LOCAL PLANNING AGENCY
THURSDAY, AUGUST 20, 2026 – 2:00 PM
10451 GULF BOULEVARD TREASURE ISLAND, FL 33706

MEETING NOTICE AND AGENDA

This meeting will immediately follow the Planning and Zoning Board Meeting

1. **MEETING CALLED TO ORDER BY PRESIDING OFFICER**
2. **PLEDGE ALLEGIANCE**
3. **CELL PHONE ANNOUNCEMENT**
4. **ROLL CALL**
5. **APPROVAL OF MINUTES**
6. **PRESENTATION OF ITEMS**

6.A Review of Ordinance 2026-16 – Establishing Chapter 61, Procedures
Final Ordinance 2026-16 Chapter 61 Procedures.pdf
Res 2026-04 Ord 2026-16 Chapter 61 Procedures.pdf
Business Impact Estimate - Ord 2026-16.pdf

6.B Review of Ordinance 2026-17 - Amending Chapter 68, Zoning Regulations
Ordinance 2026-17 Chapter 68 Revised 7 24 header.pdf
Exhibit A to Ord 2026-17 Chapter 68.pdf
Res 2026-05 Ord 2026-17 Chapter 68 Zoning.pdf
Business Impact Estimate - Ord 2026-17.pdf

6.C Review of Ordinance 2026-18 - Chapter 72, Landscaping
Final Ordinance 2026-18 Chapter 72 Landscaping.pdf
Res 2026-06 Ord 2026-18 Chapter 72 Landscaping.pdf
Business Impact Estimate - Ord 2026-18.pdf

6.D Review of Ordinance 2026-19 – Amending Chapter 74, Subdivisions
Final Ordinance 2026-19 Chapter 74 Subdivisions.pdf
Res 2026-07 Ord 2026-19 Chapter 74 Subdivision.pdf
Business Impact Estimate - Ord 2026-19.pdf

7. LOCAL PLANNING AGENCY ISSUES, COMMENTS, OR DISCUSSION

8. REPORTS OF CITY ATTORNEY, STAFF AND BOARD MEMBERS

9. NEXT LPA MEETING

10. PUBLIC COMMENTS

11. ADJOURNMENT

One or more City Commissioners may be in attendance. For any person desiring to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based [F.S. 286.0105]. NOTE: Any transcript shall be requested and made by the individual requesting same at his or her own expense. Therefore, a court reporter may be desired or required accordingly.

Any person with a disability who needs any accommodation in order to participate in this proceeding is entitled to assistance at no cost. Please contact the Office of the City Clerk in writing at 10451 Gulf Boulevard, Treasure Island, FL, 33706 or by phone at (727) 547-4575 at least two working days prior to the meeting to advise what assistance is needed.

AGENDA ITEM NO. 6.A

Item Cover Page

LOCAL PLANNING AGENCY AGENDA ITEM REPORT

DATE: August 20, 2026

SUBMITTED BY: Braydon Evans, Community Development

ITEM TYPE: Presentations

AGENDA SECTION: PRESENTATION OF ITEMS

SUBJECT: Review of Ordinance 2026-16 – Establishing Chapter 61, Procedures

BACKGROUND:

As part of the City's comprehensive Land Development Regulations update, a new Procedures chapter has been created to consolidate the administrative, legislative, and quasi-judicial land development review procedures that were previously dispersed throughout the Land Development Regulations. This restructuring is intended to increase brevity, reduce redundancy, and improve the public's and applicants' understanding of how development applications are processed by the City.

The creation of a standalone Procedures chapter further supports consistency with the Comprehensive Plan by establishing clear, uniform application, review, and approval procedures that align with the standards contained throughout the Land Development Regulations.

This new chapter additionally addresses procedural conflicts and discrepancies identified by City staff, providing a single, centralized reference for development review procedures applicable across all chapters of the Land Development Regulations.

POLICY/PURPOSE: This ordinance establishes a dedicated chapter for procedures associated with the Land Development Regulations by consolidating procedural requirements from throughout the Land Development Regulations into a single chapter. Adoption

	of this ordinance improves the transparency, consistency, and administration of the City's development review process.
STRATEGIC PLAN RELEVANCE:	Bold Action 1: Perform a review of local ordinances and Land Development Regulations Bold Action 2: Update the City's Comprehensive Plan, Local Ordinances and Land Development Regulations
ANALYSIS/DISCUSSION:	The proposed amendments included in this ordinance were developed over an approximately 24-month timeline through contracted services with Kimley-Horn as the City's land use planning consultant. The project extended beyond the initially anticipated schedule due to staffing impacts resulting from the 2024 hurricane season. This effort has culminated in four proposed amendments to the Land Development Regulations. The creation of this chapter consolidates procedures previously dispersed throughout the Land Development Regulations. This ordinance establishes a single, consistent procedural framework governing how land development applications are submitted, reviewed, and approved.
FUNDING:	No further funding is required for this phase of the project.
MOTION:	I move to approve Resolution 2026-04 recommending approval of Ordinance 2026-16 to the City Commission.

ATTACHMENTS:
Final Ordinance 2026-16 Chapter 61 Procedures.pdf
Res 2026-04 Ord 2026-16 Chapter 61 Procedures.pdf
Business Impact Estimate - Ord 2026-16.pdf

ORDINANCE 2026-16

AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, CREATING CHAPTER 61, "PROCEDURES," OF THE CITY OF TREASURE ISLAND LAND DEVELOPMENT REGULATIONS; CONSOLIDATING AND RELOCATING PROCEDURAL, ADMINISTRATIVE, QUASI-JUDICIAL, SITE PLAN REVIEW, SUBDIVISION, APPEAL, AND DEVELOPMENT REVIEW PROVISIONS FROM MULTIPLE CHAPTERS OF THE LAND DEVELOPMENT REGULATIONS INTO A UNIFIED PROCEDURES CHAPTER; PROVIDING FOR REORGANIZATION, CLARIFICATION, INTERNAL CONSISTENCY, AND IMPROVED ADMINISTRATION OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT, PROVIDING FOR CODIFICATION, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Treasure Island, Florida, is authorized to adopt and amend land development regulations pursuant to Chapter 163, Florida Statutes; and

WHEREAS, the City's existing land development procedures, review processes, administrative provisions, and quasi-judicial procedures are currently dispersed throughout multiple chapters and articles of the City Code; and

WHEREAS, the City has undertaken a comprehensive review and reorganization of its land development regulations in order to improve clarity, efficiency, consistency, usability, and administrative effectiveness for applicants, residents, City staff, boards, and the public; and

WHEREAS, the City Commission finds that consolidating procedural and administrative provisions into a single unified procedures chapter will improve the interpretation, administration, and application of the City's Land Development Regulations; and

WHEREAS, the creation of Chapter 61 is intended to centralize procedures relating to development applications, administrative reviews, quasi-judicial proceedings, site plan review, subdivision review, variances, appeals, notices, and related land development processes; and

WHEREAS, the proposed amendments reorganize and relocate provisions from existing Chapters 68, 70, 74, and related sections of the City Code into a coordinated procedural framework intended to reduce duplication, improve internal consistency, and provide clearer guidance regarding development review processes and decision-making authority; and

WHEREAS, the amendments further establish updated procedures for development review committees, Planning and Zoning Board procedures, administrative waivers, zoning verification letters, site plan review applications, subdivision procedures, special event permits, and appeals from administrative decisions; and

WHEREAS, the City Commission finds that the amendments contained herein are consistent with the goals, objectives, and policies of the City's Comprehensive Plan and further the public health, safety, and welfare of the citizens of the City of Treasure Island; and

WHEREAS, the Planning and Zoning Board, acting as the Local Planning Agency for the City of Treasure Island, conducted a duly noticed public hearing on the proposed amendments and reviewed the Ordinance for consistency with the Comprehensive Plan and applicable law.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF TREASURE ISLAND:

Section 1. The recitals set forth above are true and correct and adopted herein by reference as legislative findings by the City Commission of the City of Treasure Island, Florida, for the adoption of this Ordinance.

Section 2. Chapter 61 of the Code of Ordinances of the City of Treasure Island, Florida, is hereby created and shall read as shown in Exhibit A:

(Underlined terms are additions; ~~stricken~~ terms are deletions from the original text)

NOTE: ~~strike-through~~ text as shown in companion Ordinances 2026-17, 2026-18, 2026-19; is relocated and reorganized and shown as underlined text in new Chapter 61 Exhibit A hereto.

Section 3. All ordinances in conflict herewith are repealed to the extent necessary to give this ordinance full force and effect.

Section 4. Should any section, paragraph, clause, sentence, item, word or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part hereof, not so declared to be invalid.

Section 5. It is the intent of the City Commission that the provisions of this Ordinance shall become codified and made a part of the Code of Ordinances of the City of Treasure Island, Florida, and the sections cited in this Ordinance may be renumbered, reformatted or re-lettered to accomplish such intention.

Section 6. This Ordinance shall become effective immediately upon its passage.

CITY OF TREASURE ISLAND, FLORIDA

FIRST READING and PUBLIC HEARING on the ____ day of _____, 2026.

SECOND READING and PUBLIC HEARING on the ____ day of _____, 2026.

PUBLISHED in the Tampa Bay Times on the ____ day of _____, 2026.

_____
John Doctor, Mayor

Attest:

_____
Lisa-Marie V. Kennedy, Clerk

Approved as to Form:

_____
Vose Law Firm, City Attorney

EXHIBIT A

(Underlined terms are additions; ~~stricken~~ terms are deletions from the original text)

NOTE: Strike-Through sections from Chapter 68, 70, 74 are shown in as ~~strike-through~~ text in companion Ordinances 2026-17, 2026-18, 2026-19 and are shown is relocated and reorganized text and shown as underlined text in [new] Chapter 61 below:

Chapter 61 Procedures

ARTICLE I. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 61-1. Administrative official.

The city commission hereby designates the city manager, as defined, as the administrative official charged with the responsibility for administering and enforcing this chapter. As provided for, this responsibility and authority shall remain with the city manager or designee.

Sec. 61-2.-General procedure.

All persons desiring to undertake new construction, structural alteration, or changes in the use of a building or lot for any commercial or multiple-family dwelling, townhouse development or any development abutting the Gulf, shall first attend a pre-development review committee meeting to facilitate and expedite the building application permitting process. All persons desiring to undertake any new construction, structural alteration, or changes in the use of a building or lot shall apply to the city manager or designee for a certificate of concurrency, building permit and certificate of occupancy or statement of zoning compliance by filling out the appropriate application form and by submitting the required fee, as set by the city commission in appendix A. The city manager or designee will then either issue or refuse the building permit or refer the application to the city commission or the planning and zoning board to obtain an approved development order. After the building permit has been received by the applicant, he may proceed to undertake the action permitted in the building permit. If the city manager or designee finds that the action of the applicant has been taken in accordance with the building permit, he will then issue a certificate of occupancy or a statement of zoning compliance allowing the premises to be occupied and/or utilized.

Sec. 61-3. Summary Development Process Table.

The summary development process table lists each development review process under these Land Development Regulations and the review and decision-making bodies involved in the decision-making process. Processes are organized by legislative, quasi-judicial, and administrative processes.

Table 1 - Summary Development Process Table

Review Process	City Code Section	Review and Decision-Making Bodies			
		City Staff	Planning & Zoning Board	Local Planning Agency	City Commission
Division 1: Administrative Process					
Administrative Waivers	Section 61-57	DM	<A>		
Building Permits	Chapter 8	DM	<A>		
Certificate of Occupancy	Section 61-55	DM	<A>		
Floodplain Development Permit	Section 66-103.3	DM	<A>		
Food Truck Special Event Permits	Section 61-52	DM	<A>		
Grounds Permit	Section 72-38	DM			<A>
Zoning Verification Letter	Section 61-56	DM	<A>		
Lot Line Adjustment	Section 61-59	[DM]			
Plat Review, *Preliminary*	Section 74-3 and 61-58	[DM]			
Plat Review, *Final*	Section 74-3 and 61-58	[DM]			
Sign Permit	Section 73-35	DM	<A>		
Special Event Permit	Section 61-53	[DM]			<A>
Special Event Parking Permit	Section 68-486(n)	DM			<A>
Temporary Parking Permit	Section 68-541(m)	DM	<A>		
Tree Removal Permit	Section 72-111	DM			<A>
Unity of Title	Section 61-60	DM			
Wireless Communication Antennae & Support Structures	Sections 68-464 and 68-465	DM			<A>
Zoning Permit	Section 61-2	DM	<A>		
Division 2: Quasi-Judicial Process					
Rezoning	Section 61- 83	[R]		<R>	<DM>
Site Plan Review	Section 61-82	[R]	<DM>		<A>
Modifications to a Previously Approved Site Plan, *All types other than minor*	Section 61-82	[R]	<DM>		<A>

Special Exception Uses, *all types other than those related to development in the CG district that would have the effect of removing property from the tax rolls of the city.*	Section 61-84 and 61-61(d)	[R]	<DM>		<A>
Special Exception Uses, *Related to development in the CG district that would have the effect of removing property from the tax rolls of the city.*	Section 61-84(c)	[R]	<R>		DM
Variances *excluding parking (number or size of space), building height, and waterfront yards abutting the Gulf of Mexico or public beach.*	Section 61-85	[R]	<DM>		<A>
Division 3: Legislative Process					
Comprehensive Plan and Future Land Use Map Amendment	Section 61-99	[R]		<R>	<DM>
Development Agreements	Section 61-101	[R]		<R>	<DM>
Land Development Regulation Text Amendment	Section 61-100	[R]		<R>	<DM>
Vacation of Easement/Right-of-Way	Section 61-102	[R]		<R>	<DM>
Variances inclusive of parking (number or size of space), building height, and waterfront yards abutting the Gulf of Mexico or public beach.	Section 61-85	[R]			<DM>
KEY: R = Review Body, DM = Decision-Making Body, A = Authority to Decide Appeals, [] = Pre-Application Meeting Required, <> = Public Hearing Required					

Sec. 61-4. Notice provisions.

To ensure compliance with Florida law and promote transparency, each associated application establishes minimum public notice requirements for legislative and quasi-judicial actions considered by the City Commission, Planning and Zoning Board and other applicable bodies, as may be applicable.

Sec. 61-5. Amendment and Variance Fees

Any application for a change to the city zoning map, application for change of zoning district, or application for a variance, shall be submitted on a form as prepared by the city and submitted to the city manager or designee, and shall be accompanied by a fee as set by the city commission in appendix A.

Sec. 61-6. Withdrawal of application; closure of application.

(a) An applicant may withdraw their application at any time prior to a final decision either by written request prior to a hearing or by verbal request made at the hearing prior to a final decision.

(b) An owner of property with an approved development order or permit other than a plan amendment or rezoning may request that the approved development order or permit be deemed abandoned. Once an approved development order or permit is abandoned, the approval shall become null and void and the property shall be treated as if the approval had never occurred. Thereafter, the owner shall not be allowed to perform any work pursuant to the approval. The owner shall apply for any required development order or permit before performing any work on the property.

(c) If an applicant has not taken any action to seek final approval decision under this code on its complete application for more than six months, the city manager may terminate and close the complete application after providing no less than 30 days advanced written notice to the applicant and the property owner.

Sec 61-7. Violations and enforcement

(a) City code enforcement officers are hereby authorized to enforce this chapter and any conditions of approval contained in any approved development order or approved site plan pursuant to the supplemental county or municipal code or ordinance enforcement procedures set forth in F.S. § 162.21, as same may be amended from time to time. The city code enforcement officers are authorized and directed to strictly enforce this chapter in accordance with Chapter 2 of the city code. When the code enforcement officer has reasonable cause to believe, based upon personal investigation, that a person has committed a violation of this chapter, the city code enforcement officer is hereby authorized to issue a citation.

(b) Violation. Each day any violation of any provision of this article shall continue shall constitute a separate offense.

(c) In addition to the civil penalties provided, the city commission is hereby authorized to institute any appropriate action or proceeding, including a suit for injunctive relief, in order to prevent or abate violations of this article.

(d) The city building official, community development department, fire inspector and police are also granted the authority to enforce to issue stop work orders, revoke approvals for

significant violations of approval conditions, close unsafe facilities that pose a danger to persons and the public health, safety and welfare, and enforce any conditions of approval contained in any approved development order or approved site plan or other provisions of this Land Development Code.

Secs. 61-8-61-20. Reserved.

DIVISION 2. BOARDS AND DUTIES

Sec. 61-21. Purpose.

The purpose of this division is to establish a development review committee (DRC), a planning and zoning board (P&Z), local planning agency (LPA) and a city commission in order to expedite development throughout the city. The boards shall have different duties outlined in their respective sections of these regulations. The DRC is understood to be staff review for the purpose of these Land Development Regulations.

Sec. 61-22. Development Review Committee (DRC).

The intent of this section is to create a DRC in order to expedite permitting and plan approvals by reviewing site and building plans prior to permit application submittal and may serve as the required pre-application meeting, required in these regulations. The DRC is a staff administrative and technical committee which reviews policy and technical issues raised by development and redevelopment projects within the city. The DRC's review is not an approval or denial and will not serve as a recommendation for approval or denial of the application. Digital plans shall be submitted no later than close of business one week before the scheduled DRC meeting and those plans must include:

(a) Construction plans with scale showing site dimensions, structure location, setbacks, parking areas, interior floor plans with overall dimensions; and building elevations with heights, shown from base flood elevation inclusive of the Height Adjustment Factor. Plans may be unsigned and unsealed; and

(b) Site plan or survey showing existing structures.

The city manager or designee may waive any of these submittal requirements if deemed unnecessary for the type of development application submittal and review.

Sec. 61-23. Planning and Zoning Board (P&Z).

(a) Created. There is hereby created a planning and zoning board which is hereby designated by the City Commission as the Local Planning Agency (LPA) of the city which board shall consist of seven members and two at-large alternates who shall be appointed by the city commission.

(b) Qualifications.

a. The members of the planning and zoning board shall be residents of the city.

b. No member of the planning and zoning board shall be an elected or appointed officer or an employee of the city or hold any other position in the city government. Applicants must not have any unresolved or significant prior code violations within the City of Treasure Island. Serving members of the Board are expected to maintain

compliance with all applicable city codes. Any verified violation of city codes during their term may be considered grounds for dismissal from the Board.

(c) Terms.

a. Members of the planning and zoning board shall be appointed for overlapping terms of three years each, and each appointment shall run from the time of the appointment and until such appointees' successors are duly qualified.

b. There shall be one member of the planning and zoning board appointed from each election district from within the city, who shall be appointed by the city commission based upon the recommendation from the city commissioner elected from that district.

c. Redistricting may, on occasion, affect a member's appointment in the middle of his/her term. In that event, any commissioner may appoint or reappoint any citizen, notwithstanding that said citizen resides outside of the appointing commissioner's district due to redistricting for the purpose of filling the remainder of the unexpired term.

d. In addition, there shall be one member appointed from the city at large, who shall be appointed by the city commission based upon the recommendation of the mayor.

e. There shall be two members appointed from the city at large, who shall be appointed by the city commission, based upon the recommendation of any member of the city commission.

f. There shall be two at-large alternate members appointed from the city at-large, who shall be appointed by the city commission based upon the recommendation of any member of the city commission and be designated as either alternate one or alternate two.

g. The alternate members may attend the meetings of the planning and zoning board, and may participate in the discussion of any matter, but shall only vote on any matter when a board member is unavailable, either by absence or inability to vote on a matter. Alternate one shall be the first alternate to vote when a board member is unavailable. Alternate two shall be the second alternate to vote when alternate one is unavailable or when a second board member is unavailable. When serving on the planning and zoning board in the absence of an appointed member, the alternate member shall follow the regulations and procedures as set forth in the City of Treasure Island Land Development Code Article I, Planning and Zoning Board.

h. No appointed member shall serve longer than six consecutive years, unless, upon the sixth-year expiration there is no available and qualified candidate to replace said expiring member, in which case, the expiring member may be reappointed for additional terms without a term limitation, provided that the vacancy continues to be publicly advertised until filled and replacement is approved and the new member is sworn into the vacant position. Partial terms and terms as alternate members shall not be counted toward the six-year term limitation. All members shall take an oath upon appointment.

Editor's note(s)—Section 4 of Ord. No. 12-15 states, "That in the event vacancies occur by virtue of the term limits imposed herein, and no replacement candidates are available and qualified to fill said vacancies, then, and in that event, the Commission may allow the expired Board or Committee member to serve an additional term beyond the six (6) year term limit. The purpose of this Section is to preserve the continued viability of all Boards and Committees.

(d) Compensation. Members of the planning and zoning board shall serve without compensation except as may be otherwise provided by ordinance or resolution of the city commission from time to time duly enacted, passed and adopted.

(e) Officers; meetings; quorum.

a. Officers. The planning and zoning board shall elect annually, at the first meeting in September, a chairman, and a vice-chairman from among its members. The recording secretary shall be a member of the administrative staff of the city.

b. Meetings, quorum. The board shall meet at such times and places as the board chair, city manager, or majority of the board may direct. A majority of the seated board membership shall constitute a quorum for the transaction of business. Special meetings of the board may be called by the chairman, city manager or by a majority of the seated board membership. Notices of such meetings shall be given in writing to each member of the board by the chairman or by the secretary. The concurring vote of a majority of those members of the board, present and voting, shall be necessary in order to recommend, pass or adopt any proposal presented to the board. The seated board membership shall be defined as the duly established and appointed board membership.

c. Rescheduling. In the event of a lack of quorum, the chairman shall immediately schedule a new meeting date and time, to be held as soon as possible. The date and time of such rescheduled meeting shall be announced at the time of the originally scheduled meeting, and shall be posted on the bulletin board in City Hall. Any such notice shall constitute sufficient notice to any persons or adjacent property owners for whom notice of the meeting was required, and it shall not be necessary that notice of the rescheduled meeting be sent to any such property owners. In the event the chairman is not present, the city manager shall announce the time of the rescheduled meeting. In the event of an emergency or a lack of items requiring public hearing, or city scheduling or technical difficulties the city manager may cancel and reschedule a meeting of the board.

(f) Vacancies. Whenever any vacancies occur on the board, the chairman shall so notify the city commission which shall appoint a successor to fill the unexpired term.

(g) Removal. The city commission may remove any member of the planning and zoning board.

(h) Rules of procedure; records; budgets and expenditures; contracts with consultants.

a. The planning and zoning board may adopt rules and regulations or procedures for the administration of this chapter, the government of its office, and for its transaction, findings and determinations.

b. The board shall keep minutes of its proceedings, showing the vote of each member upon each question. If a member is absent or fails to vote, such fact shall be recorded. It shall keep records of all of its official actions filed in the office of the city clerk.

c. The planning and zoning board and Local Planning Agency board shall file its estimate of expenses for the ensuing fiscal year with the city commission on or before July 15. The amount of appropriations for the planning and zoning board shall be at the discretion of the city commission, and the expenditures of the planning and zoning board shall be within the amounts appropriated for the purpose.

d. Subject to the prior approval by the city commission, the board may contract with city planners and other consultants for such services as it may require.

(i) Duties.

a. The planning and zoning board shall review, approve, approve with modifications, or deny, all site plans and site plan amendments required by this Code.

b. The planning and zoning board shall hear and decide appeals to administrative decisions where it is alleged there is error in any order, requirement, decision or determination made by the city manager in the enforcement of the land development regulations.

c. The planning and zoning board shall hear and decide special exceptions to the terms of the zoning district upon which the board is required to pass as required in the land development regulations.

d. The planning and zoning board shall authorize, in specific cases, such variance from the terms of the land development regulations as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the land development regulations will result in unnecessary hardship. The planning and zoning board shall not, and does not, have the power to grant variances to: density, parking (number or size of spaces), building height, and waterfront yards abutting the Gulf of Mexico or public beach.

e. The planning and zoning board shall serve as and constitute the local planning agency as required by Florida Statutes § 163.3174. It shall be the function and duty of the local planning agency to review and recommend to the city commission findings and recommendations concerning legislative actions and findings of consistency with the comprehensive plan goals, objectives and policies and compliance with the land development regulations for the following:

1. Adoption of amendments to the comprehensive plan;

2. New land development regulations as well as amendments, changes, modifications of existing land development regulations;

3. New development agreements, as well as amendments, changes, modifications of existing development agreements; ~~and~~

4. Actions on rezoning applications;

Such plan, with accompanying maps, plats, charts and descriptive and explanatory matter shall show the board's recommendations for the physical development of the city, and may include, among other things, the general location, character and extent of streets, bridges, causeways, viaducts, docks, wharfs, marinas, boat basins, parks, parkways, waterways, waterfronts, beaches, playgrounds and recreational areas and other public ways, grounds, places and spaces, the general location of public buildings and other public property, the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, light, power, sanitation, transportation, communication and other purposes. The removal, relocation, widening, extension, narrowing, vacating, abandonment, change of use, or extension of any of the foregoing public ways, grounds, places, spaces, buildings, properties or utilities; and a land use plan for the regulation of the height, area, bulk, location and use of private and public utilities and premises, and of the population density may be included.

5. Vacation of easements and/or right-of-way;

6. The LPA shall conduct public hearings as required by law and ensure public participation in the planning process;

7. The LPA shall ensure that all recommendations are consistent with the adopted Comprehensive Plan and the goals and objectives of the City of Treasure Island; and

8. The LPA shall perform such other functions as the city commission shall determine.

(j) Power to make reports, require information, enter property, plan for disaster areas, exercise necessary powers.

a. *Reports, recommendations.* The planning and zoning board may make reports and recommendations relating to the planning and development of the city to public officials and agencies, public utilities, civic, professional and other organizations and the citizens of the city. It may recommend, to the city commission, programs for public improvements and the financing thereof.

b. *Require information.* The planning and zoning board shall have the power to require information from the city manager of the city who shall, upon request, furnish such information to the board within a reasonable time.

c. *Redevelopment, reconstruction.* The planning and zoning board may make recommendations for a plan for the replanning, reconstruction or redevelopment of any area or zoning district which may be destroyed, in whole or in part, or seriously damaged by fire, earthquake, hurricane, windstorm, tornado, flood tides or waters, or other disasters or acts of God.

d. *Generally.* In general the planning and zoning board shall have such powers as may be necessary to enable it to perform its purposes and to promote municipal planning.

(k) Public hearing. Prior to taking action, the planning and zoning board shall hold a public hearing at which time all interested parties shall be heard.

(l) Responsibilities of applicant; notice to property owners.

a. After the city's acceptance of an application for planning and zoning board action, it shall be the responsibility of the applicant to notify all property owners within a 200-foot radius of his property lines. Proof of such notification shall be provided by the applicant to the Community Development Director or designee not less than seven days prior to the date of the hearing. Acceptable forms of proof shall include certified mailing, return receipt requested, and certificate of mailing.

b. Copies of the public notice shall be provided by the city clerk.

c. The Community Development Director or designee shall notify the applicant of the decision of the planning and zoning board in writing not later than ten working days after the hearing.

(m) Notice of action by city. The subject property shall be posted by the city at least seven days prior to the hearing indicating the date, time, place and nature of the hearing with a sign at least 2 x 3 feet on each adjacent street.

Sec. 61-24. City Commission.

(a) General Authority. The City Commission holds final decision-making authority regarding the enactment and development of the Comprehensive Plan and these Land Development Regulations, except where such authority is expressly delegated to another board. The City Commission retains the authority to render final decisions on development applications as assigned to the City Commission by these Regulations.

(b) Specific Review Authority.

(1) Final Decision Authority. The City Commission, through public hearings, has final authority over all legislative applications and certain quasi-judicial matters. Its powers and duties include:

a. To initiate, adopt, and amend a comprehensive plan;

b. To initiate amendments to the text and map of these Land Development Regulations;

c. To hear, review, and adopt amendments to the text of these Regulations after a recommendation of the local planning agency;

d. To approve, deny, or amend applications for development approval, excluding appeals and variances, which have been delegated to the Planning and Zoning Board;

e. To approve, deny, or amend applications for development agreements;

f. To take such other action not expressly delegated exclusively to the Planning and Zoning Board;

g. To approve, deny or amend applications for vacation of easements and rights-of-way; and

h. To determine consistency of development applications with the duly-adopted comprehensive plan for any development applications heard by the City Commission.

Secs. 61-25-61.50. Reserved.

ARTICLE II. APPLICATIONS AND PROCEDURES

DIVISION 1. ADMINISTRATIVE DECISIONS

Sec. 61-51. Generally.

The purpose of this section is to prescribe procedures for development approvals that do not require quasi-judicial or legislative notice. A public hearing is not required for development approvals set forth in this section.

Sec. 61-52. Food truck special event permits.

(a) *Applicability.* Food truck special events are gatherings of more than two class I, class II, or class III mobile food trucks in one location on a date certain and shall require food truck special event approval. It is a violation of this Code for a food truck to sell any product at any location or in any manner that is not in compliance with the requirements

of this section and the requirements of state law. The provisions of this section shall not apply to a food truck operating pursuant to a special event permit.

(b) *Location.* Permitted is all non-residential zones. All events on City Property are done through a separate approval process with the Parks and Recreation Department.

(c) *Application.* An application for a food truck special event permit shall include the following information in addition to the information generally required for a zoning permit application:

(1) A site plan of the subject property;

(2) Written description of the temporary use and anticipated hours of operation;

(3) In order to secure sufficient information and assurances to determine the suitability of the proposed temporary use, the following may be required:

a. Documentation from the county health department regarding arrangement for temporary sanitary facilities.

b. Information concerning length of operation.

c. Provision for adequate parking.

(d) Procedure.

(1) The application shall be filed at least 30 days prior to the date on which the special event is to take effect.

(2) Upon receipt of the application, the Community Development Director or designee shall determine whether the application conforms to all applicable requirements contained in the Land Development Regulations.

a. If it is determined that there will be substantial adverse offsite impacts, public notice to property owners within 200 feet of the location shall be required. The decision to require public notice shall be made within five days of receipt of the completed application. The applicant shall be responsible for all required notice to property owners. Notice shall be provided a minimum of 15 days in advance of the event.

(3) If it is determined that the application sufficiently complies with the standards for a food truck special event and that appropriate measures have been taken to protect the public health, safety, and welfare, the food truck special event approval shall be issued. If it is determined that the application is not in compliance, the Community Development Director or designee shall identify the application's deficiencies and deny the application. An application denial shall be in writing and provided to the applicant within 15 days of receipt of a complete application.

(4) In order to protect the health, safety, and welfare or the general public, or to obtain compliance with local, state, or federal laws, special conditions and restrictions may be added, which shall be binding upon the applicant, to any permit or other form of approval which may be issued. Such conditions and restrictions may include, but are not limited to, hours of operation, locations, parking, traffic access, and safety requirements. All food truck events shall comply with the following conditions:

a. No permanent or temporary lighting shall be installed without an electrical permit and an inspection;

b. No structures shall be erected without a building permit and required inspections;

c. The site shall be cleared of all trash and debris at the end of the event and cleared of all temporary structures within five days after the end of the event. The site shall be restored to its previous condition within 14 days after the end of the event.

d. Traffic control and pedestrian safety in the vicinity of the event shall be the responsibility of the permittee of the event. The city costs for these services shall be estimated and paid at least ten days in advance by the permittee as a condition of the permit (after the event, any overpayment shall be refunded to the permittee and any underpayment shall be billed to the permittee).

(e) Duration.

(1) A food truck special event may be approved for a maximum of nine days.

(2) The food truck shall not be permitted to remain at the operating location overnight or otherwise outside operating hours unless approved by the Community Development Director or designee in the conditions of approval for the special event.

(f) *Fee.* The city commission shall set each fee in appendix A and said fees may be amended from time to time by city commission. All fees are non-refundable.

(g) *Variances.* No requests for variances shall be allowed.

(h) *Appeal.* Decisions to approve, extend, or deny a permit or to impose conditions or restrictions upon a food truck special event may be appealed to the City Manager, whose decision shall be final.

Sec. 61-53. Special event permit.

(a) *Application procedure and permitting process for a special event permit on private property or when closing city streets.* An applicant shall provide the community improvement department with the following written information and accompanied fee no less than 45 working days prior to the proposed event or activity in support of its application for a permit hereunder:

(1) Name, address, and contact information of the applicant and a contact person (sponsoring business or organization);

(2) Location of activities for which permit is sought;

(3) A notarized letter of permission from the property owner if the location of the special event is being held on private property not owned by the applicant;

(4) Detailed description of the proposed special event; specific nature and purpose of all activities for which permit is sought; any fees charged to attend the event;

(5) Specific dates and hours of set-up and tear-down;

(6) Specific days and hours of activities sought to be permitted;

(7) Specific location and physical dimensions included in a drawing of any and all:

a. Structures (existing and temporary);

b. Event and vendor vehicle parking;

c. All tents (Note: tents greater than ten feet by ten feet require a tent permit);

d. Signs and/or banners on site;

e. Generators;

f. Stages;

g. Sound equipment;

h. Restroom facilities;

i. Lighting;

j. Vendors booths;

k. Ticket booths;

l. Fencing; or

m. Any equipment sought to be used in conjunction with activities.

(8) Further, no permit shall be issued hereunder for the requested special event unless the applicant reasonably establishes that the following concerns have been addressed in a manner that is consistent with the interests of the public health, safety, and general welfare:

a. Traffic access egress/traffic circulation;

b. Pedestrian safety;

c. Sanitation and litter control;

d. Restroom facilities;

e. Event parking (on-site/off-site);

f. Crowd control;

g. Liability insurance;

h. Vendors and their current licensure;

i. Entity responsible for maintenance during event and cleanup following each day of the event;

j. Alcohol control;

k. Temporary signage on or off site;

l. Location of any street and/or sidewalk closures;

m. Emergency evacuation plan; and

n. Upon review of the requirements set forth in this section by the community improvement department after consultation with the appropriate city staff, and upon finding that the permitted activity as proposed will not unduly impair the public health, safety or welfare of the city and will minimize any possible disruptions to adjoining or neighboring residents or establishments, a permit shall be granted or granted with conditions unless upon staff's discretion, the special event permit requires city commission approval.

(b) *Number per year and duration.* Not more than four special event permits in any 12-month period shall be held at the same location. Each event from setup through breakdown shall not exceed nine consecutive days.

Time exemption. If enacted by the City Manager, Iin response to damage caused by Hurricanes or tropical storm events, special events on commercial properties may be allowed to continue for a 6-month duration with an option for 3- one month extensions as long as the building containing the principal use is not operational on the property and repair or replacement of the building is in the permitting process or under construction. These time exempted special events must follow the parking requirements which would be applicable based on the event area size. All temporary structures are to be removed within 24 hours of issuance of a tropical storm or hurricane warning, which is demonstrated through the submittal of an emergency evacuation plan. All conditions of special event approval must be met throughout the duration of the special event. Except as otherwise provided in the Time Exemption, all other provisions of the special event permit regulations apply.

(c) *Conditions of special event permit approval*. In granting a special event permit, the community improvement department may prescribe appropriate conditions and safeguards. Conditions of approval may include, but are not limited to:

(1) Regulations of hours and days;

(2) Requirements/guarantees for cleanup and removal of tents/structures/equipment;

(3) Return of site to its original state within a specified period of time;

(4) Regulation of permit duration;

(5) Regulation of signs and advertising;

(6) Regulation of lighting;

(7) Regulation of public address or sound system;

(8) Regulation of gas, smoke, noise, fumes, vibrations or other nuisances; and

(9) Such other conditions as are deemed necessary to protect the health, safety and welfare of the community.

(d) *Permit denials, appeal and notice.* A permit for a special event may be denied if size, scale, anticipated number of attendees, location, time, duration, safety or environmental factors prevents the ability of the Applicant or the City to accommodate security, sanitary services, parking or ensure compliance with noise ordinances and other public health, safety and welfare issues cannot be adequately addressed through conditions. If a permit for a special event is denied, written notice of denial shall be given to the applicant. The applicant may appeal the decision to the city commission by giving written notice to the city clerk within 30 calendar days of the decision for denial.

(e) *Revocation.*

(1) The special event permit may be revoked immediately if in the sole and absolute discretion of the city manager or designee the permittee is in violation of any law or activity that endangers the public health, safety, or general welfare.

(2) Any special event permit issued by the community improvement director shall be considered null and void if the operation or activity does not conform to the approved plan or plan of operations.

(f) *Fee.* The city commission shall set each fee in appendix A and said fees may be amended from time to time by city commission. All fees are non-refundable.

Staff will determine if the special event permit will need community improvement department director's approval or city commission approval during a pre-application meeting.

(g) *Exemptions.* This section shall not apply to:

(1) Neighborhood events including, but not limited to, activities such as organized neighborhood yard sales, neighborhood block parties, spaghetti dinners and other similar activities sponsored by neighborhood, civic, non-profit or religious organizations and beach clean-ups.

(2) City sponsored events, including but not limited to, special beach events, outdoor concerts and movies or outdoor morning markets.

(3) Other special events to be held at public facilities or recreation areas including the public beach, parks, and bay or gulf. Such activities require permission of the city commission.

Sec. 61-54. Building permits.

A building permit required for the formal approval of building plans by the Community Development Director as meeting the requirements of prescribed codes. It is an authorization to proceed with the construction or reconfiguration of a specific structure at a particular site, in accordance with the approved drawings and specifications. All building permit activity will be in accordance with the administration and procedures as defined in the Florida Building Code.

Sec. 61-55. Certificate of occupancy.

A certificate of occupancy is the authorization issued by the building official, certifying a newly completed (or substantially completed) building meets the required building regulations, safety, and health standards and therefore fit for human habitation.

All uses, including nonconforming uses, shall obtain a certificate of occupancy where required by the Florida building code or other applicable national building code, state law, and these Land development regulations. All of the above requirements and conditions contained in any development approvals applicable to the property that have not been met at the time of the issuance of the certificate of completion, shall be required to have been met before the issuance of any certificate of occupancy.

(a) It shall be unlawful to undertake or permit the use, or change of use, of any structure, premises, or land, or part thereof until a certificate of occupancy shall have been issued.

(b) No certificate of occupancy shall be required for uses of existing structures, premises, or land conforming to the requirements of this code unless such structure shall be altered in its use or construction, or relocated.

(c) The city manager shall maintain records of all certificates of occupancy issued, and may issue duplicate certification in cases of loss or destruction of previously issued certificates.

(d) The failure by the owner or occupant of structures, premises, or land to obtain a required certificate of occupancy shall be a violation of these Regulations, punishable by the same penalties as other violations.

(e) General requirement. No building or structure shall be occupied or used until a certificate of occupancy is issued by the building official after a determination that the building has been constructed in accordance with the provisions of any conditional use approval, plat approval, or building permit.

(f) When a certificate is issued. A certificate of occupancy shall be issued for any of the following, after compliance with all provisions of these regulations has been determined:

(1) Occupancy and use of a building hereafter erected, reconstructed, enlarged, or moved.

(2) Change in use of an existing building.

(3) Occupancy and use of vacant land.

(4) Change in the use of land to a use of a different classification.

(g) Procedure.

(1) Application. An application for a certificate of occupancy shall be filed with the building official.

(2) Action on application. The building official shall inspect the property that is the subject of an application for a certificate of occupancy to determine whether the use of the property and the structures comply in all respects with the provisions of these regulations, including the provisions of any conditional use. If the use and structure does not comply with these regulations or other provisions of the Florida Building Codes, the building official shall deny the application, in writing, setting forth the provisions of these regulations or the Florida Building Codes with which the use or structure does not comply.

Sec. 61-56. Zoning Verification Letter

(a) Purpose. The purpose of a zoning verification letter is to provide a formal, written interpretation of how the City's land development regulations apply to a specific parcel of land or proposed use. This determination may be used for due diligence, permitting, or clarification of zoning requirements.

(b) Request Procedure**.** A request for a zoning verification letter shall be submitted in writing to the Community Development Department and shall include the following:

(1) The property address and parcel identification number;

(2) A description of the proposed use or activity;

(3) A site plan or sketch, if applicable;

(4) Any specific questions or issues to be addressed.

(c) Review and Issuance. The Community Development Director or designee shall review the request for consistency with the City's zoning map, permitted uses, development standards, overlay districts, and the Comprehensive Plan. Upon completion of the review, the Department shall issue a written zoning determination letter signed by the Zoning Administrator or designee.

(d) Fee. The city commission shall set each fee in appendix A and said fees may be amended from time to time by city commission. All fees are non-refundable.

(e) Effect**.** The zoning verification letter is advisory only and reflects the City's interpretation of applicable zoning regulations as of the date of issuance. It does not constitute approval of any permit or development application and may be subject to change if zoning regulations are amended.

(f) A zoning verification letter can be appealed by the applicant or any citizen pursuant to Section 61-61 of this Code.

Sec. 61-57. Administrative waivers.

(a) *Purpose.* Administrative waivers provide a process for the city staff to consider requests to waive or modify certain standards of this Code up to a ten percent (10%) reduction in requirements provided that the proposed change results in no more than a one percent (1%) decrease in the sites impervious surface ratio when, special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development regulations otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same zoning district.

(b) *Applicability.* An administrative waiver may be granted to waive or modify any requirement of the land development regulations (LDR) except: permitted land uses; density; floor area ratio; specific prohibitions (for example, prohibited signs), or procedural requirements, or those items expressly prohibited by this Code and or those items requiring waiver or modification by the appropriate body. Administrative waivers up to a ten percent (10%) reduction in requirements shall be limited to those items expressly identified in this code and deemed to be minor in nature. For purposes of administrative waivers, any calculated value of 0.8 or greater shall be rounded to the nearest whole number.

(c) *Review authority.* The Community Development director may approve an administrative waiver to grant relief from any of the following requirements of the LDR, up to a maximum variance of ten percent (10%) of the requirement or a maximum of one (1) foot, whichever is smaller.

(1) Distance between structures providing (adopted building and fire code standards are maintained);

(2) Parcel dimensions (not area);

(3) Setbacks.

An administrative waiver may also be granted to allow up to a ten percent (10%) reduction in required on-site parking, loading, and landscaping standards, provided that the proposed change results in no more than a one percent (1%) decrease in the sites impervious surface ratio and remains consistent with applicable code requirements.

(d) *Application filing and processing*. An application for an administrative waiver shall be completed, filed, the required application fee, as set by the city commission in appendix A, paid and processed in compliance with this chapter. It is the responsibility of the applicant to provide evidence in support of the findings required in subsection (f).

(e) *Project review, notice and hearing*. Each application shall be reviewed by the Community Development director to ensure that the proposal complies with this section, and other applicable requirements of the LDR. The Community Development director may approve or deny an administrative waiver without a public hearing or public notice.

(f) *Findings and decision.* The Community Development director may approve or deny an application for an administrative waiver. The Community Development director shall record the decision and the findings on which the decision is based.

(1) General findings. The Community Development director may approve an administrative waiver only after first making all of the following findings.

a. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of the

LDR deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district;

b. The approval of the administrative waiver includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district; and

c. The administrative waiver is consistent with the comprehensive plan, and any other adopted plan or policy of the city.

(2) Reasonable accommodation. The Community Development director may also grant an administrative waiver to the site planning or development standards of the LDR in compliance with this section, based on the finding that the waiver is necessary to accomplish a reasonable accommodation of the needs of a disabled person, in compliance with the Americans with Disabilities Act (ADA). Reasonable accommodation waivers are specific to the individual application and circumstance for which they are granted and do not run with the land.

(3) Sanitation service. The Community Development director may also grant an administrative waiver to the site planning or development standards of the LDR in compliance with this section, based on the finding that the waiver is necessary to install a dumpster and provide traffic circulation on the site for the sanitation vehicle.

(4) Improvements to existing buildings. The Community Development director may also grant an administrative waiver to a development standard of the LDR in compliance with this section, based on the finding that the improvement is required by the Florida Building Code.

(g) *Conditions of approval*. In approving an administrative waiver, the Community Development director:

(1) Shall impose conditions to ensure that the approval does not grant special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located; and

(2) May impose any reasonable conditions to ensure that the approval complies with the findings required by subsection (f).

(h) *Appeal procedures.* A property owner that is denied an administrative waiver may file an appeal which will be heard by the planning and zoning board. The fee and process of the appeal shall follow the requirements of an "appeals to administrative decisions."

Sec. 61-58. Subdivision decisions.

(a) *Preliminary plat*. A subdivider or property owner shall submit a preliminary plat of his proposed subdivision, prepared in accordance with the requirements of Article V in Chapter 74 to City manager or designee for review and pay all applicable fees as set by the city commission in appendix A. Before acting to approve or deny the preliminary plat, the city manager shall obtain and consider, reports from City staff certifying compliance with, or noting deviations from, the requirements of these Land development regulations and commenting on any other items which bear upon the public interest in the proposed subdivision. No improvements shall be made in the subdivision other than grading until the preliminary plat has been approved and detailed plans for such improvements have been approved by the building official.

(b) *Final plat.* The owner or subdivider shall submit the final plat prepared in accordance with the conditions of the preliminary approval and requirements of Article V in Chapter 74 to the city manager for review and pay all applicable fees as set by the city commission in appendix A. The city manager shall review the final plat for compliance with all applicable regulations and shall obtain reports from City staff as necessary. If the final plat complies with all applicable requirements outlined in Chapter 74, the applicant's surveyor and the city surveyor shall both sign and seal the plat and the administrative authority shall approve the plat. If deficiencies are identified, the applicant shall be notified in writing and given an opportunity to correct them.

Sec. 61-59. Lot Line Adjustment

(a) *Purpose.* To allow minor adjustments to property boundaries between adjacent lots without creating new parcels, ensuring compliance with the LDRs including lot size (area), setbacks or similar and where the adjustment will not create a non-conforming use and or standard.

(b) *Applicability.* Applies to minor subdivisions and lot line adjustments involving no increase in the number of lots within the City of Treasure Island.

(c) *Fee.* All applicable fees as set by the city commission in Appendix A.

(d) *Process.*

(1) DRC meeting to review the proposal and application requirements.

(2) Submit a complete application package including the following:

a. Current Site survey (less than 2 years old)/ legal descriptions;

b. Proof of ownership;

c. Letter of intent; and

d. Proposed and existing lot configuration

(3) *Technical review of proposal occurs with DRC.*

a. Review Criteria. The application must conform with the zoning and land development regulations. There shall be no creation of non-conforming lots and no adverse impacts on access, utilities or easements.

b. Issuance. Approval is granted administratively. Applicants will receive a formal approval letter and may proceed with recording with the County Clerk and implementation.

Sec. 61-60. Unity of Title

(a) Purpose. To legally unify multiple parcels into a single tract for development purposes ensuring that the lots are treated as one for zoning and permitting.

(b) Applicability. Unity of Title is required when development spans multiple platted lots and may be a prerequisite for building permits where structures cross lot lines or share infrastructure.

(c) Fee. All applicable fees as set by the city commission in Appendix A.

(d) Process.

(1) DRC meeting to determine necessity.

(2) Prepare a Unity of Title Agreement using city -approved language.

(3) Submit a complete application package including the following:

a. Executed Unity of Title agreement

b. Opinion of Title

c. Proof of ownership and tax status

(e) Review Criteria. The complete application is reviewed by legal and zoning staff for legal sufficiency of the agreement, compliance with zoning and development codes and verification of ownership and title status.

(f) Issuance. Approval is granted administratively. Applicants will receive a formal approval letter and may proceed with recording with the County Clerk and implementation. Once recorded, the parcels are treated as one unified lot.

Sec. 61-61. Procedures for appeals from administrative decisions.

(a) *Who may appeal.* Appeals to the planning and zoning board may be taken by any person aggrieved, including any officer, board, or commission of the city affected, by any decision of the administrative official under any provision of the land use regulations. Any such aggrieved person must first appeal such administrative official's decision to the planning and zoning board before appealing to circuit court, as provided below in section 61-87. Appeals from Lot line adjustments, unity, subdivision plats shall be taken directly to circuit court.

(b) *Staying of work on premises.* An appeal to the planning and zoning board stays all work on the premises and all proceedings in furtherance of the action appealed for, unless the official from whom the appeal was taken shall certify to the planning and zoning board, by reason of facts stated in the certificate that a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order which may be granted by the planning and zoning board or a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

(c) *Procedure.* Any person appealing any decision of an administrative official shall make such appeal within 30 days after rendition of the order, requirement, decision or determination appealed from in writing to the planning and zoning board and file the

same, and copies thereof, with supporting facts and data with the city manager. This does not, however, restrict the filing of a request for a special exception or variance by any person at any time as provided for elsewhere in the land development regulations. Upon receipt of the appeal, the city manager shall forthwith examine such appeal or request application and endorse his recommendation thereon together with all documents, plans, papers or other materials constituting the record upon which the action appealed was taken and transmit same to the planning and zoning board. Concurrently, the city manager shall transmit a copy of the appeal together with all documents, plans, papers or other materials constituting the record to the city attorney for his review and legal opinion. The city attorney shall present his legal opinion to the planning and zoning board with respect to two items as follows:

(1) Whether the appeal is in fact an appeal and within the province of the planning and zoning board; and

(2) The legal merits of the appeal proper, if requested by the board.

(d) *Application*. An application shall be made, on required forms, to the city prior to an application for a building permit and will only be accepted if all other applicable ordinances and provisions have been complied with and all applicable fees as set by the city commission in appendix A have been paid.

(e) *Referral to the planning and zoning board*. As soon as practical after the acceptance of the application, the administrative staff of the city shall refer the application, together with all supporting documentation and staff recommendations to the planning and zoning board or city commission for their review and action.

Secs. 61-62-61.80. Reserved.

DIVISION 2. QUASI-JUDICIAL DECISIONS

Sec. 61-81. Generally.

This section applies to any application for actions pursuant to this chapter that are considered quasi-judicial under state law. In making quasi-judicial decisions, decision makers must ascertain the existence of facts through common knowledge or competent testimony, hold hearings, weigh evidence, consider the credibility of witnesses and draw conclusions from them as a basis for their official action, and exercise discretion of a judicial nature. In the land use context, these quasi-judicial decisions involve the application of land use policies to individual properties, as opposed to legislative decisions which cause the creation of policy. Quasi-judicial decisions invoke two key elements:

(a) The finding of facts through competent, substantial evidence, credibility of witnesses, and consideration of common knowledge regarding the specific proposal; and

(b) The exercise of judgement in applying the standards of the ordinance.

Due process requirements for quasi-judicial decisions should be consistent with state law.

Sec. 61-82. Site Plan Review.

(a) *Purpose.* The purpose of site plan review, as set forth within this article, is to ensure compliance with all land development regulations and all other applicable standards and requirements as set forth by the city, prior to issuance of development permits.

a. The procedure is intended to ensure that the location of structures, traffic circulation, parking facilities, and other site amenities, quantities and standards are provided in the furtherance of the life, public health, safety, comfort, order, appearance, convenience, morale and general welfare.

b. Architectural considerations. All proposed site plans shall be reviewed for excessive uniformity, dissimilarity, inappropriateness, or poor quality in the exterior design of buildings. Such lack of quality of design adversely affects the desirability of the immediate and neighboring areas for residential and nonresidential purposes, impairs the benefits of occupancy of existing properties in such areas, impairs the stability and value of improved and unimproved real property in such areas, and may prevent the most appropriate development of such areas. The resulting deterioration of property produces conditions which adversely affect the proper relationship between the taxable value of real properties in such areas and the costs of providing municipal services for them. Therefore, exterior building design shall be reviewed with the specific intent of preventing these and other harmful effects, promoting the most appropriate use of land within the city, and thereby promoting the health, safety, comfort, and general welfare of the community.

(b) *Development and uses requiring site plan review.* Unless specifically exempted in Sec. 61-82(c) all land improvements, site alterations, building expansions, special exception uses, or changes of use resulting in an increase in land use intensity, shall be subject to site plan review and approval.

(c) *Exemptions from site plan review.* No site plan review shall be required under this article for the following improvements:

(1) All single-family and duplex dwellings that are a permitted use in that zoning category, except those sites abutting the Gulf of Mexico or the public beach adjacent thereto.

(2) Changes in plant species, increases to landscaped and/or pervious area.

(3) Decks or walkways which do not exceed 12 inches above existing grade and do not reduce the landscaped or pervious area below the minimum requirements.

(4) Utility sheds which shall not exceed 100 square feet (one shed per property).

(5) Fences.

(6) Flag poles.

(7) Docks, davits, boat lifts and seawalls.

(8) Interior modifications to existing structures, provided that there is no change in land use classification or zoning district or increase in density or intensity of use.

(9) Exterior modifications to existing structures, such as repainting, changes in façades or signage, etc., provided that there is no change in the land use classification zoning district or increase in density or intensity of use.

(10) Swimming pools and spas.

(11) Exemptions to site plan modifications set forth in section 61-82 (s).

(d) When the project or improvement is otherwise subject to site plan review, then the items listed in subsection (c) are not eliminated from that site plan review.

The planning and zoning board shall have the authority to waive site plan requirements for modifications to existing structures that are necessary in order to comply with the requirements of this Code.

(e) *Application for site plan review*. An application for a site plan review shall be made, on required forms, to the city prior to an application for a building permit and will only be accepted if there is compliance with all other ordinances and provisions of this Code and all applicable fees as set by the city commission in appendix A have been paid.

(f) Submission requirements. Any site plan submitted for review shall contain the following:

(1) Completed development application.

(2) Proof of ownership of the property; i.e. deed, title abstract.

(3) A boundary survey of the property at a scale not smaller than one inch equals 30 feet. Said survey shall meet the minimum requirements of the state, and shall include the following information, when applicable to the site:

a. A complete legal description of the property (metes and bounds or subdivision information), property tax roll parcel number(s), and a notation of total gross site area, in square feet and acres.

b. An accurate depiction, with complete dimensioning, of all existing rights-of-way and easements of record running across, or immediately adjacent to, the site. Right-of-way names and widths shall be labeled. Easements shall be labeled as to purpose (utility, ingress/egress, etc.) and recording information (plat or O.R. book and page numbers) shall be noted.

c. The locations of all existing structures and other manmade improvements (paving, fences, aboveground utility lines, etc.) on the property, with complete dimensioning and existing setback distances to property lines, to the nearest one-tenth of a foot.

d. An accurate depiction and description of existing wetlands, mangrove stands, or other environmentally sensitive areas on the site, immediately adjacent to the site, or immediately offshore from the site.

e. Jurisdictional or regulatory boundaries such as Coastal Construction Control Line, 1968 Treasure Island Mean High Water Line, Erosion Control Line, and the like.

f. Flood zones, base flood elevations, and the Limit of Moderate Wave Action, if applicable.

g. Riparian rights or submerged land lease description (if applicable).

h. The signature and seal of a land surveyor registered in the State of Florida.

(4) Site plan drawings shall be prepared at a scale not smaller than one inch equals 30 feet and shall include, at a minimum, the following information:

a. The name and address of the property owner and/or developer; complete legal description of the property, consistent with that found on the survey; north

arrow; date and scale of drawings; complete dimensioning in feet and decimal fractions thereof; sheet numbers, total number of sheets, and sheet index.

b. The locations, names, and widths of all existing and proposed rights-of-way, reservations, easements, canals, and waterways adjacent to or running across the property.

c. The existing land use, and zoning district designations, of the site and all adjacent properties, including those lying across adjacent rights-of-way from the site.

d. Historically/architecturally significant structures or archaeological sites, if any, on or near the proposed development site, and provisions to protect such structures or archaeological sites from any adverse effects of the proposed development.

e. Existing public beach or waterfront access ways, if any, and provisions to ensure continued public use of same. Also, proposed new or enhanced public beach or waterfront access ways, if identified as a requirement during the conference(s) between the applicant and city staff (see section 70-53).

f. A table summarizing the total area of the site, in square feet and acres, with square footages and percentages of total site area, for component subareas including, but not limited to, the following:

    1. Area covered by buildings.
    2. Impervious surface area.
    3. Total gross floor area.
    4. On-site recreation area(s), if applicable.
    5. Open space, including stormwater retention areas, buffers and other landscaped areas.
    6. Vehicular circulation and parking area(s).
    7. Any other special component subareas of the site.

g. Footprints of all buildings, with notations or graphic representations of required and proposed setbacks distances from all property lines and water bodies (show Pinellas County Coastal Construction Control Line, seawall, and 1968 Treasure Island Mean High Water Line, if applicable), building heights, number of floors, and where applicable, the number, size, and type of dwelling or hotel/motel units and the proposed density (units per acre).

h. All off-street parking, driveway entrances, walkways, decks and patios; the type of surfacing, size, angle and width of parking spaces, driveway entrances and aisles; a schedule showing the number of parking spaces provided and the number required by the provisions of the land development regulations; provisions for the separation of on-site pedestrian and vehicular traffic; provisions for the safe and convenient storage of bicycles.

i. Details and design specifications for any proposed new roadway construction or connections to existing roadways, with references to, and evidence of compliance with, applicable city, county, and/or state design standards and permitting requirements.

j. All existing and proposed utility and drainage provisions, including, but not limited to:

   1. Potable and reclaimed water and sanitary sewer connections, meter sizes, pipe sizes and specifications, manhole rim and invert elevations, direction of flow, and top and bottom elevations; estimates of water consumption and sewage discharge (gallons per day).
   2. Telephone, electrical, and natural gas service connections.
   3. Solid waste disposal facilities, including proposed location(s) and screening of containers or other equipment.
   4. The locations of all existing and proposed fire hydrants within 250 feet of the site.
   5. Provisions for the adequate retention and disposition of the first one inch of stormwater on-site, indicating the location, size, type, and/or grading of retention areas, catch basins, pipes, and connections to the existing municipal drainage system.

k. Architectural building elevations (all sides) showing finished grades at building walls, base flood elevation, lowest finished floor elevation(s), height(s) to top of roof, and height(s) of appurtenances above roof. Each page of the architectural building elevations shall be provided to the city in portable document format (.pdf).

l. Existing topography, with a maximum contour interval of one foot, or spot elevations where necessary, not more than 25 feet apart.

m. Proposed finished grading, with a maximum contour interval of one foot, or spot elevations where necessary, not more than 25 feet apart, particularly along property lines.

n. Location of, and improvements within, any proposed on-site recreation area(s), or other lands to be dedicated for public recreational purposes.

o. Provisions for the use of open space, and a landscape plan indicating the location, species, size, and description of existing trees (to be preserved or removed) and all proposed new landscape materials; provisions for the effective use of screening or buffering to reduce the impacts of incompatible and/or nonconforming uses; and protection of existing environmentally sensitive areas, other natural features, and their ecological functions.

p. Location(s), type(s), height(s), and face area(s) of existing and proposed freestanding signs; location(s), type(s), and specifications of existing and proposed exterior lighting.

q. Location(s), type(s), and height(s) of fences, retaining walls, and screen planting(s).

r. Soil suitability.

s. Compliance with Concurrency standards in Article III of this chapter.

t. Any additional data, plans, or specifications which the applicant believes are pertinent and will assist in clarifying the application.

(g) *Conference required*. In order to expedite the review of a site plan, coordinate its local review in respect to the provisions of all applicable city ordinances and to inform the city of a site plan in preparation, a pre-application conference between the applicant and the city's administrative staff shall be required.

(h) *Consultants.*

(1) The city may, if in its opinion it is necessary, retain consultants to assist in the review of an application for site plan review if the nature and content of the application is not within the expertise of the administrative staff of the city.

(2) The cost of retaining the consultants shall be borne by the applicant in the manner set forth by ordinance of the city commission.

(i) *Referral to planning and zoning board.*

(1) Upon receipt of a site plan application package, the city shall have the specified time set forth in F.S. § 166.033, to determine completeness and accept or reject the application. The city shall notify the applicant in writing if the application has been deemed complete, or to request additional documentation.

(2) As soon as practical after the acceptance of the application, the administrative staff of the city shall refer the application, together with all supporting documentation and staff recommendations to the planning and zoning board. The administrative staff will then schedule a public hearing before the planning and zoning board at its next regularly scheduled meeting.

(j) *Site Plan approval*. Within the specified time set forth in F.S. § 166.033, the planning and zoning board shall review the site plan and take one of the following actions, together with their findings, in respect to the proposed development as set forth in this article:

(1) Approval as submitted.

(2) Approval with modifications and/or special conditions, which are found by the planning and zoning board or city commission to be necessary to meet the requirements of this Code and shall be binding upon the applicant and future owners.

(3) Reserved.

(4) Continue the hearing and require the applicant to submit any additional documents or studies that may be necessary to determine such items as drainage, parking, traffic flow, engineering, etc.

(5) Deny the application, provided the planning and zoning board finds that the site plan does not comply with the requirements of this Code or the site plan criteria.

(k) *Determination and finding.* The determination of the planning and zoning board as to approval or denial of a site plan shall be based on the following criteria which shall include not only conclusions, but also findings of fact related to the specific proposal and shall set forth the reasons for the approval, with or without changes and/or special conditions, or denial, shall set forth with particularity in what respects the plan would or would not be in the public interest, including but not limited to findings of fact and conclusions on the following:

(1) In what respects the plan is or is not consistent with the comprehensive plan and the purpose and intent of the zoning district in which it is located;

(2) In what respects the plan is or is not in conformance with all applicable regulations of the zoning district in which it is located;

(3) In what respects the plan is or is not in conformance with the city's subdivision regulations and all other applicable city, county, and/or state requirements regarding the design and construction of streets, utility facilities, and other essential services;

(4) In what respects the plan is or is not consistent with good design standards with respect to all internal or external relationships, including but not limited to:

a. Provisions to ensure compatibility with the planned character of the zoning district where the proposed development is to be located, and with existing development surrounding the site.

b. Internal or external circulation patterns, for vehicles, bicycles, and pedestrians; provisions for the separation of on-site pedestrian and vehicular traffic; provisions for the safe and convenient storage of bicycles, where applicable.

c. Disposition of open space, effective use of screening or buffering to reduce the impacts of incompatible and/or nonconforming uses, preservation of acceptable existing trees and other natural features, and protection of existing environmentally sensitive areas and their ecological functions.

d. Building arrangements, both between buildings in the proposed development and in relation to those on properties adjacent to the site.

e. Provisions to ensure continued public use of existing public beach or waterfront access ways, if any. Also, proposed new or enhanced public beach or waterfront access ways, if identified as a requirement during the pre-application conference between the applicant and city staff (see section 61-82(g)).

f. Protection of historically/architecturally significant structures or archaeological sites, if any, on or near the proposed development site from any adverse effects of the proposed development.

g. Suitability and design of proposed on-site recreation areas and improvements, or of other lands to be dedicated for public recreational purposes.

(5) In what respects the plan is or is not in conformance with city policies regarding sufficiency of ownership, guarantees for completion of all required improvements, and guarantees for continued maintenance;

(6) Where applicable, in what respects the plan is or is not in conformance with the regulations of the Southwest Florida Water Management District, the Tampa Bay Regional Planning Council, and state and federal agencies. The issuance of permits or letters of intent-to-approve by these agencies may be considered evidence of such conformance;

(7) In the case of rehabilitation or redevelopment of an existing nonconforming use, per section 68-512(3), whether the overall degree of nonconformity on the site is significantly reduced and additional adverse impacts are not created, and whether an exemption from variance requirements for any or all remaining nonconformities should be granted.

(l) Failure of the planning and zoning board to act within this specified time as set forth within F.S. § 166.033, shall be interpreted as a recommendation of approval as submitted; provided, however, that the city and applicant may jointly agree in writing to extend the review time.

(m) The action taken by the planning and zoning board shall include the city's findings in respect to the proposed development as set forth.

(n) Upon the granting of approval, either as submitted or with changes and/or special conditions, the building official shall issue a building permit for a portion or all of the proposed development, after he finds that the application is in compliance with the approved site plan, Code, and all other city, county, state and federal regulations.

(o) If it shall appear, at any time, to the building official that the application or accompanying plans and documentation is in any material respect false or misleading, or that work is being done upon the premises differing materially from that called for in the application or the approved site plan filed with him under existing laws or ordinances, he may forthwith revoke the building permit, whereupon it shall be the duty of the person holding the same to surrender it and all copies thereof to the building official.

(p) If, within 12 months of the date of approval of an application for site plan review, a building permit has not been applied for, the approved site plan shall expire; provided, however, that the original approving body and applicant may jointly agree to extend such period of approval. Once begun, construction of a project shall continue to completion without interruption. Interruption shall be evidenced by six months or more of inactivity on the development site or the phase under construction. In the event of such an interruption, the construction shall not be resumed nor shall the affected premises be used or occupied, without first applying for and obtaining approval of a new site plan and building permit in accordance with the provisions of this Code.

(q) *Appeal Procedures for Site Plan Review.*

(1) Within 30 days of action taken by the planning and zoning board, in site plan review, which is unacceptable to the applicant, the applicant may appeal such a decision to the city commission.

(2) Upon filing of such an appeal, with all applicable fees as set by the city commission in appendix A the site plan application, together with all supporting documentation and copies of both staff recommendations and all planning and zoning board records regarding the application and decision, shall be forwarded to the city commission prior to their consideration of the appeal.

(3) Upon review of all information relative to the appeal, the city commission shall schedule consideration of the matter for a regularly scheduled meeting of the city commission.

(4) The city commission shall review the application and make a final binding determination. Such determination shall be one of the following:

a. Affirmation of the decision reached by the planning and zoning board;

b. Alteration or reversal of the decision reached by the planning and zoning board. Such alteration or reversal shall include findings of fact in the manner and form as set forth in section 61-82 (k).

(r) *Agreement bonds and guarantees.*

(1) Upon approval of a site plan, and before issuance of a permit, the applicant shall post a performance bond in the amount of 110 percent for all required physical improvements, including but not limited to, paving, drainage, sewer, landscaping and lighting.

(2) The determination of the adequacy of all required bonds under the provisions of this section shall be the responsibility of the city administration.

(s) *Site plan amendments*. Any changes or amendments to an approved site plan shall require a resubmission in accordance with the provisions of this section and in compliance with this Code. The resubmission must be submitted to the original approving body for action, except for the following exemptions which may be approved by staff:

(1) Any modifications required to comply with state or federal agency permitting requirements;

(2) Number and/or arrangement of parking spaces, so long as it meets Code;

(3) Reduction in building height, density, building coverage, or floor area ratio;

(4) Changes to landscaping or increases in pervious area or decreases in impervious area;

(5) Changes to drainage plans that do not increase impervious areas, except as provided in subsection (6);

(6) Modifications to impervious surfaces are permitted if they increase the total impervious area by no more than five percent of the originally approved amount and remain in compliance with the Code.

(7) Any increase in gross floor area of 10% or less, with a maximum of 6,000 square feet.

(8) Any change in parking or landscaping that amounts to 5% of lot area or less.

Sec. 61- 83. Rezoning.

(a) *Application for a rezoning*. An application to rezone land may be initiated by the city or by the property owner.

(1) Pre-application meeting. Before any rezoning application is filed by the property owner, the applicant shall attend a pre-application meeting with the Community Development director. The purpose of the meeting is to discuss the proposed rezoning and, in general, the procedures for a public hearing before the decision-making bodies.

(2) Application filing. The owner or an authorized agent for the property owner shall file an application for rezoning with the Community Development director and pay the required application fee, as set by the city commission in appendix A.

(3) Application information. The application shall provide the following information:

a. Legal names of each of the owners of the subject property including their business and home addresses and telephone numbers;

b. If any owner is a business entity such as a partnership, corporation or joint venture, the names and business addresses of all partners and officers, as appropriate, and telephone numbers;

c. The legal description of the subject property;

d. A copy of the deed or deeds conveying the subject property to the current owner;

e. If the applicant for rezoning is a representative of the owner, evidence of agency in the form of a letter, affidavit or other document satisfactory to the city attorney; and

f. Any other information required by the Community Development director.

(b) *Public hearing*. In addition to the notice required by Florida Statutes, notice for each public hearing before the local planning agency and city commission shall be mailed by the applicant to all persons by certificate of mailing who, according to the most recent tax rolls, own property within 200 feet of the property proposed for rezoning. The notice shall be mailed at least ten days before the scheduled public hearing. The expense of this mailing shall be borne by the applicant.

(c) *Review by local planning agency.* After review of the application by staff, the Community Development director shall have a draft ordinance prepared, which, if adopted by the city commission, would affect the proposed rezoning. The Community Development director shall forward the application and ordinance to the local planning agency for consideration. The local planning agency shall review a proposal for rezoning and shall make an advisory recommendation to the city commission as to the need and justification for the change and the relationship of the proposed change to the goals, objectives and policies of the city comprehensive plan (future land use element) and the land development regulations. The local planning agency shall include in its recommendation to the city commission any information which it deems is relevant to issues relating to the proposed rezoning.

(d) *Criteria for consideration by the local planning agency.* The local planning agency shall evaluate each application for possible negative effects including but not limited to consideration of the following:

(1) The existing land use pattern; compatible with the purpose and intent of the applicable comprehensive plan goals, objectives and policies;

(2) The population density pattern of the area and potential strain or overburdening of public facilities such as utilities and streets;

(3) The possible overloading of the city's sewage collection facilities;

(4) The possible overloading of the city's drainage system;

(5) The proposed change would create an isolated zoning district that is inconsistent with adjacent and nearby zoning districts;

(6) The existence of changed or changing conditions which make the passage of the proposed rezoning necessary or appropriate;

(7) The impact of the proposed rezoning upon living conditions in the adjacent neighborhood;

(8) The impact of the rezoning and allowable development upon the flow of light and air to adjacent areas;

(9) The impact of the proposed rezoning upon property values in the adjacent area;

(10) The impact of the proposed rezoning upon improvement or development of adjacent property in accordance with existing regulations; and

(11) The availability of other adequate sites in the city for the proposed use in districts already permitting such use.

(e) *Review and consideration by city commission.* The city commission shall review and consider the application for rezoning after the local planning agency and Community Development director make their recommendation. The Community Development director shall prepare a written report to submit to the city commission which includes the

recommendation of the local planning agency and the draft ordinance. The city commission shall hold two readings and public hearings to consider the application for a proposed rezoning. If the city commission approves the application for rezoning, the rezoning ordinance becomes effective as provided in the body of the ordinance.

(f) *Reconsideration of application*. If the city commission denies an application for rezoning, an application for an identical rezoning of the same subject property may not be filed for one year after such denial.

Sec. 61-84 Special exceptions.

(a) Except as provided for in subsection (c), the planning and zoning board shall hear and decide special exceptions, decide such questions as are involved in determining when special exceptions should be granted, and grant special exceptions with appropriate conditions and safeguards or deny special exceptions when not in harmony with the purpose and intent of the land development regulations. With the exception of single-family and duplex development proposals, all requests for special exception usage shall be accompanied by a site plan which shall undergo concurrent review by the planning and zoning board. In the case of special exceptions requiring city commission final approval, final site plan approval by the city commission shall be required. In granting any special exception, the planning and zoning board shall find that such grant will not adversely affect the public interest.

(b) In granting any special exception, the planning and zoning board, in addition to the standards enumerated in the land development regulations, may prescribe appropriate conditions and safeguards in conformity with the land development regulations. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of the land development regulations. If, within 12 months of the date of approval of an application for a special exception, a building permit has not been applied for, the approved special exception becomes null and void, provided however, that the approving board and the applicant may jointly agree to extend such time period.

(c) Applications for any special exception uses and related site plan in the CG zoning district which would have the effect of removing property from the tax rolls of the city, shall be heard by and decided by the city commission, after referral to, investigation by, and a review and recommendation of the planning and zoning board. In deciding such special exceptions and site plan reviews, the city commission shall consider the same factors, make the same findings, may prescribe conditions and may prescribe the same reasonable time limits as set forth in subsections (a) and (b). The violation of any such conditions and safeguards, when made a part of the terms under which the special exception and related site plan is granted, shall be deemed a violation of the land development regulations.

(d) Criteria for consideration. Special exception uses, as enumerated in article VI, zoning district regulations, shall be permitted only upon authorization by the planning and zoning board, or city commission, as set forth in this Code, provided that such uses comply with all of the requirements set forth in Chapter 68 article III, zoning district regulations, and providing that:

(1) The use is a permitted special use as set forth in Chapter 68 article III;

(2) The use is consistent with the city comprehensive plan;

(3) The use is designed, located and proposed to be operated in a manner that will protect the public health, safety, welfare and convenience;

(4) The use will not adversely affect the value of other property in the neighborhood where it is to be located;

(5) The use will be compatible with development adjacent to and near the property under consideration for a special exception;

(6) The use will be consistent with the character and purpose of the zoning district where it is to be located;

(7) The use will ensure that adequate landscaping is provided as required in the land development regulations, or as otherwise required;

(8) The use will ensure the adequacy of the 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 safely, traffic flow and control, and access in case of fire or catastrophe;

(9) The use will be compatible with the existing natural environment of the site, neighboring public parks and properties in the neighborhood as outlined in the city comprehensive plan;

(10) The use will orient and locate 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(s) with adjacent development and the surrounding landscape;

(11) The use will have sufficient 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 any adverse effects of noise, lights, dust, fumes, and other nuisances;

(12) The use will have sufficient land area;

(13) The use will meet the adopted levels of service required by the city comprehensive plan and the land development regulations.

