require the removal of a lawful existing off-premises sign.

16.40.120.13 - Signs of historic significance.

A. Purpose. The signs of historic significance regulations are intended:

1. To provide for the preservation of the City of St. Petersburg's unique character, history, and identity, as reflected in its historic and iconic signs; and

2. To preserve the sense of place that exists within the Central Business District and in areas of the City with concentrations of surviving historic signs; and

3. To protect the community from inappropriate reuse of nonconforming and/or illegal signs while ensuring that the signs are safe and well maintained; and

4. To prevent the unintentional loss of individual signs with historic or unique characteristics and, where possible, to provide a means for their retention and restoration; and

5. To allow the owner the flexibility to preserve historic and vintage signs. This classification does not preclude owners from removing these signs. The regulations of this section apply only to signs included in the City's inventory of signs of historic significance as set forth below.

B. Criteria for identification of a sign of historic significance.

1. The Community Preservation Commission (the Commission) shall establish and maintain an inventory of signs of historic significance.

2. A proposed sign of historic significance shall comply with the following criteria.

   a. Technical criteria:

      1. The sign shall have been installed at least 40 years prior to the date of application;
      2. The sign is an example of technology, craftsmanship or design of the period when it was constructed;
      3. The sign uses historic sign materials or means of illumination such as exposed integral incandescent lighting, or exposed neon lighting;
      4. The sign may include, but is not limited to, a freestanding sign, a projecting sign, a roof sign, a painted building sign, or a sign integral to the building's design (fascia sign) or any other type of sign that was permitted on the property;
      5. The sign is structurally safe or can be made safe without substantially altering its historical appearance; and
      6. The sign retains the majority of its character-defining features (materials, technologies, structure, colors, shapes, symbols, text, typography, and/or artwork) that have historical significance, that are integral to the overall sign design, or convey historical or regional context.
If character-defining features have been altered or removed, the majority of these features must be able to be restored to their historic function and appearance.

b. Cultural/historical/design criteria:

1. The sign exemplifies the cultural, economic, and historic heritage of the City;
2. The sign exhibits extraordinary aesthetic quality, creativity or innovation; or
3. The sign is unique, was originally associated with a local business or local or regional chain, there is academic research, including but not limited to sign industry journals, articles or books to support its significance, or it is a surviving example of a once common sign type that is no longer common.

C. Process for including a sign in the inventory of signs of historic significance.

1. Application for inclusion in the inventory of signs of historic significance may be made by the property owner having control over a sign or may be initiated by the City.
2. Within 30 days of submittal of an application, the POD shall determine if the application is complete and if the sign meets the applicable criteria for classification, and shall notify the property owner in writing whether or not the sign is eligible for classification as a sign of historic significance.
3. If the POD determines that the sign is not eligible for classification, the property owner may appeal the decision to the Commission by following the procedures for appeals in the application and procedures section. The Commission shall review the application at a public hearing after providing notice as required in the application and procedures section.
4. If the POD determines that the sign is eligible for classification, the POD shall prepare an inventory report within 45 days of the determination of eligibility, which shall identify how the sign meets the applicable criteria, and schedule a public hearing before the Commission after providing notice as required in the application and procedures section. The report shall include the legal description of the property on which the sign is located.
5. After the public hearing, the Commission shall approve, approve with conditions, or deny the request. The decision by the Commission shall be final unless timely appealed to the City Council as provided in this Chapter.
6. Notice of the inclusion on the inventory of signs of historic significance shall be mailed to the property owner.
7. Any notice required to be mailed by this section regarding signs of historic significance is only required to be mailed to the property owner and not property owners within 200 feet.

D. Exemptions, replica signs.

1. Classification as a sign of historic significance does not require a certificate of appropriateness for changes to the sign or demolition of the sign.
2. Signs classified as a sign of historic significance are exempt from the sign regulations regarding height, area, and location as set forth in the sign code.
3. Signs of historic significance that are nonconforming as to size, height, or location are exempt from the regulations governing nonconforming signs and abandoned signs. However, changes to the sign may not increase the nonconformity unless a variance is approved by the Commission.
4. A sign of historic significance may be repaired, restored, and/or adaptively reused if there is sufficient surviving original material or sufficient historical documentation (photographs, postcards, permits, or other records) as determined by the POD on which to base the repair, restoration or adaptive reuse. A permit is required before a sign may be repaired, restored, and/or adaptively reused. The property owner may file an application for a permit with the POD. The POD shall review the application for compliance with this section. Upon issuance of the permit, an existing sign of historic significance may then be repaired, restored, or rehabilitated either in place, or off-site, and then re-erected on site as set forth in subsection E. (subject to receipt of any required building permit). If the POD denies the permit application, the property owner or applicant may appeal the decision to the Commission. The decision by the Commission shall be final unless appealed to the City Council.

5. A sign of historic significance may be repaired or restored to any past appearance prior to 40 years before the date of the application. If the owner of a sign of historic significance provides documentation or physical evidence that the original design included intermittent lighting features (e.g., flashing, blinking, chasing or sequentially lit elements which create the appearance of movement) or moving parts, those sign elements may be repaired and restored and shall be exempt from those prohibitions in the sign code.

6. A sign of historic significance that will be adaptively reused must retain, repair, or restore the majority of the character-defining features (e.g., materials, technologies, structure, colors, shapes, symbols, text, typography and/or artwork) that have historical significance, or are integral to the overall design of the sign, or convey historical or regional context.

Changes to character-defining text (size, font, coloration) are not allowed. Any text that is not character defining can be changed. Changes to non-character defining text must either match or be compatible with the character defining text, or the text being replaced, in terms of materials, letter size, font, and color.

7. A replica sign is permissible when based on sufficient historical documentation of the sign and its location. The sign to be replicated must have been originally installed at least 40 years prior to the date of application. In order to construct a replica sign, the sign being replicated must be a sign of historic significance. A replica sign shall meet the same criteria, reviews and processes as a sign of historic significance. A sign can be replicated only once. Replicas of replicas are not permitted. A replica sign must use historical materials and technologies, or use contemporary materials and technologies that visually match historical ones. Replica signs shall only be allowed on the property on which the sign of historic significance was originally erected and shall not be relocated. Variances to height and area shall not be required if the original height and area can be verified, however, the replica sign must meet setback requirements unless a variance is granted by the Commission.

8. A permit is required before a sign may be replicated. The property owner may file an application for a replication permit with the POD. The POD shall review the application for compliance with this section. A replica sign shall meet the same criteria, reviews and processes as a sign of historic significance. Upon issuance of the permit, the sign of historic significance may be replicated. If the POD denies the permit application, the property owner may appeal the decision to the Commission. The decision by the Commission shall be final unless appealed to the City Council.
E. **Guidelines for relocating a sign of historic significance.** If the current location of a sign of historic significance prevents desired development, the sign may be relocated to another site to ensure preservation. Signs removed from their original location may be stored elsewhere before relocation.

1. A sign of historic significance may be relocated as follows:
   a. To another location on the same property;
   b. To another location that houses the same or similar business;
   c. To areas of similar character as the present location; or
   d. To the original location.

2. A sign of historic significance shall not be relocated to NT or NS zoned property.

3. All relocations are subject to the following:
   a. The sign shall meet the required sign setbacks of the zoning district in which it is relocated or the required setback for the principal structure, whichever is less.
   b. Projecting signs that project into the right-of-way shall have the required incidental architectural details contained in Chapter 25 and shall follow the sign permitting process.

4. If relocated to another property, the sign of historic significance shall contain text on the sign face or display a plaque that indicates that the sign has been relocated, the date of relocation, and the original location.

5. A permit is required before a sign may be relocated. The property owner may file an application for a relocation permit with the POD. The POD shall review the application for compliance with this section. Upon issuance of the permit, the sign of historic significance may be relocated. If the POD denies the permit application, the property owner may appeal the decision to the Commission. The decision by the Commission shall be final unless appealed to the City Council.

F. **Sign calculations for a sign of historic significance.** A sign of historic significance (whether relocated or not) and a replica sign shall not count against the total allowable sign area allowed for the property and shall not count against the number of signs allowed for the property.

G. **Demolition of a sign of historic significance.** Classification as a sign of historic significance does not prevent the owner from demolishing the sign. Demolition is subject to a 30-day waiting period, which begins upon the date of the application for a demolition permit, to facilitate relocation of the sign. The sign owner shall allow reasonable access to the sign to facilitate any possible documentation of the sign. The sign owner shall allow reasonable access to the sign for removal of all or part of a sign of historic significance from the property by a third party for reuse at a different location. If all or part of a sign is relocated to another property in the City, the guidelines for relocating a sign of historic significance contained in this section shall apply.
Section 4. In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto this Ordinance, in which case this Ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this Ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.
ATTACHMENT #3:

PSI MEETING MINUTES – MARCH 14, 2019
Present: Committee Members – Committee Chair Steve Kornell, Committee Vice-Chair Ed Montanari, Council Chair Charlie Gerdes, and Council Member Amy Foster

Absent: Council Member Lisa Wheeler-Bowman (Alternate)

Also Present: Council Member Gina Driscoll, Council Member Brandi Gabbard, Deputy Mayor/City Administrator Dr. Kanika Tomalin, City Attorney Jackie Kovilaritch, Planning & Development Review Services Director Liz Abernethy, City Zoning Official Jennifer Bryla, Assistant City Attorney Heather Judd, City Development Administrator Alan DeLisle, Engineering & Capital Improvement Director Brejesh Prayman, Transportation Manager Cheryl Stacks, Enterprise Facilities Manager Chris Ballestra, and Marketing Director Nina Mahmoudi

Support Staff: Jayne Ohlman - City Council Legislative Aide

1. Call to Order – 9:45 AM
2. Approval of Agenda – CM Gerdes moved approval, all members voted in favor.
3. Approval of February 28, 2019 Minutes – CM Gerdes moved approval, all members voted in favor.

New Business for March 14, 2019

a) Proposed Changes to the Sign Code – Jennifer Bryla and Elizabeth Abernethy

Committee Chair Kornell began by clarifying that there would be two parts to the sign code discussion. The first part, a discussion of the necessary changes in light of the Supreme Court’s decision in Reed v. Town of Gilbert. The second part, a continued discussion on the plan for signage at the new St. Pete Pier that was previously discussed at the February 21 City Council meeting.

The City’s Zoning Official, Jenni Bryla explained that the most significant changes to the sign code included the addition of two master charts for freestanding and wall signs, clarification that the code applies if visible from a right-of-way, and the Grandfathered date change from 1992 to 2008. Ms. Bryla explained that the key changes derived from the Supreme Court’s decision in Reed v. Town of Gilbert were the elimination of content-based definitions such as advertising, directional, employment, free speech, identification, menu, public/semi-public, and real estate. As well as the elimination of content-based exemptions such as commemorative, employment, free speech, garage and/or yard sale, identification, menu, political, and real estate. Ms. Bryla explained that there were no changes to electronic message centers, off-premise signs, criteria for size, height, location, or number of on-site signs, or banner/wind feather signs.
CM Montanari expressed concern regarding the recent influx of signage around the city and Ms. Abernethy explained that there has been progress to mitigate that issue. Ms. Abernethy stated that codes compliance has been actively addressing the sign issue through designated staffing. In addition, Ms. Abernethy explained that the changes to the planning and development fee schedule included adjustments that are meant to encourage applications for permanent sign permits, rather than violating codes with temporary signs. CM Montanari inquired how the Council could suggest changes to the draft sign ordinance as presented. Committee Chair Kornell suggested that if Council Members wanted to have a more substantial conversation about the entire sign code, then perhaps the Council should consider a Committee of the Whole so that all Council Members may have input.

CM Gabbard expressed concern with waiting to approve the new ordinance and suggested that the committee move forward with the ordinance as drafted and then ask staff to return with results of how the ordinance is working and address any necessary changes that may arise.

CM Montanari expressed concern with the applicability clause in the new proposed ordinance and explained that he would like to see language that addresses the new St. Pete Pier District and/or navigable waterways.

Chair Gerdes asked what legal boundaries exist should the City choose to address signage on government-owned property differently than publically owned and Assistant City Attorney Heather Judd responded that there is precedent which would prohibit the City from creating exemptions for itself. Chair Gerdes then inquired if it was feasible to create a separate sign code for the Pier District and Ms. Judd stated that she did not recommend that and the more reasonable approach would be to address CM Montanari’s suggestion to revise the applicability section of the draft ordinance.

CM Montanari asked for clarification regarding the definition of the terms “on-premise” vs “off-premise.” Ms. Judd explained that an “on-premises sign” means any sign which identifies a use, business or advertises a product for sale or service to be rendered on the parcel of property where the sign is located. While an “off-premise” sign means any sign identifying or advertising a product, business, person, activity, condition, or service not located or available on the same parcel of property where the sign is installed/maintained. CM Montanari then asked if a digital kiosk would be considered an “on-premise” or “off-premise” and Ms. Judd responded that it depended on the content on the digital screen.

CM Montanari moved to have staff return for further discussion at a Committee of the Whole on April 25 in lieu of the originally scheduled PS&I meeting. All members voted in favor.

St. Pete Pier District Signage & Wayfinding

Marketing Director Nina Mahmoudi, Engineering & Capital Improvement Director Brejesh Prayman, and Transportation Manager Cheryl Stacks presented the committee with an update on the St. Pete Pier’s Wayfinding & Signage Master Plan. Ms. Mahmoudi explained that the master plan is meant to guide decision making for the hierarchy and placement of signs; in an overall effort to avoid clutter and maintain architectural consistency. The first phase of the master plan is to conduct a signs needs assessment in
order to identify the necessary signs for the Pier District and then to address the electrical connections needed for illuminated signs. Once the signs are designated into categories and the type and size of each is known, then a finalized detailed design will be mapped out for fabrication details and foundational designs.

CM Montanari inquired what the cost of signage implementation would be and if the budget would cover this. City Development Administrator, Alan DeLisle stated that the cost for signage implementation is included in the budget and was already approved by Council on February 7.

In referencing the illuminated signs, CM Foster inquired how many signs staff expected to be illuminated. The City’s sign consultant, John Scheffel of Associate ArchitecturePlus International, responded that approximately 13 signs would be designed for illumination.

Chair Gerdes made a motion for staff to move forward with the Pier District’s Wayfinding project task order for full City Council approval on April 4. All members voted in favor.

The meeting adjourned at 11:30 AM
VACATION OF RIGHT-OF-WAY
PUBLIC HEARING

According to Planning & Development Services Department records, no Commission member resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & DEVELOPMENT SERVICES DEPARTMENT, for Public Hearing and Executive Action on April 3, 2019 at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 19-33000002  PLAT SHEET: D-2, D-4
REQUEST: Approval of a vacation of 2nd Avenue Northeast right-of-way from the east Boundary of Bayshore Drive Northeast to the main ship channel of Tampa Bay.
OWNER: City of St. Petersburg
c/o Real Estate and Property Management
P.O. Box 2842
Saint Petersburg, Florida 33731
AGENT: Chris Ballestra
City of St. Petersburg
P.O. Box 2842
Saint Petersburg, Florida 33731
ADDRESSES AND PARCEL ID NOS.: 335 2nd Avenue Northeast; 19-31-17-74466-000-0030
800 2nd Avenue Northeast; 20-31-17-00000-240-0100
300 2nd Avenue Northeast; 19-31-17-74466-000-0041
LEGAL DESCRIPTION: On File and see Attachment "A" for Right-of-Way to be Vacated
ZONING: Downtown Center (DC-3 and DC-P)
DISCUSSION AND RECOMMENDATION:

Request. The request is to vacate 2nd Avenue Northeast right-of-way from the east Boundary of Bayshore Drive Northeast to the main ship channel of Tampa Bay. This proposed area of vacation is partially within the limits of the St. Pete Pier™ (Pier) which is currently under construction.

The area of the right-of-way proposed for vacation is depicted on the attached maps (Attachments A, B and C) and Description and Sketch (Exhibit "A").

The applicant's goal is to vacate the right-of-way to streamline operations, activities and security in the area of the vacated right-of-way. This will allow permanent structures in the vacated right-of-way, and allow integrated management of the area being vacated.

The three subject parcels consist of a portion of two water lots, Water Lot 3 and Water Lot 4 of the Revised Map of St. Petersburg as recorded in Plat Book 1, Page 49 of the public records of Hillsborough County (of which Pinellas County was then a part). If 2nd Avenue Northeast from Bayshore Boulevard Northeast to the main ship channel (which is the eastern city limit) is vacated then the two Water Lots will adjoin.

There are three parcels owned by the City of St. Petersburg on which portions of the City's new Pier will be located. 2nd Avenue Northeast is located between the northern and southern parcels; the eastern parcel consists partially of the right-of-way to be vacated and partially of platted Water Lots 3 and 4 (Exhibit D), this eastern parcel exists for taxation purposes. When vacated the right-of-way area would go to the abutting Water Lots 3 and 4.

Access will be provided to the Pier from Bayshore Drive Northeast, with a pedestrian access through an entrance plaza roughly located at 2nd Avenue Northeast and Bayshore Drive Northeast, and vehicular access south of this right-of-way proposed for vacation, see the current Pier plan (Attachment E).

Analysis. Staff's review of a vacation application is guided by:

A. The City's Land Development Regulations (LDR's);
B. The City's Comprehensive Plan; and
C. Any adopted neighborhood or special area plans.

Applicants bear the burden of demonstrating compliance with the applicable criteria for vacation of public right-of-way. In this case, the material submitted by the applicant (Attachment F) does provide background or analysis supporting a conclusion that vacating the subject right-of-way would be consistent with the criteria in the City Code, the Comprehensive Plan, or any applicable special area plan.

A. Land Development Regulations
Section 16.40.140.2.1E of the LDR's contains the criteria for reviewing proposed vacations. The criteria are provided below in italics, followed by itemized findings by Staff.
1. Easements for public utilities including stormwater drainage and pedestrian easements may be retained or required to be dedicated as requested by the various departments or utility companies.

The application was routed to the standard list of City Departments and private utility providers. The City's Water Resources Department, TECO Peoples Gas, Frontier Communications and Duke Energy indicated that they would need easements in the area of the vacated right-of-way. No response was received from Bright House (Spectrum/Charter Communications).

As the abutting parcels are owned by the City and the right of way to be vacated would be owned by the City once vacated, the City could not grant an easement to the City's Water Resources Department, as the City cannot effectively grant an easement to itself and these City facilities would be allowed as required on City owned land.

2. The vacation shall not cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record as shown from the testimony and evidence at the public hearing.

The vacation will not deny access to any lot of record.

3. The vacation shall not adversely impact the existing roadway network, such as to create dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or neighborhoods.

The vacation of the portion of 2nd Avenue Northeast will not create a dead-end right-of-way, substantially alter utilized travel patterns, or undermine the integrity of the historic plat. Access to the waterfront will be through the Pier.

4. The easement is not needed for the purpose for which the City has a legal interest and, for rights-of-way, there is no present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors.

Based on the comments received there will be a need for private or special purpose utility easements for specific providers to serve the Pier, see Condition 1. There is no future need for the right-of-way for public vehicular or pedestrian access as that access is through the Pier.

5. The POD, Development Review Commission, and City Council shall also consider any other factors affecting the public health, safety, or welfare.

No other factors have been raised for consideration.

B. Comprehensive Plan

Coastal Management Element Objective 1.7 states: "Vehicle traffic, aside from maintenance vehicles, shall not be permitted on public waterfront property, except where access is provided."
The vacation of this portion of right-of-way is consistent with this objective and will ensure that vehicle access will be limited to the areas where access is specifically provided and necessary on the Pier.

Coastal Management Element Policy 7.3 states: "Development of waterfront locations shall give preference to uses which service and provide access to the public."
The vacation of this portion of right-of-way is consistent with the policy to support uses which provide access to the public.

Coastal Management Element Policy 7.5 states, "The City shall require the retention of public right-of-way adjacent to the waterfront in the platting and replatting of land unless comparable waterfront access is provided."

While this vacation of right-of-way does not require a re-plat, this is publicly owned land and will continue to provide access to the waterfront through the activities and programming of the publicly accessed Pier. The Pier as included in the adopted Downtown Waterfront Master Plan is one element of the preserved and enhanced open space which is desired along the City’s waterfront and provides enhanced access to the waterfront.

C. Adopted Neighborhood or Special Area Plans

The subject area is adjacent to the Downtown Neighborhood Association and Downtown Residents Civic Association boundaries. There are no neighborhood plans which affect vacation of right-of-way in this area of the City.

The subject area is within the Intown Redevelopment Area and an element of the adopted Downtown Waterfront Master Plan. The Intown Redevelopment Plan’s objective for the Downtown Waterfront Area entails the continued revitalization of the waterfront parks and the Pier area and focuses on development of specialty retail, parking, cultural and recreational facilities. The vacation of this portion of 2nd Avenue Northeast will enhance the opportunity for development of specialty retail, parking, educational, cultural and recreational facilities in support of the Intown Redevelopment Plan. The vacation of right-of-way is consistent with the goals for the Pier District in the Downtown Waterfront Master Plan, including but not limited to enhanced pedestrian access.

Comments from Agencies and the Public

The application was routed to the standard list of City Departments and private utility providers. The City’s Water Resources Department, TECO Peoples Gas, Frontier Communications and Duke Energy indicated that they would need easements in the area of the vacated right-of-way. No response was received from Bright House (Spectrum/Charter Communications).

No calls from the public were received in response to the posted and mailed public notices. An email was received from William Hermann with concerns about the financial viability of the Marina if this portion of 2nd Avenue Northeast is vacated (Attachment G).
RECOMMENDATION. Staff recommends APPROVAL of the proposed street right-of-way vacation. If the DRC is inclined to support the vacation, Staff recommends the following special conditions of approval:

1. Prior to recording the vacation ordinance, the applicant shall grant a specific easement to TECO Peoples Gas, Frontier Communications, Bright House and Duke Energy or obtain a letter of no objection from these utility providers.

2. As required by City Code Section 16.70.050.1.1 F, approval of right-of-way vacations shall lapse and become void unless the vacation ordinance is recorded by the City Clerk in the public records within 24 months from the date of such approval or unless an extension of time is granted by the commission designated in the Decisions and Appeals Table or, if appealed, by the City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one year. The vacation ordinance shall be recorded after any conditions precedent have been compiled with.

REPORT PREPARED BY:

KATHRYN A. YOUNKIN, MCP, LEED AP BD + C, Subdivision Coordinator
Development Review Services Division
Planning & Development Services Department

REPORT APPROVED BY:

JENNIFER BRYLA, AICP, Zoning Official (POD)
Development Review Services Division
Planning and Development Services Department

Attachment E

Pier Plan
Attachment F

Applicant’s Narrative
The City of St. Petersburg (Applicant) is requesting vacation of the right-of-way generally described as that portion of 2nd Ave NE that extends Eastward from its intersection with Bayshore Dr NE. The vacation of this right-of-way and appendage to the parcel generally referred to as the St. Pete Pier will allow the city to streamline operations, activities, and security going forward.