Sec. 61-85.Variances.

The planning and zoning board or the city commission, as provided for by this Code, may authorize a variance from the provisions of the land development regulations that are not contrary to the public interest. The power and authority to grant variances to parking (number or size of spaces), building height, and waterfront yards abutting the Gulf of Mexico or public beach will be solely within the jurisdiction of the city commission. In no instance shall a variance be granted to density. The planning and zoning board or the city commission, as applicable, shall not review a variance request until:

(1) An application for such variance has been received by the city manager or specified designee, stating the special conditions and circumstances applying to the building, structure, or land for which such variance is sought. The applicant shall submit a narrative that explains the variance being requested in a manner that addresses the criteria specified in subsection (4) as they relate to the specific request. Since each application is considered based upon the unique circumstances presented by such

application, prior decisions of the board or commission shall not constitute grounds for the granting of any variance.

(2) The board or commission has received a report from the city manager or specified designee that evaluates the application based on the criteria required by this section.

(3) The board or commission holds a public hearing after written and posted notice has been given to the extent provided by section 61-23(l).

(4) The board or commission has considered the following criteria and find that they have been substantially satisfied and a hardship exists:

a. The variance is in fact a variance as set forth within the land development regulations and within the province of the board or commission based upon the opinion of the city manager or his designee;

b. Special conditions or circumstances exist which are peculiar to the building, structure, or land for which the variance is sought and do not apply generally to buildings, structures, or lands in the same zoning district; to

c. Strict application of the provisions of the land development regulations would not permit the applicant reasonable use of the building; structure, or land;

d. The peculiar conditions and circumstances existing are not the result of the actions of the applicant, the applicant agent's agents, or the applicant's predecessors in title. An owner is only entitled to a variance if his predecessor was entitled;

e. The variance proposed to be granted is the minimum variance that will make possible the reasonable use of the building, structure, or land;

f. Owing to special conditions, a literal enforcement would result in unnecessary hardship. Special conditions to be considered pursuant to this section of the land development regulations shall include, but not be limited to, the following circumstances:

1. Redevelopment. If the proposed project involves the redevelopment or utilization of an existing developed or partially developed site; or.

2. Substandard lot(s). If the proposed project involves the utilization of an existing legal nonconforming lot(s) ; or

3. Neighborhood character. If the proposed project promotes the established development pattern of a block face, including setbacks, building height, and other dimensional requirements; or

4. Public facilities. If the proposed project involves the development of public parks, public facilities or public utilities; or

5. Architectural and/or engineering considerations. If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.

g. The granting of the variance will be in harmony with the general purpose and intent of this chapter;

h. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(5) In granting any variance, the planning and zoning board or city commission may prescribe appropriate conditions and safeguards in conformity with the land

development regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

(6) Under no circumstances shall the planning and zoning board or city commission grant a variance to permit a use not generally or by special exception permitted in the zoning district involved or any use expressly or by implication prohibited by the land development regulations.

(7) The granted variance shall be valid for one-year. To remain in effect after one-year, one of the following must have occurred:

a. An extension of time has been approved by the approving body;

b. Building permits relating to the requested variance have either been applied for or granted; or

c. A site plan review relating to the requested variance has been applied for or approved by the planning and zoning board

(8) No application requesting the same or substantially similar relief or approval for the same property may be submitted for a period of one year following the date of denial by the appropriate board in the matter.

(9) In order to expedite the review of a variance application, a Development Review Committee meeting between the applicant and the city's administrative staff shall be required.

Any requests for an extension of time relating to a variance(s) must be in writing and received by the city manager or specified designee at least six weeks prior to its expiration date in order for the request to be placed on the approving body's agenda.

Sec. 61-86. Procedures for appeals from quasi-judicial decisions.

(a) Applicability. This section establishes procedures that shall apply to any appeal of a quasi-judicial decision by the planning and zoning board.

(b) Who may hear appeals. Appeals may be processed and consistent with those outlined in Table 1 - Summary Development Process Table**.** Except for decisions which are declared by these regulations to be the final decision of the city.

(c) When an appeal is filed, all proceedings in furtherance of the action affected by the decision being appealed from shall be stayed, unless the city manager certifies, after the notice of appeal has been filed with the city, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.

Sec. 61-87. Judicial remedy.

Any person or persons, jointly or severally, aggrieved by any final decision of the planning and zoning board, city commission of the city, may appeal to circuit court within 30 days after rendition of any such decision. The shall be governed by the Florida Rules of Appellate Procedure and other applicable state law.

Secs. 61-88-61.98. Reserved.

DIVISION 3. LEGISLATIVE DECISIONS

Sec. 61-99. Comprehensive plan and future land use map.

This section establishes uniform procedures for an amendment to the comprehensive plan or future land use map. A comprehensive plan and future land use map amendment may be authorized if an applicant can prove the site would better serve the city with another use than the one already designated. Comprehensive plan amendments will follow the procedures set forth in F.S. § 163.3184.

(1) *Application for an amendment to the comprehensive plan and future land use map.*

a. Pre-application. Before any application to amend the comprehensive plan or future land use map is filed by the owner of real property located in the city or by said owner's authorized agent or any resident of the city, the applicant shall attend a pre-application meeting with the Community Development director. The purpose of the meeting is to discuss the proposed amendments and in general, the procedures for preparing a complete application, mailing responsibilities, and scheduled public hearing dates before the decision-making bodies in the city together with the appropriate state, regional and county agencies.

b. Application filing. A request to amend the comprehensive plan and/or future land use map may be made by the city commission, planning and zoning board/local planning agency, staff, owners of real property located in the city or by said owner's authorized agent. The city commission shall set a fee in appendix A for an amendment application to the comprehensive plan and/or future land use map by a property owner of the city.

(2) *Public hearing.* In addition to the notice required by Florida Statutes, notice for each public hearing before the local planning agency and city commission shall be mailed by the applicant to all persons by certificate of mailing who, according to the most recent tax rolls, own property within 200 feet of the property proposed for rezoning (PD rezoning requires 500 feet notification). The notice shall be mailed at least ten days before the scheduled public hearing. The expense of this mailing shall be borne by the applicant.

(3) *Local planning agency*. After review of the application by staff, the Community Development director shall have a draft ordinance prepared, which, if adopted by the city commission, would affect the proposed changes of the comprehensive plan and/or future land use map. The Community Development director shall forward the application and ordinance to the local planning agency for consideration. The local planning agency shall review the proposed change to the comprehensive plan and/or future land use map and shall make an advisory recommendation to the city commission as to the need and justification for the change.

(4) *Criteria for consideration by the local planning agency.* The local planning agency shall not recommend approval of a plan amendment and make findings, based on competent evidence, on each of the following:

a. The proposed plan amendment will meet the acceptable level of service standards established in the comprehensive plan.

b. The proposed plan amendment is internally consistent and furthers the other goals, objectives and policies set forth in the comprehensive plan;

c. A change in land use designation must be compatible with adjacent land uses existing uses and future surrounding land use and zoning on neighboring properties, and one that will not become a potential nuisance; and

d. A change in land use designation must be compatible with the current and anticipated future uses of adjacent and nearby properties to justify the proposed change and will not negatively affect the property values of adjacent and nearby properties.

(5) *Review and consideration by city commission.* The city commission shall review and consider the application for a comprehensive plan and/or future land use amendment after the local planning agency and Community Development director make their recommendation. The Community Development director shall prepare a written report to submit to the city commission which includes the recommendation of the local planning agency and the draft ordinance. The city commission shall hold the first reading and public hearing of an ordinance approving the application. If the city commission approves the application for an amendment to the comprehensive plan and/or future land use map on first reading, the ordinance shall be forwarded to the appropriate local, regional and state agencies for review and comment.

(6) *[Community Development director's report.]* The Community Development director shall report to the appropriate state, regional and county agencies, the plan amendments approved by the city commission for consistency review pursuant to F.S. § 163.3184.

(7) *[Findings returned.]* When the state land planning agency returns their findings to the city commission, the city commission shall hold the second reading and public hearing on the ordinance providing for the amendments to the comprehensive plan and/or future land use map.

Sec. 61-100.Land development regulations; excluding height and density.

(a) *Initiation of text amendment.* Land development regulation text amendments may be initiated by:

(1) The owner of real property located in the city or by said owner's authorized agent;

(2) City commission;

(3) Planning and zoning board;

(4) Local planning agency;

(5) City manager or designee; or

(6) City attorney.

(b) *Application for a text amendment.*

(1) Development Review Committee meeting. Before any application for a text amendment to the land development regulations is filed by a property owner or resident; the applicant shall attend a pre-application meeting with the Community Development director. The purpose of the meeting is to discuss, in general, the procedures for preparing a complete application and scheduled public hearings before the decision-making bodies.

(2) Application filing. The applicant shall file the application for the text amendment with the Community Development director and pay the required application fee, as set by

the city commission in appendix A. The application shall be accompanied by justification necessary to support the text amendment.

(c) Public hearing. Notice of the local planning agency and city commission public hearings shall be in accordance to F.S. § 166.041.

(d) Review by the local planning agency. After the application for a text amendment has been reviewed by the Community Development director, the local planning agency shall hold a public hearing on the proposed text amendment and make a recommendation to the city commission.

Failure to act upon the proposed text amendment shall not preclude the city commission from adjudicating the proposal.

(e) Criteria for consideration by the local planning agency. The local planning agency shall consider the following criteria for a text amendment:

(1) Consistency with the city comprehensive plan; and

(2) Consistency with applicable sections of the land development regulations.

(f) Review and consideration by the city commission. The Community development director shall prepare a written report to submit to the city commission which includes the recommendation of the local planning agency, Community development director, and city manager or designee. The city commission shall hold two readings and public hearings to review and consider the application with the recommendation from the local planning agency and the Community development director for a text amendment.

Sec. 61-101. Development agreements.

Pursuant to the authority granted the city by F.S. §§ 163.3220—163.3243, as amended (known as the Florida Local Government Development Agreement Act, hereinafter the "Act") the city may enter into a development agreement with any person(s) having a legal or equitable interest in real property located within the city. All fees imposed pursuant to this section, shall be set by the city commission in appendix A.

A development agreement shall mean a written agreement between the city and a property owner(s) that identifies fees, dedications, exactions or other public improvements or construction controls that will be provided by the developer, and the land development regulations that will be applied by the city during the term of the agreement.

(a) A development agreement may be entered into when one or more of the following exist:

(1) Where the development is proposed to be constructed with commitments to substantial public improvements being required in the development process.

(2) Where commitments to public improvements beyond those ordinarily required of similar development are desirable by reason of location, topography, or other characteristics of the property.

(3) Where it is desirable to provide incentives to coordinate developments with a specific plan.

(b) Procedures and requirements for entering into a development agreement:

(1) Proposal for a development agreement may be made by any interested party at any time prior to the completion of approvals for development of the project. Such proposal shall be formulated with the applicant and the city manager.

(2) A proposed development agreement shall be adopted, amended, or revoked by following the procedures of the Act. At a minimum, the local planning agency and the city commission shall each hold a public hearing following the notification procedures set forth in the Act and section 61-23(l).

(3) Development agreements shall be adopted by ordinance and may be amended by ordinance with the mutual consent of the parties to the agreement or by their successors in interest.

(4) No development agreement shall be effective or be implemented by the city unless the city's comprehensive plan and plan amendments implementing or related to the agreement are in compliance with F.S. § 163.3184.

(c) A development agreement shall include the following:

(1) A legal description of the land subject to agreement and the names of its legal and equitable owners.

(2) The duration of the agreement, may not exceed 30 years unless it is extended by mutual consent of the city and the developer, subject to a public hearing in accordance with F.S. § 163.3225.

(3) The development uses permitted on the land including population densities and building intensities and height.

(4) A description of public facilities that will service the development, including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development.

(5) A description of any reservation or dedication of land for public purposes.

(6) A description of all local development permits approved or needed to be approved for the development of the land.

(7) A finding that the development permitted or proposed is consistent with the city comprehensive plan and the land development regulations.

(8) A description of any conditions, terms, restrictions, or other requirements determined to be necessary for the public health, safety, or welfare.

(9) A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, terms, or restrictions.

(10) A development agreement may provide that the entire development or any phase thereof be commenced or completed within a specific period of time.

(11) All other things required to be addressed by the Act, the city's comprehensive plan, or other city ordinances.

Sec. 61-102. Vacating easements and public rights-of-ways.

(a) Application requirements. All requests for vacation of easements and rights-of-ways shall be made in writing and shall require the following information:

(1) The name and address of the applicant;

(2) Where possible, a legal description by bounds shall be provided, which shall be accompanied by a map or drawing which also shows the general area involved and the location of the specific property interest to be abandoned;

(3) A narrative explaining the reason for the request for a vacation;

(4) The names and addresses of the owners and occupants of real property abutting the easement or right-of-way which the applicant seeks to have vacated;

(5) The name and address of all public or private utility companies that may be involved or concerned with the vacation;

(6) Letters from abutting property owners; and

(7) Such other relevant information as the city may require.

(b) Waterfront Access. Pursuant to Section 1.02(b) of the City Charter, any right-of-way or access easement that is contiguous to, or provides access to, the waterfront shall require approval by an affirmative vote of four-fifths (4/5) of the City Commission and approval of the electorate, or approval by the electorate through initiative or referendum in accordance with Article VI of the City Charter.

(c) Planning and zoning board review. The planning and zoning board shall hold a public hearing and shall recommend approval with or without conditions or denial to the city commission. Such conditions may include conditions precedent to the effective date of the street vacation to be stated in the resolution. The notification for this process shall follow those outlined within this chapter. In addition to the notice required by Florida Statutes, notice for each public hearing before the local planning agency and city commission shall be mailed by the applicant to all persons by certificate of mailing who, according to the most recent tax rolls, own property within 200 feet of the property proposed for vacation. The notice shall be mailed at least ten days before the scheduled public hearing. The expense of this mailing shall be borne by the applicant.

(d) Standards for review. When considering an application for approval of an easement or right-of-way vacation, the development review committee, the planning and zoning board, and the city commission shall consider:

(1) The benefit to the general public of the existing easement or right-of-way;

(2) The rearrangement of easement or rights-of-way which will be required to secure a regular and harmonious system for traffic circulation if the vacation is granted;

(3) Whether the right-of-way has been improved, and the extent to which it is currently, or in the future will be, utilized by the general public or utility provider;

(4) Whether the vacation is proposed in conjunction with an application for development approval for adjacent property; and

(5) Whether the proposed vacation is in the public interest, including consideration of impacts on access, utilities, drainage and future infrastructure needs.

(e) Replat Requirement Following Vacation. Any vacation of a recorded easement or public right-of-way shall required the submission and approval of a replat application, unless specifically exempted under subsection a.

(1) Exemptions.

a. Vacation of right-of-way located in residential zoning districts where 25% or more of the lineal frontage of abutting lots are already developed.

b. Partial street vacations or vacations of pedestrian walkways that do not alter lot boundaries or access.

c. Vacations undertaken for assembly of land for public use by the city, county, state, federal or other governmental entities.

(2) The requirement for replating may be waived only if the governing body or designated administrative authority determines the vacation does not materially affect:

a. Lot boundaries or legal descriptions;

b. Access to public infrastructure;

c. Compliance with applicable land development regulations;

d. Public health, safety, or welfare.

(3) All replats must comply with the requirements of Chapter 177, Florida Statutes and the regulations in these Land development regulations.

(f) Review and consideration by city commission. The city commission shall review and consider the application for vacation after the Planning and Zoning board and Community Development director make their recommendation. The Community Development director shall prepare a written report to submit to the city commission which includes the recommendation of the Planning and zoning board and the draft ordinance. The city commission shall hold two readings and public hearings to consider the application for a proposed vacation. If the city commission approves the application for vacation, the ordinance becomes effective as provided in the body of the ordinance.

(g) Expiration or revocation of approval. A vacation shall have no expiration date, unless otherwise specified in the approval resolution.

(h) Fee. All applicable fees as set by the City Commission in Appendix A.

Sec. 61-103. Changes requiring approval by electors.

Any changes in the land development regulations of the city that would allow an increase in the number of units per acre (density) or an increase in allowable height of buildings must be approved by a majority of the qualified electors of the city.

Secs. 61-103.-61-113 Reserved.

ARTICLE III. CONCURRENCY MANAGEMENT

Sec.61-114. Purpose and intent.

This article is intended to ensure the availability of public facilities and the adequacy of those facilities at adopted levels of service concurrent with the impacts of development. This intent is implemented by means of a concurrency management system which shall measure the potential impact of a development permit application upon the adopted minimum acceptable level of service for roadway, solid waste, potable water, sanitary sewage, stormwater or park facility and/or service as provided in the capital improvements element of the comprehensive plan.

Sec. 61-115. Adopted levels of service.

The level-of-service (LOS) standards for roads, sanitary sewer, solid waste, drainage, potable water, coastal management, and parks and recreation facilities and other facilities shall be those most recently adopted by the City or County.

Sec. 61-116. Concurrency review—General requirements.

A certificate of concurrency shall be required prior to the issuance of any development permit. If a development will require more than one development permit, the issuance of a certificate of concurrency shall occur prior to the issuance of the initial development permit. For preliminary development orders, a concurrency review shall be performed and a conditional certificate of concurrency issued. This conditional certificate of concurrency shall not be binding upon the city. Only those certificates of concurrency issued for development permits shall be binding upon issuance for the duration specified in the certificate of concurrency issued for the development permit. A certificate of concurrency shall automatically expire simultaneously with the expiration of the development permit to which it applies. In the event that the development permit does not have a specified expiration date, the certificate of concurrency shall expire one year from the date of the issuance of the development permit. In the event that a time extension is granted prior to the expiration of the development permit, then the accompanying certificate of concurrency shall be automatically renewed for up to one year after the date of the issuance of the initial development permit. Should the extension equal or exceed one year from the date of the issuance of the initial development permit, a new concurrency review shall be performed for which a reasonable fee shall be assessed in order to defray the cost of the new review.

Sec. 61-117. Same—Burden of proof.

The burden of showing compliance with the adopted levels of service and meeting the concurrency evaluation shall be upon the applicant. The city manager or his/her designee will direct the applicant to the appropriate staff to assist in the preparation of the necessary documentation and information.

Sec.61-118. Exemptions.

(a) De minimis development. Single-family and duplex dwellings, to be constructed on existing lots in subdivisions approved for such uses (residential infill), shall be considered de minimis and exempt from concurrency review. Other developments or redevelopments shall be considered to have de minimis impacts and be exempt from concurrency review provided that they comply with all of the following conditions:

    (1) The net increase in traffic (peak hour) generated by the proposed development onto any affected roadway may not exceed one percent of the maximum service capacity of the roadway at the adopted peak-hour level-of-service standard.

    (2) The net increase in traffic (peak hour) generated by the proposed development, added to the total net increases in peak-hour traffic generated by all previously-approved de minimis exemptions on any affected roadway, may not exceed ten percent of the maximum service capacity of the roadway at the adopted peak-hour level-of-service standard.

    (3) The net increase in traffic (peak hour) generated by the proposed development onto any affected roadway designated as a hurricane evacuation route may not cause the actual level of service of the roadway to fall below the adopted peak-hour level-of-service standard.

(b) Vested projects. Nothing in this article shall be construed or applied to constitute a temporary or permanent taking of private property without the just compensation nor abrogation of vested rights. Any applicant for a development order who alleges that this

article, as applied, constitutes or would constitute a temporary or permanent taking of private property or an abrogation of vested rights must affirmatively demonstrate the legal requisites of the claim by meeting all three of the following conditions:

(1) A final development order has been issued on or prior to the adoption of this Code;

(2) Development has commenced; and

(3) Development is continuing in good faith.

Upon demonstrating that all three conditions are met, the applicant will be issued a certificate of exemption from concurrency review by the city clerk/administrator or his/her designee.

Sec.61-119. Minimum requirements for concurrency (standards).

(a) Potable water, sanitary sewer, solid waste and drainage. For potable water, sanitary sewer, solid waste and drainage, one of the following conditions must be satisfied in order to obtain a certificate of concurrency:

(1) The necessary public facilities and services are in place at the time the development permit is issued;

(2) The development permit is issued subject to the condition that the necessary public facilities and services shall be in place prior to the issuance of a certificate of occupancy or statement of zoning compliance, whichever may be applicable;

(3) The necessary public facilities and services are under construction at the time the development permit is issued;

(4) The necessary public facilities and services are guaranteed in an enforceable development agreement, pursuant to F.S. §§ 163.3220—163.3243, or development-of-regional-impact (DRI) approval, in accordance with F.S. § 380.06.

(b) Parks and recreation. New residential developments and redevelopments, including subdivision plats and replats, which result in a net increase in dwelling units must provide for any additional unmet recreation and open space needs which they may create. In order to obtain a certificate of concurrency, one of the conditions provided for in subsection (a), or one of the following conditions, must be satisfied:

(1) At the time the development permit is issued, the necessary facilities and services are the subject of a binding contract which provides for the commencement of the actual construction of the required facilities or the provision of service, at a location other than the development site and at the developer's expense, within one year of the issuance of the development permit.

(2) The necessary facilities and services are guaranteed in an enforceable development agreement or development-of-regional-impact (DRI) approval which requires the commencement of the actual construction of the required facilities or the provision of services, at a location other than the development site and at the developer's expense, within one year of the issuance of the applicable development permit. An "enforceable development agreement" may include, but is not limited to, a development agreement executed in accordance with F.S. §§ 163.3220—163.3243. A "development of regional impact" shall be as defined and approved in accordance with F.S. § 380.06.

(3) Prior to issuance of a certificate of occupancy or statement of zoning compliance, whichever is applicable, the developer has provided on-site recreation area(s) and

facilities, dedicated other land to the city for open space and/or public recreational purposes, and/or paid a recreational impact fee per additional dwelling unit, in the amount established by the city commission, to be used by the city to acquire and/or develop the necessary additional recreation area(s) and facilities. Any combination of the above measures may be approved by the planning and zoning board in order to compensate for the additional impacts of the proposed development.

(c) Roads. For roads, the following condition, or one of the conditions of subsections (a) and (b) must be satisfied in order to obtain a certificate of concurrency: The five-year schedule of capital improvements demonstrates that the actual construction of the needed road facility or service will be scheduled to commence in or before the third year.

Sec.61-120. Concurrency review; procedure and evaluation.

(a) The city shall use the procedures specified in subsection (c) to determine compliance of an application for a development permit with this concurrency management system. At the time of application for a development permit, a concurrency evaluation shall be made to determine the availability of the facilities or services required to be concurrent.

(b) An applicant for a development permit shall provide the city with all information required by the city so as to enable the concurrency evaluation to be made. This shall include all of the information required in the "Submission Requirements and Methodology for Calculating Projected Demand for Certificate of Concurrency," a copy of which is attached hereto labeled Exhibit A, and made a part hereof by reference and printed at the end of this article. Official copies of "Exhibit A" shall be made available to the general public for inspection and copying.

(c) Upon receipt of a complete concurrency review application, the city manager or his/her designee shall perform the following concurrency evaluation:

Concurrency Review-Evaluation

The methodology for determining whether the levels of service of city facilities are adequate to support the impact of proposed developments is in Exhibit A at the end of this article. The levels of service of the city and county facilities and services must be sufficient before a development permit can be issued.

(1) For sanitary sewer, solid waste, drainage, and potable water: The concurrency evaluation shall compare the available capacity to the demand of the proposed development. The available capacity shall be determined by adding together:

a. The total of the existing excess capacity, if any; and

b. The total future capacity of any proposed construction or expansion that meets the standards of section 61-119.

A certificate of concurrency shall be issued only if one of the following conditions are met: the available capacity exceeds the demand of the proposed development or one of the standards of subsection 61-119(a) is met.

(2) For parks and recreation: The concurrency evaluation shall compare the available capacity to the demand of the proposed development. The available capacity shall be determined by adding together:

a. The total of the existing excess capacity, if any; and

b. The total future capacity of any proposed construction or expansion that meets the standards of subsections 61-119(a) and (b)

c. subtracting the demand created on available capacity already allocated

A certificate of concurrency shall be issued only if one of the following conditions are met: the available capacity exceeds the demand of the proposed development or one of the standards of subsections 61-119(a) and (b) is met.

(3) For roads:

a. The concurrency evaluation shall compare the existing level of service standards for the impacted roads to the level of service standards, as adopted, for the same. The existing level of service shall be based upon existing roads, including any proposed improvements to those roads, meeting the minimum requirements for concurrency as set forth in subsections 61-119(a) through (c).

b. If the impact of the proposed development does not result in a degradation of the affected roads below the adopted level of service standard, or if one of the standards of subsections 61-119(a) through (c) is met, then a certificate of concurrency shall be issued.

c. If the city determines that a certificate of concurrency will not be issued, that determination shall be reduced to writing, signed by the city manager making the determination, and sent by U.S. Mail to the applicant and/or email.

Sec. 61-121. Annual capacity report.

The annual capacity report shall be prepared each year in conjunction with the development of the capital improvement element of the comprehensive plan. This report shall summarize the actual current capacity of public facilities and services for each of the five preceding and succeeding fiscal years.

Sec. 61-122. Appeals.

(a) A denial of a certificate of concurrency may be appealed by the applicant to the planning and zoning board. A notice of appeal specifying each and every ground in support of granting the certificate of concurrency shall be submitted by the applicant to the city manager or his/her designee, within 20 days from the date of the written denial of the certificate of concurrency. The city manager or his/her designee, shall schedule the appeal to be heard at a public meeting by the planning and zoning board, and shall transmit to the planning and zoning board all papers constituting the record upon which the action appealed from was taken.

The city manager or his/her designee, shall notify the applicant in writing of the date, time and location of the planning and zoning board meeting at which the appeal shall be heard. During the appeal proceeding, the applicant may appear in person or be represented by an agent or attorney. Applicants may be required to assume such reasonable costs as the city commission may determine by resolution, in setting fees to be charged for appeals.

(b) The applicant shall have the burden of proof to establish by the presentation of substantial competent evidence to the planning and zoning board:

(1) That there was an error in the technical determination made by the city manager to deny the certificate of concurrency; or

(2) That one or more of the conditions in section 61-119 are satisfied such that the necessary public facilities and services will be available concurrent with the impact of the development.

(3) Before recommending issuance of a certificate of concurrency, the planning and zoning board shall make specific findings that the certificate of concurrency satisfies subsections 61-119(b)(1) or (b)(2). The affirmative vote of six members of the planning and zoning board shall be necessary to recommend issuance of a certificate of concurrency. Action taken by the planning and zoning board to adopt, amend or rescind the administrative decision to deny the certificate of concurrency shall be documented in writing in the form of a resolution, signed by the chairman or vice-chairman, specifying the grounds therefore. The written decision of the planning and zoning board shall be submitted by the city clerk or his/her designee to the city commission for final action. The city clerk or his/her designee shall give written notice to the applicant of the date, time and location of the city commission meeting considering the certificate of concurrency. The city commission, upon reviewing the record and findings of the planning and zoning board, may adopt, amend or rescind the decision of the planning and zoning board. If deemed necessary by the city commission, in order to supplement the record, the city commission may receive additional testimony and may make inquiry of the applicant and administrative staff. The decision of the city commission shall be reduced to writing in the form of a resolution and shall be final upon the date of execution of the resolution by the mayor.

EXHIBIT A
SUBMISSION REQUIREMENTS FOR APPLICATION AND METHODOLOGY FOR CALCULATING PROJECTED DEMAND FOR CERTIFICATES OF CONCURRENCY

(1) Purpose. The purpose of this Exhibit is to set forth the minimum submission requirements necessary for the city to review proposed developments for concurrency, as well as to provide a methodology for calculating the projected demand of a proposed project.

(2) Submission requirements. The applicant must supply the following information along with a reasonable fee, as may be amended from time to time by the city commission to defray the cost of the review:

a. Name of owner and/or agent/applicant.

b. Current address of owner and/or agent/applicant.

c. Phone number of owner and/or agent/applicant.

d. Legal description of site.

e. Proposed land use(s).

f. Acreage of site.

g. Square footage of proposed building(s).

h. Number of residential units (if applicable).

i. Number of employees, for commercial or industrial use (if applicable).

j. Any expected special service demands generated by the proposed development (such as solid/hazardous waste demands of a hospital).

k. Data as required by subsequent sections of this Exhibit.

(3) Facility/service demand calculations. The projected public facility/service demands of the proposed project described in an application for concurrency review shall be calculated using the conversion factors and formula~~e~~ listed below, and the adopted levels of service

(LOS) in the city comprehensive plan . Nonresidential uses are included in the adopted LOS. The calculations are listed by public facility and service type. Whenever the term "city" shall appear herein, it shall mean the city manager or his/her designee authorized to review calculations for the concurrency management system. The information necessary to enable the city to perform and/or verify the facility/service demand calculations in paragraphs (3)a. through (3)f. shall be provided by the applicant.

a. Potable Water.

Adopted LOS = as adopted in the capital improvements element in the city comprehensive plan

Adopted LOS (gallons/person/day) × 1.84 persons/unit × number of units = demand (gallons/day)

b. Sanitary Sewer.

Adopted LOS = as adopted in the capital improvements element in the city comprehensive plan

Adopted LOS (gallons/person/day) × 1.84 persons/unit × number of units = demand (gallons/day)

c. Stormwater Management (Drainage).

Adopted LOS = as adopted in the capital improvements element in the city comprehensive plan and the Treasure Island Watershed Management (flood control only), and the Code.

d. Solid Waste.

Adopted LOS = as adopted in the capital improvements element in the city comprehensive plan adopted LOS (pounds/day/person) × 1.84 persons/unit × number of units = demand (pounds/day)

e. Recreation.

Adopted open space LOS = as adopted in the capital improvements element in the city comprehensive plan

Project population = number of dwelling units × 1.84 persons/unit

Project population × adopted LOS (acres/person) = demand (total acres)

f. Transportation.

Adopted LOS = as adopted in the capital improvements element in the city comprehensive plan

1. Determine the number of trips generated by the proposed project during the p.m. peak hour, using the most recent edition of the Institute of Traffic Engineers trip generation report, or other recognized source of data, with no adjustment for internal capture or passerby trips.
2. If the total number of daily trips is equal to or greater than 450 trips, a transportation study shall be done. The study shall be signed and/or sealed by a registered Professional Engineer.
    i. If no transportation study is required, the applicant is required to provide only the existing peak hour traffic volumes and level of service for the

roadway link(s) to which the project driveways connect. This information shall include project traffic.

ii. The data shall be in conformance with Notes 2.(a) and 2.(b) of "Existing Conditions" below.

(4) Performance of transportation study.

If a transportation study is required, it shall be obtained and submitted to the city by the applicant for a development permit at the applicant's sole expense. Should the city not have the expertise to review the transportation study or should it have justification to claim that the methodology and/or results of the initial transportation study are biased, untrue or otherwise inadequate, a third party consultant shall be hired by the city at the applicant's sole expense, to verify the initial transportation study. The city shall select the third party consultant from a list of consultants retained by the city for this purpose. The applicant shall reimburse the city for the total fee charged by the third party consultant to perform the transportation study, to include city administrative costs.

The transportation study shall be performed in accordance with the requirements set forth in paragraph (5) hereof. Projects which are required to undergo development of regional impact review pursuant to F.S. § 380.06 shall be exempt from the requirements of this transportation study and instead shall submit a copy of the application for development approval to the city as required by state statutes.

(5) Requirements of transportation study.

a. Pre-Application Meeting.

A pre-application meeting between the city and the applicant is required. The purpose of this meeting will be to review the methodology and procedure, establish the study area, and to determine the study period.

b. Define Study Area.

The study area is defined as those roadways and intersections impacted by the project to an extent of one percent or more of peak-hour capacity at the level of service (LOS) adopted in the capital improvements element of the city comprehensive plan. In addition, other variables such as distance from site (e.g., five-mile radius for a DRI project) may also be used.

c. Existing Conditions.

The following existing conditions shall be provided:

1. Existing daily and peak hour traffic volumes and level of service on all arterials and collectors within the study area.

2. Existing LOS at all impacted intersections.

Notes:

(a) The above required data shall be no older than the previous calendar year. Roadway volumes shall be adjusted to reflect annual conditions using current FDOT seasonal adjustment factors for the county or other adjustment factors approved by the city.

(b) The above required level(s) of service for roadways shall be determined in accordance with current FDOT Generalized Level of Service volume tables and procedures presented in the most current Level of Service Standards and

Guidelines Manual, or by use of other accepted traffic operations models subject to approval in the pre-application meeting.

(c) The above required intersection levels of service shall be determined using computer software based on the most recent edition of the Highway Capacity Manual, Special Report 209, Transport Research Board, National Research Council.

d. Projection of Background Traffic.

Volume(s) shall be projected for all phases of the development as well as the year of the project completion. Volumes can be determined using one of the following procedures:

1. Multiplying existing volumes by an annual growth factor provided by the city. Traffic generated by any major project approved since the traffic counts were conducted shall be included as background traffic.
2. Multiply existing volumes by an annual growth factor developed by the applicant and approved by the city. This growth factor must be based on data collected on five roadways in the vicinity of the project over the last ten years. Traffic generated by any major project approved since the traffic counts were conducted shall be included as background traffic.
3. Projected roadway volumes resulting from a travel demand computer model of the area.

e. Project Traffic Generation.

The following procedures and information shall be provided:

1. To determine project traffic generation, the current edition of ITE Trip Generation Report shall be used.
2. Identify all zoning districts, amount of development and trip rates.
3. Trip rates may be obtained from studies of comparable sites in the city or using data from previous traffic generation studies, and are subject to the approval of the city.
4. Any proposed reduction factors for capture of trips between land uses of a mixed use project or for passerby trips shall be provided by the applicant at the methodology meeting and approved by the city.

f. Project Traffic Distribution.

1. If the project generates fewer than 100 peak hour trips, the distribution can be developed based on those of similar projects.
2. For any project, manual gravity model distribution can be developed. The travel-time method described in Chapter 3 of ITE Transportation and Land Development may be used.
3. For any project, computerized distribution models, such as FSUTMS or QRSII, can be developed.

g. Alternative Demand Calculations.

If the applicant claims the standards provided in the demand calculations are not applicable to the proposed project, the applicant shall submit appropriate documentation supporting the proposed alternative demand calculation to the city. Any alternative calculation standard shall be subject to the approval of the city.

Sec. 61-123. Mitigation of Transportation Impacts.

Transportation impacts shall be mitigated in accordance with the Pinellas County Multimodal Impact Fee Ordinance and applicable interlocal agreements, as may be amended.

Sec. 61- 124.-61-134. Reserved.

LOCAL PLANNING AGENCY
RESOLUTION NO. 2026-04

A RECOMMENDATION TO THE CITY OF TREASURE ISLAND CITY COMMISSION FOR THE APPROVAL OF AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, CREATING CHAPTER 61, "PROCEDURES," OF THE CITY OF TREASURE ISLAND LAND DEVELOPMENT REGULATIONS; CONSOLIDATING AND RELOCATING PROCEDURAL, ADMINISTRATIVE, QUASI-JUDICIAL, SITE PLAN REVIEW, SUBDIVISION, APPEAL, AND DEVELOPMENT REVIEW PROVISIONS FROM MULTIPLE CHAPTERS OF THE LAND DEVELOPMENT REGULATIONS INTO A UNIFIED PROCEDURES CHAPTER; PROVIDING FOR REORGANIZATION, CLARIFICATION, INTERNAL CONSISTENCY, AND IMPROVED ADMINISTRATION OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT, PROVIDING FOR CODIFICATION, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3174, Fla. Stat., provides for the establishment of a "local planning agency"; and

WHEREAS, Section 163.3174, Fla. Stat., describes the duties and responsibilities of a Local Planning Agency, which include preparing and making recommendations of comprehensive plan amendments and proposed land development regulation amendments; and

WHEREAS, on August 20, 2026, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed amendments provided herein and found the amendments consistent with the Treasure Island Comprehensive Plan and its elements; and

WHEREAS, on August 20, 2026, the Planning and Zoning Board, sitting as the Local Planning Agency, held a public hearing on Ordinance 2026-16 creating Chapter 61 "Procedures" and has considered the information received at said public hearing; and

WHEREAS, on August 20, 2026, the Planning and Zoning Board, sitting as the Local Planning Agency, recommended approval of Ordinance 2026-16 to the City Commission; and

NOW, THEREFORE, BE IT RESOLVED by the Local Planning Agency of the City of Treasure Island, Florida, in a public meeting assembled:

The City of Treasure Island Local Planning Agency hereby transmits to the City Commission the proposed amendments to the Land Development Regulations, as set forth in Exhibit “A”, Ordinance 2026-16, with the recommendation to approve said amendments.

PASSED AND DULY ADOPTED BY THE CITY OF TREASURE ISLAND LOCAL PLANNING AGENCY, 20th Day of August 2026.

TREASURE ISLAND LOCAL PLANNING AGENCY

_____ _____
Richard Harris, Chair Date
Local Planning Agency

ATTEST:

_____
Lisa-Marie V. Kennedy, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

_____
Vose Law Firm, City Attorney

City of Treasure Island
Business Impact Estimate

Proposed ordinance's title/reference:

ORDINANCE 2026-16

AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, CREATING CHAPTER 61, "PROCEDURES," OF THE CITY OF TREASURE ISLAND LAND DEVELOPMENT REGULATIONS; CONSOLIDATING AND RELOCATING PROCEDURAL, ADMINISTRATIVE, QUASI-JUDICIAL, SITE PLAN REVIEW, SUBDIVISION, APPEAL, AND DEVELOPMENT REVIEW PROVISIONS FROM MULTIPLE CHAPTERS OF THE LAND DEVELOPMENT REGULATIONS INTO A UNIFIED PROCEDURES CHAPTER; PROVIDING FOR REORGANIZATION, CLARIFICATION, INTERNAL CONSISTENCY, AND IMPROVED ADMINISTRATION OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT, PROVIDING FOR CODIFICATION, AND PROVIDING AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes.

Question 1. Does the proposed ordinance meet one or more of the exceptions listed below? If so, then please check the applicable exception below and move to Question 2. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by section 166.041(4), Florida Statutes, for the proposed ordinance. If there is no applicable exception, proceed with completing the business impact estimate at Question 3.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or

☐ The proposed ordinance is enacted to implement the following:

a. Development orders and development permits, as those terms are defined in section 163.3164, Florida Statutes, and development agreements, as authorized by the Florida Local Government Development Agreement Act under sections 163.3220-163.3243, Florida Statutes;
b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the City;
c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Question 2. Based on the exception you selected above and in accordance with the provisions of the controlling law, please provide an explanation below of why the ordinance meets the exception(s).

N/A

Question 3. If there is no applicable exception, proceed with completing the below Business Impact Estimate. This Business Impact Estimate may be revised following its initial posting. In accordance, the City hereby publishes the following information:

A. Summary of the proposed ordinance (must include a statement of the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals and welfare of the City):

The purpose of the ordinance is to improve the general understanding and application of the Land Development Regulations by reorganizing and consolidating procedures associated with development applications. This Ordinance supports redevelopment objectives, while promoting increased transparency and understanding of the Land Development Regulations for the City and its residents.

B. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the city, including the following, if any: N/A

(1) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted; N/A

(2) Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible; Fees and operational charges are established for application processes that have not previously been referenced in the Land Development Regulations. Adoption of these additional applications improves consistency, organization, and recording of properties and land use throughout the City. The costs for these applications shall be adopted into the fee schedule through a separate ordinance and will be associated with the level of staff time required for processing.

(3) An estimate of the City's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs; The City may incur minor additional administration and staff review costs associated with evaluating PD applications. However, these costs are expected to be offset by application and review fees paid by applicants.

(4) Any other direct economic impacts of the proposed ordinance on private, for-profit businesses in the City that are not covered by (1), (2), or (3): N/A

C. Good faith estimate of the number of businesses likely to be impacted by the ordinance: N/A

D. Additional information the governing body deems useful (if any): N/A

AGENDA ITEM NO. 6.B

Item Cover Page

LOCAL PLANNING AGENCY AGENDA ITEM REPORT

DATE: August 20, 2026

SUBMITTED BY: Braydon Evans, Community Development

ITEM TYPE: Presentations

AGENDA SECTION: PRESENTATION OF ITEMS

SUBJECT: Review of Ordinance 2026-17 - Amending Chapter 68, Zoning Regulations

BACKGROUND:

The proposed ordinance is the product of the Phase 1 Land Development Regulations Updates approved by the City Commission in August 2023. The project was initiated following the adoption of the City's updated Comprehensive Plan. Florida Statute requires the City's Land Development Regulations to be consistent with the City's adopted Comprehensive Plan. The proposed ordinances brings the standards, definitions, and district provisions of the Land Development Regulations into conformance with the goals, objectives, and policies of the adopted Comprehensive Plan.

In addition to addressing Comprehensive Plan consistency, this update responds to zoning conflicts and discrepancies identified by City staff through ongoing administration and application of the Code. These issues were compiled over time by staff and integrated into the proposed amendments as part of this update.

The ordinance also reorganizes Chapter 68 to improve clarity and ease of use. Provisions have been restructured and consolidated to reduce redundancy, standardize terminology, and present zoning district requirements in a more consistent and readable format. Collectively, these amendments are intended to bring the zoning regulations into statutory compliance with the Comprehensive Plan, resolve known administrative conflicts, and improve the usability of the Code for staff, applicants, and the public.

POLICY/PURPOSE: The purpose of these amendments is to improve clarity and understanding of the City's zoning regulations while addressing inconsistencies identified between this chapter and the City's adopted Comprehensive Plan

STRATEGIC PLAN RELEVANCE: Bold Action 1: Perform a review of local ordinances and Land Development Regulations
Bold Action 2: Update the City's Comprehensive Plan, local ordinances and Land Development Regulations

ANALYSIS/DISCUSSION:

The proposed amendments included in this ordinance were developed over an approximately 24-month timeline through contracted services with Kimley-Horn as land use planning consultants. The project extended beyond the initially anticipated schedule due to staffing impacts resulting from the 2024 hurricane season. This effort has culminated in four proposed amendments to the Land Development Regulations; the intent of these amendments has remained limited to addressing consistency, clarity, and compliance throughout the Code. These amendments do not alter the existing development potential established within the zoning regulations but rather address changes throughout the chapter that improve clarity and organization of the regulations.

Amendments to this chapter include the reorganization and restructuring of various sections, relocation of procedural requirements, addition of simplified language, the expansion of definitions, and the establishment and zoning district assignment of new use types as needed.

FUNDING: No further funding is required for this phase of the project.

MOTION: I move to approve Resolution 2026-05 recommending approval of Ordinance 2026-27 to the City Commission.

ATTACHMENTS:
Ordinance 2026-17 Chapter 68 Revised 7 24 header.pdf
Exhibit A to Ord 2026-17 Chapter 68.pdf
Res 2026-05 Ord 2026-17 Chapter 68 Zoning.pdf
Business Impact Estimate - Ord 2026-17.pdf

ORDINANCE 2026-17

AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA AMENDING, REORGANIZING AND RENUMBERING THE DIVISIONS, ARTICLES AND SECTIONS OF CHAPTER 68 "ZONING REGULATIONS" OF THE CITY OF TREASURE ISLAND CODE OF ORDINANCES; CREATING SECTION 68-1 "PURPOSE AND INTENT," CREATING SECTION 68-495 "CERTIFIED RECOVERY RESIDENCES," AND CREATING ARTICLE VI "PARKING AND LOADING DESIGN STANDARDS"; AMENDING SECTIONS 68-191 ZONING DISTRICT PURPOSE, AMENDING 68-195 TO REFERENCE COUNTYWIDE PLAN, AMENDING 68-221 UNLISTED USE DETERMINATIONS, AMENDING 68-222 INTENT OF GENERAL PROVISIONS, AMENDING 68-223 PERFORMANCE STANDARDS, AMENDING 68-226 REORGANIZING IMPERVIOUS SURFACE RATIOS, AMENDING 68-242 PERMITTED USES, AMENDING 68-243 FLOOR AREA, AMENDING 68-244 MAXIMUM DEVELOPMENT POTENTIAL CRITERIA, 68-262 PERMITTED USES, AMENDING 68-264 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS, AMENDING 68-282 PERMITTED USES, AMENDING 68-284 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS, AMENDING 68-302 RFH-50 USES PERMITTED, AMENDING 68-304 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS, AMENDING 68-322 CG (COMMERCIAL) PERMITTED USES, AMENDING 68-324 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS, AMENDING 68-342 R/OS (RECREATION / OPEN SPACE) ZONING DISTRICT PERMITTED USES, AMENDING 68-343 DELEGATING AUTHORITY TO ISSUE SPECIAL PERMITS, AMENDING 68-362 PRESERVATION (P) ZONING DISTRICT PERMITTED USES, AMENDING 68-382 I (INSTITUTIONAL) ZONING DISTRICT PERMITTED USES, AMENDING 68-383 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS, AMENDING 68-402 T/U (TRANSPORTATION/UTILITY) ZONING PERMITTED USES, AMENDING 68-403 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS, AMENDING 68-410.02 PR-MU CORE (DOWNTOWN REDEVELOPMENT) ZONING DISTRICT PERMITTED USES, AMENDING 68-410.61 EXTERIOR LIGHTING CROSS REFERENCE, AMENDING 68-512 NONCONFORMING COMMERCIAL USE REGULATION, AND AMENDING 68-561 ALTERNATIVE SETBACK SYSTEMS TOWNHOUSES; REPEALING, REPLACING, OR RENUMBERING REQUIREMENTS CURRENTLY IN THESE

ARTICLES: ARTICLE II "ADMINISTRATION AND ENFORCEMENT" (SECTIONS 68-31 THROUGH 68-35), ARTICLE III "AMENDMENT PROCEDURE" (SECTIONS 68-121 THROUGH 68-125 AND 68-127 THROUGH 68-150), ARTICLE IV "CONCURRENCY MANAGEMENT SYSTEM" (SECTIONS 68-151 THROUGH 68-160), AND ARTICLE X "MISCELLANEOUS REGULATIONS" (SECTIONS 68-571 THROUGH 68-572); AMENDING SECTION 68-2 DEFINITIONS; AMENDING DIVISION 11 (DOWNTOWN REDEVELOPMENT) PR-MU CORE AND PR-MU GULF BLVD. ZONING DISTRICTS BY RENUMBERING AND AMENDING THE FOLLOWING SECTIONS: SECTION 68-410.06 SPECIAL EXCEPTION USES; SECTION 68-410.07 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS; SECTION 68-410.08 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS; SECTION 68-410.10 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS; SECTION 68-410.09 SETBACKS AND GROUND-LEVEL DESIGN STANDARDS; SECTION 68-410.31; PERMITTED PRINCIPAL USES; SECTION 68-410.36 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS; SECTION 68-410.38 SETBACKS AND GROUND-LEVEL DESIGN STANDARDS; SECTION 68-454 NON CONFORMING LOTS; SECTION 68-457 LOT WIDTH; SECTION 68-458 INTERSECTION AND DRIVEWAY VISIBILITY; SECTION 68-459 REDUCTION OF LOT AREA; SECTION 68-460 MAXIMUM COVERAGE; SECTION 68-461 YARD REGULATIONS; SECTION 68-464 SATELLITE ANTENNA REGULATION; SECTION 68-465 TELECOMMUNICATION TOWERS AND ANTENNAS; SECTION 68-486 OFF-STREET PARKING; SECTION 68-490 RESIDENTIAL TOWNHOUSE USES; SECTION 68-493 HOME OCCUPATIONS; SECTION 68-514 PLACEMENT OF UTILITIES; SECTION 68-541 SETBACK CLASSIFICATIONS; SECTION 68-542 ALLOWABLE ENCROACHMENTS; RENUMBERING THE FOLLOWING SECTIONS 68-126, 68-410.03, 68-410.05, 68-410.30, 68-410.32 THROUGH 68-410.35, 68-410.37, 68-410.39, 68-410.40, 68-410.41, 68-410.68, 68-431, 68-451, 68-462, 68-463, 68-466, 68-482 THROUGH 68-489, 68-491, 68-492, 68-494, 68-495, 68-496, 68-513, AND 68-487; RENUMBERING ARTICLES V THROUGH VII AS ARTICLES II THROUGH IV; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR

CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Treasure Island ("City") has undertaken a comprehensive review and update of Chapter 68 "Zoning Regulations" of the City Code of Ordinances and Land Development Regulations ("Code") to improve the clarity, organization, internal consistency, and usability of the City's zoning regulations; and

WHEREAS, the update reorganizes Chapter 68 by repealing provisions that are obsolete, redundant, or otherwise addressed by other provisions of the Code or by state law; consolidating related regulations; renumbering and relocating sections into an orderly sequence; and amending regulations to reflect current law, practice, and the goals and policies of the City's Comprehensive Plan; and

WHEREAS, the administration and enforcement provisions formerly located in Article II of Chapter 68 (Sections 68-31 through 68-35) and the concurrency management provisions formerly located in Article IV of Chapter 68 (Sections 68-151 through 68-160) are being reestablished, as revised, in a new Chapter 61 "Procedures" of the Code, adopted by a separate ordinance, and are accordingly repealed from Chapter 68; and

WHEREAS, the specific amendments, repeals, additions, and renumbering are set forth in the strikethrough and underline document entitled "Chapter 68 - Zoning Regulations," attached hereto and incorporated herein as Exhibit A, in which stricken text is deleted and underlined text is added; and

WHEREAS, the off-street parking and off-street loading regulations formerly located in Sections 68-486 and 68-487 are relocated to a new Article VI "Parking and Loading Design Standards" as Sections 68-541 and 68-542; and

WHEREAS, permitted, special exception, and accessory uses within the CG, I, and T/U zoning districts have been expanded to reflect updated definitions for docks and marinas to ensure marine development consistent with the intent and purpose of the respective zoning district; and

WHEREAS, the Local Planning Agency met on the ___ day of _____, 2026, reviewed the proposed revisions to the Land Development Regulations, and recommended approval; and

WHEREAS, the City Commission has reviewed the City's Comprehensive Plan and finds that the revisions are consistent with the City's Comprehensive Plan; and

WHEREAS, the City Commission has reviewed the relevant current Code provisions of the City of Treasure Island and finds that certain modifications are necessary and desirable; and

WHEREAS, the City Commission determines that the adoption of this Ordinance is in the interest of the public health, safety and welfare of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF TREASURE ISLAND:

SECTION 1. The recitals set forth above are true and correct and adopted herein by reference as legislative findings by the City Commission of the City of Treasure Island, Florida, for the adoption of this Ordinance.

SECTION 2. Chapter 68 "Zoning Regulations" of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended as set forth in Exhibit A, attached hereto and incorporated herein, with stricken text deleted and underlined text added. The amended sections include Sections 68-191, 68-195, 68-221 through 68-223, 68-226, 68-242 through 68-244, 68-262, 68-264, 68-282, 68-284, 68-302, 68-304, 68-322, 68-324, 68-342, 68-343, 68-362, 68-382, 68-383, 68-402, 68-403, 68-410.02, 68-410.61, 68-512, and 68-561, together with the sections renumbered and amended as identified in Section 5 of this Ordinance.

SECTION 3. The following provisions are hereby created and added to Chapter 68 of the Code of Ordinances of the City of Treasure Island, Florida, as set forth in Exhibit A: Section 68-1 "Purpose and Intent"; Section 68-495 "Certified Recovery Residences"; Article VI "Parking and Loading Design Standards," consisting of Division 1 "Off-Street Parking" and Division 2 "Off-Street Loading"; and Article VII, which is hereby designated as reserved.

SECTION 4. The following provisions of Chapter 68 of the Code of Ordinances of the City of Treasure Island, Florida, are hereby repealed in their entirety: Article II "Administration and Enforcement" (Sections 68-31 through 68-35); Article III "Amendment Procedure" (Sections 68-121 through 68-125 and 68-127 through 68-150); Article IV "Concurrency Management System" (Sections 68-151 through 68-160); Article X "Miscellaneous Regulations" (Sections 68-571 through 68-572); The provisions of Article II "Administration and Enforcement" and Article IV "Concurrency Management System" are repealed from Chapter 68 in conjunction with their reestablishment, as revised, in Chapter 61 "Procedures" of the Code, adopted by separate ordinance.

SECTION 5. The following sections of Chapter 68 of the Code of Ordinances of the City of Treasure Island, Florida, are hereby renumbered and relocated as set forth in the following disposition table. Sections identified as "Renumbered" are relocated without substantive modification, except that internal cross references are revised to reflect the renumbering effected by this Ordinance. Sections identified as "Renumbered and amended" are relocated and amended as set forth in Exhibit A.

Former Section	New Section	Action
68-2	68-3	Renumbered and amended
68-126	68-2	Renumbered
68-410.05	68-410.03	Renumbered
68-410.06	68-410.04	Renumbered and amended
68-410.07	68-410.05	Renumbered and amended
68-410.08	68-410.05	Renumbered and amended
68-410.10	68-410.05	Renumbered and amended
68-410.09	68-410.06	Renumbered and amended

Former Section	New Section	Action
68-410.30	68-410.13	Renumbered
68-410.31	68-410.14	Renumbered and amended
68-410.32	68-410.14	Renumbered
68-410.33	68-410.14	Renumbered
68-410.34	68-410.15	Renumbered
68-410.35	68-410.16	Renumbered
68-410.36	68-410.17	Renumbered and amended
68-410.37	68-410.17	Renumbered
68-410.39	68-410.17	Renumbered
68-410.38	68-410.18	Renumbered and amended
68-410.40	68-410.19	Renumbered
68-410.41	68-410.20	Renumbered
68-451	68-513	Renumbered
68-454	68-451	Renumbered and amended
68-457	68-452	Renumbered and amended
68-458	68-454	Renumbered and amended
68-459	68-455	Renumbered and amended
68-460	68-456	Renumbered and amended
68-461	68-457	Renumbered and amended
68-462	68-453	Renumbered
68-463	68-458	Renumbered
68-464	68-93	Renumbered and amended
68-465	68-94	Renumbered and amended
68-466	68-459	Renumbered
68-482	68-481	Renumbered
68-483	68-482	Renumbered
68-484	68-483	Renumbered
68-485	68-484	Renumbered
68-486	68-541	Renumbered and amended
68-487	68-542	Renumbered
68-488	68-485	Renumbered
68-489	68-486	Renumbered
68-490	68-487	Renumbered and amended
68-491	68-488	Renumbered
68-492	68-489	Renumbered

Former Section	New Section	Action
68-493	68-490	Renumbered and amended
68-494	68-491	Renumbered
68-495	68-492	Renumbered
68-513	68-514	Renumbered
68-514	68-515	Renumbered and amended
68-541	68-543	Renumbered and amended
68-542	68-544	Renumbered and amended

SECTION 6. Articles V, VI, and VII of Chapter 68 are hereby renumbered as Articles II, III, and IV, respectively, and the divisions thereunder are renumbered accordingly. The reserved section designations throughout Chapter 68 are hereby adjusted to reflect the amendments, repeals, and renumbering effected by this Ordinance, as set forth in Exhibit A, including Sections 68-5 through 68-190, 68-411 through 68-450, 68-460 through 68-480, 68-496 through 68-510, 68-516 through 68-540, 68-545 through 68-560, and 68-571 through 68-580.

SECTION 7. It is the intent of the City Commission that each provision hereof be considered severable, and, if any section, subsection, sentence, or provision of this ordinance is held invalid, the remainder of the ordinance shall not be affected.

SECTION 8. Should any section, paragraph, clause, sentence, item, word or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part hereof, not so declared to be invalid.

SECTION 9. It is the intent of the City Commission that the provisions of this Ordinance shall become codified and made a part of the Code of Ordinances of the City of Treasure Island, Florida, and the sections cited in this Ordinance may be renumbered, reformatted or re-lettered to accomplish such intention.

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its final passage.

FIRST READING and PUBLIC HEARING on the ___ day of _____, 2026.

SECOND READING and PUBLIC HEARING on the ___ day of _____, 2026.

PUBLISHED in the Tampa Bay Times on the ___ day of _____, 2026 and the ___ day of _____, 2026.

_____
John Doctor, Mayor

Attest:

_____
Lisa-Marie Kennedy, City Clerk

Approved as to Form:

_____
Vose Law Firm, City Attorney

EXHIBIT A to ORD 2026-17

Chapter 68 ZONING REGULATIONS

ARTICLE I. IN GENERAL

~~DIVISION 1. - GENERALLY~~

Sec. 68-1. Purpose and Intent

The purpose of this chapter is to implement the goals and policies of the Future Land Use Element of the City of Treasure Island Comprehensive Plan. This Chapter establishes official zoning districts, maps, and boundary regulations to guide land use and development in a manner that preserves the unique island character of Treasure Island.

These regulations are designed to:

- Promote orderly growth and redevelopment consistent with the vision of the Comprehensive Plan;
- Protect and enhance the public health, safety, and welfare;
- Maintain the aesthetic and environmental quality of the island community;
- Provide clarity and consistency in the application of land use controls;
- Support resilience and adaptability in the face of coastal hazards and changing conditions;
- Encourage compatible land uses and protect established neighborhoods and commercial areas;
- Facilitate the conservation of natural resources and sensitive lands.

This Chapter shall be interpreted and applied in conjunction with all other provisions of the Land Development Regulations, and shall serve as a foundational tool for land use decision-making in Treasure Island.

Sec. 68-2. Changes requiring approval by electors.

Any changes in the land development regulations of the city that would allow an increase in the number of units per acre (density) or an increase in allowable height of buildings must be approved by a majority of the qualified electors of the city.

~~Sec. 68-1. Rules of construction.~~

~~The city does hereby adopt the Land Development Regulations for the city the following rules of construction. It is intended that these rules and definitions be common to all ordinances comprising the city's Land Development Regulations and that they be either incorporated into each ordinance or more realistically adopted by reference. The following rules for the construction of language shall apply to the text of this chapter:~~

~~(1) The particular shall control the general. In case of any difference of meaning or implication between the text of this chapter and any caption, illustration, summary table, or illustrative table, the text shall control.~~

~~(2) The word "shall" is always mandatory and not discretionary. The word "may" is permissible.~~

~~(3) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.~~

~~(4) A building or structure includes any part thereof. The phrase "used for" includes "arranged for," "designated for," "maintained for" or "occupied for." The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.~~

~~(5) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either/or," the conjunction shall be interpreted as follows:~~

~~a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.~~

~~b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.~~

~~c. "Either/or" indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.~~

~~(6) The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like, kind or character.~~

Sec. 68-~~2~~ 3. Definitions.

Unless specifically defined below or in the specific article in which they appear, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage, and to give these regulations their most reasonable application. For the purpose of enforcing and administering this chapter, the following words shall have the definitions and meanings as herein set forth.

Abandon means to discontinue or terminate a use for more than 180 consecutive days.

Abutting means to physically touch or border upon, or to share a common property line.

Access, vehicular means the principal means of vehicular ingress and egress to property from a right-of-way or easement.

Accessory use or structure means a use or a structure subordinate to the principal use or building on the same lot and serving a purpose customarily incidental to the use of the principal building, provided any such structure is built with or after the construction of the principal building.

Adjacent means property that touches or is directly across a street, access easement, alley, or right-of-way (except those properties separated by an arterial or collector street) from the subject property.

Adult entertainment establishment means a site or premises, or portion thereof, upon which certain adult use activities or operations are conducted, such as, but not limited to adult arcade, adult bookstore, adult booth, adult theater, special cabarets, physical culture establishments, and adult photographic or modeling studios, including any business establishment whose primary business stock in trade is dependent upon the activities relating to specified sexual activities or specified anatomical areas.

Alcoholic beverage establishment means any establishment devoted primarily to the retail sale of alcoholic beverages for consumption on the premises. May also be generally referred to as a bar.

Alley means a right-of-way providing a secondary means of access and service to abutting property. May also consist of a vehicular-use drive located to the rear of lots providing access to service areas, parking, ancillary structures, or containing easements. ~~a public right-of-way which affords only a secondary means of access to abutting property.~~

Alteration means any change, rearrangement, enlargement, extension, reduction of any structure or part thereof or moving on the same site.

Amortization means the installment costs of a use or structure extended throughout a predetermined life of such use or structure.

Ancillary nonresidential use means off-street parking, drainage retention areas, and open space buffer areas for adjacent, contiguous nonresidential uses.

Animal hospital means any building or portion thereof designed or used for the veterinary care, surgical procedures or treatment of animals, but not boarding of well animals.

Antenna means any exterior transmitting or receiving device used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar), wireless communications signals or other communication signals.

Arcade means an architectural feature or structure including a ~~A~~ series of arches supported by columns, piers, or pillars, either freestanding or attached to a wall to form a covered passageway.

Architect means a person licensed by the state to practice architecture.

Artificial Turf means a manufactured surface resembling natural grass. For purposes of impervious surface, stormwater management, and site development standards, artificial turf shall be considered impervious surface unless demonstrated, through an approved drainage and stormwater plan, to meet or exceed DEP permeability and stormwater management standards adopted pursuant to Florida Statutes §125.572.

Artist studio means a worker's workroom for an individual and their employees for the purposes of activities including but not limited to painting, drawing, ceramics, sculpture, jewelry making, photography, graphic design, dance, glass blowing, film-making, video or film production.

Assembly occupancies means occupancies that include, but are not limited to all buildings or portions of buildings used for gatherings of persons, for such purposes as seminars, conventions, conferences, deliberation, entertainment, dining, religious institution use, amusement facilities or awaiting transportation.

Automobile gas station means any building, structure or land used primarily for the dispensing, sale or offering for sale at retail of any automotive fuels or oils.

Automobile service station means any building, structure or land used primarily for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, but not including major repair work such as motor overhaul, body and fender repair or spray painting. An automobile service station may provide for minor repair of vehicles and rental of automobiles or trailers.

Autonomous vehicle consistent with FS 316.003, means any vehicle equipped with autonomous technology. The term “autonomous technology” means technology installed on a

motor vehicle that has the capability to drive the vehicle on which the technology is installed without the active control or monitoring by a human operator.

Availability/available with regard to the provisions of facilities and services concurrent with the impacts of development, means that at a minimum the facilities and services will be provided in accordance with the standards set forth in Florida Statues.

Awning means an accessory structure, either temporary or permanent, which is supported by an open framework and is covered by material such as but not limited to cloth, plastic, fiberglass, or metal.

Bar. (See "alcoholic beverage establishment.")

Base flood elevation(BFE) means the elevation of the flood having a one percent chance of being equaled or exceeded in a year as depicted on the flood insurance rate map (FIRM).

Beach shelter means an accessory structure temporary or permanent, consisting of one or more columns and a roof and not including walls or a floor or facilities of any type.

Board of adjustment (BOA) for the purposes of this Code, shall mean the planning and zoning board.

Boarding house (rooming house) means a building other than a hotel or motel where lodging with or without meals for three or more persons not of the immediate family is provided for compensation.

Buffer area means a natural or landscaped area or strip of land, with or without such physical separation devices as a fence or wall, established to separate and insulate one type of use from another use; or to shield or block noise, lights or other considerations; or to separate development from a natural feature so as to reduce the incompatibility between uses or features and protect the integrity of each.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Building height means the vertical distance from the base flood elevation plus 2 feet of freeboard to the highest point of the building, not including those structures specifically permitted to extend beyond the height of the building, as may be modified by the Height Adjustment Factor.

Building setback line means the required minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or side lines of the building.

Building site means that part of a parcel of land designed to be occupied by the principal building and such accessory buildings or uses customarily incidental to it.

Bus shelter means a covered structure, usually having three walls, located on or adjacent to the right-of-way of a street and designed primarily for the protection and convenience of bus passengers.

Bush means a woody plant, smaller than a tree and having many stems branching out low instead of one main stem or trunk; shrub.

Cafeteria. (See "restaurant.")

Car wash means an establishment for the washing, cleaning, waxing and polishing of the exterior surface of passenger vehicles; and for the incidental cleaning and vacuuming of the interior passenger sections; may be automated, self-serve and or a service provided by an attendant or similar in a commercial setting.

Certificate of compliance means a certificate that is issued by a credentialing entity to a recovery residence or a recovery residence administrator.

Certified recovery residence means a recovery residence that holds a valid certificate of compliance and is actively manager by a certified recovery residence administrator,

(1) A Level I *certified recovery residence* houses individuals in recovery who have completed treatment, with a minimum of 9 months of sobriety. A Level I certified recovery residence is democratically run by the members who reside in the home.

(2) A Level II *certified recovery residence* encompasses the traditional perspectives of sober living homes. There is oversight from a house manager who has experience with living in recovery. Residents are expected to follow rules outlined in a resident handbook provided by the certified recovery residence administrator. Residents must pay dues, if applicable, and work toward achieving realistic and defined milestones within a chosen recovery path.

(3) A Level III *certified recovery residence* offers higher supervision by staff with formal training to ensure resident accountability. Such residences are staffed 24 hours a day, 7 days a week, and offer residents peer-support services, which may include, but are not limited to, life skill mentoring, recovery planning, and meal preparation. Clinical services may not be performed at the residence. Such residences are most appropriate for persons who require a more structured environment during early recovery from addiction.

(4) A Level IV *certified recovery residence* is a residence offered, referred to, or provided by, a licensed service provider to its patients who are required to reside at the residence while receiving intensive outpatient and higher levels of outpatient care. Such residences are staffed 24 hours a day and combine outpatient licensable services with recovery residential living. Residents are required to follow a treatment plan and attend group and individual sessions, in addition to developing a recovery plan within the social model of living in a sober lifestyle. No clinical services are provided at the residence and all licensable services are provided offsite.

Certified Recovery Residence administrator means a recovery residence administrator who holds a valid certificate of compliance.

Credentialing entity means a nonprofit organization that develops and administers professional, facility, or organization certification programs according to applicable nationally recognized certification or psychometric standards.

Child day care center means a licensed facility which provides, for any portion of the day, care-giving services to three or more persons under the age of 18, who are not related to the owner or operator.

City means the City of Treasure Island located within Pinellas County, Florida.

City Mmanager means the city manager of the Ceity of Treasure Island.

Clinic, medical means a facility which does not provide for overnight accommodations wherein professional services concerning personal health of humans are administered by medical doctors, chiropractors, osteopaths, optometrists, dentists or any other such profession, which may lawfully be practiced in the state.

Clinic, veterinary means a facility which provides for care of animals wholly within a soundproof, air conditioned structure and wherein overnight boarding of animals is accommodated only for medical reasons.

Club, private means building and facilities owned or operated by a corporation, association, person or persons for social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Commercial means a use or other activity, involving the sale or offering, of goods or services for any and all kinds of vocations, occupations, professions, trades, enterprises, establishments, and all other kinds of activities and matters, together with all devices, machines, private, for profit or not, whether salaried or unsalaried, either directly or indirectly, on any premises in this city, or anywhere else within its jurisdiction.

Commercial dock means any dock which will be used in connection with or owned by a hotel, motel, restaurant, social or fraternal club or organization or commercial enterprise of any type whatsoever.

Commercial property means a building, site, or portion of a structure where commercial use activities occur.

Commercial recreation use means a use of the property for a commercial purpose for a per use fee, where the use of the property by the customer is for a recreational use, such as a miniature golf course, a fishing pier or a commercial swimming pool.

Common lot line means a line dividing one lot or parcel from another.

Community residential home, as defined in F.S. § 419.001, means "a dwelling unit licensed to serve clients of the state department of children and family services, which provides a living environment for seven to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents." This term may include adult congregate living facilities (ACLFs), assisted living facilities (ALFs), and other comparable care and rehabilitative facilities meeting the statutory definition. This category is restricted to persons who do not require special provisions for emergency evacuation.

Comprehensive plan means the comprehensive plan as defined by F.S. ch. 163 "Community Planning Act" as adopted by the city and which may consist of several maps, data and other descriptive matter, for the physical development of the city or any portion thereof, including any amendments, extensions or additions thereto, indicating the general location for major streets, parks, public utilities, land use or other similar information.

Concurrency means that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

Concurrency management system (CMS) means the procedures and/or process that the city will utilize to assure that development orders and permits are not issued unless the necessary facilities and services are available concurrent with the impacts of development.

Condo-hotel means a hotel or motel comprised of units that are owned by an individual, corporation, or any other legal entity having mandatory membership into an association comprised of all owners within the same development, and is a building or buildings, collectively, "facility", containing individual guest rooms, units or efficiencies for which daily, weekly or monthly lodging is provided as transient accommodations.

Condominium means ~~a form of ownership as defined by state statutes~~. a unit available for sale in fee simple contained in a multi-occupancy project subject to covenants, conditions, and

restrictions placing control over the common facilities owned by the condominium. Condominium shall mean a condominium, cooperative, trust, partnership, or other similar association. (See Florida Statues Section 718.103).

Contiguous means the same as abutting.

County means Pinellas County, Florida.

Coverage. (See "lot coverage." , also referred to as “building coverage” See Figure 1)

Density means the number of dwelling units and hotel or motel units permitted on a particular lot or parcel of property. In determining the number of units permitted on a lot or parcel of land, any fraction of a unit in excess of eight-tenths shall be considered to be a whole unit.

Developer means any party seeking to alter the pre-existing conditions on a lot or parcel of land through such activities as the grading, excavation, dredging, filling, paving, construction of new buildings or accessory structures, expansion of existing buildings or accessory structures, total or partial demolition of existing buildings or accessory structures, connection to public utilities, and other activities commonly associated with the improvement of real property.

Development means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land altering or land disturbing activities. For example development includes:

(1) Construction, clearing, filling, excavating, grading, paving dredging, mining, drilling or otherwise significantly disturbing the soil of a site.

(2) Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or water management system, and including the long-term storage of materials.

(3) Subdividing land into two or more parcels.

(4) A tree removal for which authorization is required under this Code.

(5) Erection of a sign for which authorization is required under this Code.

(6) Alteration of a historic property for which authorization is required under this Code.

(7) Changing the use of a site so that the need for parking is increased.

(8) Construction, elimination or alteration of a driveway onto a public street.

Development order means any order granting, denying or granting with conditions an application for a development permit.

Development permit means any one of the following:

(1) Building permit;

(2) Site plan;

(3) Final plat;

(4) Special exception;

(5) Variance;

(6) Development orders for developments of regional impact as defined in F.S. § 380.06; and

(7) Any other official action of the city having the effect of permitting the development of land.

Development rights means the number of dwelling units or the amount of commercial square footage which may be constructed on a particular parcel or lot as specified in the zoning regulations.

Director means the Community Development Director ~~city manager of the city~~ and or their designee and/or those to whom they ~~he~~ have ~~has~~ charged the enforcement or interpretation of the land development regulations or selected provisions thereof.

District means any certain described area to which these regulations apply and within which the zoning regulations are uniform.

Dwelling, multiple-family means a building designed for and/or containing three or more dwelling units.

Dwelling, residential means a single-family, two-family (duplex), or multiple-family dwelling which is not a tourist dwelling.

Dwelling, single-family means a building designed for and/or containing only one dwelling unit.

Dwelling, tourist means a single-family, two-family or multifamily dwelling which is used as a tourist dwelling. A residential dwelling shall be considered a tourist dwelling according to the following criteria:

(1) If the single-family, two-family or multifamily dwelling is subject to or operates under any arrangement plan or design whereby the use of the dwelling or unit in the dwelling has been segmented over time so that owners, lessees or holders (regardless of the form of ownership or the form in which the right to use is expressed) of such unit has a recurring exclusive right to use either that dwelling or unit or another unit in the same dwelling according to a predetermined fixed schedule and only if the schedule would permit in any one year a change or turnover of occupancy six or more times, it shall be considered a tourist dwelling.

(2) If the single-family, two-family or multifamily dwelling operates under or is subject to an arrangement plan or design whereby sleeping accommodations and sanitary facilities in the dwelling or in a unit in the dwelling are offered to the public or reserved to private parties, or are advertised as being available, and the use thereof by members of the public or private parties is primarily on a daily, weekly, monthly or seasonal basis, it shall be considered a tourist dwelling. Provided that when the dwelling or unit in the dwelling is the legal domicile, and/or the sole permanent residence of the occupant, occupants, and/or guest(s), a rebuttable presumption arises that the dwelling or unit in the dwelling is not being used as a tourist dwelling. Provided further that if the turnover in occupancy of such dwelling or unit in the dwelling does not change more frequently than six times or more in any continuous 12-month period, then a rebuttable presumption shall arise that the dwelling or unit in the dwelling is not being used as a tourist dwelling. In determining whether a property is used as a tourist dwelling, such determination shall be made without regard to the form of ownership of the dwelling or unit in the dwelling, or whether the occupant, or occupants, has or have a direct or indirect ownership interest in the dwelling or unit;

and without regard to whether the right of occupancy arises from a rental agreement other agreement, or the payment of consideration.

(3) In addition to the above, if a single-family dwelling located in the RU-75 zoning district is operated or used in such a way that it has a turnover in occupancy of more than two times in any one year, it shall create a rebuttable presumption that such single-family dwelling is a tourist dwelling.

Dwelling, two-family (duplex) means a building designed for and/or containing two dwelling units.

Dwelling unit (d.u.) means a single unit consisting of not less than 500 square feet of living area providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation, but not including recreation vehicles, tents, hotels, motels or boardinghouses.

Easement means a grant of a right to use land for specified purposes. It is an interest in land granted for limited use.

Educational facilities means a location used for instruction in any branch of knowledge, and including the following: elementary, middle, and high schools, whether public or private; colleges, community colleges and universities; vocational and professional schools giving instruction in vocational, professional, technical, industrial, musical, dancing, dramatic, artistic, linguistic, scientific, religious or other special subjects.

Effluent means the emission of pollutants from any source.

Engineer means a person professionally licensed by the state to practice engineering.

Erosion Control Line means a boundary line fixed by the state on a nourished beach dividing private and public property (See Florida Statues Section 161.191).

Essential services means public utility facilities above ground which are related to the water, sanitary sewer, storm drainage, solid waste, telephone, cable television, gas and electrical collection or distribution systems that service the city but not including buildings housing employees; or administrative or recreational facilities.

Excavations means removal of 100 cubic yards or more of earth material for purposes other than that incidental to and on the site of authorized construction.

Exhibit hall means an indoor facility for the display of items, art, or materials to the public. This facility may also serve as a place of assembly for lectures or instruction.

FAA means the Federal Aviation Administration.

Fair market value means the value of property or structures, as used in the definition of substantial improvement, as determined by the county property appraiser, or M.A.I. or S.R.A. appraisal, either before the improvement was started, or if the structure has been damaged and is being restored, before the damage occurred.

Family means one or more persons permanently occupying a dwelling unit and living together as a single, nonprofit household unit (excluding section 68-49~~3~~0 pertaining to home occupations). The term "family" shall not be construed to mean a fraternity, sorority, club, commune, monastery or convent or institutional group. ~~Family does not include any society, club, fraternity, sorority, association, or like organization.~~ This definition does not include any group of individuals whose association is temporary or seasonal or similar to a tourist dwelling, resort, boardinghouse, motel or hotel. This definition shall be construed to include those

individuals protected as a family unit by the Fair Housing Act or other applicable laws that do not result in a fundamental alteration of the city's local zoning regulations.

FCC means the Federal Communications Commission.

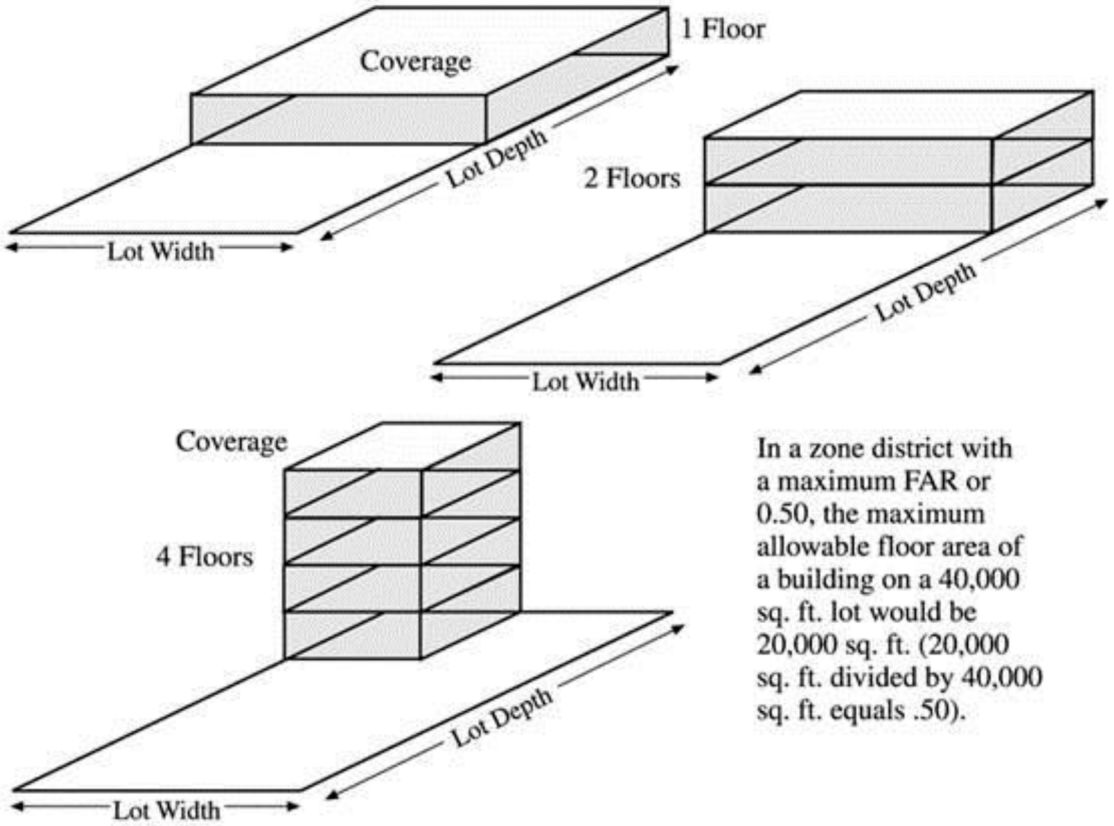
Fence means any construction of wood, metal, plastic, chain link or other industry standard fence materials, erected for the purpose of privacy, protection or ornamentation.

Fence, open means a fence with horizontal or vertical openings not less than 3.5-inches and such that a 4-inch-diameter sphere cannot pass through any opening, between intermediate pickets not greater than 1-1/2-inch cross sections. Any solid perimeter supporting rails shall not exceed 6-inches.

Final development order means a development permit as defined.

Floor area (gross/total) means the sum of the square footage of the floor area of a structure above the base flood elevation plus the square footage of floor area below the base flood elevation that is enclosed measured from the exterior face of the exterior walls or from the centerline of a wall separating two buildings, but not including interior parking spaces or loading space for motor vehicles.

Floor area ratio (FAR) means a measurement of the intensity of building development on a site. A floor area ratio is the relationship between the gross floor area on a site and the net land area. The FAR is calculated by adding together the gross floor areas of all buildings on the site and division by the net land area.

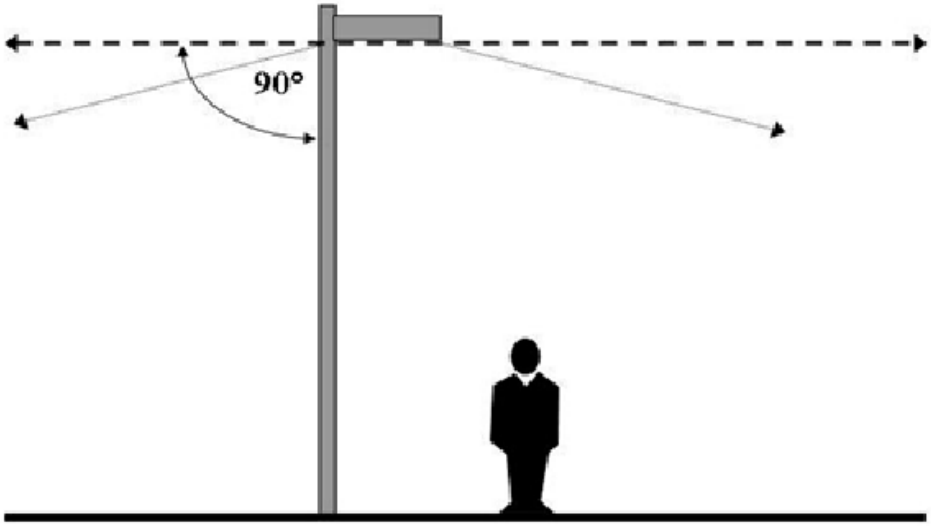


NOTE: Variations may occur if upper floors are stepped back from ground level lot coverage.

		Gross Building Area (All Floors)
Floor Area Ratio (FAR)	=	
		Lot Area

Floor, base means Floor, base means an enclosed or non-enclosed area beneath an elevated structure used for parking, storage or access.

Floor, lowest means the lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202.]



Footcandle means a unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot.

Full cutoff fixture means a type of light fixture with no light emitted above the horizontal no light dispersion or direct glare shines above a 90-degree, horizontal plane from the base of the fixtures.

Frontage means the length of the property line for a parcel which runs parallel to, and along, a road right-of-way or public or approved private street, exclusive of an alley~~ways~~.

Governing body means the city commission of the city as legally constituted.

Grade, finished means the finished elevation of a site after all fill, land balancing or site preparations have been completed. The finished elevation shall be inclusive of all grasses, landscaping, decks, patios, slabs or other ground coverings.

Grade, natural means the grade unaffected by construction techniques such as filling, landscaping or berming.

Grandfather clause means a clause creating an exemption based on circumstances previously existing.

Gross usable area means that area which is considered to be the total floor area of a building, minus specified storage areas. The gross usable area shall include all service, kitchen, and outdoor areas used for the purposes of the business.

Group home, as licensed by the state department of children and family services, means a residential family living environment with supervision for six or less people. This is not considered a commercial use. Such a home is for persons who do not require special provisions for emergency evacuation. In addition, no such home may be located within 1,000 feet of another existing group home, with the said distance to be measured in a straight line from the nearest point of the property line of the existing home to the nearest point of the property line of the proposed home, except as provided by law. (Consistent with F.S. 419.001)

Guard means a required railing as defined by the Florida Building Code.

Hedge means a dense row of shrubs or bushes forming a boundary. ~~*Height* means, when referring to a tower, antenna or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, even if the highest point on the tower or structure is an antenna.~~

Height Adjustment Factor means the mathematical difference between the highest natural grade on a property and the resultant base floor. *Home occupation* means the occupation of an individual and/or members of his immediate family conducted entirely in their dwelling when such dwelling is the principal use of the property and all the conditions of this Code, for home occupations, can be affirmatively evidenced and complied with.

Hotel or motel means a building or buildings, collectively, "facility," containing individual guest rooms, units or efficiencies for which daily, weekly or monthly lodging is provided as transient accommodations.

Hotel or motel unit means a room or group of rooms within a hotel or motel, as defined, with individual sleeping facilities having one entrance door.

Impervious surface means a surface that has been compacted or covered with a layer of material so that it is highly resistant to or prevents infiltration by stormwater. It includes surfaces such as compacted limerock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, swimming pools and other similar surfaces, and all other artificial or non-natural surfaces. Artificial turf shall be counted as impervious surface unless demonstrated, through an approved drainage and stormwater plan, to meet DEP permeability and stormwater management standards.

Impervious surface ratio (ISR) means a measure of the intensity of hard surfaced development on a site. An impervious surface ratio is the relationship between the total impervious surface area on a site and the net land area. The ISR is calculated by dividing the square footage of the area of all impervious surfaces on the site by the square footage of the net land area.

Indoor entertainment facility means a location which provides for activities within the confines of a building. Such uses shall include but not be limited to arcade games, miniature golf, movie theater, music, playground equipment, bowling, archery, skating, batting cages, etc. This may also be a location for an exercise facility, martial arts, theater arts, and dance instruction. These facilities generally provide an accessory snack or beverage bar for their patrons.

Intensity means the degree or magnitude of nonresidential development, measured by quantifiable characteristics such as floor area, floor area ratio (FAR), impervious surface coverage, traffic generation, operational characteristics, or demand on public facilities, which

collectively indicate the level of impact a proposed use has on land and infrastructure. For the purposes of this definition and these regulations, Intensity may be used to apply one or more of the included standards.

Junk means inoperative, dilapidated, abandoned or wrecked materials, including but not limited to automobiles, trucks, tractors, wagons, boats and other kinds of vehicles and parts thereof, scrap materials, scrap building material, scrap contractors' equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery and the like.

Junkyard means a place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards where vehicles are dismantled or wrecked and the used parts are stored and/or sold, house wrecking, and structural steel materials and equipment but not including the purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials as a part of manufacturing operations.

Kennel means an establishment where domestic animals are bred, boarded or sold.

Land Use means the development that has occurred on the land, the development that is proposed on the land, or the use that is permitted or permissible on the land, under an adopted comprehensive plan or element or portion thereof and land development regulations.

Landfill (earth, soil and hard materials) means addition of 100 yards or more of earth, topsoil, sand, gravel, rock, concrete products or bricks to any lot or parcel other than that incidental to and on the site of authorized construction.

Landscape architect means a person licensed by the state to practice landscape architecture.

Landscape area or green space means an area or areas including beautification strips, consisting of those materials, such as, but not limited to hedges, trees, planted ground cover, sodded and grassed areas and planted floral installations, all of which must be composed of natural plantings only, as distinguished from artificially manufactured planting reproductions.
Liner building means a shallow storefront at ground level, but may extend to the second story and above, used to block the appearance of vehicles in a parking garage along the principal streets.

Live-work unit means a building in which offices, studios, or other commercial uses are located on the first floor and a residential dwelling unit is located above the first floor.

Living level means the number of floors in a building above the base flood elevation plus freeboard.

Loading space (berth) means a space which provides for the loading or unloading of service vehicles and has a minimum size of 12 feet in width, 30 feet in length and 14 feet in height.

Lot means a parcel of land occupied or intended for occupancy by a use permitted in these regulations, including all structures, required yards, parking spaces, and open space and having frontage upon a public or private street right-of-way or easement for ingress and egress purposes. The word “lot” includes the words “plot,” “parcel” and “tract.” ~~(See "parcel.")~~

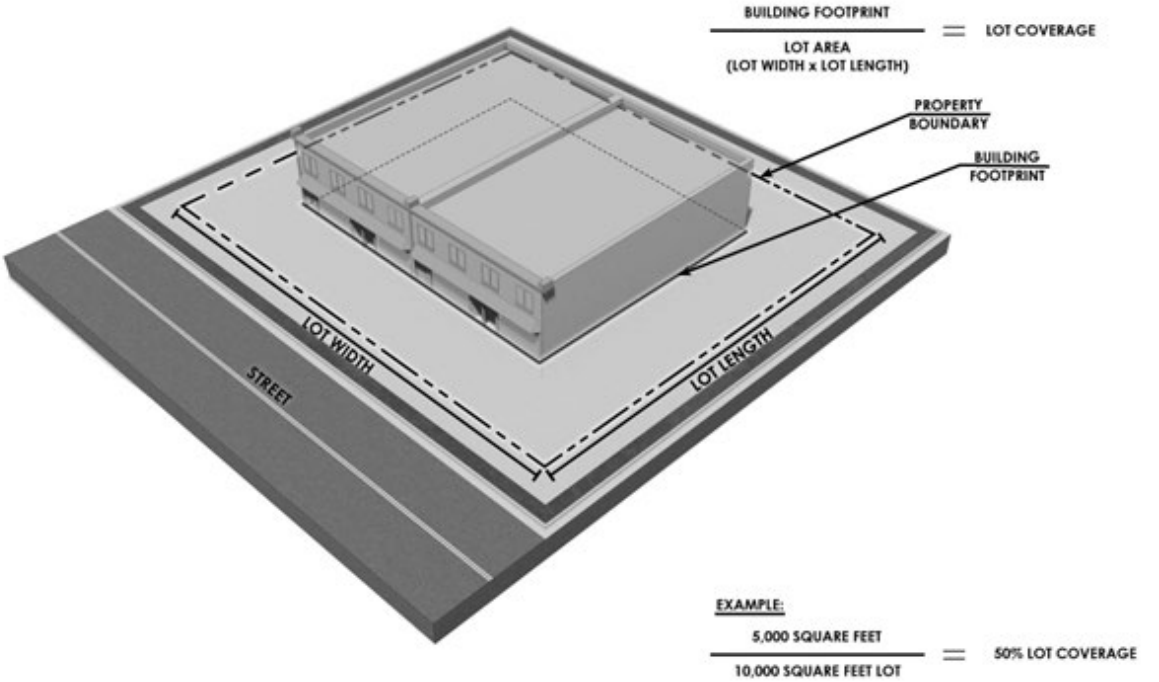
Lot area means the area included within the boundaries of a lot, excluding or proposed right-of-way, whether public or private. ~~horizontal plane area within the lot lines expressed in these regulations in square feet or acres exclusive of public or private dedications.~~

Lot, corner means a lot abutting upon two or more streets at their intersection or at a street corner having an interior angle not greater than 135 degrees. All boundaries abutting streets,

other than an alley or easement, shall be considered front yards, ~~all~~ other boundaries shall be considered rear or side yards based on the orientation of the structure. (See Figure 2~~Attachment One~~).

Lot coverage (also referred to as building coverage or building footprint) means he maximum aera of a lot that is permitted to be covered by roofed structures that are or may be made to be impervious to the weather (measured as a percentage of the lot), lot coverage does not include paved areas such as parking lots, pools, driveways or pedestrian walkways. Lot coverage shall be calculated by dividing building footprint(s) by the area of the lot (See Figure 1). ~~area of the lot expressed as a percentage of the total lot area covered by the ground floor of all principal and accessory uses and structures, including all areas covered by the roof of such uses and structures measured along the exterior faces of the walls or along the foundation wall line or between the exterior faces of supporting columns or from the centerline of walls separating two buildings or a combination of the foregoing whichever produces the greatest total ground coverage for such uses and structures.~~

Figure 1



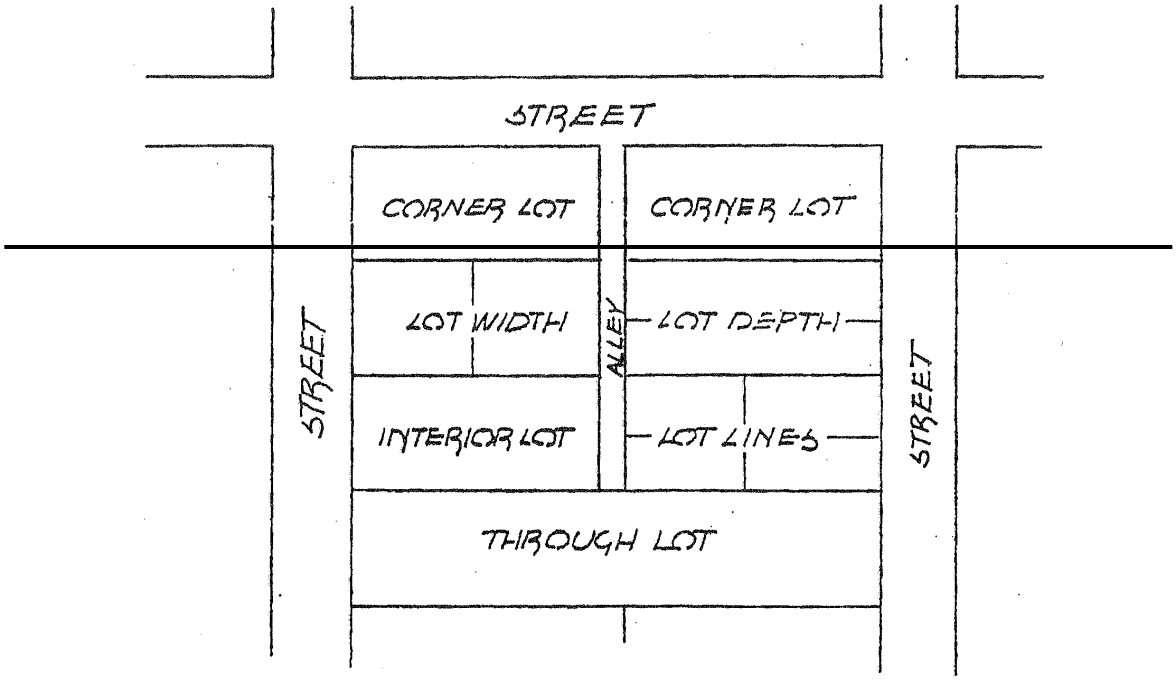
Lot depth (also referred to as length) means the horizontal distance between the front and rear lot lines measured in the mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the opposite mean rear line of the lot.

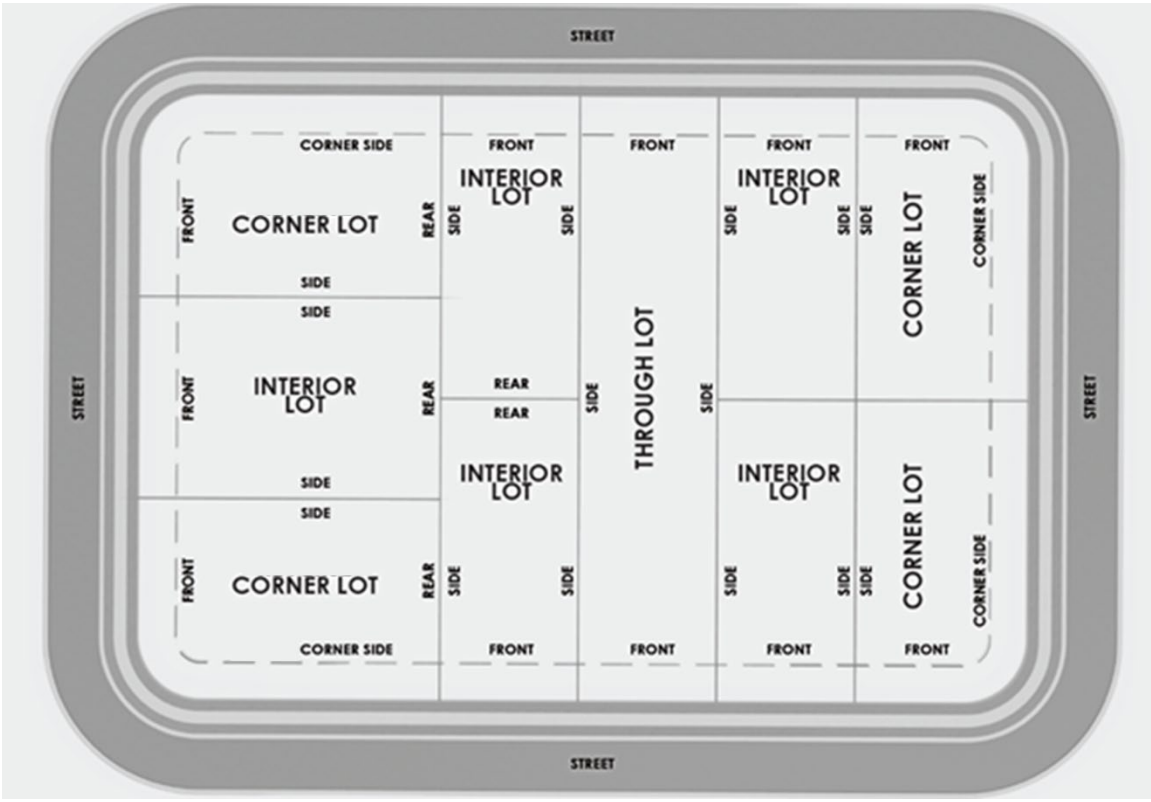
Lot, interior means a lot other than a corner lot with frontage on one street only. (See Attachment One).

Lot line means the boundary that legally and geometrically demarcates a lot. May also be generally referred to as a Property line. ~~line bounding a lot as herein defined as established by ownership except that where a lot line lies within a private street or waterway the edge of the private street right-of-way or waterway shall be considered to be the lot line for the purposes of calculating density, lot, yard and bulk requirements.~~

Lot, through (double frontage) means a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double-frontage lots. ~~an interior lot which has street frontages at opposite boundaries of the lot excluding alleys.~~ (See Figure~~Attachment~~2 ~~One~~).

Figure 2~~Attachment One~~





Lot width means the horizontal distance between the side lot lines measured along the front building setback line of the lot as determined by the prescribed front yard requirements of the zoning district.

Lumen means the unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from "watt," a measure of power consumption).

Luminaire means the complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

Marina~~, boat yard~~ means a site or commercial establishment which provides minor repair, maintenance or sale of boats, marine engines, marine equipment and marine services of all kinds; including but not limited to rental of ~~covered or~~ uncovered boat slips, dock space, enclosed dry storage space, marine railways or lifting or launching services. May include fueling facilities or sewage pump out.

Marina, Municipal means a marina owned, operated, or controlled by the City of Treasure Island, for the purpose of providing marine-related facilities and services to the public, including public docks. The municipal maria is subject to the standards and requirements of *Article III – Municipal Marina and all other applicable provisions of this Code.*

Mean high water means the average height of the high waters over a 19-year period; or for shorter periods of observations, the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value as defined in state statutes.

Mean high waterline (MHWL) means the intersection of the tidal plane of mean high water with the shore as established. (See Florida Statues Section 177.27). ~~defined in state statutes.~~

Medical marijuana treatment center means an entity defined in Article X, Section 29 of the Florida Constitution, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Florida Department of Health.

Medical marijuana treatment center dispensing facilities means a facility that is established or operated by a medical marijuana treatment center where medical marijuana or any product derived therefrom is dispensed at retail.

Mixed use means a combination of uses, either vertically or horizontally on a single property.

Mixed-use building means a building that contains two or more of the following major use types: residential dwelling units, tourist dwelling units, office, or retail establishments.

Mixed-use development means a building, site, or structure whose use will be for two or more of the following major use types: residential dwelling units, tourist dwelling units, office, or retail establishments.

Motel. (See "hotel or motel.")

Multiuse Private Dock means any dock owned in common or used jointly by the residents of an apartment house (more than two units), condominium or cooperative apartment.

Net usable area means the area accessible to the public, excluding rest rooms, hallways, kitchens, areas behind bars, but including customer waiting areas, exterior patios and decks that are used for customer service.

Noise means a subjective description to an undesirable or unwanted sound. (See "sound.")

Nonresidential use or property means a building, site, or structure which use does not provide for single-family, two family (duplex), or multifamily dwellings.

Nonconforming lot means a single lot, tract or parcel of land shown on either a recorded or unrecorded map, plat, drawing or survey, where such map, plat, drawing or survey was in existence at the time of the adoption of Ordinance 78-18, adopted on February 1, 1979, such lot failing to meet the requirements for area, width and/or depth for any permitted use within the zoning district in which it is located.

Nonconforming structure or use means a structure or land use legally existing at the time of the passage of this Code or amendment thereto, which does not conform to the provisions, requirements, and regulations of the zoning districts in which it is located.

Nursery school or kindergarten means any premises or portion thereof used for educational work or parental care of nonresident children of less than the age required for enrollment in the public school system whether or not for compensation as licensed by the state.

Nursing home or convalescent home means as defined by and licensed as a home for the aged or infirm in which three or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar establishments devoted primarily to the diagnosis and treatment of the sick or injured as licensed by the state.

Occupants means the total number of persons that may occupy a building or portion thereof or other areas designated for occupancy or use at any one time. The term "other areas

designated for occupancy or use" shall be deemed to include, but not be limited to, decks, patios, piers, wharves, or other improved areas of the site for use by the patrons.

Odor means an objectionable smell response in a human being.

Off-site means located outside the lot or parcel lines of the principal use.

Office means a building, room or space where clerical or administrative activities are performed or wherein specialized services such as the offices of a doctor, dentist, lawyer, engineer, architect, chiropractor, osteopath, insurance agent or real estate broker are provided.

Official land use map also known as the official future land use map means the official land use map of the city which depicts the future land use classifications of the comprehensive plan. Such map is herewith adopted by reference and shall not be changed except by order of the city commission as provided for herein.

Official zoning map means the map of all zoning districts, delineating the boundaries of the zoning districts, together with all matters and things shown on such maps, as they are updated and amended from time to time, collectively constitute the "official zoning map." The official zoning map is incorporated by reference and made a part of the land development regulations.

Open space means undeveloped land which is suitable for passive recreation, preservation, or conservation uses.

Outdoor dining means an unenclosed, open air area that contains tables, chairs and other similar facilities which is accessory to a licensed and operating restaurant, bakery, café, candy, confectionary and ice cream stores where food and beverage are served and consumed for pay. Outdoor dining shall not include the preparation of food or beverages, cooking, storage or placement of equipment of any kind, except the temporary placement of implements associated with the service of food. Outdoor dining does not include open air market, outdoor display, outdoor storage, mobile food vending vehicles or any use of property that does not provide a permanent structure for restrooms and kitchen facilities.

Outdoor display means the placement of merchandise, commodities, equipment, materials or articles outside of a building for the purposes of attracting customers and displaying examples of items that are for sale within a building. Display shall be limited to the placement of sample items for sale within the building.

Outdoor occupied space means an area that is not enclosed, but is designed and intended for use on an occasional or more frequent basis. Outdoor occupied space may include patios at restaurants, outdoor garden centers, decks for outdoor music, children's play areas, etc. if the space is intended for use in connection with the principal use.

Outdoor storage means the accumulation of merchandise, commodities, equipment, materials, containers, semi-trailers, inoperable vehicles, or articles outside of a building either used as stock in trade or related to the use of the site. This term does not include outdoor display.

Parcel means a tract of land which may be described by metes and bounds or plat. (See "lot.")

Parking area means any public or private land area designated and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets; may also be referred to as vehicle use area (VUA).

Parking lot means an off-street, ground level area improved for the temporary storage of licensed operable motor vehicles. Does not include an area used exclusively for the display of

motor vehicles for sale as part of an automobile dealership (all references to parking lot may be commercial, private, valet, and/or public in nature unless otherwise specified).

Parking lot, accessory means a parking lot that is located on the same lot as the permitted or special exception use and is subordinate to such use.

Parking lot, off-site means located outside the lot or parcel lines of the principal use.

Parking lot, shared means parking facilities that may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when hours of peak use vary, or when excess parking is available; joint use of a parking lot or area for more than one principal use.

Parking lot or structure, commercial means a lot or parcel of land or portion thereof, which is not accessory to any other use of the same or any other lot or parcel, and contains parking space rented to the general public for a fee.

Parking lot or structure, private means a parking lot or structure for the exclusive use of the owners, tenants, lessees, or occupants of the lot or parcel on which the parking area is located or their customers, employees, or whomever else they permit to use the parking area.

Parking lot or structure, public means a parking lot or structure available to the public with or without payment of a fee.

Parking lot, temporary means a parking lot established for a fixed period of time. The use will terminate automatically upon expiration of the fixed time period unless permission to conduct the use is renewed.

Parking lot, valet means the parking of vehicles where a fee may or may not be charged by an attendant provided by the establishment for which the parking is provided.

Parking, off-street means a parking area improved for licensed motor vehicles, temporarily stored in connection with a use requiring same. It includes parking spaces, aisles, access drives, landscaped areas, and vehicular access to a public street.

Parking, on-street means the storage space for a licensed motor vehicle that is located within the street right-of-way.

Parking, remote means a parking lot or structure on a site other than the property it serves, usually at a substantial distance, and often connected by a shuttle bus, but located on Treasure Island.

Parking space means an area, enclosed or unenclosed, sufficient in size to store one motor vehicle and permitting the necessary ingress and egress of a motor vehicle.

Parking, special event means parking for a recurring or non-recurring special event activity.

Parking, stacked means the parking of cars in a parallel line, one in back of the other on private property.

Parking structure means a structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages and parking decks.

Pedestrian friendly zone means an area on private property, at least four-foot wide, adjacent and parallel to the public right-of-way. The area is meant to expand the sidewalk for the public to utilize.

Permitted use means the specific purposes for which lands or buildings are maintained in accordance with the zoning district regulations of this Code.

Personal service store means an establishment which provides personal services directly to the consumer, such as barbershop, beauty shop and dry cleaning, but which does not have as its primary function the sale of retail goods.

Pervious area means any portion of lot or parcel not required, designated or encumbered by either principal or accessory uses, buildings and structures and other site uses. Pervious area shall be landscaped or retained in the natural state. Other materials may county as partially pervious as outlined in Chapter 76.

Planning and zoning board means the advisory body to the city commission of the city as legally established and referenced in this Code.

Plat means a map depicting the division or subdivision of land into lots, blocks, parcels, tracts or portions thereof; however the same may be designated.

Plat of record means a plat which conforms to all the requirements of the applicable laws of the state and this Code and has been filed and recorded in the office of the clerk of the circuit court for the county.

Pool Structure means any structure or portion of a structure that contains, supports, or is associated with a swimming pool, including the pool shell itself and any appurtenant features. Including but not limited to the pool shell, decking or slabs, attached spas or hot tubs.

Portable means able to be moved or carried about by two persons.

Preliminary development order is one of the following:

(1) Rezoning;

(2) Special exception;

(3) Preliminary plat approval.

Premises means any lot and/or all buildings and structures thereon.

Principal use or structure means a use or a structure in which is conducted the predominant or primary function or activity of the lot upon which it is located.

Private yacht club means a site of at least six acres or more which contains at least 20 boat slips contiguous thereto, owned by its members, which members pay dues assessed on no less than an annual basis, the use of which is restricted predominantly to the members and owners, and the use of which is primarily devoted to the promotion of private yachting and boating activities, tennis and other outdoor sports and social activities related thereto.

Professional planner means a person who is a full member of the American Institute of Certified Planners and may be registered by the state as a professional planner.

Professional services means business, including but not limited to, providing the following: medical, veterinary, and other health care services; legal services; consulting, engineering and architectural services; and accounting, auditing, and bookkeeping services in an office setting.

Property line. (See "lot line.")

Property owners' association means a nonprofit organization recognized as such under the laws of the state operated under recorded land agreements through which each owner of a portion of a subdivision, be it a lot, home, property or any other interest, is automatically subject to a charge for a prorated share of expenses either direct or indirect for maintaining common properties within the subdivision, such as roads, parks, recreational areas, common areas or other similar properties. Within the text of this Code, a property owners' association is considered a single entity for property ownership.

Public dock means a fixed or floating water-dependent structure available for use by the general public for water access, recreation, or transient docking. Public docks shall not be reserved for private or exclusive use and shall not function as a residential accessory or private marina. Limited day-use amenities may be provided; however, overnight docking and long-term storage are prohibited unless specifically approved by the City.

Public facilities and services means those covered by the city comprehensive plan required by F.S. § 163.3177, and for which level of service standards must be adopted. These are:

(1) Roads;

(2) Sanitary sewer;

(3) Solid waste;

(4) Drainage;

(5) Potable water;

(6) Parks and recreation.

Public notice means the legal advertisement given of an action or proposed action of the city commission as set forth in these regulations or applicable statute of the state.

Public, semi-public uses means those primary and secondary uses listed under the P (Preservation), R/OS (Recreation/Open Space), I (Institutional), and T/U (Transportation/Utility) zoning districts.

Rear lines means those lines adjoining lots or alleys in the rear.

Recreation area or space (private) means an accessory use consisting of one or more areas, enclosed with a structure and/or open, devoted to the active and/or passive recreational enjoyment of one or more persons residing within the principal use to which it is accessory. When developed and/or equipped for various recreational pursuits, the areas shall not be allowed for any other required site uses except open and/or rear building setback areas.

Redevelopment means the reuse, demolition and reconstruction or substantial renovation of existing buildings or infrastructure.

Religious institution use means a site, premise, or location that is used principally, primarily, or exclusively for the purposes of religious exercise as protected by the Religious Land Use and Institutionalized Persons Act.

Residential structure means a structure whose use will be for a single-family home, two-family (duplex), three-family dwelling units, or multifamily dwellings inclusive of apartment house, a townhouse, a condominium, or any type of dwelling unit.

Residential use or property means a building, site, or structure whose use will be for a single-family, two-family (duplex), three-family dwelling or multifamily dwellings.

Restaurant means an establishment where food is ordered from a menu, prepared and served for pay, for consumption on the premises but not a drive-in restaurant. May also be generally referred to as a Cafeteria.

Restaurant, drive-in means any food or beverage dispensing operation at retail to the general public where the public is served while remaining in automobiles or other motor vehicles.

Retail establishment means any facility where the primary use is the sale of goods or merchandise to the general public. Limited processing or assembly may be permitted as accessory to the selling activity.

Retaining wall means a vertical or near-vertical structure built out of rock, block, wood or other similar material and used to either directly support retained material or to serve as a facing of a cut slope. The definition includes other systems designed to retain earth or other materials such as a geosynthetic-reinforced wall. A retaining wall shall be constructed so that it does not drain onto adjacent private property. The finished grade of the retained material shall be no more than 6" below the top of structure.

Rezoning, an amendment to the zoning map which changes the zoning classification of a parcel or parcels of land.

Right-of-way (ROW) means the area of a highway, road, street, way or parkway or other such strip of land reserved for public use, whether established by prescription, easement, dedication, gift, purchase, eminent domain or any other legal means.

Satellite antenna means any parabolic or spherical antenna which receives television or other signals from orbiting satellites or other devices. The height of a ground-mounted antenna shall be the maximum height to which it is capable of being raised and shall be measured from the highest point of the finished grade of the roof adjacent to the structure. A satellite antenna shall be considered as an accessory structure when it is not part of a public utility. A web or mesh type antenna is an antenna primarily constructed of a web or mesh material so that it does not substantially impair visibility. A ground mounted or "short pole" installation denotes a pole of nine feet or less in height. A "long pole" installation denotes a pole of greater than nine feet in height which is braced to the side of a building for added rigidity.

Setback Adjustment Factor means the mathematical difference between the highest natural grade on a property and the resultant base floor.

Sediment means the mineral or organic particulate material that is in suspension or has settled in surface waters or groundwaters.

Service station. (See "automobile gas station and automobile service station.")

Shrub means a low growing perennial, woody or evergreen plant with persistent stems.

Side lines means those lines between lots facing the same street or alley.

Special care facility means an institution such as a hospital, nursing home, or similar type of facility established for the care of non-ambulatory patients or clients who require special provisions for emergency evacuation. Community residential homes providing care for non-ambulatory clients requiring special provisions for emergency evacuation are specifically included in this definition for regulatory purposes.

Special event means an approved activity that can be either recurring or non-recurring. Generally, more than 100 people and/or where the event will interfere with vehicular or pedestrian traffic and is beyond regular property usage or where higher concern exists for the protection of participants, users and/or property. Such event is usually for a short duration of time and is usually an entertainment, education, cultural, or neighborhood event including, but not limited to, activities such as races, carnivals, festivals, parades, large company picnics and private fundraisers. ~~organized neighborhood yard sales, neighborhood block parties, wedding receptions on the beach, spaghetti dinners, special beach events, beach clean-ups, outdoor concerts and movies, outdoor morning markets, bazaars, parades, and carnivals.~~ Such events extend beyond the normal uses and standards allowed by the land development regulations of the city.

Special Permit means a permit issued by the Community Development Director ensuring compliance with this chapter, for developments not otherwise requiring a building permit.

Special exception (SE) means a use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location, and relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance or prosperity and is permissible. Such uses may be in accordance with the procedures as set forth in this Code.

State means the State of Florida and all its duly appointed agencies.

Statement of zoning *compliance* means a statement issued by the city manager or designated representative of the city setting forth that the permitted construction has been completed in compliance with the approved plans and specifications and conforms with all provisions of the land development regulations.

Store, convenience means a small retail establishment which sells a general line of goods and products intended for the convenience of surrounding residents and whose gross floor area does not exceed 3,000 square feet.

Store, retail means an establishment which sells goods or products directly to the public for compensation.

Stormwater means any stormwater runoff, and surface runoff and drainage.

Stormwater management system stormwater management, or stormwater system has the same meaning within this article and means all facilities, manmade structures, all natural watercourses used for collecting, treating, storing and conducting stormwater to, through and from drainage areas to, and including points of final outlet. A stormwater management system may include but is not limited to any or all of the following: inlets, conduits, valves, creeks, lakes, channels, catch basins, ditches, streams, drainage wells, gulches, gullies, flumes, culverts, siphons, retention or detention basins, dams, flood walls, levies, spillways, pumping stations, and appurtenant features to all of the foregoing. .

Street means any public accessway such as a street, road, highway, avenue, boulevard, alley, terrace, circle, or cul-de-sac, and also includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved, but shall not include those access ways such as easements and rights-of-ways intended solely for limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines, drainage and sanitary sewers, and private easements for ingress and egress. ~~any thoroughfare, street, avenue, boulevard, highway, parkway or space which may or may not be dedicated or deeded to the public for use and which affords the principal means of access to abutting property for the purposes of vehicular travel.~~

Street, arterial (major) means streets and highways serving major metropolitan activity centers, the highest traffic volume corridors, the longest trip desires, and a high proportion of total urban area travel on a minimum of mileage. Service to abutting land should be subordinate to the provision of travel service to major traffic movements. This system carries the major portion of trips entering and leaving an urban area, as well as the majority of through movements desiring to bypass the central city, and normally will carry important intra-urban as well as intercity bus routes.

Street, arterial (minor) means streets and highways interconnecting with and augmenting the urban principal arterial system and providing service to trips of moderate length at a somewhat lower level of travel mobility. The system places more emphasis on land access and

distributes travel to geographic areas smaller than those identified with the higher system. It includes all arterials not classified as major.

Street, collector means streets penetrating neighborhoods, collecting traffic from local streets in the neighborhoods, and channeling it onto the arterial system. A minor amount of through traffic may be carried on collector streets, but the system primarily provides land access service and carries local traffic movements within residential neighborhoods, commercial and industrial areas. It may also serve local bus routes.

Street, expressway means a street which is to be used only for the movement of vehicles providing for no vehicular or pedestrian access to abutting property except at permitted, authorized and controlled points. The acquisition of right-of-way for expressways includes the acquisition of access rights thereto.

Street, limited access means a highway or freeway which does not permit access except at authorized and controlled points. The acquisition of right-of-way for such highways or freeways usually includes the acquisition of access rights thereto. Access may also be limited through methods other than acquisition of access rights.

Street, local means streets not classified in a higher system, primarily providing direct access to abutting land and access to the higher systems. They offer the lowest level of mobility and usually carry no bus routes. Service to through traffic is deliberately discouraged.

Street, marginal access means a street which is parallel and adjacent to an expressway, arterial or limited access street or in the immediate vicinity of such streets and which has as its principal purpose of relieving such street from local service of abutting property by providing protection from conflicts with through traffic. A marginal access street may also be called a frontage street.

Street, private means any street existing prior to or at the time of adoption of this Code which has not been dedicated for public use and not accepted for ownership or maintenance by the appropriate public agency. After adoption of the ordinance from which this chapter was derived, private streets shall be limited to property under single ownership or a property owners' association.

Street, public means any street designed to serve more than one property owner which is dedicated to the public use and accepted for ownership and maintenance by the appropriate public agency; includes any street right-of-way dedicated to the public prior to or at the time of adoption of the ordinance from which this chapter was derived. Streets controlled by a property owners' association may be retained as private streets by the association as long as the association accepts the obligation for complete control and maintenance. A street designed to serve more than one property owners' association must be public.

Street wall means the part of a building that faces the street, but it generally refers to how and where several buildings line up to define a proper walking environment. At the most basic level, buildings should be set back an equal distance so that facades are even for as far as a pedestrian can see. A street wall helps to promote walking over automobile use by fostering a feeling of safety. Because the upper floors of urban buildings define an enclosed visual space for the pedestrian, they expand the view down the street.

Structural alteration means any change, except the repair or replacement, in the supporting members of a building such as bearing walls, columns, beams or girders; or the rearrangement of interior partitions and/or space affecting more than 20 percent of the total floor area of the building.

Structure means that which is built or constructed . A lawfully permitted mailbox, as provided for in subsection 68-458(5e), shall not be deemed to be a structure.

Subdivision means the division of real property into three ~~two~~ or more lots, parcels, tracts, tiers, blocks, sites, units or any other division of land, or if the establishment of new streets and alleys is involved, any division of such parcel. The term includes resubdivisions and, when appropriate to the text, relates to the process of subdividing or to the lands or area subdivided; however, the following shall be exempt:

(1) The public acquisition of strips of land for the widening of existing streets;

(2) The combination or recombination of portions of previously platted lots where no new parcels or residual parcels smaller than any of the original lots are created;

(3) The division of land into parcels greater than one and one-fourth acres where no new streets or easements of access are planned;

(4) The transference of part of one lot or tract to an adjacent lot or tract provided the transference does not reduce any lot or tract to an area or width less than the minimum specified in this chapter.

Submerged land means the land area situated below the mean high water line of a standing body of water, including ocean, estuary, lake, pond, river or stream. For the purpose of this definition retention areas that are a function of development and wetlands shall not be considered submerged land.

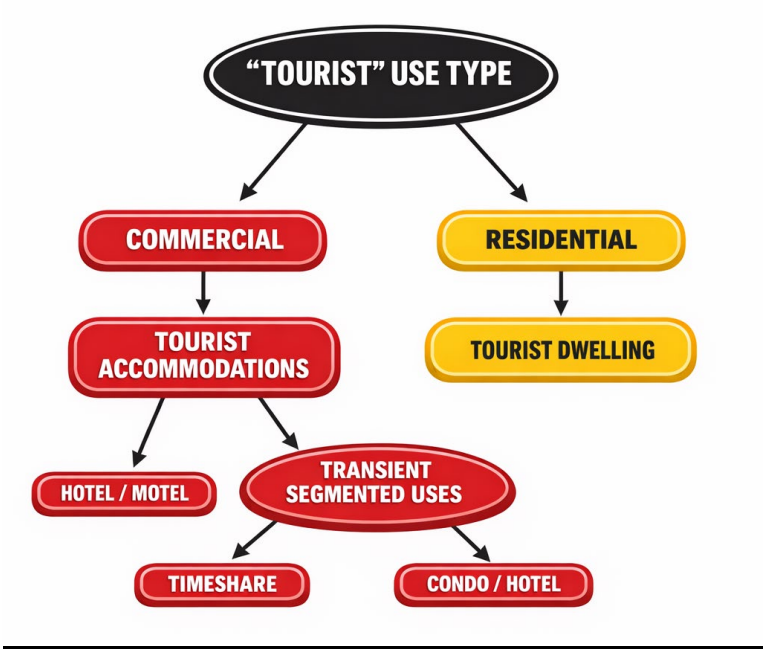
Survey, certified means a survey, sketch, plan, map or other exhibit containing a written statement regarding its accuracy or conformity to specified standards certified and signed by the registered surveyor under whose supervision the survey was prepared.

Surveyor means a person licensed by the state to practice land surveying.

Temporary means a time period of not more than 90 days.

Tourist Accommodations, also known as *Tourist Lodging*, means commercial lodging use designed, intended, or operated for the temporary lodging of visitors for compensation, where occupancy is transient in nature. If the occupancy of any such unit does not change more frequently than six times or more in any continuous 12-month period, then a rebuttable presumption shall arise that the unit is not being used for transient accommodation. Tourist Accommodation includes hotels, motels, and similar transient lodging establishments, which may consist of individual rooms or segmented lodging units operated under unified or coordinated management, and may include customary accessory services such as lobbies, food and beverage service, meeting spaces, and related amenities. Tourist Accommodation is a non-residential use and does not include dwelling units, tourist dwellings, vacation rentals, or any unit intended or used for permanent or long-term residential occupancy, regardless of ownership structure. Any owner occupancy shall be limited to no more than ninety (90) days in any consecutive twelve (12)-month period, except for a permitted resident manager unit.

Figure 3



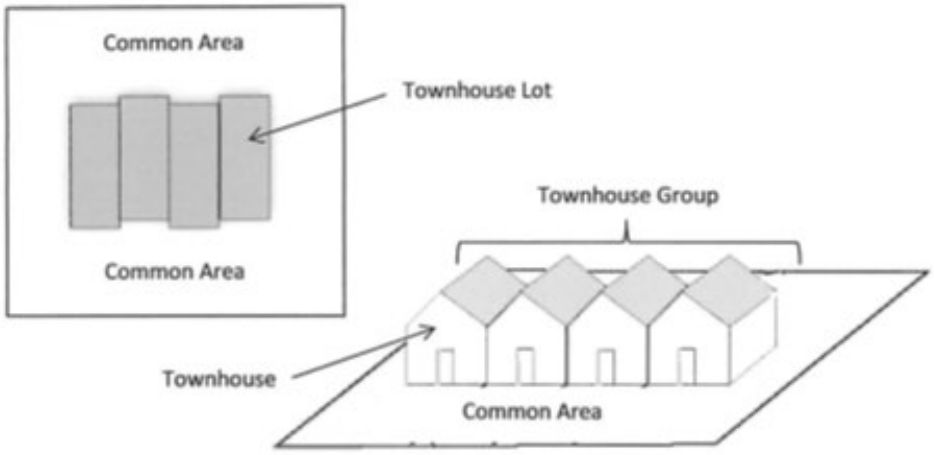
Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission/relay towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto.

Tower Height means, when referring to a tower, antenna or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, even if the highest point on the tower or structure is an antenna.

Townhouse or *townhouse unit* means two or more residential dwelling units within a structure having common side walls, front and rear yards, and individual entry ways, but with no unit located above another unit. ~~an attached, privately owned single-family dwelling unit which is a part of and adjacent to other similarly owned single-family dwelling units that are connected to but separated from one another by no more than two party walls having no doors, windows, or other provisions for human passage or visibility. A townhouse or townhouse unit may only be developed with one dwelling unit.~~

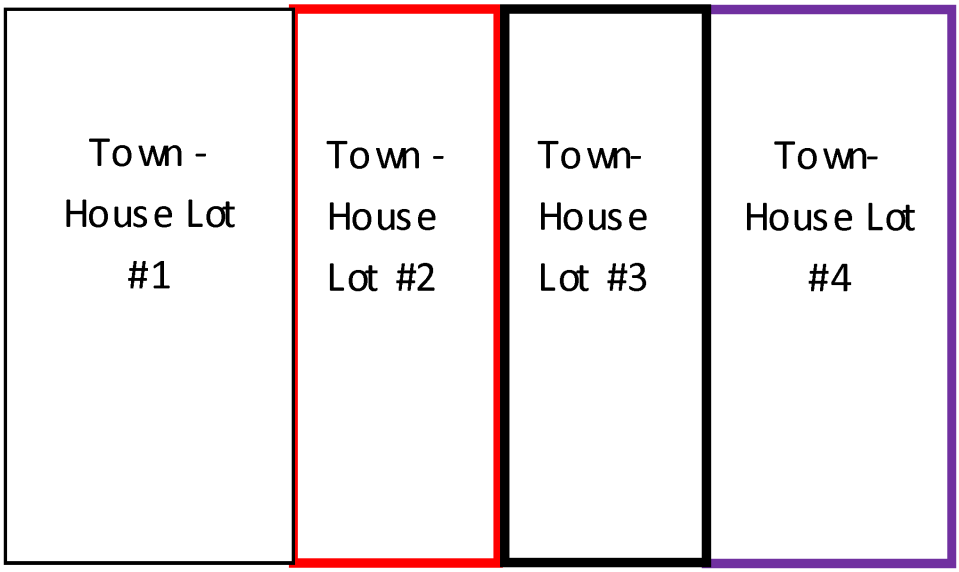
Townhouse development means a site for the design and development of townhouse group(s) that allow for individual ownership of a townhouse or townhouse unit.

Example #1: Townhouse Development with Common Areas



Example #2: Townhouse Development without Common Area.

The individual townhouse lots encompass all of the land in the townhouse development. Typically, there are easements recorded with the townhouse lots to ensure utility services and ingress/egress access is provided to each townhouse lot.



Townhouse group means a cluster or grouping of townhouse units containing no less than three and no more than ten townhouse dwelling units contiguous to one another. A townhouse group or groups are located in a townhouse development. The townhouse group consists of the attached townhouse units in one structure.

Townhouse lot means a recorded and deeded lot upon which a townhouse or townhouse unit is developed. Only one townhouse unit may be constructed on a townhouse lot.

Transient Segmented Use / Transient Accommodation means a non-residential lodging use consisting of a building or portion of a building containing multiple individual sleeping rooms or suites that are rented separately for transient occupancy and do not constitute dwelling units. Such uses are characterized by short-term stays, high occupant turnover, and centralized ownership, control, or management, and are made available for rental on a continual daily, weekly, or monthly basis. If the occupancy of any such unit changes more frequently than six (6) times within any continuous twelve (12)-month period, the unit shall be presumed to be used for

transient accommodation. Conversely, if the occupancy does not change more than six (6) times within the same period, a rebuttable presumption shall arise that the unit is not being used for transient accommodation.

Unity of Title means multiple parcels of land are considered as a single, unified property for specific legal purposes.

Unnecessary Hardship means a non-self created characteristic of the property in question which renders it virtually impossible to use the land for the purpose or in the manner for which is it zoned.

Use, accessory. (See "accessory use.")

Use, principal. (See "principal use.")

Vehicle means a conveyance for persons or materials, as may be licensed by the state.

Wall means when used in the context of the fence, wall, retaining wall and hedge regulations a wall that is masonry with a stucco finish or has a finish of natural materials, such as brick or stone, or has a finish which is accepted for use in the industry.

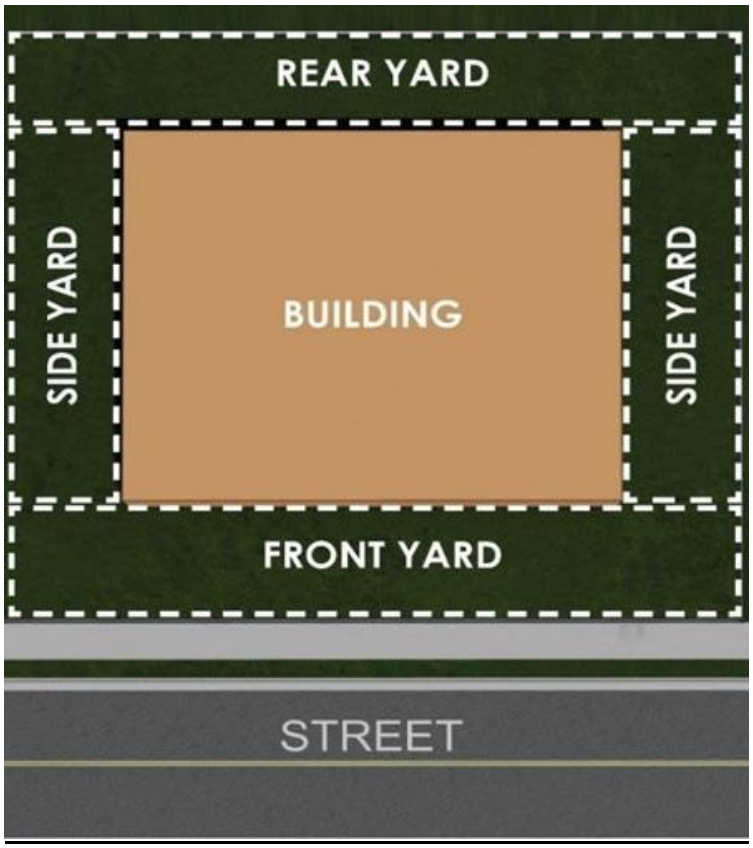
Yard means that open area of a lot or parcel which is provided as a setback and is unoccupied by any structure.

Yard, required front means a yard extending across the full width of the lot or parcel measured along the frontage of the lot or parcel and ~~from~~ the building setback line. (See Figure 3 ~~Attachment Two~~.)

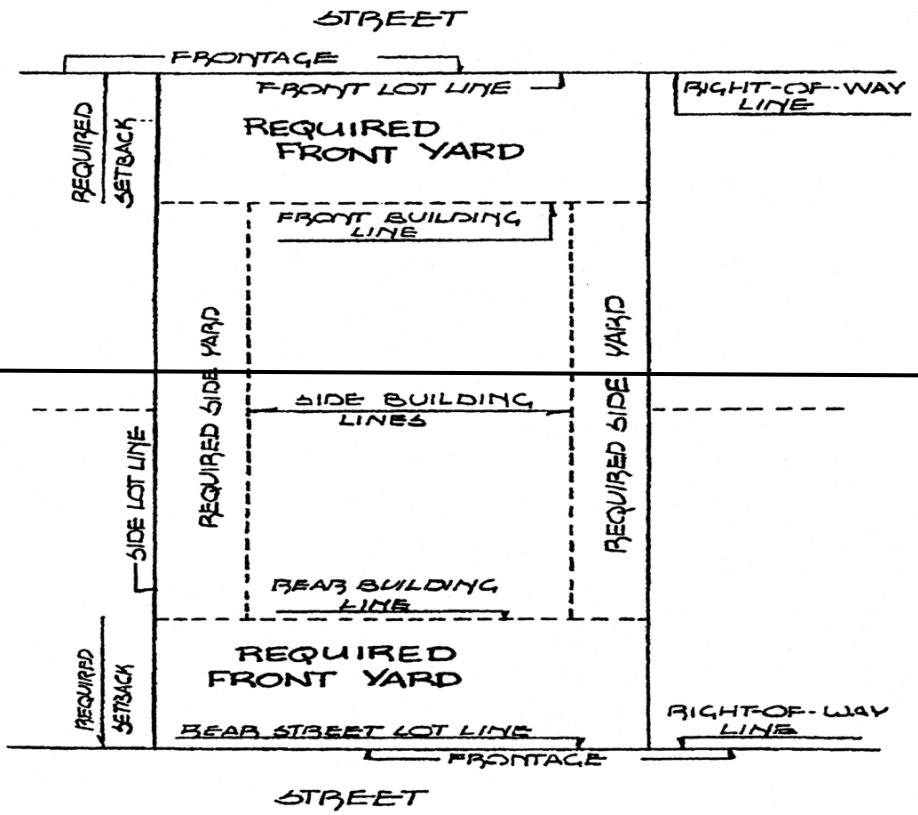
Yard, required rear means a yard extending across the full side line width of the lot or parcel and measured between the rear line of the lot or parcel and the building setback line. (See Figure 2 ~~Attachment Two~~).

Yard, required side means a yard extending along and parallel to the side line and building setback line and located between the required front, rear or waterfront yards. (See Figure 4 ~~Attachment Two~~).

Figure 4



Attachment Two



Yard, waterfront means a yard or any portion thereof on lots abutting a waterfront and extending across the full width of the lot or any portion thereof or parcel and measured from the mean high water line, property line or seawall, whichever is closer and the building setback line.

Zoning means the division of land within a jurisdiction into separate districts within which uses are permitted, prohibited or permitted as a special exception. Brief definitions of the different types of uses and structures as relates to zoning are explained in the article III~~VI~~. Zoning establishes site regulations, such as building heights, density, floor area ratio, setbacks, building coverage, impervious surface ratio, etc.

Zoning districts are established to promote compatible patterns of land use within the city limits. Zoning districts also establish site development regulations and performance standards appropriate to the purposes and the uses allowed in each district. Distinct zoning districts exist for residential, resort, commercial, recreation/open space, etc. uses.

~~Secs. 68-5—68-30. Reserved.~~

~~*ARTICLE II. ADMINISTRATION AND ENFORCEMENT*~~

~~*DIVISION 1. GENERALLY*~~

~~Sec. 68-31. Administrative official.~~

~~The city commission hereby designates the city manager, as defined, as the administrative official charged with the responsibility for administering and enforcing this chapter. As provided for, this responsibility and authority shall remain with the city manager or designee.~~

~~Sec. 68-32. General procedure.~~

~~All persons desiring to undertake new construction, structural alteration, or changes in the use of a building or lot for any commercial or multiple-family dwelling or townhouse development, shall first attend a pre-development review committee meeting to facilitate and expedite the building application permitting process. All persons desiring to undertake any new construction, structural alteration, or changes in the use of a building or lot shall apply to the city manager or designee for a certificate of concurrency, building permit and certificate of occupancy or statement of zoning compliance by filling out the appropriate application form and by submitting the required fee, as set by the city commission in appendix A. The city manager or designee will then either issue or refuse the building permit or refer the application to the city commission or the planning and zoning board. After the building permit has been received by the applicant, he may proceed to undertake the action permitted in the building permit. If the city manager or designee finds that the action of the applicant has been taken in accordance with the building permit, he will then issue a certificate of occupancy or a statement of zoning compliance allowing the premises to be occupied and/or utilized.~~

~~Sec. 68-33. Amendment and variance fees.~~

~~Any application for a change to the city zoning map, application for change of zoning district, or application for a variance, shall be submitted on a form as prepared by the city and submitted to the city manager or designee, and shall be accompanied by a fee as set by the city commission in appendix A.~~

~~Sec. 68-34. Pre-development review committee.~~

The intent of this section is to create a pre-development review committee in order to expedite permitting and plan approvals by reviewing site and building plans prior to permit application submittal and may serve as the required pre-application meeting, required in this Code. The pre-development review committee is a staff administrative and technical committee which reviews policy and technical issues raised by development and redevelopment projects within the city. The pre-development review committee's review is not an approval or denial and will not serve as a recommendation for approval or denial of the application. Digital plans shall be submitted no later than close of business one week before the scheduled DRC meeting and those plans must include:

(1) Construction plans with scale showing site dimensions, structure location, setbacks, parking areas, interior floor plans with overall dimensions; and building elevations with heights, shown from base flood elevation inclusive of the height adjustment factor. Plans may be unsigned and unsealed; and

(2) Site plan or survey showing existing structures.

The city manager or designee may waive any of these submittal requirements.

Sec. 68-35. Administrative waivers.

(a) *Purpose.* Administrative waivers provide a process for the city staff to consider requests to waive or modify certain standards of this Code when, special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development regulations otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same zoning district.

(b) *Applicability.* An administrative waiver may be granted to waive or modify any requirement of the land development regulations (LDR) except: permitted land uses; density; floor area ratio; specific prohibitions (for example, prohibited signs), or procedural requirements.

(c) *Review authority.* The CID director may approve an administrative waiver to grant relief from any of the following requirements of the LDR, up to a maximum variance of ten percent of the requirement or a maximum of one foot, whichever is smaller.

(1) Distance between structures;

(2) Parcel dimensions (not area);

(3) Setbacks.

An administrative waiver may also be used to grant relief from "on-site parking, loading, and landscaping" up to a maximum reduction of ten percent provided there is less than a one percent reduction in the impervious surface ratio on the site.

(d) *Application filing and processing.* An application for an administrative waiver shall be completed, filed, the required application fee, as set by the city commission in appendix A, paid and processed in compliance with this chapter. It is the responsibility of the applicant to provide evidence in support of the findings required in subsection (f).

(e) *Project review, notice and hearing.* Each application shall be reviewed by the CID director to ensure that the proposal complies with this section, and other applicable requirements of the LDR. The CID director may approve or deny an administrative waiver without a public hearing or public notice.

(f) *Findings and decision.* The CID director may approve or deny an application for an administrative waiver. The CID director shall record the decision and the findings on which the decision is based.

(1) *General findings.* The CID director may approve an administrative waiver only after first making all of the following findings.

a. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of the LDR deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district;

b. The approval of the administrative waiver includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district; and

c. The administrative waiver is consistent with the comprehensive plan, and any other adopted plan or policy of the city.

(2) *Reasonable accommodation.* The CID director may also grant an administrative waiver to the site planning or development standards of the LDR in compliance with this section, based on the finding that the waiver is necessary to accomplish a reasonable accommodation of the needs of a disabled person, in compliance with the Americans with Disabilities Act (ADA).

(3) *Sanitation service.* The CID director may also grant an administrative waiver to the site planning or development standards of the LDR in compliance with this section, based on the finding that the waiver is necessary to install a dumpster and provide traffic circulation on the site for the sanitation vehicle.

(4) *Improvements to existing buildings.* The CID director may also grant an administrative waiver to a development standard of the LDR in compliance with this section, based on the finding that the improvement is required by the Florida Building Code.

(g) *Conditions of approval.* In approving an administrative waiver, the CID director:

(1) Shall impose conditions to ensure that the approval does not grant special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located; and

(2) May impose any reasonable conditions to ensure that the approval complies with the findings required by subsection (f).

(h) *Appeal procedures.* A property owner that is denied an administrative waiver may file an appeal which will be heard by the planning and zoning board. The fee and process of the appeal shall follow the requirements of an "appeals to administrative decisions."

ARTICLE III. AMENDMENT PROCEDURE

Sec. 68-121. Comprehensive plan and future land use map.

This section establishes uniform procedures for an amendment to the comprehensive plan or future land use map. A comprehensive plan and future land use map amendment may be authorized if an applicant can prove the site would better serve the city with another use than

the one already designated. Comprehensive plan amendments will follow the procedures set forth in F.S. § 163.3184.

(1) *Application for an amendment to the comprehensive plan and future land use map.*

a. *Pre-application.* Before any application to amend the comprehensive plan or future land use map is filed by the owner of real property located in the city or by said owner's authorized agent or any resident of the city, the applicant shall attend a pre-application meeting with the community improvement department (CID) director. The purpose of the meeting is to discuss in general, the procedures for preparing a complete application, mailing responsibilities, and scheduled public hearing dates before the decision-making bodies in the city together with the appropriate state, regional and county agencies.

b. *Application filing.* A request to amend the comprehensive plan and/or future land use map may be made by the city commission, planning and zoning board/local planning agency, staff, owners of real property located in the city or by said owner's authorized agent. The city commission shall set a fee in appendix A for an amendment application to the comprehensive plan and/or future land use map by a property owner of the city.

(2) *Public hearing.* In addition to the notice required by Florida Statutes, notice for each public hearing before the local planning agency and city commission shall be mailed by the applicant to all persons by certificate of mailing who, according to the most recent tax rolls, own property within 200 feet of the property proposed for rezoning (PD rezoning requires 500 feet notification). The notice shall be mailed at least ten days before the scheduled public hearing. The expense of this mailing shall be borne by the applicant.

(3) *Local planning agency.* After review of the application by staff, the CID director shall have a draft ordinance prepared, which, if adopted by the city commission, would affect the proposed changes of the comprehensive plan and/or future land use map. The CID director shall forward the application and ordinance to the local planning agency for consideration. The local planning agency shall review the proposed change to the comprehensive plan and/or future land use map and shall make an advisory recommendation to the city commission as to the need and justification for the change.

(4) *Criteria for consideration by the local planning agency.* The local planning agency shall not recommend approval of a plan amendment unless it makes a positive finding, based on competent evidence, on each of the following:

a. The proposed plan amendment will meet the acceptable level of service standards established in the comprehensive plan.

b. The proposed plan amendment is in harmony with the general intent of the comprehensive plan;

c. A change in land use designation must be compatible with adjacent land uses, and one that will not become a potential nuisance; and

d. A change in land use designation must be compatible with the current and future use of adjacent and nearby properties to justify the proposed change and will not negatively affect the property values of adjacent and nearby properties.

(5) *Review and consideration by city commission.* The city commission shall review and consider the application for a comprehensive plan and/or future land use amendment

after the local planning agency and CID director make their recommendation. The CID director shall prepare a written report to submit to the city commission which includes the recommendation of the local planning agency and the draft ordinance. The city commission shall hold the first reading and public hearing of an ordinance approving the application. If the city commission approves the application for an amendment to the comprehensive plan and/or future land use map on first reading, the ordinance shall be forwarded to the appropriate local, regional and state agencies for review and comment.

(6) [*CID director's report.*] The CID director shall report to the appropriate state, regional and county agencies, the plan amendments approved by the city commission for consistency review pursuant to F.S. § 163.3184.

(7) [*Findings returned.*] When the state land planning agency returns their findings to the city commission, the city commission shall hold the second reading and public hearing on the ordinance providing for the amendments to the comprehensive plan and/or future land use map.

Sec. 68-122. Rezoning.

(a) *Application for a rezoning.* An application to rezone land may be initiated by the city or by the property owner.

(1) *Pre-application meeting.* Before any rezoning application is filed by the property owner, the applicant shall attend a pre-application meeting with the community improvement department (CID) director. The purpose of the meeting is to discuss, in general, the procedures for a public hearing before the decision-making bodies.

(2) *Application filing.* The owner or an authorized agent for the property owner shall file an application for rezoning with the CID director and pay the required application fee, as set by the city commission in appendix A.

(3) *Application information.* The application shall provide the following information:

a. Legal names of each of the owners of the subject property including their business and home addresses and telephone numbers;

b. If any owner is a business entity such as a partnership, corporation or joint venture, the names and business addresses of all partners and officers, as appropriate, and telephone numbers;

c. The legal description of the subject property;

d. A copy of the deed or deeds conveying the subject property to the current owner;

e. If the applicant for rezoning is a representative of the owner, evidence of agency in the form of a letter, affidavit or other document satisfactory to the city attorney; and

f. Any other information required by the CID director.

(b) *Public hearing.* In addition to the notice required by Florida Statutes, notice for each public hearing before the local planning agency and city commission shall be mailed by the applicant to all persons by certificate of mailing who, according to the most recent tax rolls, own property within 200 feet of the property proposed for rezoning. The notice shall be mailed at least ten days before the scheduled public hearing. The expense of this mailing shall be borne by the applicant.

(c) *Review by local planning agency.* After review of the application by staff, the CID director shall have a draft ordinance prepared, which, if adopted by the city commission, would affect the proposed rezoning. The CID director shall forward the application and ordinance to the local planning agency for consideration. The local planning agency shall review a proposal for rezoning and shall make an advisory recommendation to the city commission as to the need and justification for the change and the relationship of the proposed change to the goals, objectives and policies of the city comprehensive plan (future land use element) and the land development regulations. The local planning agency shall include in its recommendation to the city commission any information which it deems is relevant to issues relating to the proposed rezoning.

(d) *Criteria for consideration by the local planning agency.* The local planning agency shall evaluate each application for possible negative effects including but not limited to consideration of the following:

(1) The existing land use pattern; compatible with the purpose and intent of the applicable comprehensive plan goals, objectives and policies;

(2) The population density pattern of the area and possible increase or overtaxing of the load on public facilities such as utilities and streets;

(3) The possible overloading of the city's sewage collection facilities;

(4) The possible overloading of the city's drainage system;

(5) The proposed change would create an isolated zoning district unrelated to adjacent and nearby zoning districts;

(6) The existence of changed or changing conditions which make the passage of the proposed rezoning necessary or appropriate;

(7) The impact of the proposed rezoning upon living conditions in the adjacent neighborhood;

(8) The impact of the rezoning and allowable development upon the flow of light and air to adjacent areas;

(9) The impact of the proposed rezoning upon property values in the adjacent area;

(10) The impact of the proposed rezoning upon improvement or development of adjacent property in accordance with existing regulations; and

(11) The existence of other adequate sites in the city for the proposed use in districts already permitting such use.

(e) *Review and consideration by city commission.* The city commission shall review and consider the application for rezoning after the local planning agency and CID director make their recommendation. The CID director shall prepare a written report to submit to the city commission which includes the recommendation of the local planning agency and the draft ordinance. The city commission shall hold two readings and public hearings to consider the application for a proposed rezoning. If the city commission approves the application for rezoning, the rezoning ordinance becomes effective as provided in the body of the ordinance.

(f) *Reconsideration of application.* If the city commission denies an application for rezoning, an application for an identical rezoning of the same subject property may not be filed for one year after such denial.

Sec. 68-123. Land development regulations; excluding height and density.

(a) *Initiation of text amendment.* Land development regulation text amendments may be initiated by:

(1) The owner of real property located in the city or by said owner's authorized agent;

(2) City commission;

(3) Planning and zoning board;

(4) Local planning agency;

(5) City manager or designee; or

(6) City attorney.

(b) *Application for a text amendment.*

(1) *Pre-application meeting.* Before any application for a text amendment to the land development regulations is filed by a property owner or resident; the applicant shall attend a pre-application meeting with the community improvement department (CID) director. The purpose of the meeting is to discuss, in general, the procedures for preparing a complete application and scheduled public hearings before the decision-making bodies.

(2) *Application filing.* The applicant shall file the application for the text amendment with the CID director and pay the required application fee, as set by the city commission in appendix A. The application shall be accompanied by justification necessary to support the text amendment.

(c) *Public hearing.* Notice of the local planning agency and city commission public hearings shall be in accordance to F.S. § 166.041.

(d) *Review by the local planning agency.* After the application for a text amendment has been reviewed by the CID director, the local planning agency shall hold a public hearing on the proposed text amendment and make a recommendation to the city commission.

Failure to act upon the proposed text amendment shall not preclude the city commission from adjudicating the proposal.

(e) *Criteria for consideration by the local planning agency.* The local planning agency shall consider the following criteria for a text amendment:

(1) Consistency with the city comprehensive plan; and

(2) Consistency with applicable sections of the land development regulations.