Currently, this portion of right-of-way divides and provides public access to three (3) city-owned parcels. The Applicant proposes that, upon vacation, public access to the combined parcels occur via a single point of entry at the intersection of 2nd Ave NE and Bayshore Dr NE.
Attachment G

Public Comment
Mr. Herrmann,

Good Afternoon. The staff report for this legislative item will be ready a week before the hearing. As this is a legislative item, no opponent can register. You can however speak at the hearing on the 3rd at 2:00. Let me know if I can help further.

Jennifer C. Bryla, AICP
Zoning Official
Development Review Manager
City of St. Petersburg, FL
Planning and Development Services Department
O: 727.892.5344 E: Jennifer.Bryla@stpete.org

Good Morning,

I have heard that the April 3, 2019 DRC agenda will include abandonment of the NE 2 Ave ROW.

This issue raises several questions. Could you advise if there is a staff report? What are the standards for abandoning a ROW? I am deeply concerned that the abandonment will adversely impact the financial viability of the marina. Is this something I can file as a registered opponent for?

If you team is not working on this, please advise who is. Should you wish to discuss this, a change in schedule has me in town.

Thank you for your assistance

Bill

William Herrmann
130 4 Ave N #405
St. Petersburg, FL
954-803-6838
Description and Sketch
(NOT A SURVEY)

DESCRIPTION:
A portion of 2nd Avenue Northeast (4th Avenue North per the REVISED MAP OF THE CITY OF ST. PETERSBURG as recorded in PLAT BOOK 01, PAGE 49 of the Public Records of Hillsborough County, Florida. Being more particularly described as follows:

COMMENCE at the northeast corner of Lot 1, Block 1, REPLAT OF STRAUB PARK as recorded in PLAT BOOK 107, PAGE 36, of the Public Records of Pinellas County, Florida; thence easterly along the southerly right-of-way line of said 2nd Avenue Northeast to the intersection of the easterly right-of-way line of Bayshore Drive Northeast for a POINT OF BEGINNING; thence continue along said southerly right-of-way line to the main ship channel of Tampa Bay, which is described in the 'Limits of the City of St. Petersburg as established by State Legislature 1903 (Section 2 Chapter 5361 PG. 536 ACTS of 1903); thence northerly along said main ship channel to the northerly right-of-way line of 2nd Avenue Northeast; thence westerly along said northerly right-of-way line being parallel with and 100 feet from said southerly right-of-way line to the intersection with the easterly right-of-way line of Bayshore Drive Northeast; thence southerly to the POINT OF BEGINNING.

Surveyor's Notes:
1. Bearings are based on the southerly right-of-way line of 2nd Avenue Northeast (4th Avenue North per Plat Book H1, Page 49 of the Hillsborough County Public Records) being assumed east.
2. This Description and Sketch does not certify or warranty: title, zoning, easements, or freedom from encumbrances.
3. This Description and Sketch was prepared without the benefit of an abstract of title or boundary survey and may be subject to easements, restrictions, rights-of-way and other matters of record.
4. Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

Timothy R. Collins
Professional Surveyor and Mapper
Florida Registration Number 6682

VACATION OF RIGHT-OF-WAY
2nd Avenue Northeast at Pier
Project 09227-119

SECTION 20
TOWNSHIP 31 SOUTH
RANGE 17 EAST

DATE: DEC 06, 2018
SHEET No. 1 OF 1
STAFF REPORT
DEVELOPMENT REVIEW COMMISSION - VARIANCE REQUEST
PUBLIC HEARING

For Public Hearing and Executive Action on April 3, 2019 beginning at 2:00 P.M., Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

According to Planning & Development Services Department records, Commission member Richard Doyle resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

CASE NO.: 18-54000104 PLAT SHEET: A-28
REQUEST: After-the-fact approval of a variance to the maximum allowable driveway width.
OWNER: Kurt and Terri Ulrich
1993 Massachusetts Avenue NE
Saint Petersburg, Florida 33703
ADDRESS: 1993 Massachusetts Avenue Northeast
PARCEL ID NO.: 03-31-17-93870-005-0020
LEGAL DESCRIPTION: On File
ZONING: Neighborhood Suburban Single-Family-1 (NS-1)

<table>
<thead>
<tr>
<th>Standard</th>
<th>Maximum Allowed</th>
<th>Requested</th>
<th>Variance</th>
<th>Magnitude (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driveway Width</td>
<td>20-feet</td>
<td>25-feet</td>
<td>+ 5-feet</td>
<td>25%</td>
</tr>
</tbody>
</table>

P.O. Box 2842
St. Petersburg, FL 33731-2842
T: 727-893-7111
BACKGROUND:

The subject property is located in the Venetian Isles Neighborhood. The property is an interior lot located in the NS-1 zoning district with an existing single-family residence built in 1970.

The Applicant is requesting a variance to the maximum allowable driveway width. For NS-1 zoned properties, the maximum allowable driveway width is 20-feet for standard portions and the maximum width for circular portions of circular driveways is 14-feet, measured at the property line. Circular driveways are permitted on NS-1 properties with a lot width of 60-feet or greater. Driveways in the NS-1 district require 3ft. x 7ft. flares on each side of the drive as they connect to the curb or street.

A contractor for the homeowner applied for and received a driveway permit (Building Permit # 18-05001024, Attachment D) for a new circular paver driveway with widths of 20-feet (for the standard portion) and 12-feet (for the circular portion). The driveway failed inspection as the standard portion was built with a width of 25 feet.

The Applicant's original application also included a request for a variance to the maximum allowable impervious surface coverage within the front yard. However, the Applicant and his contractor modified the request by removing the necessary square footage from the front yard to reduce the impervious surface coverage below the maximum allowed (Attachments E & F).

CONSISTENCY REVIEW COMMENTS: The Planning & Development Services Department staff reviewed this application in the context of the following criteria excerpted from the City Code and found that the requested variance is inconsistent with these standards. Per City Code Section 16.70.040.1.6 Variances, Generally, the DRC's decision shall be guided by the following factors:

1. Special conditions exist which are peculiar to the land, building, or other structures for which the variance is sought and which do not apply generally to lands, buildings, or other structures in the same district. Special conditions to be considered shall include, but not be limited to, the following circumstances:

   a. Redevelopment. If the site involves the redevelopment or utilization of an existing developed or partially developed site.

      This criterion is not applicable.

   b. Substandard Lot(s). If the site involves the utilization of an existing legal nonconforming lot(s) which is smaller in width, length or area from the minimum lot requirements of the district.

      The subject property exceeds the minimum required lot width and lot area requirements of the district.

   c. Preservation district. If the site contains a designated preservation district.

      This criterion is not applicable.
d. **Historic Resources. If the site contains historical significance.**

This criterion is not applicable.

e. **Significant vegetation or natural features. If the site contains significant vegetation or other natural features.**

This criterion is not applicable.

f. **Neighborhood Character. If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements.**

Circular driveways are common in the Venetian Isles neighborhood. The over-sized driveway does not promote the traditional development pattern of the block face or neighborhood.

g. **Public Facilities. If the proposed project involves the development of public parks, public facilities, schools, public utilities or hospitals.**

This criterion is not applicable.

2. **The special conditions existing are not the result of the actions of the applicant;**

The special conditions existing are the result of the Applicant. The property received a building permit to construct a 20-foot wide driveway with a 12-foot wide circular portion, however the driveway was not built to the approved plan specifications. The driveway was proposed to meet zoning regulations but was not constructed as proposed.

3. **Owing to the special conditions, a literal enforcement of this Chapter would result in unnecessary hardship;**

A literal enforcement of this Chapter would not result in unnecessary hardship. The installation of the driveway was not constructed per the approved plans.

4. **Strict application of the provisions of this chapter would provide the applicant with no means for reasonable use of the land, buildings, or other structures;**

Strict application of the provisions of this chapter would provide the applicant with no means for reasonable use of the land, buildings, or other structure.

5. **The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or other structure;**

Staff finds that the variances requested are not reasonable. The property allows for a circular driveway to be built and the maximum allowable width to be utilized.
6. **The granting of the variance will be in harmony with the general purpose and intent of this chapter;**

   The granting of these variances is not consistent with the purpose and intent of the Code to accommodate reasonable use of the property.

7. **The granting of the variance will not be injurious to neighboring properties or otherwise detrimental to the public welfare; and,**

   The granting of the variance will not be directly injurious to neighboring properties or otherwise detrimental to the public welfare.

8. **The reasons set forth in the application justify the granting of a variance;**

   The reasons set forth in the application do not justify the granting of the variances.

9. **No nonconforming use of neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted use of lands, buildings, or other structures in adjacent districts shall be considered as grounds for issuance of a variance permitting similar uses.**

   This criterion is not applicable.

**PUBLIC COMMENTS:** The subject property is within the boundaries of the Venetian Isles Homeowners Association. The Association has an internal Architectural Review Committee (ARC) that reviews and approves driveway designs in the neighborhood. The Applicant states that the ARC approved the design of the driveway as drawn in July 2018. However, the driveway was not built as originally drawn resulting in these variance requests. Staff has not received any correspondence from the Association.

   Additionally, the Applicant has provided signatures of no-objection from property owners in the vicinity of the subject property.

**STAFF RECOMMENDATION:** Based on a review of the application according to the stringent evaluation criteria contained within the City Code, the Planning and Development Services Department Staff recommends **DENIAL** of the requested variances.

**CONDITIONS OF APPROVAL:** If the variance is approved consistent with the site plan submitted with this application, the Planning and Development Services Department Staff recommends that the approval shall be subject to the following:

1. The plans and elevations submitted for permitting should substantially resemble the plans submitted with this application.
2. A new driveway plan revising the active driveway permit to reflect the approved conditions shall be submitted no later than July 3, 2019.
3. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.
4. Maximum impervious surface coverage must not exceed 60% for the total site and must not exceed 45% in the front yard, as defined by Code regulations. All plans submitted for permitting on this site must show the extent of all improvements on site and the Impervious Surface Ratio.
5. The applicant is advised that inspections are required; failure to obtain inspections will invalidate the variance and the permits.

Report Prepared By:

[Signature]
Michael W. Larimore, Planner I
Development Review Services Division
Planning & Development Services Department

Date: 3/26/2019

Report Approved By:

[Signature]
Jennifer C. Bryla, AICP, Zoning Official (POD)
Development Review Services Division
Planning & Development Services Department

Date: 3/26/19

ATTACHMENTS: Attachment A - Map; Attachment B - Survey/Site Plan; Attachment C - Building Permit # 18-05001024 Plan; Attachment D - Photographs (2) (dated 1/24/2019); Attachment E - Before and After Photographs of Modification Work (4) (‘after’ pictures dated 2/21/2019); Attachment F - Revised Site Plan; Attachment G - Application Package (including Signatures of Support and Neighborhood Participation Report)

JCB/MWL:iw
 kidd ~

ATTACHMENT B. – SURVEY/SITE PLAN

MASSACHUSETTS AVENUE
BEARINGS BASED ON THE SOUTHEAST LOT LINE OF LOT 2, BLO
SAID BEARING BEING S 45° 42'5"
Tree Removal Not Included
A separate tree removal permit is required for the removal of Code protected trees
Attachment D. – Photographs (2) (dated 1/24/2019)
Attachment E. – Before and After Photographs of Modification Work
(4) ('after' pictures dated 2/21/2019)
I have reviewed and give my approval to proceed with the construction of this project.

[Signature]

Scale: 1/2" = 1 ft

Customer

Date
Attachment G. – Application Package (including Signatures of Support and Neighborhood Participation Report)

See attached.
All applications are to be filled out completely and correctly. The application shall be submitted to the City of St. Petersburg's Development Review Services Division, located on the 1st floor of the Municipal Services Building, One Fourth Street North.

NAME of APPLICANT (Property Owner): Kurt & Terri Ulrich
Street Address: 1993 Massachusetts Ave NE
City, State, Zip: St. Petersburg, FL 33703
Telephone No: 727-418-7739 Email Address: gku98@yahoo.com

NAME of AGENT or REPRESENTATIVE:
Street Address: NA
City, State, Zip:
Telephone No: Email Address:

PROPERTY INFORMATION:
Street Address or General Location: 1993 Massachusetts Ave NE St. Petersburg, FL 33703
Parcel ID(s): 03-31-17-93870-005-0020

DESCRIPTION OF REQUEST:
We are seeking to obtain a variance on the completed construction of our circular drive.

PRE-APPLICATION DATE: PLANNER:

| 1 & 2 Unit, Residential – 1st Variance | $300.00 | Each Additional Variance | $100.00 |
| 3 or more Units & Non-Residential – 1st Variance | $300.00 | After-the-Fact | $500.00 |
| Docks | $400.00 |
| Flood Elevator | $300.00 |

Cash, credit, checks made payable to "City of St. Petersburg"

City Staff and the designated Commission may visit the subject property during review of the requested variance. Any Code violations on the property that are noted during the inspections will be referred to the City's Codes Compliance Assistance Department.

The applicant, by filing this application, agrees he or she will comply with the decision(s) regarding this application and conform to all conditions of approval. The applicant's signature affirms that all information contained within this application has been completed, and that the applicant understands that processing this application may involve substantial time and expense. Filing an application does not guarantee approval, and denial or withdrawal of an application does not result in remittance of the application fee.

NOTE: IT IS INCUMBENT UPON THE APPLICANT TO SUBMIT CORRECT INFORMATION. ANY MISLEADING, DECEPTIVE, INCOMPLETE, OR INCORRECT INFORMATION MAY INVALIDATE YOUR APPROVAL.

Signature of Owner / Agent*: [Signature] Date: 11/29/18

*Affidavit to Authorize Agent required, if signed by Agent.
All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses be typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the six criteria.

**ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.**

<table>
<thead>
<tr>
<th>Street Address: 1993 Massachusetts Ave NE</th>
<th>Case No.:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detailed Description of Project and Request:</td>
<td>SEE ATTACHED</td>
</tr>
</tbody>
</table>

1. What is unique about the size, shape, topography, or location of the subject property? How do these unique characteristics justify the requested variance? 
   SEE ATTACHED

2. Are there other properties in the immediate neighborhood that have already been developed or utilized in a similar way? If so, please provide addresses and a description of the specific signs or structures being referenced. 
   SEE ATTACHED

3. How is the requested variance not the result of actions of the applicant? 
   SEE ATTACHED
All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses be typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the six criteria.

**ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.**

<p>| | |</p>
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<tr>
<td>4. How is the requested variance the minimum necessary to make reasonable use of the property? In what ways will granting the requested variance enhance the character of the neighborhood?</td>
<td>SEE ATTACHED</td>
</tr>
<tr>
<td>5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?</td>
<td>SEE ATTACHED</td>
</tr>
<tr>
<td>6. In what ways will granting the requested variance enhance the character of the neighborhood?</td>
<td>SEE ATTACHED</td>
</tr>
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</table>
VARIANCE APPLICATION

NARRATIVE (PAGE 1 and 2)

APPLICANT NARRATIVE

Street Address: 1993 Massachusetts Ave NE Case No:

Detailed Description of Project and Request:

This property is located on Venetian Isles, a deed restricted community in Northeast St. Petersburg. We purchased the home in June 2017. The old driveway had several significant cracks along with a substantial subduction at the junction of the concrete slabs (see picture below) presenting a dangerous walkway. In addition, with four (4) drivers and four (4) cars in our household, 1 to 2 cars were typically parked on the street, at times restricting traffic flow for our neighbors. We removed the old driveway and designed a new apron to the garage with a circular drive. The new design called for the material to be pavers in the design of a compass rose. The contract was let and implemented by Oasis Pavers and Pools which obtained a permit to construct. In addition, the design was submitted to the Architectural Review Committee (ARC) for the Venetian Isles HOA and was subsequently approved. Unfortunately, the implementation failed to recognize the code limitations between the lot line and the curb. Enforcing the code to the letter would cause an unsightly triangular paver removal. The removal in turn would give rise to an isolated triangular patch of un-watered dirt and grass which would then give rise to excess debris run-off into the adjacent storm drain. The request is to grant the variance so that the driveway as constructed is approved which would maintain the integrity of the aesthetics and avoid potential storm drainage blockage.

Old Driveway showing cracks and subduction at the seam of concrete slabs (bottom of picture)
Question #1. What is unique about the size, shape, topography, or location of the subject property? How do these unique characteristics justify the requested variance?

When we purchased our home on Venetian Isle about 18 months ago, it came with a cement driveway. The driveway was cracked in a number of places and an accident waiting to happen by way of a several-foot subduction where convergent boundaries of two cement slabs met some three feet from the curb. This condition was dangerous, not to mention unsightly, and it was incumbent upon us to address the driveway’s demolition and replacement as soon as we were able.

Our household is a busy one where four or five cars are routinely parked with more during frequent family gatherings often causing several cars to be parked on the street—a traffic impediment from time to time and a by-gone condition which our neighbors were relieved to see as our new driveway enabled all of our cars to be parked on premises.

The Venetian Isle Homeowners Association is a diligent guardian of the aesthetics involving outside residence alterations which it closely monitors. My wife created a unique rendering of a compass rose to enhance the circular design of the driveway to be constructed with pavers.

This design was submitted and approved by our Homeowners Association (See ARC Approval Letter) and the paving contractor, Oasis Pavers and Pools, permitted the job and wonderfully constructed our new driveway. Somewhere, however, a glitch occurred when a code condition was inadvertently violated and remained undetected until a final inspection by the City.

Without the approval of a variance, making the driveway code compliant would require the removal of pavers from a triangular part of the drive apron creating a potential mud hole during the rainy season and a triangular parcel of sand during the dry season since the triangle created by the paver removal would be isolated from our sprinkling system and driven over numerous times daily. This condition would prohibit the growth of grass. An obvious adverse condition would be experienced as runoff would move dirt (mud) and other detritus to the storm-water intake immediately adjacent to the driveway’s convergence with the curb—a condition not present as the new driveway is presently constructed.
Pictures of the driveway with the code compliant triangular cut-out shown above.

*(See "Driveway Design insert)*
You, Dean

Thank you.

Michael Astuto
Osiris Pavers and Pools
(727) 455-0878
Question #2. Are there other properties in the immediate neighborhood that have already been developed or utilized in a similar way? If so, please provide addresses and a description of the specific signs or structures being referenced.

Virtually every residence in our neighborhood has a driveway of similar design, although not as many with a circular component. The flaw in our design causing it to fail the code condition is that by providing for a circular component to our drive, the part of the driveway from the curb to the lot line exceeded the allowed width by 5'.

Question #3. How is the requested variance not the result of actions of the applicant?

We were not aware of our responsibilities beyond a detailed design including dimensions of the driveway and we were not conversant with the intricacies of the code concerning the violation experienced.

Question #4. How is the requested variance the minimum necessary to make reasonable use of the property? In what ways will granting the requested variance enhance the character of the neighborhood?

The unique design of the driveway could be considered an art piece. Several neighbors have already consulted us about creating some art design to enhance the aesthetics of their driveways – vis-à-vis a plain cement slab.
Question #4 (con't) Failure to grant the requested variance will require the significant alteration of this driveway creating a triangular parcel of ground comprised of approximately 18-20 square feet which is: (i) un-watered; (ii) isolated from the balance of the yard; and (iii) will be driven over many times daily creating an unsightly scar giving rise to mud, sand and other debris washing into the storm drainage system. The storm water drainage intake abuts the point of the triangle necessitated by code compliance and would directly receive the runoff from the abandoned parcel.

In addition, alteration to bring the circular drive in compliance would create an unsightly design diminishing the character of the neighborhood and reducing its beautification.

Question #5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?

Several different alterations to the driveway were considered to make the driveway/art piece code compliant, but none of the changes would allow for the survival of the aesthetics—i.e.; the compass rose. It, by-the-by, is a part and parcel of the driveway, it is not a painted or surface created design, but it is also paver constructed.

The previous photos above show by-way-of a blue-line demarcation the extent and area of the code compliant triangle, would be an immediate eye-sore as well as exacerbating storm drainage run-off.

Also considered was moving the circular part of the art piece, but that alternative would completely destroy the design of the compass rose.
Question #6. In what ways will granting the requested variance enhance the character of the neighborhood?

Acknowledging the validity and necessity of our code as it relates to driveways, variance processes are established to address situations such as ours. This process recognizes the truism that "one size does not fit all". The code as it pertains to the width of a circular drive at the juncture of the City's easement with the property line, as we perceive it, is established to avoid excess flooding and harmful runoff to neighboring properties and convergent streets; and, to protect the integrity of the aesthetics of a neighborhood.

Granting this application for the variance will in no way increase the flood or run-off potential of either the subject property or the surrounding neighborhood and, in fact, will alleviate the issue of excessive sand, mud and debris run-off washing into the storm drainage system thereby reducing the drain's capacity to manage run-off from several adjacent properties which is its primary design. The storm water drainage mouth abuts the point of the triangle necessary to comply with the code and would directly receive the runoff from the abandoned parcel. Finally, becoming code compliant in this case would render an odd-looking triangular cut-out completely adverse to the natural lines and design substantially reducing the aesthetics created by this novel and creative approach to our driveway.
In accordance with LDR Section 16.70.040.1.F, "It is the policy of the City to encourage applicants to meet with residents of the surrounding neighborhoods prior to filing an application for a permit requiring review and public hearing. The applicant, at his option, may elect to include neighborhood mediation as a preparatory step in the development process. Participation in the public participation process prior to required public hearings will be considered by the decision-making official when considering the need, or request, for a continuance of an application. It is not the intent of this section to require neighborhood meetings, but to encourage meetings prior to the submission of applications for approval and documentation of efforts which have been made to address any potential concerns prior to the formal application process."

Street Address: 1993 Massachusetts Avenue NE

1. Details of techniques the applicant used to involve the public
   (a) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal
   There were no scheduled public meetings. We did reach out to each neighbor within 300' of our property explaining how the circular drive was constructed but not implemented to code as it relates to the width of the circular driveway at the property line (right-of-way). We also discussed changes needed to the design in order to follow the code to the letter which would create a potential drainage issue and significantly de-beautify the design. As a result, we are seeking a variance to allow the driveway to remain as is.

   (b) Content, dates mailed, and number of mailings, including letters, meeting notices, newsletters, and other publications
   THERE WERE NO PUBLICATIONS OF ANY KIND.

   (c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located
   THERE WERE NO PUBLICATIONS OF ANY KIND.

2. Summary of concerns, issues, and problems expressed during the process
   We were able to contact nearly ALL adjacent property owners and nearly all neighbors within 300' of our property seeking their support. All 15 adjacent homeowners contacted gave their unanimous support of our request to obtain a variance. In addition, most expressed concern about possibly changing the driveway as it is a very attractive design and has improved the look of our home and the neighborhood. One neighbor is now considering a re-design of his driveway seeing how much it added to the beautification of our property. (See Attached Map)

3. Signature or affidavit of compliance - President or vice-president of any neighborhood associations
   Check one: [ ] Proposal supported
   [ ] Do not support the Proposal
   [ ] Unable to comment on the Proposal at this time
   [ ] Other comment(s):

   Association Name: Venetian Isles HOA
   President or Vice-President Signature:

   If the president or vice-president of the neighborhood association are unavailable or refuse to sign such certification, a statement as to the efforts to contact them and (in the event of unavailability or unwillingness to sign) why they were unable or unwilling to sign the certification:
Public Participation Report

Question 3

Association Name: Venetian Isles HOA  President: Rich Scanlon

The Venetian Isles HOA requires drive way designs to be submitted for approval to the Architectural Review Committee (ARC). The ARC approved our design and a copy of the letter of approval is attached to this application.

According to President Rich Scanlon, the policy of the Venetian Isles Homeowners Association is to decline from participating in applications for variances for its members.
Applicants are strongly encouraged to obtain signatures in support of the proposal(s) from owners of property adjacent to or otherwise affected by a particular request.

<table>
<thead>
<tr>
<th>Affected Property Address</th>
<th>Owner Name (print)</th>
<th>Owner Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>1928 Massachusetts Ave NE</td>
<td>Deborah Fox</td>
<td></td>
</tr>
<tr>
<td>1984 Massachusetts Ave</td>
<td>Chester Ugan</td>
<td></td>
</tr>
<tr>
<td>1976 Massachusetts Ave</td>
<td>Robert Jones</td>
<td></td>
</tr>
<tr>
<td>1971 Massachusetts Ave</td>
<td>Michael Farmer</td>
<td></td>
</tr>
<tr>
<td>1964 Massachusetts Ave</td>
<td>Mary Jo Lucas</td>
<td></td>
</tr>
<tr>
<td>1983 Massachusetts Ave NE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1969 Massachusetts Ave NE</td>
<td>Kenton Sandinburg</td>
<td></td>
</tr>
</tbody>
</table>
Applicants are strongly encouraged to obtain signatures in support of the proposal(s) from owners of property adjacent to or otherwise affected by a particular request.

**NEIGHBORHOOD WORKSHEET**

<table>
<thead>
<tr>
<th>Street Address:</th>
<th>1992 Massachusetts Ave NE</th>
<th>Case No.:</th>
</tr>
</thead>
</table>

**Description of Request:**

*see Attachment*

The undersigned adjacent property owners understand the nature of the applicant's request and do not object (attach additional sheets if necessary):

1. **Affected Property Address:** 1996 Michigan Ave NE, St. Pete, FL 33703  
   **Owner Name (print):** Donna M. Lynch  
   **Owner Signature:** [Signature]

2. **Affected Property Address:** 1972 Mass Ave NE, St. Pete, FL 33703  
   **Owner Name (print):** Betty Ann  
   **Owner Signature:** [Signature]

3. **Affected Property Address:** 2018 Michigan Ave NE, St. Pete, FL 33703  
   **Owner Name (print):** John Smith  
   **Owner Signature:** [Signature]

4. **Affected Property Address:** 1997 Mass Ave NE  
   **Owner Name (print):** [Name]  
   **Owner Signature:** [Signature]

5. **Affected Property Address:** 998 Mass Ave NE, St. Pete, FL 33703  
   **Owner Name (print):** [Name]  
   **Owner Signature:** [Signature]

6. **Affected Property Address:** 1997 Mass Ave NE  
   **Owner Name (print):** [Name]  
   **Owner Signature:** [Signature]

7. **Affected Property Address:** 1997 Mass Ave NE  
   **Owner Name (print):** [Name]  
   **Owner Signature:** [Signature]

8. **Affected Property Address:**  
   **Owner Name (print):**  
   **Owner Signature:**
300 Foot Radius

Aerial view of our property with outline of properties within 300 feet.
Highlighted properties show those neighbors that we were able to contact.
July 31, 2018

Ms Terri Ulrich
1993 Massachusetts Ave Avenue NE
St. Petersburg, FL 33703

Re: New Driveway

Dear Ms. Ulrich,

Thank you for allowing us to review your plans. Reviewing new projects is very important to us to ensure compliance is met. A thorough review of your project by two separate members of the ARC committee has occurred.

We have received your plans for your new driveway for your property and we find it to be compliant with the deed restrictions of our neighborhood. Your drawing and design are approved.

Please acknowledge receipt of this approval letter via email.

Thank you for your anticipated cooperation.

Note: With ARC approval, homeowners have full responsibility at all times to make sure that their projects meet the Venetian Isles Deed Restrictions.

Should you have any questions, please do not hesitate to contact me at your convenience.

Respectfully,

Trip Guinan

Trip Guinan, ARC Chair

CC: ARC
    Sean Scifried, ARC Member
Mike,

Based on our conversation a minute ago this email is to let you know we are applying for a variance for the maximum allowable width for the circular drive as well as the maximum impervious surface ratio for the front yard.

Thank you for your assistance on this matter.

Kurt Ulrich
727-418-7739

On Monday, December 10, 2018, 9:46:17 AM EST, Michael W. Larimore <Michael.Larimore@stpete.org> wrote:

Mr. Ulrich,

I will give you a call today to finalize the variance request packet so that we can get your application preliminarily scheduled for the February DRC Agenda. Thank you for the quick reply.

Mike Larimore
Planner I
Planning & Development Services
City of St. Petersburg
1 Fourth Street North, St. Petersburg, FL 33701

Trees: 727-893-4249
Office: 727-892-5226
Fax: 727-892-5557

Please note all emails are subject to public records laws.
Hello Mike. Thanks for the email. I wasn’t sure how to proceed and tried to call you Friday after reviewing Mike Astuto’s email. If you could call me to give some direction on how to word the application with regard to the ISR variance I’d be grateful. Based on the email from Mike at Oasis (copied below) the front yard exceeds the ISR by about 2.5%. Yes, I'd like to try and get it in today.

My number is 727-418-7739.

Thanks Mike,

Kurt Ulrich

Kurt,

I spoke with Mike Larimore this morning, and the area by the front door does not get included in the front isr ratio but does get included in the total. With that being said the new ISR ratio that we came up with is as follows:

Total area 25'x 74.47= 1861.75
Total paver sq footage in the 25' set back = 886
ISR = 47.589

Please let me know if you need anything else.

Thank you,
Mike

On Monday, December 10, 2018, 8:31:59 AM EST, Michael W. Larimore <Michael.Larimore@stpete.org> wrote:

Hello Mr. Ulrich,

Just a reminder, today is the deadline to be on the February DRC Meeting, if we do not receive a complete application (the information needed to confirm whether any ISR variance(s) will be needed in addition to the known variance request to the maximum allowable driveway width), you request(s) may be pushed to the March Meeting.
I last spoke with Mike from Oasis last week by phone and gave him clarity about ISR calculations and how the City Code defines the “front yard” and how my calculations and the calculations Oasis provided differed.

To complete the variance request application, I just need confirmation on the front yard and overall impervious surface calculations and whether they meet or exceed the maximums (45% front yard, 60% overall) allowed by Code.

Let me know how you wish to proceed.

Best,

Mike Larimore
Planner I
Planning & Development Services
City of St. Petersburg
1 Fourth Street North, St. Petersburg, FL 33701

Trees: 727-893-4249
Office: 727-892-5226
Fax: 727-892-5557

Please note all emails are subject to public records laws.

From: Kurt Ulrich <gku98@yahoo.com>
Sent: Thursday, November 29, 2018 9:00 AM
To: Michael W. Larimore <Michael.Larimore@stpete.org>
Subject: Re: ISR information on 1993 Massachusetts Ave NE, Kurt Ulrich

I will forward this on to Oasis and get back to you. Thanks Michael. Have a great day.
This property is located on Venetian Isles, a deed restricted community in Northeast St. Petersburg. We purchased the home in June 2017. The old driveway had several significant cracks along with a substantial subduct at the junction of the concrete slabs (see picture in Question #1 below) presenting a dangerous walkway. In addition, with four (4) drivers and four (4) cars in our household, 1 to 2 cars were typically parked on the street, at times restricting traffic flow for our neighbors. We removed the old driveway and designed a new apron to the garage with a circular drive. The new design is an art piece which called for the material to be pavers in the design of a compass rose. The contract was implemented by Oasis Pavers and Pools which obtained a permit to construct. In addition, the design was submitted to the Architectural Review Committee (ARC) for the Venetian Isles HOA and was subsequently approved.

Artistic design

Unfortunately, the implementation failed to recognize the code limitations between the lot line and the curb. Enforcing the code to the letter would cause an unsightly triangular paver removal OR a near complete re-build of the driveway. The triangular paver removal would in turn give rise to an isolated triangular patch of un-watered dirt and grass which would then give rise to excess debris run-off into the adjacent storm drain. It would also present a odd-looking eyesore inconsistent with aesthetics of the neighborhood. If a complete re-build were required it would
be a substantial hardship to the homeowner and the contractor as nearly 80% of the pavers would need to be removed and replaced as well as the “island” needing new excavation and irrigation. The request is to grant the variance so that the driveway as constructed is approved which would maintain the integrity of the aesthetics and avoid potential storm drainage blockage.

![Old Driveway showing cracks and subduction at the seam of concrete slabs (bottom)](image)

**Question #1. What is unique about the size, shape, topography, or location of the subject property? How do these unique characteristics justify the requested variance?**

When we purchased our home on Venetian Isle about 18 months ago, it came with a cement driveway. The driveway was cracked in a number of places and an accident waiting to happen by way of a several-foot subduction where convergent boundaries of two cement slabs met some three feet from the curb. This condition was dangerous, not to mention unsightly, and it was incumbent upon us to address the driveway’s demolition and replacement as soon as we were able.

In addition, a drain is located at the base of the driveway and is situated directly in line with the edge of the garage. The drain has a fairly severe down-sloping entrance the top of which is a relatively sharp-edged metal molding. Due to its location in front of our garage as well as its construction, the drain is a hazard to vehicles entering the driveway. In fact, over the past 18 months we have destroyed two tires while entering the driveway cutting the corner too close. The city code requires a 3’x7’ flare at the end of driveways but due to the location of the drain the construction of a flare at the end of the driveway isn’t possible. *(see picture)* The existence of a flared entrance would have alleviated two accidents at this point. We are applying for a variance to the width of the driveway which now enables automobiles to swing wide of this hazard avoiding its sharp edge.
The Venetian Isle Homeowners Association is a diligent guardian of the aesthetics involving outside residence alterations which it closely monitors. Our objective was to greatly improve the look of our driveway by creating an art piece AND enabling more cars to park off the street so as to ease traffic flow in front of our house and allow the neighborhood traffic to move more freely and safely. In addition, the wider drive entrance allowed us to avoid the hazardous drain. My wife is an artist and created a unique rendering of a compass rose to enhance the circular design of the driveway to be constructed with pavers.

This design was submitted and approved by our Homeowners Association (See ARC Approval Letter) and the paving contractor, Oasis Pavers and Pools, permitted the job and constructed our new driveway. Somewhere, however, a glitch occurred when a code condition was inadvertently violated and remained undetected until a final inspection by the City.

Without the approval of a variance, making the driveway code compliant would require either the removal of pavers from a triangular part of the drive apron OR re-positioning the entire circular
design. The first solution would create a potential mud hole during the rainy season and a triangular parcel of sand during the dry season since the triangle created by the paver removal would be isolated from our sprinkling system and driven over numerous times daily. This condition would prohibit the growth of grass. An obvious adverse condition would be experienced as runoff would move dirt (mud) and other detritus to the storm-water intake immediately adjacent to the driveway’s convergence with the curb – a condition not present as the new driveway is presently constructed. In addition, it would create an aesthetic eyesore to neighbors and passers-by as it wouldn’t be uniform nor present a consistent approach to the garage.

To rip up the existing art piece and reposition it would require an enormous amount of time and money. Nearly 80% of the driveway would need to be removed and repositioned. Excavation and new irrigation would be also be required to move the “island”. This approach would entail a substantial hardship to execute.

#2. Are there other properties in the immediate neighborhood that have already been developed or utilized in a similar way? If so, please provide addresses and a description of the specific signs or structures being referenced.

Virtually every residence in our neighborhood has a driveway of similar design, although not as many with a circular component. The flaw in our design causing it to fail the code condition is
that by providing for a circular component to our drive, the part of the driveway from the curb to
the lot line exceeded the allowed width by 5’.

#3. How is the requested variance not the result of actions of the applicant?
We were not aware of our responsibilities beyond a detailed design including dimensions of the
driveway and we were not conversant with the intricacies of the code concerning the violation
experienced.

#4. How is the requested variance the minimum necessary to make reasonable use of the property? In
what ways will granting the requested variance enhance the character of the neighborhood?
The unique design of the driveway is an art piece in the shape of a compass rose. Several neighbors
have already consulted us about creating some art design to enhance the aesthetics of their
driveways – vis-à-vis a plain cement slab.

Failure to grant the requested variance will require the one of two significant alterations. The first
would create a triangular parcel of ground comprised of approximately 18-20 square feet which
is: (i) un-watered; (ii) isolated from the balance of the yard; and (iii) will be driven over many
times daily creating an unsightly scar giving rise to mud, sand and other debris washing into the
storm drainage system. The storm water drainage intake abuts the point of the triangle necessitated
by code compliance and would directly receive the runoff from the abandoned parcel.
In addition, alteration to bring the circular drive in compliance would create an unsightly design diminishing the character of the neighborhood and reducing its beautification.

Code compliant triangular cut-out

The second alteration, assuming failure to receive a variance, would require a nearly complete rebuild of the art piece. Nearly 80% of the pavers would need to be ripped up, destroying the art piece then repositioning them and re-designing the artwork requiring an enormous amount of time and money. Excavation and new irrigation would be also be needed to re-position the "island". This approach would entail a substantial hardship to execute.

#5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?

Several different alterations to the driveway were considered to make the driveway/art piece code compliant, but none of the changes would allow for the survival of the aesthetics - i.e.; the compass rose. It, by-the-by, is a part and parcel of the driveway, it is not a painted or surface created design, but it is also paver constructed.

The previous photo shows by-way-of a blue-line demarcation the extent and area of the code compliant triangle, would be an immediate eye-sore as well as exacerbating storm drainage run-off.
Also considered was moving the circular part of the art piece, but that alternative would completely destroy the design of the compass rose and entail removing and replacing nearly 80% of the driveway thus creating a substantial hardship.

**#6. In what ways will granting the requested variance enhance the character of the neighborhood?**

Acknowledging the validity and necessity of our code as it relates to driveways, variance processes are established to address situations such as ours. This process recognizes the truism that “one size does not fit all”. The code as it pertains to the width of a circular drive at the juncture of the City’s easement with the property line, as we perceive it, is established to avoid excess flooding and harmful runoff to neighboring properties and convergent streets; and, to protect the integrity of the aesthetics of a neighborhood.

Granting this application for the variance will in no way increase the flood or run-off potential of either the subject property or the surrounding neighborhood and, in fact, will alleviate the issue of excessive sand, mud and debris run-off washing into the storm drainage system thereby reducing the drain’s capacity to manage run-off from several adjacent properties which is its primary design. The storm water drainage mouth abuts the point of the triangle necessary to comply with the code and would directly receive the runoff from the abandoned parcel. Finally, becoming code compliant in this case would render an odd-looking triangular cut-out completely adverse to the natural lines and design substantially reducing the aesthetics created by this novel and creative approach to our driveway.
PUBLIC PARTICIPATION REPORT

APPLICANT REPORT

Street Address: 1993 Massachusetts Ave NE

1. Details of techniques the applicant used to involve the public

(a) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal

There were no scheduled public meetings. We did reach out to each neighbor within 300’ of our property explaining how the circular drive was constructed but not implemented to code as it relates to the width of the circular drive at the property line (right-of-way). We were not aware of this restriction. We also discussed changes needed to the design in order to follow the code to the letter which would create a potential drainage issue and significantly de-beautify the design. As a result, we are seeking a variance to allow the driveway to remain as is.

   a. There were no publications of any sort.
   b. There were no publications of any sort.

2. Summary of concerns, issues, and problems expressed during the process

We were able to contact nearly ALL adjacent property owners and nearly all neighbors within 300’ of our property seeking their support. EVERY neighbor contacted gave their unanimous support of our request to obtain a variance. In addition, most expressed concern for changing the circular drive as it is a very attractive design and has improved the look of our home and the neighborhood. One neighbor is now considering a re-design of his standard drive seeing how much it added to the aesthetics of our property.
Public Participation Report

Question 3

Association Name: Venetian Isles HOA  President: Rich Scanlon

The Venetian Isles HOA requires drive way designs to be submitted for approval to the Architectural Review Committee (ARC). The ARC approved our design and a copy of the letter of approval is attached to this application.

According to President Rich Scanlon, the policy of the Venetian Isles Homeowners Association is to decline from participating in applications for variances for its members.
LOT LINE ADJUSTMENT
PUBLIC HEARING

According to Development Services Department records, Commission member Charles Flynt resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES DEPARTMENT, for Public Hearing and Executive Action on April 3, 2019 at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 19-11000010   PLAT SHEET: P-6

REQUEST: Approval of a Lot Line Adjustment with a Variance to lot area from 8,700 square-feet required to 7,687 square-feet and lot width from 100-feet required to 61.5-feet to create one (1) buildable lot with the existing home to remain on one (1) conforming buildable lot.

OWNER: Ryan W. Henry
6417 7th Avenue North
Saint Petersburg, Florida 33710

ADDRESS: 6417 7th Avenue North

PARCEL ID NO.: 17-31-16-23634-015-0130

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Suburban Single-Family-2 (NS-2)

<table>
<thead>
<tr>
<th>Structure</th>
<th>Required</th>
<th>Requested</th>
<th>Variance</th>
<th>Magnitude</th>
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</thead>
<tbody>
<tr>
<td>Lot Area (in Sq. Ft.)</td>
<td>8,700 sq. ft.</td>
<td>7,687 sq. ft.</td>
<td>1,013 sq. ft.</td>
<td>11.6%</td>
</tr>
<tr>
<td>Lot Width (in Feet)</td>
<td>100-feet</td>
<td>61.5-feet</td>
<td>38.5-feet</td>
<td>38.5%</td>
</tr>
</tbody>
</table>
Background: The subject property is located at 6417 7th Avenue North within the Eagle Crest neighborhood and is zoned NS-2; Neighborhood Suburban Single-Family. The minimum lot width required in the NS-2 zoning district is 100-feet and the minimum lot area is 8,700 square feet. The site consists of three platted lots created in the Eagle Crest Subdivision, the smallest of which measured 70-feet in width at the front property line and 125-feet in depth; see plat map attachment. Property card records indicate that in 1936 the property was developed with the existing two-story single-family residence and a two-story detached accessory garage on Lot 14. The three platted lots were brought into common ownership prior to 2011 and have remained under common ownership.

This application requests to allow three (3) platted lots (Lots 13, 14 and 15 of the Eagle Crest Subdivision) which form one parcel, to be subdivided into two buildable lots; one of which shall be for new single-family residential construction. Currently the property maintains a 214-foot width and 26,750 square feet of lot area. This adjustment seeks to move the common platted lot line shared between Lot 14 and Lot 15, to allow the existing 1930’s residence and detached accessory structure to conform to current the required NS-2 interior side yard setback of 7.5-feet. Upon separation, Parcel 1 would consist of the west 61.5 of Lot 15. Parcel 2 would consist of Lots 13, 14 and the remaining east 8.5-feet of Lot 15. Of the two proposed lots Parcel 1 would maintain a lot width of 61.5-feet and a lot area of 7,687 square feet. Parcel 2 would maintain a lot width of 152.5-feet and a lot area of 19,062.5 square feet.

As the creation of parcel 1 would result in a parcel which would be substandard to the zoning district’s required minimum lot width and minimum lot area. The created lot would also be smaller than any of the original lots.

LOT LINE ADJUSTMENT CONSISTENCY REVIEW COMMENTS Standards for review. In reviewing an application, the POD, Development Review Commission, or City Council, shall consider the following criteria:

1. **Easements for public utilities including stormwater drainage shall be provided as required.** The applicant shall pay any costs of utility adjustments, extensions, relocations, and connections.

   There are existing utility easements located along the western and northern property line.

2. **Any unpaid outstanding liens and assessments owed to the City shall be satisfied as condition of lot line adjustment.**

   This is included as a condition of approval at the end of this report.

3. **Consistency with the established neighborhood pattern shall be maintained, including lot dimensions, utility and parking functions, alley access, and sanitation services. New lot lines shall comply with the subdivision requirements when practical and shall be formed of one straight line.**

   The platted lot widths within the subject block vary from 58-feet to 122-feet in width at the front property lines per the Eagle Crest Subdivision plat, see attachment. The subject property currently has a combined lot width of approximately 214-feet; which as three platted lots averaged a lot width of 71-feet at the front property lines. As a result of the Lot Line Adjustment, Parcel 1 would measure 61.5-feet at the front property line, with a depth of 125-feet. Parcel 2 containing the existing single-family residence and various other site
improvements would measure 152.5-feet at the front property line with a depth of 125-feet; see attached descriptions and sketches.

Of the twelve existing lots located on the 7th Avenue North block face situated between 64th Street North and 65th Street North, an analysis indicated the lot width average for the abutting block faces was 113-feet. Of the nine blocks which were analyzed, the existing lot widths vary from 55-feet to 217-feet per the data from Pinellas County Property Appraiser. Results of the nine-block analysis indicated that although there is a 67.8% rate of non-conformity with regards to lot width; there is only a 24% rate of non-conformity regarding lot area.

The proposed lots for this Lot Line Adjustment are therefore not consistent with the development pattern.

4. All lots must be owned by the same entity or have the written consent of the property owner.

The three platted lots which are the subject of this application are all owned by the applicant.

5. Lot line adjustments and lot splits shall not create more than two additional buildable lots.

The Lot Line Adjustment will not create more than two buildable lots.

6. For lot line adjustments, all lots shall meet the minimum lot size of the zoning district, unless one or more of the original lots do not meet the minimum lot size, then no lot having less area than the smallest of the lots included in the application shall be created.

The Lot Line Adjustment proposes to create one buildable lot within the NS-2 zoning district, which will not conform the districts minimum lot width and lot area. Parcel 1 would have a lot area 7,687 square feet and would consist of the west 61.5-feet of Lot 15. This application proposes to create a buildable lot (Parcel 1) which will be smaller than the originally platted 70-foot wide, 8,750 square foot lot (Lot 15).

VARIANCE CONSISTENCY REVIEW COMMENTS: The Planning & Economic Development Department staff reviewed this application in the context of the following criteria excerpted from the City Code and found that the requested variance is inconsistent with these standards. Per City Code Section 16.70.040.1.6 Variances, Generally, the DRC’s decision shall be guided by the following factors:

1. Special conditions exist which are peculiar to the land, building, or other structures for which the variance is sought and which do not apply generally to lands, buildings, or other structures in the same district. Special conditions to be considered shall include, but not be limited to, the following circumstances:

   a. Redevelopment. If the site involves the redevelopment or utilization of an existing developed or partially developed site.

   The subject property has been developed with a two-story single-family residence and detached two-story accessory structure. The proposed Lot Line Adjustment will allow for a new single-family home to be constructed on what will be the west 61.5-feet of Lot 15.
b. Substandard Lot(s). If the site involves the utilization of an existing legal nonconforming lot(s) which is smaller in width, length or area from the minimum lot requirements of the district.

The subject property is composed of three non-conforming platted lots which do not meet the districts required 100-foot lot width; see attached plat map. Lot 13 measures 74-feet at the front property line. Lots 14 and 15 measure 70-feet each at the front property lines.

c. Preservation district. If the site contains a designated preservation district.

This criterion is not applicable, as the lot is not within a preservation district.

d. Historic Resources. If the site contains historical significance.