(f) *Review and consideration by the city commission.* The CID director shall prepare a written report to submit to the city commission which includes the recommendation of the local planning agency, CID director, and city manager or designee. The city commission shall hold two readings and public hearings to review and consider the application with the recommendation from the local planning agency and the CID director for a text amendment.

Secs. 68-124, 68-125. Reserved.

~~Sec. 68-126. Changes requiring approval by electors.~~

~~Any changes in the land development regulations of the city that would allow an increase in the number of units per acre (density) or an increase in allowable height of buildings must be approved by a majority of the qualified electors of the city.~~

~~(Referendum of 11-5-02, § 1)~~

~~Secs. 68-127—68-150. Reserved.~~

~~*ARTICLE IV. CONCURRENCY MANAGEMENT SYSTEM*~~

~~Sec. 68-151. Purpose and intent.~~

~~This article is intended to ensure the availability of public facilities and the adequacy of those facilities at adopted levels of service concurrent with the impacts of development. This intent is implemented by means of a concurrency management system which shall measure the potential impact of a development permit application upon the adopted minimum acceptable level of service for roadway, solid waste, potable water, sanitary sewage, stormwater or park facility and/or service as provided in the capital improvements element of the comprehensive plan.~~

~~Sec. 68-152. Adopted levels of service.~~

~~The level-of-service (LOS) standards for roads, sanitary sewer, solid waste, drainage, potable water, coastal management, and parks and recreation facilities shall be those most recently adopted in the capital improvements element of the city comprehensive plan, the Treasure Island Watershed Management Plan, and provisions of the Code.~~

~~Sec. 68-153. Concurrency review—General requirements.~~

~~A certificate of concurrency shall be required prior to the issuance of any development permit. If a development will require more than one development permit, the issuance of a certificate of concurrency shall occur prior to the issuance of the initial development permit. For preliminary development orders, a concurrency review shall be performed and a conditional certificate of concurrency issued. This conditional certificate of concurrency shall not be binding upon the city. Only those certificates of concurrency issued for development permits shall be binding. A certificate of concurrency shall automatically expire simultaneously with the expiration of the development permit to which it applies. In the event that the development permit does not have a specified expiration date, the certificate of concurrency shall expire one year from the date of the issuance of the development permit. In the event that a time extension is granted prior to the expiration of the development permit, then the accompanying certificate of concurrency shall be automatically renewed for up to one year after the date of the issuance of the initial development permit. Should the extension equal or exceed one year from the date of the issuance of the initial development permit, a new concurrency review shall be performed for which a reasonable fee shall be assessed in order to defray the cost of the new review.~~

~~Sec. 68-154. Same—Burden of proof.~~

~~The burden of showing compliance with the adopted levels of service and meeting the concurrency evaluation shall be upon the applicant. The city manager or his/her designee will~~

direct the applicant to the appropriate staff to assist in the preparation of the necessary documentation and information.

Sec. 68-155. Exemptions.

(a) *De minimis development.* Single-family and duplex dwellings, to be constructed on existing lots in subdivisions approved for such uses (residential infill), shall be considered de minimis and exempt from concurrency review. Other developments or redevelopments shall be considered to have de minimis impacts and be exempt from concurrency review provided that they comply with all of the following conditions:

(1) The net increase in traffic (peak hour) generated by the proposed development onto any affected roadway may not exceed one percent of the maximum service capacity of the roadway at the adopted peak-hour level-of-service standard.

(2) The net increase in traffic (peak hour) generated by the proposed development, added to the total net increases in peak-hour traffic generated by all previously-approved de minimis exemptions on any affected roadway, may not exceed ten percent of the maximum service capacity of the roadway at the adopted peak-hour level-of-service standard.

(3) The net increase in traffic (peak hour) generated by the proposed development onto any affected roadway designated as a hurricane evacuation route may not cause the actual level of service of the roadway to fall below the adopted peak-hour level-of-service standard.

(b) *Vested projects.* Nothing in this article shall be construed or applied to constitute a temporary or permanent taking of private property without the just compensation nor abrogation of vested rights. Any applicant for a development order who alleges that this article, as applied, constitutes or would constitute a temporary or permanent taking of private property or an abrogation of vested rights must affirmatively demonstrate the legal requisites of the claim by meeting all three of the following conditions:

(1) A final development order has been issued on or prior to the adoption of this Code;

(2) Development has commenced; and

(3) Development is continuing in good faith.

Upon demonstrating that all three conditions are met, the applicant will be issued a certificate of exemption from concurrency review by the city clerk/administrator or his/her designee.

Sec. 68-156. Minimum requirements for concurrency (standards).

(a) *Potable water, sanitary sewer, solid waste and drainage.* For potable water, sanitary sewer, solid waste and drainage, one of the following conditions must be satisfied in order to obtain a certificate of concurrency:

(1) The necessary public facilities and services are in place at the time the development permit is issued;

(2) The development permit is issued subject to the condition that the necessary public facilities and services shall be in place prior to the issuance of a certificate of occupancy or statement of zoning compliance, whichever may be applicable;

(3) The necessary public facilities and services are under construction at the time the development permit is issued;

(4) The necessary public facilities and services are guaranteed in an enforceable development agreement, pursuant to F.S. §§ 163.3220—163.3243, or development-of-regional-impact (DRI) approval, in accordance with F.S. § 380.06.

(b) *Parks and recreation.* New residential developments and redevelopments, including subdivision plats and replats, which result in a net increase in dwelling units must provide for any additional unmet recreation and open space needs which they may create. In order to obtain a certificate of concurrency, one of the conditions provided for in subsection (a), or one of the following conditions, must be satisfied:

(1) At the time the development permit is issued, the necessary facilities and services are the subject of a binding contract which provides for the commencement of the actual construction of the required facilities or the provision of service, at a location other than the development site and at the developer's expense, within one year of the issuance of the development permit.

(2) The necessary facilities and services are guaranteed in an enforceable development agreement or development-of-regional-impact (DRI) approval which requires the commencement of the actual construction of the required facilities or the provision of services, at a location other than the development site and at the developer's expense, within one year of the issuance of the applicable development permit. An "enforceable development agreement" may include, but is not limited to, a development agreement executed in accordance with F.S. §§ 163.3220—163.3243. A "development of regional impact" shall be as defined and approved in accordance with F.S. § 380.06.

(3) Prior to issuance of a certificate of occupancy or statement of zoning compliance, whichever is applicable, the developer has provided on-site recreation area(s) and facilities, dedicated other land to the city for open space and/or public recreational purposes, and/or paid a recreational impact fee per additional dwelling unit, in the amount established by the city commission, to be used by the city to acquire and/or develop the necessary additional recreation area(s) and facilities. Any combination of the above measures may be approved by the planning and zoning board in order to compensate for the additional impacts of the proposed development.

(c) *Roads.* For roads, the following condition, or one of the conditions of subsections (a) and (b) must be satisfied in order to obtain a certificate of concurrency: The five-year schedule of capital improvements demonstrates that the actual construction of the needed road facility or service will be scheduled to commence in or before the third year.

Sec. 68-157. Concurrency review; procedure and evaluation.

(a) The city shall use the procedures specified in subsection (c) to determine compliance of an application for a development permit with this concurrency management system. At the time of application for a development permit, a concurrency evaluation shall be made to determine the availability of the facilities or services required to be concurrent.

(b) An applicant for a development permit shall provide the city with all information required by the city so as to enable the concurrency evaluation to be made. This shall include all of the information required in the "Submission Requirements and Methodology for Calculating Projected Demand for Certificate of Concurrency," a copy of which is attached hereto labeled Exhibit A, and made a part hereof by reference and printed at the end of this article. Official copies of "Exhibit A" shall be made available to the general public for inspection and copying.

(c) Upon receipt of a complete concurrency review application, the city manager or his/her designee shall perform the following concurrency evaluation:

Concurrency Review-Evaluation

The methodology for determining whether the levels of service of city facilities are adequate to support the impact of proposed developments is in Exhibit A at the end of this article. The levels of service of all six city facilities and services must be sufficient before a development permit can be issued.

(1) For sanitary sewer, solid waste, drainage, and potable water: The concurrency evaluation shall compare the available capacity to the demand of the proposed development. The available capacity shall be determined by adding together:

a. The total of the existing excess capacity, if any; and

b. The total future capacity of any proposed construction or expansion that meets the standards of section 68-156.

A certificate of concurrency shall be issued only if one of the following conditions are met: the available capacity exceeds the demand of the proposed development or one of the standards of subsection 68-156(a) is met.

(2) For parks and recreation: The concurrency evaluation shall compare the available capacity to the demand of the proposed development. The available capacity shall be determined by adding together available capacity to the demand of the proposed development. The available capacity shall be determined by adding together:

a. The total of the existing excess capacity, if any; and

b. The total future capacity of any proposed construction or expansion that meets the standards of subsections 68-156(a) and (b).

A certificate of concurrency shall be issued only if one of the following conditions are met: the available capacity exceeds the demand of the proposed development or one of the standards of subsections 68-156(a) and (b) is met.

(3) For roads:

a. The concurrency evaluation shall compare the existing level of service standards for the impacted roads to the level of service standards, as adopted, for the same. The existing level of service shall be based upon existing roads, including any proposed improvements to those roads, meeting the minimum requirements for concurrency as set forth in subsections 68-156(a) through (c).

b. If the impact of the proposed development does not result in a degradation of the affected roads below the adopted level of service standard, or if one of the standards of subsections 68-156(a) through (c) is met, then a certificate of concurrency shall be issued.

c. If the city determines that a certificate of concurrency will not be issued, that determination shall be reduced to writing, signed by the city manager making the determination, and sent by U.S. Mail to the applicant.

Sec. 68-158. Annual capacity report.

An annual capacity report shall be prepared each year in conjunction with the development of the capital improvement element of the comprehensive plan. This report shall summarize the

actual current capacity of public facilities and services for each of the five succeeding fiscal years. This annual capacity report shall constitute prima facie evidence of the capacity and level of service of public facilities for the purpose of issuing development permits during the 12 months following completion of the annual report.

Sec. 68-159. Appeals.

(a) A denial of a certificate of concurrency may be appealed by the applicant to the planning and zoning board. A notice of appeal specifying each and every ground in support of granting the certificate of concurrency shall be submitted by the applicant to the city manager or his/her designee, within 20 days from the date of the written denial of the certificate of concurrency. The city manager or his/her designee, shall schedule the appeal to be heard at a public meeting by the planning and zoning board, and shall transmit to the planning and zoning board all papers constituting the record upon which the action appealed from was taken.

The city manager or his/her designee, shall notify the applicant in writing of the date, time and location of the planning and zoning board meeting at which the appeal shall be heard. During the appeal proceeding, the applicant may appear in person or be represented by an agent or attorney. Applicants may be required to assume such reasonable costs as the city commission may determine by resolution, in setting fees to be charged for appeals.

(b) The applicant shall have the burden of proof to establish by the presentation of substantial competent evidence to the planning and zoning board:

(1) That there was an error in the technical determination made by the city manager to deny the certificate of concurrency; or

(2) That one or more of the conditions in section 68-156 are satisfied such that the necessary public facilities and services will be available concurrent with the impact of the development.

(c) Before recommending issuance of a certificate of concurrency, the planning and zoning board shall make specific findings that the certificate of concurrency satisfies subsections 68-156(b)(1) or (b)(2). The affirmative vote of six members of the planning and zoning board shall be necessary to recommend issuance of a certificate of concurrency. Action taken by the planning and zoning board to adopt, amend or rescind the administrative decision to deny the certificate of concurrency shall be documented in writing in the form of a resolution, signed by the chairman or vice-chairman, specifying the grounds therefore. The written decision of the planning and zoning board shall be submitted by the city clerk or his/her designee to the city commission for final action. The city clerk or his/her designee shall give written notice to the applicant of the date, time and location of the city commission meeting considering the certificate of concurrency. The city commission, upon reviewing the record and findings of the planning and zoning board, may adopt, amend or rescind the decision of the planning and zoning board. If deemed necessary by the city commission, in order to supplement the record, the city commission may receive additional testimony and may make inquiry of the applicant and administrative staff. The decision of the city commission shall be reduced to writing in the form of a resolution and shall be final upon the date of execution of the resolution by the mayor.

EXHIBIT A
SUBMISSION REQUIREMENTS FOR APPLICATION AND METHODOLOGY FOR CALCULATING PROJECTED DEMAND FOR CERTIFICATES OF CONCURRENCY

(1) *Purpose.* The purpose of this Exhibit is to set forth the minimum submission requirements necessary for the city to review proposed developments for concurrency, as well as to provide a methodology for calculating the projected demand of a proposed project.

(2) *Submission requirements.* The applicant must supply the following information along with a reasonable fee, as may be amended from time to time by the city commission to defray the cost of the review:

a. Name of owner and/or agent/applicant.

b. Current address of owner and/or agent/applicant.

c. Phone number of owner and/or agent/applicant.

d. Legal description of site.

e. Proposed land use(s).

f. Acreage of site.

g. Square footage of proposed building(s).

h. Number of residential units (if applicable).

i. Number of employees, for commercial or industrial use (if applicable).

j. Any expected special service demands generated by the proposed development (such as solid/hazardous waste demands of a hospital).

k. Data as required by subsequent sections of this Exhibit.

(3) *Facility/service demand calculations.* The projected public facility/service demands of the proposed project described in an application for concurrency review shall be calculated using the conversion factors and formulae listed below, and the adopted levels of service (LOS) in the capital improvements element of the city comprehensive plan. Nonresidential uses are included in the adopted LOS. The calculations are listed by public facility and service type. Whenever the term "city" shall appear herein, it shall mean the city manager or his/her designee authorized to review calculations for the concurrency management system. The information necessary to enable the city to perform and/or verify the facility/service demand calculations in paragraphs (3)a. through (3)f. shall be provided by the applicant.

a. *Potable water.*

Adopted LOS =. as adopted in the capital improvements element in the city comprehensive plan

Adopted LOS (gallons/person/day) x 1.84 persons/unit x number of units = demand (gallons/day)

b. *Sanitary sewer.*

Adopted LOS = as adopted in the capital improvements element in the city comprehensive plan

Adopted LOS (gallons/person/day) x 1.84 persons/unit x number of units = demand (gallons/day)

c. *Stormwater Management (Drainage).*

Adopted LOS = as adopted in the capital improvements element in the city comprehensive plan, and the Treasure Island Watershed Management Plan (flood control only), and the Code.

d. *Solid waste.*

Adopted LOS = as adopted in the capital improvements element in the city comprehensive plan adopted LOS (pounds/day/person) x 1.84 persons/unit x number of units = demand (pounds/day)

e. *Recreation.*

Adopted open space LOS = as adopted in the capital improvements element in the city comprehensive plan

Project population = number of dwelling units x 1.84 persons/unit

Project population x adopted LOS (acres/person) = demand (total acres)

f. *Transportation.*

Adopted LOS = as adopted in the capital improvements element in the city comprehensive plan

1. Determine the number of trips generated by the proposed project during the p.m. peak hour, using the most recent edition of the Institute of Traffic Engineers trip generation report, or other recognized source of data, with no adjustment for internal capture or passerby trips.
2. If the total number of daily trips is equal to or greater than 450 trips, a transportation study shall be done. The study shall be signed and/or sealed by a registered Professional Engineer.
    i. If no transportation study is required, the applicant is required to provide only the existing peak hour traffic volumes and level of service for the roadway link(s) to which the project driveways connect. This information shall include project traffic.
    ii. The data shall be in conformance with Notes 2.(a) and 2.(b) of "Existing Conditions" below.

(4) *Performance of transportation study.*

If a transportation study is required, it shall be obtained and submitted to the city by the applicant for a development permit at the applicant's sole expense. Should the city not have the expertise to review the transportation study or should it have justification to claim that the methodology and/or results of the initial transportation study are biased, untrue or otherwise inadequate, a third party consultant shall be hired by the city at the applicant's sole expense, to verify the initial transportation study. The city shall select the third party consultant from a list of consultants retained by the city for this purpose. The applicant shall reimburse the city for the total fee charged by the third party consultant to perform the transportation study, to include city administrative costs.

The transportation study shall be performed in accordance with the requirements set forth in paragraph (5) hereof. Projects which are required to undergo development of regional impact review pursuant to F.S. § 380.06 shall be exempt from the requirements of this transportation study and instead shall submit a copy of the application for development approval to the city as required by state statutes.

(5) *Requirements of transportation study.*

a. *Pre-application meeting.*

A pre-application meeting between the city and the applicant is required The purpose of this meeting will be to review the methodology and procedure, establish the study area, and to determine the study period.

b. *Define study area.*

The study area is defined as those roadways and intersections impacted by the project to an extent of one percent or more of peak-hour capacity at the level of service (LOS) adopted in the capital improvements element of the city comprehensive plan. In addition, other variables such as distance from site (e.g., five-mile radius for a DRI project) may also be used.

c. *Existing conditions.*

The following existing conditions shall be provided:

1. Existing daily and peak hour traffic volumes and level of service on all arterials and collectors within the study area.
2. Existing LOS at all impacted intersections

Notes:

(a) The above required data shall be no older than the previous calendar year. Roadway volumes shall be adjusted to reflect annual conditions using current FDOT seasonal adjustment factors for the county or other adjustment factors approved by the city.

(b) The above required level(s) of service for roadways shall be determined in accordance with current FDOT Generalized Level of Service volume tables and procedures presented in the most current Level of Service Standards and Guidelines Manual, or by use of other accepted traffic operations models subject to approval in the preapplication meeting.

(c) The above required intersection levels of service shall be determined using computer software based on the most recent edition of the Highway Capacity Manual, Special Report 209, Transport Research Board, National Research Council.

d. *Projection of background traffic.*

Volume(s) shall be projected for all phases of the development as well as the year of the project completion. Volumes can be determined using one of the following procedures:

1. Multiplying existing volumes by an annual growth factor provided by the city. Traffic generated by any major project approved since the traffic counts were conducted shall be included as background traffic.
2. Multiply existing volumes by an annual growth factor developed by the applicant and approved by the city. This growth factor must be based on data collected on five roadways in the vicinity of the project over the last ten

years. Traffic generated by any major project approved since the traffic counts were conducted shall be included as background traffic.

3. Projected roadway volumes resulting from a travel demand computer model of the area.

e. *Project traffic generation.*

The following procedures and information shall be provided:

1. To determine project traffic generation, the current edition of ITE Trip Generation Report shall be used.

2. Identify all zoning districts, amount of development and trip rates.

3. Trip rates may be obtained from studies of comparable sites in the city or using data from previous traffic generation studies, and are subject to the approval of the city.

4. Any proposed reduction factors for capture of trips between land uses of a mixed use project or for passerby trips shall be provided by the applicant at the methodology meeting and approved by the city.

f. *Project traffic distribution.*

1. If the project generates fewer than 100 peak hour trips, the distribution can be developed based on those of similar projects.

2. For any project, manual gravity model distribution can be developed. The travel-time method described in chapter 3 of ITE Transportation and Land Development may be used.

3. For any project, computerized distribution models, such as FSUTMS or QRSII, can be developed.

g. *Alternative demand calculations.*

If the applicant claims the standards provided in the demand calculations are not applicable to the proposed project, the applicant shall submit appropriate documentation supporting the proposed alternative demand calculation to the city. Any alternative calculation standard shall be subject to the approval of the city.

Sec. 68-160. Proportionate fair share program and the process for the application of concurrency management for transportation facilities.

The purpose of the proportionate fair share provisions in this section is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the proportionate fair share program, as required by and in a manner consistent with F.S. § 163.3180(16). The proportionate fair share program represents an alternative method for meeting concurrency requirements and provides for the application of concurrency management provisions in a coordinated and cooperative manner. In addition, this section adopts the county's approach to concurrency management for transportation facilities. In this section, the term deficient facility means a road operating below the adopted level of service standard.

(a) Where applicable, the city shall participate in the metropolitan planning organization (MPO) annual process of establishing a countywide concurrency corridor map.

~~(b) Where applicable, the city shall adopt the metropolitan planning organization's countywide approach to the application of concurrency management for transportation facilities.~~

~~(c) Due to its small size and lack of deficient facilities, the city's transportation concurrency matters are reviewed and monitored by the county. For that reason, it is important that the city's application of concurrency management for transportation facilities and the proportionate fair share program coordinate with and mirror sections 134-221 through 134-231 of the county land development code which sets out the county's application of concurrency management for transportation facilities, as well as the proportionate fair share program as required by F.S. ch. 163. As such, for purposes of concurrency management for transportation facilities and proportionate fair share, the city will coordinate with the county and utilize the most recently adopted version of sections 134-221 through 134-231 of the county land development code, inserting the terminology "Treasure Island" or "city" in place of "Pinellas County" or "county" as applicable.~~

Secs. 68-5~~161~~—68-190. Reserved.

ARTICLE II~~V~~. ZONING DISTRICTS

Sec. 68-191. Establishment.

To promote orderly development; protect the public health, safety, and general welfare; enhance the community's character and appearance; and ensure the efficient and sustainable use of land, the City hereby establishes the following zoning districts ~~For the purposes of protecting, promoting and improving the public health, safety, comfort, order, appearance, convenience, morale and general welfare of the community, the city is hereby divided into the following types of zoning districts:~~

RU-75 (Single Family Residential);

RM-15 (Multiple Family Residential);

RFM-30 (Resort Medium);

RFH-50 (Resort High);

CG (Commercial);

R/OS (Recreation/Open Space);

P (Preservation);

T/U (Transportation/Utility);

I (Institutional);

PR-MU Core;

PR-MU Gulf Blvd.

Sec. 68-192. Official zoning map—Establishment; custody.

(a) The city is hereby divided into zoning districts, as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.

(b) The official zoning map shall be identified by the signature of the mayor attested by the city clerk, and bearing the seal of the city with the following words:

"This is to certify that this is the official zoning map of the City of Treasure Island, Florida. Adopted by reference in Ordinance No. _____ on this day of _____, 20___."

(c) Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map, which shall be located in the office and under the custody of the city clerk, shall be the final authority as to the current zoning of lands, buildings and other structures in the city.

Sec. 68-193. Same—Changes; amendments.

(a) If, in accordance with the provisions of this chapter and state statutes, changes are made in zoning district boundaries or other matter portrayed on the official zoning map, such changes shall be made on the official zoning map promptly (normally within two days, Sundays and holidays exempted) after the amendment has been approved by the city commission together with an entry on the official zoning map as follows: "On (enter date), by official action of the city commission, the following change(s) were made to the official zoning map: (brief description of nature of change)"; which entry shall be signed by the mayor and attested by the city clerk.

(b) The amending ordinance shall provide that such changes or amendments shall not become effective until they have been duly entered on the official zoning map. No amendment to this chapter which involves matters portrayed on the official zoning map shall become effective until after such change and entry has been made on the map.

(c) No change of any nature shall be made to the official zoning map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable under the provisions of this chapter.

Sec. 68-194. Interpretation of boundaries.

(a) Designation of zoning district boundaries. The zoning district boundary lines are intended generally to follow the centerlines of waterways and streets, existing lot lines or municipal boundary lines, all as shown on the zoning map. Where a zoning district boundary line does not follow such a line, its position is shown on the zoning map by a specific dimension expressing its distance in feet from a street centerline or other boundary line as indicated.

(b) Determination of locations of zoning boundaries. In case of uncertainty as to the true location of a zoning district boundary line in a particular instance, the city manager shall request the planning and zoning board to render its determination with respect thereto; provided however, no zoning boundary shall be changed by the planning and zoning board.

Sec. 68-195. Application of zoning district regulations.

Except as hereinafter provided:

(1) Use. No building, structure or land shall hereinafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed,

reconstructed, moved or structurally altered unless in conformity with all of the regulations specified in the city's comprehensive plan and this chapter for the zoning district in which such structure is located.

(2) Height. No structure shall be erected, nor shall any existing structure be moved, reconditioned or structurally altered so as to exceed in height the limits established in this chapter, or amendments thereto, for the zoning district in which such structure is located, unless a variance is granted.

(3) Percent of lot occupancy. No structure shall be erected, nor shall any existing structure be moved, altered, enlarged or rebuilt, nor shall any open space surrounding any structure be encroached upon or reduced in any manner, except in conformity with the building site requirements and the area, parking space and yard regulations established by this chapter, or amendments thereto, for the zoning district in which such structure is located.

(4) Residential density. No structure shall be erected, occupied, or used so as to cause a greater residential density (dwelling units per acre) than is allowed, consistent with the Countywide plan, city's comprehensive plan and under the terms of this chapter for the zoning district in which the structure is located.

(5) Open space use limitation. No yard or other open space provided about any structure for the purpose of complying with the zoning requirements of this chapter, or amendments thereto, shall be considered as providing a yard or open space for any other structure(s).

(6) Required lot and occupancy. Every structure hereafter erected shall be located on a lot or parcel as defined in this chapter.

(7) Mixed uses. When more than one use is located on a single lot or parcel, such mixed uses shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the net area of the property.

(8) Permits. No building or structure shall be erected, constructed, reconstructed, moved or structurally altered unless permits are obtained in accordance with the Code.

Sec. 68-196. Prohibited uses in all districts.

For the purpose of preventing misinterpretation and for emphasis, the following operations or uses are specifically prohibited in all zoning districts:

(a) Medical marijuana treatment center dispensing facilities are prohibited within the boundaries of the city.

Secs. 68-197—68-220. Reserved.

ARTICLE III~~VI.~~ — ZONING DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 68-221. General provisions for uses.

(a) No use shall be allowed in any zoning district unless such use is specifically delineated as a permitted use, special exception use, or accessory use in the zoning district regulations for such zoning district.

(1) Uses Not Included (unlisted uses). For uses not listed in under the permitted use, special exception use, or accessory use in the zoning district regulations for such zoning districts and not listed as a prohibited use, the Director shall determine which use category or use type to which the use belongs in accordance with the following. For the PR-MU zoning districts, the city manager or designee will follow the guidelines outlined in Sec. 68-410.03~~5~~ for evaluating materially similar uses.

a. The Director shall determine whether an unlisted use is similar to a use defined in the zoning districts, based on consistency with the City's adopted policy guidance and the following standards:

1. The function, product, or physical characteristics of the use;
2. The impact on adjacent lands created by the use;
3. The type, size, and nature of buildings and structures associated with the use;
4. The type of sales (retail, wholesale), and the size and type of items sold and displayed on the premises;
5. The types of items stored (such as vehicles, inventory, merchandise, chemicals, construction materials, scrap and junk, and raw materials including liquids and powders);
6. The volume and type of vehicle traffic generated by the use, and the parking demands of the use;
7. Any processing associated with the use, including assembly, manufacturing, warehousing, shipping, distribution, and whether it occurs inside or outside a building;
8. Any dangerous, hazardous, toxic, or explosive materials associated with the use;
9. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes; and
10. Any prior determinations made by the Director or decisions made by City Council or appointed City boards.

b. The Director's decision and explanation shall be made in writing, shall state the determination is final and subject to appeal as provided in Section 1 Administration.

Sec. 68-222. ~~Schedule of regulations~~ General Provisions for Development Regulations

~~(a)~~ The restrictions and controls intended to regulate development in each zoning district are set forth in ~~section 68-431~~ each zoning district below and ~~are~~ ~~(~~may be~~)~~ supplemented by the other sections of this article and other articles of this chapter.

(a) Residential Density

(b) Lot Area

(c) Building Coverage

(d) Floor Area Ratio

(e) Setback Measurements

(f) Height regulations

Sec. 68-223. Performance standards.

All development and any redevelopment which results in an increase in lot coverage must be designed, constructed and maintained to meet the ~~following~~ performance standards and comply with the design standards contained within Chapter 76.

~~(1) While development activity is underway and after it is completed, the characteristics of stormwater runoff shall approximate the rate, volume, quality and timing of stormwater runoff that occurred under the site's natural unimproved or existing state, except that the first inch of rainfall shall be retained on-site.~~

~~(2) The proposed development and redevelopment activity shall not produce additional point-source water pollution and shall not violate the water quality standards as set forth in Chapter 62-302, F.A.C. Stormwater management systems shall be designed in accordance with the 1996 Treasure Island Master Drainage Plan and Chapter 40D-4, F.A.C., and shall be subject to the permitting requirements and any additional design criteria of the Southwest Florida Water Management District (SWFWMD).~~

~~(3) All dredge and fill activities in Boca Ciega Bay are restricted under, and subject to, the provisions of F.S. § 258.396 (Boca Ciega Bay Aquatic Preserve) and the permitting requirements and design criteria of the county water and navigation control authority (sections 166-356 through 358, Pinellas County Code).~~

~~(4) The proposed development and redevelopment activity shall not produce additional point-source air pollution.~~

Sec. 68-226. Impervious surface limitations.

(a) Impervious surface is that portion of the land which is covered by buildings, pavements, or other cover through which water cannot penetrate. The establishment of an impervious surface ratio provides a control of the intensity of development of land, by controlling the amount of the land which may be covered by any type of impervious surface. The impervious surface ratio is calculated by dividing the total impervious surface by the gross site area. Water bodies are impervious and shall be included as such in the calculation.

(b) Allowed impervious surface coverage standards for each zoning district are provided in each respective section. Additional provisions for ISR are also contained in the Site Plan section, Section 61-82. ~~The standards are maximums and must not be exceeded by any development or redevelopment which results in an increase in impervious lot coverage.~~

~~The following standards shall govern the allowable impervious surface coverage for each zoning district. These standards are maximums and must not be exceeded by any development or redevelopment which results in any increase in impervious lot coverage.~~

~~RU-75 (Single Family Residential) — Maximum of 70 percent of the lot may be impervious.~~

~~RM-15 (Multiple Family Residential) — Maximum of 70 percent of the lot may be impervious.~~

~~RFM-30 (Resort Medium) — Maximum of 85 percent of the lot may be impervious (70 percent for multifamily residential developments).~~

~~RFH-50 (Resort High) — Maximum of 95 percent of the lot may be impervious (70 percent for multifamily residential developments).~~

~~CG (Commercial) — Maximum of 90 percent of the lot may be impervious for retail and personal service commercial uses and a maximum of 75 percent for all other uses.~~

~~R/OS (Recreation/Open Space) — Maximum of 60 percent may be impervious.~~

~~P (Preservation) — Maximum of 20 percent may be impervious.~~

~~T/U (Transportation/Utility) — Maximum of 75 percent of the lot may be impervious.~~

~~I (Institutional) — Maximum of 75 percent of the lot may be impervious.~~

~~PR-MU Core (Downtown Redevelopment) — Maximum of 90 percent may be impervious.~~

~~PR-MU Gulf Blvd. (Downtown Redevelopment) — Maximum of 90 percent may be impervious.~~

Secs. 68-227—68-240. Reserved.

DIVISION 2. RU-75 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT

Sec. 68-241. Purpose and intent.

The purpose of the RU-75 (single family residential) zoning district is to delineate those areas, as defined within the city's comprehensive plan, residential urban, suitable for residential development of a low density character together with the associated special exception and accessory uses.

Sec. 68-242. Uses permitted.

The following uses shall be allowed within the RU-75 zoning district as permitted, special exception or accessory uses as set forth herein:

(1) Permitted uses. The following permitted uses shall be allowed within an RU-75 zoning district:

a. Dwelling, residential single-family.

b. Public parks and public recreation areas.

c. Home occupation ~~in a single-family dwelling~~ as defined in section 68-493<u>0</u>.

~~d. Telecommunication antennas attached to existing structures which comply with Section 68-465.~~

<u>d.</u> ~~e.~~ Public education facilities.

<u>e</u>. ~~f.~~ Group homes.

(2) Special exception uses. ~~Upon application and after a favorable determination by the planning and zoning board that all conditions and provisions of special exception uses have been complied with and that the proposed use is consistent with sound zoning practices, t~~ <u>T</u>he following special exception uses may be permitted in the RU-75 zoning district:

a. Essential services. ~~and~~

b. ~~p~~Parking, special event (per section 68-541~~486~~).

(3) Accessory uses. The following accessory uses shall be allowed in the RU-75 zoning district:

a. Private swimming pool;

b. Private dock;

c. Other accessory uses customarily incidental to a permitted use or approved special exception use involving the conduct of business and as limited by the provisions of article IV~~I~~.

Sec. 68-243. Floor area requirements.

~~In an RU-75 zoning district,~~ The minimum floor area of living area ~~of a dwelling, single-family residential,~~ not including garages, carports, balconies or screened porches, shall be 1,200 square feet of living area.

Sec. 68-244. Property development zoning regulations: Maximum Development Potential.

(a) Generally. Property development zoning regulations as expressed through lot and bulk requirements shall be as indicated within ~~section 68-431~~Table 68-244.a . Yard requirements, setbacks, ~~height regulations, impervious surface regulations,~~ parking and other lot ~~and zoning~~ regulations are contained in separate sections of this chapter.

~~(1) The maximum lot coverage (building footprint) shall be 50 percent of lot area.~~

~~(2) The maximum residential density shall be seven and one-half dwelling units per acre. In platted subdivisions, this shall be based upon the gross acreage of the entire subdivision, including rights-of-way dedicated as part of the subdivision plat.~~

~~(3) Non-residential uses shall not exceed a floor area ratio (FAR) of .40, nor an impervious surface ratio (ISR) of .65. The standard for the purpose of establishing relative intensity and potential impacts shall be a FAR of .24 and an ISR of .50.~~

(b) Other standards. Public/semi-public and/or ancillary nonresidential uses shall not exceed a maximum area of three acres. Any such use, alone or when added to existing contiguous like uses, which exceed this threshold shall require a plan amendment which shall include such use and all contiguous like uses.

TABLE 68-244.a: MAXIMUM DEVELOPMENT POTENTIAL

RU-75 STANDARDS	DWELLING, RESIDENTIAL SINGLE-FAMILY	NONRESIDENTIAL
Lot Area, Minimum	7,500 SQ FT	-
Lot Width, Minimum	65 FT	-
Lot Depth, Minimum	~~100~~ 90 FT	-
Density (dwelling units per acre), Maximum	7.5 DU/A[1]	-
Nonresidential intensity (floor area ratio), Maximum	-	0.40 FAR

Lot Coverage (Building Footprint), Maximum[2]	0.50	
Impervious Surface, Maximum	0.70	0.65 [3]
Building Height[4], Maximum	35 FT	

[1] In platted subdivisions, this shall be based upon the gross acreage of the entire subdivision, including rights-of-way dedicated as part of the subdivision plat.
[2] Includes all enclosed structures.
[3] The standard for the purpose of establishing relative intensity and potential impacts shall be a FAR of .24 and an ISR of .50.
[4] Refer to technical standards regarding measurement of building height and height encroachments.

Secs. 68-245—68-260. Reserved.

DIVISION 3. RM-15 (MULTIPLE FAMILY RESIDENTIAL) ZONING DISTRICT

Sec. 68-261. Purpose and intent.

The purpose of the RM-15 (multiple family residential) zoning district is to delineate those areas as defined within the city's comprehensive plan, residential medium, suitable for residential development of a medium density character together with associated special exception and accessory uses.

Sec. 68-262. Uses permitted.

The following uses shall be allowed within an RM-15 zoning district as permitted, special exception or accessory uses as set forth herein:

(1) Permitted uses. The following permitted uses shall be allowed within an RM-15 zoning district:

a. Dwelling, residential.

b. Public park and public recreation areas.

c. Home occupations ~~in dwelling units~~ as defined in section 68-493~~0~~.

d. Group homes licensed by the state department of health and rehabilitation excluding ACLF's.

~~e. Telecommunication antennas attached to existing structures which comply with section 68-465.~~

~~f.~~ e. Public education facilities.

~~g.~~ f. Community residential homes.

(2) Special exception uses. ~~Upon application and after a favorable determination by the planning and zoning board that all conditions and provisions of special exception uses have been complied with and that the proposed use is consistent with sound zoning practices,~~ Consistent with the requirements of Section 61-84, the following special exception uses may be permitted in an RM-15 zoning district:

a. Essential services.

b. Private yacht clubs.

c. Religious institution use.

d. Parking, special event (per section 68-541~~486~~).

(3) Accessory uses. The following accessory uses shall be allowed in an RM-15 zoning district:

a. Private swimming pools;

b. Other accessory uses customarily incidental to a permitted use or approved special exception use not involving the conduct of business and as limited by the provisions of article IV~~II~~;

c. Private docks;

d. Multiuse private docks;

e. Parking lots and parking structures.

Sec. 68-263. Floor area requirements.

In an RM-15 zoning district, the minimum floor area of living area, not including garages, carport, balconies or screened porches shall be as follows:

(1) Dwelling, residential single-family: 1,000 square feet;

(2) Dwelling, residential two-family (duplex): 1,500 square feet; 750 square feet minimum per unit;

(3) Dwelling, residential multiple-family:

a. Efficiency unit: 500 sq. ft.

b. One bedroom unit: 600 sq. ft.

c. Two bedroom unit: 750 sq. ft.

d. Three bedroom unit: 900 sq. ft.

e. Each additional bedroom unit: 150 sq. ft.

Sec. 68-264. Property development zoning regulations: Maximum Development Potential.

(a) Generally. Property development zoning regulations as expressed through lot and bulk requirements area shall be as indicated within ~~section 68-431~~Table 68-264.a. Yard requirements, setbacks~~, height regulations~~, parking and other lot ~~and zoning~~ regulations are contained in separate sections of this chapter.

~~(1) The maximum impervious surface ratio (ISR) shall be 0.70. The maximum lot coverage (building footprint) shall be 50 percent of site area.~~

~~(2) The maximum residential density shall be 15 dwelling units per acre. In platted subdivisions, this shall be based upon the gross acreage of the entire subdivision, including rights-of-way dedicated as part of the subdivision plat.~~

~~(3) Non-residential uses shall not exceed a floor area ratio (FAR) of .50, nor an impervious surface ratio of .75. The standard for the purpose of establishing relative intensity and potential impacts shall be a FAR of .30 and an ISR of .56.~~

(b) Other standards. Public/semi-public and/or ancillary nonresidential use shall not exceed a maximum area of three acres. Any such use, alone or when added to

existing contiguous like uses, which exceed this threshold shall require a future land use map amendment and be rezoned to include such use and all contiguous like uses.

TABLE 68-264.a: MAXIMUM DEVELOPMENT POTENTIAL

RM-15 STANDARDS	DWELLING, RESIDENTIAL			NONRESIDENTIAL
	Single-family	Two-family	Multiple-family[1] and Group Homes (licensed)	
Lot Area, Minimum	4,500 SQ FT	6,000 SQ FT	9,000 SQ FT	-
Lot Width, Minimum	40 FT	50 FT	70 FT	-
Lot Depth, Minimum	90 FT			
Density (dwelling units per acre), Maximum	9 DU/A	11 DU/A	15[2] DU/A	-
Nonresidential intensity (floor area ratio), Maximum	-	-	-	0.50 FAR
Lot Coverage, Maximum[3]	0.50			
Impervious Surface, Maximum	0.70			0.75 [4]
Building Height[5], Maximum	35 FT			

[1] Pursuant Sec. 68-87, townhouse developments are permitted in all zoning districts permitting multiple-family dwellings. Refer to Sec. 68-87 for townhouse development standards.
[2] In platted subdivisions, this shall be based upon the gross acreage of the entire subdivision, including rights-of-way dedicated as part of the subdivision plat.
[3] Includes all enclosed structures.
[4] The standard for the purpose of establishing relative intensity and potential impacts shall be a FAR of .30 and an ISR of .56.
[5] Refer to technical standards regarding measurement of building height and height encroachments.

Secs. 68-265—68-280. Reserved.

DIVISION 4. RFM-30 (RESORT MEDIUM) ZONING DISTRICT

Sec. 68-281. Purpose and intent.

The purpose of the RFM-30 (resort medium) zoning district is to delineate those areas, as defined within the city's comprehensive plan, resort facilities medium, suitable for limited residential as well as resort facilities development of a medium density character together with associated special exception and accessory uses.

Sec. 68-282. Uses permitted.

The following uses shall be allowed within an RFM-30 zoning district as permitted, special exception or accessory uses as set forth herein:

(1) Permitted uses. The following permitted uses shall be allowed within an RFM-30 zoning district:

a. Tourist Accommodation ~~Hotel and motel.~~

b. Dwelling, tourist.

c. Dwelling, residential.

d. Essential services.

e. Public park and public recreational area.

f. Home occupations as defined in section 68-4903~~3~~.

g. Telecommunication antennas attached to existing structures which comply with section 68-4~~65~~94 ~~are prohibited~~.

h. Group homes.

i. Community residential homes.

j. Parking, special event and temporary (per section 68-541~~486~~).

k. Parking lot, shared (per section 68-541~~486~~).

(2) Special exception uses. ~~Upon application and after a favorable determination by the planning and zoning board that all conditions and provisions of special exception uses have been complied with and that the proposed use is consistent with sound zoning practices, t~~ Consistent with the requirements of Section 61-84 The following special exception uses may be permitted in an RFM-30 zoning district:

a. Public administrative facilities;

b. Public or commercial parking garage;

c. Commercial recreation use;

d. Automobile, boat and vehicle rental agency;

e. Business and professional office;

f. Convenience store;

g. Commercial docks,

h. Restaurant on properties having Gulf Boulevard frontage;

i. Religious institution use;

j. Parking, temporary (per section 68-541~~486~~);

k. Parking lot, off-street, off-site and remote (per section 68-541~~486~~).

(3) Accessory uses. The following accessory uses shall be allowed in an RFM-30 zoning district:

a. Private swimming pool and/or beach shelter;

b. Private recreational areas for the exclusive use of occupants and guests of a permitted or approved special exception use;

c. Off-street parking and loading area;

d. Private parking structure or parking lot;

e. Other accessory uses customarily incidental to a permitted or approved special exception use, not including the conduct of business (except as permitted in accordance with section 68-483~~4~~), and as limited by article IV~~II~~;

f. Private docks.

g. Multiuse private docks.

Sec. 68-283. Floor area requirements.

In an RFM-30 zoning district, the minimum floor area of living area, not including garages, carport, balconies or screened porches shall be as follows:

(1) Dwelling, residential single-family: 1,000 square feet;

(2) Dwelling, residential two-family (duplex): 1,500 square feet; 750 square feet minimum per unit;

(3) Dwelling, residential multiple-family: 500 square feet per unit;

(4) Hotel/motel: 360 square feet per unit.

Sec. 68-284. Property development zoning regulations: Maximum Development Potential.

(a) Generally. Property development zoning regulations as expressed through lot and bulk requirements are as indicated within ~~section 68-431~~Table 68-284.a. Yard requirements, setbacks, ~~height regulations,~~ ~~impervious surface requirements,~~ parking and other lot ~~and zoning~~ regulations are contained in this and other sections of this chapter.

~~(1) The maximum impervious surface ratio (ISR) shall be 0.85. The maximum floor area ratio (FAR) shall be 0.65. Residential dwellings shall be exempt from the FAR and ISR requirements.~~

~~(2) Hotel/motel uses shall not exceed a density of 30 units per acre. Tourist dwellings, as defined in section 68-2, and residential dwellings of all types shall be limited to a maximum density of 15 units per acre. Hotel/motel "residence" suites, which may have full kitchens, shall not be considered tourist dwellings for the purpose of this regulation.~~

(b) Other standards. Public/semi-public and/or ancillary nonresidential uses shall not exceed a maximum area of three acres. Any such use, alone or when added to existing contiguous like uses, which exceed this threshold shall require a future land use map amendment and be rezoned to include such use and all contiguous like uses.

TABLE 68-284.a: MAXIMUM DEVELOPMENT POTENTIAL

RFM-30 STANDARDS	DWELLING, RESIDENTIAL AND DWELLING, TOURIST			NONRESIDENTIAL		
	Single-family	Two-family	Multiple-family[1]	~~Hotel/Motel~~ Tourist Accommodation	Commercial	Public Administration Facilities
Lot Area, Minimum	4,500 SQ FT	6,000 SQ FT	9,000 SQ FT			10,000 SQ FT
Lot Width, Minimum	40 FT	50 FT	70 FT			90 FT
Lot Depth, Minimum	90 FT					
Density (dwelling units per acre), Maximum	9 DU/A	11 DU/A	15 DU/ A[2] (5 living levels max.)	30 (5 living levels max.)	-	
Nonresidential intensity (floor area ratio), Maximum	-			0.65 FAR		
Lot Coverage, Maximum[3]	0.50					
Impervious Surface, Maximum	70%			0.85		
Building Height[4], Maximum	35 FT		60 FT		45 FT	

[1] Pursuant Sec. 68-87, townhouse developments are permitted in all zoning districts permitting multiple-family dwellings. Refer to Sec. 68-87 for townhouse development standards.
[2] Tourist dwellings and residential dwellings of all types shall be limited to a maximum density of 15 units per acre. Hotel/motel "residence" suites, which may have full kitchens, shall not be considered tourist dwellings for the purpose of this regulation.
[3] Includes all enclosed structures.
[4] Refer to technical standards regarding measurement of building height and height encroachments.

Secs. 68-285—68-300. Reserved.

DIVISION 5. RFH-50 (RESORT HIGH) ZONING DISTRICT

Sec. 68-301. Purpose and intent.

The purpose of the RFH-50 (resort high) zoning district is to delineate those areas, as defined within the city's comprehensive plan, resort facilities high, suitable for limited residential as well as resort facility development of a high density character together with associated special exception and accessory uses.

Sec. 68-302. Uses permitted.

The following uses shall be allowed within an RFH-50 zoning district as permitted, special exception or accessory uses as set forth herein:

(1) Permitted uses. The following permitted uses shall be allowed within an RFH-50 zoning district:

a. Tourist Accommodation ~~Hotel and motel~~;

b. Dwelling, tourist;

c. Dwelling, residential;

d. Essential services;

e. Public park and recreational areas;

f. Public administrative facilities;

g. Home occupation as set forth in section 68-4903~~3~~;

h. Telecommunication antennas attached to existing structures which comply with section 68-4659~~4~~ ~~are prohibited~~;

i. Group homes;

j. Community residential homes;

k. Parking, special event and temporary (per section 68-541~~486~~);

l. Parking lot, off-street, and shared (per section 68-541~~486~~).

(2) Special exception uses. ~~Upon application and after a favorable determination by the planning and zoning board that all conditions and provisions of special exception uses have been complied with and that the proposed use is consistent with sound zoning practices, t~~ Consistent with the requirements of Section 61-84. The following special exception uses may be permitted in an RFH-50 zoning district:

a. Retail store;

b. Personal service store;

c. Business and professional office;

d. Commercial recreational use;

e. Automobile, boat and vehicle rental agency;

f. Alcoholic beverage establishments;

g. Convenience store;

h. Restaurant;

i. Religious institution use;

j. Parking, temporary (per section 68-541~~486~~);

k. Parking lot, off-site, and remote (per section 68-541~~486~~).

(3) Accessory uses. The following accessory uses shall be allowed in an RFH-50 zoning district:

a. Private swimming pool and/or beach shelter;

b. Private recreational areas for the exclusive use of occupants and guests of a permitted or approved special exception use;

c. Off-street parking and loading area;

d. Private parking structure or parking lot;

e. Commercial uses accessory to a permitted use or approved special exception use as provided for within article IV~~II~~ (see section 68-483~~4~~);

f. Other accessory uses customarily incident to a permitted use or approved special exception use, not including the conduct of business and as limited by article IV~~II~~.

Sec. 68-303. Floor area requirements.

In an RFH-50 zoning district, the minimum floor area of living area, not including garages, carport, balconies or screened porches shall be as follows:

(1) Dwelling, residential single-family: 1,000 square feet;

(2) Dwelling, residential two-family (duplex): 1,500 square feet; 750 square feet minimum per unit;

(3) Dwelling, residential multiple-family: 500 square feet per unit;

(4) Hotel/motel: 360 square feet per unit.

Sec. 68-304. Property development zoning regulations: Maximum Development Potential.

(a) Generally. Property development zoning regulations as expressed through lot and bulk requirements are as indicated within ~~section 68-431~~Table 68-304.a. Yard requirements, setbacks, ~~height regulations, impervious surface requirements,~~ parking and other lot ~~and zoning~~ regulations are contained in separate sections of this chapter.

~~(1) The maximum impervious surface ratio (ISR) shall be 0.95. The maximum floor area ratio (FAR) shall be 1.2. Residential dwellings shall be exempt from the FAR and ISR requirements.~~

~~(2) Hotel/motel uses shall not exceed a density of 50 units per acre. Tourist dwellings, as defined in section 68-2, and residential dwellings of all types shall be limited to a maximum density of 15 units per acre. Hotel/motel "residence" suites, which may have full kitchens, shall not be considered tourist dwellings for the purpose of this regulation.~~

(b) Other standards. Public/semi-public and/or ancillary nonresidential use shall not exceed a maximum area of three acres. Any such use, alone or when added to existing contiguous like uses, which exceed this threshold shall require a future land use map amendment and be rezoned to include such use and all contiguous like uses.

TABLE 68-304.a: MAXIMUM DEVELOPMENT POTENTIAL

RFH-50 STANDARDS	DWELLING, RESIDENTIAL AND DWELLING, TOURIST	NONRESIDENTIAL

	Single-family	Two-family	Multiple-family[1]	Tourist Accommodation ~~Hotel/Motel~~	Commercial	Public Administration Facilities
Lot Area, Minimum	4,500 SQ FT	6,000 SQ FT	9,000 SQ FT			10,000 SQ FT
Lot Width, Minimum	40 FT	50 FT	70 FT			90 FT
Lot Depth, Minimum	90 FT					
Density (dwelling units per acre), Maximum	9 DU/A	11 DU/A	15[2] (5 living levels max.)	50 (5 living levels max.)	-	
Nonresidential intensity (floor area ratio), Maximum	-			1.2 FAR		
Lot Coverage, Maximum[3]	0.50					
Impervious Surface, Maximum	70%			0.95		
Building Height[4], Maximum	35 FT		60 FT		45 FT	

[1] Pursuant Sec. 68-~~49~~087, townhouse developments are permitted in all zoning districts permitting multiple-family dwellings. Refer to Sec. 68-~~49~~087 for townhouse development standards.

[2] Tourist dwellings and residential dwellings of all types shall be limited to a maximum density of 15 units per acre. Hotel/motel "residence" suites, which may have full kitchens, shall not be considered tourist dwellings for the purpose of this regulation.

[3] Includes all enclosed structures.

[4] Refer to technical standards regarding measurement of building height and height encroachments.

Secs. 68-305—68-320. Reserved.

DIVISION 6. CG (COMMERCIAL) ZONING DISTRICT

Sec. 68-321. Purpose and intent.

The purpose of the CG (Commercial) zoning district is to delineate those areas as defined within the city's comprehensive plan, commercial general, suitable for general commercial activities and development together with the associated special exception and accessory uses.

Sec. 68-322. Uses permitted.

The following uses shall be allowed within a CG zoning district as permitted, special exception or accessory uses as set forth herein:

(1) Permitted uses. The following permitted uses shall be allowed within a CG zoning district:

a. Convenience store;

b. Retail store;

c. Personal service store;

d. Business and professional office;

e. Business and financial service facilities;

f. Commercial recreation use;

g. Automobile, boat and vehicle rental agency;

h. Restaurant;

i. Alcoholic beverage establishment;

j. Public administrative facilities; Public park and recreational area;

k. Tourist Accommodation ~~Hotel or motel~~;

l. Commercial or public parking structure;

m. Parking, special event and temporary (per section 68-541~~486~~);

n. Parking lot, off-street, off-site, shared, and remote (per section 68-541~~486~~);

o. Essential services;

p. Telecommunication towers and antennas which meet the requirements set forth in section 68-4~~65~~94;

q. Religious institution use.

(2) Special exception uses. ~~Upon application and after a favorable determination by the city commission or planning and zoning board as may be appropriate, that all conditions and provisions of special exception uses have been complied with and that the proposed use is consistent with sound zoning practices,~~ Consistent with the requirements of Section 61-84. T~~t~~he following special exception uses may be permitted in a CG zoning district:

a. Automobile gas or service station;

b. Commercial dock including charter and/or party fishing boat facilities;

c. Marina including boat and/or motor sales and service;

d. Private clubs;

e. Adult entertainment establishment;

f. Dwelling, tourist as regulated in chapter 68, division 5, RFH-50 for properties bordering the Gulf of Mexico or public beach, and as regulated in chapter 68, division 4, RFM-30 for properties not abutting the Gulf of Mexico or public beach;

g. Dwelling, residential as regulated in chapter 68, division 5, RFH-50 for properties bordering the Gulf of Mexico or public beach, and as regulated in chapter 68, division 4, RFM-30 for properties not abutting the Gulf of Mexico or public beach;

h. Church or synagogue as defined by the Internal Revenue Service and specifically not including social service activities such as a soup kitchen or food or meal distribution center or drug rehabilitation facility or other such facility, not to exceed a maximum area of one and one-quarter acres;

i. Parking, temporary (per section 68-541~~486~~).

(3) Accessory uses. The following accessory uses shall be allowed in a CG zoning district.

a. Off-street parking and loading;

b. Drive-in facilities;

c. Private Dock

d. Multiuse Private Docks

e~~c~~. Other accessory uses customarily incident to a permitted or approved special exception use as limited by article IV~~II~~.

Sec. 68-323. Floor area requirements.

In a CG zoning district, the minimum floor area of living area, not including garages, carport, balconies or screened porches shall be as follows:

Hotel/motel: 360 square feet per unit.

Sec. 68-324. Property development zoning regulations: Maximum Development Potential.

(a) Generally. ~~Property development zoning regulations as expressed through lot and bulk requirements are as indicated in section 68-431, the schedule of lot and bulk regulations for the CG zoning district.~~ Property development zoning regulations ~~as expressed through yard requirements are as indicated by separate ordinance.~~ are indicated within Table 68-304.a. Yard requirements, setbacks, parking and other lot regulations are contained in separate sections of this chapter.

~~(b) Density/intensity. The following density/intensity standards shall apply in the CG zoning district:~~

~~(1) The maximum impervious surface ratio (ISR) shall be 0.90. The maximum floor area ratio (FAR) shall be 0.55.~~

~~(2) Hotel/motel use shall not exceed 22 units per acre.~~

(b~~c~~) Other standards. Public/semi-public, uses shall not exceed a maximum area of five acres. Any such use, alone or when added to existing contiguous like uses, which exceed this threshold shall require a plan amendment which shall include such use and all contiguous like uses.

TABLE 68-324.a: MAXIMUM DEVELOPMENT POTENTIAL

CG STANDARDS	COMMERCIAL USE		OTHER USES			
	Retail/Personal Service	All Others	Tourist Accommodation	Auto Service Station	Private Club	Public Administration Facilities

Lot Area, Minimum	9,000 SQ FT			10,000 SQ FT
Lot Width, Minimum	70 FT		90 FT	
Lot Depth, Minimum	90 FT			
Density (tourist accommodation units per acre), Maximum	-	22 (5 living levels max.)	-	
Nonresidential intensity (floor area ratio), Maximum	0.55 FAR			
Lot Coverage, Maximum[1]	0.50			
Impervious Surface, Maximum	0.90	0.75		
Building Height[2], Maximum	45 FT	60 FT	35 FT	45 FT
[1] Includes all enclosed structures. [2] Refer to technical standards regarding measurement of building height and height encroachments.				

Secs. 68-325—68-340. Reserved.

DIVISION 7. R/OS (RECREATION/OPEN SPACE) ZONING DISTRICT

Sec. 68-341. Purpose and intent.

The purpose of the R/OS (recreation/open space) zoning district is to delineate those areas as defined within the city's comprehensive plan, recreation/open space, suitable for recreational uses where the predominant activities involve developed physical facilities whether private or public.

Sec. 68-342. Uses permitted.

The following uses shall be allowed within a R/OS (recreation/open space) zoning district as permitted, special exception, accessory uses or prohibited as set forth herein:

(1) Permitted uses. The following permitted uses shall be allowed within a R/OS zoning district:

a. Public park and public recreation areas;

b. Golf courses whether public or private;

c. Tennis courts and other outdoor ball courts;

d. Outdoor swimming pools;

e. Water related or water dependent uses such as boat ramps, fishing docks or piers;

f. Jogging and/or bicycle trails;

g. Picnic areas and playgrounds;

h. Parking, special event and temporary (per section 68-541~~486~~);

i. Parking lot, off-street, off-site, and shared (per section 68-541~~486~~).

(2) Special exception uses. ~~Upon application and after a favorable determination by the planning and zoning board that all conditions and provisions of special exception uses have been complied with and that the proposed use is consistent with sound zoning practices,~~ Consistent with the requirements of Section 61-84 T~~t~~he following special exception uses may be permitted in a R/OS zoning district:

a. Essential services; and

b. P~~p~~arking, temporary (per section 68-541~~486~~).

(3) Accessory uses. Accessory uses are allowed in an R/OS zoning district which are customarily incidental to a permitted or approved special exception use.

(4) Prohibited uses. The following uses shall be prohibited within an R/OS zoning district:

a. Marinas;

b. Miniature golf courses;

c. Race tracks;

d. Amusement parks;

e. Firing ranges;

f. All similar recreational or quasi-recreational activities inconsistent with the allowable outdoor recreational uses listed in the permitted uses described in subsection (1).

Sec. 68-343. Property development zoning regulations.

All development in the R/OS zoning district shall be by special permit issued by the Community Development Director or designee ~~city commission~~ and shall comply with all lot and zoning regulations contained in this chapter and all other requirements and regulations of the city. Maximum impervious surface ratio (ISR) shall be 0.60. Maximum floor area ratio (FAR) shall be 0.25.

Secs. 68-344—68-360. Reserved.

DIVISION 8. P (PRESERVATION) ZONING DISTRICT

Sec. 68-361. Purpose and intent.

The purpose of the P (preservation) zoning district is to delineate those areas as defined within the city's comprehensive plan, preservation, as vital for the maintenance and recharge of water resources, areas of unique or valuable topographic or subsurface features, areas of significant environmental or ecological importance which should be preserved.

Sec. 68-362. Uses permitted.

There shall be no development on property designated as P zoning district unless it can be proven by substantial competent evidence that the specific development proposed will not have an adverse effect upon the preservation area. (i.e. timber catwalks constructed over the dunes to provide beach access) and a special permit has been issued by Community Development Director or Designee. Maximum impervious surface ratio (ISR) shall be 0.20. Maximum floor area ratio (FAR) shall be 0.10. The following uses may be permitted in the P zoning District: Special event ~~P~~arking, ~~special event~~ and temporary parking (per section 68-541~~486~~). Additional uses on the public beach from 104th Avenue to 119th Avenue may be permitted upon a determination by the City Commission that such uses are beneficial to the public and upon approval of a beach license agreement.

Secs. 68-363—68-380. Reserved.

DIVISION 9. I (INSTITUTIONAL) ZONING DISTRICT

Sec. 68-381. Purpose and intent.

The purpose of the I (Institutional) zoning district is to delineate those areas as defined within the city's comprehensive plan, Institutional, as suitable areas for institutional facilities such as public buildings, schools, hospitals, churches, public parking for beaches and/or parks and various other community services.

Sec. 68-382. Uses permitted.

The following uses shall be allowed within an I zoning district as permitted, special exception or accessory uses as set forth herein:

(1) Permitted uses. The following permitted uses shall be allowed within an I zoning district:

a. Schools of general or special education;

b. Colleges and universities;

c. Museums, performing and cultural arts centers;

d. Recreational complex;

e. Governmental facilities which are characterized as primarily office uses such as city hall, police station, library, post office, and similar public service and government oriented uses;

f. Telecommunication towers and antennas which meet the requirements set forth in section 68-4~~65~~94;

g. Special care facilities, provided that they are not located within the coastal high hazard area or 100-year floodplain;

h. Religious institution use;

i. Parking, special event and temporary (per section 68-541~~486~~);

j. Parking lot, off-street, off-site, and shared (per section 68-541~~486~~);

k. Municipal Marina.

(2) Special exception uses. ~~Upon application and after a favorable determination by the planning and zoning board that conditions have been met and provisions of special exception uses have been compiled with and that the proposed use is consistent with sound zoning practices,~~ Consistent with the requirements of Section 61-84. T~~t~~he following special exception uses may be permitted in an I zoning district:

a. Utility substations such as electric power substation, and similar utility uses;

b. Government buildings and other uses other than those listed such as fire stations;

c. Church, synagogue or other place of worship;

d. Parking, temporary (per section 68-541~~486~~).

(3) *Accessory uses.* Accessory uses allowed in an I zoning district shall be those accessory uses customarily incidental to a permitted or special exception use.

Sec. 68-383. Property development zoning regulations: Maximum Development Potential.

Property development zoning regulations as expressed through lot and bulk requirements are as indicated within ~~section 68-431~~Table 68-383.a. Yard requirements, setbacks, ~~height regulations, pervious surface requirements,~~ parking and other lot ~~and zoning~~ regulations are contained in separate sections of this chapter. ~~Maximum impervious surface ratio (ISR) shall be 0.85. Maximum floor area ratio (FAR) shall be 0.55.~~

TABLE 68-383.a: MAXIMUM DEVELOPMENT POTENTIAL

INSTITITUTIONAL STANDARDS	ALL USES
Lot Area, Minimum	10,000 SQ FT
Lot Width, Minimum	90 FT
Lot Depth, Minimum	90 FT
Density (dwelling units per acre), Maximum	-
Nonresidential intensity (floor area ratio), Maximum	0.55 FAR
Lot Coverage (Building Footprint), Maximum[1]	0.50 ~~or 50%~~
Impervious Surface, Maximum	0.75
Building Height[2], Maximum	40 FT
[1] Includes all enclosed structures. [2] Refer to technical standards regarding measurement of building height and height encroachments.	

Secs. 68-384—68-400. Reserved.

DIVISION 10. T/U (TRANSPORTATION/UTILITY) ZONING DISTRICT

Sec. 68-401. Purpose and intent.

The purpose of the T/U (Transportation/Utility) zoning district is to delineate those areas as defined within the city's comprehensive plan, transportation/utility, as suitable areas for

transportation and/or utility facilities such as public or semi-public utilities, marinas, parking lots and other public utilities.

Sec. 68-402. Uses permitted.

The following uses shall be allowed within an T/U zoning district as permitted uses as set forth herein:

(1) Permitted Uses ~~The T/U zoning district is intended to identify suitable areas for transport and public/private utility services; and to recognize such areas consistent with the need, character and scale of the transport/utility use relative to surrounding uses, transportation facilities, and natural resource facilities. Those uses appropriate to and consistent with this zoning district include:~~ The following uses shall be allowed within the T/U zoning district as permitted uses as set forth herein:

a. ~~(a)~~ Utility transmission line/electric power substation.

b. ~~(b)~~ Marina and Municipal Marina~~.~~

c. ~~(c)~~ Municipal water supply.

d. ~~(d)~~ Wastewater disposal facility.

e. ~~(e)~~ Solid waste/refuse disposal.

f. ~~(f)~~ Transfer recycling facility.

g. ~~(g)~~ Public works garage/storage.

h. ~~(h)~~ Telephone switching station.

i. ~~(i)~~ Telecommunication towers and antennas which meet the requirements set forth in section 68-~~465~~94.

j. ~~(j)~~ Parking, special event and temporary (per section 68-541~~486~~).

k. ~~(k)~~ Parking lot, off-street, off-site, shared, and remote (per section 68-541~~486~~).

(2) This zoning district is generally appropriate for those utility installations, major transmission lines, refuse disposal and public works facilities servicing the city; and to reflect the unique siting requirements and consideration to adjoining uses required in the placement of these facilities.

(3) Where a utility transmission line otherwise included within this zoning district is located in an easement as distinct from a right-of-way, this category may be shown as an overlay, superimposed over, and applicable in addition to, the otherwise applicable underlying plan category.

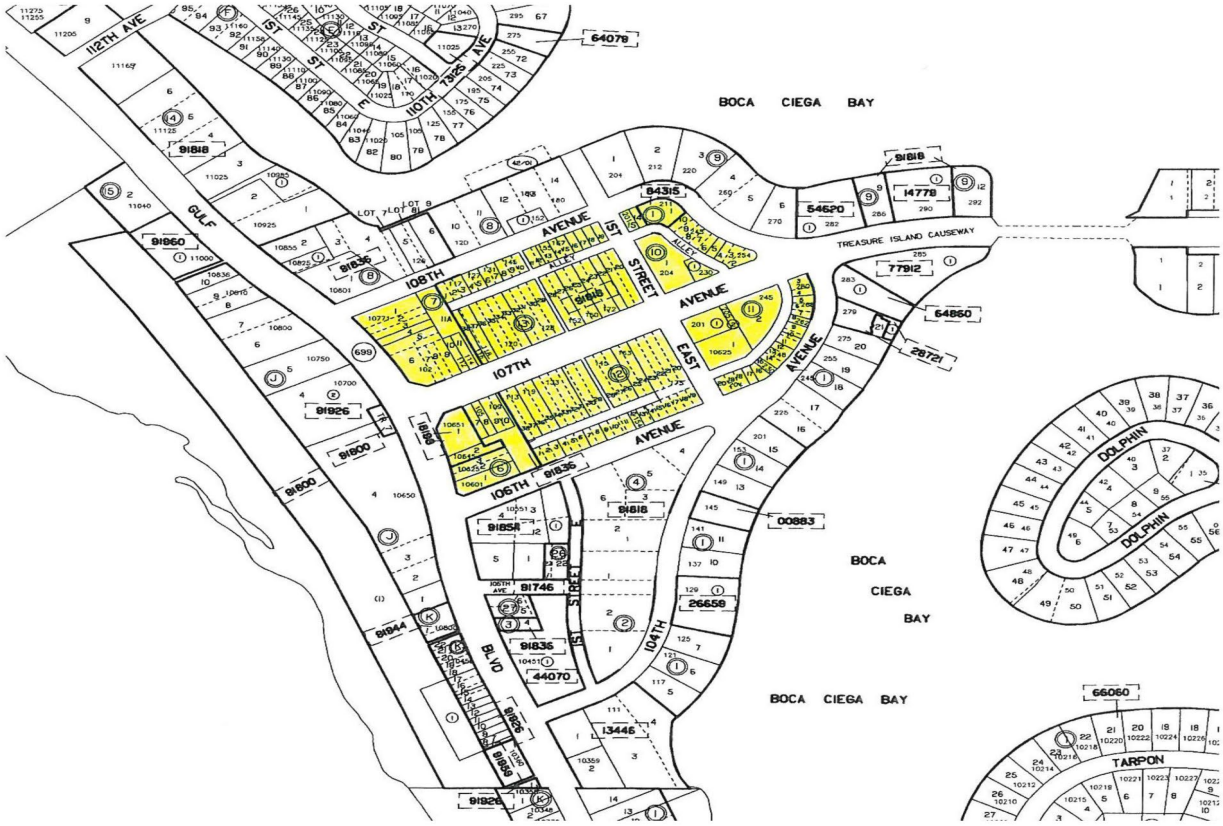
Sec. 68-403. Property development zoning regulations: Maximum Development Potential**.**

Maximum impervious surface ratio (ISR) shall be ~~0.85~~ 0.75. Maximum floor area ratio (FAR) shall be 0.55. Maximum building height shall be 40 feet.

Secs. 68-404—68-410. Reserved.

DIVISION 11. (DOWNTOWN REDEVELOPMENT) PR-MU CORE AND PR-MU GULF BLVD. ZONING DISTRICTS

Purpose: The Treasure Island PR-MU Core and PR-MU Gulf Blvd. (downtown redevelopment) zoning districts create an opportunity to revitalize the city's downtown core economically, visually, and functionally to provide an aesthetically pleasing and efficient multi-use activity center. Consisting of two planned redevelopment zoning districts, the downtown provides flexibility for the development of uses that minimize the impact upon the infrastructure.



Subdivision I. PR-MU Core (Downtown Redevelopment) Zoning District

Sec. 68-410.01. Purpose and intent.

The PR-MU core (downtown redevelopment) zoning district is established for the city's downtown. The uses in this zoning district include a mix of retail establishments, office uses,

professional services, residential dwelling units and tourist dwelling units. The focus will be to establish a vibrant pedestrian-oriented downtown core within an attractive streetscape. No use is permitted unless it is listed as a permitted or special exception use in the PR-MU core zoning district. A use not listed or described by category is prohibited.

Sec. 68-410.02. Uses Permitted ~~Permitted principal uses~~.

~~The purpose of listing the permitted principal uses is to identify principal uses that are allowable on a property within this zoning district. Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses in the PR-MU core zoning district are as follows:~~ The following uses shall be allowed within the PR-MU Core zoning district as permitted, special exception or accessory uses as set forth herein:

(1) Permitted Uses: The following uses shall be allowed within the PR-MU Core zoning district:

a. ~~(a)~~Artist studios with retail and/or wholesale distribution space for artist's original handmade works, excluding mass produced or manufactured products.

b. ~~(b)~~Eating establishments (without drive-through service) and drinking establishments, including bars, taverns, or nightclubs.

c. ~~(c)~~Entry and/or lobby space for upper story uses.

d. ~~(d)~~Financial institutions (without drive-through service).

e. ~~(e)~~Government uses, including parks and recreation facilities.

f. ~~(f)~~ Home occupation.

g. ~~(g)~~Live-work units.

h. ~~(h)~~Museum, gallery, or exhibit hall.

i. ~~(i)~~ Office uses.

j. ~~(j)~~ Personal and professional services such as barbershops, beauty shops, tailoring, garment alteration and repair, shoe repair, dry cleaning pick-up and drop-off, health club, spa and other service uses similar in character and intensity.

k. ~~(k)~~Religious institution use.

l. ~~(l)~~ Residential dwelling units only as a component of mixed-use development. Residential dwelling units shall not be allowed on the ground level of any structure except for the entry and/or lobby space for upper story uses.

m. ~~(m)~~Retail establishments.

n. ~~(n)~~Indoor entertainment facilities.

o. ~~(o)~~Tourist dwellings units. The tourist dwelling units shall not be allowed on the ground level of any structure.

p. ~~(p)~~Parking lot and parking structure including for fee (Per section 68-541). A parking structure must provide liner building with active storefronts.

q. Tourist Accommodations.

r. ~~(q)~~Materially similar uses. Uses similar to and no more intense than those permitted uses listed above shall also be determined permitted uses. The city manager or

designee shall review and evaluate each of these uses in accordance with criteria set forth in section 68-410.0~~5~~3, "Interpretation of materially similar uses."

(2) Special exception uses. Consistent with the requirements of Section 61-84. The following special exception uses may be permitted in an PR-MU Core zoning district:

a. Child day care center.

b. Drive-through services (financial institution, pharmacies, restaurant, etc.).

c. Educational facilities.

d. Outdoor occupied space.

e. Utility substations.

f. Materially similar uses. Uses similar to and no more intense than those special exception uses listed above shall also be determined special exception uses. The city manager or designee shall review and evaluate each of these uses in accordance with criteria set forth in section 68-410.03~~5~~, "Interpretation of unlisted uses."

g. Parking lot, temporary (Per section 68-541)

~~Sec. 68-410.03. Accessory use or accessory structure.~~

(3) Accessory uses. Accessory use or structure is a use or detached structure on the same lot or parcel under the same ownership and is incidental and subordinate to the principal use or structure.

a. ~~(a)~~Private swimming pool.

b. ~~(b)~~Private recreational areas for the exclusive use of the occupants and guests of a permitted or approved special exception use.

c. ~~(c)~~Off-street parking and loading.

d. ~~(d)~~Storage building or shed.

e. ~~(e)~~Other accessory uses customarily incident to a permitted or approved special exception use.

~~Sec. 68-410.04. Special exception uses.~~

~~The special exception uses listed are considered to be uses which may not be appropriate generally or without restriction in this zoning district but which, if controlled as to number, area, location and relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance or prosperity and is permissible.~~

~~(a) Bus shelters.~~

~~(b) Child day care center.~~

~~(c) Drive-through services (financial institution, pharmacies, restaurant, etc.).~~

~~(d) Educational facilities.~~

~~(e) Outdoor occupied space.~~

~~(f) Utility substations.~~

~~(g) Materially similar uses. Uses similar to and no more intense than those special exception uses listed above shall also be determined special exception uses. The city manager or designee shall review and evaluate each of these uses in accordance with criteria set forth in section 68-410.05, "Interpretation of materially similar uses."~~

Sec. 68-410.03~~5~~. Materially similar uses.