This criterion is not applicable, as no historic resources exist of the site.

e. Significant vegetation or natural features. If the site contains significant vegetation or other natural features.

There are six (6) Washingtonian Palm trees palm trees located towards the front of the residence. The site additionally contains five (5) Sabal Palms, one (1) Southern Magnolia, two (2) signature Jacaranda trees, two (2) Live Oak trees and six (6) Melaleuca trees. The application does not presently propose the removal of any of the tree's currently on the property. An evaluation of the trees on this site indicated that of the code protected trees existing on Lot 15, the Magnolia has shown signs to slight decline. The two existing Live Oak trees located towards the rear of Lot 15 should be cleared of debris to promote continued development. A tree removal permit could be approved in consideration for new single-family development for the existing Southern Magnolia, provided the Magnolia is replaced with a code equivalent shade tree. The existing pairs of Jacaranda trees and Live Oak trees should be revaluated for removal prior to future site redevelopment.

f. Neighborhood Character. If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements.

Staff's development pattern analysis included review of lot width's and lot area's for conformance with the minimum lot requirements for NS-2 properties. This evaluation included typical properties developed with one house per platted lot, and whether the average lot widths were inconsistent with the existing neighborhood. The results of the analysis, provided within the tables below, show that 67.8% of the properties are substandard in terms of lot width (lots which do not maintain the 100-foot required lot width). Staff found that 9.9% of the properties in the study area consist of one house on a portion of or two portions of platted lots, which is consistent with the request. As shown in Table 3 below, the overall average lot width for the subject block is 93-feet, and the overall average for properties fronting 7th Avenue between 64th Street North and 65th Street North is 113-feet.

Of the properties within the subject block, only 14% of the existing lots within the neighborhood have lot widths equal to or less than the proposed 61.5-feet of lot width. The properties which share frontage along 7th Avenue North, between 63rd Street North and 66th
Street North more specifically, display a 55% rate of compliance in terms of required lot width. Since Parcel 1 as proposed would be 61.6-feet, based on the analysis, staff finds that the proposal is inconsistent with the prevailing development pattern in the area.

Table 1: Lot Width Analysis

<table>
<thead>
<tr>
<th>Block</th>
<th>Location</th>
<th>Substandard Width</th>
<th>Number of lots in a block</th>
<th>Substandard Width %</th>
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<tbody>
<tr>
<td>Subject Block</td>
<td>North</td>
<td>7</td>
<td>12</td>
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<td>Block 2</td>
<td>North</td>
<td>9</td>
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<tr>
<td>Block 3</td>
<td>Northeast</td>
<td>22</td>
<td>23</td>
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<td>East</td>
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<td>Southeast</td>
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<td>18</td>
<td>50%</td>
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<td>Block 6</td>
<td>South</td>
<td>7</td>
<td>12</td>
<td>58.3%</td>
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<tr>
<td>Block 7</td>
<td>Southwest</td>
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<tr>
<td>Block 8</td>
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<td>Block 9</td>
<td>Northwest</td>
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<tr>
<td>Average</td>
<td></td>
<td></td>
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<td>67.8%</td>
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(Block 3 contains two non-conforming lots in common ownership)

Table 2: Lot Area Analysis

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<tr>
<th>Block</th>
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<th>Substandard Area</th>
<th>Number of lots in a block</th>
<th>Substandard Area %</th>
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<tr>
<td>Block 2</td>
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<td>13</td>
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<td>23</td>
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<td>Block 4</td>
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<td>Block 5</td>
<td>Southeast</td>
<td>2</td>
<td>18</td>
<td>11.1%</td>
</tr>
<tr>
<td>Block 6</td>
<td>South</td>
<td>4</td>
<td>12</td>
<td>33.3%</td>
</tr>
<tr>
<td>Block 7</td>
<td>Southwest</td>
<td>2</td>
<td>6</td>
<td>33.3%</td>
</tr>
<tr>
<td>Block 8</td>
<td>West</td>
<td>0</td>
<td>6</td>
<td>0%</td>
</tr>
<tr>
<td>Block 9</td>
<td>Northwest</td>
<td>9</td>
<td>15</td>
<td>56.2%</td>
</tr>
<tr>
<td>Average</td>
<td></td>
<td></td>
<td></td>
<td>24%</td>
</tr>
</tbody>
</table>

Table 3: Average Lot Width Analysis

<table>
<thead>
<tr>
<th>Average</th>
<th>Subject Block</th>
<th>Block 2</th>
<th>Block 3</th>
<th>Block 4</th>
<th>Block 5</th>
<th>Block 6</th>
<th>Block 7</th>
<th>Block 8</th>
<th>Block 9</th>
<th>Combined Average</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>93-ft</td>
<td>89.1-ft</td>
<td>76.6-ft</td>
<td>85.4-ft</td>
<td>99.7-ft</td>
<td>96-ft</td>
<td>107-ft</td>
<td>107.3-ft</td>
<td>72.4-ft</td>
<td>100.9-ft</td>
</tr>
</tbody>
</table>
**Table 4: Platted Lot Development Pattern**

<table>
<thead>
<tr>
<th>Block</th>
<th>Location</th>
<th>Vacant Lot</th>
<th>1 House per part or parts of one or more Lots</th>
<th>1 House on Lot</th>
<th>More than 1 Lot per house</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Block</td>
<td></td>
<td>1</td>
<td>1</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>Block 2</td>
<td>North</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>Block 3</td>
<td>Northeast</td>
<td>0</td>
<td>8</td>
<td>1</td>
<td>14</td>
</tr>
<tr>
<td>Block 4</td>
<td>East</td>
<td>0</td>
<td>3</td>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td>Block 5</td>
<td>Southeast</td>
<td>0</td>
<td>0</td>
<td>8</td>
<td>10</td>
</tr>
<tr>
<td>Block 6</td>
<td>South</td>
<td>1</td>
<td>0</td>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>Block 7</td>
<td>Southwest</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Block 8</td>
<td>West</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Block 9</td>
<td>Northwest</td>
<td>2</td>
<td>1</td>
<td>11</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>4</td>
<td>13</td>
<td>52</td>
<td>62</td>
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<tr>
<td>Average %</td>
<td></td>
<td>3%</td>
<td>9.9%</td>
<td>39.6%</td>
<td>47.3%</td>
</tr>
</tbody>
</table>

**g. Public Facilities.** If the proposed project involves the development of public parks, public facilities, schools, public utilities or hospitals.

This criterion is not applicable.

2. **The special conditions existing are not the result of the actions of the applicant;**

As established by plat, each platted lot maintained a lot width of at least on 70-feet in width and 8,750 square feet in area. The three platted lots which are individually non-conforming have remained in common ownership prior to 2011 before the non-conforming lots in common ownership ordinance too effect in 2015. The special conditions are not the result of applicant action, as the applicant has held all three lots since the properties purchase in 2017 according to deed records; see attached deeds.

3. **Owing to the special conditions, a literal enforcement of this Chapter would result in unnecessary hardship;**

The applicant can continue the use of the property as a single-family use with the various site improvements however, not allowing the division of the property to either side of the existing residence to some degree may be considered a hardship.
4. Strict application of the provisions of this chapter would provide the applicant with no means for reasonable use of the land, buildings, or other structures;

As noted above, the property can continue its existing single-family residential use.

5. The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or other structure;

The variance requested is not the minimum necessary to allow the division of the property for the new single-family development. An application requesting a variance to reduce the right interior side yard setback for the existing residence from 7.5-feet to 7-feet would allow the lot line between Lots 13 and 14 to be adjusted in more conforming manner. Such action would allow Lot 13 to revert to its original platted pattern of 74-feet of lot width and would conform to the required 8,700 square foot lot width. The applicant would still be able to retain two platted lots and the Lot 13 to be developed upon in closer compliance than this request.

6. The granting of the variance will be in harmony with the general purpose and intent of this chapter;

The request is inconsistent with the general purpose and intent of the Land Development Regulations.

7. The granting of the variance will not be injurious to neighboring properties or otherwise detrimental to the public welfare; and,

Although, the granting of these variances may not be injurious to neighboring properties or detrimental public welfare. It may set a precedent for allowing conforming parcels composed of non-conforming platted lots, to create smaller buildable lots on portions of non-conforming lots in residential suburban zoning districts.

The approval of this request would result in the creation of a 61.5-foot wide buildable lot, which is only part of an original 70-foot wide platted lot. As provided in the analysis above, only 9.9% of the homes within the nine-block study area were developed on portions of a platted lot or remaining portions of two or more platted lots.

Of the lots within the subject block, only two of the existing thirteen parcels maintain lot widths of less than 61.5-feet at the front property lines. Plat records indicate that the two parcels were platted at their respective widths of 58-feet and 60-feet. Of lots within the nine-block study area, approximately 18 of the 130 existing lots contain widths of less than the requested 61.5-feet for the proposed lot.

8. The reasons set forth in the application justify the granting of a variance;

Staff finds that the reasons set forth in the variance application do not justify the granting of the variances requested, based on the analysis provided.

9. No nonconforming use of neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted use of lands, buildings, or other structures in adjacent districts shall be considered as grounds for issuance of a variance permitting similar uses.
No nonconforming uses, buildings or structures have been utilized in Staff's analysis.

Public Comments: The Eagle Crest Civic Association has provided documentation expressing no opinion regarding this applications request. One email was received in opposition of the request, citing a concern with neighborhood compatibility; see email attached.

AGENCY COMMENTS: The request was routed to City Departments and private utility providers for review and comments. The City Surveying noted that "each newly created lot should have their own Description and Sketch; one for Parcel 1 and one for Parcel 2, see attachments. At the time of this staff report publication; Bright House, Wow, and CenturyLink have not provided comments in objection to this application. As stated in the conditions below, should this application be approved, prior to conveying the property the applicant shall acquire letters of no objection from Bright House, Wow, and CenturyLink. Should comments be posed by any provider in objection, the applicant shall address all concerns and acquire letters of no objection for this application.

STAFF RECOMMENDATION: Based on a review of the application according to the stringent evaluation criteria contained within the City Code, the Planning and Economic Development Department Staff recommends DENIAL of the requested variance.

CONDITIONS OF APPROVAL: If the variance is approved staff recommends that the approval shall be subject to the following:

1. Any outstanding public liens, assessments or property taxes shall be paid.
2. Provide the City with an approved sketch and legal description of the two (2) lots to be created, per Survey Projects Coordinator's comments dated March 19, 2019.
3. A copy of this approval shall be provided with any future development permits for Parcel 1 and recorded deed(s) indicating the legal exchange of property has taken place shall be submitted to Development Services after the recording of the Lot Line Adjustment approval whenever such action occurs.
4. A new parcel I.D. must be obtained before zoning approval for development on Parcel 1.
5. All plans shall comply with maximum development potential, setbacks, design requirements and other applicable codes of the zoning district at the time of permitting.
7. Approval of this Lot Line Adjustment with variances does not grant or imply variances from other sections of the City Code or other applicable regulations and the proposed home will comply with all standards of the zoning district.
8. This variance approval shall be valid through April 3, 2022. Substantial construction shall commence prior to this expiration date or parcels shall be conveyed into separate ownership, unless an extension has been approved by the POD. A request for extension must be filed in writing prior to the expiration date.

REPORT PREPARED BY:

Shervon Chambliss, Planner I
Development Review Services Division
Planning and Development Services Department

FOR:

Jennifer Bryla, AICP, Zoning Official (POD)
Development Review Services Division
Planning and Development Services Department
Project Location Map
City of St. Petersburg, Florida
Planning and Development Services Department
Case No.: 19-11000010
Address: 6417 7th Avenue North
SECTION 17, TOWNSHIP 31S, RANGE 16E

CERTIFIED TO: RYAN W. HENRY AND KRISTI M. HENRY

LOT 3 LOT 4 LOT 5 LOT 6

NORTH BASIS:
LOT
SCALE: 1" = 20'

65th St. N.
NORTHERN LIMIT OF
62ND AVENUE

LOT 17

LOT 16

LOT 15

LOT 14

LOT 13

LOT 12

LEGAL DESCRIPTION
LOT (s) 13, 14 AND 15, BLOCK 15, EAGLE OAKS
ACCORDING TO THE MAP OR PLAT THEREOF,
AS RECORDED IN PLAT BOOK 15, PAGE 21, IN THE OFFICE,
OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

CERTIFICATION
I hereby certify that the survey represented herein meets the
requirements of Chapter 59-17, Florida Administrative Code.

JOHN C. BRENDLA AND ASSOCIATES, INC.
Professional Land Surveyors and Mappers

BOUNDARY SURVEY
WITH IMPROVEMENTS

REVISIONS

NOTE: The survey was made by the outlined area of the current
surveyor, and was plotted to scale and checked by the undersigned.
NOTE: The survey was prepared without knowledge of the
public records of Pinellas County, Florida.

JOHN C. BRENDLA
Florida Surveyor's Registration No. 4661
Certificate of Authorization No. 760

4015 62nd Avenue North
Pinellas Park, Florida 33781
Telephone (727) 576-7548
Fax number (727) 577-9932

CERTIFICATION

LEADERS

7th Ave. N.
EAGLE OAKS (PER PLAT)
47 BRICK, "A" CURB, 1007 B/W
LEGEND:

D = DEED
P = PLAT
P.C. = POINT OF CURVATURE
R/W = RIGHT-OF-WAY

SKETCH AND LEGAL DESCRIPTION:

LOT (S) 13, 14 AND 15, BLOCK 15, LESS THE WEST 61.5 THEREOF, EAGLE CREST, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 13, PAGE(S) 6 THRU 9, INCLUSIVE, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.
SECTION 17, TOWNSHIP 31S, RANGE 16E

LOT 3 | LOT 4 | LOT 5 | LOT 6

EAST 61.5' (D)

LOT 15

7th AVE. N.

EAGLE CREST BLVD. (PER PLAT)

NORTH: 125' (P)

SOUTH: 125' (P)

LEGEND:

D = DEED
P = PLAT
P.C. = POINT OF CURVATURE
R/W = RIGHT-OF-WAY

SKETCH AND LEGAL DESCRIPTION:

THE WEST 61.5 FEET OF LOT 15, BLOCK 15, EAGLE CREST,

ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED

IN PLAT BOOK 13, PAGE(S) 6 THRU 9, INCLUSIVE, OF THE

PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

PREPARED: FEBRUARY 11, 2019

THIS IS NOT A SURVEY

Prepared by:

JOHN C. BRENDLA & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS AND MAPPERS
4015 82nd Avenue North
Pinellas Park, Florida 33781
phone (727) 576-7546 ~ fax (727) 577-9932

Florida Surveyor's Registration No. 4601
Certificate of Authorization No. LB 760

I hereby certify that the sketch and Legal Description represented hereon meet the requirements of Chapter 85-17, Florida Administrative Code.

John O. Brendla

NOTE: Sketch and Legal Description not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.
MEMORANDUM
CITY OF ST. PETERSBURG
ENGINEERING DEPARTMENT

TO: Iris Winn, Administrative Clerk, Development Review Services
Jennifer Bryla, Zoning Official, Development Review Services Division, Planning and Development Services Department
Shervon Chambliss, Planner I, Development Review Services

FROM: Nancy Davis, Engineering Plan Review Supervisor

DATE: March 22, 2019

SUBJECT: Lot Line Adjustment

ADDRESS & PIN: 6417 7th Avenue North
17/31/16/23634/015/0130

FILE: 19-11000010 ATLAS: P-6

REQUEST: Approval of a Lot Line Adjustment with a variance to lot area from 8,700 square-feet required to 7,687 square-feet and lot width from 100-feet required to 61.5-feet to create one (1) buildable lot with the existing home to remain on one (1) conforming buildable lot.

The Engineering Department has no objection to the proposed lot line adjustment provided that the following special conditions and standard comments are added as conditions of approval:

SPECIAL CONDITIONS OF APPROVAL:

1. Based on City Sanitary Sewer Atlas map P-6, it appears that each proposed lot has and existing sanitary sewer service lateral which extends from the main existing along the southern side of 7th Avenue North. Each lot must be connected to its own individual sanitary sewer service lateral (may not share a service lateral with another lot). If a service lateral is found not existing or not in compliance with current City Engineering Standards and Specifications, the applicant will be responsible to construct a new 6" service lateral to the main per current City Engineering Standards and Specifications. The cost for design, permitting, and construction of any required new service lateral(s) shall be by and at the sole expense of the applicant.

2. The applicant/property owner is required to provide a public sanitary sewer clean out over each existing or proposed sanitary sewer service lateral for each proposed lot if not found existing. The public clean outs are to be located over each service lateral, just inside the public right of way boundary of 7th Avenue North. All construction shall be in conformance with current City Engineering Standards and Specifications. The cost for design, permitting, and construction of required new sanitary sewer service lateral clean out(s) shall be by and at the sole expense of the applicant.

3. The applicant is required to provide potable water service to each proposed lot if not existing. The City shall install necessary potable water services (up to and including the necessary meter and backflow prevention device) as required to service the proposed lots at the sole expense of the applicant/property owner.
4. Public sidewalks are required by City of St. Petersburg Municipal Code Section 16.40.140.4.2 unless specifically limited by the DRC approval conditions or unless a sidewalk variance is obtained from the City’s Zoning division. Within the NS-2 zoning district, a minimum 4’ wide public sidewalk is required in the northern parkway of 7th Avenue North adjacent to the proposed lot boundaries. Based on an aerial view of the property it appears public sidewalks currently exist.

Sidewalks must be continuous through all driveway approaches. All existing public sidewalks must be restored or reconstructed as necessary to be brought up to good and safe ADA compliant condition prior to Certificate of Occupancy.

5. All required improvements shall be installed by and at the applicant/property owner’s expense in accordance with current City Engineering design standards and specifications.

6. A work permit issued by the City Engineering Department must be obtained prior to the commencement of construction within dedicated right-of-way or public easement areas for sanitary sewer public clean outs (if found not existing), sanitary sewer service laterals (if found not existing), and public sidewalk construction/replacement (if required). The contractor must make application for the Engineering Right of Way Permit(s) directly to the City Engineering and Capital Improvements department located on the 7th Floor of the Municipal Services Building, 1-4th Street North. For permit application information please contact the City Engineering front desk, phone 727-893-7238 or send email inquiries to Martha.Hegenbarth@stpete.org or Lori.Smith@stpete.org.

7. The right of way permit for any proposed driveway approach construction shall be issued with new home construction permits issued by Construction Services and Permitting division.
<table>
<thead>
<tr>
<th>Permit No.</th>
<th>Date</th>
<th>Location</th>
<th>Owner</th>
<th>Contractor</th>
<th>Electrical Per. No.</th>
<th>Date</th>
<th>Plumbing Per. No.</th>
<th>Date</th>
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<tbody>
<tr>
<td>1159</td>
<td>12/30/36</td>
<td>6417-7 Ave</td>
<td>Robt Rise</td>
<td>Keesler</td>
<td>24573</td>
<td>2-2-37</td>
<td>10267</td>
<td>27-37</td>
</tr>
<tr>
<td>69517</td>
<td>7/15/48</td>
<td>$300 Asbestos</td>
<td>Owner Frank McPherson</td>
<td>Foster Elec.</td>
<td>2-3sw, 3p, 3ws, 200 Amp, 1-meter</td>
<td>6-10-59</td>
<td>Owner Frank C. McPherson</td>
<td>7866</td>
</tr>
<tr>
<td>3477</td>
<td>1-27-3</td>
<td>Owner C. Homlius</td>
<td>Contractor</td>
<td>J. H. Morris</td>
<td>1-12020</td>
<td>10-8-52</td>
<td>Brizzi</td>
<td>J. H. Morris</td>
</tr>
</tbody>
</table>

**Asbestos**

Owner Frank McPherson - Installed attic fan. (Type D)

J. C. Pressley Co., Contr.

Owner Frank C. McPherson - Installed air conditioning system
to comply with all standards of N.B.E.F.N. for residence systems (Type D) Krauss, Contr.

COMMENTS

<table>
<thead>
<tr>
<th>Gas Permit No.</th>
<th>Date</th>
<th>Owner</th>
<th>Contractor</th>
<th>Fixtures</th>
<th>SIGN PERMIT No.</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2280</td>
<td>10/10/52</td>
<td>Owner F. McPherson</td>
<td>J. Brizzi</td>
<td>relocate meter</td>
<td>Owner Frank McPherson</td>
<td>Pasadena Pbg.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>SEPTIC TANK PER. No.</th>
<th>Date</th>
<th>Owner</th>
<th>Contractor</th>
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</thead>
<tbody>
<tr>
<td>3477</td>
<td>1-27-3</td>
<td>Owner C. Homlius</td>
<td>Contractor</td>
<td>J. H. Morris</td>
<td>3-10-37</td>
</tr>
</tbody>
</table>
Owners - Frank McPherson
Add. St. Pete Htg. & A/C
Owners - Frank McPherson

---

#3295 - 7/7/60 - F. McPherson
Foster Elec. - 2 8 kw 175 amp

#46765 - 3/30/62 - $1200
Owner: Frank McPherson
Agent hobby shop and storage
room attached to present
garage (Type V) (16' x 18')

#9654 - 10/3/52 - $600
Owner: F. McPherson

---

Frank C. McPherson -
Carports to garage (Type VI)

#3959A - 10/23/54 - $350
Owner: F. McPherson

---

Carports to garage (Type VI)

#4313A - 10/2/58 - $3500
Owner: F. McPherson

1-5 ton air cond. 30

#5024D - 10/27/60 - McPherson
Foster Elec. - 6c 6sw 7p l-range

l-w.h. l-disposal l-dishwasher

---

Installation

#4258B - 11/4-60 - F. McPherson
St. Pete Htg. & A/C-Duct System

#120-R Bard Furn./htd. rm.

5 Ton, 5 HP Bard A/C Coil & Condenser
w/10' side yard - 150 gal. u/g tank

Van Packer

---

J. H. Mudge, Contractor

---

Owner: F. C. McPherson
Gen. repairs
to tool shed; (Type VI) by owner

---

J. H. Morris

---

Septic Tank

#12459 = 12-1-52 - McPherson

---

Page No. 7

---

Bill No. 736

---

Total:

---

Monday March 18th
<table>
<thead>
<tr>
<th>Card #2</th>
<th>BUILDING</th>
<th>RS-100</th>
<th>ELECTRICAL</th>
<th>17-31-16</th>
<th>PLUMBING</th>
<th>P-6</th>
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</thead>
<tbody>
<tr>
<td>Location: 6417 7th Avenue North #89161 - RS-100 - 1/4/83 - $500. Owner Frank McPherson - application of fiberglass shingles over carport roof only (over existing shingles) (Type VI) Gen'l Roofing &amp; Tile Co., Contractor</td>
<td></td>
<td></td>
<td></td>
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</table>


<table>
<thead>
<tr>
<th>INSTALLATION</th>
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<th>SEWER</th>
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</table>

<table>
<thead>
<tr>
<th>SIGNS</th>
<th>SEPTIC TANK</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The Eagle Crest Civic Association is a voluntary neighborhood association, and as such, having no quasi-judicial authority, expresses no opinions regarding these kinds of requests.

We trust the existing processes to make the determination if the proposal is suitable for the neighborhood.

I have received notice of the meeting, but am unable to attend.