When evaluating an application for a materially similar use, the city manager or designee, shall consider the following characteristics, including but not limited to:

(a) Any special public utility requirement for serving the proposed use;

(b) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation and fumes;

(c) Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity and the potential for shared parking with other uses;

(d) The size and type of items sold and nature of inventory on the premises;

(e) Volume and type of sales (retail wholesale, etc.), if relevant;

(f) The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building, and predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk and raw materials including liquids and powders);

(g) Any processing done on the premises, including assembly, warehousing, shipping, distribution;

(h) The type, size and nature of buildings and structures;

(i) The number of and density of employees and customers per unit area of site in relation to business hours and employment shifts;

(j) Transportation requirements, including the modal split for people and goods, by volume, type and characteristic of traffic generation to and front the site, trip purposes and whether trip purposes can be shared by other uses on the site; and

(k) The impact on adjacent properties created by the proposed use will not be greater than that of other uses in the district.

Sec. 68-410.04~~6~~. General requirements.

(a) Street level uses shall consist of nonresidential uses along 107th Avenue.

(b) Residential dwelling units and tourist dwelling units are permitted only above the street level and only as part of a mixed-use project consisting of a nonresidential component (exclusive of parking).

(c) The second level of a building may provide for retail establishments, office or studio uses, residential or tourist dwelling units.

Sec. 68-410.05~~7~~. ~~Density and intensity~~ Development Potential.

~~(1) The tourist dwelling unit density shall not exceed 22 units per acre.~~

~~(2) The residential dwelling unit density shall not exceed 24 dwelling units per acre for a mixed use project.~~

~~(3) Non-residential uses shall not exceed a floor area ratio (FAR) of 1.0.~~

~~(d)~~(1) Maximum development potential shall be as indicated in Table 68-410.07.a. Projects may achieve the maximum allowable densities and intensities for tourist dwelling units, residential dwelling units and non-residential uses on a project site.

TABLE 68-410.07.a: MAXIMUM DEVELOPMENT POTENTIAL

PR-MU CORE STANDARDS		RESIDENTIAL DWELLINGS & TOURIST DWELLINGS	TOURIST ACCOMODATIONS	COMMERCIAL
Density (dwelling units per acre), Maximum		24 DU/A[1] (5 living levels max.)	22 DU/A (5 living levels max.)	-
Nonresidential intensity (floor area ratio), Maximum		-	1.0 FAR	
Impervious Surface, Maximum		0.90		
Building Height[2]	Maximum	60 FT		
	Minimum	26 FT		

[1] Dwelling units permitted only above street level and as a component of mixed-use project. Dwelling units floor area ratio will not count towards the 1.0 floor are ratio for commercial uses.
[2] Refer to technical standards regarding measurement of building height and height encroachments.

~~Sec. 68-410.08. Building height.~~

~~(a) The maximum building height in the PR-MU Core zoning district shall not exceed 60 feet above base flood elevation plus 2.0 feet of freeboard.~~

~~(b) The minimum building height in the PR-MU Core zoning district shall be two stories, 26 feet above base flood elevation plus 2.0 feet of freeboard.~~

Sec. 68-410.0~~6~~9. Setbacks and ground level design standards.

(a) Building setbacks shall be as indicated in Table 68-410.09.a.

TABLE 68-410.09.a: BUILDING SETBACKS

BUILDING SETBACKS		107TH AVENUE	ALL OTHER STREETS
Front Setback, Minimum	Ground level façade	12 FT, as measured from the 107th Avenue right-of-way line	9 FT
	2nd story and above	0 FT and may extend out over the dining area/outdoor display zone and pedestrian zone	
Side Setback, Minimum		0 FT	
	With alley at least 24 feet wide	0 FT	

Rear Setback, Minimum	Without an alley at least 24 feet wide	Varied to provide the necessary distance to accommodate a 24 foot, two-way vehicular travel width at the rear of the property

(b) Ground level design elements. To encourage pedestrian movement and create a pedestrian-oriented streetscape, ground level building frontages along Gulf Boulevard, 104th, 106th, 107th, and 108th Avenues shall comply with the following design standards:

~~(a) *"Utility zone"* is the area within the right-of-way which is used for sidewalks, street furnishings, street signage, traffic control devices, public sidewalk and light poles.~~



~~(b) *"Pedestrian friendly zone"* is a four-foot wide improved walkway constructed by the property owner on private property which is adjacent and parallel to the utility zone. Any awning or structure shall be built at a minimum of ten feet above grade. There may be a sign, lighting and/or fan which may be hung from the underside of structure. There must be eight feet of vertical clearance. This shall be an unobstructed pedestrian walkway which extends the entire width of the property.~~

~~(c) *"Dining area/outside display zone"* is an area eight-foot wide adjacent and parallel to the front building façade and the pedestrian zone. Any awning or arcade structure shall be built a minimum of ten feet above grade. There may be a sign, lighting and/or fan which may be hung from the underside of the structure. There must be eight feet of vertical clearance. This zone extends the entire width of the lot. This area may be used for landscaping, dining, and outside display of merchandise sold within the store.~~



(1) ~~(1) —~~The ground level building façade shall be built to the front setback line and shall be aligned parallel to the right-of-way line of the primary street to create a continuous street wall.

(2) Pedestrian friendly zone. A minimum four (4) foot wide unobstructed pedestrian walkway is required along the entire width of the property adjacent and parallel to the right-of-way. If a pedestrian walkway already exists in such location on a property, it shall be improved to the city's public sidewalk standards.

(3) Dining area/outdoor display zone. A dining area/outdoor display zone is required along the entire width of the property adjacent and parallel to the pedestrian friendly zone and ground level building façade. This area may be used for landscaping, dining, and outside display of merchandise sold within the store.

a. For properties fronting 107th Avenue, the minimum width of the dining/outdoor display zone shall be eight (8) feet.

b. For properties fronting Gulf Boulevard, 104th, 106th, and 108th Avenues, the minimum width of the dining/outdoor display zone shall be five (5) feet.

(4) Weather protection required. To enhance the pedestrian experience and architectural design in the district, buildings are required to provide architectural features that provide protection from sun and rain. Weather protection may be provided through the use of structural arcades, canopies, or awnings. For properties fronting 107th Avenue, weather protection may be accomplished by the second-story of the building extending out over the pedestrian friendly and dining/outdoor display zones.

a. Architectural features providing weather protection shall be constructed to a minimum depth to cover the entirety of the pedestrian friendly and dining/outdoor display zones.

b. Such architectural features shall begin no lower than ten (10) feet above the abutting grade. Signs, lighting, and/or fans may be hung from the underside of the structure so long as a minimum eight (8) feet of vertical clearance is maintained at all times.

~~With the redevelopment of each site, the property owner shall build:~~

~~The arcade/awning(s) serve to protect pedestrians from the elements. (i.e. sun, rain, etc.)~~

~~*Front setbacks:*~~

~~107th Avenue~~

~~Gulf Boulevard (State Route 699), 104th, 106th and 108th Avenues.~~

~~*Side setbacks:* The side setbacks shall be zero in order to establish a continuous street wall for the downtown activity center.~~

~~*Rear setbacks:* The rear setback shall be zero when the rear alley or alley/cross-easement is 24 feet in width. Where there is not a 24 feet wide alley or cross-easement, the rear setback shall be varied to provide the necessary distance to accommodate the 24 feet, a two-way vehicular travel width at the rear of the property.~~



~~Example of one awning placed over the pedestrian and dining/outside display zone. The awning provides protection for the pedestrians but limits the development from having the ability to build gross floor area above the pedestrian and dining/outside display zone.~~



~~Example of multiple awnings placed over the pedestrian and dining/outside display zone. The awnings provide some protection for the pedestrians but limit the development from having the ability to build gross floor area above the pedestrian and dining and outside display zone.~~

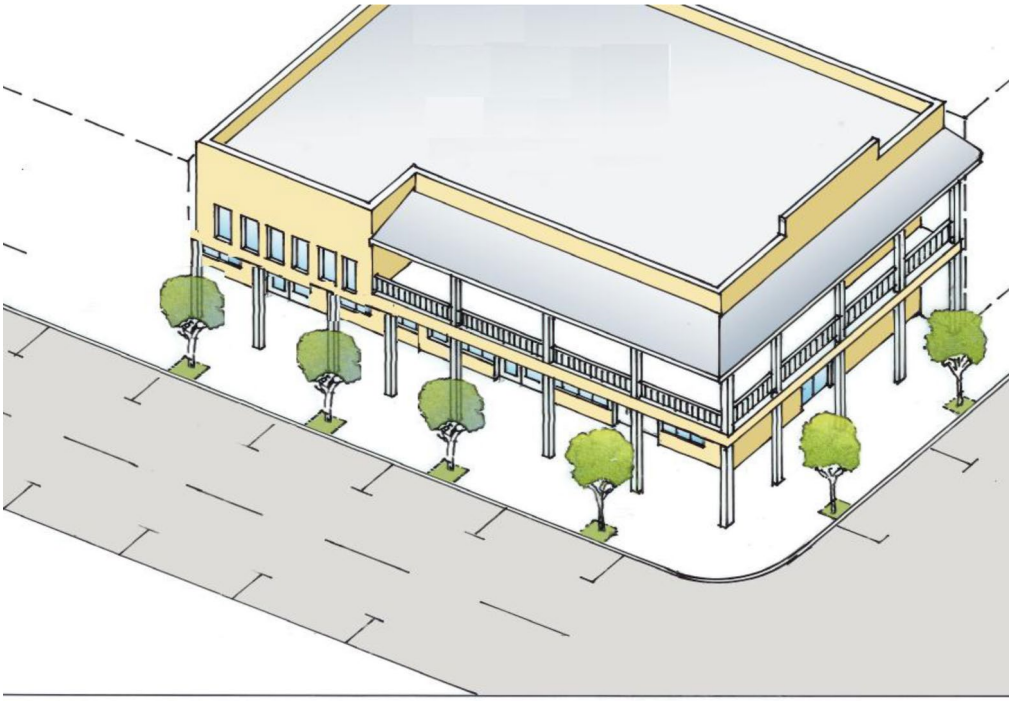


~~The 2nd floor is stepped back from the front façade of the ground floor.~~

~~The step back area on the 2nd floor may be used for a deck/balcony.~~

~~The center structure may be a live-work unit.~~

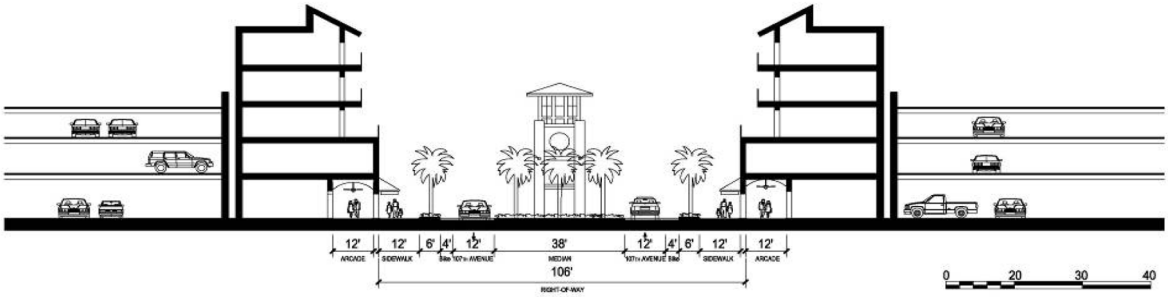
~~It is preferable to have the buildings create a continuous street-wall to ensure the arcade is continuous for pedestrians. Note in the photograph above that the front facades are established at different setbacks.~~



~~A commercial building with an arcade along both street frontages. The second floor area above the dining/display area is used as a balcony for the second floor uses.~~



~~Recessed entrance is emphasized with overhead awnings, planters and a change in pavement appearance.~~



~~107th Avenue Streetscape design looking eastbound from Gulf Boulevard (State Route 699) Note the second floor usable space extends above the pedestrian zone and the dining/display area.~~

~~Sec. 68-410.10. Maximum impervious surface ratio.~~

~~Maximum impervious surface ratio (ISR) for all uses shall not exceed 0.90.~~

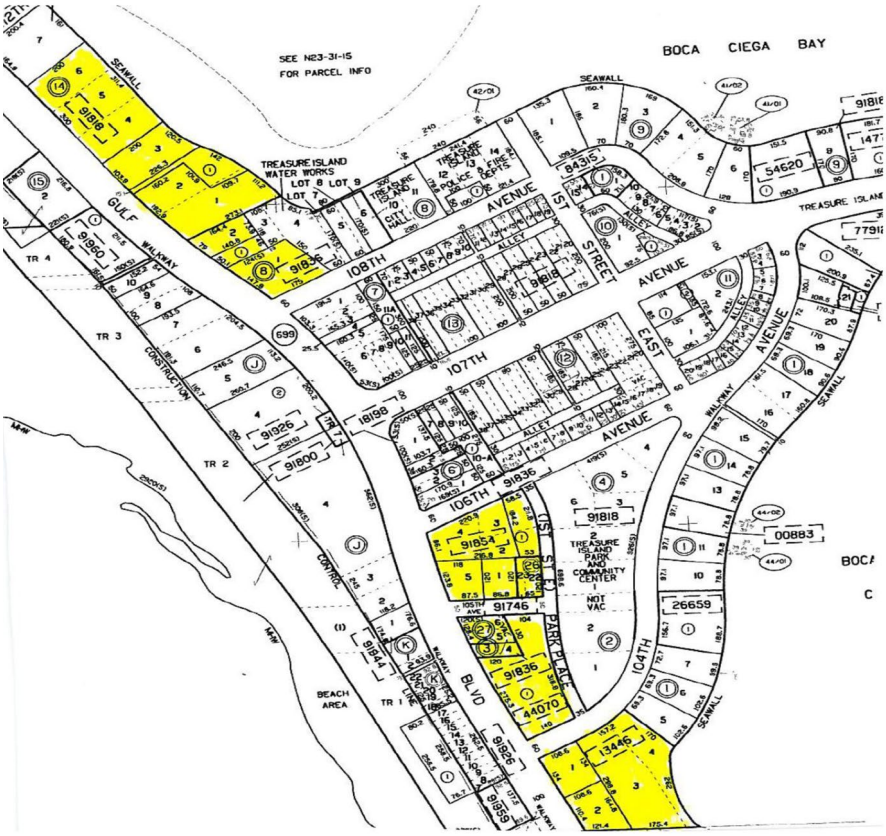
Sec. 68-410.11. Green building and leadership in energy and environmental design.

The city encourages Leadership in Energy and Environmental Design (LEED) standards with each redevelopment project.

Sec. 68-410.12. Other development standards.

Other development standards as are contained in the Treasure Island Downtown Design Standards.

Planned Redevelopment - Mixed Use Gulf Boulevard District (PR-MU Gulf Blvd.)



Subdivision II. PR-MU Gulf Blvd (Downtown Redevelopment) Zoning District

Sec. 68-410~~.30~~13. Purpose and intent.

The PR-MU Gulf Blvd. zoning district is established as a transitional district between the PR-MU Core and the area of hotels and motels found along the west side of Gulf Boulevard (State Route 699). The PR-MU Gulf Blvd. zoning district exists to accommodate an array of mixed uses, including residential dwelling units as part of the downtown. No use is permitted unless it is listed as a permitted or special exception use in the PR-MU Gulf Blvd. zoning district. A use not listed or described by category is prohibited.

Sec. 68-410.~~31~~14. ~~Permitted principal use~~ Uses Permitted.

~~The purpose of listing the permitted principal uses is to identify principal uses that are allowable on a property within this zoning district. Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses in the PR-MU Gulf Blvd. zoning district are as follows:~~ The following uses shall be allowed within the PR-MU Gulf Blvd. zoning district as permitted, special exception or accessory uses as set forth herein:

(1) Permitted Uses*:* The following uses shall be allowed within the PR-MU Gulf Blvd zoning district:

a. ~~(a)~~ Artist studios with retail and/or wholesale distribution space for artist's original handmade works, excluding mass produced or manufactured products.

b. ~~(b)~~ Automobile service stations for fueling and the sales of goods.

c. ~~(c)~~ Car wash.

d. ~~(d)~~ Child day care center

e. ~~(e)~~ Eating and drinking establishments, including bars, cocktail lounges, or nightclubs.

f. ~~(f)~~ Entry and/or lobby space for upper story uses.

g. ~~(g)~~ Financial institutions.

h. ~~(h)~~ Government including parks and recreation facilities.

i. ~~(i)~~ Home occupation.

j. ~~(j)~~ Live-work units.

k. ~~(k)~~ Museum, gallery, or exhibit hall.

l. ~~(l)~~ Office uses and business services.

m. ~~(m)~~ Parking lot and parking structure including for fee (Per section 68-541). A parking structure must provide liner building with active storefronts.

n. ~~(n)~~ Personal and professional services such as barbershops, beauty shops, tailoring, garment alteration and repair, shoe repair, dry cleaning pick-up and drop-off, spa, health club, and other personal service uses similar in character and impact.

o. ~~(o)~~ Religion institution use.

p. ~~(p)~~ Residential dwelling units as a component of mixed-use development only. Residential dwelling units shall not be allowed on the ground level of any structure except for the entry and/or lobby space for upper story uses.

q. ~~(q)~~ Retail establishments, including those with drive-thru facilities.

r. ~~(r)~~ Indoor entertainment facilities.

s. ~~(s)~~ Tourist dwelling units as a component of mixed-use development only. Tourist dwelling units shall not be allowed on the ground level of any structure except for the entry and/or lobby space for upper story uses.

t. Tourist Accommodations.

u. ~~t.~~ Materially Similar uses. Uses similar to and no more intense than those permitted use listed above shall also be determined permitted uses. The city manager or designee shall review and evaluate each of these uses in accordance with criteria set forth in section 68-410.~~34~~15. “interpretation of materially similar uses.”

(2) Special exception uses. Consistent with the requirements of Section 61-84. The following special exception uses may be permitted in an PR-MU Gulf Blvd zoning district:

a. Bus shelters.

b. Drive-through services (financial institution, pharmacies, restaurant, etc.).

c. Educational facilities.

d. Outside occupied space.

e. Utility substations.

f. Materially similar uses. Uses similar to and no more intense than those special exception uses listed above shall also be determined special exception uses. The city manager or designee shall review and evaluate each of these uses in accordance with criteria set forth in section 68-410.~~34~~15, "interpretation of materially similar uses."

g. Parking lot, temporary (Per section 68-541)

~~Sec. 68-410.32. Accessory use or accessory structure.~~

(1) Accessory uses: Accessory use or structure is a use or detached structure on the same lot or parcel under the same ownership and is incidental and subordinate to the principal use or structure.

a. ~~(a)~~ Boat slips associated with a permitted principal business use on site, not for rent.

b. ~~(b)~~ Private swimming pool.

c. ~~(c)~~ Private recreational areas for the exclusive use of the occupants and guests of a permitted or approved special exception use.

d. ~~(d)~~ Off-street parking and loading.

e. ~~(e)~~ Storage building or shed.

f. ~~(f)~~Other accessory uses customarily incident to a permitted or approved special exception use.

~~Sec. 68-410.33. Special exception uses.~~

~~The special exception uses listed are considered to be uses which may not be appropriate generally or without restriction in this zoning district but which, if controlled as to number, area, location and relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance or prosperity and is permissible.~~

~~(a) Bus shelters.~~

~~(b) Drive-through services (financial institution, pharmacies, restaurant, etc.).~~

~~(c) Educational facilities.~~

~~(d) Outside occupied space.~~

~~(e) Utility substations.~~

~~(f) Materially similar uses. Uses similar to and no more intense than those special exception uses listed above shall also be determined special exception uses. The city manager or designee shall review and evaluate each of these uses in accordance with criteria set forth in section 68-410.34, "interpretation of materially similar uses."~~

Sec. 68-410.~~34~~15. Materially similar uses.

When evaluating an application for a materially similar use, the city manager or designee, shall consider the following characteristics, including but not limited to:

(a) Any special public utility requirement for serving the proposed use;

(b) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation and fumes;

(c) Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity and the potential for shared parking with other uses;

(d) The size and type of items sold and nature of inventory on the premises;

(e) Volume and type of sales (retail, wholesale, etc.), if relevant;

(f) The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building, and predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk and raw materials including liquids and powders);

(g) Any processing done on the premises, including assembly, warehousing, shipping, distribution;

(h) The type, size and nature of buildings and structures;

(i) The number of and density of employees and customers per unit area of site in relation to business hours and employment shifts;

(j) Transportation requirements, including the modal split for people and goods, by volume, type and characteristic of traffic generation to and front the site, trip purposes and whether trip purposes can be shared by other uses on the site; and

(k) The impact on adjacent properties created by the proposed use will not be greater than that of other uses in the district.

Sec. 68-410.~~35~~16. General requirements.

(a) Street level uses shall consist exclusively of commercial floor area and internal parking. Functional retail establishments/restaurant street frontage shall be required on any site abutting "Gulf Boulevard" (State Route 699) or a side street.

(b) Residential dwelling and tourist dwelling units are permitted only above the street level and only as part of a mixed-use development project consisting of a nonresidential component (exclusive of parking).

(c) The second level and above of each building may provide for retail establishments, art studios, office uses, residential dwelling or tourist dwelling units.

(d) The 2nd story of each building and above may extend out over the pedestrian and limited dining and display zone.

Sec. 68-410.~~36~~17. ~~Density and intensity~~ Development Potential.

~~(1) The tourist dwelling unit density shall not exceed 22 units per acre.~~

~~(2) The residential dwelling unit density shall not exceed 15 dwelling units per acre.~~

~~(3) Non-residential uses shall not exceed a floor area ratio (FAR) of 0.55.~~

~~(4)~~(a) Maximum development potential shall be as indicated in Table 68-410.36.a. Projects may achieve the maximum allowable densities and intensities for tourist dwelling units, residential dwelling units and non-residential uses on a project site.

TABLE 68-410.36.a: MAXIMUM DEVELOPMENT POTENTIAL

PR-MU GULF BLVD STANDARDS		RESIDENTIAL DWELLINGS & TOURIST DWELLINGS	TOURIST ACCOMODATIONS	COMMERCIAL
Density (dwelling units per acre), Maximum		15 DU/A[1] (5 living levels max.)	22 DU/A (5 living levels max.)	-
Nonresidential intensity (floor area ratio), Maximum		-	0.55 FAR	
Impervious Surface, Maximum		0.90		
Building Height[2]	Maximum	60 FT		
	Minimum	26 FT		

[1] Dwelling units permitted only above street level and as a component of mixed-use project. Dwelling units floor area ratio will not count towards the 0.55 floor are ratio for commercial uses.

[2] Refer to technical standards regarding measurement of building height and height encroachments.

~~Sec. 68-410.37. Building height.~~

~~(1) The maximum building height in the PR-MU Gulf Blvd. zoning district shall not exceed 60 feet above base flood elevation plus 2.0 feet of freeboard.~~

~~(2) The minimum height in the PR-MU Gulf Blvd. zoning district shall be two stories, 26 feet above base flood elevation plus 2.0 feet of freeboard.~~

Sec. 68-410.~~38~~18. Setbacks and ground level design standards.

(a) Building setbacks shall be as indicated in Table 68-410.38.a.

TABLE 68-410.38.a: BUILDING SETBACKS

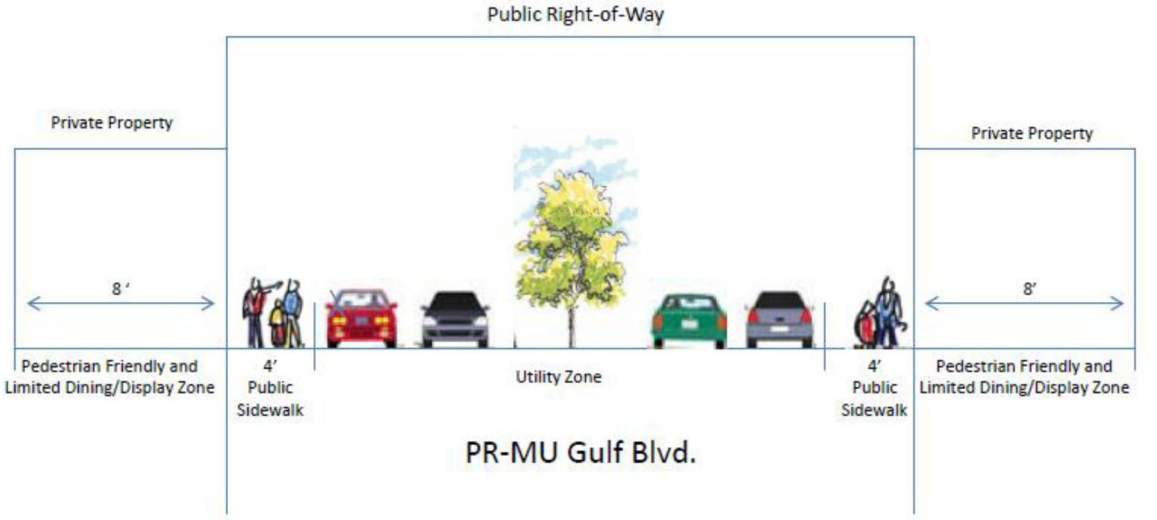
BUILDING SETBACKS		GULF BLVD	ALL OTHER STREETS
Front Setback[1], Minimum	Ground level façade	8 FT, as measured from the Gulf Boulevard right-of-way line	8 FT

	2nd story and above	0 FT
Side Setback, Minimum		0 FT
Rear Setback, Minimum	Waterfront Yard	25 FT
	Non-waterfront Tard	8 FT
[1]On corner lots, the setback from the secondary street shall be the same as the front setback.		

(b) Ground level design elements. To encourage pedestrian movement and create a pedestrian-oriented streetscape, ground level building frontages along Gulf Boulevard shall comply with the following design standards:

a. ~~*"Utility zone"* is the area within the Gulf Boulevard (State Route 699) right-of-way which is used for street furnishings, street signage, traffic control devices, public sidewalk and light poles.~~

b. ~~*"Pedestrian friendly and limited dining/display zone"* is an eight-feet wide improved walkway and a minimum of ten feet tall constructed by the property owner on private property which is adjacent and parallel to the utility zone limited to dining/display area and shall be reviewed during the site plan review process. Any awning or structure shall be built at a minimum of ten feet above grade. There may be a sign, lighting and/or fan which may be hung from the underside of structure. There must be eight-feet of vertical clearance. This zone shall extend the entire width of the property.~~



(c) At least 25 feet of the ground level building façade shall be built to the front setback line and shall be aligned parallel to the Gulf Boulevard right-of-way to create a continuous street wall.

(d) Pedestrian friendly and limited dining display zone. A minimum eight (8) foot wide improved pedestrian walkway is required along the entire width of the property adjacent and parallel to the Gulf Boulevard right-of-way. A limited dining/display may be included within the zone, subject to approval during the site plan review process. Any awning or structure shall be built a minimum of ten feet above natural or finished

grade, whichever is higher. There may be a sign, lighting, and/or fan which may be hung from the underside of structure. There must be eight-feet of vertical clearance. This zone shall extend the entire width of the property. If a pedestrian walkway already exists in such location on a property, it shall be improved to the city's public sidewalk standards.

(e) Weather protection required. To enhance the pedestrian experience and architectural design in the district, buildings are required to provide architectural features that provide protection from sun and rain. Weather protection may be provided through the use of structural arcades, canopies, or awnings.

1. Architectural features providing weather protection shall be a minimum of eight (8) deep to cover the entirety of the pedestrian friendly and limited dining/outdoor display zone.

2. Such architectural features shall begin no lower than ten (10) feet above the abutting grade. Signs, lighting, and/or fans may be hung from the underside of the structure so long as a minimum eight (8) feet of vertical clearance is maintained at all times.

~~*Front setback:* At ground level at least 25 feet of the property owner's building façade will be built eight feet from Gulf Boulevard (State Route 699) right-of-way line and be aligned parallel to Gulf Boulevard (State Route 699) right-of-way.~~

~~Within the redevelopment of each site, the property owner will build an arcade eight feet deep to cover the pedestrian zone. The arcade or awning will be built ten feet in height directly adjacent to the front building facade. There may be a sign, lighting and/or fan which may be hung from the underside of the arcade structure. There must be a minimum of eight-feet of vertical clearance.~~

~~The second story and above of each building may have a zero setback.~~

~~On corner lots, the setback to the secondary street will be the same as the front setback.~~

~~The setback along Park Place and all other streets in the zoning district shall be a minimum of eight feet.~~

~~*Side setback:* The side setbacks shall be zero.~~

~~*Rear setback:* The rear setback along Boca Ciega Bay shall be 25 feet. Preferably, the parking for these buildings shall be on the side of the structure to preserve the bay view and offer the opportunity for outdoor dining in the rear waterfront yard.~~

~~The rear setback for non-waterfront lots in the zoning district shall be eight feet.~~

~~Two examples of an eight-foot wide "pedestrian friendly and limited dining/display zone"~~





~~Sec. 68-410.39. Maximum impervious surface ratio.~~

~~Maximum impervious surface ratio (ISR) for all uses shall not exceed 0.90.~~

Sec. 68-410.4~~0~~19. Green building and leadership in energy and environmental design.

The city encourages Leadership in Energy and Environmental Design (LEED) standards with each project.

Sec. 68-410.~~41~~20. Other development standards.

Other development standards as contained in the Treasure Island Downtown Design Standards.

Secs. 68-410.~~42~~21—68-410.49. Reserved.

Subdivision III. Treasure Island Downtown Design Criteria

Sec. 68-410.50. Purpose and intent.

The purpose and intent of the design criteria is to secure visual interest, identity and sense of place in the city's downtown. These design provisions are intended to focus on the characteristics of architectural compatibility and to leave individual property-owners the maximum flexibility to build to meet their own needs and objectives. A variety of uses are encouraged on the ground floor to create active urban spaces for pedestrians. Retail, restaurant, service and arts-related uses are favored to take advantage of and generate pedestrian traffic.

The criteria shall apply to all new construction projects within downtown. The provisions are expected to be useful for making design decisions about permanent residential units, transient residential units, and commercial construction at a number of levels:

- Property-owners, builders, architects and other designers are encouraged to consult the design criteria prior to designing new buildings, additions or remodeling projects for ideas and advice.
- The design criteria will be used by city staff in making permit decisions.
- City property owners should consult the design criteria to understand the compatibility concepts which will apply to new construction.



Courtyards and outdoor areas shall be designed to enhance surrounding buildings and provide appropriate amenities for users (e.g. textured paving, landscaping, lighting, street trees, benches, trash receptacles, street furniture, and public art). Generally courtyards should have recognizable edges defined on at least three sides by buildings, walls, landscaping, and street furniture. In the PR-MU Gulf Boulevard Zoning District, only two sides need to define the edge. The rear yard may be left open to enjoy the waterfront view of Boca Ciega Bay.



Covered area provides sheltered location for dining and display.



The photograph shows a multiuse building with a courtyard along the right side of the structure.

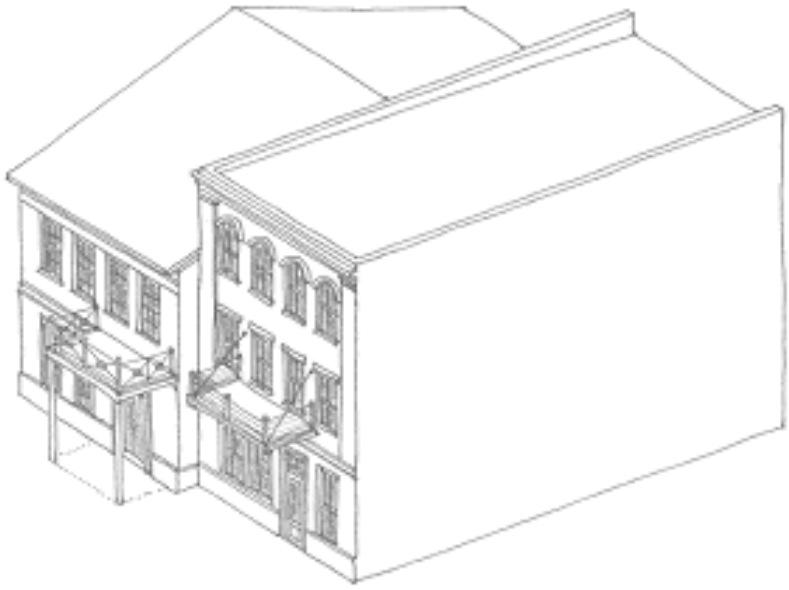


A close-up photograph of the courtyard.
The courtyard expands the visibility of the retail storefronts and offers a location for outdoor display and dining.



The courtyard on the left side of the building provides location for seating, public art and landscaping.
The arcade is shown along the secondary street.
The floor above the arcade is used as a balcony

Live-work units provide for both a commercial and residential function. The commercial function is generally on the ground floor. The second floor may be occupied by a business operator who resides upstairs in the same structure that contains the commercial activity. Live-work units are well-suited for downtown areas.



Live-Work Unit

The following criteria shall guide the design of new development in a manner that strengthens the city's mixed-use commercial core:

All new building construction must conform to the land development standards of the zoning district in which it is located. The criteria presented herein are intended to go beyond the basic dimensional requirements and, in greater detail, address issues specifically related to character compatibility.

In addition, the criteria are intended to encourage the design and construction of buildings which harmonize with the surroundings and which demonstrate a high standard of quality.

Sec. 68-410.51. Applicability.

The transition to applying this criterion to development projects shall be as follows:

Any development within downtown approved by the planning and zoning board and/or the city commission on or before January 6, 2015, is not subject to these regulations.

In the event of a major revision to an existing draft approval where the developer has an approved site plan or development agreement, the planning and zoning board and/or the city commission will generally apply these regulations.

Any development within the downtown approved by the planning and zoning board or city commission after January 6, 2015, shall provide conformity to these design parameters.

Sec. 68-410.52. Waivers.

Every business is unique. All aspects of appearance and character cannot be fully listed within the downtown design criteria. A process shall be available to allow waivers of specific aspects of these criteria. A request for a waiver shall not be considered a variance. A design

criteria waiver in the planned redevelopment areas shall be evaluated administratively using the findings listed below together with the countywide rules in Section 6.4.3.1. The requested change in design criteria:

- Shall not damage the character or quality of the neighborhood in which it is located, or hinder the proper future development of the surrounding properties;
- Shall not generate excessive vehicular traffic;
- Shall not create a vehicular parking or pedestrian/traffic circulation problem;
- Shall not compromise the health, safety, and welfare of the public; and
- Shall be consistent with the purpose and intent of the city's downtown design criteria.

In addition to design criteria waiver in the planned redevelopment area, a de minimis variation not exceeding ten percent of the required standard as applied to setbacks, impervious area, floor area ratio and similar measurable criteria may be granted administratively. Changes to impervious area and floor area ratio will also need to be in compliance with the countywide rules. De minimis does not apply to density.

Sec. 68-410.53. Style and building form.

The city contains a wide variety of architectural designs. New development should continue to provide a mix of architectural styles in order to maintain the variety of building forms. New construction should be compatible in massing, scale, proportion and articulation.

Sec. 68-410.54. Articulation.

(a) Wall plane. Building facades should incorporate breaks in the wall plane to provide massing and articulation. No single wall plane should exceed 60 feet in length on any exterior façade and should provide a minimum of a six-foot separation from abutting wall planes.

(b) Height variations. Building heights should be articulated to express different building components, features and programmatic elements. Height variations among architectural elements should have an expression of no less than five feet in variation.

(c) Roof articulations. All roof-mounted mechanical equipment such as air conditioners, elevators, transformers, antennas, satellite dishes and utility equipment shall be screened from contiguous properties and adjacent streets in a manner that is compatible with the architectural treatment of the principal structure. The city highly encourages the promotion of roof-top gardens in the planned redevelopment districts, especially for properties with rooftop visible from residential uses or for rooftops overlooking the public right-of-way.



Planted Roof



Roof Garden

Sec. 68-410.55. Entrances, windows and storefronts.

Main entries are critical in their established relationships to the street.

Pedestrian entrances should be easily recognizable and oriented towards the street and not be obstructed from view by fences, landscaping or other visual barriers. The main front façade facing the street shall be equal to or better in appearance than entrances oriented to parking lots and/or service areas.



- Window and storefront articulations should utilize similar proportions as those within the surrounding context and should be primarily oriented towards the street.
- Multiple storefronts within a larger building shall have consistent material qualities and articulation and should relate to the detailing of the entire building.



Display windows create visual interest

- A minimum of 50 percent of the front building façade on the ground level should be transparent, consisting of display windows or door openings to create visual interest. When possible, the bottom of transparent openings should be no higher than 36 inches above the sidewalk. Display windows used to satisfy these requirements should have a minimum vertical dimension of four feet and should be internally illuminated. This can only occur in locations assigned an AE flood zone.



The side of this building faces a parking lot but retains the same finish and basic architectural details as the rest of the building.

- Building facades should provide architectural detail (e.g. eaves, columns, pilasters, cornices, windows and window surrounds, canopies, fascia, and roofs) that are proportionate with the building. The architectural features, materials, and the articulation of a façade of a building should be continued on all sides visible from a public street or parking lot, where feasible.
- Exterior burglar bars are prohibited. Security, roll down, and accordion shutters along with the associated hardware should be obscured by architectural features or awnings and should

be finished to blend with the overall architectural character of the building and its surface materials.

Sec. 68-410.56. Awnings, canopies, and balconies.

- Awnings, arcades, or canopies should be incorporated to provide pedestrian protection from the elements and reduce overall building heat gain.
- Awnings shall be attached to the building façades and cantilevered, if possible. Awnings shall not be supported by vertical elements within the right-of-way, except with approval of the city commission.
- Standard street level awnings shall be mounted so that the valance is at least ten feet above the sidewalk elevation.
- The use of adjustable louvers, euro shutters, and the like shall be considered substitutions for awnings or an arcade structure provided that the product:
  - Provides pedestrian protection from the elements.
  - Reduces overall building heat gain.
  - Mounted at least ten feet above the walkway elevation.
  - Attached to the building façade and not supported by vertical elements in the right-of-way.



Sample Cantilevered Awning

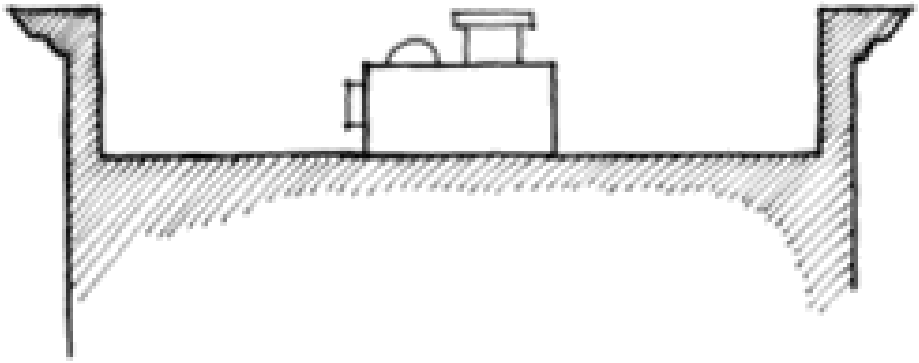
Sec. 68-410.57. Service areas and mechanical equipment.

Service bays, mechanical equipment, dumpsters and delivery areas, to the greatest extent possible, shall be fully enclosed, screened or located within the interior of the building or along the alley. These areas shall not be visible from the right-of-way and shall not be visible from properties with adjacent commercial, residential or transient residential uses.



Utility equipment is painted to blend with the building.

Whenever possible, all exterior equipment shall be placed on the roofs and shall be screened by an architectural feature. Otherwise, the exterior equipment shall be placed on the side or rear of the building and screened.



Screening of mechanical equipment on roof shall be at or above equipment height.

Sec. 68-410.58. Underground and above-ground utilities.

All on-site utilities including telephone, cable, and electrical systems shall be relocated underground.

All exterior facilities, including but not limited to electrical raceways and transformers, permitted above ground shall be fully concealed and/or screened by landscaping.

Sec. 68-410.59. Parking requirements.

(a) Parking lot locations. Off-street parking lots are discouraged in the front yard of 107th Avenue. Off-street parking lots shall be placed in rear yards, whenever possible. Off-street parking lots in the side yard shall be reviewed on a case-by-case basis during site plan review.

Off-street parking may be provided under commercial or mixed-use buildings provided that all under-building parking spaces are separated from the pedestrian/dining zone by a usable commercial space at least 20 feet deep.

Parking lots fronting directly on First Avenue East shall be setback a minimum of ten feet from the right-of-way and provide a knee wall or a continuous vegetation to screen vehicles to a height of 36 inches.



Vegetative Screening of Surface Parking Lot

The parking locations for lots abutting Boca Ciega Bay should be on the side of the structure, where possible to preserve the bay view and offer the opportunity for outdoor dining.

(b) Parking lot interconnections. Rear-yard parking lots on properties fronting along the parallel alley between 108th Avenue and 107th Avenue and the parallel alley between 107th Avenue and 106th Avenue shall be interconnected to eliminate or minimize driveways along 108th Avenue and 106th Avenue respectively.

1. To ensure the effective use of these connections, the first property to redevelop shall be required to make an irrevocable offer of cross-access to the adjacent parcel prior to the city's issuance of a construction permit. The first property to redevelop must design and build the parking lot to accommodate cross-access.

2. When adjacent property owners seek permits, they will also be required to reciprocate with a similar cross-access agreement and then must complete the physical connection.

3. Individual property owners shall control all rights to the use of their own parking spaces, but may choose to allow wider use of these parking spaces through reciprocal arrangements with other parties.

(c) Shared parking facilities.

1. Two or more non-residential uses located on the same or separate lots may provide for shared parking facilities, upon receiving the approval of the city manager or designee. The applicant shall demonstrate to the satisfaction of the city manager or designee that the uses are able to share the same parking spaces because their parking demands occur at different times (for example if one use operates during evenings or weekdays only). The applicant shall be required to demonstrate to the city manager or designee that the type of uses(s) indicates that the periods of usage will not overlap or be concurrent and that a reduction in the total number required off-street parking spaces is justified. The applicant shall submit documentation supporting the request for shared parking spaces that shall, at a minimum, include:

   a. The uses proposed to share parking and the number of parking spaces required for those uses;

   b. The location and number of parking spaces that are being shared including a legal description of the property upon which the uses are located and upon which the shared parking spaces are located;

   c. c. An analysis showing that peak parking times of uses occur at different times and that parking area(s) will have a sufficient number of parking spaces to meet the minimum anticipated demands of all uses sharing the joint parking area(s); and

(d) The approval by the city manager or designee shall be documented as a shared parking agreement between the city and the applicant(s) in a form acceptable to the city attorney and which:

1. Provides access to the shared parking spaces for all uses identified;

2. Requires the processing of an amendment to the parking agreement for any substitution of uses not identified;

3. Requires the owner(s) to bear the expense of recording the parking agreement and agree that the parking agreement shall bind their heirs, successors and assigns;

4. Requires the parking agreement to be recorded in the public records of the clerk of the circuit court of the county prior to the issuance of the first building permit or certificate of occupancy for the project and may be voided by the city if other off-street facilities are provided in accordance with these regulations; and

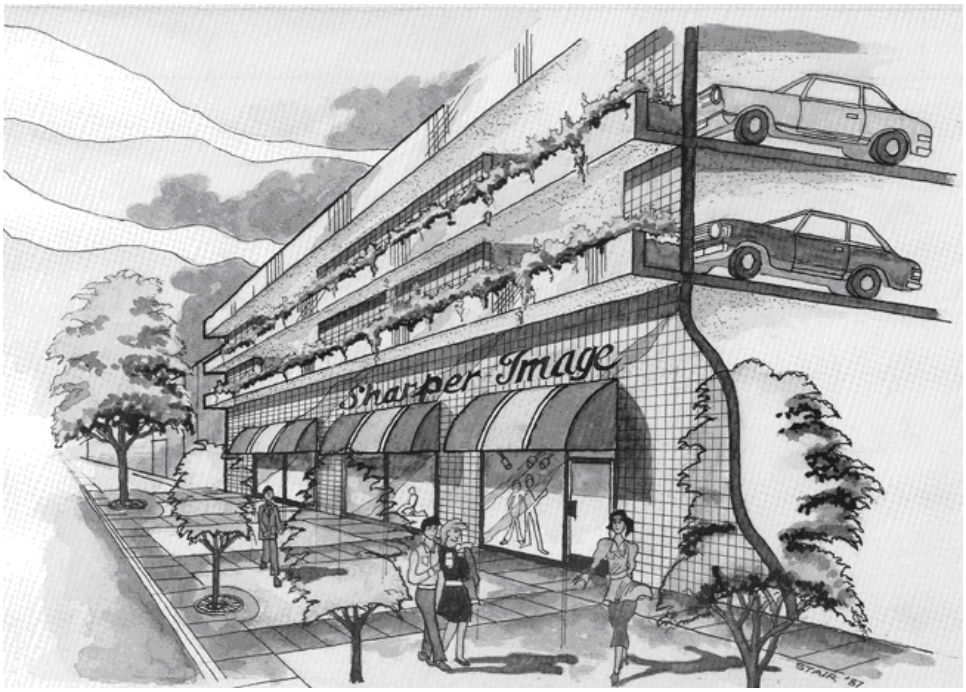
5. Requires the termination of the parking agreement in the event of a violation of any of the following; a provision of this Code, any condition of a related development approval, or any term of condition contained in the agreement, upon provision of reasonable notice to the property owner.

(e) Driveway connections.

1. Properties fronting on 107th Avenue shall relocate existing driveways and parking spaces from 107th Avenue to the parallel alley via 108th Avenue, 106th Avenue or 1st Street East when redevelopment of the site occurs. This provision will be waived during site plan review, should this requirement prohibit all reasonable access to a property.
2. When a driveway onto 107th Avenue is unavoidable, the driveway shall be shared with an adjoining property, if the adjoining property also has access only to 107th Avenue. If the adjoining property does not require the 107th Avenue driveway access, the driveway location shall be spaced as far as practical from other driveways or intersections.
3. Properties having frontage only on Gulf Boulevard, 108th Avenue, 106th Avenue, and 1st Street East may have driveways connected to their frontage, existing easements, and/or alleys. All Gulf Boulevard driveways shall be subject to FDOT approval.
4. Whenever possible, the driveway shall be shared with an adjoining property for lots abutting Boca Ciega Bay. This effort should reduce the number of driveway cuts along Gulf Boulevard.

(f) Parking garages.

1. All levels of parking garages must be separated from primary streets by a liner building that provides usable building space at least 20 feet deep.
    a. Liner buildings must be one story or more in height.
    b. All ground levels of a parking structure facing a public right-of-way shall be lined with active permitted uses described in the zoning district.
    c. The façade of visible parking structures shall be designed to relate architecturally to surrounding buildings and contribute positively to the character of the zoning district.
    d. Planter boxes or other architectural features shall be used to add visual interest and break up the mass of the structure; and
    e. Ramps shall be internal to the structure and not visible from adjacent public rights-of-way.



Liner Building Masking a Parking Structure

b. Enclosed parking levels shall have an exterior architectural treatment designed to be compatible with neighboring buildings and the area's context. Preferably exterior surface finishes of stucco, stone, or brick.

(g) Access to a parking garage may be provided as follows:

1. Access from 108th Avenue, 106th Avenue, 1st Street East or an alley is preferred.

2. Access to 107th Avenue is not permitted except in unusual circumstances where no other access is feasible. This provision will be waived during site plan review, should this requirement prohibit all reasonable access to a property.

(h) Required number of parking spaces in the PR-MU Core Zoning District and PR-MU Gulf Boulevard Zoning District. Some internal capture of vehicle trips results from the mixture of commercial uses in redevelopment areas. Generally, motorists come to the area and park once and visit several business locations within the downtown. This capture allows a reduced off-street parking requirement for comparable uses in conventional zoning districts. The minimum number of parking spaces provided by a principal use in the PR-MU Core Zoning District or the PR-MU Gulf Boulevard Zoning District shall be equal to 66 percent of the minimum off-street vehicle parking spaces established in the land development regulations.

(i) Payment in-lieu-of parking.

1. In-lieu-of option. A developer may request to pay into the city in-lieu-of parking fund a sum of money for each nonresidential parking space that is not provided by the development project on-site or off-site.

2. Computation of cost to provide parking space. The initial fee shall be set with the establishment of a city payment in-lieu-of parking fund with the rate adjusted

annually every October 1 thereafter that reflects the changes in the consumer price index (CPI) or any other cost changes as determined by the city commission.

3. Payment in-lieu-of parking funds. Payment in-lieu-of parking funds will be deposited into the city payment in-lieu-of parking fund which shall be created by ordinance and may be amended from time to time.
4. Time of payment. Payments made pursuant to this section shall be made prior to the issuance of a building permit for any portion or phase of a development project.

(j) Walk zone. There shall be a walk zone established along 107th Avenue, where bicyclists, skateboarders and the like shall be required to dismount their bicycle, roller skates, rollerblades, skateboard, etc. on the public sidewalk. The public sidewalk shall display the following signage:



Sec. 68-410.60. Multifamily residential—Multifamily residential and hotel design criteria.

Entrances to residential units and hotel uses should be kept separate from entrances to other uses in the building, such as service entrances.

Sec. 68-410.61. Exterior lighting.

All exterior lighting shall meet the requirements found in section 68-59~~467~~.

Sec. 68-410.62. Environmental considerations.

It is desirable for all new construction to achieve leadership in energy and environmental design (LEED) certification or incorporate LEED concepts into the new building and site development.

Rehabilitation of existing structures should consider, whenever economically practical:

- Provision of bicycle racks or storage facilities in recreational, office, commercial, tourist lodging units and multifamily residential areas;
- Use of energy-efficient features in window design (exterior shading devices, low-E and insulated glass, etc.);
- Use of operable windows and ceiling fans to promote natural ventilation, when weather permits;
- Reduced coverage by asphalt, concrete, rock and similar substances parking lots and other areas to improve storm-water retention and reduce heat island effects;
- Selection, installation and maintenance of drought-tolerant and salt-tolerant shade trees to reduce requirements for water, maintenance and other needs and provide some shade;
- Use of light-colored materials; and/or
- Use of "cool roof" techniques (light colored roof or a planted roof).

Sec. 68-410.63. Rehabilitation of existing structures.

Rehabilitation of existing structures shall consider, whenever economically practical:

- Reduced coverage by asphalt, concrete, rock and similar substances in driveways and other areas to improve storm-water retention and reduce heat island effects;
- Installation of energy-efficient lighting in buildings, driveways, yards, and other interior and exterior areas;
- Selection, installation and maintenance of drought-tolerant and salt tolerant plants, trees, and other vegetation and landscape design features that reduce requirements for water, maintenance and other needs;
- Planting of shade trees to provide reasonable shade while remaining clear of overhead and underground utilities;
- Provision for structural shading (e.g., trellises, awnings, pergola, and roof overhangs); wherever practical when natural shading cannot be used effectively; and
- Inclusion of shaded porch/balcony areas.

Sec. 68-410.64. Building environment.

Building environment shall consider, whenever economically practical:

- For pedestrian walkways, brick or paver type treatment.
- Garden arrangements with emphasis on drought-resistant and salt-tolerant flora.

- Widening of sidewalks, use of paving materials and introduction of new parking lots shall be done in a manner which is compatible with the character of the area and maintains the relationship of the buildings to the environment.

Sec. 68-410.65. Gazebo, shed, or other outbuilding.

The design of any gazebo, shed, or other outbuilding greater than 100 square feet in area should be complementary in terms of design, scale, proportion, color, exterior finish, and details to the main building.

Sec. 68-410.66. Ramps.

Ramps should be concealed with landscaping, as much as possible, and shall blend in with the scale and architectural features of the building.

Sec. 68-410.67. Outside dining.

(a) Generally. Outside dining in the PR-MU Core Zoning District and PR-MU Gulf Boulevard Zoning District shall be permitted, only in accordance with this section.

(b) Purpose. The purpose of these regulations is to enhance the pedestrian environment of this district through the creative use of outdoor spaces by providing food establishments the opportunity to sell food and beverages in a manner that creates an interesting dining district, and maintains and improves the city's sense of place and property values.

(c) Restaurants are encouraged to provide outside dining. Outside dining shall be located in the dining zone between the restaurant and the pedestrian zone and is regulated by this section. The sale of alcoholic beverages outside the principal business is regulated by state liquor laws and by Chapter 3.

1. Limitations in the outside dining zone.

    a. No outside dining shall block access into or out of a business.

    b. Vendors who do not have a business on the property cannot provide food or beverage products in the outside dining area.



Dining tables are used to serve food and beverages to the public.

~~Sec. 68-410.68. Signage.~~

~~[(a)] Purpose. The purpose of these sign regulations is to enhance the pedestrian environment in a manner that enhances the public realm, creates an interesting and comfortable shopping and dining district, and maintains and improves the city's sense of place and property values.~~

~~[(b)] Generally. The sign regulations for the PR-MU Core District and PR-MU Gulf Boulevard District differ from the city-wide sign regulations found in the land development regulations in the following manner:~~

~~(1) Wall signage or window signage—Permitted.~~

~~a. The bottom of any sign projecting from a building structure shall be no less than ten feet above the higher of natural or finished grade at any point.~~

~~b. One attached wall sign shall be allowed on the first floor level and shall not exceed 75 square feet in area and 16 feet in height. In the event the parcel contains a multi-tenant development, each individual business use may have one attached sign.~~

~~c. One permanent wall or window sign shall be allowed on the second floor level and shall not exceed 50 square feet in area and 25 feet in height. In the event the parcel contains a multi-tenant development on the second floor level, each individual business use may have one attached sign.~~

~~d. The thickness of the projecting sign shall not exceed two inches, the height of the projecting sign shall not exceed 12 inches in height, and the width of the principal faces of any projecting sign shall not exceed 36 inches.~~

~~e. All signs erected within the district or now existing in the district shall comply with all other provisions of this section (including total sign area limits) and the Florida~~

Building Code as to safety, except as is otherwise specifically accepted or modified.

(2) Directory signs. Directory signs may assist in directing patrons to individual shops of a multi-tenant building:

a. Up to two directory signs may be permitted on each multiuse/multi-tenant building.



Directory Sign

b. Directory signs should be limited to approximately 12 square feet in size, and lettering should not exceed a maximum of six inches in height.

c. Copy should be limited to the names of tenants and businesses, and suite or address number.

d. Directory signs may be affixed to the building façade or freestanding on private property within the dining or outside display zones.

(3) Sign prohibition.

a. No private signage is permitted on public property without prior approval of the city commission.

b. Any sign projecting into the airspace of the public right-of-way without prior approval of the city commission shall be removed with no right of compensation to the owner or tenant for such removal.

(4) Signage in the public right-of-way.

a. Should the city choose to install way-finding signs, those may be placed in the public right-of-way.

Secs. 68-411—68-4530. Reserved.

ARTICLE IV~~VII~~. SUPPLEMENTARY LOT AND USE REGULATIONS

DIVISION 1. GENERALLY

~~Sec. 68-431. Schedule of lot and bulk regulations.~~

~~The restrictions and controls intended to regulate the property development characteristics of each zoning district are set forth in the following schedule of lot and bulk regulations supplemented by other sections of this chapter:~~

~~Zoning District/Land Use~~	~~Minimum Lot Width (Feet)~~	~~Minimum Lot Depth (Feet)~~	~~Minimum Lot Area (Square Feet)~~	~~Maximum Density Dwelling Units (Per Acre)~~	~~Maximum Building Height (Above BFE +2 feet of freeboard)~~	~~Floor Area Ratio (%)~~
~~RU-75/Residential Urban~~						
~~Dwelling, Residential~~						
~~Single-family~~	~~65~~	~~100~~	~~7,500~~	~~7.5~~	~~35~~	~~—~~
~~Maximum lot coverage in all districts: 50%~~						
~~Impervious surface ratio—RU-75: 70%~~						
~~RM-15/Residential Medium~~						
~~Dwelling, Residential~~						
~~Single-family~~	~~40~~	~~90~~	~~4,500~~	~~9~~	~~35~~	~~—~~
~~Two-family~~	~~50~~	~~90~~	~~6,000~~	~~11~~	~~35~~	~~—~~
~~Multiple-family~~	~~70~~	~~90~~	~~9,000~~	~~15 (2 living levels max.)~~	~~35~~	~~—~~
~~Group Homes (licensed) (Excl. ACLF's)~~	~~70~~	~~90~~	~~9,000~~	~~15 (2 living levels max.)~~	~~35~~	~~—~~
~~Maximum lot coverage in all districts: 50%~~						
~~Impervious surface ratio—RM-15: 70%~~						
~~RFM-30/Resort Facilities Medium~~						
~~Dwelling, Residential and Dwelling, Tourist~~						
~~Single-family~~	~~40~~	~~90~~	~~4,500~~	~~9~~	~~35~~	~~—~~
~~Two-family~~	~~50~~	~~90~~	~~6,000~~	~~11~~	~~35~~	~~—~~
~~Multiple-family~~	~~70~~	~~90~~	~~9,000~~	~~15 (5 living levels max.)~~	~~60~~	~~—~~
~~Hotel/Motel~~	~~70~~	~~90~~	~~9,000~~	~~30 (5 living~~	~~60~~	~~65~~

				levels max.)		
Public Administration Facilities	90	90	10,000	—	45	65
Commercial Use	70	90	9,000	—	45	65
Maximum lot coverage in all districts: 50%						
Impervious surface ratio—RFM-30:		Multifamily residential: 70% Nonresidential uses: 85%				
RFH-50/Resort Facilities High						
Dwelling, Residential and Dwelling, Tourist						
Single-family	40	90	4,500	9	35	—
Two-family	50	90	6,000	11	35	—
Multiple-family	70	90	9,000	15 (5 living levels max.)	60	—
Hotel/Motel	70	90	9,000	50 (5 living levels max.)	60	120
Public Administration Facilities	90	90	10,000	—	45	120
Commercial Use	70	90	9,000	—	45	120
Maximum lot coverage in all districts: 50%						
Impervious surface ratio—RFH-50:		Multifamily residential: 70% Nonresidential uses: 95%				
CG/Commercial General						
Commercial Use						
Retail/Pers. Service	70	90	9,000	—	45	55
All Others	70	90	9,000	—	45	55
Hotel/Motel	70	90	9,000	22 (5 living levels max.)	60	55
Public Administration Facilities	90	90	10,000	—	45	55
Private Club	90	90	10,000	—	35	55
Auto Service Station	90	90	9,000	—	35	55
Maximum lot coverage in all districts: 50%						
Impervious surface ratio—CG: Retail/Pers. Service: 90%, All others: 75%						
R/OS/Recreation/Open Space	—	—	—	—	—	25
Maximum lot coverage in all districts: 50%						
Impervious surface ratio—R/O: 60%						

P/Preservation	—	—	—	—	—	10
Maximum lot coverage in all districts: 50%						
Impervious surface ratio—P: 20%						
I/Institutional	90	90	10,000	—	40	55
Maximum lot coverage in all districts: 50%						
Impervious surface ratio—I: 85%						
T/U/Transportation/Utility	90	90	10,000	—	40	55
Maximum lot coverage in all districts: 50%						
Impervious surface ratio—T/U: 85%						
PR-MU Core/Planned Redevelopment-Mixed Use-Core						
Residential dwellings (only permitted as part of a mixed use development project)				24 (5 living levels max.)	Maximum 60 ft.	
Tourist lodging units				22 (5 living levels max.)	Maximum 60 ft.	100
Commercial use					Minimum 26 ft. and shall be 2 stories	100
Impervious surface ratio—PR-MU-Core: 90%						
PR-MU Gulf Blvd/Planned redevelopment-Mixed Use-Gulf Blvd.						
Residential dwellings (only permitted as part of a mixed use development project)				15 (5 living levels max.)	Maximum 60 ft.	
Tourist Lodging Units				22 (5 living levels max.)	Maximum 60 ft.	55
Commercial use					Minimum 26 ft. and shall be 2 stories	55
Impervious surface ratio—PR-MU Gulf Blvd.: 90%						

Secs. 68-432—68-450. Reserved.

DIVISION 1~~2~~. LOT REGULATIONS

~~Sec. 68-451. Nonconforming lots.~~

~~A single-family structure may be constructed on any nonconforming lot provided all other requirements of this Code are met.~~

~~Sec. 68-452. Lot width.~~

~~The minimum lot width of any lot shall be as indicated on the schedule of lot and bulk regulations.~~

~~Sec. 68-453. Lot depth.~~

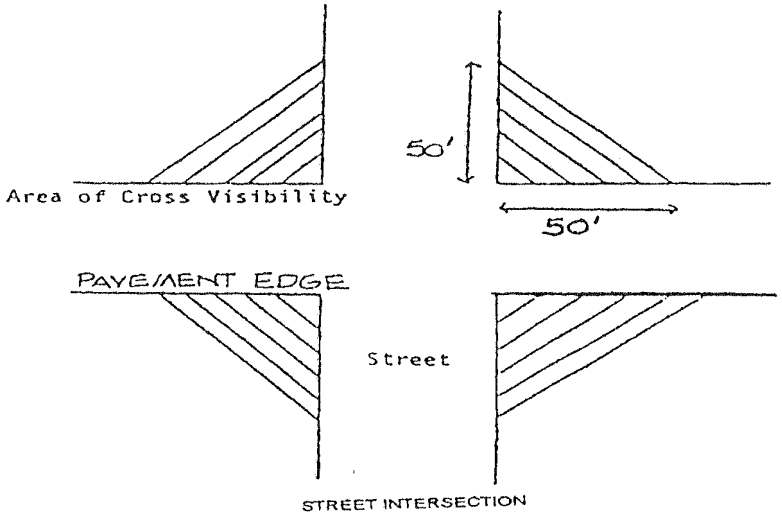
~~The minimum lot depth of any lot shall be as indicated on the schedule of lot and bulk regulations.~~

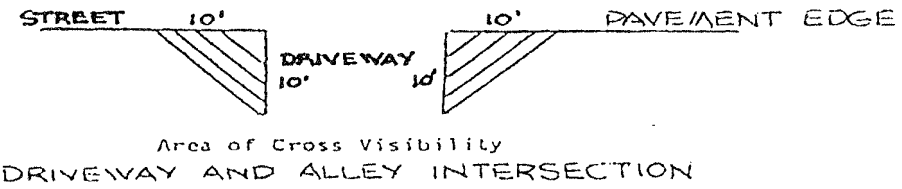
Sec. 68-454<u>1</u>. Intersection/driveway visibility.

<u>(a) Purpose. These regulations are intended to provide adequate sight distance at intersections to ensure the safe movement of vehicles, pedestrians, and bicyclists. Sight visibility triangles shall be measured from the edge of pavement for driveways and from the edge of pavement of alleys and streets. Sight visibility areas shall be kept clear of all visual obstructions, including but not limited to landscaping, signs, utilities, traffic signal control cabinets, structures, walls, and fences. The provisions of this section apply to all zoning districts.</u>

<u>(b) Measurements.</u> At all street intersections and at the intersection of any street, driveway, or alley, no obstruction to vision (other than existing buildings posts or tree trunks with a maximum diameter of 12 inches, or existing buildings) between 30 inches and seven feet in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the street, driveway, or alley frontage of such lot and a line drawn between the points along such street, driveway, or alley frontage 50 feet distant from their point of street intersection or ten feet distant from their point of intersection with driveways and alleys. Existing trees must be cleared between 30 inches and seven feet.

SIGHT DISTANCE FOR LANDSCAPE
REQUIRED ADJACENT TO PUBLIC
RIGHTS-OF-WAY AND POINTS OF ACCESS





~~Sec. 68-455. Reduction of lot area.~~

~~The area or dimension of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by this chapter, except as provided in this chapter and, if already less than the minimum required by this chapter, such area or dimension may be continued, but shall not be further reduced.~~

~~Sec. 68-456. Maximum coverage.~~

~~Land coverage by principal and accessory buildings or structures on each lot shall not be greater than is permitted in the zoning district, as set forth within sections 68-226 and 68-431, the schedule of lot and bulk regulations, where such principal and accessory buildings are located.~~

Sec. 68-45~~7~~2. Yard regulations.

Every part of a required yard must be open to the sky, unobstructed, except for the ordinary projections of steps, sills, beltcourses, cornices and other ornamental features projecting not more than four inches from the building wall, provided, however, that roof overhangs up to 48 inches or one-half of the required yard, whichever is less, shall be permitted. Specifically exempted from the restrictions of this section are flag poles having a maximum height of 30 feet (one per site), planters not exceeding 30 inches in height or having a cross section of 18 inches or less, wooden decks not exceeding 18 inches in height and freestanding lamp posts having a maximum height of six feet (two per driveway or a maximum of four on any one site). ~~Any side of any wooden deck above grade shall be enclosed from the edge of such deck to the existing grade, by wood slats or lattice work, in such a way as to prevent the area below such wooden deck from being visible from any adjacent property or waterway~~. In the event of conflict between the yard regulations contained in this section and the setback requirements, the regulation resulting in the largest required yard shall be applicable.

(1) Transition yard requirements.

a. Front yard. Where a residential zoning district abuts a nonresidential zoning district, there shall be provided in the nonresidential zoning district for a distance of 50 feet from the zoning district boundary line along the same street, a front yard at least equal in depth to that required in the residential zoning district. Screening requirements shall be as set out in section 68-46~~2~~53.

b. Side or rear yard. Where the side or rear yard in a residential zoning district abuts a side or rear yard in a nonresidential zoning district, there shall be provided in the nonresidential zoning district along such abutting line or lines, a side or rear yard at least equal in depth to that required in the residential zoning district. In no case, however, shall the abutting side yard or abutting rear yard of the nonresidential zoning district be less than 15 feet. Screening requirements shall be required as set out in section 68-46~~2~~53.

(2) Waterfront yard requirements. Every lot which abuts the Gulf of Mexico, public beach, Boca Ciega Bay or any of its inlets or basins, shall have, on the waterfront, a waterfront yard. Such waterfront yard is a required yard and shall not be utilized for any purpose other than specifically permitted in this Code.

Sec. 68-46~~2~~53. Screening regulations.

(1) Required screening. Where any nonresidential use directly abuts a residential zoning district or where a nonresidential use within a multifamily residential zoning district abuts a residential use or where a multifamily development abuts an RU-75 zoning district, it shall be screened from the adjoining residential zoning district or use in one of the following ways:

a. By a fence or wall at least five feet but not more than seven feet in height. Such fence or wall shall be located completely within the limits of the nonresidential lot and shall have equal architectural treatment on both sides; i.e. the side facing abutting properties, streets, etc., shall be finished. See also section 68-45~~8~~4.

b. By landscaping which is selected and arranged to form a visual screen between the nonresidential use and the residential zoning district or use from which it is to be screened. Such landscaping shall be mature plants having already attained a six-foot

height and providing the necessary screening; however, a permanent fence to supplement the landscaping may be required.

The provision of appropriate screening shall be an element of site plan review for sight barrier.

(2) Maintenance. Any fences, walls or landscaping installed in accordance with this section shall be maintained in good order to achieve the objectives of this section. Failure to maintain fencing or to replace dead or diseased landscaping shall be considered a violation of this section.

Sec. 68-458~~4~~. ~~Garden~~ walls, retaining walls, fences and hedges.

(a) Generally. All walls, retaining walls and fences shall be located completely within the limits of the property lines. Walls and fences shall have equal architectural treatment on both sides; i.e. the side facing abutting properties, streets, etc., shall be finished. See also section 68-4~~62~~58, Screening regulations. All fees pursuant to this section, shall be set by the city commission in appendix A.

In all cases the height is measured from the lowest of the two adjacent grades, based on natural or finished grade, whichever is lower as determined by a survey. Adjacent shall mean in the case of a retaining wall, the finished grade at the wall face.

Retaining wall height is limited to 6-inches above finished grade. In any case where a fence or wall is allowed to exceed the retaining wall height, the retaining wall plus the fence or wall as outlined below may be combined to meet the maximum height allowed.

Where a guard is required by the Florida Building Code, the combined height of the retaining wall and guard may exceed the maximum fence and wall height shown below. If the guard exceeds the allowable height shown below, then the guard shall meet the spacing requirements for an open fence.

All hedges shall be maintained at or below the maximum height shown and in compliance with the landscaping standards of this code. For this section's purpose, vegetation is considered a hedge when planted and maintained to create an open space less than two-feet wide by seven-feet high between each plant.

All walls, retaining walls, fences and hedges must meet the visibility triangle requirements of this code.

(b) Street side yard.

1. Walls and fences within the required street side yard shall not exceed 3-foot solid or 4-foot open fence.
2. Chain link type fences are specifically prohibited in street side yards.
3. Hedges shall not exceed 4-feet in height.
4. Guards must meet the spacing requirements for an open fence.

(c) Secondary street side yards.

1. For purposes of this section only, on a lot with one or more street side yards, the secondary street side yards may have lesser setbacks. The primary yard will be the one matching the predominant front yard pattern on the block face of the streets. In this scenario the predominant front yard will be determined by the Community Development Director or their designee.

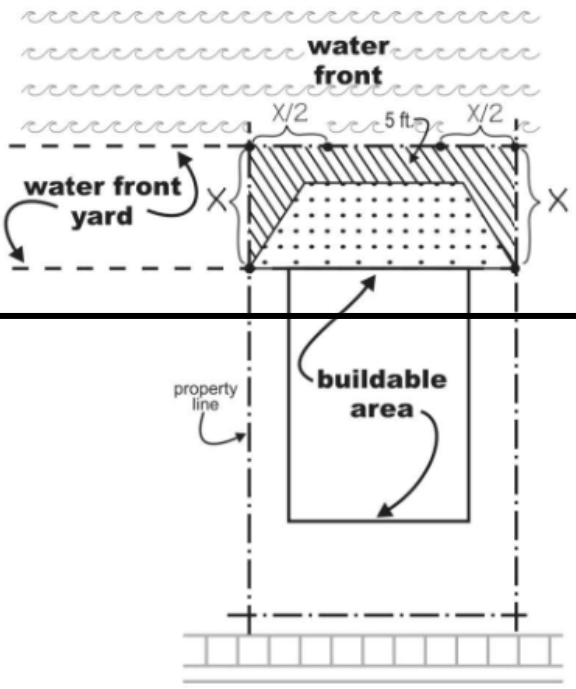
2. On a secondary street side yard the wall, retaining wall or fence setback to be used will be half of the normally required street side yard setback shown in Sec. 68-541.

(d) Side and nonwaterfront rear yards. All walls, fences or hedges located within the required side or nonwaterfront rear yard shall not exceed seven feet in height.

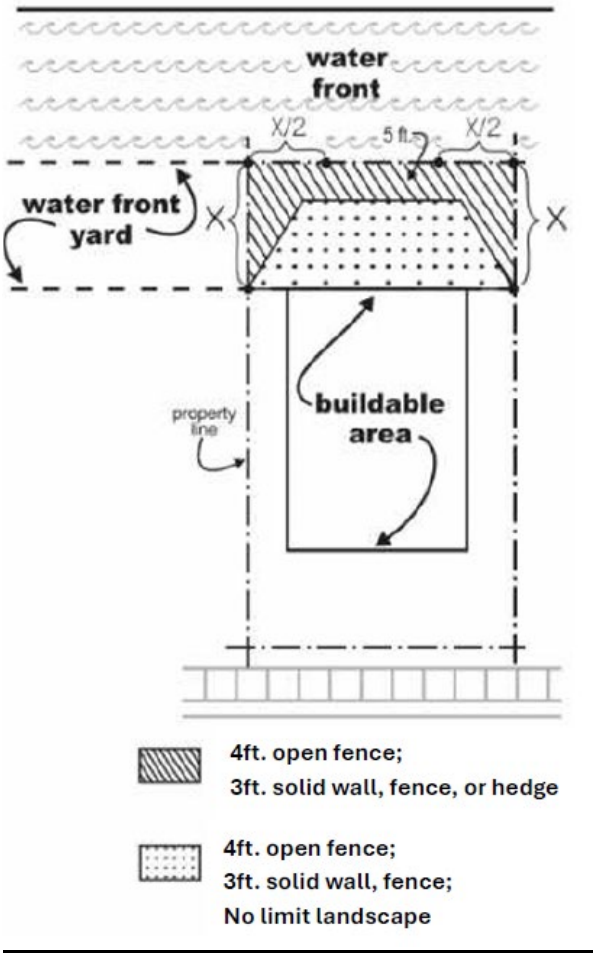
(e) Waterfront yards.

1. All walls or fences within a waterfront yard shall not exceed 3-foot solid or 4-foot open fence.
2. Retaining walls in the waterfront yard are limited to 3 inches in height.
3. Guards must meet the spacing requirements for an open fence.
4. Exception for fence height within the inner waterfront yard. Within the dotted area shown in Exhibit A below, fence heights are measured from lowest adjacent grade at the fence location. The Inner waterfront yard is within the waterfront yard setback, and measured as follows: 1) 5 feet from the waterfront property line and 2) measuring from each side property line at the waterfront and extending across waterfront property line at least 1/2 the distance of the waterfront setback, then from that point extending to the point where the side property line meets the waterfront setback line, as shown in Exhibit A below.