Lance Lubin, President

2/6/19
Applicants are strongly encouraged to obtain signatures in support of the proposal(s) from owners of property adjacent to or otherwise affected by a particular request.

<table>
<thead>
<tr>
<th>Street Address:</th>
<th>Case No.:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Request:</td>
<td></td>
</tr>
</tbody>
</table>

The undersigned adjacent property owners understand the nature of the applicant's request and do not object (attach additional sheets if necessary):

1. Affected Property Address: 6401 720 AVE N  
   Owner Name (print): FRANK CALAMARI  
   Owner Signature: [Signature]

2. Affected Property Address: 6401 728 AVE N  
   Owner Name (print): MARGARET CALAMARIA  
   Owner Signature: [Signature]

3. Affected Property Address: 6400-744 AVE N  
   Owner Name (print): JOHN VOISSE  
   Owner Signature: [Signature]

4. Affected Property Address: 6428 8th Ave N  
   Owner Name (print): MICHELE MATHRE  
   Owner Signature: [Signature]

5. Affected Property Address: 6408 7th Ave N  
   Owner Name (print): Bruce Van der Elst  
   Owner Signature: [Signature]

6. Affected Property Address: 64 62 874 Ave, No.  
   Owner Name (print): Elena R. V. Gusto  
   Owner Signature: [Signature]

7. Affected Property Address: 6450 8th Ave N  
   Owner Name (print): Kim Tradestr  
   Owner Signature: [Signature]

8. Affected Property Address: 6408 7th Ave N  
   Owner Name (print): Barbara Vandergrift  
   Owner Signature: [Signature]
Applicants are strongly encouraged to obtain signatures in support of the proposal(s) from owners of property adjacent to or otherwise affected by a particular request.

<table>
<thead>
<tr>
<th>NEIGHBORHOOD WORKSHEET</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Street Address:</strong></td>
</tr>
<tr>
<td><strong>Description of Request:</strong></td>
</tr>
</tbody>
</table>

The undersigned adjacent property owners understand the nature of the applicant's request and do not object (attach additional sheets if necessary):

1. **Affected Property Address:**
   - Owner Name (print):
   - Owner Signature:

2. **Affected Property Address:**
   - Owner Name (print):
   - Owner Signature:

3. **Affected Property Address:**
   - Owner Name (print):
   - Owner Signature:

4. **Affected Property Address:**
   - Owner Name (print):
   - Owner Signature:

5. **Affected Property Address:**
   - Owner Name (print):
   - Owner Signature:

6. **Affected Property Address:**
   - Owner Name (print):
   - Owner Signature:

7. **Affected Property Address:**
   - Owner Name (print):
   - Owner Signature:

8. **Affected Property Address:**
   - Owner Name (print):
   - Owner Signature:
We live at 625 64th St. N., St. Petersburg. We are writing to let you know that we are not in favor of the proposed lot line adjustment at 6417 7th Ave. N. The house that is there sits in the middle of 3 lots and has been a beautiful spot for many, many years. If this change is made, no doubt the owner will sell the newly created lot to the east, and a buyer will probably build a narrow, two-storied house there. This will not blend in with the neighborhood which is made up mostly of single-storied, ranch style houses. Also, the new house will be very close to the neighbors to the East—actually too close for comfort. And, the ability to sell off a sub-standard (currently non-conforming) lot would give unfair advantage to the property owner.

We will probably be out of town on April 3, the date of the Development Review Commission meeting. Please let us know if we need to do anything else to record our disapproval of this change.

Thank you.

Diane M. Elliott
Paul F. Geisz
Corporate Warranty Deed

This Indenture, made June 20, 2017 A.D.
Between
Hugh McPherson Properties LLC, whose post office address is: a corporation
existing under the laws of the State of Florida, Grantor and Ryan W. Henry and
Kristi M. Henry, husband and wife, whose post office address is: 6050 7th North,
Saint Petersburg, Florida 33710, Grantee,

Witnessesthat the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars ($10.00), to it in hand
paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee forever, the
following described land, situate, lying and being in the County of Pinellas, State of Florida, to wit:

Lot(s) 13, 14 and 15, Block 15, Eagle Crest, according to the map or plat thereof, as recorded in Plat
Book 13, Page(s) 6 through 9, inclusive, of the Public Records of Pinellas County, Florida.

Subject to taxes for the current year, covenants, restrictions and easements of record, if any.

Parcel Identification Number: 17/31/16/23634/015/0130

To Have and to Hold, the same in fee simple forever.

And the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all
persons whomsoever.
PREPARED BY AND AFTER RECORDING
RETURN TO:
Holger D. Gleim, Esquire
Bronstein, Carlson, Gleim, Shasteen & Smith, P.A.
150 2nd Avenue North, Suite 1100
St. Petersburg, FL 33701
Grantee: Hugh M. McPherson
Property Appraiser's Parcel No.
17/31/16/23634/015/0130
Rec. 18.50
St. 1400.00
Ser
Int
TOTAL 1418.50

[Space Above This Line For Recording Data]

TRUSTEES' DEED

THIS INDENTURE is made this 8th day of JULY, 2011, by and between

GRANTOR: Hugh M. McPherson, Successor Trustee of the Jane Damm McPherson Trust dated April 30, 1987, as amended April 30, 2007, with full power and authority to sell, assign, convey, lease, pledge, otherwise encumber and satisfy, modify and release any and all liens; and

GRANTEE: Hugh McPherson Properties, LLC, a Florida limited liability company, whose address is 8290 NW 60th Avenue, Ocala, Florida 34482

WITNESS ETH:

WHEREAS, Hugh M. McPherson is the duly qualified and acting Successor Trustee of the Jane Damm McPherson Trust dated April 30, 1987, as amended April 30, 2007.

THE GRANTOR for and in consideration of Ten Dollars ($10.00) and other good and valuable consideration in hand paid, receipt of which is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release and convey unto Grantee, all of Grantor's right, title and interest in and to the following described real property in the County of Pinellas, State of Florida, to-wit:

Lots Thirteen (13), Fourteen (14) and Fifteen (15), Block Fifteen (15) of Eagle Crest Subdivision, Plat Book Thirteen (13), Pages Six (6) and Seven (7), Pinellas County Records

This is not the homestead of the Grantor.

This deed is prepared without survey or title examination, based on information provided by the parties to this transaction.
STAFF REPORT
DEVELOPMENT REVIEW COMMISSION - VARIANCE REQUEST
PUBLIC HEARING

For Public Hearing and Executive Action on April 3, 2019 beginning at 2:00 P.M., Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

According to Planning & Development Services Department records, no Commission member resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

CASE NO.: 19-54000008   PLAT SHEET: O-2
REQUEST: Appeal to an administrative denial of a design variance to allow for front-loading driveway on an NT-2 zoned property with alley access.

OWNER: Jami W. Deise
6156 2nd Avenue North
Saint Petersburg, Florida 33710

AGENT: Celeste Dumont and Warren Perkins
6692 119th Avenue North
Largo, Florida 33773

ADDRESS: 6156 2nd Avenue North

PARCEL ID NO.: 20-31-16-48222-036-0030

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Traditional Single-Family-2 (NT-2)
Structure | Required | Requested
--- | --- | ---
Sec. 16.20.010.11: Building and site design. – Vehicle Connections and Parking
Driveways & Garage Doors | Driveways and garage doors shall face the alley | Driveway and garage doors to face primary street

BACKGROUND: The subject property is located in the Lake Pasadena Neighborhood. The parcel remains as platted in 1925. The lot is 80-feet wide and 127-feet deep and abuts a 16-foot wide platted alley. The property was developed in 1952 with a four room and bath residence with garage. There are no permits on record indicating the loss or conversion of the garage. The home sits in the front half of the property and contains a 65.1-foot deep rear yard abutting the alley. A permit was secured in 1990 to enclose the rear yard with a 6-foot tall wood fence with one drive gate. The applicant purchased the property in 2018.

The applicant proposes a 10-foot wide driveway connecting 2nd Avenue North, the principle street, with the Northeast corner of the residence. The proposed driveway would require a design variance to the NT site design requirements to allow a vehicle connection from the street instead of the navigable alley in the rear. Staff has administratively denied the design variance request. The applicant has appealed Staff’s decision and is requesting the public hearing.

CONSISTENCY REVIEW COMMENTS: The Planning & Development Services Department staff reviewed this application in the context of the following criteria excerpted from the City Code and found that the requested variance is inconsistent with these standards. Per City Code Section 16.70.040.1.6 Variances, Generally, the DRC’s decision shall be guided by the following factors:

1. Special conditions exist which are peculiar to the land, building, or other structures for which the variance is sought and which do not apply generally to lands, buildings, or other structures in the same district. Special conditions to be considered shall include, but not be limited to, the following circumstances:

   a. Redevelopment. If the site involves the redevelopment or utilization of an existing developed or partially developed site.

      The request involves an existing developed site.

   b. Substandard Lot(s). If the site involves the utilization of an existing legal nonconforming lot(s) which is smaller in width, length or area from the minimum lot requirements of the district.

      This criterion is not applicable. The subject property exceeds minimum lot width and area requirements for the NT-2 zoning district.

   c. Preservation district. If the site contains a designated preservation district.

      This criterion is not applicable. The subject property is not located in a designated preservation district.
d. Historic Resources. If the site contains historical significance.

This criterion is not applicable. The subject property does not contain historic resources.

e. Significant vegetation or natural features. If the site contains significant vegetation or other natural features.

This criterion is not applicable. The subject property does not currently contain significant vegetation or other natural features.

f. Neighborhood Character. If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements.

The existing development pattern indicates mixed utilization of either the rear alley, the side street, both, or neither.

g. Public Facilities. If the proposed project involves the development of public parks, public facilities, schools, public utilities or hospitals.

This criterion is not applicable. The proposed project does not involve development of public facilities.

2. The special conditions existing are not the result of the actions of the applicant;

The current Land Development Regulations, adopted in 2007, require that all properties in the Neighborhood Traditional Single-Family zoning districts take advantage of the first available alternative in a prioritized list per section 16.20.010.11. The first option on this list is for driveways and garages to face an alley. It is because the applicant has a fully functional alley in the rear of their property that they are requesting this variance.

3. Owing to the special conditions, a literal enforcement of this Chapter would result in unnecessary hardship;

The literal enforcement of this Chapter would not result in unnecessary hardship. A vehicle connection can be created from the alley.

4. Strict application of the provisions of this chapter would provide the applicant with no means for reasonable use of the land, buildings, or other structures;

The reasonable use of this land and home is not affected by the result of this variance request. The applicant will retain the same use of the property as before the request, and be allowed to create a driveway from the alley in the rear.

5. The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or other structure;

The variance requested is not the minimum variance that will make possible the reasonable use of the land or building. No variance is required to access the property from the alley in the rear.
6. **The granting of the variance will be in harmony with the general purpose and intent of this chapter;**

   The granting of the variance will not be in harmony with the general purpose and intent of this chapter. Vehicle connections should be made from the alley when possible to allow for the visual focus of residents and visitors to be on the architectural designs of homes in the City. Further, it is the intent of the code to reinforce that a home-first interaction with the street creates a more pedestrian friendly neighborhood.

7. **The granting of the variance will not be injurious to neighboring properties or otherwise detrimental to the public welfare; and,**

   The granting of the variance will be detrimental to public welfare. If granted, the variance will perpetuate the nonconforming situation and continue to allow access from a primary street immediately parallel to an established navigable alley. The precedent is not warranted in this case.

8. **The reasons set forth in the application justify the granting of a variance;**

   The reasons set forth in the application do not justify the granting of a variance. The variance requested is self-imposed and voluntary.

9. **No nonconforming use of neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted use of lands, buildings, or other structures in adjacent districts shall be considered as grounds for issuance of a variance permitting similar uses.**

   The fact that there are other properties in the area that access the side street rather than the rear alley shall not be considered as grounds for issuance of a variance. No nonconforming properties were taken into account during the consideration of this request.

**PUBLIC COMMENTS:** The subject property is within the boundaries of the Lake Pasadena Neighborhood Association. The applicant emailed the neighborhood association and staff received no comment. The applicant provided four (4) signatures of nearby residents in support of her request. One (1) nearby resident emailed Staff in opposition to the request.

**STAFF RECOMMENDATION:** Based on a review of the application according to the stringent evaluation criteria contained within the City Code, the Planning and Development Services Department Staff recommends **DENIAL** of the requested variance.

**CONDITIONS OF APPROVAL:** If the variance is approved consistent with the site plan submitted with this application, the Planning and Development Services Department Staff recommends that the approval shall be subject to the following:

1. The plans and elevations submitted for permitting should substantially resemble the plans and elevations submitted with this application. The permitted driveway shall be 10-feet wide as it crosses the property line and no more than 48-feet long.
2. This variance approval shall be valid through April 3, 2021. Substantial construction shall commence prior to this expiration date. A request for extension must be filed in writing prior to the expiration date.
3. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.
4. Maximum impervious surface on the site must not exceed 65% overall and 45% in the front yard, all plans submitted for permitting on this site must show the extent of all improvements on site and the Impervious Surface Ratio.

ATTACHMENTS: Aerial, site plan, applicant's narrative, property card, building permit history, signatures of support, Neighborhood Participation Report,

Report Prepared By:

[Signature]
Jaime Jones, Planner I
Development Review Services Division
Planning & Development Services Department

Report Approved By:

[Signature]
Jennifer G. Bryla, ACIP, Zoning Official (POD)
Development Review Services Division
Planning & Development Services Department

JCB/JT:lw
Project Location Map
City of St. Petersburg, Florida
Planning and Development Services
Department
Case No.: 19-54000008
Address: 6156 2nd Avenue North
BOUNDARY SURVEY
6156 2nd AVENUE N., ST. PETERSBURG, FL. 33710

2nd AVENUE N.

SCALE:1"=30'

ASPHALT ROADWAY
60' RIGHT-OF-WAY

BASIS OF BEARINGS
80.00'

2 GUTTER

FENCE
34.4' S.
0.3' W.

FENCE
34.4' S.
0.3' W.

FENCE
0.2' N.
0.1' E.

FENCE
0.2' N.
0.1' E.

FENCE
0.2' N.
0.1' E.

80.00'

18' PLATTED ALLEYWAY

- ALL ANGLES AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED

NEXGEN
SURVEYING, LLC.
5601 CORPORATE WAY, SUITE 103 WEST PALM BEACH, FL 33407
NexgenSurveying.com
VARIANCE

NARRATIVE (PAGE 1)

All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses be typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the six criteria.

ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. What is unique about the size, shape, topography, or location of the subject property? How do these unique characteristics justify the requested variance?</td>
<td>The subject property is very similar to the homes next to it, which already have driveways. Our portion of the street is asphalt, not brick, so there is no &quot;charm&quot; factor here.</td>
</tr>
<tr>
<td>2. Are there other properties in the immediate neighborhood that have already been developed or utilized in a similar way? If so, please provide addresses and a description of the specific signs or structures being referenced.</td>
<td>The following homes on the street have driveways: 6157, 6144, 6145, 6170. Next to 6157 is a large vacant lot that has a brick fence separating the lot from a commercial building.</td>
</tr>
<tr>
<td>3. How is the requested variance not the result of actions of the applicant?</td>
<td>I have taken no actions to vary the landscape of the property.</td>
</tr>
</tbody>
</table>
All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses be typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the six criteria.

ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.

<table>
<thead>
<tr>
<th>APPLICANT NARRATIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. How is the requested variance the minimum necessary to make reasonable use of the property? In what ways will granting the requested variance enhance the character of the neighborhood?</td>
</tr>
<tr>
<td>HOME DOES NOT HAVE A DRIVEWAY, MOST OTHERS ON MY STREET DO.</td>
</tr>
<tr>
<td>REASONABLE ACCESS TO MY HOME AND ABLE TO PARK OFF STREET SO MY CAR DOES NOT GET HIT</td>
</tr>
</tbody>
</table>

| 5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable? |
| NONE |

| 6. In what ways will granting the requested variance enhance the character of the neighborhood? |
| MAKE IT MORE CONSISTANT AND SAFE (NOT PARKING ON STREET) |
## LAKE PASADENA DEVELOPMENT

<table>
<thead>
<tr>
<th>BUILDING</th>
<th>ELECTRICAL</th>
<th>PLUMBING</th>
<th>SEWAGE</th>
<th>SEPTIC TANK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location: 6156-2nd Avenue No. #90570-C - 1/23/52 - $8000</td>
<td>#88430 - 3/11/52 - B. Simons Pinckney - 9c 10sw 12p 3ws 2-meters 1-range 1-w heater</td>
<td>#2028A - 2/16/52 - B. Simons J. Ray - c-1-s-b-ewh</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owner B. H. Simons - Four room and bath residence with b/w and garage (27' x 58') (Type C)</td>
<td>#5179B 5/15/70 Mitchell Comb/Mtr E5315G - 6/16/71 - Koehler Crump Elec - 100 amps 1-1/2 HP window</td>
<td>#6326K - 3/14/62 - C. Borsich A &amp; H - 1-washing machine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#96755A-R2 - 10/26/64 - $580 Owner P. J. Borcuk - Erect screen porch addition on rear of existing residence (10' x 12') (Type V) By Owner</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#10958-R2 - 5/26/72 - $285 Owner Leonard Koehler - 267' of 4' high chain link fence - By owner.</td>
<td></td>
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<tr>
<td></td>
<td>INSTALLATION</td>
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<tr>
<td>SIGN</td>
<td>SEWER</td>
<td>SEPTIC TANK</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>#16530 - 4-1-54 - Major Bowk A.S.T.W. - 50' drain</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Property Information

- **Address**: 6156 3rd Ave N, Saint Petersburg, FL 33710
- **Location ID**: 71427
- **Owner Name**: Deise, John
- **Old Account Number**: 8310000

### Application Information

- **Application Status**: COMPLETED
- **Status Date**: 7/02/1995
- **Application Type**: PERMIT FROM THE CODE
- **Application Date**: 6/21/1990
- **Valuation**: $470
- **Public Building**: No

### Contractor Information

- **Contractor Name**: *Owner*
- **Contractor Number**: 20/31/10/151222/035/00
- **Contractor Requirements**: Doc Number

### Outstanding Inspections

- No outstanding inspections exist

---

### Blotter Information

- **Blotter ID**: 51562100
- **Bonds**: 
- **Contractor Escrow**: 
- **Fees**: 
- **Global Balance Due**: 
- **Inspection History**: 
- **Inspection Schedule**: 
- **Names**: 
- **Permits**: 
- **Plan Tracking**: 
- **Receipts**: 
- **Square footage**: 0
- **Structures**: 
- **Valuation Calculation**: 

---

### Inspection History

- **Type**: Ins
- **Schedule**: Confirmation
- **No outstanding inspections exist**

---

### Recent Blotter Items

- **Block**: 36, Lot 3
- **Desc**: Finishing rear yard w/6' high wood
- **No outstanding inspections exist**
Global Location Inquiry - Building Permit Applications

Property address: 6156 2ND AVE N
Parcel Identification Nbr 20/31/19/48222/036/0030/

<table>
<thead>
<tr>
<th>User</th>
<th>Number</th>
<th>Type</th>
<th>Status</th>
<th>Date</th>
<th>Tenant</th>
<th>Number</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td>100000344</td>
<td>WINN</td>
<td>CL</td>
<td>10/03/19</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>020002866</td>
<td>MECH</td>
<td>CL</td>
<td>2/06/18</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>010002955</td>
<td>ELECT</td>
<td>CL</td>
<td>1/08/18</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>06</td>
<td>060009483</td>
<td>ROOF</td>
<td>CL</td>
<td>6/15/05</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>90</td>
<td>062109555</td>
<td>OLD</td>
<td>CP</td>
<td>6/21/90</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Affected Property Address</td>
<td>Owner Name (print)</td>
<td>Owner Signature</td>
<td></td>
<td></td>
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<tr>
<td>6156 2nd Ave. N</td>
<td>Daniel Messer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6145 2nd Ave. N</td>
<td>Sofia Betz</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6168 2nd Ave. N</td>
<td>Alfredo P. Barquin</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6157 2nd Ave. N</td>
<td>Gregory S. Sempler</td>
<td></td>
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</tr>
</tbody>
</table>

The undersigned adjacent property owners understand the nature of the applicant's request and do not object (attach additional sheets if necessary):
Mr. Jones,

I have a question regarding the hearing. If this variance is accepted does it set precedence for the residence in the area to maintain their front load entry if an addition of square footage is added to their current home. In other words are they allowed to keep the front load driveway despite having a rear alley access?
In accordance with LDR Section 16.70.040.1.F.2, "It is the policy of the City to encourage applicants to meet with residents of the surrounding neighborhoods prior to filing an application for a permit requiring review and public hearing. The applicant, at his option, may elect to include neighborhood mediation as a preparatory step in the development process. Participation in the public participation process prior to required public hearings will be considered by the decision-making official when considering the need, or request, for a continuance of an application. It is not the intent of this section to require neighborhood meetings, but to encourage meetings prior to the submission of applications for approval and documentation of efforts which have been made to address any potential concerns prior to the formal application process."

<table>
<thead>
<tr>
<th>Street Address:</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Details of techniques the applicant used to involve the public</td>
<td></td>
</tr>
<tr>
<td>(a) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal</td>
<td></td>
</tr>
<tr>
<td>(b) Content, dates mailed, and number of mailings, including letters, meeting notices, newsletters, and other publications</td>
<td></td>
</tr>
<tr>
<td>(c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located</td>
<td></td>
</tr>
<tr>
<td>2. Summary of concerns, issues, and problems expressed during the process</td>
<td></td>
</tr>
<tr>
<td>3. Signature or affidavit of compliance - President or vice-president of any neighborhood associations</td>
<td></td>
</tr>
<tr>
<td>Check one:</td>
<td>Proposal supported</td>
</tr>
<tr>
<td></td>
<td>Do not support the Proposal</td>
</tr>
<tr>
<td></td>
<td>Unable to comment on the Proposal at this time</td>
</tr>
<tr>
<td></td>
<td>Other comment(s):</td>
</tr>
<tr>
<td>Association Name:</td>
<td>President or Vice-President Signature:</td>
</tr>
</tbody>
</table>
Hi Kent,

Since you are listed as the president of the Lake Pasadena neighborhood association, the city of St. Pete has asked me to inform you that I have applied for a variance in order to lay down a driveway in my front yard.

Thank you,

Jami Deise
6156 2nd Avenue N
STAFF REPORT
DEVELOPMENT REVIEW COMMISSION - VARIANCE REQUEST
PUBLIC HEARING

For Public Hearing and Executive Action on April 3, 2019 beginning at 2:00 P.M.,
Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

According to Planning & Development Services Department records, no Commission member
resides or has a place of business within 2,000 feet of the subject property. All other possible
conflicts should be declared upon the announcement of the item.

CASE NO.: 19-54000010
PLAT SHEET: F-10, F-12
REQUEST: Approval of a variance to the interior yard setback to construct a
rooftop deck on the roof of a three-story duplex.

OWNER: Nineteen 60 Capital, LLC
P.O. Box 22
Saint Petersburg, Florida 33731

AGENT: Mark W. Stephenson
146 2nd Street North, Suite 301
Saint Petersburg, Florida 33701

ADDRESS: 1717 5th Street North
PARCEL ID NO.: 18-31-17-18792-005-0070
LEGAL DESCRIPTION: On File

ZONING: Neighborhood Suburban Multifamily (NSM-1)

BACKGROUND:
The applicant seeks approval of a variance for the interior yard setback, that is along the south
property line, to construct a rooftop deck on the roof of a three-story duplex. The subject
property is located at the northeast corner of 17th Avenue North and 5th Street North.

On July 5, 2017, the Development Review Commission (DRC) approved a variance to allow for
a zero setback along the southern property line to construction a 3-unit, multi-family
development. The code required a 7.5-foot setback. The applicant has submitted plans to the
City to obtain building permits for the 3-unit multi-family development. The plans submitted for permitting identified a roof deck on the third floor of all three units. The roof deck consists of an enclosed stair tower and roof structure. The enclosed stair and roof structure for the dwelling unit at the southwest corner of the subject property encroaches into the required 15-foot interior yard setback. The enclosed stair tower and roof structures, on the other two units complies with the required building setbacks.

CONSISTENCY REVIEW COMMENTS:
The Planning & Development Services Department staff reviewed this application in the context of the following criteria excerpted from the City Code and found that the requested variance is inconsistent with these standards. Per City Code Section 16.70.040.1.6 Variances, Generally, the DRC's decision shall be guided by the following factors:

1. Special conditions exist which are peculiar to the land, building, or other structures for which the variance is sought and which do not apply generally to lands, buildings, or other structures in the same district. Special conditions to be considered shall include, but not be limited to, the following circumstances:
   a. Redevelopment. If the site involves the redevelopment or utilization of an existing developed or partially developed site.
      All existing structures will be demolished to redevelop the site with the 3-unit multi-family development.
   b. Substandard Lot(s). If the site involves the utilization of an existing legal nonconforming lot(s) which is smaller in width, length or area from the minimum lot requirements of the district.
      This condition is not applicable. The subject property is not substandard with regard to area or width.
   c. Preservation district. If the site contains a designated preservation district.
      This condition is not applicable. The subject property is not in a preservation district.
   d. Historic Resources. If the site contains historical significance.
      This condition is not applicable. The subject property does not contain historical resources.
   e. Significant vegetation or natural features. If the site contains significant vegetation or other natural features.
      This condition is not applicable. The subject property does not exhibit significant vegetation or natural features.
   f. Neighborhood Character. If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements.
The proposed setback will not be consistent with other structures in the immediate area.

g. Public Facilities. If the proposed project involves the development of public parks, public facilities, schools, public utilities or hospitals.

This condition is not applicable, as there are no public facilities being proposed.

2. The special conditions existing are not the result of the actions of the applicant;

The encroachment of the third-floor roof deck into the required setback is a self-imposed hardship. The applicant can redesign the roof deck to comply with the required setback. This would require relocating the stair to the northern side of the dwelling unit and either shortening or eliminating the roof structure.

3. Owing to the special conditions, a literal enforcement of this Chapter would result in unnecessary hardship;

This condition is not applicable, as there are no special conditions.

4. Strict application of the provisions of this chapter would provide the applicant with no means for reasonable use of the land, buildings, or other structures;

Denial of the variance would not preclude reasonable use of the property in a manner that is consistent with other properties in the immediate neighborhood with the same zoning. The applicant has alternatives available which would not require a variance.

5. The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or other structure;

The applicant has sufficient options or design alternatives within the Code regulations to make reasonable use of the land. In the absence of an identifiable hardship specific to the property that would justify a zero setback along the southern property line. Staff is unable to recommend approval of the requested variance.

6. The granting of the variance will be in harmony with the general purpose and intent of this chapter;

The variance process is designed and intended to allow relief from the normally applicable development standards when unique or peculiar circumstances related to the property restrict reasonable use of the land under strict application of the Code. The applicant has sufficient options or design alternatives within the Code regulations. In the absence of an identifiable hardship related to the property that would justify variance to setback, staff is unable to recommend approval of the requested variance.

7. The granting of the variance will not be injurious to neighboring properties or otherwise detrimental to the public welfare; and,

The granting of this variance would be inconsistent with the established pattern of the immediate neighborhood and would disrupt the character of the area.
8. The reasons set forth in the application justify the granting of a variance;

The reasons set forth in the variance application do not justify the granting of the variance.

9. No nonconforming use of neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted use of lands, buildings, or other structures in adjacent districts shall be considered as grounds for issuance of a variance permitting similar uses.

This criterion is not applicable to this application.

PUBLIC COMMENTS: The subject property is within the boundaries of the Crescent Lake Neighborhood Association.

STAFF RECOMMENDATION: Based on a review of the application according to the stringent evaluation criteria contained within the City Code, the Planning and Development Services Department Staff recommends DENIAL of the requested variance.

CONDITIONS OF APPROVAL: If the variance is approved consistent with the site plan submitted with this application, the Planning and Development Services Department Staff recommends that the approval shall be subject to the following:

1. The plans submitted for permitting shall comply with the Special Conditions of Approval from case number 17-54000028, which are attached.

ATTACHMENTS: aerial, site plan, floor plan, elevation drawings, and applicant's narrative.

Report Prepared By:

Corey Malyszka, Urban Design and Development Coordinator
Development Review Services Division
Planning & Development Services Department

Report Approved By:

Jennifer Bryla, ACIP, Zoning Official (POD)
Development Review Services Division
Planning & Development Services Department

JCB/CDM: iw
Project Location Map
City of St. Petersburg, Florida
Planning and Development Services Department
Case No.: 19-54000010
Address: 1717 5th Street North
All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses be typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the six criteria.

**ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.**

<table>
<thead>
<tr>
<th>STREET ADDRESS: 14TH-5TH STREET N.</th>
<th>CASE NO.:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DETAILED DESCRIPTION OF PROJECT AND REQUEST:</strong> THREE TOWNHOME UNITS ALL THREE STORY HEIGHT; TWO UNITS HAVE ROOF TOP DECKS BY RIGHT. PROJECT WOULD BENEFIT TO HAVE ALL BUILDINGS THE SAME</td>
<td></td>
</tr>
</tbody>
</table>

1. **What is unique about the size, shape, topography, or location of the subject property? How do these unique characteristics justify the requested variance?**

   Property is located on 17th Avenue (Parkway with 135 foot R.O.W. and building approved to have zero lot line due to entry drive moved from 17th Avenue to 5th Street. The only townhome on zero lot line setback will be the only unit without a roof top deck.

2. **Are there other properties in the immediate neighborhood that have already been developed or utilized in a similar way? If so, please provide addresses and a description of the specific signs or structures being referenced.**

   Only proposed development on the Parkway.

3. **How is the requested variance not the result of actions of the applicant?**

   Variance request is a direct by-product of requiring entry drive location off 5th Street. Entry drive consumed 40 percent of lot width. Zero lot line approved on 17th Avenue Parkway off the three buildings two will have roof top decks by right.
All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses by typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the six criteria.

**ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.**

**APPLICANT NARRATIVE**

4. How is the requested variance the minimum necessary to make reasonable use of the property? In what ways will granting the requested variance enhance the character of the neighborhood?

   The development fronts on both 5th Street and 7th Avenue. This greatly enhances the neighborhood, having all three units with rooftop decks instead of two will also enhance the neighborhood.

5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?

   Variance was previously approved to have one of three townhome units with zero lot line on 7th Avenue. Due in part to 135 foot bow, other two townhomes will have rooftop decks.

6. In what ways will granting the requested variance enhance the character of the neighborhood?

   The development will have three extremely attractive units, two of which front on scenic Crescent Lake. With the variance, the roof top deck will be set back from edge of 7th Avenue pavement 38'-4'.
March 6, 2019

Dear City of St. Petersburg

RE: 17th Ave Parkway- Support of variance request for matching rooftop deck building A

To Whom it May Concern:

We, the owners of the Crescent Lake Apartments, LLC wish to voice our support for the variance request for matching rooftop decks of all 3 units at 17th Ave Parkway. We feel this is the best design and provides symmetry and functionality for these buildings.

This is a lovely redevelopment project that will add value and upgrades along the Crescent Lake area and neighborhood.

Crescent Lake Apartments, LLC includes property locations directly adjacent to 17th Ave Parkway on 5th St. North, and up along 5th St. North, so we have a vested interest in his project.

Thank you for your consideration.

Truly,

Phillip Herlein and Nicole Matoushek

Owners of Crescent Lake Apartments LLC

Crescent Lake Apartments includes address: 459/465 15th Ave N., 1525 5th St N., 1527 5th St N., 1601 5th St N., 1725 5th St N., 1801 5th St N., 439 18th Ave N., 427 18th Ave N., 419-423 18th Ave N.

727-418-5361
In accordance with LDR Section 16.70.040.1.F.2. "It is the policy of the City to encourage applicants to meet with residents of the surrounding neighborhoods prior to filing an application for a permit requiring review and public hearing. The applicant, at his option, may elect to include neighborhood mediation as a preparatory step in the development process. Participation in the public participation process prior to required public hearings will be considered by the decision-making official when considering the need, or request, for a continuance of an application. It is not the intent of this section to require neighborhood meetings, but to encourage meetings prior to the submission of applications for approval and documentation of efforts which have been made to address any potential concerns prior to the formal application process."

### APPLICANT REPORT

<table>
<thead>
<tr>
<th>Street Address:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Details of techniques the applicant used to involve the public</td>
</tr>
<tr>
<td>(a) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal</td>
</tr>
<tr>
<td>APPLICATION AND PLANS EMAILED TO JOHN HANBEEK, PRESIDENT OF HOME OWNERS ASSOCIATION, LETTER ATTACHING DESIRING NEED FOR VARIANCE ON 02-11-2017</td>
</tr>
<tr>
<td>(b) Content, dates mailed, and number of mailings, including letters, meeting notices, newsletters, and other publications</td>
</tr>
<tr>
<td>TO DATE ONLY EMAILED TO H.O.A ON 02-11-2017</td>
</tr>
<tr>
<td>(c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located</td>
</tr>
<tr>
<td>NON TO DATE</td>
</tr>
<tr>
<td>2. Summary of concerns, issues, and problems expressed during the process</td>
</tr>
<tr>
<td>NON TO DATE</td>
</tr>
<tr>
<td>3. Signature or affidavit of compliance - President or vice-president of any neighborhood associations</td>
</tr>
<tr>
<td>Check one:</td>
</tr>
<tr>
<td>Proposal supported</td>
</tr>
<tr>
<td>Do not support the Proposal</td>
</tr>
<tr>
<td>Unable to comment on the Proposal at this time</td>
</tr>
<tr>
<td>Other comment(s):</td>
</tr>
<tr>
<td>Association Name:</td>
</tr>
<tr>
<td>President or Vice-President Signature:</td>
</tr>
</tbody>
</table>

If the president or vice-president of the neighborhood association are unavailable or refuse to sign such certification, a statement as to the efforts to contact them and (in the event of unavailability or unwillingness to sign) why they were unable or unwilling to sign the certification.
Hello Corey,

Thank you for your reply and for the attached application. I am very relieved that staff is not supporting the variance request. Would you please email me the staff report when it becomes available?

A continuous wall of more high rise buildings made even higher by an additional roof-top deck -- benefits only the pockets of the developer and not the neighbors and long time residents of Crescent Lake.

I hope city staff has taken the time to walk around Crescent Lake (like I do) and look at what is happening to the park landscape surrounding Crescent Lake. It is being negatively altered by the alarming large mass and out of character new construction that is being approved.

Thank you again for your prompt reply.

Sincerely,
Mary Dowd and Michael Myers

-----Original Message-----
From: Corey D. Malyszka <Corey.Malyszka@stpete.org>
To: 'mebops@aol.com' <mebops@aol.com>
Sent: Thu, Mar 21, 2019 3:31 pm
Subject: Case 19-54000010

Mary,

Attached is the application for your review. City staff is not supporting the variance. Our staff report and the final agenda will be available next Wednesday. Let me know if you have any questions. I will be out of the office tomorrow.

Corey Malyszka
Urban Design and Development Coordinator, Planning and Development Services
City of St Petersburg
727.892.5453
corey.malyszka@stpete.org

Your Sunshine City
For Public Hearing and Executive Action on April 3, 2019 beginning at 2:00 P.M., Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

According to Planning & Development Services Department records, no Commission member resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

CASE NO.: 19-58000003  PLAT SHEET: G-14
REQUEST: Appeal to an administrative denial of a design variance for a garage door and driveway to face the side street instead of the rear alley.

OWNER: Brian M. Fornuto
1100 26th Avenue North
Saint Petersburg, Florida 33704

ADDRESS: 1100 26th Avenue North
PARCEL ID NO.: 12-31-16-84870-000-0370
LEGAL DESCRIPTION: On File
ZONING: Neighborhood Traditional Single-Family-2 (NT-2)

<table>
<thead>
<tr>
<th>Structure</th>
<th>Required</th>
<th>Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 16.20.010.11: Building and site design. – Vehicle Connections and Parking</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Driveways &amp; Garage Doors</td>
<td>Driveways and garage doors shall face the alley</td>
<td>Driveway and garage doors to face side street</td>
</tr>
</tbody>
</table>
BACKGROUND:

The subject property is located in the Woodlawn Neighborhood. The property is a corner lot with a rear alley in the NT-2 zoning district with an existing single-family residence built in 1923 and an existing detached garage in the rear of the property.

The Applicants propose to demolish the one-story detached garage and construct a new two-story detached garage with an accessory dwelling unit on the second floor. The current detached garage structure faces the side street with an existing 25-foot wide concrete driveway connecting the side street with the garage. The proposed design utilizes the existing driveway and orientation of the existing garage. Their proposed design would require a design variance to the NT building design requirements to have the detached structure’s driveway and garage door(s) face the side street rather than the rear alley. Staff has administratively denied the design variance. The Applicants have appealed Staff decision.

There are other residences on the block that share similar situations (e.g. garage doors and driveways facing the side street rather than the rear alley) however the voluntary demolition and construction of a non-conforming situation does not grant the non-conformity privilege over current Code design requirements.

CONSISTENCY REVIEW COMMENTS: The Planning & Development Services Department staff reviewed this application in the context of the following criteria excerpted from the City Code and found that the requested variance is inconsistent with these standards. Per City Code Section 16.70.040.1.6 Variances, Generally, the DRC’s decision shall be guided by the following factors:

1. Special conditions exist which are peculiar to the land, building, or other structures for which the variance is sought and which do not apply generally to lands, buildings, or other structures in the same district. Special conditions to be considered shall include, but not be limited to, the following circumstances:

   a. Redevelopment. If the site involves the redevelopment or utilization of an existing developed or partially developed site.

   The proposed redevelopment of the site does not require the existing nonconforming condition to be maintained.

   b. Substandard Lot(s). If the site involves the utilization of an existing legal nonconforming lot(s) which is smaller in width, length or area from the minimum lot requirements of the district.

   This criterion is not applicable. The subject property is comprised of two platted lots and exceeds minimum lot width and area requirements for the NT-2 District.

   c. Preservation district. If the site contains a designated preservation district.

   This criterion is not applicable. The subject property is not located in a designated preservation district.

   d. Historic Resources. If the site contains historical significance.
This criterion is not applicable. The subject property does not contain historic resources.

e. Significant vegetation or natural features. If the site contains significant vegetation or other natural features.

This criterion is not applicable. The subject property does not contain significant vegetation or other natural features.

f. Neighborhood Character. If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements.

The existing development pattern indicates mixed utilization of either the rear alley, the side street, both, or neither.

g. Public Facilities. If the proposed project involves the development of public parks, public facilities, schools, public utilities or hospitals.

This criterion is not applicable. The proposed project does not involve development of public facilities.

2. The special conditions existing are not the result of the actions of the applicant;

The special conditions existing are not the result of the Applicants as the detached garage was constructed prior to their purchase of the property in 2013, however the voluntary demolition and reconstruction of the garage is of their own volition and the necessity of the design variance is dependent on their own design.

3. Owing to the special conditions, a literal enforcement of this Chapter would result in unnecessary hardship;

The literal enforcement of this Chapter would not result in unnecessary hardship. The hardship is self-imposed and voluntary.

4. Strict application of the provisions of this chapter would provide the applicant with no means for reasonable use of the land, buildings, or other structures;

The reasonable use of the land and building (detached garage) is not affected by the result of this variance request. The existing garage may continue to be used as it exists.

5. The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or other structure;

The variance requested is not the minimum variance that will make possible the reasonable use of the land or building. The existing garage may continue to be utilized in its current form and any voluntary reconstruction of the garage should be designed and built to contemporary Code standards.

6. The granting of the variance will be in harmony with the general purpose and intent of this chapter;
The granting of the variance will not be in harmony with the general purpose and intent of this chapter. New construction should comply with contemporary design requirements and, in this case, should utilize the rear alley as required per Code.

7. *The granting of the variance will not be injurious to neighboring properties or otherwise detrimental to the public welfare; and,*

The granting of the variance will be detrimental to public welfare. If granted, the variance will perpetuate the nonconforming situation and continue to allow access from a side street immediately adjacent to an established navigable alley. If rebuilt to Code standards, the redesigned vehicular connection from the alley will eliminate an existing conflict point at the side street.

8. *The reasons set forth in the application justify the granting of a variance;*

The reasons set forth in the application do not justify the granting of a variance. The variance requested is self-imposed and voluntary to reconstruct a detached accessory structure with a more intense use (an accessory dwelling unit) that does not currently exist.

9. *No nonconforming use of neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted use of lands, buildings, or other structures in adjacent districts shall be considered as grounds for issuance of a variance permitting similar uses.*

The fact that there are other properties in the area that access the side street rather than the rear alley shall not be considered as grounds for issuance of a variance. The properties would be subject to the same design requirements as the subject property if the nonconforming structures were to be voluntarily reconstructed.

**PUBLIC COMMENTS:** The subject property is within the boundaries of the Greater Woodlawn Neighborhood Association. The Applicants received an email from the Association President stating that the Association has reviewed the variance request and has no objection. At the time of this writing, we have not received any other phone calls, emails, nor written comment from the public regarding this request.

**STAFF RECOMMENDATION:** Based on a review of the application according to the stringent evaluation criteria contained within the City Code, the Planning and Development Services Department Staff recommends **DENIAL** of the requested variance.

**CONDITIONS OF APPROVAL:** If the variance is approved consistent with the site plan submitted with this application, the Planning and Development Services Department Staff recommends that the approval shall be subject to the following:

1. The plans and elevations submitted for permitting should substantially resemble the plans and elevations submitted with this application.
2. This variance approval shall be valid through April 3, 2022. Substantial construction shall commence prior to this expiration date. A request for extension must be filed in writing prior to the expiration date.
3. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.
4. Maximum impervious surface on the site must not exceed 65%, all plans submitted for permitting on this site must show the extent of all improvements on site and the Impervious Surface Ratio.

5. Parking must be provided on site and shown on any plans submitted at time of permitting. The site plan submitted for permitting must identify the number of bedrooms in the existing house as well as the accessory dwelling unit. The accessory dwelling unit as designed has one bedroom. Required parking is two spaces for up to three bedrooms and one-half space for each additional bedroom in the principal residence and one space for up to two bedrooms and one-half space for each additional bedroom as stated in Land Development Regulations Section 16.10.020.1 – Matrix: Use Permissions, Parking & Zoning.

ATTACHMENTS: Attachment A – Aerial; Attachment B - Site Photos (4), Attachment C – Design Variance Application; Attachment D – Applicant Narrative; Attachment E – Survey / Site Plan; Attachment F – Floor Plans; Attachment G – Elevations

Report Prepared By:

[Signature]
Michael W. Larimore, Planner I
Development Review Services Division
Planning & Development Services Department

Date
3/26/2019

Report Approved By:

[Signature]
Jennifer C. Bryla, ACIP, Zoning Official (POD)
Development Review Services Division
Planning & Development Services Department

Date
3.26.19

JCB/MWL:iw
Attachment A. - Aerial

Project Location Map
City of St. Petersburg, Florida
Planning and Development Services
Department
Case No.: 19-58000003
Address: 1100 26th Avenue North

st.petersburg
www.stpete.org
(3/4) Above: Subject property facing northeast
(4/4) Above: Subject property facing southwest
Attachment C. – Design Variance Application

See attached.
Design Variance Request

Application No. 19-58000003

All applications are to be filled out completely and correctly. The application shall be submitted to the City of St. Petersburg's Development Review Services Division, located on the 1st floor of the Municipal Services Building, One 4th Street North.

<table>
<thead>
<tr>
<th>GENERAL INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME of APPLICANT (Property Owner): Brian Fornuto and Barbra Claudette Fornuto</td>
</tr>
<tr>
<td>Street Address: 1100 26th Ave N</td>
</tr>
<tr>
<td>City, State, Zip: St Petersburg, FL 33704</td>
</tr>
<tr>
<td>Telephone No: 317-446-0964 Email Address: <a href="mailto:bfonuto@yahoo.com">bfonuto@yahoo.com</a></td>
</tr>
<tr>
<td>NAME of AGENT or REPRESENTATIVE: N/A</td>
</tr>
<tr>
<td>Street Address:</td>
</tr>
<tr>
<td>City, State, Zip:</td>
</tr>
<tr>
<td>Telephone No: Email Address:</td>
</tr>
<tr>
<td>PROPERTY INFORMATION:</td>
</tr>
<tr>
<td>Street Address or General Location: 1100 26th Avenue N (Spring Hill Annex Lots 37 &amp; 38)</td>
</tr>
<tr>
<td>Parcel ID(s): 125148 0217 G Tax Parcel ID: 12-31-16-84870-000-0370</td>
</tr>
</tbody>
</table>

| DESCRIPTION OF REQUEST: |
| We would like to replace our existing garage with a new one having the same orientation as the current garage. Zoning code says the new garage door must be alley facing. The current garage door and driveway is street-facing. |

| PRE-APPLICATION DATE: PLANNER: |

| FEE SCHEDULE |
| 1 & 2 Unit, Residential - 1st Variance | $300.00 |
| Cash, credit, checks made payable to "City of St. Petersburg" |

| AUTHORIZATION |
| City Staff and the designated Commission may visit the subject property during review of the requested variance. Any Code violations on the property that are noted during the inspections will be referred to the City’s Codes Compliance Assistance Department. |

The applicant, by filing this application, agrees he or she will comply with the decision(s) regarding this application and conform to all conditions of approval. The applicant’s signature affirms that all information contained within this application has been completed, and that the applicant understands that processing this application may involve substantial time and expense. Filing an application does not guarantee approval, and denial or withdrawal of an application does not result in remittance of the application fee.

**NOTE:** IT IS INCUMBENT UPON THE APPLICANT TO SUBMIT CORRECT INFORMATION. ANY MISLEADING, DECEPTIVE, INCOMPLETE, OR INCORRECT INFORMATION MAY INVALIDATE YOUR APPROVAL.

Signature of Owner / Agent*: [Signature] Date: Feb 11, 2019
*Affidavit to Authorize Agent required, if signed by Agent
I am (we are) the owner(s) and record title holder(s) of the property noted herein

Property Owner's Name: Brian Fornuto and Barbra Claudette Fornuto

This property constitutes the property for which the following request is made

Property Address: 1100 26th Ave N St Petersburg, FL 33704

Parcel ID No.: 125148 0217 G  Tax Parcel ID: 12-31-16-84870-000-0370

Request: Replace existing garage with new garage, with new garage entry facing the same direction as the existing garage.