Exhibit A – Waterfront Yard View Setback Line



X = Waterfront Setback
Dotted Area Shows "Inner Waterfront Yard"



(f) All yards.

1. Decorative post caps may be installed on structural posts of the fence but shall not extend more than ten inches above the top rail.
2. Decorative gate may be installed, but shall not exceed more than 10 inches above the top rail of the abutting fence.

(g) Right-of-way.

1. No walls or fences are permitted to be constructed within or upon any dedicated right-of-way. Planters and decorative rocks not exceeding two-feet in height, and mailboxes as excluded from the definition of "structure" in section 68-~~2~~3, shall be permitted upon the untraveled portion within the city rights-of-way.
2. Vegetation and ornamental plantings are permitted upon the untraveled portion of the dedicated right-of-way beyond front yard setback areas so long as such vegetation or landscaping does not obstruct visibility and hedges do not exceed 30-inches in height.
3. A mailbox, as allowed and permitted for by this section, shall not be deemed a structure, and when permitted, shall be allowed to be placed in the right-of-way. Such mailbox shall be supported by nothing stronger than a single four-inch by four-inch wooden support post, or shall be designed to be of breakaway material, in order

not to be a hazard to vehicles or pedestrians. Such mailbox shall be a total height of no more than 60 inches, a total width of no more than 20 inches, and a total depth of no more than 32 inches. An applicant for any mailbox who desires such mailbox not to be considered a structure when such mailbox otherwise would be considered a structure, shall obtain a permit for such mailbox from the building department, and shall include with such application for permit a survey or sketch of the property, showing the location of such mailbox. Such mailbox shall be allowed only in locations where the mailbox would not obstruct visibility or traffic.

(h) Temporary fences. The city may grant a permit for the placement of a temporary construction fence to be erected during the period of construction and maintained until the issuance of a certificate of occupancy. Such fence may be erected on the lot line of the property upon which construction is being maintained and which shall be reasonably designed to protect the public from intrusion upon the construction site. Under no circumstances shall a certificate of occupancy be issued until the temporary construction fence is removed.

Sec. 68-45~~9~~5. Laundry screening.

Laundry shall be properly screened from the street and waterfront. Screening can be achieved through a combination of architectural and landscaping techniques. For example, laundry zones should be placed away from direct waterfront views, ideally on the side or rear of buildings. Use fencing, trellises, or louvered panels to block visibility, and incorporate natural elements like hedges or climbing plants for a softer look.

Sec. 68-46~~0~~56. Minimum yard regulations for accessory structures and accessory equipment.

Accessory structures in residential zoning districts without kitchen or bathroom facilities and accessory equipment may be erected in accordance with the following requirements:

(1) Accessory structures other than those exempted pursuant to section 68-45~~7~~2 shall comply with all setback requirements of the principal structure.

(2) Air conditioning units, pool equipment, water softening units, and propane gas tanks and similar mechanical equipment may be located within a required side or rear yard; provided, however, that such equipment shall be located adjacent to the principal structure and no closer than three feet to any lot line. Such equipment, including mounting pad, shall not exceed 60 inches above finished grade level, unless a greater height is required under chapter 8, chapter 66 or the Florida Building Code. If required to be elevated by chapter 8, chapter 66 or the Florida Building Code this equipment may encroach further into the setback only if required in order to elevate the equipment. This height limitation shall not apply to restrict the installation of air conditioning units to more than 60 inches above existing grade when the installation of such air conditioning unit is required by chapter 66.

(3) Notwithstanding (2) above, underground propane tanks shall be permitted in all yards and adhere to Sec. 66-306.1.

(4) Where practicable, accessory structures and accessory equipment are encouraged to be screened from street view and located behind the primary structure, unless such placement is more burdensome or restrictive.

(5) Reserved.

Sec. 68-4615<u>7</u>. Height regulations.

(a) General application. No building or structure shall have an aggregate height of a greater number of feet than is permitted in the zoning district in which such building or structure is located, except as noted in subsection (b). Height shall be defined as in section 68-2<u>3</u>, Building height.

(b) Permitted exceptions. No exceptions to height regulations shall be permitted except <u>for the following:</u>

<u>1.</u> E~~e~~nclosed stairways and elevator machinery or shafts not including an elevator exit which shall not exceed a height of seven <u>(7)</u> feet above the roof of the structure<u>;</u>

<u>2.</u> ~~and o~~ <u>O</u>ne community television antenna per principal structure shall be allowed but in no instance shall such antenna extend more than <u>thirteen (</u>13<u>)</u> feet above the roof of the structure<u>; and</u>

<u>3. Service equipment including but not limited to HVAC, electrical meters and ancillary equipment, may exceed a height of seven (7) feet above the roof of the structure.</u>

Sec. 68-4635<u>8</u>. Miscellaneous lot regulations.

(a) Structures over water. No structures shall be erected or constructed beyond the established seawall or seawall line of any body of water except docks, davits, public boardwalks and/or boat lifts.

(b) Lot excavation. No person, firm or corporation shall strip, excavate or otherwise remove soil, sand, shale or gravel for sale or use and thereby create a borrow pit except in connection with the construction or alteration of a building permitted by the issuance of a building permit on such premises and excavation or grading incidental thereto.

(c) Lot frontage. Every lot in every zoning district shall have the required frontage on a public or approved private street. An approved private street shall be a street constructed according to the requirements and specifications of the city building department and shall meet all engineering standards for public streets within the city. Upon complying with such requirements, the street shall become an approved private street after approval by the city commission.

~~Sec. 68-464. Satellite antenna regulation.~~

~~(1) In all zoning districts, the following requirements apply:~~

~~a. Guy wires and satellite antennas shall be considered accessory structures and shall meet setbacks for accessory structures.~~

~~b. Satellite antennas shall be nonreflective and their color shall blend in with the surroundings.~~

~~c. The satellite antenna shall be installed and maintained in compliance with the requirements of the building code and electrical code as set out in chapter 64. A building permit shall be required prior to construction. In addition, all antennas must be grounded and must contain adequate surge protection devices for all electrical connections.~~

~~d. No advertising or signage of any type is permitted on a satellite antenna.~~

e. All satellite antenna installations must be certified with the seal of a professional engineer.

(2) In residential zoning districts (RU-75 and RM-15) the following requirements shall apply:

(a) Satellite antennas are permitted only within the rear or side yard buildable area for a principal or accessory structure. The location shall be at a fixed point on the ground or on a structure. Portable installation shall be prohibited.

(b) No roof mounted antennas shall be permitted.

(c) There shall be no more than one satellite antenna per lot/parcel. (Note: The intent of this rule is that each residential development, whether it be a single-family lot or apartment, or condominium complex, be allowed one satellite antenna. Technology is such that many receivers can be connected to one antenna. This allows everyone, in for example, an apartment complex, to watch the channel of their choice.)

(d) The maximum satellite antenna diameter is 12 feet for mesh antennas and six feet for solid antennas.

(e) The maximum satellite antenna height is 15 feet for a short pole installation. The minimum ground clearance is one foot. The maximum height of a long pole installation shall be 12 feet above the peak of the roof. A long pole installation (greater than nine-foot pole height) shall be no greater than three feet from the sidewall of a dwelling unit and braced to it. Only mesh type satellite antennas shall be permitted on long poles. In no event shall the height of any satellite antenna exceed the height requirement for structures in the zoning district.

(3) In all other zoning districts (RFM-30, RFH-50 and CG) the following requirements shall apply:

(a) Satellite antennas are permitted anywhere on a lot/parcel within the buildable area for a principal or accessory structure; however, not in the area to the front of the main structure. The location shall be at a fixed point on the ground or on a structure.

(b) Satellite antennas are permitted on the roof provided that they do not exceed 13 feet in height, including base, from the roof.

(c) There shall be no more than one satellite antenna per lot/parcel.

(d) The maximum satellite antenna diameter is 12 feet for mesh antennas and six feet for solid antennas.

(e) The maximum satellite antenna height is 15 feet if ground mounted (short pole installation). The minimum ground clearance is one foot. The maximum height of a long pole installation shall be 12 feet above the highest point of the roof.

(f) Roof mounted satellite antennas are allowed, subject to the following requirements:

a. Roof mounted satellite antennas and the roofs upon which they are placed must be designed, engineered and constructed in compliance with wind and structural loading requirements of the Florida Building Code as adopted in chapter 8.

b. The maximum height of a roof mounted satellite antenna is 13 feet above the highest point of the roof. The minimum clearance from antenna to roof is one foot.

(4) Except as provided in subsection (f), variances to these requirements can be requested through the planning and zoning board.

(5) Satellite antennas legally in existence on the effective date of this section, and properly permitted by the city prior to that date shall be considered "grandfathered" and may remain unless relocated or replaced. A "grandfathered" antenna if replaced or relocated must comply with then current Code requirements and will lose its grandfathered status. Reconstruction or repair of an antenna which has been damaged to any extent of more than 75 percent of the current replacement value shall be considered replacement.

(6) No variances may be granted after the effective date of this section which would allow satellite antennas in the front yard area.

Sec. 68-465. Telecommunication towers and antennas.

(1) Purpose. The purpose of this section is to establish general guidelines for the siting of wireless telecommunication towers and antennas to accomplish the following goals:

(a) Encourage the location of towers in nonresidential areas;

(b) Minimize the total number of towers throughout the city;

(c) Encourage the use of existing structures as an alternative to new tower construction;

(d) Encourage joint use of new or existing towers as a primary option rather than construction of additional single-use towers;

(e) Encourage the design and construction of towers and antennas which minimizes the adverse visual impact of the towers and antennas; and

(f) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.

In furtherance of these goals, the city shall give due consideration to the comprehensive plan, zoning map, existing land uses and environmentally sensitive areas in approving sites for the location of tower structures.

(2) Applicability. Towers and antennas installed and maintained in accordance with this section are exempt from the height limitations for buildings and structures set forth elsewhere in this Code. The requirements set forth in this section shall govern the height of towers and antennas. The installation of an antenna on a building which is nonconforming in terms of current height limitations shall not be deemed to constitute the expansion of a nonconforming use. Amateur radio towers and antennas operated by a federally licensed amateur radio station operator are exempt from the provisions of this section. Towers and antennas located on city property are exempt from height limitations set forth elsewhere in this Code and are exempt from the requirements of this section, provided a lease or franchise agreement authorizing such tower or antenna has been approved by the city, or the tower or antenna is city-owned. Satellite antennas are considered an accessory use, are exempt from the requirements of this section and are governed by section 68-464.

(3) Antennas. Antennas may be installed on existing structures, such as a building or other freestanding structure that is 50 feet in height or greater, provided the antenna adds no more than 20 feet to the height of the existing structure, and provided that the existing building or structure is capable of supporting the additional load imposed by the addition of the antenna, properly anchored, designed and certified by a state registered professional structural engineer. The antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as virtually unobtrusive as possible. No lighting shall be permitted unless required by the FAA. If the supporting

structure to which the antenna is affixed is removed for any reason by or at the direction of the city, the antenna owner shall remove and relocate the antenna to a permitted location at such owner's expense. The installation of antennas and supporting equipment will require a permit from the city's building/code enforcement department. An occupational license is required for every person or entity which is renting space on a supporting structure within the city for one or more wireless communication antennas.

(4) Towers. In order to be eligible to obtain a permit to construct a tower, the proposed location must have a CG (Commercial), I (Institutional) or T/U (Transportation/Utility) zoning designation. In addition, no new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the city manager that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna.

(a) An applicant shall submit information requested by the city manager related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing structure or tower can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
3. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna.
4. The applicant's proposed antenna would cause electromagnetic interference with or would be interfered with by other antennas if placed on an existing tower or structure.
5. The fees, cost or contractual provisions required by the owner in order to share an existing tower or structure exceed the cost of developing a new tower.
6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(b) All applicants for new tower construction shall investigate city property for available space on an existing support structure or as a location for a new tower or other support structure.

(c) Prior to the request for city approval, the applicant shall notify, by registered mail, return receipt requested, all other cellular and personal communication services providers doing business in the city of the proposed tower and solicit firms for colocation. The notice shall advise the other cellular and personal communication services that they have 30 days to respond to the letter.

(d) The owner/operator of any proposed tower shall enter into an agreement with the city which requires that the owner/operator of the proposed tower will honor all reasonably and technically feasible requests for shared use of tower. Each year the owner/operator shall notify the city of the extent of the tower's use and identify the users of the tower.

(5) Height restrictions and design criteria for towers. Upon receipt of a completed application, the city manager shall have 20 business days in which to review the evidence submitted

and render a written decision regarding need for the construction of a new tower. Once the city manager has recognized the need for a tower, the plans for the tower and tower site shall comply with the following:

(a) Single user towers shall not exceed 90 feet in height. Towers for two users shall not exceed 120 feet in height. Towers designed for three or more users shall not exceed 150 feet in height.

(b) Towers and supporting structures shall maintain a galvanized finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.

(c) Towers shall be set back from abutting existing residential uses, a distance equal to the height of the tower.

(d) Tower guys and accessory facilities must satisfy the minimum setback requirements as set forth in this Code for the particular zoning district.

(e) Towers shall be enclosed by security fencing not less than six feet in height and shall be equipped with an anticlimbing device.

(f) The perimeter of the tower site shall contain landscaping that will blend them into the natural setting and surrounding buildings, consisting of vegetative buffer or native plants that are no less than four feet wide and four feet height planted at three feet on center.

(e) No tower shall be used for advertising of any type, and the placement of signs, other than warning signs, is strictly prohibited.

(6) Federal requirements and safety standards.

(a) All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal government with authority to regulate towers and antennas. If such standards are changed, the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with the revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for removal of the tower or antenna at the owner's expense.

(b) Towers and antennas shall be constructed, installed and maintained in accordance with chapter 64 and other applicable codes and standards adopted by the city. In addition, the tower and antenna must meet the standards set forth by the Electronic Industries Association, amended from time to time. If upon inspection, the city concludes that the structural integrity of a tower or antenna constitutes a danger to persons or property, the owner of the tower or antenna shall be given notice of the condition and shall have 30 days to bring such tower or antenna into compliance and in accordance with such standards set forth in the applicable codes. Failure to bring such tower or antenna into compliance within 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(7) Removal of abandoned antennas and towers. Any antenna or tower which is not operated for a period of 12 consecutive months shall be considered abandoned. Upon written demand by the city, the owner of an abandoned antenna or tower shall remove such antenna or tower within 60 days. Failure to do so shall constitute a violation of this Code.

~~Upon notification to remove an antenna or tower, any previously granted variances shall terminate.~~

~~(8) Variance. The city commission shall have power and authority to grant variance to this section. In the event an applicant for a tower is required to apply for a variance to this section or another related section of this Code, in addition to the variance criteria set forth in section 70-221, the following criteria shall be used:~~

~~The variance, if granted will result in a shared use, and thereby ultimately reduce the number of towers necessary to provide telecommunication service within the city.~~

~~(9) Appeals. The applicant may appeal a decision by the city manager that a tower is not necessary, directly to the city commission. The applicant shall notify the city clerk in writing of the appeal, and a hearing that shall be held at the next available regular commission meeting. The city commission shall conduct a quasijudicial de novo hearing and base its decision upon competent substantial evidence. The criteria for the decision shall be the criteria set forth in section 68-481.~~

Sec. 68-4~~66~~59. Lighting.

(a) Applicability. All outside lighting, (except street lighting), lamps, bulbs, lights, dock lighting, and security lighting producing artificial light from all single-family, multifamily, retail, office, tourist trade, and other land uses which shine or reflect light onto or into neighboring properties or residences so as to annoy or disturb the persons inhabiting such neighboring residences is hereby declared to be a nuisance and is unlawful and prohibited. All exterior lighting shall be installed in such a manner and shielded that the cone of light shall fall, within the perimeter of the property, and where applicable, landward of the coastal construction control line.

All premises shall meet the provisions of this section, unless due to the location of the site, these provisions will be in conflict with Chapter 72 Resources, Vegetation and Environmentally Sensitive Lands, ~~Article V,~~ Lighting Standards for Properties Abutting Public Beaches and/or Along the Gulf of Mexico, or exempted below:

1. Premises lawfully existing as of the effective date of the ordinance from which this section is derived.
2. Buildings and/or improved premises lawfully existing as of the effective date of this section, may be renovated or repaired without modifying outdoor lighting in conformance with this section, provided any increase in gross floor area of the building or the impervious area of the site is less than ten percent or 2,000 square feet, whichever is less.
3. Buildings and/or improved premises lawfully existing as of the effective date of this section that are enlarged by ten percent or 2,000 square feet more, in gross floor area or impervious area on the site, whichever is less, shall comply with outdoor lighting standards as specified in this section.

(b) Prohibited light fixtures and light sources. The following light fixtures and sources shall not be used where the source of the direct light emitted is visible from adjacent lots:



Cobra-head-type fixture with a drop lens

1. Cobra-head-type fixtures having drop lenses or refractors which house other than incandescent sources; and
2. Searchlights and other high-intensity narrow-beam fixtures, except in conjunction with an approved special event or temporary use permit.

(c) Design requirements. Outdoor lighting shall primarily be used to provide safety, while secondarily accenting key architectural elements and to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This may be accomplished through style, material or color. All lighting fixtures designed or placed to illuminate any portion of a site shall meet the following requirements:

Any state-of-the-art technology shall be taken into consideration that is consistent with the intent of this section, as new lighting technology develops that is useful in reducing light above the horizontal plane.

1. Fixture (luminaire). The light source shall be concealed and shall not be visible from any street right-of-way or adjacent properties. In order to direct light downward and minimize the amount of light spill into the night sky and onto adjacent properties or waterways, all lighting fixtures shall be cutoff fixtures.
2. Mounting. Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.
3. Limit lighting to period of activity. The use of sensor technologies, timers or other means to activate lighting during times when it will be needed is encouraged to conserve energy, provide safety and promote compatibility between different land uses.

(d) Specific lighting.

1. Security lighting.
    a. Building-mounted security light fixtures such as wall packs shall not project above the roof line or parapet wall of the building and shall be shielded.
    b. Security fixtures shall not be substituted for parking area or walkway lighting and shall be restricted to loading, storage, service and similar locations.
2. Accent lighting. Only lighting used to accent architectural features, landscaping or art may be directed upward, provided that the fixture shall be located, aimed or shielded to minimize light spill into the night sky.



Canopy Area Lighting

3. Canopy area lighting. All development that incorporates a canopy area over fuel sales, automated teller machines or similar installations shall use a cutoff that provides a shielded light distribution.
4. Entrances to mixed use building types. All entrances to mixed use building types, and all entrances in apartment building types containing more than four units, shall be adequately lighted to ensure the safety of persons and the security of the building.
5. Commercial, hotel/motel and multi-family parking area lighting. All commercial, hotel/motel and multi-family parking areas shall be full cutoff. Light levels shall be a minimum of one initial foot candles of illumination throughout the parking lot. The maximum to minimum foot candle ratio shall not exceed 15 to one. All parking areas shall be required to provide lighting consistent with the design requirement of this section during nighttime hours of operation.
6. Excessive illumination.
    a. Lighting within any lot that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property shall be prohibited. Lighting unnecessarily illuminates another lot if it exceeds the requirements of this section.
    b. Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of either drivers or pedestrians.
7. Beach lighting. No artificial public or private light source shall illuminate where it may deter adult female sea turtles from nesting or disorient hatchlings to the Gulf of Mexico during May 1 — October 31. Refer to Chapter 72 Resources, Vegetation and Environmentally Sensitive Lands, ~~Article V,~~ Lighting Standards for Properties Abutting Public Beaches and/or Along the Gulf of Mexico, for additional regulations of beach lighting in which case the more stringent provisions shall apply.

Secs. 68-46760—68-480. Reserved.

DIVISION 23. USE REGULATIONS

~~Sec. 68-481. Special exception uses.~~

~~Special exception uses, as enumerated in article VI, zoning district regulations, of this chapter, shall be permitted only upon authorization by the planning and zoning board, or city~~

~~commission, as set forth in this Code, provided that such uses comply with all of the requirements set forth in article VI, zoning district regulations, of this chapter, and providing that:~~

~~(1) The use is a permitted special use as set forth in article VI;~~

~~(2) The use is consistent with the city comprehensive plan;~~

~~(3) The use is designed, located and proposed to be operated in a manner that will protect the public health, safety, welfare and convenience;~~

~~(4) The use will not adversely affect the value of other property in the neighborhood where it is to be located;~~

~~(5) The use will be compatible with development adjacent to and near the property under consideration for a special exception;~~

~~(6) The use will be consistent with the character and purpose of the zoning district where it is to be located;~~

~~(7) The use will ensure that adequate landscaping is provided as required in the land development regulations, or as otherwise required;~~

~~(8) The use will ensure the adequacy of the 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 safely, traffic flow and control, and access in case of fire or catastrophe;~~

~~(9) The use will be compatible with the existing natural environment of the site, neighboring public parks and properties in the neighborhood as outlined in the city comprehensive plan;~~

~~(10) The use will orient and locate 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(s) with adjacent development and the surrounding landscape;~~

~~(11) The use will have sufficient 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 any adverse effects of noise, lights, dust, fumes, and other nuisances;~~

~~(12) The use will have sufficient land area;~~

~~(13) The use will meet the adopted levels of service required by the city comprehensive plan and the land development regulations.~~

Sec. 68-48~~2~~1. Accessory uses generally.

Accessory uses shall be clearly supplementary and incidental to the principal use of the lot and shall be located on the same lot as the principal use to which it is subordinate. All such incidental services shall be located within the principal building and no part thereof shall have an exclusive entrance to the street or public way.

Accessory uses exemption. In response to the number of structures damaged by Hurricane Helene and Hurricane Milton in September and October 2024, the specific accessory uses of docks, lifts and pools with pool equipment shall be allowed to remain through October 2026, without a principal use constructed on the property. In order to be retained a separate permit for

a safety barrier which meets the requirements of F.S. § 515.29 must be installed and maintained so as to ensure that there is no access to seawater or pool water. If pool equipment or lift is retained on the property, then a permit to install a temporary power pole is required.

Sec. 68-483~~3~~2. Swimming pools.

Swimming pools may be constructed within yard areas except the front yard, provided however, that no part of the pool structure may protrude more than 12 inches above the higher of natural or finished grade level and that the outside of the pool walls shall be at least ten feet from all lot lines except where a greater setback is required under the building code as set out in chapter 8~~64.~~ In determining the percentage of coverage of a lot by buildings, swimming pools which are not enclosed shall not be counted in such computation. In calculating required pervious space swimming pools shall be considered impervious.

Sec. 68-484~~3~~3. Accessory uses and Incidental Services in motels or hotels.

(a) Accessory uses which include, restaurants, alcoholic beverage establishments, personal service stores and similar uses, may be permitted as allowed in the zoning district, by special exception of the planning and zoning board provided the following conditions are fulfilled:

1. Alcoholic beverage establishments shall not exceed ten percent of the total floor area of the principal building.
2. All such accessory uses shall be situated within the principal building.

(b) Incidental services used in conjunction with either small hotels or motels are permitted, provided the following conditions are fulfilled:

1. Such incidental services shall be related to the needs of motel or hotel guests and may include tobacco products, snack and candy items, newsstand, pool and beach supplies and similar items.
2. Not more than 200 square feet of the total floor area of the principal building shall be so used.

Sec. 68-485~~4~~4. Private recreational areas.

Tennis courts, shuffleboard courts and similar uses of a recreational nature not to be covered by a structure may be constructed within yard areas except the required front yard. Tennis courts, shuffleboard courts and similar uses shall not be counted in computation of building lot coverage. Private recreational areas within a structure shall conform with all pertinent accessory structure requirements of this chapter.

~~Sec. 68-486. Off-street parking.~~

~~The purpose of this section is to ensure the provision of adequate off-street parking areas. Furthermore, it is the intent to avoid urban congestion on public streets to protect the level of service and capacity of existing streets to avoid unnecessary conflicts between pedestrian and vehicles and to promote the general health, safety, and public welfare. These regulations shall apply to all off-street parking areas, including driveways for single-family and duplex dwellings, established within the city. Any plans for re-striping an existing off-street parking area or modifying the number of parking spaces shall be approved by either the planning and zoning board or the city manager or designee as required by the land development regulations upon the submittal of a parking plan which complies with the land development regulations.~~

(1) Number and description of parking spaces required. Proper parking spaces shall be provided at the time of the construction of any main building or structure, or at any time any main building or structure is increased in occupant capacity, or at the time any use or occupancy of an existing building is changed to a use or occupancy which increases the requirements for off-street parking facilities. Off-street parking lots may be allowed as provided for in chapter 68, article VI, Zoning district regulations (see the illustrative parking use table in section 68-486(q). Such parking lots shall be subject to site plan review and shall adhere to all applicable land development regulations. Parking areas shall be surfaced by a dust free paving material such as asphalt, bitumen, concrete, turf block or other similar materials except for that portion of the parking area abutting the Gulf of Mexico or public beach. With the exception of single-family and two-family dwellings, parking lots shall have each parking space and aisle marked. All required parking spaces shall be located at grade level or above. The number of parking spaces required is specified in the following schedule of off-street parking requirements:

	Use	Minimum Spaces Required
(1)	Single-family, two-family, multifamily, and townhouse dwellings and group homes	2 spaces per unit.
(2)	Religious institution use	1 space for each 200 square feet in congregational seating area (including isles) in church proper and in Sunday school or other meeting rooms and classrooms.
(3)	Recreation, social, swimming, golf, tennis and yacht clubs	1 space per 200 square feet of total floor area, 2 spaces per each tennis court, 1 space per 200 square feet of pool area (including deck), 2 spaces per each hole of golf, 1 space per each 2 wet boat slips except for assembly occupancy areas which shall be the same as subsection (a)(6) below.
(4)	General business, retail, medical and dental offices and clinics, veterinarian offices, personal service establishments, commercial establishments, office buildings, financial establishments, libraries, art museums and similar cultural facilities	1 space per 375 square feet of gross usable area including any outdoor area used for retail trade or service purposes, including storage.
(5)	Hotels, motels and motor inns	2 spaces for the first unit and 1 space per hotel/motel unit. Restaurants, lounges, meeting rooms and other assembly areas: 1 space per 5 occupants, calculated at 20 square feet of net usable area per occupant.
(6)	Assembly occupancies, private clubs, theaters, auditoriums	1 space per 3 fixed seats, or 1 space per 4 occupants, calculated at 15 square feet of net usable area per occupant.
(7)	Restaurants, alcoholic beverage establishments	1 space per 150 square feet of gross usable indoor and outdoor area.

(8)	Marina facilities:	
	Cruise ships/party boats	1 space per 4 passengers, including crew, as licensed by the U.S. Coast Guard.
	Charter boats	3 spaces per vessel.
	Boat rental	1 space per vessel.
	Personal water craft	1 space per 2 personal water craft.
	Marinas	1 space per each 4 rack storage slips.
	Boat slips as required parking	In the CG zoning district, boat slips may be counted as required parking if the slip is properly signed "for patrons only" and is not used for any other purpose.
(9)	Stacked parking	May be allowed for certain uses pursuant to Section 68-486(b)(1) or as part of a valet service pursuant to Section 68-486(k).
(10)	Determination for unlisted uses	In the case of uses not listed in this schedule, the city shall make a determination of the minimum required off-street parking spaces. In reaching the determination, the city shall be guided by the requirements for similar uses, the number and kind of vehicles likely to be attracted to the proposed use and studies of the parking requirements of such uses in other jurisdictions and nationally recognized parking standards.
(11)	Communications tower site	1 parking space for each site.

In addition to the above, certain parking credits may be allowed as identified as follows:

(12)	Parking credits:	
	Walk-in credit	May be allowed pursuant to section 68-486(n).
	Bicycle credit	May be allowed pursuant to section 68-486(i).
	Motorcycle and scooter credit	May be allowed pursuant to section 68-486(j).
	Downtown Redevelopment Plan area credit (commercial uses only)	May be allowed pursuant to section 68-486(o).
	Landscaping credit	May be allowed pursuant to section 68-486(p).
	Maximum percentage of parking credits allowed	The maximum percentage of parking credits to be utilized by any given property shall be 30%.

(2) Size and access.

a. All uses, except single-family. For all uses, except single-family and approved stacked parking, an off-street parking space shall consist of a parking space

having minimum dimensions as required in the diagram for regular and compact car parking, or nine feet in width by 22 feet in length for the parallel parking of each automobile, exclusive of access drives or aisles thereto. The parking plan must be so arranged that each automobile may be placed and removed from the parking space assigned thereto and taken to and from the property without the necessity of moving any other automobile to complete the maneuver, except for a licensed and authorized rental car agency. Street and/or sidewalk areas may not be used for off-street parking purposes as herein defined. Individual ingress and egress drives extending across the public sidewalks and curbs and connecting the off-street parking spaces to the public street areas shall not exceed a minimum of 12 feet and a maximum of 15 feet for a one-way drive and a minimum of 24 feet and a maximum of 30 feet for a two-way drive. The design, number and placement of such drives is subject to site plan approval by the city before being constructed. Two or more owners and operators of commercial buildings or uses of the same type in the same zoning district requiring off-street parking facilities may take collective provision for such ingress and egress facilities provided that the combined facility is compatible with the zoning being served.

Exception: Stacked parking may be permitted for businesses in conjunction with legal off-street parking uses as provided for in chapter 68, article VI, Zoning district regulations (see the illustrative parking use table in section 68-486(q) in accordance with the following conditions:

1. An application for special exception to the planning and zoning board shall be submitted for review and approval.
2. The application shall reflect that all parties acknowledge that the stacked parking facility is to be used only by the permitted business and is not currently required parking for any other use.
3. Lots approved for stacked parking shall not be required to have each parking space and aisle marked unless such lot will be used for other than stacked parking.

b. Single-family uses. For single-family uses, off-street parking areas shall be a minimum of 324 square feet (equivalent to two nine-foot by 18-foot spaces).

c. Plan approval; permits required. The plan for ingress and egress to and from the off-street parking areas shall be subject to the approval of the city. No curbs or sidewalks may be cut or altered in any manner without a permit from the city and all other applicable county or state agencies.

d. Variances. Any variance to alter the number or size of parking requirements in any zoning district may only be granted pursuant to section 70-221.

e. Regular car parking. Regular car parking shall meet the following minimum dimensions:

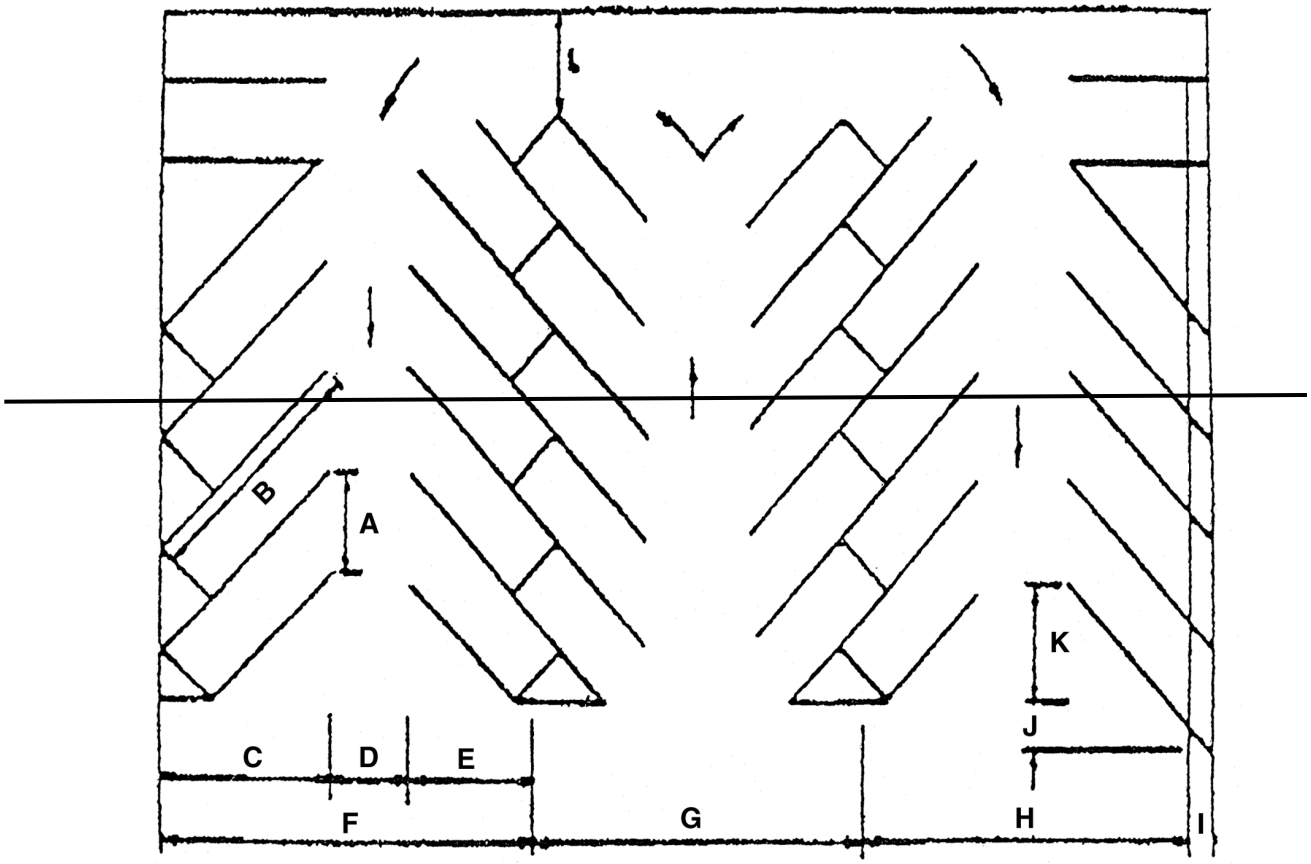
Dimension	Diagram	0°	45°	60°	75°	90°
		(Measurements in Feet)				
Stall width, parallel to aisle	A	9.0	12.7	10.4	9.3	9.0
Stall length of line	B	24.0	24.5	21.4	19.5	18.0
Stall depth to wall	C	9.0	17.0	18.5	19.0	18.0

Aisle width between stall lines	D	12.0	12.0	16.0	22.0	24.0
Stall depth, interlock	E	9.0	14.8	17.0	18.3	18.0
Module, wall to interlock	F	30.0	43.8	51.5	59.3	60.0
Module, interlocking	G	30.0	41.6	50.0	58.6	60.0
Module, interlock to curb face	H	30.0	41.8	49.4	56.9	58.0
Bumper overhang (typical)	I	0.0	1.5	1.8	2.0	2.0
Offset	J	—	6.3	2.7	0.5	0.0
Setback	K	24.0	11.0	8.3	5.0	0.0
Cross aisle, one-way	L	18.0	18.0	18.0	18.0	18.0
Cross aisle, two-way	—	24.0	24.0	24.0	24.0	24.0

f. Compact car parking. Compact car parking may be provided for up to 20 percent of the required parking and shall meet the following minimum requirements and dimensions:

1. Compact car parking may be provided only for parking areas that have ten or more spaces.
2. Compact car parking may be provided for only nonresidential zoning districts.
3. Compact parking spaces must be designated as being for the exclusive use of compact cars through the use of signs or pavement marking.
4. The overall design must be reviewed and approved by the city.

Dimension	Diagram	0°	45°	60°	75°	90°
		(Measurements in Feet)				
Stall width, parallel to aisle	A	8.0	11.3	9.2	8.3	8.0
Stall length of line	B	22.0	24.0	20.5	18.2	16.0
Stall depth to wall	C	8.0	17.0	17.8	17.6	16.0
Aisle width between stall lines	D	12.0	12.0	16.0	22.0	24.0
Stall depth, interlock	E	8.0	11.7	14.3	16.0	16.0
Module, wall to interlock	F	28.0	43.2	48.1	53.3	56.0
Module, interlocking	G	28.0	43.2	48.1	53.3	56.0
Module, interlock to curb face	H	28.0	43.2	48.1	53.3	56.0
Bumper overhang (typical)	I	0.0	0.0	0.0	0.0	0.0
Offset	J	0.0	5.7	2.3	0.6	0.0
Setback	K	22.0	11.3	8.0	4.1	0.0
Cross aisle, one-way	L	18.0	18.0	18.0	18.0	18.0
Cross aisle, two-way	—	24.0	24.0	24.0	24.0	24.0



(3) Location of parking spaces. Parking spaces for all uses and structures which are provided as required parking in conformance with the schedule of parking, off-street and other applicable provisions shall be located on the same lot, and have the same zoning district, as the principal use or structure they are intended to serve unless otherwise allowed by article VI, Zoning district regulations. Those businesses participating in the downtown parking agreement or in a shared parking agreement identified in this section of the land development regulations may be exempted from the same lot requirements of this section per the specific agreement.

(4) Parking or storage of rental vehicles. Parking or storage of rental vehicles in connection with a licensed and authorized rental car agency shall be located on the same lot or parcel of property as the licensed office of the rental car agency or such lot or parcel shall be contiguous to the lot or parcel on which the main rental agency or office is located. The storage of rental cars does not require standard parking spaces.

(5) Handicapped parking. Handicapped parking shall meet the requirements of the State Handicapped Access Code, F.S. § 553.501 et seq.

(6) Utilization of parking structures. When off-street parking facilities are located within a separate parking structure, the following conditions and restrictions shall apply:

a. The structure shall conform to all lot, yard and bulk requirements of the zoning district in which it is located.

b. The parking facilities shall be designed so as to conform to all other provisions of this chapter and all other ordinances of the city.

c. Parking structures shall be architecturally compatible with abutting structures and shall be screened with ornamental grillwork, artwork, or similar architectural features.

d. Vehicular access shall be designed in a manner that minimizes disruption to pedestrian corridors and the streetscape.

e. All lighting relating to parking structures shall conform with section 68-466 and sections 72-161 through 72-164.

This subsection shall not apply to or be construed to prohibit the construction of freestanding carports or garages as accessory structures to single-family or two-family residential dwellings.

Nothing in this section is intended to prohibit the installation of a fully automatic parking facility in which the placement and removal of automobiles are accomplished wholly by machinery. However, such mechanism shall be completely shielded from public view.

(7) Utilization of yards.

a. In all residential zoning districts, required parking spaces for single-family and two-family dwellings may be permitted in any setback areas or yards, except in a waterfront yard, and shall be counted as meeting off-street parking requirements, except that within a required front yard all parking shall be located in a driveway or turnaround.

b. In all zoning districts, for all other permitted uses, approved permitted uses with site plan review or approved special exception uses, required front, side or rear yards may be used for off-street parking except as limited herein. A maximum of 80 percent of a required front yard may be used for off-street parking. All parking areas shall have each parking space and aisle marked and shall be landscaped in conformance with the paved area landscape requirements in chapter 72, article II.

c. In all zoning districts, parking area surfaces shall not extend closer than three feet from any abutting property line.

d. All parking spaces shall be considered impervious for the purpose of calculating required pervious area pursuant to section 68-226.

(8) *Shared parking.* Parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when hours of peak use vary. Requests for the use of shared parking are subject to the approval of the city manager and must meet the following conditions:

a. The applicant must demonstrate to the city manager's satisfaction that substantial conflict shall not exist in the principal hours or periods of peak demand for the uses for which the joint use is proposed.

b. The number of parking stalls which may be credited against the requirements for the structures or uses involved shall not exceed the number of parking stalls reasonably anticipated to be available during different hours of operation.

c. Parking facilities designated for joint use should not be located further than 600 feet from any structure of use served.

d. A written agreement shall be drawn to the satisfaction of the city attorney and executed by all parties concerned assuring the continued availability of the number of stalls designated for joint use.

e. The applicant shall post a sign at the business indicating the location of the shared parking facility for the customer's benefit in the event overflow parking is needed.

(9) Bicycle parking. Bicycles are a clean, energy-efficient, alternative means of transportation, especially for those whose access to motorized transportation is limited. Therefore, it is the policy of the city to encourage the use of bicycles by requiring that development and redevelopment provide adequate and properly located bicycle parking facilities, in accordance with the following standards:

a. Each commercial, institutional, or recreational development or redevelopment which requires site plan approval shall provide off-street bicycle parking, sufficient to park at least five bicycles, for each freestanding building. In addition, the provision of additional area sufficient to park at least five additional bicycles shall qualify the development for a parking credit of one parking space. The planning and zoning board shall have the option of increasing this requirement as a condition of site plan approval, based upon the type and characteristics of the specific development under review. Only the following type(s) of development shall be exempt from this requirement:

1. Freestanding uses which require the presence of motor vehicles, such as automobile or motorcycle repair shops, filling stations, body repair shops, and similar uses, provided, however, that should the occupancy of a building change to a non-exempt use, bicycle parking facilities may be required as a condition of reoccupancy. Shopping centers and other multiple-tenant developments which may contain the above uses are not exempted.

b. The following design standards shall apply to all bicycle parking facilities:

1. Bicycle parking facilities shall be separated from automobile parking, conveniently located near the main entrance of a building without obstructing pedestrian walkways, and sufficiently visible to minimize the potential for theft or vandalism.

2. Bicycle parking facilities shall be placed over paved or otherwise stabilized surfaces not subject to erosion or rutting.

3. Each bicycle parking space shall provide sufficient area to store a full-sized bicycle, and a rack or other means to support and lock the bicycle in a stable, upright position without damage to wheels, frame, or components.

(10) Motorcycle/scooter parking. Motorcycle and scooter parking may substitute for required parking spaces, for non-residential uses. Existing parking may be converted to take advantage of this provision for non-residential uses.

a. Ratios. Motorcycle and scooter parking may substitute for up to five automobile spaces or five percent of the required parking spaces, whichever is less. For every four motorcycle or scooter parking spaces provides, the automobile parking requirement is reduced by two spaces.

b. Identification. Motorcycle and scooter parking spaces must be identified or designated.

c. *[*Remote parking.] Remote parking may be allowed as provided for in article VI, Zoning district regulations (see the illustrative parking use table in section 68-486(q). The owner of a site utilizing a remote parking facility shall provide evidence of the owner's right to use the remote parking area either by license, deed, easement, or by long term lease. Such remote parking facility must be located within the city and must be more than 600 feet in distance of the site serving the principal use and shall be measured from the nearest point of the principal use lot line to an entrance to the remote parking facility. Such separated parking areas shall be usable without causing unreasonable traffic congestion, detriment to any residential neighborhood, or hazard to pedestrians. Such remote parking facilities shall be subject to site plan review and shall be upgraded to meet current city codes for required parking and landscaping as required by chapter 72, article II, of the land development regulations for vehicular use areas. Staff or the planning and zoning board as applicable shall consider specific restrictions pertaining to hours of operation, noise, and lighting among other considerations in the review of such remote parking request. In addition, the owner of the principal use utilizing the remote parking facility shall have a transportation plan to shuttle people between the principal use and the remote parking facility.

d. *[*Valet parking.] Valet parking is a service which may be allowed in conjunction with legal off-street parking uses citywide as provided for in article VI, Zoning district regulations (see the illustrative parking use table in section 68-486(q). This service constitutes a manner of use wherein administrative review is appropriate and may also allow the stacking of parking in the configuration outlined in section 68-486(b)(1). The following criteria shall apply:

1. Such use receives administrative approval from the city manager or designee.

2. At a minimum, all such valet parking facilities shall be subject to in-house site plan review. Required upgrades to meet required city codes pertaining to parking and landscaping vehicular use areas may also require site plan review by the planning and zoning board unless exempted by section 70-33.

3. The city manager or designee may consider specific restrictions pertaining to hours of operation, noise, and lighting among other considerations in the review of such off-site parking request.

4. Specific on-site or off-site parking facilities for the exclusive use of valet parking may be provided subject to administrative approval by the city manager or designee.

5. The following standards shall apply to all valet parking facilities:

   (a) Property used for valet parking may be allowed as provided for in article VI, Zoning district regulations, (see the illustrative parking use table in section 68-486(r).

   (b) Public parking spaces shall not be utilized for valet parking unless approved through a valid license agreement with the city.

6. In addition to the above, the following conditions shall apply to stacked valet parking requests:

   (a) A letter of request and a site plan shall be submitted to the city manager or designee for approval.

(b) The letter shall reflect that all parties acknowledge that the stacked parking area is to be used only by the permitted business and is not currently required parking for any other use.

(c) Parking areas approved for stacked parking shall not be required to have each parking space and aisle marked unless such parking area will be used for other than stacked parking purposes.

(11) *Temporary parking review and permit.* The following types of temporary parking facilities may be allowed as provided for in article VI, Zoning district regulations (see the illustrative parking use table in section 68-486(r). The power and authority to grant special exceptions and related site plan review for temporary parking will be solely within the jurisdiction of the city commission.

a. Temporary, non-recurring parking may be allowed as provided for in article VI, Zoning district regulations (see the illustrative parking use table in section 68-486(r) for a maximum of 90 days. Temporary parking shall not be permitted in the RU-75 or RM-15 zoning districts.

b. Temporary, 90 days to one year in duration, as provided for in article VI, Zoning district regulations (see the illustrative parking use table in section 68-486(r). Such review shall include possible reduction or relaxation of specific land development requirements such as paving surface, buffering, and landscaping for vehicular use areas as may be applicable to the specific request. The applicant has the burden of proof to demonstrate the temporary nature of the request which shall include an anticipated date of expiration. Temporary parking shall not be permitted in the RU-75 or RM-15 zoning districts.

c. Temporary, off-street or off-site parking facilities, may be allowed as provided for in article VI, Zoning district regulations (see also the illustrative parking use table in section 68-486(r). In addition to the special exception and/or site plan approval requirements, the following conditions shall apply:

1. Temporary parking may be approved for a period not to exceed one year. One-year extensions may be allowed by the city commission under the following conditions:

(a) No extensions shall be granted for such parking which is not in compliance with the design standards, maintenance plan, or any conditions of the original approval.

(b) Included but not limited to any adverse impacts to such parking, changes in the land development regulations affecting the parking, crime statistics for such parking, and Code violation history shall be considered in determining whether to grant an extension. Any extension may be conditioned on mitigation of impacts caused by the use of the subject parking.

(12) Special event parking review and permit. There shall be two tiers of special event parking facilities which may be permitted following administrative review and city commission approval as provided for in article VI, Zoning district regulations (see also the illustrative parking use table in section 68-486(r). All fees pursuant to this section, shall be set by the city commission in appendix A.

a. Special event, non-recurring; maximum duration two weeks within a continuous 12-month period.

b. Special event, recurring, less than one week duration per episode with limited frequency within a 12-month time period.

(13) *Walk-in credit.* Within the CG zoning district, a parking credit for up to 25 percent of the required parking may be allowed provided the following conditions are met:

a. A letter of request shall be filed with the city manager or designee containing the following information:

1. Name, address, and phone number of the owner of the business requesting the parking credit.

2. Number of required parking spaces prior to receiving credit.

3. Three copies of a walk-in customer survey, prepared and conducted by a land use consultant, describing the average daily number of customers who walk or ride a bicycle or other non-motorized mode of transportation to the business from their homes or transient accommodation and do not require the use of a parking space. The report shall describe the methodology used and list who conducted the survey and their credentials. The report shall document no less than eight days where this daily customer survey was conducted during peak hours of operation and should have duration of at least four hours.

b. The city manager or his designee shall review such survey and make a finding within 30 days of the receipt of a complete application, including the allowable credit of zero to 25 percent of the otherwise required parking. If the applicant agrees with the finding of the city manager, the credit shall be approved.

c. If the applicant disagrees with the recommendation of the city manager, the applicant can appeal to the city commission based on the procedures established in section 70-181.

(14) Downtown redevelopment area credit. An overall reduction of the total minimum off-street parking requirements of up to 20 percent shall be granted to any business participating in a downtown parking agreement. Such document shall be a legal instrument wherein the business agrees to share its parking with other downtown users. Property utilizing this credit must be either commercial or mixed use in nature and shall be located within the downtown redevelopment planning area. The language and legal provisions of this agreement shall be approved by the city manager and the city attorney prior to its initiation and the use of such credits along with a copy of the signed agreement shall be recorded in the public records of the county.

(15) Landscape credit. A reduction of the required on-site parking by up to ten percent may be allowed in order to enhance on-site landscaping that would be visible from the public right-of-way. Such a reduction requires the review and approval of the city manager or his designee. The decision would be appealable to the city commission following the procedures outlines in section 70-181, Procedures to appeals of administrative decisions, found in the land development regulations. (Does not apply to residential parking requirements.)

(16) Illustrative parking use table (for illustrative purposes only).

ILLUSTRATIVE PARKING USE TABLE
(for illustrative purposes only)

Parking lot	District	RU-75	RM-15	RFM-30	RFH-50	CG	RO/S and I	P	T/U
Special Event (Non-recurring)		SE	SE	P	P	P	P	P	P
Special Event (Recurring)	SE	SE	P	P	P	P	P	P	
Temporary (Max 90 days; non-recurring)		NO	NO	P	P	P	P	P	P
Temporary, Off-site (90 days - 1 year;)		NO	NO	SE	SE	SE	SE	NO	P
Temporary, Off Street (1 year max; stand alone)		NO	NO	SE	SE	SE	SE	NO	P
Off-Street (Stand Alone)		NO	NO	SE	P	P	P	NO	P
Off-Site		NO	NO	SE	SE	P	P	NO	P
Shared		NO	NO	P	P	P	P	NO	P
Remote		NO	NO	SE	SE	P	NO	NO	P
Accessory		P	P	P	P	P	P	P	P

Sec. 68-487. Off-street loading.

In any zoning district, in connection with every building or building group or part thereof thereafter erected and having a gross floor area of 4,000 square feet or more, which is to be occupied by commercial or industrial uses or other uses similarly requiring the receipt of distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, off-street loading berths or unloading berths as follows:

(1) 4,000—25,000 square feet1 berth

(2) 25,000—40,000 square feet2 berths

(3) 40,000—60,000 square feet3 berths

(4) For each additional 50,000 square feet1 berth

Sec. 68-4885. Service stations.

(a) Location of exits and entrances. Entrances and exits for vehicles to and from gasoline service stations shall not be closer than 30 feet to any intersection.

(b) Lot size. Gasoline service stations shall be located on a lot not less than 10,000 square feet and shall have a minimum frontage of 100 feet.

(c) Location of oil drainage pits and hydraulic lifts. All oil drainage pits and hydraulic lifts shall be located within an enclosed structure and shall be located no closer than 25 feet to any interior property line; provided, however, that they may be located within ten feet of a rear lot line if no access doors of any kind whatsoever face such rear property line.

(d) Mechanical repair. All permitted mechanical repair work shall be conducted within an enclosed structure and shall be located no closer than 25 feet to any interior property line, except the rear property line which setback shall be not less than ten feet, provided that the requirement for access doors set forth in subsection (3c) is complied with.

(e) Gasoline pumps. Gasoline service stations shall have their gasoline pumps, including other service facilities, set back at least 18 feet from any property or street line, except where the required front yard setback is greater.

(f) Storage of vehicles. No unlicensed vehicles shall be permitted to be stored on the exterior portion of the property.

(g) Screen. When adjoining a residential zoning district or use, screening shall be provided as required in section 68-4~~62~~58.

Sec. 68-48~~9~~6. Drive-in facilities.

Drive-in facilities may be permitted only as an accessory use and only when the following provisions are complied with and approved by the city.

(1) Location and arrangement of exits and entrances. No drive-in accessory use shall have an entrance or exit for vehicles which is closer than 30 feet to any intersection. Individual ingress and egress drives extending across public sidewalks and curbs shall be subject to the same standards and approvals as those for off-street parking access.

(2) Size and arrangement. Drive-in accessory uses shall be located so as to not restrict pedestrian access to any public entrance of the principal building. It is further provided that any portion of the drive-in facilities, including access drives, which are located between the principal building and the required off-street parking shall have adequate pedestrian safeguards.

Sec. 68-49~~0~~87. Residential uses—Townhouses.

To encourage and facilitate attractive townhouse development, the following general set of standards shall be used by the city. Townhouse developments are permissible in all zoning districts permitting multiple-family dwellings. Unless otherwise provided in this section, all provisions and development standards of the applicable zoning district shall apply to townhouse developments. Each townhouse unit shall be constructed on a separately platted lot.

(1) Development criteria.

a. The overall density shall not exceed the maximum permitted in the applicable zone district~~ as set forth in section 68-431, the schedule of lot and bulk regulations.~~

b. Setbacks. The setbacks for the townhouse group(s) located on the townhouse development site are defined in this chapter. Properties located on the Gulf of Mexico shall also meet the alternate setbacks in this chapter.

c. The minimum individual lot width shall be 16 feet.

d. No interconnection or overlapping between individual dwelling units shall be permitted.

e. The screening requirements of this chapter shall apply hereto.

f. Each interior individual townhouse lot not having a street front access shall have a minimum access easement of 12 feet provided along the rear property line of such lot.

g. Townhouse developments, in addition to complying with all applicable sections of this chapter, shall comply with one of the following methods of land transfer and ownership:

1. The subdivision of the whole tract into individual parcels in accordance with this chapter, together with the platting of the property for record in accordance with the state plat law and applicable ordinances of the city;
2. Providing for the development of the entire tract in accordance with this chapter, retaining, however, title to all of the lands in the name of a condominium corporation and providing for all other usual condominium documents and procedures;
3. Providing for the development of the entire tract in accordance with this chapter, retaining, however, title to all of the lands in single ownership by recording a duly executed unity of title in the office of the clerk of the circuit court of the county, thereby stipulating that such tract shall not be eligible for further subdivision.

h. Height of structure. Maximum height for any townhouse structure shall not be greater than that which is permitted in the specific zoning district described for multiple-family in which the townhouse development is proposed.

i. A townhouse development must have ingress and egress onto public street(s).

j. Lot coverage. The maximum lot coverage and impervious surface ratio shall apply to the established and specific zoning district in which the townhouse development project is proposed. The maximum lot coverage requirement and the maximum impervious surface ratio shall apply to the townhouse development, not to an individual townhouse lot.

k. Each townhouse unit shall have an individual identity from the neighboring unit to establish as a separate unit. This may be achieved by at least one of the criteria below:

1. Varying building unit height;
2. Varying building unit forms;
3. Varying roof pitch and pitch directions;
4. Addition or deletion of patio and patio walls;
5. Staggering of exterior walls; or
6. Any another type of architectural design that gives an individual identity.

l. Parking. There shall be a minimum of two parking spaces per townhouse or townhouse unit.

(2) Utilities and services.

a. Each townhouse shall be independently served by separate potable water, sanitary sewer, electric power and other utility services hereinafter referred to as "infrastructure", to ensure each are individual dwelling units.

b. No townhouse shall be in any way dependent upon services or utility lines located within another townhouse, except as may be installed in public easements.

c. All townhouses must be connected to public infrastructure and all utility lines in a townhouse development site shall be placed underground per section 68-5145 "Placement of utilities."

d. All townhouse developments shall have proper and adequate access for public safety purposes and access to services, areas to provide for solid waste collection, and for the other necessary services that shall be provided.

(3) Subdivision approval. Prior to a building permit being issued for construction, a subdivision plat shall be recorded with the county clerk of the circuit court. The plat of the townhouse development shall be developed in accordance with the standards and procedures set out in the city's land development regulations, chapter 74 and pursuant to F.S. ch. 177.

Sec. 68-~~491~~88. Same—Conversions.

(a) All conversions of single-family dwellings in multifamily residential zoning districts shall comply with off-street parking requirements and each dwelling unit shall have adequate light, air, heating and plumbing facilities. All density and lot area requirements for the converted structure within the zoning district in which it is located shall be complied with; provided however, that each converted dwelling unit shall have at least 500 square feet of floor area.

(b) Prior to the conversion of multifamily or motel/hotel units to condominium units, the owner shall submit a copy of his proposed condominium documents, as required under the provisions of state law, to the city for review. The conversion, in all respects shall comply with all city ordinances for the converted structure.

(c) No owner, occupant or user of any structure or dwelling shall alter or amend the use of such structure or dwelling from that which was authorized and permitted at the time it was originally constructed or permitted without first obtaining written approval for such change in use from the city clerk. No such approval shall be granted for any change of use which would render the structure or dwelling nonconforming under the zoning regulations in effect at the time application is made for approval.

Sec. 68-~~492~~89. Religious institution uses, and private clubs, and other assembly uses.

Applications for religious institution uses, private clubs, and other assembly uses, either as a permitted use or a special exception use, shall require the submission of a site development plan in accordance with the site plan review requirements ~~in article II of~~ chapter 61 ~~70~~. The following regulations shall be utilized as guidelines in reviewing the proposed development:

(1) Lot and bulk. Such development should not exceed the height and bulk restrictions as provided for in article ~~V~~III.

(2) Traffic access. All proposed site traffic accessways are adequate, but not excessive in number, adequate in width, alignment and visibility and so located so as not to be a detriment to surrounding properties.

(3) Circulation and parking. The interior circulation system is adequate to serve the needs of the development and that all required parking is provided and easily accessible.

(4) Proper landscaping. The proposed site is properly landscaped, the purpose of which is to further enhance the natural qualities of the land. As provided elsewhere in this chapter, proper screening and buffer zones may be required.

(5) Secondary and/or accessory uses. The allowance of secondary and/or accessory uses shall be reviewed on a case-by-case basis consistent with the allowable zoning district regulations and adherence to site plan review requirements. Any additional usage shall

meet the land development regulations requirements and provide for their respective proportion of density and intensity requirements.

Sec. 68-493~~0~~. Home occupations.

An occupation may be conducted in a dwelling unit or residence, provided:

(1) ~~No person shall be employed on the premises other than members of the immediate family residing on the premises.~~ Employees working at the residence must reside there, except for up to two non-resident employees or independent contractors may work onsite. Additional remote employees are permitted.

(2) The use of the dwelling unit or residence for home occupations shall be ~~clearly incidental and secondary~~ subordinate to its use for residential purposes. ~~No more than one room within the dwelling unit shall be used to conduct a home occupation, provided the area of that room does not exceed 20 percent of the total living area of the dwelling unit or residence. No more than five percent of that room shall be used for storage of commodities related to the home occupation. No outside display, storage or use of land is permitted.~~ The business may operate in residentially zoned areas and must not alter the residential character of the property.

(3) There shall be no change in the outside appearance of the building or premises as a result of such occupation ~~with the exception of a sign as provided in the sign requirements in chapter 73.~~ Signage must comply with chapter 73.

(4) ~~No home occupation shall be conducted in any accessory building or attached garage.~~ Retail activity is permitted if it does not generate traffic or parking beyond what is typical for a residence.

(5) No mechanical equipment shall be used or stored on the premises except such that is normally used for purely domestic or household purposes; nor shall it create noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses outside the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audio interference in any radio or television sets off the premises or causes fluctuation in line voltage. Operations must comply with residential noise and nuisance standards.

(6) ~~No retail or wholesale sales on the premises shall be permitted, not including telephone mail order sales.~~ Retail activity is permitted if it does not generate traffic or parking beyond what is typical for a residence. The home based business may not conduct retail transactions at a structure other than the residential dwelling, however the incidental business uses and activities may be conducted at the residential property.

(7) No traffic shall be generated by such home occupation in greater volume than would normally be expected in the neighborhood.

(8) ~~A home occupation shall not be construed to include, among other uses, personal services such as massage, cosmetology, barbershops, beauty parlors, tea rooms, food processing for sale, kennels, animal grooming, radio and television repair, furniture refinishing or building, cabinet making, boat building, marine charter or towing service, auto servicing or rebuilding and repair for others, metal fabrication or cutting employing welding or cutting torches.~~ Prohibited uses include those involving heavy equipment or industrial activity as defined in F.S *§559.955.*

(9) No more than one vehicle related to the home occupation shall be permitted upon the premises. Such vehicle must be 20 feet or less in overall length and must be parked off

any public right-of-way. All exterior storage of cargo, equipment or other materials on such vehicle shall be shielded from view at all times when such vehicle is located on a residential lot. Vehicles and trailers must be parked legally and not obstruct sidewalks or rights-of-way.

(10) A home occupation that is solely used for purposes of receiving phone calls, mail and keeping business records in connection with any profession or occupation, shall be known as an address of convenience.

(11) The city manager or ~~his~~ their designee shall determine whether the home occupation meets the established criteria as set out in subsections (1) through (10). The determination may be appealed to the planning and zoning board.

Sec. 68-4941. Tourist Accommodations; Condo-hotels, hotels and motels, and transient segmented uses (such as time share and fractional interests).

The city recognizes that the condo-hotel is a hybrid form of ownership of the traditional hotel/motel concept. It must be recognized that condo-hotel is considered to be a transient hotel/motel use, and not a residential use. Additionally, segmented uses, such as time share and fractional interests, are often transient in nature and must also be regulated as a transient use rather than a residential use. Exceptions to the general transient character of segmented uses can be found under the definition of "dwelling tourist" in section 68-~~2~~3. It is the intent of this regulation to ensure that condo-hotels are operated and governed in substantially the same manner as conventional hotels/motels. It is also the intent of this section to regulate all segmented uses not exempted under the definition of "dwelling, tourist" to be operated and governed in substantially the same manner as conventional hotels/motels. Further, this zoning regulation is designed to protect and preserve the density requirements mandated in zoning districts where traditional hotels and motels are allowed, as well as preserving future transient accommodations on the open market, and made available to the general public and tourists. The operation of condo-hotels, hotels and motels, and transient segmented uses is strictly a commercial activity and is inconsistent with residential use. Transient and business related activities have different impacts on governmental facilities and infrastructure (e.g., density, traffic, parking, schools). As such, this regulation is to ensure that the use and operation of condo-hotels, hotels and motels, and segmented uses remain an exclusively commercial enterprise, and not a residential use.

In addition to any existing regulations relating to hotel/motel development found elsewhere in the land development regulations, the following criteria shall apply to all condo-hotels, hotels and motels, and transient segmented uses except where noted:

(1) All units in a condo-hotel, hotel or motel, or transient segmented use shall be considered transient accommodation units and must be made available as rentals on a continual daily, weekly or monthly basis. If the occupancy of any such unit does not change more frequently than six times or more in any continuous 12-month period, then a rebuttable presumption shall arise that the unit is not being used for transient accommodations.

(2) Proper licensing will be required of all transient accommodation units through all applicable agencies that license hotels prior to any certificate of occupancy being issued. All licenses must be kept current.

(3) A reservation system shall be required as an integral part of the transient accommodation facility for the rental of units.

(4) There shall be a lobby/front desk area that is internally oriented and must be operated as a typical hotel/motel lobby/front desk area would be operated.

(5) All units shall be subject to all applicable tourist tax collections, when rented.

(6) Transient accommodation units shall not be used for homesteading purposes or home occupational licensing.

(7) Notwithstanding subsection (12), one unit may be used on a full-time basis by a resident manager(s), and, if applicable, subject to the governance of the condominium or transient segmented use association.

(8) All transient accommodation units, except the resident manager unit, must be included in the inventory of units that are available for rent.

(9) A condo-hotel or transient segmented use may be allowed in any district where a hotel or motel is allowed.

(10) Annual occupational licenses for each business operating a condo-hotel unit or transient segmented use shall be required for each such unit from the city, and for each business operating a hotel/motel facility, whichever is applicable.

(11) All transient accommodation facilities must have sufficient signage viewable by the general public designating the use as a hotel, motel, or transient accommodation.

(12) Owner-occupation. Units in a condo-hotel, hotel or motel or segmented use facility, may not be occupied by their owner(s) for more than a total of 90 days in any consecutive 12-month period.

(13) The books and records of the condo-hotel, hotel or motel, or transient segmented use pertaining to the rentals of each unit in the transient accommodation facility shall be open for inspection by authorized representatives of the city, upon reasonable notice, in order to confirm compliance with these regulations as allowed by general law.

(14) The city may require affidavits of compliance with this section from each condo-hotel unit owner, hotel/motel facility owner, or transient segmented use owner.

Sec. 68-49~~5~~2. Minimum property standards.

The purpose of minimum property standards is to eliminate nuisances that detract from the public health and safety and aesthetic quality of the community. The following requirements are required as minimum property standards:

(1) Nuisances. The exterior of the premises and of all structures shall be kept free of all nuisances, hazards to residents, occupants and pedestrians utilizing the premises, and free of unsanitary conditions in accordance with the following requirements:

a. All premises shall be kept free of dead trees and shrubs, excessive brush and overgrowth, excavations, standing water not a component of an approved drainage system, loose overhanging objects, and the accumulation of trash, garbage, refuse, vegetation clippings and/or debris.

b. The exterior of the structure including signs, screens and store fronts, shall be maintained in good repair, kept painted or have similar protective coating where necessary for appearance and preservation.

c. All exterior surfaces shall be maintained free of broken glass, loose shingles, excessive paint peeling, excessive mildew, excessive corrosion or other conditions reflective of inadequate maintenance or deterioration.

d. Metal roofs, including accessory structures, showing signs of decay or corrosion shall be maintained, painted or repaired in accordance with manufacturer specifications.

(2) Turf maintenance and height of grass. The exterior areas of the premises, including yards, lots and public rights-of-way shall be maintained in a manner free from nuisances, hazards and other unsanitary conditions through the following requirements:

a. All premises with overgrown grass over six inches high on all residential properties shall be considered excessive growth.

b. Premises landscaped with lawns, hedges, and bushes edged/or trimmed shall be kept from becoming overgrown and unsightly.

c. Lawns shall be kept in a condition reflective of reasonable care, with grass showing no excessive signs of neglect, discoloring and/or dead vegetative growth.

d. Owners of private properties are responsible for the maintenance of vegetation, including weeds, grass and other plant materials in the established abutting right-of-way.

e. It shall be unlawful to dispose of grass clippings, tree trimmings, and/or other vegetative materials in the right-of-way, street, alley or waterways.

(3) Gravel lawns. The use and maintenance of gravel lawns shall conform to the following requirements:

a. Gravel, rock, shell and similar materials lawns are allowed and shall be maintained free of weeds and be permeable. The installation of such material shall require a grounds improvement permit from the city to ensure permeability.

~~Sec. 68-496. Development agreements.~~

~~Pursuant to the authority granted the city by F.S. §§ 163.3220—163.3243, as amended (known as the Florida Local Government Development Agreement Act, hereinafter the "Act") the city may enter into a development agreement with any person(s) having a legal or equitable interest in real property located within the city. All fees imposed pursuant to this section, shall be set by the city commission in appendix A.~~

~~A development agreement shall mean a written agreement between the city and a property owner(s) that identifies fees, dedications, exactions or other public improvements or construction controls that will be provided by the developer, and the land development regulations that will be applied by the city during the term of the agreement.~~

~~(1) A development agreement may be entered into when one or more of the following exist:~~

~~a. Where the development is proposed to be constructed with commitments to substantial public improvements being required in the development process.~~

~~b. Where commitments to public improvements beyond those ordinarily required of similar development are desirable by reason of location, topography, or other characteristics of the property.~~

c. Where it is desirable to provide incentives to coordinate developments with a specific plan.

(2) Procedures and requirements for entering into a development agreement:

a. Proposal for a development agreement may be made by any interested party at any time prior to the completion of approvals for development of the project. Such proposal shall be formulated with the applicant and the city manager.

b. A proposed development agreement shall be adopted, amended, or revoked by following the procedures of the Act. At a minimum, the local planning agency and the city commission shall each hold a public hearing following the notification procedures set forth in the Act and section 70-12.

c. Development agreements shall be adopted by ordinance and may be amended by ordinance with the mutual consent of the parties to the agreement or by their successors in interest.

d. No development agreement shall be effective or be implemented by the city unless the city's comprehensive plan and plan amendments implementing or related to the agreement are in compliance with F.S. § 163.3184.

(3) A development agreement shall include the following:

a. A legal description of the land subject to agreement and the names of its legal and equitable owners.

b. The duration of the agreement, may not exceed 30 years unless it is extended by mutual consent of the city and the developer, subject to a public hearing in accordance with F.S. § 163.3225.

c. The development uses permitted on the land including population densities and building intensities and height.

d. A description of public facilities that will service the development, including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development.

e. A description of any reservation or dedication of land for public purposes.

f. A description of all local development permits approved or needed to be approved for the development of the land.

g. A finding that the development permitted or proposed is consistent with the city comprehensive plan and the land development regulations.

h. A description of any conditions, terms, restrictions, or other requirements determined to be necessary for the public health, safety, or welfare.

i. A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, terms, or restrictions.

j. A development agreement may provide that the entire development or any phase thereof be commenced or completed within a specific period of time.

k. All other things required to be addressed by the Act, the city's comprehensive plan, or other city ordinances.

Sec. 68-93. Satellite antenna regulation.

(a) In all zoning districts, the following requirements apply:

(1) Guy wires and satellite antennas shall be considered accessory structures and shall meet setbacks for accessory structures.

(2) Satellite antennas shall be nonreflective and their color shall blend in with the surroundings.

(3) The satellite antenna shall be installed and maintained in compliance with the requirements of the building code and electrical code as set out in chapter 64. A building permit shall be required prior to construction. In addition, all antennas must be grounded and must contain adequate surge protection devices for all electrical connections.

(4) No advertising or signage of any type is permitted on a satellite antenna.

(5) All satellite antenna installations must be certified with the seal of a professional engineer.

(b) In residential zoning districts (RU-75 and RM-15) the following requirements shall apply:

(1) Satellite antennas are permitted only within the rear or side yard buildable area for a principal or accessory structure. The location shall be at a fixed point on the ground or on a structure. Portable installation shall be prohibited.

(2) No roof mounted antennas shall be permitted.

(3) There shall be no more than one satellite antenna per lot/parcel. (Note: The intent of this rule is that each residential development, whether it be a single-family lot or apartment, or condominium complex, be allowed one satellite antenna. Technology is such that many receivers can be connected to one antenna. This allows everyone, in for example, an apartment complex, to watch the channel of their choice.)

(4) The maximum satellite antenna diameter is 12 feet for mesh antennas and six feet for solid antennas.

(5) The maximum satellite antenna height is 15 feet for a short pole installation. The minimum ground clearance is one foot. The maximum height of a long pole installation shall be 12 feet above the peak of the roof. A long pole installation (greater than nine-foot pole height) shall be no greater than three feet from the sidewall of a dwelling unit and braced to it. Only mesh type satellite antennas shall be permitted on long poles. In no event shall the height of any satellite antenna exceed the height requirement for structures in the zoning district.

(c) In all other zoning districts (RFM-30, RFH-50 and CG) the following requirements shall apply:

(1) Satellite antennas are permitted anywhere on a lot/parcel within the buildable area for a principal or accessory structure; however, not in the area to the front of the main structure. The location shall be at a fixed point on the ground or on a structure.

(2) Satellite antennas are permitted on the roof provided that they do not exceed 13 feet in height, including base, from the roof.

(3) There shall be no more than one satellite antenna per lot/parcel.

(4) The maximum satellite antenna diameter is 12 feet for mesh antennas and six feet for solid antennas.

(5) The maximum satellite antenna height is 15 feet if ground mounted (short pole installation). The minimum ground clearance is one foot. The maximum height of a long pole installation shall be 12 feet above the highest point of the roof.

(6) Roof mounted satellite antennas are allowed, subject to the following requirements:

a. Roof mounted satellite antennas and the roofs upon which they are placed must be designed, engineered and constructed in compliance with wind and structural loading requirements of the Florida Building Code as adopted in chapter 8.

b. The maximum height of a roof mounted satellite antenna is 13 feet above the highest point of the roof. The minimum clearance from antenna to roof is one foot.

(d) Except as provided in subsection (7), variances to these requirements can be requested through the planning and zoning board.

(e) Except as provided in subsection (7), variances to these requirements can be requested through the planning and zoning board.

(f) Satellite antennas legally in existence on the effective date of this section, and properly permitted by the city prior to that date shall be considered "grandfathered" and may remain unless relocated or replaced. A "grandfathered" antenna if replaced or relocated must comply with then current Code requirements and will lose its grandfathered status. Reconstruction or repair of an antenna which has been damaged to any extent of more than 75 percent of the current replacement value shall be considered replacement.

(g) No variances may be granted after the effective date of this section which would allow satellite antennas in the front yard area.

Sec. 68-94. Telecommunication towers and antennas.

(a) Purpose. The purpose of this section is to establish general guidelines for the siting of wireless telecommunication towers and antennas to accomplish the following goals:

(1) Encourage the location of towers in nonresidential areas;

(2) Minimize the total number of towers throughout the city;

(3) Encourage the use of existing structures as an alternative to new tower construction;

(4) Encourage joint use of new or existing towers as a primary option rather than construction of additional single-use towers;

(5) Encourage the design and construction of towers and antennas which minimizes the adverse visual impact of the towers and antennas; and

(6) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.