The undersigned has(have) appointed and does(do) appoint the following agent(s) to execute any application(s) or other documentation necessary to effectuate such application(s)

Agent's Name(s): N/A

This affidavit has been executed to induce the City of St. Petersburg, Florida, to consider and act on the above described property.

I(we), the undersigned authority, hereby certify that the foregoing is true and correct.

Signature (owner):

Sworn to and subscribed on this date

Identification or personally known: Personally Known

Notary Signature:

Date: 2/11/19

Commission Expiration (Stamp or date):
All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses be typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the seven criteria.

**ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.**

<table>
<thead>
<tr>
<th>Applicant Narrative</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Street Address:</strong> 1100 26th Ave N St Petersburg, FL 33704</td>
</tr>
<tr>
<td><strong>Detailed Description of Project and Request:</strong> We would like to replace our existing garage and build a new with the entry door having the same eastward orientation as the existing garage. City code says the new garage entry door should be rotated 90 degrees clockwise in order for the entry to be alley facing. The current setup is street facing (east). With the requested variance, the garage would remain in rear 1/3 of lot and does not face the front of any homes</td>
</tr>
</tbody>
</table>

1. **In what ways does the design variance reinforce a unique condition of an identifiable architectural style lending to the design intent of that style?**

   Our garage is at the rear of our lot, and currently does not face the front of any homes on our street. This design variance would allow our new garage entry to continue to be street-facing, just like our current garage. This design variance would allow the structure to be consistent with other homes on our street with garages. Additionally, having the garage door street-facing creates a welcoming and communal atmosphere as we frequently encounter & talk to neighbors as we are outside playing on the driveway. Having a plain wall & fence facing the street looks closed-off and takes away from the open, neighborhood feel of our street. Our garage is on the corner of the alley, at the rear of our lot, and facing the sides and rears of all of our neighbors' homes, so the orientation to the alley is not necessary and does not make as much sense as the standard street-facing entry. Having the garage street-facing also does not create any visual discontinuity because all of our homes on our block have the side or rear oriented toward this street. Our immediate neighbors on the same block also have street-facing garages that face the same street that our garage faces, lending a "community feel" to our block. Approving this variance keeps the structures on our block more uniform. The garage would remain in rear 1/3 of the lot, and will not be facing the front of any homes.

2. **What is unique about the size, shape, topography, or location of the subject property? How do these unique characteristics justify the requested variance?**

   The current garage entry door faces the street, and it is the safest and easiest way to access the property. Having an alley-facing garage would make it more difficult to enter the garage, and would create more traffic and burden on the crumbling pavement of the alleyway. Additionally, our backyard storage area would have to be eliminated and replaced with additional paved driveway to enter from the alley. The city garbage container for our immediate area is also currently where our garage entryway would be in the alley. Our garage currently faces a street without any sidewalk, so pedestrians are not inconvenienced by the current orientation. An alley-facing garage also makes the street-side less inviting by being more closed off from neighbors. Our immediate neighbors on the same block also have street-facing garages that face the same street that our garage faces; approving this variance keeps the structures on our block more uniform and keeps with the communal feel of our neighborhood.

3. **Are there other properties in the immediate neighborhood that have already been developed or utilized in a similar way? If so, please provide addresses and a description of the specific signs or structures being referenced.**

   Yes. Our immediate neighbors on the same block also have street-facing garages that face the same street that our garage faces.
   - 1101 25th Ave N
   - 1045 25th Ave N
   - 2415 11th St N
Design Variance Request

4. How is the requested variance not the result of actions of the applicant?
The current garage is street-facing and has been for as long as the garage structure was present.

5. How is the requested variance the minimum necessary to make reasonable use of the property? In what ways will granting the requested variance enhance the character of the neighborhood?
The current garage faces the street; this variance request only seeks to maintain the status quo as we build a similar garage in the same location with the same orientation of the entry door. We have installed grass and fencing consistent with our existing street-facing garage that would have to be removed or relocated. Our immediate neighbors on the same block also have street-facing garages that face the same street that our current garage faces; approving this variance so that we can keep the existing orientation keeps the homes & accessory structures on our block uniform. Changing the orientation to the alley way will create awkward locations for fencing, driveways and grass, and cause our home to be inconsistent with the homes on our block. We currently use the fenced-in area between the garage and alley to store our trailer in a place where it will not be an eyesore and won't get stolen. There is no sidewalk on this street or across the street, so the current orientation of our garage does not interrupt pedestrian traffic.

6. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?
An alley-facing garage entry would require us to pave over additional area that is currently grass, remove existing fencing adjacent to the alley, add fencing close to the street, more significantly change the foundation of our garage structure because the garage structure will move closer to the street, potentially require us to cut down an additional mature tree, and cause our home to look different from the homes in our immediate vicinity. Currently our street has a very open and communal feel that would be lost. An alley-facing garage would eliminate the location for parking our business trailer where it is not an eye sore or susceptible to being stolen, and it would have to be moved to an area where it is visible and unattractive.

7. In what ways will granting the requested variance enhance the character of the neighborhood?
Our immediate neighbors on the same block also have street-facing garages that face the same street that our current garage faces; approving this variance so that we can keep the existing orientation keeps the homes & accessory structures on our block uniform. Changing the orientation to the alley way will create awkward locations for fencing, driveways and grass, and cause our home to be inconsistent with the homes on our block. Having the garage door street-facing creates a welcoming and communal atmosphere as we frequently encounter & talk to neighbors as we are outside playing on the driveway. Having a plain wall and fence facing the street will appear closed-off and takes away from the neighborhood feel on our street. We frequently convene with neighbors walking by our garage with its current orientation.
Hi Mike,

Attached please find a PDF version of the application that we submitted in hard copy.

Please let me know if you need anything else. We have a page with the signature of some of our neighbors but couldn’t get to everyone this weekend. If you think it’s useful, we’ll send what we have now.

Thanks!

Claudette Fornuto

---

Hi Roland,

Just sending you a copy of this application we have submitted for a zoning variance because the zoning office requires that we submit it to the neighborhood association president. Brian is available to discuss if you have any questions.

Thanks!

Claudette
SECTION AA
SCALE: 1/4" = 1'-0"

1ST FLOOR PLAN
SCALE: 1/4" = 1'-0"

2ND FLOOR PLAN
SCALE: 1/4" = 1'-0"

PROPOSED PLAN
SCALE: 1/4" = 1'-0"
NT-2
50' wide lot
ISR - .65
Roof height: 20' maximum to bottom of roof line, 30' to top of roof peak
Interior Side Setbacks: 6'
Street side: 12'
Rear Setback: 6'

House is framed. Can the garage be built with CMU block two stories? Yes, as long as the finish looks like the original home.
Lot has two meters. Can the apartment have a full kitchen? Yes
How many square feet can the apartment be? 750 sq ft
SPECIAL EXCEPTION
PUBLIC HEARING

According to Planning & Development Services Department records, no Commission member resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & DEVELOPMENT SERVICES DEPARTMENT, for Public Hearing and Executive Action on April 3, 2019 at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 19-32000002
PLAT SHEET: I-2
REQUEST: Approval of a Special Exception and related Site Plan to construct a 2-story 10,270 square-foot building with a 6,040 square-foot micro-brewery. The applicant is requesting a variance to reduce the required parking from 20 to 17 spaces.

OWNER: Grand Central Property Holding
2813 Sunset Way
Saint Pete Beach, Florida 33706

AGENT: Tim Clemmons and Greg Glenn
33 6th Street South, Suite 400
Saint Petersburg, Florida 33701

ADDRESS: 2324 Central Avenue

PARCEL ID NO.: 23-31-16-78390-023-0030

LEGAL DESCRIPTION: On File

ZONING: Corridor Commercial Traditional-2 (CCT-2)
SITE AREA TOTAL: 18,000 square feet or 0.41 acres

GROSS FLOOR AREA:
- **Existing:** 2,534 square feet, 0.14 F.A.R.
- **Proposed:** 10,270 square feet, 0.57 F.A.R.
- **Permitted:** 45,000 square feet, 2.50 F.A.R.

BUILDING COVERAGE:
- **Existing:** 2,534 square feet, 14% of Site MOL
- **Proposed:** 7,475 square feet, 42% of Site MOL
- **Permitted:** N/A

IMPERVIOUS SURFACE:
- **Existing:** 17,258 square feet, 96% of Site MOL
- **Proposed:** 16,474 square feet, 92% of Site MOL
- **Permitted:** 17,100 square feet, 95% of Site MOL

OPEN GREEN SPACE:
- **Existing:** 742 square feet, 4% of Site MOL
- **Proposed:** 1,526 square feet, 8% of Site MOL

PAVING COVERAGE:
- **Existing:** 14,132 square feet, 79% of Site MOL
- **Proposed:** 8,999 square feet, 50% of Site MOL

PARKING:
- **Existing:** 17; including 1 handicapped space
- **Proposed:** 17; including 1 handicapped space
- **Required:** 25; including 1 handicapped space*

BUILDING HEIGHT:
- **Existing:** 10 feet
- **Proposed:** 34 feet
- **Permitted:** 72 feet

*Code allows bicycle parking to substitute up to 20% of the required vehicle parking. Every six bicycles provided equals one vehicle.

APPLICATION REVIEW:

I. PROCEDURAL REQUIREMENTS: The applicant has met and complied with the procedural requirements of Section 16.10.020.1 of the Municipal Code for a Microbrewery which is a Special Exception use within the CCT-2 Zoning District.

II. DISCUSSION AND RECOMMENDATIONS:

The Request:
The applicant seeks approval of a Special Exception and related Site Plan to construct a 2-story 10,270 square-foot building with a 6,040 square-foot micro-brewery. The applicant is requesting a variance to reduce the required parking from 20 to 17 spaces. A microbrewery use is a Special Exception use in the Corridor Commercial Traditional-2 (CCT-2) zoning district. The
subject property is located in the middle of the block on the south side of Central Avenue between 23rd Street South and 24th Street South.

Current Proposal:
The subject property consists of a 2,534 square foot building and surface parking lot. The applicant proposes to demolish the existing improvements and construct a 10,270 square foot, two-story commercial building. The western tenant space will be a two-story micro-brewery and the eastern tenant space will be a two-story future restaurant space. The applicant proposes an open-air court yard for the restaurant and a beer garden for the micro-brewery that will be located in between the two tenant spaces on the ground level. An outdoor terrace is proposed on the second floor that will provide additional outdoor seating for the future restaurant and micro-brewery.

The applicant proposes to divide the inside of the micro-brewery into a tasting room and brewery. The tasting room will occupy approximately 4,150 square feet of the tenant space and the brewery will occupy approximately 1,935 square feet. A loading area will be located at the rear of the building, accessed from the existing east-west alley.

The proposed building will be located along Central Avenue. Pedestrians can access the micro-brewery and future restaurant space directly from the public sidewalk along Central Avenue and the shared open-air court yard that is located in the center of the building. Parking will be located behind the building and will be accessed from the existing east-west alley.

The proposed architecture style of the building is a contemporary interpretation of a traditional American main street building, as described in the architect’s narrative. The proposed building is placed up to the front property line, abutting the public sidewalk. The front façade of the two-story building has been separated into multiple bays. The bays are equally spaced creating a rhythm along the street frontage that both helps break down the overall mass of the building; as well as provide visual interest. The bay system is commonplace in traditional main street building design. The front façade incorporates large storefront windows on both floors. An outdoor terrace is proposed on the second-floor of the building that is visible from Central Avenue. The exterior will be finished with a brick veneer.

Use Specific Regulations
City Code has use specific regulations for a microbrewery as outlined in Section 16.50.045, these regulations are listed below:

The microbrewery shall produce no more than 15,000 barrels (465,000 US gallons / 17,602.16 hectoliters) of beer per year;

*The applicant has noted in the narrative that they will not produce more than 15,000 barrels a year.*

This use shall be permitted only in conjunction with a 'restaurant and bar, indoor,' 'restaurant and bar, indoor and outdoor' or 'restaurant and bar, accessory outdoor area,' tasting room or retail sales and service:

a. No more than 75 percent of the total gross floor space of the establishment shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment
areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;

_The applicant proposes to have a 1,935 square foot brewery and a 4,150-tasting area, the brewery will occupy 69 percent of the total building area._

b. The façade of any accessory use(s) shall be oriented toward the street, excluding alleys, and, if located in a shopping center, to the common space where the public can access the use;

_The proposed building will be oriented towards the street, an open-air courtyard will be located in the center of the building and a second-floor balcony will be along the north side of the building which is oriented towards Central Avenue._

c. Pedestrian connections shall be provided between the public sidewalks and the primary entrance(s) to any accessory use(s).

_The proposed building will be located abutting the existing sidewalk along Central Avenue._

All mechanical equipment visible from the street (excluding alleys), an adjacent residential use or residential zoning district shall be screened using architectural features consistent with the principal structure;

_The proposed mechanical equipment will be shielded._

Access and loading bays are discouraged from facing toward any street, excluding alleys;

_The loading bay will be along the south side of the proposed building._

Access and loading bays facing any street, adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building;

_N/A_

Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays;

_The applicant has stated in the narrative that they will comply with the hours of operation for loading and unloading._

No outdoor storage shall be allowed, including the use of portable storage units, cargo containers and tractor trailers, except as follows: spent or used grain, which is a natural byproduct of the brewing process, may be stored outdoors for a period of time not to exceed 24 hours. The temporary storage area of spent or used grain shall be:

a. Designated on the approved site plan;
b. Permitted within the interior side or rear yard or within the minimum building setbacks;
c. Prohibited within any yard abutting a residential use or residential zoning district;  
d. Fully enclosed within a suitable container, secured and screened behind a solid, opaque  
   fence or wall measuring a minimum five (5) feet in height.  

   The applicant has not discussed if there will be any outdoor temporary storage. The  
   only area for outdoor storage would be on the western side of the existing building. The  
   area is within an interior side, complying with the required setbacks and is not  
   abutting a residential use. The area is also shielded by existing walls. The applicant  
   will need to comply with the above criteria. A special condition of approval has been  
   added to the report to address this issue.

Staff finds that the applicant has complied with the use specific regulations for a microbrewery,  
as outlined in Section 16.50.045.

Special Exception
The proposed use, as mentioned above, is a Special Exception use in the CCT-2 zoning district. The  
DRC is required to review the project for any possible adverse impacts such as noise, light,  
traffic circulation, traffic congestion and compatibility. The subject property has been developed  
with a commercial use and is located along a pedestrian oriented street that is serviced by mass  
transit and a future BRT line. The proposed development reinforces the City’s vision for the  
Grand Central District. The City’s Transportation Planner has reviewed the proposal and  
determined that the existing road network is adequate to support the proposed use. The  
properties that surround the subject property are also developed with commercial uses. Staff  
finds that the proposed use complies with the Special Exception criteria as outlined in Section  
16.70.040.1.5.

VARIANCE:  
Parking

| Required: | 20 spaces |
| Proposed: | 17 spaces |
| Variance: | 3 spaces |

The CCT-2 zoning district requires 1-parking space for every 1,000 square feet of brewing area  
and 1-parking space for every 500 square feet of tasting, restaurant and outdoor eating and  
drinking areas. The applicant is proposing 17 parking spaces and 38 bicycle parking spaces.  
The code requires 25 vehicular parking spaces or 20 vehicular parking spaces and 30 bicycle  
parking spaces.

The subject property is located in the Central Avenue Corridor Activity Center. A property  
zoned CCT-2, when located in an activity center, allows a floor area ratio (FAR) of 2.5 and a  
building height of 72 feet. A property zoned CCT-2, when not located in an activity center,  
allows a FAR of 1.5 and a building height of 60 feet.

The City's Comprehensive Plan adopted six activity centers to facilitate compact urban  
development that will allow more efficient use of land and concentrate more intensive growth. To  
achieve the objective of the Comprehensive Plan, the CCT-2 zoning district within an activity  
center allows 60% more intensity compared to properties not in an activity center.
The subject property is served by a network of pedestrian and bicycle facilities and located less than a 0.75 of a mile from the Pinellas Suncoast Transit Authority’s (PSTA) Grand Central Station. The Central Avenue Trolley provides service along Central Avenue, connecting downtown St. Petersburg to Pass-a-Grille. A future bus rapid transit (BRT) route will located along both the 1st Avenues.

The development is consistent with the Comprehensive Plan, but the proposed development is restricted due to the CCT-2 zoning regulations. The granting of the variances will be in harmony with the general purpose of the land development code and reinforce the objectives of the Comprehensive Plan. Further, the proposed development will promote the established neighborhood character and development pattern. The proposed height, setbacks and parking are consistent with other developments that surround the subject property. Lastly, an existing curb-cut along Central Avenue will be removed. Removing the existing curb-cut will result in five on-street parking spaces being added.

Public Comments:
The Executive Director of the Grand Central District sent an email in support of the proposed project.

III. RECOMMENDATION:
A. Staff recommends APPROVAL of a Special Exception and related site plan, subject to Special Conditions of Approval.

B. SPECIAL CONDITIONS OF APPROVAL:
1. The applicant shall comply with the use specific criteria for a microbrewery, as outlined in Section 16.50.045.
2. Any modifications to the travel lane and parking spaces surrounding the subject property shall be subject to approval by the City.
3. The public sidewalks in the abutting rights-of-way shall be 10-feet wide. Public sidewalks where they intersect with the proposed tree planters can be 8-feet wide. Sidewalks may be less than 8-feet wide to accommodate existing grades changes and ADA requirements.
4. The final streetscape and hardscape plan for the abutting streets shall be approved by Staff.
5. It is encouraged, but not required, that the at-grade planters that abut the proposed building be elevated above grade.
6. Building materials at the street level shall include materials such as metal, stone, brick, precast masonry, glass, stucco or other similar hard surface material. The use of dryvit, EIFS, or other artificial material shall not be permitted.
7. Bicycle parking shall be provided as required by Section 16.40.090.
8. Exterior lighting shall comply with Section 16.40.070.
9. Mechanical equipment shall be screened from the abutting rights-of-way.
10. The applicant shall comply with the requirements in the memorandum provided by the City’s Engineering Department that is attached to the staff report.
C. STANDARD CONDITIONS OF APPROVAL

(All or Part of the following standard conditions of approval may apply to the subject application. Application of the conditions is subject to the scope of the subject project and at the discretion of the Zoning Official. Applicants who have questions regarding the application of these conditions are advised to contact the Zoning Official.)

ALL SITE PLAN MODIFICATIONS REQUIRED BY THE DRC SHALL BE REFLECTED ON A FINAL SITE PLAN TO BE SUBMITTED TO THE PLANNING & DEVELOPMENT SERVICES DEPARTMENT BY THE APPLICANT FOR APPROVAL PRIOR TO THE ISSUANCE OF PERMITS.

Building Code Requirements:
1. The applicant shall contact the City’s Construction Services and Permitting Division and Fire Department to identify all applicable Building Code and Health/Safety Code issues associated with this proposed project.
2. All requirements associated with the Americans with Disabilities Act (ADA) shall be satisfied.

Zoning/Planning Requirements:
1. The applicant shall submit a notice of construction to Albert Whitted Field if the crane height exceeds 190 feet. The applicant shall also provide a Notice of Construction to the Federal Aviation Administration (FAA), if required by Federal and City codes.
2. All site visibility triangle requirements shall be met (Chapter 16, Article 16.40, Section 16.40.160).
3. No building or other obstruction (including eaves) shall be erected and no trees or shrubbery shall be planted on any easement other than fences, trees, shrubbery, and hedges of a type approved by the City.
4. The location and size of the trash container(s) shall be designated, screened, and approved by the Manager of Commercial Collections, City Sanitation. A solid wood fence or masonry wall shall be installed around the perimeter of the dumpster pad.

Engineering Requirements:
1. The site shall be in compliance with all applicable drainage regulations (including regional and state permits) and the conditions as may be noted herein. The applicant shall submit drainage calculations and grading plans (including street crown elevations), which conform with the quantity and the water quality requirements of the Municipal Code (Chapter 16, Article 16.40, Section 16.40.030), to the City’s Engineering Department for approval. Please note that the entire site upon which redevelopment occurs shall meet the water quality controls and treatment required for development sites. Stormwater runoff release and retention shall be calculated using the rational formula and a 10-year, one-hour design storm.
2. All other applicable governmental permits (state, federal, county, city, etc.) must be obtained before commencement of construction. A copy of other required
governmental permits shall be provided to the City Engineering & Capital Improvements Department prior to requesting a Certificate of Occupancy. Issuance of a development permit by the City does not in any way create any rights on the part of the applicant to obtain a permit from a governmental agency and does not create any liability on the part of the City of St. Petersburg for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by other governmental agencies or undertakes actions that result in a violation of state or federal law.

3. A work permit issued by the Engineering Department shall be obtained prior to commencement of construction within dedicated rights-of-way or easements.

4. The applicant shall submit a completed Storm Water Management Utility Data Form to the City's Engineering Department for review and approval prior to the approval of any permits.

5. Curb-cut ramps for the physically handicapped shall be provided in sidewalks at all corners where sidewalks meet a street or driveway.

Landscaping Requirements:

1. The applicant shall submit a revised landscape plan, which complies with the plan approved by the DRC and includes any modifications as required by the DRC. The DRC grants the Planning & Development Services Department discretion to modify the approved landscape plan where necessary due to unforeseen circumstances (e.g. stormwater requirements, utility conflicts, conflicts with existing trees, etc.), provided the intent of the applicable ordinance(s) is/are maintained. Landscaping plans shall be in accordance with Chapter 16, Article 16.40, Section 16.40.060 of the City Code entitled "Landscaping and Irrigation."

2. Any plans for tree removal and permitting shall be submitted to the Development Services Division for approval.

3. All existing and newly planted trees and shrubs shall be mulched with three (3) inches of organic matter within a two (2) foot radius around the trunk of the tree.

4. The applicant shall install an automatic underground irrigation system in all landscaped areas. Drip irrigation may be permitted as specified within Chapter 16, Article 16.40, Section 16.40.060.2.2.

5. Concrete curbing, wheelstops, or other types of physical barriers shall be provided around/within all vehicular use areas to protect landscaped areas.

6. Any healthy existing oak trees over two (2) inches in diameter shall be preserved or relocated if feasible.

7. Any trees to be preserved shall be protected during construction in accordance with Chapter 16, Article 16.40.060.5 and Section 16.40.060.2.1.3 of City Code.