In furtherance of these goals, the city shall give due consideration to the comprehensive plan, zoning map, existing land uses and environmentally sensitive areas in approving sites for the location of tower structures.

(b) Applicability. Towers and antennas installed and maintained in accordance with this section are exempt from the height limitations for buildings and structures set forth elsewhere in this Code. The requirements set forth in this section shall govern the height of towers and antennas. The installation of an antenna on a building which is

nonconforming in terms of current height limitations shall not be deemed to constitute the expansion of a nonconforming use. Amateur radio towers and antennas operated by a federally licensed amateur radio station operator are exempt from the provisions of this section. Towers and antennas located on city property are exempt from height limitations set forth elsewhere in this Code and are exempt from the requirements of this section, provided a lease or franchise agreement authorizing such tower or antenna has been approved by the city, or the tower or antenna is city-owned. Satellite antennas are considered an accessory use, are exempt from the requirements of this section and are governed by section 68-~~46~~493.

(c) Antennas. Antennas may be installed on existing structures, such as a building or other freestanding structure that is 50 feet in height or greater, provided the antenna adds no more than 20 feet to the height of the existing structure, and provided that the existing building or structure is capable of supporting the additional load imposed by the addition of the antenna, properly anchored, designed and certified by a state registered professional structural engineer. The antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as virtually unobtrusive as possible. No lighting shall be permitted unless required by the FAA. If the supporting structure to which the antenna is affixed is removed for any reason by or at the direction of the city, the antenna owner shall remove and relocate the antenna to a permitted location at such owner's expense. The installation of antennas and supporting equipment will require a permit from the city's building/code enforcement department. An occupational license is required for every person or entity which is renting space on a supporting structure within the city for one or more wireless communication antennas.

(d) Towers. In order to be eligible to obtain a permit to construct a tower, the proposed location must have a CG (Commercial), I (Institutional) or T/U (Transportation/Utility) zoning designation. In addition, no new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the city manager that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna.

(1) An applicant shall submit information requested by the city manager or their designee related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing structure or tower can accommodate the applicant's proposed antenna may consist of any of the following:

a. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.

b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.

c. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna.

(2) The applicant's proposed antenna would cause electromagnetic interference with or would be interfered with by other antennas if placed on an existing tower or structure.

(3) The fees, cost or contractual provisions required by the owner in order to share an existing tower or structure exceed the cost of developing a new tower.

(4) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(e) All applicants for new tower construction shall investigate city property for available space on an existing support structure or as a location for a new tower or other support structure.

(f) Prior to the request for city approval, the applicant shall notify, by registered mail, return receipt requested, all other cellular and personal communication services providers doing business in the city of the proposed tower and solicit firms for colocation. The notice shall advise the other cellular and personal communication services that they have 30 days to respond to the letter.

(g) The owner/operator of any proposed tower shall enter into an agreement with the city which requires that the owner/operator of the proposed tower will honor all reasonably and technically feasible requests for shared use of tower. Each year the owner/operator shall notify the city of the extent of the tower's use and identify the users of the tower.

(h) Height restrictions and design criteria for towers. Upon receipt of a completed application, the city manager or their designee shall have 20 business days in which to review the evidence submitted and render a written decision regarding need for the construction of a new tower. Once the city manager or their designee has recognized the need for a tower, the plans for the tower and tower site shall comply with the following:

(1) Single user towers shall not exceed 90 feet in height. Towers for two users shall not exceed 120 feet in height. Towers designed for three or more users shall not exceed 150 feet in height.

(2) Towers and supporting structures shall maintain a galvanized finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.

(3) Towers shall be set back from abutting existing residential uses, a distance equal to the height of the tower.

(4) Tower guys and accessory facilities must satisfy the minimum setback requirements as set forth in this Code for the particular zoning district.

(5) Towers shall be enclosed by security fencing not less than six feet in height and shall be equipped with an anticlimbing device.

(6) The perimeter of the tower site shall contain landscaping that will blend them into the natural setting and surrounding buildings, consisting of vegetative buffer or native plants that are no less than four feet wide and four feet height planted at three feet on center.

(7) No tower shall be used for advertising of any type, and the placement of signs, other than warning signs, is strictly prohibited.

(i) Federal requirements and safety standards.

(1) All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal government with authority to regulate towers and antennas. If such standards are changed, the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with the revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.

Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for removal of the tower or antenna at the owner's expense.

(2) Towers and antennas shall be constructed, installed and maintained in accordance with chapter 64 and other applicable codes and standards adopted by the city. In addition, the tower and antenna must meet the standards set forth by the Electronic Industries Association, amended from time to time. If upon inspection, the city concludes that the structural integrity of a tower or antenna constitutes a danger to persons or property, the owner of the tower or antenna shall be given notice of the condition and shall have 30 days to bring such tower or antenna into compliance and in accordance with such standards set forth in the applicable codes. Failure to bring such tower or antenna into compliance within 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(j) Removal of abandoned antennas and towers. Any antenna or tower which is not operated for a period of 12 consecutive months shall be considered abandoned. Upon written demand by the city, the owner of an abandoned antenna or tower shall remove such antenna or tower within 60 days. Failure to do so shall constitute a violation of this Code. Upon notification to remove an antenna or tower, any previously granted variances shall terminate.

(k) Variance. The city commission shall have power and authority to grant variance to this section. In the event an applicant for a tower is required to apply for a variance to this section or another related section of this Code, in addition to the variance criteria set forth in section 61-85, the following criteria shall be used:

The variance, if granted will result in a shared use, and thereby ultimately reduce the number of towers necessary to provide telecommunication service within the city.

(l) Appeals. The applicant may appeal a decision by the city manager or their designee that a tower is not necessary, directly to the city commission. The applicant shall notify the city clerk in writing of the appeal, and a hearing that shall be held at the next available regular commission meeting. The city commission shall conduct a quasijudicial de novo hearing and base its decision upon competent substantial evidence. The criteria for the decision shall be the criteria set forth in section 61-84(d).

Sec. 68-495. Certified Recovery Residences

(a) Purpose. The purpose of this section is to implement a procedure for processing, reviewing and approving certified recovery residences and requests for reasonable accommodations for any City Land Use regulations that may prohibit the establishment of a certified recovery residence in the City.

(b) Application.

(1) Submittal. A request by an applicant by an applicant for the approval of a certified recovery residence, or for reasonable accommodation from any of the City's land use regulations that may prohibit the establishment of a certified recovery residence, shall be submitted by the applicant, in writing, to the City's Community Development Director or designee on a form prescribed by the Department. Upon receipt of the application, the City shall date-stamp the application and, if additional information is required, notify the applicant in writing within thirty (30) days after receipt of the application and allow the applicant at least thirty (30) days to respond.

(2) Application Contents. An application submitted pursuant to this section must include, at a minimum, the following information:

a. The address and parcel identification number of the subject property.
b. A description of the specific accommodation requested, including the applicable regulation or policy from which relief is sought, and an explanation of how the accommodation is necessary to afford equal housing opportunity; and
c. Any other information requested on the application form provided by the City's Community Development Director.

(3) Review Procedures. The establishment of a certified recovery residence shall be subject to review and approval by the Community Development Director or designee, with such approval to be granted or withheld in compliance with all applicable local, state, and federal law, including the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq. When not in conflict with the statutory timelines referenced in this section, all requests made under this procedure shall be reviewed administratively by departmental staff of the Technical Review Committee after receipt of a completed application, prior to issuance of a final written administrative determination. The name, mailing address, phone number, and email address of the applicant or the applicant's authorized representative.

(4) Findings for Reasonable Accommodations. In determining whether the reasonable accommodation request shall be granted or denied, the applicant shall be required to:

(5) Establish that the property that is subject of the request for reasonable accommodation will be used as a certified recovery residence pursuant to Chapter 397, Florida Statutes;

(6) Establish that the requested accommodation is necessary to establish the property as a certified recovery residence;

(7) Agree to adhere to the requirements set forth in Chapter 397, Florida Statutes, throughout the use of the property as a certified recovery residence;

(8) Provide a copy of an existing conditions survey of the property, certified by a Registered Surveyor licensed in the State of Florida, clearly indicating the exact dimensions, setbacks, and location of existing structures, easements, and other site improvements; and

(9) Provide a scaled drawing showing all proposed site development, if applicable, including structures, landscaping, fencing, and any other proposed site improvements.

(10) Final Determination. If the establishment of a certified recovery residence complies with the Land Development Code and is consistent with the City's Comprehensive Plan and other applicable law, approval of the application shall be rendered administratively by the Community Development Director. In the event the applicant requests reasonable accommodation from any of the City's land use regulations, a final determination on the application shall be issued by the City Commission in accordance with the terms set forth in this section. In either event, a final determination on the application shall be issued within sixty (60) days after receipt of the completed application. If a final determination is not issued within sixty (60) days after receipt of the completed application, the request is deemed approved, unless the applicant and the City agree, in writing, to a reasonable extension of time. The final determination must:

a. Approve the request in whole or in part, with or without conditions; or
b. Deny the request, stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration.

(11) Revocation of Reasonable Accommodations. The Community Development Director or designee may revoke a previously granted reasonable accommodation for cause, including but not limited to violation of conditions of approval; lapse, revocation, or failure to maintain required certification or licensure under Florida law, if such status is not reinstated within one hundred eighty (180) days from lapse; and material misrepresentation of facts in the application process. Applicants subjected to revocation shall be provided written notice of such revocation and shall have thirty (30) days upon receipt of written notice to respond contesting the validity of an accommodation revocation.

Secs. 68-4976—68-510. Reserved.

DIVISION 4. NONCONFORMING USES

Sec. 68-511. Continuation.

(a) A use, building, or structure, lawfully in existence at the effective date of the article from which this chapter is derived which shall be rendered nonconforming with the adoption of the city comprehensive plan, the passage of the article from which this chapter is derived, or any applicable amendment thereto, shall be considered grandfathered and may be continued, except as otherwise provided in this division.

(b) A use, building or structure is, for the purpose of this chapter, a nonconforming use if the use, building or any physical characteristics of such use or building is not in full compliance with all regulations of the zoning district in which it is situated.

Sec. 68-512. Regulation.

No existing building or premises devoted to a nonconforming use shall be enlarged, extended, reconstructed, substituted or structurally altered, except when changed to a conforming use or when required to do so by law and as follows:

(1) Restoration. Any nonconforming structure which has been damaged or made unsafe or unusable to an extent less than 50 percent of its fair market value may be restored or reconstructed for its intended use provided the floor area of such use, building or structure shall not exceed the floor area which existed prior to such damage. All repairs shall be substantially completed within one year after damages occur or such use shall not be rebuilt except as a conforming use.

(2) Repairs. Normal maintenance, repair, and incidental alteration of a structure containing a nonconforming use is permitted, provided that it does not extend the area or volume of space occupied by the nonconforming use. It is the intent of these regulations to encourage the conservation, maintenance, and rehabilitation of existing residential land uses. Therefore, a building or other structure containing nonconforming residential uses may be altered in any way to improve interior livability; provided that no structural alterations shall be made which would increase the number of dwelling units.

(3) Site alterations. Site alterations, including but not limited to off-street parking rearrangement or enlargement of nonbuilding recreational facilities of a nonconforming use are permitted, provided that the proposed alterations do not increase the degree of nonconformity. In order to encourage rehabilitation or redevelopment of an existing nonconforming use, the planning and zoning board may approve a site plan which

includes an increase in gross floor area of up to ten percent of the existing gross floor area (not to exceed the maximum allowable under the property's designated zoning district), subject to a finding by the board that the overall degree of nonconformity on the site is significantly reduced and that additional adverse impacts will not be created. In conjunction with this site plan approval, the board may grant an exemption from variance requirements for any and all remaining nonconformities. These site plan and variance exemption provisions may be applied only once to any specific property.

(4) Exception. Restoration, repairs and site alterations can be made to existing single-family dwellings in zoning districts which allow such single-family dwellings, provided that such restorations, repairs or site alterations do not increase the number of dwelling units, increase density, increase the degree of the nonconformity, or result in a different type of nonconformity from that which is already considered to be grandfathered.

(5) Nonconforming density. Existing residential dwelling, tourist dwelling, and hotel/motel uses which are nonconforming as to density shall not require a variance to permit the otherwise allowable addition or alteration to the building or site, provided that the density is not increased.

(6) Repair and reconstruction of existing commercial, residential, and hotel/motel structures and uses.

a. Residential/ commercial structures/uses and their permitted accessory uses are grandfathered in the RU-75, RM-15, RFM-30, RFH-50, and CG zoning districts.

b. Hotel/motel structures/uses and their permitted accessory uses are grandfathered in the RFM-30, RFH-50, and CG zoning districts.

c. In the event that any residential/commercial or hotel/motel structure is damaged or destroyed by a hurricane, tornado, fire, flood, wind, storm or other natural disaster, it can be repaired or reconstructed in a manner which guarantees that each unit and all permitted accessory uses can be restored to the same square footage which existed as of September 19, 1995. If the FAR allowed in the current Code is greater than the September 19, 1995 level, then the square footage or FAR may increase up to the currently allowed maximum so long as the project meets all provisions of the Code. If the number of units allowed in the current Code is greater than the September 19, 1995, level, then the number of units may increase up to the currently allowed maximum so long as the project meets all other provisions of the Code. Repairs and reconstruction shall adhere to all flood management regulations in effect. In the event that such flood regulations require the elevation of a structure, the city shall permit the height of the structure to be increased the minimum necessary to accommodate the required flood elevation. If the repairs or reconstruction cannot be made in accordance with these Code provisions, the city shall grant the owners relief from such Code provisions to permit the grandfathered units and all existing legally permitted accessory uses to be restored without creating a greater nonconformity than existed prior to the disaster.

d. Nothing contained in this section shall relieve the owner/developer of the obligation to restore the damaged structure in compliance with the building code ~~as adopted in section 64-1~~ and Life Safety Code as adopted in Chapter 8. ~~section 64-1~~. Except as provided above in subsection c., nothing contained herein shall be construed to permit more dwelling units or an increase in square footage of the structure than existed prior to September 19, 1995. The burden of proof as to what existed prior to September 19, 1995, shall rest with the property owner based upon a site plan

on file at city hall. If no site plan is presently on file, each property owner shall provide the city with a site plan, as-built surveys, or architecturally sealed floor plans. The plans or surveys shall provide enough information to determine the existing legally permitted development on the site. Single-family and two-family structures are exempt from the site plan requirements.

e. Commercial structures/uses and their permitted accessory uses are grandfathered in the RFM-30, RFH-50, and CG zoning districts.

Sec. 68-~~451~~513. Nonconforming lots.

A single-family structure may be constructed on any nonconforming lot provided all other requirements of this Code are met.

Sec. 68-513~~3~~4. Termination.

(1) Abandonment. A nonconforming use not used for a period of six months or the change of use to a more restricted or conforming use for any period of time shall be considered an abandonment thereof and such nonconforming use shall not thereafter be revived.

(2) Partial destruction. When a building has been destroyed by fire or other casualty or act of God to the extent of 50 percent or more of its fair market value and as a result has become unsafe or unusable, the use of such structure as a nonconforming use shall thereafter be terminated.

Sec. 68-5154. Placement of utilities.

All new electric, telephone, cable television and other utility service lines installed for structures within the city shall be placed underground. Any increase in the existing service shall be considered a new service for the purpose of this Code and shall be placed underground unless, in the opinion of the City Manager or designee ~~building official~~, such replacement shall result in an undue hardship being placed upon the owner of such structure.

Secs. 68-516~~5~~—68-540. Reserved.

ARTICLE VI. PARKING AND LOADING DESIGN STANDARDS

DIVISION 1. OFF-STREET PARKING

Sec. 68-541. Off-street parking.

The purpose of this section is to ensure the provision of adequate off-street parking areas. Furthermore, it is the intent to avoid urban congestion on public streets to protect the level of service and capacity of existing streets to avoid unnecessary conflicts between pedestrian and vehicles and to promote the general health, safety, and public welfare. These regulations shall apply to all off-street parking areas, including driveways for single-family and duplex dwellings, established within the city. Any plans for re-striping an existing off-street parking area or modifying the number of parking spaces shall be approved by either the planning and zoning board or the city manager or designee as required by the land development regulations upon the submittal of a parking plan which complies with the land development regulations.

(a) Number and description of parking spaces required. Proper parking spaces shall be provided at the time of the construction of any main building or structure, or at any time

any main building or structure is increased in occupant capacity, or at the time any use or occupancy of an existing building is changed to a use or occupancy which increases the requirements for off-street parking facilities. Off-street parking lots may be allowed as provided for in chapter 68, article III, Zoning district regulations (see the illustrative parking use table in section 68-541(q). Such parking lots shall be subject to site plan review and shall adhere to all applicable land development regulations. Parking areas shall be surfaced by a dust free paving material such as asphalt, bitumen, concrete, turf block or other similar materials except for that portion of the parking area abutting the Gulf of Mexico or public beach. With the exception of single-family and two-family dwellings, parking lots shall have each parking space and aisle marked. All required parking spaces shall be located at grade level or above. The number of parking spaces required is specified in the following schedule of off-street parking requirements:

	Use	Minimum Spaces Required
(1)	Single-family, two-family, multifamily, and townhouse dwellings and group homes	2 spaces per unit.
(2)	Religious institution use	1 space for each 200 square feet in congregational seating area (including isles) in church proper and in Sunday school or other meeting rooms and classrooms.
(3)	Recreation, social, swimming, golf, tennis and yacht clubs	1 space per 200 square feet of total floor area, 2 spaces per each tennis court, 1 space per 200 square feet of pool area (including deck), 2 spaces per each hole of golf, 1 space per each 2 wet boat slips except for assembly occupancy areas which shall be the same as subsection (a)(6) below.
(4)	General business, retail, medical and dental offices and clinics, veterinarian offices, personal service establishments, commercial establishments, office buildings, financial establishments, libraries, art museums and similar cultural facilities	1 space per 375 square feet of gross usable area including any outdoor area used for retail trade or service purposes, including storage.
(5)	Hotels, motels and motor inns	2 spaces for the first unit and 1 space per hotel/motel unit. Restaurants, lounges, meeting rooms and other assembly areas: 1 space per 5 occupants, calculated at 20 square feet of net usable area per occupant.
(6)	Assembly occupancies, private clubs, theaters, auditoriums	1 space per 3 fixed seats, or 1 space per 4 occupants, calculated at 15 square feet of net usable area per occupant.
(7)	Restaurants, alcoholic beverage establishments	1 space per 150 square feet of gross usable indoor and outdoor area.
(8)	Marina facilities:	

	Cruise ships/party boats	1 space per 4 passengers, including crew, as licensed by the U.S. Coast Guard.
	Charter boats	3 spaces per vessel.
	Boat rental	1 space per vessel.
	Personal water craft	1 space per 2 personal water craft.
	Marinas	1 space per each 4 rack storage slips.
	Boat slips as required parking	In the CG zoning district, boat slips may be counted as required parking if the slip is properly signed "for patrons only" and is not used for any other purpose.
(9)	Stacked parking	May be allowed for certain uses pursuant to Section 68-541~~86~~ (b)(1) or as part of a valet service pursuant to Section 68-541~~86~~ (k).
(10)	Determination for unlisted uses	In the case of uses not listed in this schedule, the city shall make a determination of the minimum required off-street parking spaces. In reaching the determination, the city shall be guided by the requirements for similar uses, the number and kind of vehicles likely to be attracted to the proposed use and studies of the parking requirements of such uses in other jurisdictions and nationally recognized parking standards.
(11)	Communications tower site	1 parking space for each site.

In addition to the above, certain parking credits may be allowed as identified as follows:

(12)	Parking credits:	
	Walk-in credit	May be allowed pursuant to section 68-541~~86~~(n).
	Bicycle credit	May be allowed pursuant to section 68-541~~86~~(i).
	Motorcycle and scooter credit	May be allowed pursuant to section 68-541~~86~~(j).
	Downtown Redevelopment Plan area credit (commercial uses only)	May be allowed pursuant to section 68-541~~86~~(o).
	Landscaping credit	May be allowed pursuant to section 68-541~~86~~(p).
	Maximum percentage of parking credits allowed	The maximum percentage of parking credits to be utilized by any given property shall be 30%.

(b) Size and access.

(1) All uses, except single-family. For all uses, except single-family and approved stacked parking, an off-street parking space shall consist of a parking space having minimum dimensions as required in the diagram for regular and compact car parking,

or nine feet in width by 22 feet in length for the parallel parking of each automobile, exclusive of access drives or aisles thereto. The parking plan must be so arranged that each automobile may be placed and removed from the parking space assigned thereto and taken to and from the property without the necessity of moving any other automobile to complete the maneuver, except for a licensed and authorized rental car agency. Street and/or sidewalk areas may not be used for off-street parking purposes as herein defined. Individual ingress and egress drives extending across the public sidewalks and curbs and connecting the off-street parking spaces to the public street areas shall not exceed a minimum of 12 feet and a maximum of 15 feet for a one-way drive and a minimum of 24 feet and a maximum of 30 feet for a two-way drive. The design, number and placement of such drives is subject to site plan approval by the city before being constructed. Two or more owners and operators of commercial buildings or uses of the same type in the same zoning district requiring off-street parking facilities may take collective provision for such ingress and egress facilities provided that the combined facility is compatible with the zoning being served.

Exception: Stacked parking may be permitted for businesses in conjunction with legal off-street parking uses as provided for in chapter 68, Zoning district regulations (see the illustrative parking use table in section 68-541(q) in accordance with the following conditions:

a. An application for special exception to the planning and zoning board shall be submitted for review and approval.

b. The application shall reflect that all parties acknowledge that the stacked parking facility is to be used only by the permitted business and is not currently required parking for any other use.

c. Lots approved for stacked parking shall not be required to have each parking space and aisle marked unless such lot will be used for other than stacked parking.

(2) Single-family uses. For single-family uses, off-street parking areas shall be a minimum of 324 square feet (equivalent to two nine-foot by 18-foot spaces).

(3) Plan approval; permits required. The plan for ingress and egress to and from the off-street parking areas shall be subject to the approval of the city. No curbs or sidewalks may be cut or altered in any manner without a permit from the city and all other applicable county or state agencies.

(4) Variances. Any variance to alter the number or size of parking requirements in any zoning district may only be granted pursuant to section 70-85.

(5) Regular car parking. Regular car parking shall meet the following minimum dimensions:

Dimension	Diagram	0°	45°	60°	75°	90°
		(Measurements in Feet)				
Stall width, parallel to aisle	A	9.0	12.7	10.4	9.3	9.0
Stall length of line	B	24.0	24.5	21.4	19.5	18.0
Stall depth to wall	C	9.0	17.0	18.5	19.0	18.0
Aisle width between stall lines	D	12.0	12.0	16.0	22.0	24.0
Stall depth, interlock	E	9.0	14.8	17.0	18.3	18.0

Module, wall to interlock	F	30.0	43.8	51.5	59.3	60.0
Module, interlocking	G	30.0	41.6	50.0	58.6	60.0
Module, interlock to curb face	H	30.0	41.8	49.4	56.9	58.0
Bumper overhang (typical)	I	0.0	1.5	1.8	2.0	2.0
Offset	J	—	6.3	2.7	0.5	0.0
Setback	K	24.0	11.0	8.3	5.0	0.0
Cross aisle, one-way	L	18.0	18.0	18.0	18.0	18.0
Cross aisle, two-way	—	24.0	24.0	24.0	24.0	24.0

(6) Compact car parking. Compact car parking may be provided for up to 20 percent of the required parking and shall meet the following minimum requirements and dimensions:

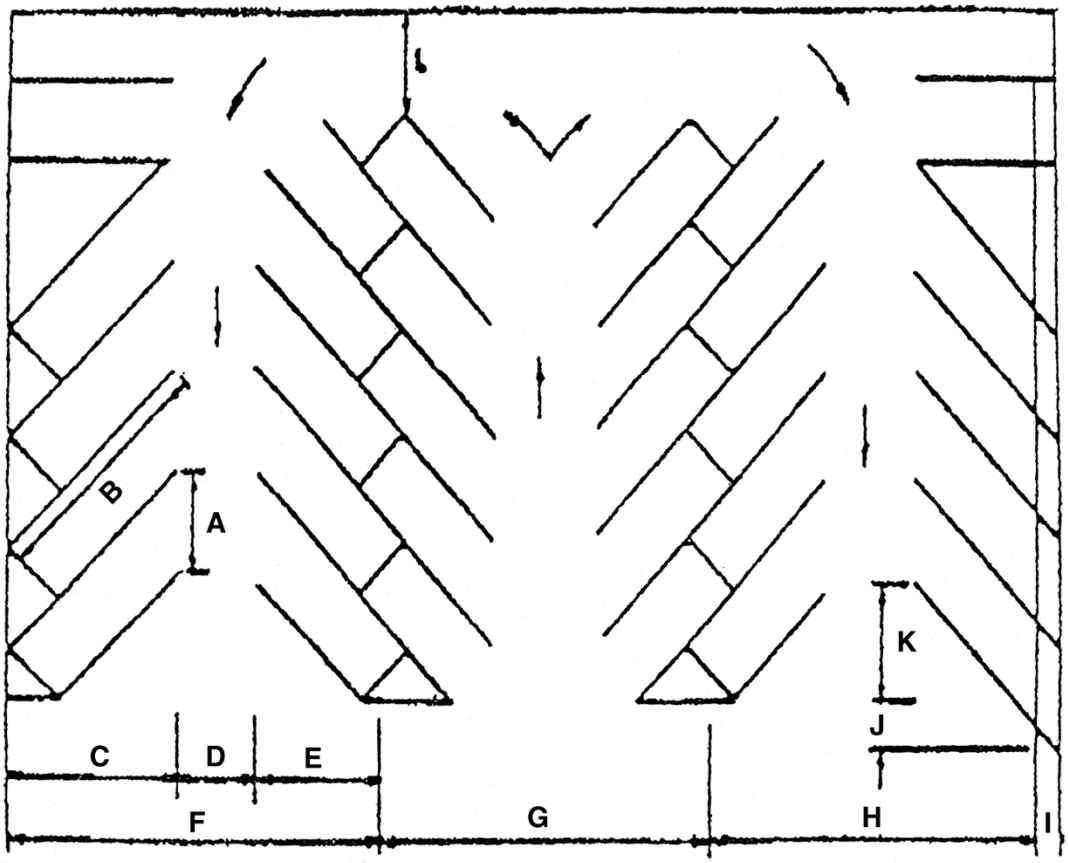
a. Compact car parking may be provided only for parking areas that have ten or more spaces.

b. Compact car parking may be provided for only nonresidential zoning districts.

c. Compact parking spaces must be designated as being for the exclusive use of compact cars through the use of signs or pavement marking.

d. The overall design must be reviewed and approved by the city.

Dimension	Diagram	0°	45°	60°	75°	90°
		(Measurements in Feet)				
Stall width, parallel to aisle	A	8.0	11.3	9.2	8.3	8.0
Stall length of line	B	22.0	24.0	20.5	18.2	16.0
Stall depth to wall	C	8.0	17.0	17.8	17.6	16.0
Aisle width between stall lines	D	12.0	12.0	16.0	22.0	24.0
Stall depth, interlock	E	8.0	11.7	14.3	16.0	16.0
Module, wall to interlock	F	28.0	43.2	48.1	53.3	56.0
Module, interlocking	G	28.0	43.2	48.1	53.3	56.0
Module, interlock to curb face	H	28.0	43.2	48.1	53.3	56.0
Bumper overhang (typical)	I	0.0	0.0	0.0	0.0	0.0
Offset	J	0.0	5.7	2.3	0.6	0.0
Setback	K	22.0	11.3	8.0	4.1	0.0
Cross aisle, one-way	L	18.0	18.0	18.0	18.0	18.0
Cross aisle, two-way	—	24.0	24.0	24.0	24.0	24.0



(c) Location of parking spaces. Parking spaces for all uses and structures which are provided as required parking in conformance with the schedule of parking, off-street and other applicable provisions shall be located on the same lot, and have the same zoning district, as the principal use or structure they are intended to serve unless otherwise allowed by article III, Zoning district regulations. Those businesses participating in the downtown parking agreement or in a shared parking agreement identified in this section of the land development regulations may be exempted from the same lot requirements of this section per the specific agreement.

(d) Parking or storage of rental vehicles. Parking or storage of rental vehicles in connection with a licensed and authorized vehicle rental agency shall be located on the same lot or parcel of property as the licensed office of the rental car agency or such lot or parcel shall be contiguous to the lot or parcel on which the main rental agency or office is located. The storage of rental cars does not require standard parking spaces.

(e) Handicapped parking. Handicapped parking shall meet the requirements of the State Handicapped Access Code, F.S. § 553.501 et seq.

(f) Utilization of parking structures. When off-street parking facilities are located within a separate parking structure, the following conditions and restrictions shall apply:

(1) The structure shall conform to all lot, yard and bulk requirements of the zoning district in which it is located.

(2) The parking facilities shall be designed so as to conform to all other provisions of this chapter and all other ordinances of the city.

(3) Parking structures shall be architecturally compatible with abutting structures and shall be screened with ornamental grillwork, artwork, or similar architectural features.

(4) Vehicular access shall be designed in a manner that minimizes disruption to pedestrian corridors and the streetscape.

(5) All lighting relating to parking structures shall conform with section 68-59 and sections lighting standards in Chapter 72.

This subsection shall not apply to or be construed to prohibit the construction of freestanding carports or garages as accessory structures to single-family or two-family residential dwellings.

Nothing in this section is intended to prohibit the installation of a fully automatic parking facility in which the placement and removal of automobiles are accomplished wholly by machinery. However, such mechanism shall be completely shielded from public view.

(g) Utilization of yards.

(1) In all residential zoning districts, required parking spaces for single-family and two-family dwellings may be permitted in any setback areas or yards, except in a waterfront yard, and shall be counted as meeting off-street parking requirements, except that within a required front yard all parking shall be located in a driveway or turnaround.

(2) In all zoning districts, for all other permitted uses, approved permitted uses with site plan review or approved special exception uses, required front, side or rear yards may be used for off-street parking except as limited herein. A maximum of 80 percent of a required front yard may be used for off-street parking. All parking areas shall have each parking space and aisle marked and shall be landscaped in conformance with the paved area landscape requirements in chapter 72.

(3) In all zoning districts, parking area surfaces shall not extend closer than three feet from any abutting property line.

(4) All parking spaces shall be considered impervious for the purpose of calculating required pervious area pursuant to section 68-226.

(h) Shared parking. Parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when hours of peak use vary. Requests for the use of shared parking are subject to the approval of the city manager and must meet the following conditions:

(1) The applicant must demonstrate to the city manager's satisfaction that substantial conflict shall not exist in the principal hours or periods of peak demand for the uses for which the joint use is proposed.

(2) The number of parking stalls which may be credited against the requirements for the structures or uses involved shall not exceed the number of parking stalls reasonably anticipated to be available during different hours of operation.

(3) Parking facilities designated for joint use should not be located further than 600 feet from any structure of use served.

(4) A written agreement shall be drawn to the satisfaction of the city attorney and executed by all parties concerned assuring the continued availability of the number of stalls designated for joint use.

(5) The applicant shall post a sign at the business indicating the location of the shared parking facility for the customer's benefit in the event overflow parking is needed.

(i) Bicycle parking. Bicycles are a clean, energy-efficient, alternative means of transportation, especially for those whose access to motorized transportation is limited. Therefore, it is the policy of the city to encourage the use of bicycles by requiring that development and redevelopment provide adequate and properly located bicycle parking facilities, in accordance with the following standards:

(1) Each commercial, institutional, or recreational development or redevelopment which requires site plan approval shall provide off-street bicycle parking, sufficient to park at least five bicycles, for each freestanding building. In addition, the provision of additional area sufficient to park at least five additional bicycles shall qualify the development for a parking credit of one parking space. The planning and zoning board shall have the option of increasing this requirement as a condition of site plan approval, based upon the type and characteristics of the specific development under review. Only the following type(s) of development shall be exempt from this requirement:

a. Freestanding uses which require the presence of motor vehicles, such as automobile or motorcycle repair shops, filling stations, body repair shops, and similar uses, provided, however, that should the occupancy of a building change to a non-exempt use, bicycle parking facilities may be required as a condition of reoccupancy. Shopping centers and other multiple-tenant developments which may contain the above uses are not exempted.

(2) The following design standards shall apply to all bicycle parking facilities:

a. Bicycle parking facilities shall be separated from automobile parking, conveniently located near the main entrance of a building without obstructing pedestrian walkways, and sufficiently visible to minimize the potential for theft or vandalism.

b. Bicycle parking facilities shall be placed over paved or otherwise stabilized surfaces not subject to erosion or rutting.

c. Each bicycle parking space shall provide sufficient area to store a full-sized bicycle, and a rack or other means to support and lock the bicycle in a stable, upright position without damage to wheels, frame, or components.

(j) Motorcycle/scooter parking. Motorcycle and scooter parking may substitute for required parking spaces, for non-residential uses. Existing parking may be converted to take advantage of this provision for non-residential uses.

a. Ratios. Motorcycle and scooter parking may substitute for up to five automobile spaces or five percent of the required parking spaces, whichever is less. For every four motorcycle or scooter parking spaces provides, the automobile parking requirement is reduced by two spaces.

b. Identification. Motorcycle and scooter parking spaces must be identified or designated.

(k) [Remote parking.] Remote parking may be allowed as provided for in article III, Zoning district regulations (see the illustrative parking use table in section 68-541(g). The owner of a site utilizing a remote parking facility shall provide evidence of the owner's right to use the remote parking area either by license, deed, easement, or by long term lease. Such remote parking facility must be located within the city. Such

separated parking areas shall be usable without causing unreasonable traffic congestion, detriment to any residential neighborhood, or hazard to pedestrians. Such remote parking facilities shall be subject to site plan review and shall be upgraded to meet current city codes for required parking and landscaping as required by chapter 72, of the land development regulations for vehicular use areas. Staff or the planning and zoning board as applicable shall consider specific restrictions pertaining to hours of operation, noise, and lighting among other considerations in the review of such remote parking request. If the remote parking is greater than 600 feet in distance away from the site serving the principal use, the owner of the principal use utilizing the remote parking facility shall have a transportation plan to shuttle people between the principal use and the remote parking facility. The distance shall be measured from the nearest point of the principal use lot line to an entrance to the remote parking facility.

(l) [Valet parking.] Valet parking is a service which may be allowed in conjunction with legal off-street parking uses citywide as provided for in article III, Zoning district regulations (see the illustrative parking use table in section 68-541(q). This service constitutes a manner of use wherein administrative review is appropriate and may also allow the stacking of parking in the configuration outlined in section 68-541(b)(1). The following criteria shall apply:

(1) Such use receives administrative approval from the city manager or designee.

(2) At a minimum, all such valet parking facilities shall be subject to in-house site plan review. Required upgrades to meet required city codes pertaining to parking and landscaping vehicular use areas may also require site plan review by the planning and zoning board unless exempted by section 61-23(c).

(3) The city manager or designee may consider specific restrictions pertaining to hours of operation, noise, and lighting among other considerations in the review of such off-site parking request.

(4) Specific on-site or off-site parking facilities for the exclusive use of valet parking may be provided subject to administrative approval by the city manager or designee.

(5) The following standards shall apply to all valet parking facilities:

a. Property used for valet parking may be allowed as provided for in article III, Zoning district regulations, (see the illustrative parking use table in section 68-541 (r).

b. Public parking spaces shall not be utilized for valet parking unless approved through a valid license agreement with the city.

(6) In addition to the above, the following conditions shall apply to stacked valet parking requests:

a. A letter of request and a site plan shall be submitted to the city manager or designee for approval.

b. The letter shall reflect that all parties acknowledge that the stacked parking area is to be used only by the permitted business and is not currently required parking for any other use.

c. Parking areas approved for stacked parking shall not be required to have each parking space and aisle marked unless such parking area will be used for other than stacked parking purposes.

(m) Temporary parking review and permit. The following types of temporary parking facilities may be allowed as provided for in article III, Zoning district regulations (see the illustrative parking use table in section 68-541 (r). The power and authority to grant special exceptions and related site plan review for temporary parking will be solely within the jurisdiction of the city commission.

(1) Temporary, non-recurring parking may be allowed as provided for in article III, Zoning district regulations (see the illustrative parking use table in section 68-541(r) for a maximum of 90 days. Temporary parking shall not be permitted in the RU-75 or RM-15 zoning districts.

(2) Temporary, 90 days to one year in duration, as provided for in article III, Zoning district regulations (see the illustrative parking use table in section 68-541(r). Such review shall include possible reduction or relaxation of specific land development requirements such as paving surface, buffering, and landscaping for vehicular use areas as may be applicable to the specific request. The applicant has the burden of proof to demonstrate the temporary nature of the request which shall include an anticipated date of expiration. Temporary parking shall not be permitted in the RU-75 or RM-15 zoning districts.

(3) Temporary, off-street or off-site parking facilities, may be allowed as provided for in article III, Zoning district regulations (see also the illustrative parking use table in section 68-541(r). In addition to the special exception and/or site plan approval requirements, the following conditions shall apply:

a. Temporary parking may be approved for a period not to exceed one year. One-year extensions may be allowed by the city commission under the following conditions:

i. No extensions shall be granted for such parking which is not in compliance with the design standards, maintenance plan, or any conditions of the original approval.

ii. Included but not limited to any adverse impacts to such parking, changes in the land development regulations affecting the parking, crime statistics for such parking, and Code violation history shall be considered in determining whether to grant an extension. Any extension may be conditioned on mitigation of impacts caused by the use of the subject parking.

(n) Special event parking review and permit. There shall be two tiers of special event parking facilities which may be permitted following administrative review and city commission approval as provided for in article III, Zoning district regulations (see also the illustrative parking use table in section 68-541(r). All fees pursuant to this section, shall be set by the city commission in appendix A.

(1) Special event, non-recurring; maximum duration two weeks within a continuous 12-month period.

(2) Special event, recurring, less than one week duration per episode with limited frequency within a 12-month time period.

(o) Walk-in credit. Within the CG zoning district, a parking credit for up to 25 percent of the required parking may be allowed provided the following conditions are met:

(1) A letter of request shall be filed with the city manager or designee containing the following information:

a. Name, address, and phone number of the owner of the business requesting the parking credit.

b. Number of required parking spaces prior to receiving credit.

c. Three copies of a walk-in customer survey, prepared and conducted by a land use consultant, describing the average daily number of customers who walk or ride a bicycle or other non-motorized mode of transportation to the business from their homes or transient accommodation and do not require the use of a parking space. The report shall describe the methodology used and list who conducted the survey and their credentials. The report shall document no less than eight days where this daily customer survey was conducted during peak hours of operation and should have duration of at least four hours.

(2) The city manager or his designee shall review such survey and make a finding within 30 days of the receipt of a complete application, including the allowable credit of zero to 25 percent of the otherwise required parking. If the applicant agrees with the finding of the city manager, the credit shall be approved.

(3) If the applicant disagrees with the recommendation of the city manager, the applicant can appeal to the city commission based on the procedures established in section 61-61.

(p) Downtown redevelopment area credit. An overall reduction of the total minimum off-street parking requirements of up to 20 percent shall be granted to any business participating in a downtown parking agreement. Such document shall be a legal instrument wherein the business agrees to share its parking with other downtown users. Property utilizing this credit must be either commercial or mixed use in nature and shall be located within the downtown redevelopment planning area. The language and legal provisions of this agreement shall be approved by the city manager and the city attorney prior to its initiation and the use of such credits along with a copy of the signed agreement shall be recorded in the public records of the county.

(q) Landscape credit. A reduction of the required on-site parking by up to ten percent may be allowed in order to enhance on-site landscaping that would be visible from the public right-of-way. Such a reduction requires the review and approval of the city manager or his designee. The decision would be appealable to the city commission following the procedures outlines in section 61-61, Procedures to appeals of administrative decisions, found in the land development regulations. (Does not apply to residential parking requirements.)

(r) Illustrative parking use table (for illustrative purposes only).

ILLUSTRATIVE PARKING USE TABLE
(for illustrative purposes only)

Parking Lot	District	RU-75	RM-15	RFM - 30	RFH -50	CG	RO/S and I	P	T/U	PR-MU (Gulf / Core)
Special Event (Non-recurring)		SE	SE	P	P	P	P	P	P	P
Special Event (Recurring)		SE	SE	P	P	P	P	P	P	P
Temporary (Max 90 days; non-recurring)		NO	NO	P	P	P	P	P	P	SE

Temporary, Off-site (90 days – 1 year)	NO	NO	SE	SE	SE	SE	NO	P	SE
Temporary, Off Street (1 year max; standalone)	NO	NO	SE	SE	SE	SE	NO	P	SE
Off-Street (Stand Alone)	NO	NO	SE	P	P	P	NO	P	P
Off-Site	NO	NO	SE	SE	P	P	NO	P	P
Shared	NO	NO	P	P	P	P	NO	P	P
Remote	NO	NO	SE	SE	P	NO	NO	P	P
Accessory	P	P	P	P	P	P	P	P	P

DIVISION 2. OFF-STREET LOADING

Sec. 68-542. Off-street loading.

In any zoning district, in connection with every building or building group or part thereof thereafter erected and having a gross floor area of 4,000 square feet or more, which is to be occupied by commercial or industrial uses or other uses similarly requiring the receipt of distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, off-street loading berths or unloading berths as follows:

(1) 4,000—25,000 square feet1 berth

(2) 25,000—40,000 square feet2 berths

(3) 40,000—60,000 square feet3 berths

(4) For each additional 50,000 square feet1 berth

ARTICLE VII. RESERVED

ARTICLE VIII. BUILDING SETBACK LINES

Sec. 68-5413. Setback classifications.

No building shall be erected, converted, enlarged, reconstructed or structurally altered, unless it shall comply with the following setback classifications.

Setback Adjustment Factor: A setback encroachment is allowed for stairs not more than eight (8) feet wide. This is calculated using the mathematical difference between the highest natural grade on a property and the resultant base floor. This setback encroachment equals the height adjustment factor divided by 0.63.

Setback Classifications					
Class	**Lot Size**	**Street**	**Side**	**Rear**	**Waterfront**
A	Less than 3,001 square feet	10 feet	5 feet	5 feet	N/A

	3,001 square feet or more	10 feet	7 1/2 feet	10 feet	N/A
B	N/A	20 feet	None	None	N/A
C	N/A	25 feet	None	None	N/A
D	N/A	15 feet	7 1/2 feet	10 feet	20 feet
E	N/A	15 feet	7 1/2 feet	10 feet	25 feet
F	N/A	10 feet	5 feet	5 feet	N/A
G	N/A	20 feet	10 feet	25 feet	N/A

~~(1) Class A:~~

~~Lots less than 3,001 square feet:~~

~~Street: 10 feet~~

~~Side: 5 feet~~

~~Rear: 5 feet~~

~~Lots 3,001 or more square feet:~~

~~Street: 10 feet~~

~~Side: 7½ feet~~

~~Rear: 10 feet~~

~~(2) Class B:~~

~~Street: 20 feet~~

~~Side: None~~

~~Rear: None~~

~~(3) Class C:~~

~~Street: 25 feet~~

~~Side: None~~

~~Rear: None~~

~~(4) Class D:~~

~~Street: 15 feet~~

~~Side: 7½ feet~~

~~Rear: 10 feet~~

~~Waterfront: 20 feet~~

~~(5) Class E:~~

~~Street: 15 feet~~

~~Side: 7½ feet~~

~~Rear: 10 feet~~

~~Waterfront: 25 feet~~

~~(6) Class F:~~

~~Street: 10 feet~~

~~Side: 5 feet~~

~~Rear: 5 feet~~

~~(7) Class G:~~

~~Street: 20 feet~~

~~Side: 10 feet~~

~~Rear: 25 feet~~

SUNSET BEACH

West Gulf Boulevard from 77th Avenue to north side of Lot 4, Sunset Beach Sub. Unit No. 4 (between 81st Avenue and 82nd Avenue):

West side: B

West Gulf Boulevard from south side of Lot 3, Sunset Beach Sub. Unit No. 4 (between 81st Avenue and 82nd Avenue) to north side of O'Connell's Replat (West Gulf Boulevard near south end of Harrell Avenue):

West side: A, except street side, 20 feet

West Gulf Boulevard from 77th Avenue to 87th Avenue:

East side: A, except street side, 20 feet

West Gulf Boulevard from south side of Lot 9, Block 12, Sawyer and Harrell's Addition to Boca Ciega Pass, (Weckesser Park) to Gulf Boulevard:

West side: C

West Gulf Boulevard from 87th Avenue to 90th Avenue:

East side:

Street: 20 feet

Side: None

West Gulf Boulevard from 90th Avenue to Gulf Boulevard:

East side:

Street: 25 feet

Side: None

Rear: Lot 3, Block 9 South side, 5 feet

Bay Plaza: A, except waterfront, 20 feet from seawall

Bayshore Drive from 77th Avenue to West Gulf Boulevard: A, except street, 20 feet; waterfront 20 feet from seawall

Blind Pass Drive: A, except waterfront, 20 feet from seawall

East Bay Drive: A, except waterfront, 20 feet from seawall

Harrell Avenue from 87th Avenue to 90th Avenue:

East side:

Street: 10 feet

Side: 7½ feet

West side:

Street: 10 feet

Side: None

Harrell Avenue from 90th Avenue to Gulf Boulevard:

East side:

Street: 15 feet

Side: 7½ feet

West side:

Street: 15 feet

Side: None

77th Avenue: A

78th Avenue: A

79th Avenue: A

79th Terrace: A

80th Avenue: A

80th Terrace: A

81st Avenue: A

82nd Avenue: A

83rd Avenue: A

84th Avenue: A

85th Avenue: A, except waterfront, 20 feet

86th Avenue: A

86th Terrace: A

87th Avenue: A

88th Avenue: A and Herron's Sub. No. 4, waterfront, 20 feet

89th Avenue: A and Herron's Sub. No. 4, waterfront, 20 feet

90th Avenue: A and Herron's Sub. No. 5, waterfront, 20 feet

91st Avenue: A and Herron's Sub. No. 2, waterfront, 20 feet

92nd Avenue: A and T. W. Harrell's Sub., waterfront, 20 feet

93rd Avenue: A and Reuer Sub., waterfront, 20 feet

94th Avenue: A and Addie B. Harrell Sub., waterfront, 20 feet

95th Avenue: A and Herron's Sub. No. 1, waterfront, 20 feet

BLIND PASS BRIDGE TO JOHN'S PASS BRIDGE

Gulf Boulevard—Blind Pass Bridge to West Gulf Boulevard or First Street East:

Street: 25 feet

Side: None

Rear: 10 feet

Gulf Boulevard from West Gulf Boulevard or First Street East to 99th Avenue:

West side: C

East side:

Street: 25 feet

Side: None

Waterfront: 20 feet from seawall

Gulf Boulevard from 99th Avenue to section line between 103rd and 104th Avenues:

West side:

Street: 25 feet

Side: 7½ feet

East side:

Street: 25 feet

Side: 5 feet

Waterfront: 20 feet from seawall

Gulf Boulevard from section line between 103rd and 104th Avenues to south line St. Petersburg's Public Beach:

West side:

Street: 20 feet

Side: 7½ feet

Gulf Boulevard from section line between 103rd and 104th Avenues to 106th Avenue (except Cargill Replat Lots 1 & 2 - aka 10359 Gulf Blvd.):

East side:

Street: 20 feet

Side: None

Gulf Boulevard, City of Treasure Island, Block 14, Lot 7 to 112th Avenue - aka 11165 Gulf Blvd.

East side:

Street: 20 feet

Side: 7½ feet

Rear: 25 feet

Gulf Boulevard from north side of St. Petersburg's Public Beach to 119th Avenue:

West side:

Street: 25 feet

Side: 7½ feet

Gulf Boulevard from 112th Avenue to 119th Avenue:

East side:

Street: 25 feet

Side: 7½ feet

Waterfront: 20 feet

Rear: 5 feet

Gulf Boulevard from 119th Avenue to 127th Avenue:

East and west sides:

Street: 25 feet

Side: 5 feet

Rear: 5 feet

Gulf Boulevard from 127th Avenue to John's Pass:

West side:

Street: 25 feet

Side: 5 feet

Rear: 5 feet

Waterfront: 25 feet

97th Avenue:

Street: 10 feet

Side: None

Rear: None

98th Avenue:

Street: 10 feet

Side: 7½ feet

Rear: 10 feet

99th Avenue:

Street: 10 feet

Lot south of east end of 99th-Waterfront: 20 feet

100th Avenue:

Street: 10 feet

101st Avenue:

Street: 10 feet

102nd Avenue:

Street: 10 feet

103rd Avenue:

Street: 10 feet

104th Avenue: (except Cargill Replat, Lots 3 & 4 - aka 111 104th Avenue)

Street: 15 feet, except Block 11

Street: 10 feet in Block 11

Side: 10 feet in Block 1, Lots 5 through 24

Side: None in Blocks 11, 2, 4, Block 1, Lots 1, 3 and 4

Waterfront: 25 feet

Rear: None in Block 11

107th Avenue (Treasure Island Causeway):

North side:

Street: 15 feet in Block 9

Side: 10 feet in Block 9

Waterfront: 25 feet in Block 9

108th Avenue:

North side: (except City of Treasure Island, Block 8, Lot 1 - aka 10801 Gulf Blvd.)

Street: 15 feet

Side: 10 feet

Waterfront: 25 feet

112th Avenue:

Street: 20 feet

116th Avenue from Gulf Boulevard to Capri Isle Bridge: D

117th Avenue from Gulf Boulevard to Capri Isle Bridge: D

118th Avenue:

Street: 15 feet

Side: 7½ feet

Rear: 10 feet

119th Avenue:

South side:

Street: 10 feet

Side: 7½ feet

Rear: 10 feet

North side: F

120th Avenue: F

121st Avenue: F

122nd Avenue: F

123rd Avenue: F

124th Avenue: F

125th Avenue: F

126th Avenue: F

127th Avenue:

Gulf Boulevard to Gulf: F

Gulf Boulevard to Bay:

South side: F

North side:

Street: 10 feet

Side: None

Rear: 5 feet

Harrell Avenue - Gulf Boulevard to north end:

Street: 15 feet

Side: 7½ feet

Rear: 10 feet

Waterfront: 20 feet

1st Street East from Gulf Boulevard to cul-de-sac:

West side:

Street: 15 feet

Side: None

East side:

Street: 15 feet

Side: 7½ feet

Rear: 10 feet

Waterfront: 20 feet

1st Street East from 106th Avenue to 108th Avenue:

Street: 15 feet

Side: None

1st Street East from 116th Avenue to 119th Avenue: D

1st Street West:

West side:

Street: 15 feet

Side: 5 feet

Rear: 15 feet

East side:

Street: 15 feet

Side: 5 feet

Rear: 5 feet

Kingfish Drive:

West side:

Street: 10 feet

Side: None

Rear: 5 feet

Waterfront: 25 feet

East side:

Street: 10 feet

Side: None

Rear: 5 feet

Waterfront: 25 feet

Lagoon Lane:

East side:

Street: 15 feet

Side: 5 feet

Waterfront: 20 feet

West side:

Street: 10 feet

Sunshine Lane:

Street: 10 feet

Side: 5 feet

Rear: 5 feet

Waterfront: 25 feet

PARADISE ISLAND

Paradise Boulevard:

West side (from Treasure Lane to Yacht Club Drive):

Street: 40 feet

Side: 10 feet

Rear: 20 feet

Waterfront: 30 feet

East side (from Treasure Island Causeway to corner of Plaza Seville Court):

Street: 40 feet

Treasure Lane:

Street: 40 feet

Side: 10 feet

Waterfront: 30 feet

Paradise Lane:

Street: 15 feet

Side: 10 feet

Waterfront: 30 feet

Treasure Island Causeway - east of Paradise Boulevard

South side:

Street: 40 feet

Side: 10 feet

Waterfront: 30 feet

Dolphin Drive:

Bay side:

Street: 40 feet

Side: 10 feet

Waterfront: 30 feet

Inside lots:

Street: 20 feet

Side: 10 feet

Rear: 15 feet

Tarpon Drive:

Bay side:

Street: 40 feet

Side: 10 feet

Waterfront: 30 feet

Blocks 2, 3, 4, and 5:

Street: 30 feet

Side: 10 feet

Rear: 20 feet

(All corner lots on Tarpon Drive and Yacht Club Drive shall have the same setbacks as their adjoining inside lots with the exception that the side facing such drives shall set back 25 feet from such drives.)

Yacht Club Drive:

Same as Tarpon Drive

2nd Street East (Paradise Island):

Street: 30 feet

Side: 10 feet

Rear: 20 feet

3rd Street East (Paradise Island):

Same as 2nd Street East

4th Street East (Paradise Island):

Same as 2nd Street East

Marina Terrace (Paradise Island, 3rd addition):

Lots 1—9 and 16—23:

Street: 30 feet

Side: 10 feet

Waterfront: 30 feet

Except Lots 10—15, inclusive:

Street: 15 feet

Side: 10 feet

Waterfront: 30 feet

South Yacht Club Drive (Paradise Island 4th addition):

Lots 1—6, 10—16, and 19—21:

Street: 20 feet

Side: 10 feet

Waterfront: 20 feet

Lots 7—9, 17 and 18:

Street: 15 feet

Side: 10 feet

Waterfront: 20 feet

Lots 22—33:

Street: 20 feet

Side: 10 feet

Rear: 20 feet

Island Drive (Paradise Island 5th Addition-east side of Paradise Boulevard from corner of Plaza Seville Court to corner of Marina Terrace):

Lots 1, 2, 3, 27 and 28:

Street: 25 feet

Side: 10 feet

Waterfront: 30 feet

Lots 6—13 and 18—24:

Street: 30 feet

Side: 10 feet

Waterfront: 30 feet

Lots 14—17:

Street: 25 feet

Side: 10 feet

Waterfront: 30 feet

On lots 14—17 only, if otherwise acceptable plan is submitted, rear corners (street side) may extend 7½ feet to side party line.

Lots 4, 5, 25, 26, 29, 30:

Street: 25 feet

Side: 10 feet

Waterfront: 10 feet

Paradise Island 6th Addition (east side of Paradise Boulevard from corner of Marina Terrace south to, and including Bellevue Drive):

Lots 1—9 and Lots 15—32:

Street: 30 feet

Side: 7½ feet

Waterfront: 25 feet

Lots 10—14:

Street: 20 feet

Side: 7½ feet

Waterfront: 25 feet

ISLE OF PALMS

110th Avenue (Isle of Palms):

South side:

Street: 20 feet

Side: 7½ feet

Waterfront: 20 feet

North side:

Street: 20 feet

Side: 7½ feet

Rear: 10 feet

112th Avenue A:

Street: 15 feet

Side: 7½ feet

Rear: 10 feet

112th Avenue B:

Street: 15 feet

Side: 7½ feet

Rear: 10 feet

115th Avenue (Isle of Palms) between 1st Street E. and 3rd Street E:

North side:

Street: 20 feet

Side: 7½ feet

Waterfront: 20 feet

South side:

Street: 15 feet

Side: 7½ feet

Rear: 10 feet

115th Avenue (Isle of Palms) from 3rd Street East to 9th Street East: G

1st Street East (Isle of Palms):

West side:

Street: 20 feet

Side: 7½ feet

Rear: 20 feet

East side:

Street: 15 feet

Side: 7½ feet

Rear: 10 feet

2nd Street East (Isle of Palms):

Street: 15 feet

Side: 7½ feet

Rear: 10 feet

3rd Street East (Isle of Palms):

West side:

Street: 15 feet

Side: 7½ feet

Rear: 10 feet

East side:

Street: 20 feet

Side: 7½ feet

Waterfront: 20 feet

4th Street East (Isle of Palms): G

5th Street East (Isle of Palms): G

6th Street East (Isle of Palms): G

7th Street East (Isle of Palms): G

8th Street East (Isle of Palms): G

9th Street East (Isle of Palms): G

ISLE OF CAPRI

116 Avenue from Isle of Capri Bridge to 3rd Street East: E

125th Avenue (Isle of Capri): E

126th Avenue between 2nd Street East and 3rd Street East (Isle of Capri): E

Capri Boulevard: E

Capri Circle: E

Capri Circle South: E

Capri Circle North: E

Key Capri: E

2nd Street East (Isle of Capri): E

3rd Street East (Isle of Capri): E

4th Street East (Isle of Capri): E

5th Street East (Isle of Capri): E

6th Street East (Isle of Capri): E

7th Street East (Isle of Capri): E

116th Avenue (Isle of Capri): E

119th Avenue (Isle of Capri): E

123rd Avenue (Isle of Capri): E

126th Avenue (Isle of Capri): E

Secs. 68-5424. – Allowable Encroachments

There are two instances when the city permits encroachments into the required setbacks provided in sections 68-5413 and 68-561 to meet the floodplain elevation requirements of the Florida Building Code and Chapter 66 of the Code.

(a) Existing structure being elevated. An encroachment to the setbacks provided in sections 68-5413 and 68-561 is allowed specifically when existing structures are elevated to meet the floodplain elevation requirements of the Florida Building Code and Chapter 66 of the Code. One set of stairs, which may include the required meter platform and stairs for meter access, is allowed to encroach into the setbacks. In all cases, this encroachment must be designed to be the minimum encroachment necessary to allow access to the building and meter. The encroachment for the stairs shall be located as far from the adjacent properties as possible. The maximum width for the stairs and landing is 3-feet clear and the maximum for the meter landing portion is 5-foot clear, unless a greater width is mandated by the Florida Building Code.

(1) One set of stairs, which may include the required meter platform and stairs for meter access, is allowed to encroach into the setbacks. In all cases this encroachment must be designed to be the minimum encroachment necessary to allow access to the building and meter. The encroachment for the stairs shall be located as far from adjacent properties as possible. The maximum width for the stairs and landing is 3-feet clear and the maximum for the meter landing portion is 5-foot clear, unless a greater width is mandated by the Florida Building Code.

(2) To maintain access to existing doors, inclusive of sliding glass doors, one (1) balcony associated with the principal structure may encroach into the required setbacks. The balcony may span the full length of the side of the building facing the yard. The encroachment for the balcony shall be located as far from adjacent properties as possible. The maximum depth of the balcony is five (5) feet measured to the inside edge of the railing, unless a greater depth is mandated by the Florida Building Code. In all cases, the balcony shall maintain a minimum setback of five (5) feet from all property lines.

(b) Existing structure is required to install a new elevated meter. An encroachment to the setbacks provided in sections 68-5413 and 68-561 is allowed specifically when existing structures must install a new elevated meter and meet the floodplain elevation requirements of the Florida Building Code and Chapter 66 of the Code. One set of the stairs for meter access and the required meter platform is allowed to encroach into the setbacks. In all cases this encroachment must be designed to be the minimum encroachment necessary to allow access to the meter. The encroachment for the stairs shall be located as far from adjacent properties as possible. The maximum width for the stairs is 3-feet clear and the maximum for the meter landing portion is 5-foot clear, unless a greater width is mandated by the Florida Building Code.

Secs. 68-545 – 560. Reserved.

ARTICLE IX. ALTERNATE SETBACK SYSTEM

Sec. 68-561. Alternate setback system procedures.

(a) Application and exemptions.

(1) This article shall be the alternative methods of determining all building setback requirements. The section or subsection which results in the greatest amount of setback shall apply for any given property.

(2) The following categories are exempt from the application of the vertical ratio setback system set out in this article:

a. Single-family dwellings, including townhouses;

b. Duplex dwellings;

c. All totally commercial buildings located in the CG zoning districts.

d. All buildings located in the PR-MU Core zoning district.

e. All buildings located in the PR-MU Gulf Blvd. zoning district.

(b) Vertical setback ratio. All buildings, not otherwise excepted exempted from this article, shall be set back from all property lines 30 percent of the height of building above the higher of the natural or finished grade. Notwithstanding this provision, the minimum setback from the waterfront property line on properties bordering the Gulf of Mexico or the public beach shall be five feet.

(c) Properties bordering on the Gulf of Mexico or public beach. For properties bordering on the Gulf of Mexico or public beach, the following additional building setback and open space requirements shall be applicable:

(1) The minimum required setback shall be five feet from the waterfront property line. No construction shall be permitted seaward of the coastal construction control line except by permit from the state department of environmental protection and the city.

(2) Total open space between side lot lines shall be not less than 30 percent of the width of the lot but no less than the minimum designated in the setback chart, article VIII.

(3) Interior open space between buildings or towers shall equal a distance of 30 percent of the combined height above the higher of natural or finished grade of the two structures or towers.

Secs. 68-562—68-570. Reserved.

~~*ARTICLE X. MISCELLANEOUS REGULATIONS*~~

~~Sec. 68-571. Special event permit.~~

~~(a) Application procedure and permitting process for a special event permit on private property or when closing city streets. An applicant shall provide the community improvement department with the following written information and accompanied fee no less than 45 working days prior to the proposed event or activity in support of its application for a permit hereunder:~~

~~(1) Name, address, and contact information of the applicant and a contact person (sponsoring business or organization);~~

~~(2) Location of activities for which permit is sought;~~

~~(3) A notarized letter of permission from the property owner if the location of the special event is being held on private property not owned by the applicant;~~

~~(4) Detailed description of the proposed special event; specific nature and purpose of all activities for which permit is sought; any fees charged to attend the event;~~

~~(5) Specific dates and hours of set-up and tear-down;~~

~~(6) Specific days and hours of activities sought to be permitted;~~

~~(7) Specific location and physical dimensions included in a drawing of any and all:~~

~~a. Structures (existing and temporary);~~

~~b. Event and vendor vehicle parking;~~

~~c. All tents (Note: tents greater than ten feet by ten feet require a tent permit);~~

~~d. Signs and/or banners on site;~~

~~e. Generators;~~

~~f. Stages;~~

~~g. Sound equipment;~~

~~h. Restroom facilities;~~

~~i. Lighting;~~

~~j. Vendors booths;~~

~~k. Ticket booths;~~

~~l. Fencing; or~~

~~m. Any equipment sought to be used in conjunction with activities.~~

~~(8) Further, no permit shall be issued hereunder for the requested special event unless the applicant reasonably establishes that the following concerns have been addressed in a manner that is consistent with the interests of the public health, safety, and general welfare:~~

~~a. Traffic access egress/traffic circulation;~~

~~b. Pedestrian safety;~~

~~c. Sanitation and litter control;~~

~~d. Restroom facilities;~~

e. Event parking (on-site/off-site);

f. Crowd control;

g. Liability insurance;

h. Vendors and their current licensure;

i. Entity responsible for maintenance during event and cleanup following each day of the event;

j. Alcohol control;

k. Temporary signage on or off site; and

j. Location of any street and/or sidewalk closures.

Upon review of the requirements set forth in this section by the community improvement department after consultation with the appropriate city staff, and upon finding that the permitted activity as proposed will not unduly impair the public health, safety or welfare of the city and will minimize any possible disruptions to adjoining or neighboring residents or establishments, a permit shall be granted or granted with conditions unless upon staff's discretion, the special event permit requires city commission approval.

(b) Number per year and duration. Not more than four special event permits in any 12-month period shall be held at the same location. Each event from setup through breakdown shall not exceed nine consecutive days.

(c) Conditions of special event permit approval. In granting a special event permit, the community improvement department may prescribe appropriate conditions and safeguards. Conditions of approval may include, but are not limited to:

(1) Regulations of hours and days;

(2) Requirements/guarantees for cleanup and removal of tents/structures/equipment;

(3) Return of site to its original state within a specified period of time;

(4) Regulation of permit duration;

(5) Regulation of signs and advertising;

(6) Regulation of lighting;

(7) Regulation of public address or sound system;

(8) Regulation of gas, smoke, noise, fumes, vibrations or other nuisances; and

(9) Such other conditions as are deemed necessary to protect the health, safety and welfare of the community.

(d) Permit denials, appeal and notice. If a permit for a special event is denied, written notice of denial shall be given to the applicant. The applicant may appeal the decision to the city commission by giving written notice to the city clerk within 30 calendar days of the decision for denial.

(e) Revocation.

(1) The special event permit may be revoked immediately if in the sole and absolute discretion of the city manager or designee the permittee is in violation of any law or activity that endangers the public health, safety, or general welfare.

~~(2) Any special event permit issued by the community improvement director shall be considered null and void if the operation or activity does not conform to the approved plan or plan of operations.~~

~~(f) Fee. The city commission shall set each fee in appendix A and said fees may be amended from time to time by city commission. All fees are non-refundable.~~

~~Staff will determine if the special event permit will need community improvement department director's approval or city commission approval during a pre-application meeting.~~

~~(g) Exemptions. This section shall not apply to:~~

~~(1) Neighborhood events including, but not limited to, activities such as organized neighborhood yard sales, neighborhood block parties, spaghetti dinners and other similar activities sponsored by neighborhood, civic, non-profit or religious organizations and beach clean-ups.~~

~~(2) City sponsored events, including but not limited to, special beach events, outdoor concerts and movies or outdoor morning markets.~~

~~(3) Other special events to be held at public facilities or recreation areas including the public beach, parks, and bay or gulf. Such activities require permission of the city commission.~~

~~Sec. 68-572. Reserved.~~

Secs. 68-57~~3~~1—68-580. Reserved.

LOCAL PLANNING AGENCY
RESOLUTION NO. 2026-05

A RECOMMENDATION TO THE CITY OF TREASURE ISLAND CITY COMMISSION FOR THE APPROVAL OF AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA AMENDING, REORGANIZING AND RENUMBERING THE DIVISIONS, ARTICLES AND SECTIONS OF CHAPTER 68 "ZONING REGULATIONS" OF THE CITY OF TREASURE ISLAND CODE OF ORDINANCES; CREATING SECTION 68-1 "PURPOSE AND INTENT," CREATING SECTION 68-495 "CERTIFIED RECOVERY RESIDENCES," AND CREATING ARTICLE VI "PARKING AND LOADING DESIGN STANDARDS"; AMENDING SECTIONS 68-191 ZONING DISTRICT PURPOSE, AMENDING 68-195 TO REFERENCE COUNTYWIDE PLAN, AMENDING 68-221 UNLISTED USE DETERMINATIONS, AMENDING 68-222 INTENT OF GENERAL PROVISIONS, AMENDING 68-223 PERFORMANCE STANDARDS, AMENDING 68-226 REORGANIZING IMPERVIOUS SURFACE RATIOS, AMENDING 68-242 PERMITTED USES, AMENDING 68-243 FLOOR AREA, AMENDING 68-244 MAXIMUM DEVELOPMENT POTENTIAL CRITERIA, 68-262 PERMITTED USES, AMENDING 68-264 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS, AMENDING 68-282 PERMITTED USES, AMENDING 68-284 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS, AMENDING 68-302 RFH-50 USES PERMITTED, AMENDING 68-304 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS, AMENDING 68-322 CG (COMMERCIAL) PERMITTED USES, AMENDING 68-324 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS, AMENDING 68-342 R/OS (RECREATION / OPEN SPACE) ZONING DISTRICT PERMITTED USES, AMENDING 68-343 DELEGATING AUTHORITY TO ISSUE SPECIAL PERMITS, AMENDING 68-362 PRESERVATION (P) ZONING DISTRICT PERMITTED USES, AMENDING 68-382 I (INSTITUTIONAL) ZONING DISTRICT PERMITTED USES, AMENDING 68-383 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS, AMENDING 68-402 T/U (TRANSPORTATION/UTILITY) ZONING PERMITTED USES, AMENDING 68-403 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS, AMENDING 68-410.02 PR-MU CORE

(DOWNTOWN REDEVELOPMENT) ZONING DISTRICT PERMITTED USES, AMENDING 68-410.61 EXTERIOR LIGHTING CROSS REFERENCE, AMENDING 68-512 NONCONFORMING COMMERCIAL USE REGULATION, AND AMENDING 68-561 ALTERNATIVE SETBACK SYSTEMS TOWNHOUSES; REPEALING, REPLACING, OR RENUMBERING REQUIREMENTS CURRENTLY IN THESE ARTICLES: ARTICLE II "ADMINISTRATION AND ENFORCEMENT" (SECTIONS 68-31 THROUGH 68-35), ARTICLE III "AMENDMENT PROCEDURE" (SECTIONS 68-121 THROUGH 68-125 AND 68-127 THROUGH 68-150), ARTICLE IV "CONCURRENCY MANAGEMENT SYSTEM" (SECTIONS 68-151 THROUGH 68-160), AND ARTICLE X "MISCELLANEOUS REGULATIONS" (SECTIONS 68-571 THROUGH 68-572); AMENDING SECTION 68-2 DEFINITIONS; AMENDING DIVISION 11 (DOWNTOWN REDEVELOPMENT) PR-MU CORE AND PR-MU GULF BLVD. ZONING DISTRICTS BY RENUMBERING AND AMENDING THE FOLLOWING SECTIONS: SECTION 68-410.06 SPECIAL EXCEPTION USES; SECTION 68-410.07 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS; SECTION 68-410.08 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS; SECTION 68-410.10 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS; SECTION 68-410.09 SETBACKS AND GROUND-LEVEL DESIGN STANDARDS; SECTION 68-410.31; PERMITTED PRINCIPAL USES; SECTION 68-410.36 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS; SECTION 68-410.38 SETBACKS AND GROUND-LEVEL DESIGN STANDARDS; SECTION 68-454 NON CONFORMING LOTS; SECTION 68-457 LOT WIDTH; SECTION 68-458 INTERSECTION AND DRIVEWAY VISIBILITY; SECTION 68-459 REDUCTION OF LOT AREA; SECTION 68-460 MAXIMUM COVERAGE; SECTION 68-461 YARD REGULATIONS; SECTION 68-464 SATELLITE ANTENNA REGULATION; SECTION 68-465 TELECOMMUNICATION TOWERS AND ANTENNAS; SECTION 68-486 OFF-STREET PARKING; SECTION 68-490 RESIDENTIAL TOWNHOUSE USES; SECTION 68-493 HOME OCCUPATIONS; SECTION 68-514 PLACEMENT OF UTILITIES; SECTION 68-541 SETBACK CLASSIFICATIONS; SECTION 68-542 ALLOWABLE ENCROACHMENTS; RENUMBERING THE

FOLLOWING SECTIONS 68-126, 68-410.03, 68-410.05, 68-410.30, 68-410.32 THROUGH 68-410.35, 68-410.37, 68-410.39, 68-410.40, 68-410.41, 68-410.68, 68-431, 68-451, 68-462, 68-463, 68-466, 68-482 THROUGH 68-489, 68-491, 68-492, 68-494, 68-495, 68-496, 68-513, AND 68-487; RENUMBERING ARTICLES V THROUGH VII AS ARTICLES II THROUGH IV; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Treasure Island ("City") has undertaken a comprehensive review and update of Chapter 68 "Zoning Regulations" of the City Code of Ordinances and Land Development Regulations ("Code") to improve the clarity, organization, internal consistency, and usability of the City's zoning regulations; and

WHEREAS, the update reorganizes Chapter 68 by repealing provisions that are obsolete, redundant, or otherwise addressed by other provisions of the Code or by state law; consolidating related regulations; renumbering and relocating sections into an orderly sequence; and amending regulations to reflect current law, practice, and the goals and policies of the City's Comprehensive Plan; and

WHEREAS, the administration and enforcement provisions formerly located in Article II of Chapter 68 (Sections 68-31 through 68-35) and the concurrency management provisions formerly located in Article IV of Chapter 68 (Sections 68-151 through 68-160) are being reestablished, as revised, in a new Chapter 61 "Procedures" of the Code, adopted by a separate ordinance, and are accordingly repealed from Chapter 68; and

WHEREAS, the specific amendments, repeals, additions, and renumbering are set forth in the strikethrough and underline document entitled "Chapter 68 - Zoning Regulations," attached hereto and incorporated herein as Exhibit A, in which stricken text is deleted and underlined text is added; and

WHEREAS, the off-street parking and off-street loading regulations formerly located in Sections 68-486 and 68-487 are relocated to a new Article VI "Parking and Loading Design Standards" as Sections 68-541 and 68-542; and

WHEREAS, Section 163.3174, Fla. Stat., provides for the establishment of a “local planning agency”; and

WHEREAS, Section 163.3174, Fla. Stat., describes the duties and responsibilities of a Local Planning Agency, which include preparing and making recommendations of comprehensive plan amendments and proposed land development regulation amendments; and

WHEREAS, on August 20, 2026, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed amendments provided herein and found the amendments consistent with the Treasure Island Comprehensive Plan and its elements; and

WHEREAS, on August 20, 2026, the Planning and Zoning Board, sitting as the Local Planning Agency, held a public hearing on Ordinance 2026-17 amending Chapter 68 "Zoning Regulations", and has considered the information received at said public hearing; and

WHEREAS, on July 16, 2026, the Planning and Zoning Board, sitting as the Local Planning Agency, recommended approval of Ordinance 2026-17 to the City Commission; and

NOW, THEREFORE, BE IT RESOLVED by the Local Planning Agency of the City of Treasure Island, Florida, in a public meeting assembled:

The City of Treasure Island Local Planning Agency hereby transmits to the City Commission the proposed amendments to the Land Development Regulations, as set forth in Exhibit "A", Ordinance 2026-17, with the recommendation to approve said amendments.