IV. CONSIDERATIONS BY THE DEVELOPMENT REVIEW COMMISSION FOR REVIEW
(Pursuant to Chapter 16, Section 16.70.040.1.4 (D)):

A. The use is consistent with the Comprehensive Plan.

B. The property for which a Site Plan Review is requested shall have valid land use and zoning for the proposed use prior to site plan approval;
C. Ingress and egress to the property and proposed structures with particular emphasis on automotive and pedestrian safety, separation of automotive and bicycle traffic and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe and emergency. Access management standards on State and County roads shall be based on the latest access management standards of FDOT or Pinellas County, respectively;

D. Location and relationship of off-street parking, bicycle parking, and off-street loading facilities to driveways and internal traffic patterns within the proposed development with particular reference to automotive, bicycle, and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping;

E. Traffic impact report describing how this project will impact the adjacent streets and intersections. A detailed traffic report may be required to determine the project impact on the level of service of adjacent streets and intersections. Transportation system management techniques may be required where necessary to offset the traffic impacts;

F. Drainage of the property with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the use of on-site retention systems. The Commission may grant approval, of a drainage plan as required by city ordinance, County ordinance, or SWFWMD;

G. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility and harmony with adjacent properties;

H. Orientation and location of buildings, recreational facilities and open space in relation to the physical characteristics of the site, the character of the neighborhood and the appearance and harmony of the building with adjacent development and surrounding landscape;

I. Compatibility of the use with the existing natural environment of the site, historic and archaeological sites, and with properties in the neighborhood as outlined in the City's Comprehensive Plan;

J. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on property values in the neighborhood;

K. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on living or working conditions in the neighborhood;

L. Sufficiency of setbacks, screens, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of noise, lights, dust, fumes and other nuisances;

M. Land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations and expansion thereof;

N. Landscaping and preservation of natural manmade features of the site including trees, wetlands, and other vegetation;
O. Sensitivity of the development to on-site and adjacent (within two-hundred (200) feet) historic or archaeological resources related to scale, mass, building materials, and other impacts;
   1. The site is not within an Archaeological Sensitivity Area (Chapter 16, Article 16.30, Section 16.30.070).
   2. The property is not within a flood hazard area (Chapter 16, Article 16.40, Section 16.40.050).

P. Availability of hurricane evacuation facilities for developments located in the hurricane vulnerability zones;

Q. Meets adopted levels of service and the requirements for a Certificate of Concurrency by complying with the adopted levels of service for:
   a. Water.
   b. Sewer (Under normal operating conditions).
   c. Sanitation.
   d. Parks and recreation.
   e. Drainage.

The land use of the subject property is: Community Redevelopment District

The land uses of the surrounding properties are:

North: Community Redevelopment District
South: Community Redevelopment District
East: Community Redevelopment District
West: Community Redevelopment District

REPORT PREPARED BY:

Corey Malyszka, Urban Design and Development Coordinator
Planning and Development Services Department
Development Review Services Division

REPORT APPROVED BY:

Jennifer Bilha, AICP, Zoning Officer (POD)
Planning and Development Services Department
Development Review Services Division
Corey D. Malyszka

From: Kyle Simpson  
Sent: Friday, March 22, 2019 7:52 AM  
To: Corey D. Malyszka  
Cc: Thomas M Whalen; Evan Mory  
Subject: RE: Incoming Case No. 19-32000002 - Special Exception/Related Site Plan (2-Story, 10,270 sq.-ft Building) - 2324 Central Avenue

Corey,

The Transportation and Parking Management Department has reviewed the case and has the following comments:

- Please indicate that there is a minimum of 30" (36" preferred) between “U” bicycle racks per the minimum spacing requirements in Section 16.40.090.4.2.
- Please indicate the location and type of long-term bicycle parking to be provided.
- The Transportation and Parking Management Department does not object to the requested automobile parking variance based on the following considerations:
  - Closure of the existing curb cut on Central Avenue and resulting five additional on-street, public parking spaces.
  - Proximity of the site to the proposed Central Avenue Bus Rapid Transit stations on 1st Avenue North and 1st Avenue South at 22nd Street.
  - Proximity of the site to the existing Route 18 stops on 1st Avenue North and 1st Avenue South at 23rd Street.
  - Proximity of the site to the existing Central Avenue Trolley stops at 22nd Street and 24th Street.
  - Proximity of the site to the existing bicycle network including bike lanes on: 1st Avenue North, 1st Avenue South, and 22nd Street; The Pinellas Trail; and the Shared Lane Markings on Central Avenue.
  - Location of the project within the Central Avenue Corridor Activity Center

Thanks,

Kyle Simpson, AICP  
Planner I, Transportation and Parking Management  
City of St. Petersburg  
One Fourth Street North, St. Petersburg, FL 33701  
(727) 893-7151

From: Iris L. Winn  
Sent: Thursday, February 28, 2019 4:08 PM  
To: Michael J. Frederick <michael.frederick@stpete.org>; Thomas M Whalen <tom.whalen@stpete.org>; Kyle Simpson <Kyle.Simpson@stpete.org>; Mark Riedmueller <mark.riedmueller@stpete.org>; Nancy Davis <nancy.davis@stpete.org>; Martha Hegenbarth <martha.hegenbarth@stpete.org>; Troy D. Davis <troy.davis@stpete.org>; Kelly A. Donnelly <kelly.donnelly@stpete.org>; Kirsten J. Corcoran <Kirsten.Corcoran@stpete.org>; Alfred Wendler <Alfred.Wendler@stpete.org>; Aaron M. Fisch <aaron.fisch@stpete.org>  
Cc: Corey D. Malyszka <corey.malyszka@stpete.org>  
Subject: Incoming Case No. 19-32000002 - Special Exception/Related Site Plan (2-Story, 10,270 sq.-ft Building) - 2324 Central Avenue
Good afternoon,

Attached is the Application, Site Plan (included within the Application), Location Map and Routing sheet for Case #19-32000002.

The applicant is seeking approval of a Special Exception and related Site Plan to construct a 2-story 10,270 square-foot building with a 6,040 square-foot micro-brewery. The applicant is requesting a variance to reduce the required parking from 20 to 17 spaces.

This application is currently scheduled to be heard before the Development Review Commission on April 3, 2019, at 2 PM. Please return your comments to Corey Malyszka (at Corey.Malyszka@StPete.org) by March 21, 2019.

Thank you,

Iris Winn
Administrative Clerk, Development Review Services
Planning & Development Services Department
City of St. Petersburg
P.O. Box 2842, St. Petersburg, FL 33731
727-892-5498 / Fax: 727-892-5557
Iris.Winn@stpete.org

Please note all emails are subject to public records law.
Project Location Map
City of St. Petersburg, Florida
Planning and Development Services Department
Case No.: 19-32000002
Address: 2324 Central Avenue
EXISTING CURB CUT TO BE REMOVED
NEW PARKING SPACES TO BE STRIPED

EXISTING TREES

ZERO SETBACK

BICYCLE PARKING

6' HIGH PAINTED STUCCO BLOCK WALL

6' HIGH PAINTED STUCCO BLOCK WALL

BEER GARDEN

ENTRY COURT

RESTAURANT

17 PARKING SPACES

20' ALLEY

UNDERGROUND STORMWATER RETENTION SYSTEM

SITE PLAN
SCALE 1" = 20'-0"

PLACE ARCHITECTURE
www.placearc.com
Grand Central Brewhouse & Restaurant  
2324 Central Avenue  
February 11, 2019

Project Narrative

This application is for site plan approval, special exception approval and variance approval for two new buildings to be located at 2324 Central Avenue. The proposed west building will contain an owner-occupied microbrewery and the proposed east building will contain a shell restaurant building to be leased.

The site is 180 feet wide by 100 feet deep with a total of 18,000 square feet (0.41 acres). Central Avenue is located to the north and a 20-foot wide paved alley to the south. The property is located mid-block. All existing on-site improvements, including two one-story buildings will be removed. The existing curb cut onto Central Avenue is proposed to be removed which will provide space for five new diagonal parking spaces.

Parking for the new project is located perpendicular to the rear alley. There are 17 parking spaces including one handicap accessible space and six compact spaces. There are 38 bicycle parking spaces; eight that are required by the zoning code and an additional 30 that are required because five of the required parking spaces are being converted into additional bicycle parking spaces. Sixteen of the bicycle spaces are in front of the building within the public sidewalk and 20 are in the rear.

The two new buildings are L-shaped and arranged to create a strong street edge along Central Avenue. There is a small entry courtyard between the two buildings that provides access to the two buildings as well as a larger beer and dining garden to the rear. Both buildings have a partial second floor and the facades have been designed to provide a full two-story presence along the public right-of-way. The architecture is a contemporary interpretation of traditional American main street commercial buildings.

A Special Exception is requested to allow a microbrewery within the CCT-2 zoning district. Microbreweries are defined within the St. Petersburg zoning code as having a capacity of less than 15,000 barrels per year. This brewery is designed and sized to produce no greater than 5,000 barrels per year. The microbrewery building has a gross area of 6,040 square feet including the brewery, tap room and second floor game room. This is an appropriate size for the district. All parking, deliveries and trash have been located to the rear of the property in order to minimize disruptions to both pedestrian and automobile traffic on Central Avenue.

A variance is requested to reduce the number of required parking spaces from 20 to 17. Please refer to the Variance Narrative that has provided as part of this application.
TO: Iris Winn, Administrative Clerk, Development Review Services
Jennifer Bryla, Planning & Development Services Department, Zoning Official
Corey Malyszka, Planning & Development Services, Development Review Services

FROM: Nancy Davis, Engineering Plan Review Supervisor

DATE: March 19, 2019

FILE: 19-32000002

LOCATION: 2324 Central Ave
AND PIN: 23/31/16/78390/023/0030
ATLAS: 1-2
PROJECT: Special Exception

REQUEST: Approval of a Special Exception and related Site Plan to construct a 2-story 10,270 square-foot building with a 6,040 square-foot micro-brewery. The applicant is requesting a variance to reduce the required parking from 20 to 17 spaces.

The Engineering Department has no objection to the proposed special exception provided that the following special conditions and standard comments are added as conditions of approval:

SPECIAL CONDITIONS OF APPROVAL:
1. The proposed on-street parking space striping and signage will be reviewed in detail for compliance with current City Engineering Standards and Specifications, State, and Federal regulations as applicable for vehicular safety once civil plans sets are submitted for review. On-street parking striping shall be laid out in conformance with the dimensional requirements of City Land Development Code 16.40.090.3.4(8)(3); note that this may require restriping along the entire block frontage if existing striping does not meet the standards. Standard travel lane width of 12-feet may be reduced to 10-feet with the approval of the City Engineering Director. Striping plans must be prepared, signed, and sealed by the project Engineer of Record and submitted for City Engineering & Capital Improvements departmental review and approval at the time of permitting. Engineering may at that time require modifications to the plan.

2. Similarly, proposed 90-degree parking off the alley must meet the dimensional requirements of City Land Development Code 16.40.090.3.4(B)(3).

3. The scope of this project will trigger compliance with the Drainage and Surface Water Management Regulations as found in City Code Section 16.40.030. Submit drainage calculations which conform to the water quantity and the water quality requirements of City Code Section 16.40.030. Please note the volume of runoff to be treated shall include all off-site and on-site areas draining to and co-mingling with the runoff from that portion of the site which is redeveloped. Stormwater runoff release and retention shall be calculated using the Rational formula and a 10-year 1-hour design storm.

Stormwater systems which discharge directly or indirectly into impaired waters must provide net improvement for the pollutants that contribute to the water body’s impairment. The BMP Trains model shall be used to verify compliance with Impaired Water Body and TMDL criteria.

Prior to approval of a plan, the owner's engineer of record is responsible to verify that existing public stormwater infrastructure has sufficient capacity or will have sufficient capacity prior to issuance of a certificate of occupancy, to convey the drainage flow after considering the current and proposed
infrastructure demand.

4. If an effort to avoid nuisances created by point discharge of stormwater into the public right of way which are created by bubbler type points of overflow into the public right of way, the stormwater design for this project must address the following:

- Site stormwater attenuation and treatment system discharges are to be piped to connect directly to a public storm sewer conveyance system when a conveyance system is reasonably available. When a public stormwater conveyance system is not reasonably available for connection, a bubbler type overflow may be considered; however, since the bubbler creates a point discharge which no longer mimics existing site discharge conditions (sheet flow) but rather creates a point discharge, a more conservative drainage design must be provided requiring the site stormwater system to fully attenuate the City’s 10 year 1 hour design storm prior to allowing any overflow discharge, using a pre-development coefficient of runoff equal to 0.20 (for vacant/undeveloped land rather than using the pre-development site condition). In no case shall a bubbler type overflow discharge exceed more than ½ - 1 cfs and overflow stormwater discharges may not be directed to flow over a public sidewalk or cause a nuisance to adjacent property.

- For a bubbler overflow system to be approved by the city, the Engineer of Record must provide topographical survey information to the City to verify a positive overland flow path to a public stormwater conveyance system.

- A Minor Easement Permit is required for any bubbler type overflow structure to be placed within the public right of way.

5. Per land development code 16.40.140.4.6 (9), habitable floor elevations shall be set per building code requirements to at least two feet above the FEMA elevation. The construction site upon the lot shall be a minimum of one foot above the average grade crown of the road, which crown elevation shall be as set by the engineering director. All ramps and/or stairs or hand rails required for ADA access to the required building floor elevation must remain within the private property boundary.

6. Public sidewalks are required by City of St. Petersburg Municipal Code Section 16.40.140.4.2 unless specifically limited by the DRC approval conditions or unless a variance is approved through the City’s Zoning division.

Within the CCT zoning district, a 6-foot wide public sidewalk is required within the southern parkway of Central Avenue. Any public sidewalk constructed directly adjacent to the road curb must be a minimum of 6-feet in width. Existing sidewalks which do not meet the width required by City Land Development code must be completely removed and replaced per current City Engineering Standards and Specifications.

Sidewalks require curb cut ramps for physically handicapped and truncated dome tactile surfaces (of contrasting color to the adjacent sidewalk, colonial red color preferred) at all corners or intersections with roadways & alleys that are not at sidewalk grade and at each side of proposed and existing driveways per current City and ADA requirements. Concrete sidewalks must be continuous through all driveway approaches. All existing public sidewalks must be restored or reconstructed as necessary to be brought up to good and safe ADA compliant condition prior to Certificate of Occupancy.

7. All existing redundant (abandoned) driveway approaches or drop curbing which exist within the public right-of-way around the perimeter of this project development shall be removed. Pavement surfaces associated with these approaches shall be completely removed from within the right-of-way and any existing drop curbing shall be removed and replaced with a raised curb to match existing curb type per current City Engineering Standards and Specifications.

8. Wastewater reclamation plant and pipe system capacity will be verified prior to development permit issuance. Any necessary sanitary sewer pipe system upgrades or extensions (resulting from proposed new
service or significant increase in projected flow) as required to provide connection to a public main of adequate capacity and condition, shall be performed by and at the sole expense of the applicant. Proposed design flows (ADF) must be provided by the Engineer of Record on the City’s Wastewater Tracking Form (available upon request from the City Engineering department, phone 727-893-7238).

- If an increase in flow of over 3000 gpd is proposed, the ADF information will be forwarded for a system analysis of public main sizes 10 inches and larger proposed to be used for connection (performed by the City).
- The project engineer of record must provide and include with the project plan submittal 1) a completed Wastewater Tracking form, and 2) a capacity analysis of public mains less than 10 inches in size which are proposed to be used for connection.
- If the condition or capacity of the existing public main is found insufficient, the main must be upgraded to the nearest downstream manhole of adequate capacity and condition, by and at the sole expense of the developer. The extent or need for system improvements cannot be determined until proposed design flows and sanitary sewer connection plan and capacity analysis are provided to the City’s for system analysis of main sizes 10” and larger. Connection charges are applicable and any necessary system upgrades or extensions shall meet current City Engineering Standards and Specifications and shall be performed by and at the sole expense of the developer.

9. Submit a completed Stormwater Management Utility Data Form to the City Engineering Department with the submittal of construction plans for permitting. Form available upon request from the City Engineering & Capital Improvements Department front counter, phone 727-893-7238, email Martha.Hegenbarth@stpete.org.

10. A work permit issued by the Engineering Department must be obtained prior to the commencement of construction within dedicated right-of-way or public easement. All work within right of way or public utility easement shall be in compliance with current City Engineering Standards and Specifications and shall be installed at the applicant’s expense in accordance with the standards, specifications, and policies adopted by the City.

11. The applicant will be required to submit to the Engineering Department copies of all permits from other regulatory agencies including but not limited to FDOT, FDEP, SWFWMD and Pinellas County, as required for this project. Plans specifications are subject to approval by the Florida state board of Health.

STANDARD COMMENTS: Water service is available to the site. The applicant’s Engineer shall coordinate potable water and/or fire service requirements through the City’s Water Resources department. Recent fire flow test data shall be utilized by the site Engineer of Record for design of fire protection system(s) for this development. Any necessary system upgrades or extensions shall be performed at the expense of the developer.

Water and fire services and/or necessary backflow prevention devices shall be installed below ground in vaults per City Ordinance 1009-g (unless determined to be a high hazard application by the City’s Water Resources department or a variance is granted by the City Water Resources department). Note that the City’s Water Resources Department will require an exclusive easement for any meter or backflow device placed within private property boundaries. City forces shall install all public water service meters, backflow prevention devices, and/or fire services at the expense of the developer. Contact the City’s Water Resources department, Kelly Donnelly, at 727-892-5614 or kelly.donnelly@stpete.org. All portions of a private fire suppression system shall remain within the private property boundaries and shall not be located within the public right of way (i.e. post indicator valves, fire department connections, etc.).

Plan and profile showing all paving, drainage, sanitary sewers, and water mains (seawalls if applicable) to be provided to the Engineering Department for review and coordination by the applicant’s engineer for all construction proposed or contemplated within dedicated right of way or easement.
All required improvements shall be installed at the applicant's expense in accordance with the standards, specifications, and policies adopted by the City. A work permit issued by the City Engineering Department must be obtained prior to the commencement of construction within dedicated right-of-way or public easement.

The project Engineer will be required to develop a site specific Maintenance of Traffic plan in compliance with FDOT “Uniform Traffic Control Devices for Streets and Highways” and “Roadways and Traffic Design Standards for City approval prior to initiating construction. The plan shall provide for pedestrian and vehicular safety during the construction process and shall minimize the use of the public right of way for construction purposes. Approval of proposed roadway travel lane closures is discouraged and will be at the discretion of the City’s Engineering director pending receipt of adequate justification. The Maintenance of Traffic plan shall be prepared in compliance with City Engineering’s “Maintenance of Traffic Plan Requirements”, available upon request from the City Engineering & Capital Improvements department. Proposed use of on-street public parking spaces for construction purposes must receive prior approval from the City’s Transportation and Parking Management division. Refer to the City’s “Parking Meter Removal & Space Rental Policy During Construction” procedure, available upon request from the City Transportation and Parking Management department. Redevelopment within this site shall be coordinated as may be necessary to facilitate any City Capital Improvement projects in the vicinity of this site which occur during the time of construction.

Development plans shall include a grading plan to be submitted to the Engineering Department including street crown elevations. Lots shall be graded in such a manner that all surface drainage shall be in compliance with the City's stormwater management requirements. A grading plan showing the building site and proposed surface drainage shall be submitted to the engineering director.

Development plans shall include a copy of a Southwest Florida Water Management District Management of Surface Water Permit or Letter of Exemption or evidence of Engineer's Self Certification to FDEP.

It is the developer's responsibility to file a CGP Notice of Intent (NOI) (DEP form 62-21.300(4)(b)) to the NPDES Stormwater Notices Center to obtain permit coverage if applicable.

Submit a completed Stormwater Management Utility Data Form to the City Engineering Department.

The applicant will be required to submit to the Engineering Department copies of all permits from other regulatory agencies including but not limited to FDOT, FDEP, SWFWMD and Pinellas County, as required for this project. Plans specifications are subject to approval by the Florida state board of Health.
Greg Glenn

Subject: FW: 2324 Central - zoning meeting - emails with David Foote

From: Kevin Milkey <kmilkey1@gmail.com>
Sent: Monday, January 14, 2019 11:41 AM
To: Tim Clemmons <Tim.C@placearc.com>
Subject: Fwd: 2324 Central - zoning meeting

This is the correspondence with David Foote.

---------- Forwarded message ----------
From: DAVID FOOTE <gcda@grandcentraldistrict.org>
Date: Tue, Dec 4, 2018 at 2:17 PM
Subject: Re: 2324 Central - zoning meeting
To: Kevin Milkey <kmilkey1@gmail.com>

Hi Kevin. Thank you for the update. The few folks that I have mentioned it too are very excited about a Beer Garden and being a local owner. And especially about demolition 🏗️. (Now if I can just get you to buy Shami's next door LOL)

Just keep me posted.

I look forward to meeting when its underway

David

From: Kevin Milkey <kmilkey1@gmail.com>
Date: Tuesday, December 4, 2018 at 2:04 PM
To: David Foote <gcda@grandcentraldistrict.org>
Subject: 2324 Central - zoning meeting

Hi David

I just wanted to give you a quick update from my e-mail last week.

Tim, my architect, met with Jennifer Bryla and Corey Malyska of the city's zoning, planning and development departments. The meeting went well and they are very positive about the project.
As mentioned in my prior e-mail, I plan to demolition the existing building.

Do you have any concerns or questions about the project plan for the lot?

Regards,

Kevin Milkey
727-560-2740

From: Kevin Milkey <kmilkey@asicorp.org>
Date: Thu, Nov 29, 2018 at 2:39 PM
Subject: Re: 2324 Central Avenue
To: <gcda@grandcentraldistrict.org>

Hi David

Thanks for reaching out. It’s not an intrusion at all. You had my current work e-mail. My personal e-mail is kmilkey1@gmail.com.

The primary plan is to build a craft brewery with a tasting room, and second floor space. I will be the owner operator of the brewery. I also plan to build out a shell for a restaurant space next to the brewpub. I plan to rent out the restaurant space to, ideally, a restaurateur selling food that pairs well with the beer. (I do not want to be in the restaurant business). There will also be a beer garden in the back of the brewery between the brewery and restaurant space.

I’m working with the architect Tim Clemmons on the project.

I’ve been eager to demolish to Taco Bus building, but it’s been held up in the city permitting dept.

Please let me know if you have any additional questions.

Regards,

Kevin Milkey

On Thu, Nov 29, 2018 at 12:15 PM DAVID FOOTE <gcda@grandcentraldistrict.org> wrote:

Hi Mr. Milkey. I don’t know if this is your correct email. If this reaches you, please pardon the intrusion.

I am the Exec Director of the Grand Central District. I am just trying to find out any information for development plans for the former Taco Bus location (2324 Central) that you purchased.

My office is very active in assisting businesses and property owners to help grow the District.

When you can share any info, I would greatly appreciate that.
And if my office can assist you, please let me know.

Thank you for your time.

David

DAVID R. FOOTE
Executive Director

GRAND CENTRAL DISTRICT ASSOCIATION

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St. Petersburg, FL 33713

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www.grandcentraldistrict.org

The historic Grand Central District is an official member of Main Street America™ and a Florida Main Street Community.

Follow us on Facebook, or Instagram.

Join our Facebook GCDA Information Group page to keep up with the latest information, news and meetings that affect the District.
Hi Corey,
I received your notice regarding the hearing for 2324 Central Ave on April 4th. As proposed in the letter, the Grand Central District supports this special exemption and will be at the public hearing.
As this is my first time address this type of request, what do you require from me prior to the hearing?

Thank you for your time

David Foote

David Foote  
Executive Director / Main Street Manager  
Grand Central District  
gcda@grandcentraldistrict.org  
www.GrandCentralDistrict.org