PASSED AND DULY ADOPTED BY THE CITY OF TREASURE ISLAND LOCAL PLANNING AGENCY, ON THE 20th DAY OF AUGUST 2026.

TREASURE ISLAND LOCAL PLANNING AGENCY

_____ _____

Richard Harris, Chair Date
Local Planning Agency

ATTEST:

_____

Lisa-Marie V. Kennedy, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

_____

Vose Law Firm, City Attorney

City of Treasure Island
Business Impact Estimate

Proposed ordinance's title/reference:

ORDINANCE 2026-17

AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA AMENDING, REORGANIZING AND RENUMBERING THE DIVISIONS, ARTICLES AND SECTIONS OF CHAPTER 68 "ZONING REGULATIONS" OF THE CITY OF TREASURE ISLAND CODE OF ORDINANCES; CREATING SECTION 68-1 "PURPOSE AND INTENT," CREATING SECTION 68-495 "CERTIFIED RECOVERY RESIDENCES," AND CREATING ARTICLE VI "PARKING AND LOADING DESIGN STANDARDS"; AMENDING SECTIONS 68-191 ZONING DISTRICT PURPOSE, AMENDING 68-195 TO REFERENCE COUNTYWIDE PLAN, AMENDING 68-221 UNLISTED USE DETERMINATIONS, AMENDING 68-222 INTENT OF GENERAL PROVISIONS, AMENDING 68-223 PERFORMANCE STANDARDS, AMENDING 68-226 REORGANIZING IMPERVIOUS SURFACE RATIOS, AMENDING 68-242 PERMITTED USES, AMENDING 68-243 FLOOR AREA, AMENDING 68-244 MAXIMUM DEVELOPMENT POTENTIAL CRITERIA, 68-262 PERMITTED USES, AMENDING 68-264 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS, AMENDING 68-282 PERMITTED USES, AMENDING 68-284 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS, AMENDING 68-302 RFH-50 USES PERMITTED, AMENDING 68-304 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS, AMENDING 68-322 CG (COMMERCIAL) PERMITTED USES, AMENDING 68-324 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS, AMENDING 68-342 R/OS (RECREATION / OPEN SPACE) ZONING DISTRICT PERMITTED USES, AMENDING 68-343 DELEGATING AUTHORITY TO ISSUE SPECIAL PERMITS, AMENDING 68-362 PRESERVATION (P) ZONING DISTRICT PERMITTED USES, AMENDING 68-382 I (INSTITUTIONAL) ZONING DISTRICT PERMITTED USES, AMENDING 68-383 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS, AMENDING 68-402 T/U (TRANSPORTATION/UTILITY) ZONING PERMITTED USES, AMENDING 68-403 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS, AMENDING 68-410.02 PR-MU CORE (DOWNTOWN REDEVELOPMENT) ZONING DISTRICT PERMITTED USES, AMENDING 68-410.61 EXTERIOR LIGHTING CROSS REFERENCE, AMENDING 68-512 NONCONFORMING COMMERCIAL USE REGULATION, AND AMENDING 68-561 ALTERNATIVE SETBACK SYSTEMS TOWNHOUSES; REPEALING, REPLACING, OR RENUMBERING REQUIREMENTS CURRENTLY IN THESE ARTICLES: ARTICLE II "ADMINISTRATION AND ENFORCEMENT" (SECTIONS 68-31 THROUGH 68-35), ARTICLE III "AMENDMENT PROCEDURE" (SECTIONS 68-121 THROUGH 68-125 AND 68-127 THROUGH 68-150),

ARTICLE IV "CONCURRENCY MANAGEMENT SYSTEM" (SECTIONS 68-151 THROUGH 68-160), AND ARTICLE X "MISCELLANEOUS REGULATIONS" (SECTIONS 68-571 THROUGH 68-572); AMENDING SECTION 68-2 DEFINITIONS; AMENDING DIVISION 11 (DOWNTOWN REDEVELOPMENT) PR-MU CORE AND PR-MU GULF BLVD. ZONING DISTRICTS BY RENUMBERING AND AMENDING THE FOLLOWING SECTIONS: SECTION 68-410.06 SPECIAL EXCEPTION USES; SECTION 68-410.07 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS; SECTION 68-410.08 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS; SECTION 68-410.10 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS; SECTION 68-410.09 SETBACKS AND GROUND-LEVEL DESIGN STANDARDS; SECTION 68-410.31; PERMITTED PRINCIPAL USES; SECTION 68-410.36 MAXIMUM DEVELOPMENT POTENTIAL STANDARDS; SECTION 68-410.38 SETBACKS AND GROUND-LEVEL DESIGN STANDARDS; SECTION 68-454 NON CONFORMING LOTS; SECTION 68-457 LOT WIDTH; SECTION 68-458 INTERSECTION AND DRIVEWAY VISIBILITY; SECTION 68-459 REDUCTION OF LOT AREA; SECTION 68-460 MAXIMUM COVERAGE; SECTION 68-461 YARD REGULATIONS; SECTION 68-464 SATELLITE ANTENNA REGULATION; SECTION 68-465 TELECOMMUNICATION TOWERS AND ANTENNAS; SECTION 68-486 OFF-STREET PARKING; SECTION 68-490 RESIDENTIAL TOWNHOUSE USES; SECTION 68-493 HOME OCCUPATIONS; SECTION 68-514 PLACEMENT OF UTILITIES; SECTION 68-541 SETBACK CLASSIFICATIONS; SECTION 68-542 ALLOWABLE ENCROACHMENTS; RENUMBERING THE FOLLOWING SECTIONS 68-126, 68-410.03, 68-410.05, 68-410.30, 68-410.32 THROUGH 68-410.35, 68-410.37, 68-410.39, 68-410.40, 68-410.41, 68-410.68, 68-431, 68-451, 68-462, 68-463, 68-466, 68-482 THROUGH 68-489, 68-491, 68-492, 68-494, 68-495, 68-496, 68-513, AND 68-487; RENUMBERING ARTICLES V THROUGH VII AS ARTICLES II THROUGH IV; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes.

Question 1. Does the proposed ordinance meet one or more of the exceptions listed below? If so, then please check the applicable exception below and move to Question 2. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by section 166.041(4), Florida Statutes, for the proposed ordinance. If there is no applicable exception, proceed with completing the business impact estimate at Question 3.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:

a. Development orders and development permits, as those terms are defined in section 163.3164, Florida Statutes, and development agreements, as authorized by the Florida Local Government Development Agreement Act under sections 163.3220-163.3243, Florida Statutes;
b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the City;
c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Question 2. Based on the exception you selected above and in accordance with the provisions of the controlling law, please provide an explanation below of why the ordinance meets the exception(s).

N/A

Question 3. If there is no applicable exception, proceed with completing the below Business Impact Estimate. This Business Impact Estimate may be revised following its initial posting. In accordance, the City hereby publishes the following information:

A. Summary of the proposed ordinance (must include a statement of the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals and welfare of the City):

The purpose of the ordinance is to ensure consistency of the Land Development Regulations with the City's adopted comprehensive plan. The ordinance additionally improves the structure and administration of the Land Development Regulations by generally making amendments that increase brevity of existing regulations and address identified errors or inconsistencies found throughout the existing code. The ordinance supports the general welfare of the City by ensuring clear development regulations that are consistent, accessible, and reflective of the City's Comprehensive Plan.

B. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the city, including the following, if any: N/A

(1) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted; N/A
(2) Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible; N/A
(3) An estimate of the City's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs. N/A
(4) Any other direct economic impacts of the proposed ordinance on private, for-profit businesses in the City that are not covered by (1), (2), or (3): N/A

C. Good faith estimate of the number of businesses likely to be impacted by the ordinance: N/A

D. Additional information the governing body deems useful (if any): N/A

AGENDA ITEM NO. 6.C

Item Cover Page

LOCAL PLANNING AGENCY AGENDA ITEM REPORT

DATE: August 20, 2026

SUBMITTED BY: Braydon Evans, Community Development

ITEM TYPE: Presentations

AGENDA SECTION: PRESENTATION OF ITEMS

SUBJECT: Review of Ordinance 2026-18 - Chapter 72, Landscaping

BACKGROUND:

As part of the City's comprehensive update to its Land Development Regulations, the Landscaping chapter has been reviewed and revised to ensure consistency with the City's adopted Comprehensive Plan and relevant state statutes.

This update addresses landscaping-related conflicts and discrepancies identified by City staff during administration of the current regulations and integrates corrections into the proposed amendments as part of this update. These amendments additionally aim to further promote Florida-Friendly Landscape principles, native vegetation, and water conservation without inhibiting creative landscape design, construction, cost, or management.

The ordinance further reorganizes the chapter to improve the brevity and clarity of standards for both staff review and applicant compliance, elaborating upon existing regulations, and establishing new definitions as needed aligning with terminology throughout the Land Development Regulations.

POLICY/PURPOSE: These amendments are intended to ensure the City's landscaping standards are legally consistent with the Comprehensive Plan, administratively workable, and clearly understood by those applying and enforcing them.

STRATEGIC PLAN RELEVANCE:	Bold Action 1: Perform a review of local ordinances and Land Development Regulations Bold Action 2: Update the City's Comprehensive Plan, local ordinances and Land Development Regulations
ANALYSIS/DISCUSSION:	The proposed amendments included in this ordinance were developed over an approximately 24-month timeline through contracted services with Kimley-Horn as land use planning consultants. The project extended beyond the initially anticipated schedule due to staffing impacts resulting from the 2024 hurricane season. This effort has culminated in four proposed amendments to the Land Development Regulations; the intent of these amendments has remained limited to addressing consistency, clarity, and compliance throughout the Code. Amendments to this chapter include the reorganization and restructuring of various sections, the addition of simplified language, and updated landscaping principles which preserve native vegetation and water conservation without inhibiting creative design, construction cost, or other development variables.
FUNDING:	No further funding is required for this phase of the project.
MOTION:	I move to approve Resolution 2026-06 recommending approval of Ordinance 2026-18 to the City Commission.

ATTACHMENTS:
Final Ordinance 2026-18 Chapter 72 Landscaping.pdf
Res 2026-06 Ord 2026-18 Chapter 72 Landscaping.pdf
Business Impact Estimate - Ord 2026-18.pdf

ORDINANCE 2026-18

AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, AMENDING CHAPTER 72 "RESOURCES; VEGETATION, AND ENVIRONMENTALLY SENSITIVE LANDS" OF THE LAND DEVELOPMENT REGULATIONS, BY AMENDING AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, AMENDING CHAPTER 72, "LANDSCAPING," OF THE CODE OF ORDINANCES; AMENDING SECTIONS 72-1, 72-2, 72-31 THROUGH 73-37, 73-39 THROUGH 72-45, 72-91, 72-111 THROUGH 72-117, 72-142, THROUGH 72-144, SECTIONS 72-162, THROUGH 72-164 TO REVISE DEFINITIONS, LANDSCAPING REQUIREMENTS, TREE PROTECTION STANDARDS, DEVELOPMENT REVIEW PROCEDURES, AND MAINTENANCE REQUIREMENTS; CREATING SECTIONS 72-112, TREE REMOVAL EXEMPTIONS, AND 72-113, TREE REPLACEMENT; REORGANIZING AND MODERNIZING LANDSCAPING AND TREE PROTECTION REGULATIONS; PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICT, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the Treasure Island is authorized to adopt and amend land development regulations pursuant to Chapter 163, Florida Statutes; and

WHEREAS, Chapter 72 of the City Code establishes landscaping, tree protection, buffering, irrigation, and site landscaping standards intended to preserve community character, protect natural resources, improve aesthetics, enhance resiliency, and promote the public health, safety, and welfare; and

WHEREAS, the City has undertaken a comprehensive review of Chapter 72 in order to modernize landscaping and tree protection regulations and improve the organization, clarity, consistency, and administration of such regulations; and

WHEREAS, the City Commission finds that portions of the existing Chapter 72 contain outdated terminology, duplicative provisions, inconsistent standards, and references that would benefit from clarification, reorganization, and alignment with current professional practices and applicable state law; and

WHEREAS, the amendments contained herein are intended to promote the use of native species, Florida-Friendly Landscaping™, drought tolerant vegetation, shoreline stabilization practices, sustainable irrigation practices, and resilient landscaping standards appropriate for a coastal barrier island community; and

WHEREAS, the amendments further update standards relating to vehicular use area landscaping, perimeter buffers, interior landscaping, tree protection, tree replacement, prohibited species, right-of-way planting, and maintenance obligations in order to provide clearer and more effective development standards; and

WHEREAS, the City Commission finds that the amendments improve internal consistency between landscaping standards, tree protection regulations, development review procedures, and related provisions of the City's Land Development Regulations; and

WHEREAS, the amendments are further intended to provide clearer guidance to property owners, residents, contractors, developers, City staff, advisory boards, and the public regarding landscaping requirements, tree removal procedures, replacement obligations, and maintenance responsibilities; and

WHEREAS, the City Commission finds that the amendments contained herein are consistent with the goals, objectives, and policies of the City's Comprehensive Plan, including policies relating to environmental stewardship, resiliency, coastal resource protection, sustainability, and community appearance; and

WHEREAS, the Planning and Zoning Board, acting as the Local Planning Agency for the City of Treasure Island, conducted a duly noticed public hearing on the proposed amendments and reviewed the Ordinance for consistency with the Comprehensive Plan.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF TREASURE ISLAND:

Section 1. The recitals set forth above are true and correct and adopted herein by reference as legislative findings by the City Commission of the City of Treasure Island, Florida, for the adoption of this Ordinance.

Section 2. Chapter 72 of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended and shall read as shown in the attached Exhibit A:

(Underlined terms are additions; ~~stricken~~ terms are deletions from the original text)

Section 3. All ordinances in conflict herewith are repealed to the extent necessary to give this ordinance full force and effect.

Section 4. Should any section, paragraph, clause, sentence, item, word or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part hereof, not so declared to be invalid.

Section 5. It is the intent of the City Commission that the provisions of this Ordinance shall become codified and made a part of the Code of Ordinances of the City of Treasure Island, Florida, and the sections cited in this Ordinance may be renumbered, reformatted or re-lettered to accomplish such intention.

Section 6. This Ordinance shall become effective immediately upon its passage.

CITY OF TREASURE ISLAND, FLORIDA

FIRST READING and PUBLIC HEARING on the ____ day of _____, 2026.

SECOND READING and PUBLIC HEARING on the ____ day of _____, 2026.

PUBLISHED in the Tampa Bay Times on the ____ day of _____, 2026.

_____
John Doctor, Mayor

Attest:

_____
Lisa-Marie V. Kennedy, Clerk

Approved as to Form:

_____
Vose Law Firm, City Attorney

EXHIBIT A

Chapter 72 ~~RESOURCES; VEGETATION~~ LANDSCAPING, TREES ~~PROTECTION~~ AND ENVIRONMENTALLY SENSITIVE LANDS

ARTICLE I. IN GENERAL

Sec. 72-1. Intent and purpose.

(a) It is the legislative intent of this section to establish minimum standards for the installation and maintenance of trees and landscaping in the City to protect and preserve the appearance, character, value and safety of the city's urban area and nearby properties and, by so doing, promote the general welfare of the community. It is also the intent of this section to encourage the use of Florida-Friendly Landscape principles and native vegetation to promote environmental quality and conserve water without inhibiting creative landscape design, construction, or management.

~~(b) The purpose is to improve the appearance of properties within the city through the protection, installation, and maintenance of trees and landscaping for screening and aesthetic effects, and to recognize the importance of such trees and landscaping, in the enhancement of property values, the improvement of air quality, and their contribution to the cooling of our environment. It is also recognized that native tree and landscape species are most compatible with the city's climate and soil conditions, require less irrigation and fertilization than do exotic species, and therefore help to conserve water and reduce the pollution in stormwater runoff, which in turn helps to maintain the water quality of Boca Ciega Bay and the Gulf of Mexico. Therefore, the use of native tree and landscape species, and removal of exotic trees and vegetation, is strongly encouraged. The planting of exotic trees and vegetation is to be generally prohibited.~~

(b~~c~~) ~~Topography, flooding characteristics, soil conditions, and the existence of wetlands or other areas containing protected species or habitats are among the factors which make some areas environmentally sensitive.~~ In order to protect environmentally sensitive lands, it may be necessary to prohibit development, or limit the allowable density and intensity of development, in these areas. Protection of environmentally sensitive land promotes the well being of the residents of the city because they perform vital functions, such as providing habitat for fish, birds, mammals, and reptiles. Protection of environmentally sensitive land also results in the protection of community recreation opportunities, such as fishing, nature observation, and photography, as well as the protection of aesthetics and property values.

Sec. 72-2. Definitions.

The following words, terms and phrases when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Caliper is used to measure the diameter of a tree's trunk when it's being sold at a nursery. The measurement is taken at a uniform height, 12 inches above the ground, to distinguish it from DBH. For smaller trees with a diameter of up to four inches, the measurement can be taken at six inches above the ground.

Coastal construction control line means the line established by the State of Florida pursuant to F.S. § 161.053 and recorded in the official records of the City.

Commercial nursery or *tree farm* means a licensed plant or tree farm which plants, grows and cultivates plants or trees for the sale or intended sale of such plants and trees to the general public in the ordinary course of such licensee's business.

Crown means the main mass of branching of a plant above the ground.

Diameter at Breast Height (DBH) ~~means the diameter at breast height. "Breast height" is defined to be 54 inches above the surface of the ground at the base of the plant or tree. In the case of a tree with multiple main stems, the diameter shall be the sum of the diameters of the stems. .~~ is used to measure a tree's diameter at maturity. The measurement is taken at the height of the tree measured at 54 inches above the ground.

Drip line means ~~the outermost perimeter of the crown of a plant as projected vertically to the ground. See Figure 1-A.~~ an imaginary, perpendicular line that extends downward from the outermost tips of the tree branches to the ground.

Florida-Friendly Landscape means the principles of Florida-Friendly Landscaping include planting the right plant in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of stormwater runoff, and waterfront protection. Additional components include practices such as landscape planning and design, soil analysis, the appropriate use of solid waste compost, minimizing the use of irrigation, and proper maintenance.

Grand tree means any tree measured to have a diameter at breast height of 28 inches or greater. This shall not include any invasive, exotic, or nuisance plant species as identifies by the Florida Invasive Species Council (FISC)

Green Utility means a dedicated municipal account used to receive donations or fees paid in lieu of re-planting trees after a tree-removal permit has been issued, as authorized under Section 72-111.

Grubbing means the effective removal of vegetation, other than defined trees, from the site.

Hedge means a continuous ~~dense~~ row of shrubs planted closely together, ~~or bushes~~ forming a boundary.

~~*Land-clearing stage* means a stage in the construction process in which trees and/or vegetation are removed from the land, i.e., proposed right-of-way excavation and paving, lake and drainage systems excavation; utility clearings, grubbings and prebuilding construction projects.~~

Landscape area or ~~*green space*~~ *planting area* means an area or areas including beautification strips, consisting of those materials, such as, but not limited to hedges, trees, planted ground cover, sodded and grassed areas and planted floral installations, all of which must be composed of natural plantings only, as distinguished from artificially manufactured planting reproductions.

Mangrove means rooted trees and seedlings of the following species, but only when having a coastal or estuarine association:

Red Mangrove (Rhizophora mangle L.).

White Mangrove (Laguncularia racemosa Gaertn.).

Black Mangrove (Avicennia germinans (L) L.).

Buttonwood Mangrove (Conocarpus erecta L.).

Overall height (OH) means the height, in feet, of a tree measured from the top of the root ball/system to the top of the uppermost foliage branches.

Protected Root Zone (PRZ) means the area of soil extending from the tree trunk where roots required for future tree health and survival are located. This area can also be defined as a circle with a minimum radius of 1' for every 1'' in trunk diameter at 4.5' above ground.

Protected tree ~~means any tree that has a DBH of more than six~~ four ~~inches, and which is not otherwise exempted from this Code. For the purpose of this Code, all mangroves are hereby declared to be protected trees.~~ means any tree over four (4) inches DBH. This shall not include any invasive, exotic, or nuisance plant species as identifies by the Florida Invasive Species Council (FISC)

Remove, or removal (of Tree), ~~replanting or replacement~~ means the act of digging up, cutting down, damaging, destroying~~, relocating,~~ or killing any tree.

Replanting or Replacement (of Tree) means the act of installing a new tree or relocating an existing tree to a site, whether on the same parcel or another, to restore canopy coverage, comply with landscape requirements, or mitigate the removal of a previously existing tree

Shrub means a low-growing perennial, woody or evergreen plant with persistent stem.

~~*Species of trees* means and applies to trees possessing common distinctive characteristics and the ability to reproduce these characteristics.~~

Transplant means the act of digging up a tree from one location and planting the same tree in another place.

Tree means a self-supporting woody plant having one or more well-defined trunks capable of being maintained with a clear trunk and normally growing to an overall height at maturity in the county of a minimum of 15 feet. For the purpose of this definition, palms shall be considered trees.

~~*Tree bank* means the storage for future use of trees permitted for removal under the terms of this chapter which are donated to the city for its use.~~

~~*Tree cluster* means two or more primary tree trunks that are within three feet of one another.~~

Tree, historic means a tree which has been found by a certified professional forester, horticulturist or ~~other professional plantsman~~ licensed arborist or landscape architect to be of notable historic interest to the city and/or county, because of its age, type, size or historic association and has been so designated by resolution of the city commission of the city.

Tree protection zone means a circular zone around each protected tree defined as follows:

(1) If the drip line is less than six feet from the trunk of the tree, the zone shall be that area within a radius of six feet around the tree.

(2) If the drip line is more than six feet from the trunk of the tree, but less than 20 feet, the zone shall be that area within a radius of the full drip line around the tree.

(3) If the drip line is 20 feet or more from the trunk of the tree, the zone shall be that area within a radius of 20 feet around the tree.

Tree shade/canopy means an evergreen or deciduous tree that can be maintained with a clear trunk of not less than six feet and with a spreading branching structure of at least 15 feet and opaque foliage habit such that a reasonably dense shade pattern is provided during peak

daylight hours in the late spring, summer and early fall months of the year. For the purposes of this chapter, palms shall not be considered shade/canopy trees.

Tree, specimen means a tree which has been determined by the judgment of a certified professional forester, horticulturist ~~or other professional~~ , licensed arborist or landscape architect ~~plantsman~~ to be of high value because of its type, size, age or other professional criteria, and has been so designated by resolution of the city commission of the city.

Vehicular use area means an ~~open area used for the storage of four or more vehicles, including the accessways to such area.~~ area used for the outdoor parking, circulation, and/or maneuvering of any vehicles. "Vehicular use area" shall include loading docks/spaces/drive aisles, fire lanes, service drives, and any other vehicular accessways located inside the parcel.

~~FIGURE 1-A~~

~~DRIPLINE~~

~~Sec. 72-3. Planting in rights-of-way or near utilities.~~

~~(a) It shall be unlawful to plant trees, bushes and/or hedges with deep or widespread root systems over, upon or within ten feet of the paved portion of the city owned rights-of-way or easements. It shall also be unlawful to plant trees, bushes and/or hedges with deep or widespread root systems within ten feet of any city-owned underground sewer lines.~~

~~(b) Trees may be planted in the city rights-of-way provided the following conditions are met:~~

~~(1) A permit shall be obtained from the building department.~~

~~(2) Trees shall conform to city ordinances as outlined in this chapter, or as otherwise specified by resolution of the city commission. Other plantings may be authorized or restricted by resolution of the city commission.~~

~~(3) Palm trees shall not exceed 15 feet in height at maturity.~~

~~(4) Trees, other than those specifically referred to in subsection (b)(2) of this section, shall be planted no closer than one-half the mature canopy from utility poles, neighboring trees or the curbline of the street.~~

~~(5) Trees must not be planted in areas which will cause obstruction to the view of motorists when exiting driveways or approaching intersections.~~

~~(6) Residents are required to maintain trees planted in the right-of-way adjacent to their property. Such maintenance shall include removal when required.~~

~~(7) The city shall not be responsible for tree damage caused by utility or street maintenance.~~

~~(8) It shall be unlawful to plant trees, bushes and/or hedges within five feet of overhead electrical lines.~~

~~Sec. 72-4. Hazardous conditions.~~

~~(a) It shall be unlawful for the owner or occupant of any property to permit to remain upon property any tree or tree branch or other growth that is in danger of falling upon any public way or upon property owned or occupied by another or when the same creates and constitutes a hazard to the life or limb of any person or persons.~~

(b) When it shall be determined by the city that any existing trees, plants or hedges upon private property or public rights-of-way or easements contiguous to such private property are causing hazardous conditions to any underground sewer, water or electrical lines, or overhead electrical or telephone wires, it shall forthwith give notice to the property owner upon whose property or right-of-way or easement such hazard exists, that such trees, plants or hedges shall be removed within a time certain as designated in such notice.

(c) The notice hereby required shall be served as follows:

(1) By personal delivery to the owner; or

(2) By delivery to a person at least 18 years of age within the household of the owner;

(3) By affixing a copy of the notice in a conspicuous place near the entry to such premises; or

(4) By mailing by certified mail a copy of the notice to the last known address of the owner.

(d) If a person who has been served with notice to remove trees, plants or hedges which constitute the hazardous conditions described herein from private property, rights-of-way or easements shall fail to comply within the specified time, the city shall remedy the conditions, or contract with others to remedy such conditions; and the cost thereof shall be charged against the owner of such property.

(e) If the cost of remedying such conditions is not paid within 30 days after receipt of the statement therefor from the city, the amount thereof shall become and constitute a lien and charge against the real property with interest.

(f) The lien imposed by this section shall be a first and prior lien against the property subject only to the lien for taxes imposed by the county and the state, and shall be of the same character as the lien for municipal taxes and assessments. If the lien is not paid within 180 days from its effective date, the lien may be enforced in the same manner as delinquent ad valorem tax liens or special assessment liens and shall be certified by the director of finance to the city attorney for collection.

Sec. 72-5. Exemption from county ordinance.

The city does hereby exclude and exempt itself from the provisions of any county ordinance regarding the planting or removal of trees or other vegetation.

Sec. 72-6. Variances.

Where strict adherence to the provisions of this chapter is impossible or impractical to enforce, the planning and zoning board may authorize a variance if such a variance can be made without destroying the intent of this chapter. Any request for a variance to the provisions of this chapter shall be submitted in writing to the planning and zoning board and shall clearly and in detail state what adjustment of requirements is being requested and the reason such adjustment is warranted. The appeal shall be accompanied by a processing fee as set by the city commission in appendix A.

Secs. 72-37—72-30. Reserved.

ARTICLE II. LANDSCAPING

Sec. 72-31. Subject areas.

All ~~vehicular use~~ areas, except those located on, under or within buildings, and except lots less than 6,000 square feet for single-family, and duplex uses, shall conform to the minimum landscaping requirements hereinafter provided. "~~Vehicular use areas" shall include all areas used for the parking, circulation and/or display of any and all types of vehicles, boats or heavy construction equipment, or other machinery capable of movement over streets and highways, whether self-propelled or not, and all areas upon which such vehicles traverse as a function of the primary use of the related structures or property. This shall include, but is not limited to, activities of a drive-in nature, such as service stations, convenience stores, banks, restaurants and the like. The requirements set forth herein shall also apply to additions to existing vehicular use areas.~~ These standards shall also apply to expansions or modifications of existing developed areas where landscaping is required to maintain aesthetic quality environmental function and compatibility with adjacent uses.

Sec. 72-32. Application of article.

All uses of land and development thereof, except~~ing~~ single-family dwellings and duplex dwellings on lots of 6,000 square feet or less, shall be required to comply with the provisions of this article, as contained herein, prior to obtaining a building permit.

(a) Existing sites not meeting the requirements contained in this article shall be brought into full compliance under one or more of the following conditions:

(1) If proposed construction activity or change in use area requires the installation of additional parking spaces.

(2) If an existing structure is increased in covered floor area by ten percent or greater.

(3) If an amendment is required to an existing final site plan.

(b) However, in the event that such compliance would prohibit required parking areas from meeting the minimum off-street parking requirements, as set forth in other sections of this Code then the requirements of this Article may be adjusted, first modifying the requirements of the interior landscaping requirements portion and, if minimum off-street parking requirements still cannot be met, then modifying the requirements of the perimeter landscaping portion.

(c) The requirements for the responsibility of the owner, tenant or agent for the maintenance of parkway and right-of-way outside the property line contiguous to the site, as set forth herein, shall become immediately effective and applicable to all existing developed properties upon passage of this article.

(d) If the requirements of this article conflict with other ordinances of the city, state, or federal regulations, the more stringent limitation or requirement shall prevail to the extent of the conflict.

Sec. 72-33. Development requiring approval.

(a) All uses of land and development thereof, excepting single-family dwellings and duplex dwellings on lots of 6,000 square feet or less, where off-street parking and open lot sales, display and services are provided, except within buildings, shall comply with the provisions of this article, and the developer shall submit required information for review and approval.

(b) All property within existing paved vehicular use areas on the effective date of the ordinance from which this article was derived shall not be required to conform to provisions of this article unless reconstruction or expansion of improvements on the property requires a site plan approval in accordance with the city site plan review as set forth in ~~chapter 70, article II~~ section 61-82.

Sec. 72-34. Application for approval—Submission requirements.

An application for landscape approval in accordance with the requirements of this article shall be accompanied by the following information and processed by the city only after the following procedural requirements have been complied with:

(1) ~~Eighteen copies of all plans and required supporting documentation together with A~~an application signed by the owner of record shall be submitted ~~to the city manager's office~~. Each application shall be accompanied by the application fee as set by the city commission in appendix A, and no application will be accepted nor a review conducted until the fee is paid to the city.

(2) All ~~paved area~~ signed and sealed landscape plans shall be prepared at a scale not smaller than one inch equals 50 feet ~~and shall be submitted on sheets 24 by 36 inches~~.

(3) All ~~paved area~~ signed and sealed landscape plans submitted for review and approval shall include the following information:

a. The shape and dimensions of the lot or parcel;

b. All existing and proposed parking spaces, access aisles, driveways, sidewalks, wheel stops, curbs and other vehicular use controls;

c. The location of existing and proposed curb and/or driveway cuts and median openings;

d. The distance between curb cuts including the distance from any curb cuts on adjacent property;

e. Existing and proposed lighting and irrigation systems, planting areas and decorative or screen walls. Planting areas must indicate the quantity, spacing, size and name of proposed plant material. An exterior elevation and wall section shall be provided for any decorative or screen wall indicated on the plan.

f. If the proposed landscape plan alters the previously approved drainage plan then a drainage plan meeting the requirements of Chapter 76 will be required; and

g. The existing trees to remain on site.

Sec. 72-35. ~~Same—~~Submission and review procedures.

(a) An application for landscape approval in accordance with the provisions of this article shall be made to the city prior to or concurrent with an application for a building permit. The ~~paved area~~ landscape plan shall be submitted with the site plan review application and serve to comply with the site plan review application requirement for landscaping. If site plan review is not required then a landscape plan shall be submitted with the building permit.

(b) Upon receipt of an application for landscape approval, the city shall have five working days to determine its appropriateness and completeness and accept or reject the application.

Upon acceptance of such application, the review process shall be a component of and concurrent with a site plan review application. The review period, procedures and approval shall be in conformance with those provisions of the site plan review application.

Sec. 72-36. ~~Same—~~Findings.

The granting of approval or granting of approval with conditions and/or changes by the planning and zoning board shall indicate not only the approval conclusion, but also findings of fact related to the specific proposal and shall set forth with particularity compliance with the criteria set forth in sections 72-33 and 72-34.

Sec. 72-37. ~~Same—~~Exceptions for landscape plans.

Applicants required to submit a proposed development for site plan review and approval before obtaining a building permit shall be entitled to demonstrate, by submission of the requirements of the site plan review, that an improvement or betterment of the environment can be accomplished over the existing site conditions if such landscaping plan is carried out in full. For redevelopment projects which are limited in size, scale or other limiting conditions, staff may accept an alternative landscape plan which in their determination meets the intent of the chapter, and if ~~I~~f such landscape plan is so offered and is approved as a part of the site plan review and approval. ~~, c~~ Completion of the landscaping plan in its entirety shall be completed prior to the issuance of an occupancy permit or statement of land use compliance for the development.

Sec. 72-38. Grounds permit required.

The city manager shall designate an official to be responsible for the issuance of ground permits. Prior to the development, modification or expansion of any vehicular use areas, application shall be made to the designated official for the issuance of a grounds permit. The grounds permit shall be issued by the designated official upon submission of the following requirements by the applicant and upon a finding by the designated official that the provisions of this article have been complied with:

(1) Vehicular use plan. The developer shall submit to the designated official such information as the designated official deems necessary to include 18 copies of a combination site plan/planting plan and which shall be in addition to any plans submitted for building permits. Such plan shall hereinafter be referred to as the "vehicular use plan" and shall be required to be submitted for all proposed vehicular use areas. When the vehicular use area is adjacent to or developed in connection with a proposed new structure, the vehicular use plan shall be submitted at the time of the submittal of a site plan for the proposed structure.

(2) Contents. The name and address of the owner and of the designer shall be indicated on the plan. The date the plan is completed shall be stated. The plan shall be drawn to scale no smaller than one inch equals 30 feet, indicate all dimensions and property lines, provide elevation data and the north point, and clearly delineate existing and proposed parking spaces, access aisles, driveways, sidewalks, wheel stops, curbs and other vehicular use controls. The location of curb cuts on adjacent property, median openings on abutting streets, lighting, irrigation systems, fire hydrants, water check valves, proposed planting areas, decorative or screen walls and fencing, existing trees and related buildings shall be shown to completion of the vehicular use area. A temporary certificate of occupancy may be issued if a financial guarantee, acceptable in form to the city manager, is provided.

(3) Filing fee. At the time of the issuance of the grounds permits, the applicant shall pay to the city a filing fee in the amount as established by the city commission in appendix A. If any person commences work on the development of any vehicular use area prior to obtaining the necessary grounds permit, the filing fee shall be quadrupled; and such person shall be liable for the penalties prescribed for violation of this Code.

(4) Certification of compliance. Upon completion of improvements, an inspection officer appointed by the city manager shall inspect the vehicular use area for compliance with the approved vehicular use plan and other requirements of this article. A certificate of compliance must be issued by the inspection officer before a certificate of occupancy can be issued for any related structure. When occupancy of a related building is desired prior to completion of the vehicular use area, a temporary certificate of occupancy may be issued if a financial guarantee, acceptable in form to the city manager, is provided.

Sec. 72-39. Landscape area and tree planting requirements for development and/or redevelopment.

(a) Minimum perimeter landscape requirements.

(1) Landscape Strip. On the site of any development requiring site plan approval or building permits, where such site abuts a public right-of-way, excluding dedicated alleys, a landscaped strip shall be provided along the boundary of the site abutting said right-of-way as follows:

a. A strip of land at least three feet in depth, located along and within the boundary of the site abutting said right-of-way, shall be landscaped, such landscaping to include one shade tree for every 35 linear feet or fraction thereof, spaced not less than 30 feet nor more than 40 feet apart. Understory trees may be substituted for shade trees on a basis of one and a half (1.5) understory trees for one (1) shade tree.

b. A continuous hedge or wall, or other durable landscape barrier, maintained at least two (2) feet in height and not to exceed 4 feet in height, shall be installed along the entire length of the linear frontage abutting the right-of-way. If such durable barrier is of nonliving material, for every ten feet thereof, one shrub or vine shall be planted abutting such barrier, unless they are of sufficient height at the time of planting to be readily visible over the top of such barrier. The remainder of the landscape strip shall be improved with grass, ground cover, shrubs or other landscape treatment excluding gravel, paving or sand.

c. *Other property.* All property, other than the required landscape strip lying along and within the boundary of the site abutting the street and, shall be landscaped with grass or other ground cover.

d. *Necessary accessways.* Necessary driveways and other accessways from the public right-of-way shall be permitted to service the vehicular use areas, and the widths of such accessways may be subtracted from the linear dimensions used to determine the number of trees required.

(2) All property boundaries abutting adjacent properties must provide perimeter landscape plantings. Landscape requirements are as follows:

a. One (1) tree shall be provided every 50 linear, spaced not less than 45 feet nor more than 55 feet apart of abutting adjacent properties. Such trees shall be

located between the common lot line and the vehicular use area. Each planting area shall be landscaped with grass, ground cover or other landscape material, excluding paving or sand, in addition to the required tree(s).

b. The provisions of this subsection shall not apply when the following situations in Sec. 72-39(b)(1) b. apply.

(b) Minimum Vehicular Use Area (VUA)/ screening landscape requirements.

(1) Perimeter parking lot landscaping.

a. On the site of a building or structure or open lot having a vehicular use area, where such area will not be entirely screened visually by an intervening building or structure from abutting property, that portion of such area not so screened shall be provided with a wall or hedge or other durable landscape barrier. A continuous hedge measuring no greater than six (6) feet in height and no less than three and one-half (3.5) feet in height shall be planted around the perimeter of vehicular use areas between the common lot line and the vehicular use area and the abutting property. Such landscape barrier shall be located at any point between the common lot line and the vehicular use area exposed to the abutting property, provided the purpose of screening the vehicular use area is accomplished. The pervious areas of the perimeter landscaping shall be at least three (3) feet in depth. Each planting area shall be landscaped with grass, ground cover or other landscape material, excluding paving or sand.

b. The provisions of this section shall not be applicable in the following situations:

1. When a property line abuts a dedicated alley;.

2. Where a proposed parking area or other vehicular use area abuts an existing hedge, wall or other durable landscape barrier on an abutting property, the existing barrier may be used to satisfy the landscape barrier requirements of this section; provided that the existing barrier meets all applicable standards of this section, and protection against vehicular encroachment is provided for hedges;

3. Where the abutting property is categorized and used for nonresidential uses, only the tree provisions with its planting area as prescribed in this article shall be required. The number of trees shall be one tree for every 50 linear feet or fraction thereof, spaced no less than 45 feet nor more than 55 feet apart; but all perimeter requirements shall apply within the front setback area.

(2) Interior parking lot landscaping.

a. An area or a combination of areas equal to ten percent of the total vehicular use area shall be devoted to interior landscaping. In calculating this percentage, the area shall include both pervious and impervious portions of the vehicular use area. Any perimeter landscaping provided in excess of that required may be counted as part of the interior landscaping requirement. Landscaping adjacent to a structure or structures on the same parcel of land which serves to beautify the vehicular use area and implements the purpose and intent of this article may be counted toward meeting the interior landscape requirements. The credit may not exceed 25 percent of the total required interior landscaping and shall be reviewed by the designated official for compliance with the purpose and intent of this article.

b. Such landscaped areas shall be located in such a manner so as to divide and break up the monotony and expanse of paving, to prevent and discourage cross taxiing and to provide well-dispersed tree canopy shading. A combination of the following interior landscaping elements shall be counted as part of the interior landscaping requirements where applicable.

1. Terminal islands. Contiguous rows of ten or more parking spaces shall be terminated on both ends by landscaped islands which measure an average of not less than five feet in width and extend the entire length of the parking space(s). At least one tree or grouping, as per subsection 72-39(b)(1)a, shall be planted on such island.

2. Interior islands. Interior landscaped islands which measure an average of not less than five feet in width and extend the length of a parking space shall be placed within rows of contiguous parking spaces so that there is at least one interior island for every 18 parking spaces or major portion thereof within the row. These islands shall be placed at intervals of not less than six nor more than 18 spaces. At least one tree or grouping, as per subsection 72-39(b)(1)a shall be planted on every interior island. Interior islands need not be placed directly opposite each other when in abutting parking rows

c. Additional interior landscaping requirements.

1. Trees. There shall be a minimum of one tree, planted for each separate parking island installed in the vehicular use area, but the total number of trees shall not be less than one for each 200 square feet, or fraction thereof, of required interior landscaped area.

2. Perimeter landscaping. In vehicular use areas where the strict application of this section will seriously limit the function of such area, the required landscaping may be located near the perimeter of the paved area, including such perimeters which may be adjacent to a building on the site. Such required interior landscaping which is relocated as herein provided shall be in addition to the perimeter landscaping requirements.

3. Vehicle encroachment; wheel stops. The front of a vehicle may encroach upon any interior landscaped area when such area is at least 3½ feet in depth per abutting parking space and protected by wheel stops that are anchored and placed within the confines of a parking area or curbing. Two feet of such interior landscaped area may be part of the required depth of each abutting parking space.

(3) Landscaping adjacent to fences, walls, or dumpster enclosures. The exterior of any opaque fence, wall or dumpster enclosure visible from any street may be landscaped with a minimum of one shrub for every three linear feet and one under story tree for every 25 linear feet.

(4) Landscaping adjacent to mechanical equipment on site. Mechanical equipment (e.g. backflow preventers, utility cabinets, air conditioning units) visible from the public streets, excluding alleys, may be screened from view. Screening can consist of either a continuous hedge of shrubs spaces no more than 30 inches apart on center or a decorative fence or architectural feature if landscaping is not feasible due to space constraints.

Sec. 72- 4039. Landscaping standards.

~~The development of vehicular use areas within the~~ All new and replacement plantings which are used to satisfy required landscaping ~~city~~ shall conform to and meet the standards as set forth herein:

~~(1) Landscaping shall consist of any of the following or combination thereof: Material, such as, but not limited to, grass, ground covers, shrubs, vines, hedges, shade/canopy trees or palms. In addition, nonliving durable material may be used to compliment, but not to be credited as, landscaping. These materials include, but are not limited to, rocks, pebbles, walls or fences, but excluding paving and sand~~.

(a) Plant species selection

(1~~2~~) ~~Plant material used in conformance with provisions of this article shall conform to the standards for Florida #1~~ All planting shall be graded State Department of Agriculture Nursery Grade No. 1 or better, as published ~~given~~ in the most recent edition of "Grades and Standards for Nursery Plants," ~~Part I, 1963, and Part II, State of Florida, Department of Agriculture, Tallahassee, or equal thereto~~ Florida Department of Agriculture and Consumer Services. Grass sod shall be clean and reasonably free of weeds and noxious pest or diseases. Grass seed shall be delivered to the job site in bags with state department of agriculture tags attached, indicating the seed grower's compliance with the department's quality control program.~~:~~

(2) Any plant material used to meet the minimum standards of this chapter beyond what is listed shall be chosen from Pinellas County Approved Tree Species to Replant list. Substitutions or additions to this list may be approved by the city manager or designee.

(3) At least sixty (60) percent of all required plantings shall be of native species.

(4) Where a required landscape area is adjacent to the Gulf of Mexico or Boca Ciega Bay and/ or within 100 Feet of the Coastal Construction Control Line, one-hundred (100) percent of required plantings shall be of Florida-Friendly Landscaping™ salt tolerant plant species.

(5) In the event of a market shortage, the city manager or designee may approve a reduction of the required caliper to the largest available Grade No. 1 equivalent plant.

(b) Plant specification requirements.

(1) Plants shall meet the minim specifications as listed below:

a. *Trees.* Trees shall be of species recognized by the state division of forestry as being drought-tolerant and suitable for successful ~~propagation and~~ growth in the city. Trees shall be of species having average spreads/crowns of greater than 15 feet in diameter, and which can be maintained with a minimum of five feet of clear trunk. At least 60 percent of required trees shall be of species native to Florida or drought tolerant~~,~~ listed and found on the Pinellas County Approved Tree Species to Replant list or otherwise approved by the City manager or designee. ~~including, but not limited to, the following species: Red Maple (Acer rubrum); Silver Buttonwood (Conocarpus erectus "sericeus"); American Holly varieties (Ilex opaca); Yaupon Holly (Ilex vomitoria); Sweet gum (Liquidambar styraciflua); Southern Magnolia (Magnolia grandiflora); Southern Wax Myrtle (Myrica cerifera); Slash Pine (Pinus elliotti); Longleaf Pine (Pinus palustris); Loblolly Pine (Pinus taeda); Cherry Laurel (prunus caroliniana); Oaks (Quercus~~

~~spp.); Cabbage Palm (Sabal palmetto); Saw Palmetto (Serenoa repens); Bald Cypress (Taxodium distichum). Trees having an average mature crown spread of less than 15 feet may be substituted by grouping same so as to create the equivalent of a 15-foot crown spread.~~ The City manager or designee may allow required shade trees to be substituted with native palms and/or understory trees on a two per one basis. Where site constraints limit planting of required trees, larger trees at least four-inch minimum DBH, may be substituted for required trees on a two for one basis. Palms shall constitute no more than 25 percent of the required trees and shall have a minimum of six feet of clear wood at planting.

Tree species shall ~~have~~ be a minimum two-inch ~~diameter at breast height (DBH)~~, and shall be a minimum of eight feet in overall height immediately after planting. Trees can be upsized onsite to account for replacement per section 72-116.

Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than 12 feet to such public works.~~,~~ ~~unless the tree root system is completely contained within a barrier for which the minimum interior containing dimensions shall be five feet square and five feet deep and for which the construction requirements shall be four-inch thick concrete reinforced with No. 6 road mesh, six inches by six inches by six inches or equivalent.~~ Root barrier shall be installed for shade trees closer than 10 feet to any utilities and public works. Root barrier shall be installed for palms closer than 5 feet to any utilities and public works.

~~The following tree species are considered undesirable due to their growth characteristics, and their planting shall be prohibited. No formal authorization by the city shall be required for the removal of these species which include trees considered undesirable plant species by either the city and/or Pinellas County (Pinellas County Land Development Code Chapter 166, Article II, Section 166-53):~~

~~Australian Pine (Casuarina sp.); Bishopwood (Bischofia javanica); Brazilian Pepper (Schinus terebinthifolius); Punk Tree (melaleuca leucadendra); Ear Tree (Enterolobium cyclocarpum); Laurel Fig (Ficus retusa "nitida"); Weeping Fig (Ficus benjamina); Chinese tallow (Sapium sebiferum); Silk Oak (Grevillea robusta); Java Plum (Syzgium cumini); Carrotwood (Cupaniopsis anacardioides); Eucalyptus (Eucalyptus spp.); and Willow trees.~~

b. *Shrubs and hedges.* Shrubs shall be a minimum of 1½ feet in height when measured immediately after planting. Hedges, where required, shall be of species which, when planted at appropriate spacing and properly maintained, will form a continuous, unbroken, and solid visual screen within a maximum of two years after time of planting. At least 60 percent of the shrubs and hedges planted shall be of native or drought tolerant varieties, listed and found on the Pinellas County Approved Tree Species to Replant list or otherwise approved by the City manager or designee. ~~including, but not limited to, the following species:~~

~~Century plant (Agave attenuata); Ponytail Palm (Beaucarnea recurvata); Bougainvillea spp.; Powderpuff (Calliandra haematocephala); Natal Plum (Carissa grandiflora); Sea Grape (Coccoloba uvifera); Croton (Codiaeum variegatum); Ti Plant (Corydyline terminalis); King Sago (Cycas revoluta); Dracaena spp.; Silverthorn (Elaegnus pungens); Chinese Juniper (Juniperus chinensis); Texas Sage (Leucophyllum frutescens); Oleander (Nerium oleander);~~

~~Dwarf Philodendron (Philodendron "Xanadu"); Indian Hawthorn (Raphiolepis indica); Boxthorn (Severina busiflia); White Bird of Paradise (Strelitzia Nicolai); Bird of Paradise (Strelitzia reginae); Sandankwa Viburnum (Viburnum suspensum); Spineless Yucca (Yucca elephantipes).~~

c. *Vines.* Vines shall be of native or drought-tolerant species, a minimum of 30 inches in height immediately after planting, and may be used in conjunction with fences, screens, or walls to meet physical requirements as specified.

d. *Ground covers.* The use of ground covers in lieu of grass, in whole or in part, is encouraged in the interest of water conservation. Ground covers shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within 18 months after planting. At least 60 percent of the ground covers shall be of native or drought-tolerant varieties, including, but not limited to, the following species:

Aloe spp.; Dwarf Carissa (Carissa macrocarpa); Periwinkle (Catharanthus roseus); Crown-of-Thorns (Euphorbiamilli); Creeping Fig (Ficus repens); Beach Sunflower (Helianthus debilis); Day Lily (hemerocallis spp.); Railroad Vine (Ipomoia pes-cprae); Lily Turf (Liriope muscari); Sea Purslane (Sesuvium portulacastrum); Dwarf Confederate Jasmine (Trachelospermum asiaticum); Society Garlic (Tulbaghia violacea); Sea Oats (Uniola paniculata); Coontie (Zamia floridana).

e. *Lawn grass.* Grass areas shall be planted and grown as permanent lawns using varieties that are suitable for the county. Grass may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in swales or other areas subject to erosion and providing that, in areas where other than solid sod or grass seed is used, nursegrass seed shall be sown for immediate effect and protection until coverage is achieved.

(c) Prohibited species.

(1) The tree species listed as Undesirable Plant Species List (Table 138-3653.a) by Pinellas County are considered undesirable due to their status as invasive, exotic, or nuisance plant species, and their planting shall be prohibited.

(2) These prohibited species shall not be counted towards meeting the minimum landscaping requirements for a site.

(3) Any development or redevelopment which is required to obtain a landscape permit or file a landscape plan is encourages to remove all existing prohibited species on the property and abutting rights-of-way prior to the approval of a certificate of occupancy. No formal authorization by the city shall be required for the removal of these species

Sec. 72-41~~0~~. Installation and maintenance.

(a) All landscaping shall be installed in accordance ~~sound workman like manner~~ with the approved landscape plan and ANSI A300 Standards ~~and according to accepted good planting procedures~~, with the quality of plant materials as herein described. All elements of landscaping exclusive of plant material, except hedges, shall be installed so as to meet all other applicable ordinances and code requirements. Landscaping shall be maintained in good condition so as to present a healthy, neat, and orderly appearance.

(b) Lineal and mass planting beds shall receive ~~be mulched with~~ a minimum of two inches of ~~organic~~ mulch, or similar material, which can include shell, landscape rock, sustainability

harvested hardwood mulch or ~~(bark, leaves,~~ pine needles, etc~~.)~~, in order to decrease evaporation of moisture from the soil. Plastic surface covers shall be prohibited. Planting beds should be void of compaction to allow proper drainage of landscape bed.

(c) Landscaped areas are to be irrigated with reclaimed wastewater, if available to the site. In order to conserve water, planting areas shall be irrigated by automatically-timed drip-type systems, only in accordance with county regulations or guidelines established by the Southwest Florida Water Management District, whichever may be more stringent. In accordance with F.S § 373.62, any new irrigation system shall be equipped with a rain sensor device or switch which will override the automatic cycle of the system when adequate rainfall has occurred.

(d) Landscaped areas shall be protected from vehicular encroachment (defined as any protrusion of a vehicle outside of a parking space, display area, or accessway into a landscaped area) and shall be kept free of refuse and debris. The property owner, tenant, and/or agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. The responsibility for maintenance as set forth herein shall include the parkways within right-of-way areas outside the property line contiguous to the site.

(e ~~b~~) Failure of the owner or tenant of the property to maintain the premises in good condition as set forth in subsection (a) of this section shall make such owner or tenant liable for the penalties for violation of a city ordinance.

~~(c) On the site of any development requiring site plan approval, where such site abuts a public right-of-way, excluding dedicated alleys, a landscaped strip shall be provided along the boundary of the site abutting said right-of-way as follows:~~

~~(1) *Landscaped strip.* A strip of land at least three feet in depth, located along and within the boundary of the site abutting said right-of-way, shall be landscaped, such landscaping to include one tree for every 35 linear feet or fraction thereof, spaced not less than 30 feet nor more than 40 feet apart.~~

~~In addition, a hedge, wall or other durable landscape barrier, maintained at least two feet in height, shall be placed along the entire length of this linear frontage. If such durable barrier is of nonliving material, for every ten feet thereof, one shrub or vine shall be planted abutting such barrier, unless they are of sufficient height at the time of planting to be readily visible over the top of such barrier. The remainder of the landscape strip shall be improved with grass, ground cover, shrubs or other landscape treatment excluding gravel, paving or sand.~~

~~(2) *Other property.* All property, other than the required landscaped strip lying along and within the boundary of the site abutting the street and, shall be landscaped at least with grass or other ground cover.~~

~~(3) *Necessary accessways.* Necessary driveways and other accessways from the public right-of-way shall be permitted to service the vehicular use areas, and the widths of such accessways may be subtracted from the linear dimensions used to determine the number of trees required~~.

(f ~~d~~) The required landscaping for all areas, except those located on, under or within buildings, and except lots less than 6,000 square feet for single-family, and duplex uses, ~~commercial and multifamily properties~~ shall be maintained on a continual basis, as approved by ~~the conditions of~~ the site plan or building permit, and in accordance with the following requirements:

(1) Landscaping materials shall be reasonably healthy and free of disease, chemical exposure, neglect or lack of proper watering, discoloring or blighted conditions.

(2) All property owners of commercial and multifamily developments shall conduct replanting for any landscaping showing signs of poor quality plant material resulting from those and similar conditions outlined above in subsection 1.

(3) The property owner is required to conduct an annual inspection of site plan required landscaping and to replace any plant material not in compliance.

(4) The city may conduct routine inspections of both commercial and multifamily properties to ensure compliance with the original site plan conditions and other related landscaping regulations.

~~Sec. 72-41. Perimeter landscaping relating to abutting properties.~~

~~(a) On the site of a building or structure or open lot having a vehicular use area, where such area will not be entirely screened visually by an intervening building or structure from abutting property, that portion of such area not so screened shall be provided with a wall or hedge or other durable landscape barrier maintained no greater than six feet in height nor less than three and one-half feet in height to form a continuous screen between the common lot line and the vehicular use area and such abutting property. Such landscape barrier shall be located at any point between the common lot line and the vehicular use area exposed to the abutting property, provided the purpose of screening the vehicular use area is accomplished. If such barrier consists all or in part of plant materials, such plant material shall be planted in a planting strip averaging at least three feet in depth.~~

~~(b) In addition, one tree shall be provided for every 50 linear feet of such landscape barrier or fractional part thereof, spaced not less than 45 feet nor more than 55 feet apart. Such trees shall be located between the common lot line and the vehicular use area. Each planting area shall be landscaped with grass, ground cover or other landscape material, excluding paving or sand, in addition to the required tree(s).~~

~~(c) The provisions of this section shall not be applicable in the following situations:~~

~~(1) When a property line abuts a dedicated alley;~~

~~(2) Where a proposed parking area or other vehicular use area abuts an existing hedge, wall or other durable landscape barrier on an abutting property, the existing barrier may be used to satisfy the landscape barrier requirements of this section; provided that the existing barrier meets all applicable standards of this section, and protection against vehicular encroachment is provided for hedges;~~

~~(3) Where the abutting property is categorized and used for nonresidential uses, only the tree provisions with its planting area as prescribed in this article shall be required. The number of trees shall be one tree for every 50 linear feet or fraction thereof, spaced no less than 45 feet nor more than 55 feet apart; but all perimeter requirements shall apply within the front setback area.~~

~~Sec. 72-42. Interior landscaping requirements.~~

~~(a) An area or a combination of areas equal to ten percent of the total vehicular use area shall be devoted to interior landscaping. Any perimeter landscaping provided in excess of that required may be counted as part of the interior landscaping requirement. Landscaping adjacent to a structure or structures on the same parcel of land which serves to beautify the vehicular use area and implements the purpose and intent of this article may be~~

~~counted toward meeting the interior landscape requirements. The credit may not exceed 25 percent of the total required interior landscaping and shall be reviewed by the designated official for compliance with the purpose and intent of this article.~~

~~(b) Such landscaped areas shall be located in such a manner so as to divide and break up the monotony and expanse of paving, to prevent and discourage cross taxiing and to provide well-dispersed tree canopy shading. A combination of the following interior landscaping elements shall be counted as part of the interior landscaping requirements where applicable.~~

~~(1) *Terminal islands.* Contiguous rows of ten or more parking spaces shall be terminated on both ends by landscaped islands which measure an average of not less than five feet in width and extend the entire length of the parking space(s). At least one tree or grouping, as per subsection 72-39(2)a, shall be planted on such island.~~

~~(2) *Interior islands.* Interior landscaped islands which measure an average of not less than five feet in width and extend the length of a parking space shall be placed within rows of contiguous parking spaces so that there is at least one interior island for every 15 parking spaces or major portion thereof within the row. These islands shall be placed at intervals of not less than six nor more than 18 spaces. At least one tree or grouping, as per subsection 72-39(2)a shall be planted on every interior island. Interior islands need not be placed directly opposite each other when in abutting parking rows.~~

~~(3) *Additional interior landscaping requirements.*~~

~~a. *Trees.* There shall be a minimum of one tree, planted for each separate planter installed in the vehicular use area, but the total number of trees shall not be less than one for each 200 square feet, or fraction thereof, of required interior landscaped area.~~

~~b. *Perimeter landscaping.* In vehicular use areas where the strict application of this section will seriously limit the function of such area, the required landscaping may be located near the perimeter of the paved area, including such perimeters which may be adjacent to a building on the site. Such required interior landscaping which is relocated as herein provided shall be in addition to the perimeter landscaping requirements.~~

~~c. *Vehicle encroachment; wheel stops.* The front of a vehicle may encroach upon any interior landscaped area when such area is at least 3½ feet in depth per abutting parking space and protected by wheel stops that are anchored and placed within the confines of a parking area or curbing. Two feet of such interior landscaped area may be part of the required depth of each abutting parking space.~~

Sec. 72-42. Planting in rights-of-way or near utilities.

(a) It shall be unlawful to plant trees, ~~bushes~~ and/or hedges with deep or widespread root systems over, upon or within ten feet of the paved portion of the city owned rights-of-way or easements. It shall also be unlawful to plant trees, ~~bushes~~ and/or hedges with deep or widespread root systems within ten feet of any city-owned underground sewer lines.

(b) Trees may be planted in the city rights-of-way provided the following conditions are met:

(1) A permit shall be obtained from the building department.

(2) Trees shall conform to city ordinances as outlined in this chapter, or as otherwise specified by resolution of the city commission. Other plantings may be authorized or restricted by resolution of the city commission.

(3) Palm trees shall not exceed 15 feet in height at maturity.

(4) Trees, other than those specifically referred to in subsection (b)(2) of this section, shall be planted no closer than one-half the mature canopy from utility poles, neighboring trees or the curbline of the street.

(5) Trees must not be planted in areas which will cause obstruction to the view of motorists when exiting driveways or approaching intersections.

(6) Residents are required to maintain trees planted in the right-of-way adjacent to their property. Such maintenance shall include removal when required.

(7) The city shall not be responsible for tree damage caused by utility or street maintenance.

(8) It shall be unlawful to plant trees, bushes and/or hedges within five feet of overhead electrical lines.

Sec. 72-43. Hazardous conditions.

(a) It shall be unlawful for the owner or occupant of any property to permit to remain upon property any tree or tree branch or other growth that is in danger of falling upon any public way or upon property owned or occupied by another or when the same creates and constitutes a hazard to the life or limb of any person or persons or constitute a public nuisance. Tree removal under Chapter 72 is subject to Florida's statutory state preemptions exempting any tree that poses an unacceptable risk to persons or property from permits for trimming or removal under the conditions set forth in section 163.045, Florida Statutes (as may be amended from time to time).

(b) When it shall be determined by the city that any existing trees, plants or hedges upon private property or public rights-of-way or easements contiguous to such private property are causing hazardous conditions to any underground sewer, water or electrical lines, or overhead electrical or telephone wires, it shall forthwith give notice to the property owner upon whose property or right-of-way or easement such hazard exists, that such trees, plants or hedges constitute a public nuisance and shall be removed within a time certain as designated in such notice.

(c) The notice hereby required shall be served as follows:

(1) By personal delivery to the owner; or

(2) By delivery to a person at least 18 years of age within the household of the owner;

(3) By affixing a copy of the notice in a conspicuous place near the entry to such premises; or

(4) By mailing by certified mail a copy of the notice to the last known address of the owner.

(d) If a person who has been served with notice to remove trees, plants or hedges which constitute the public nuisance because of the hazardous conditions described herein from private property, rights-of-way or easements shall fail to comply within the specified time, the city shall remedy the conditions, or contract with others to remedy such conditions; and the cost thereof shall be charged against the owner of such property.

(e) If the cost of remedying such public nuisance conditions is not paid within 30 days after receipt of the statement therefor from the city, the amount thereof shall become and constitute a lien and charge against the real property with interest.

(f) The lien imposed by this section shall be a lien against the property. If the lien is not paid within 180 days from its effective date, the lien may be enforced in the same manner as the collection of a lien for costs incurred by the city for the abatement of nuisances as set forth in this code. Actions for the collection of liens for recovery of costs to abate the nuisance conditions shall be sent by the director of finance to the city attorney for collection.

~~Sec. 72-43. Unobstructed visibility at intersections.~~

~~When an accessway intersects a public right-of-way, or when the subject property abuts the intersection of two or more public rights-of-way, all landscaping within the triangular areas shall provide unobstructed cross-visibility at a level between 30 inches and seven feet; provided, however, trees or palms having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the cross-visibility area shall be allowed, provided they are so located as to not create a traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than three feet from the edge of any accessway pavement.~~

Sec. 72-44. Existing plant material.

In instances where healthy native plant material exists on a site prior to its development, in part or in whole, for the purposes of off-street parking or other vehicular use areas, the application of the above landscape standards may be adjusted to allow credit for such plant material if such an adjustment is in keeping with and will preserve the intent of this article. In no event will prohibited species per this chapter ~~exotic species such as Australian Pine, Bishopwood, Brazilian Pepper, Punk tree, Ear tree, Laurel fig, Weeping fig, Eucalyptus and Willow trees~~ be considered for credit.

~~Sec. 72-45. Existing developed vehicular use areas.~~

~~(a) Existing developed vehicular use areas not meeting the requirements contained in this article shall be brought into full compliance under one or more of the following conditions:~~

~~(1) If expansion of an existing vehicular use area requires the installation of additional parking spaces.~~

~~(2) If an existing vehicular use area is improved or remodeled in a value of ten percent or more of the valuation of the existing use as reflected on the property appraiser's current records.~~

~~(3) If an existing structure is improved or remodeled in a value of 25 percent or more of the valuation of the existing structure as reflected on the property appraiser's current records.~~

~~(4) If an existing structure is increased in covered floor area by ten percent or greater.~~

~~(5) If an amendment is required to an existing final site plan.~~

~~(b) However, in the event that such compliance would prohibit required parking areas from meeting the minimum off-street parking requirements, as set forth in other sections of this Code then the requirements of this section may be adjusted, first modifying the requirements of the interior landscaping requirements portion and, if minimum off-street~~

~~parking requirements still cannot be met, then modifying the requirements of the perimeter landscaping portion.~~

~~(c) The requirements for the responsibility of the owner, tenant or agent for the maintenance of parkway and right-of-way outside the property line contiguous to the site, as set forth herein, shall become immediately effective and applicable to all existing developed properties upon passage of this article.~~

~~Sec. 72-46. Marine vegetation.~~

~~Shorelines and other nonseawalled waterways lacking wetland vegetation should be planted with native marine vegetation in order to minimize potential flood damage, stabilize the shoreline and trap sediments and other nonpoint source pollutants, and provide additional habitat for fish and wildlife.~~

Sec. 72-45~~7~~. Xeriscape standards.

Xeriscape is a landscape design that utilizes plants and similar vegetation that have low water requirements, enabling them to withstand drought conditions.

Property owners who employ xeriscape landscaping principles on their property shall demonstrate active, ongoing maintenance and shall conform to the established requirements of the Florida Yards and Neighborhoods program or the Pinellas County Extension Service standards pertaining to xeriscape landscaping.

Secs. 72-46~~8~~—72-70. Reserved.

ARTICLE III. TREES

DIVISION 1. GENERALLY

Secs. 72-71—72-90. Reserved.

DIVISION 2. PLANTING OF TREES

Sec. 72-91. Exemptions.

(a) Nuisance trees. The tree species listed as Undesirable Plant Species List (Table 138-3653.a) by Pinellas County are considered undesirable due to their growth characteristics status as invasive, exotic, or nuisance plant species and ~~The following types of trees~~ shall be exempt from the tree protection requirements of this Code.~~:~~

~~Australian Pine.~~

~~Bishopwood.~~

~~Brazilian Pepper.~~

~~Punk tree.~~

~~Ear tree.~~

~~Laurel fig.~~

~~Weeping fig.~~

~~Eucalyptus.~~

~~Willow~~.

~~In addition,~~ T~~t~~he planting of these ~~above listed~~ species is specifically prohibited.

(b) Utility operations. Tree removals by duly constituted communication, water, sewer, electrical or other utility companies or federal, state or county agencies, or engineers or surveyors working under a contract with such utility companies or agencies shall be exempt, provided the removal is limited to those areas necessary for maintenance of existing lines or facilities or for construction of new lines or facilities in furtherance of providing utility service to its customers; and provided further that the activity is conducted so as to avoid any unnecessary removal and, in the case of aerial electrical utility lines, is not greater than that specified by the National Electrical Code ~~adopted in section 64-1~~ as necessary to achieve safe electrical clearances. Written notice of the removal shall be provided to the building department five days prior to the removal, except that when the removal is needed to restore interrupted service under emergency conditions, no prior notice is required.

(c) Surveyors. A state licensed land surveyor, in the performance of his duties, is exempt provided such alteration is limited to a swath three feet or less in width.

(d) Commercial growers. All commercial nurseries, botanical gardens, tree farms and grove operations shall be exempt from the provisions of this article, but only as to those trees which were planted for silvicultural or agricultural purposes or for the sale or intended sale in the ordinary course of business.

(e) Emergencies. During emergencies caused by a hurricane or other disaster, the city manager may temporarily suspend these tree protection regulations.

Secs. 72-92—72-110. Reserved.

DIVISION 3. PROTECTION OF TREES

Sec. 72-111. ~~Removal of trees.~~ Generally.

~~(a) Special conditions for authorization to remove native and/or protected trees.~~

(1) It is the intent of this section to minimize the removal of native and/or protected trees and that no authorization shall be granted to remove a tree if the developer has failed to take reasonable measures to design and locate the proposed improvements so that the least number of native and/or protected trees will be removed. In particular, the design must attempt to preserve specimen and historic trees. These regulations are meant to balance the need to provide space for community growth with the need to protect natural tree and plant communities and to replace trees lost to development. The preservation, replacement, and management of trees and the urban tree canopy are a vital part of sustainable community growth and the long-term well-being.

(a) Responsibilities for carrying the provisions of this chapter as the City Manager or their designee.

(b) Final action on any application for permit under this section can be delegated to City staff, or a City arborist, as determined by the city manager or designee.

(c) Fees. Before issuance of a tree removal permit, the applicant shall pay a fee as established by city commission in appendix A.

(d) Applicability and Interpretation.

1. All provisions as part of this section shall be considered minimum requirements.

2. Any existing laws, ordinances, easements, covenants, or deed restrictions that impose more stringent restrictions on the protection and removal of trees shall not be appealed, abrogated, or impaired by this section. In the scenario that this section conflicts with an existing ordinance or statute, the most stringent restrictions for the protection of trees, between the two, shall be given precedence.

3. In any scenario that any provision of this section refers to another provision, ordinance, statute, rule, regulation, policy, or other authority, the most current version should be referred to.

4. All property within the city shall adhere to this section.

(e) Simultaneous Reviews. City shall perform simultaneous reviews to the greatest extent practical, in the event that an applicant seeks authorization to conduct activities that are subject to overlapping code provisions from different city code of ordinances.

(f) Appeals. Any person aggrieved by the administration or interpretation of the terms of this Section may appeal the administrative decision Planning and Zoning Board. After a hearing with notice to the appellant, the City Planning and Zoning Board may reverse, affirm, or modify, in whole or in part, the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Director from whom the appeal is taken. Any action pursuant to this Section shall not stay any enforcement proceedings.

Sec. 72-112. Exemptions

(1~~2~~) No authorization for the removal of a native and/or protected tree shall be granted unless the owner ~~developer;~~ demonstrates that one or more of the following conditions exists:

a. A permissible use of the site cannot reasonably be undertaken unless specific trees are removed or relocated.

b. The tree is located in such proximity to an existing or proposed structure that the safety, utility or structural integrity of the structure is materially impaired.

c. The tree materially interferes with the location, servicing or functioning of existing utility lines or services.

d. The tree creates a substantial hazard to motor, bicycle or pedestrian traffic due to physical proximity to traffic or impairment of vision.

e. The tree is diseased or weakened by age, abuse, storm or fire and is likely to cause injury or damage to people, buildings or other improvements.

f. Any law or regulation requires the removal.

g. The tree being removed is listed by the Florida Invasive Species Council (FISC) as an invasive exotic tree species.

(2~~3~~) *Authorization required.* No native or otherwise protected tree ~~(two-inch~~ four inch diameter at breast height or larger) shall be removed without prior authorization by the city. The city manager or his/her designee shall have the authority to issue tree removal permits, subject to the provisions of section 72-111. ~~paragraph (b) of this section.~~

~~(b) *Replacement of removed trees.*~~

~~(1) Trees removed pursuant to subsection (a) of this section shall be replaced at the expense of the developer.~~

~~(2) For each inch of diameter at breast height removed, an inch of diameter at breast height shall be replaced.~~

~~(3) A replacement tree may be a tree moved from one location to another on the site, or moved off the site pursuant to subsection (b)(4) of this section.~~

~~(4) Replacement trees shall, if practicable, be planted on the development site. If on-site replacement is not practicable, replacement trees may be donated, or a fee in lieu may be paid to the city for the purpose of planting trees on public property. The fee in lieu shall be based on the cost of purchasing the requisite size and number of replacement trees.~~

~~(c) *Historic and specimen trees.*~~

~~(1) A historic tree is one that has been designated by the city commission as one of notable historical interest and value to the city because of its location or historical association with the city community. A public hearing shall be held by the city commission on the designation with due notice to the owner of the tree.~~

~~(2) A specimen tree is one that has been officially designated by the city commission to be of high value because of it type, size, age, or other relevant criteria. A public hearing on the designation shall be held by the city commission with due notice to the owner of the tree.~~

~~(3) No historic or specimen tree shall be removed without a finding by the city commission that the tree is a hazard or that it is not economically or practically feasible to develop the parcel without removing the historic or specimen tree. The city manager shall make a presentation to the commission on the application and make a recommendation as to whether it should be approved or denied. The decision by the city commission on the application shall be made within 30 days of the date the application was filed.~~

Sec. 72-113. Tree Replacement

(a) *Replacement of removed trees.*

(1) Trees removed pursuant to the provisions of this article shall be replaced at the expense of the developer.

(2) For each inch of diameter at breast height removed, an inch of diameter at breast height shall be replaced.

(3) A replacement tree may be a tree moved from one location to another on the site, or moved off the site pursuant to subsection (a)(4) of this section.

(4) Replacement trees shall, if practicable, be planted on the development site. If on-site replacement is not practicable, replacement trees may be donated, or a fee in lieu may be paid to the city for the purpose of planting trees on public property. The fee in

lieu shall be based on the cost of purchasing the requisite size and number of replacement trees. These fees will be deposited into the City's Green Utility Account.

(b) *Historic and specimen trees.*

(1) A historic tree is one that has been designated by the city commission as one of notable historical interest and value to the city because of its location or historical association with the city community. A public hearing shall be held by the city commission on the designation with due notice to the owner of the tree.

(2) A specimen tree is one that has been officially designated by the city commission to be of high value because of it type, size, age, or other relevant criteria. A public hearing on the designation shall be held by the city commission with due notice to the owner of the tree.

(3) No historic or specimen tree shall be removed without a finding by the city commission that the tree is a hazard or that it is not economically or practically feasible to develop the parcel without removing the historic or specimen tree. The city manager or designee shall make a presentation to the commission on the application and make a recommendation as to whether it should be approved or denied. The decision by the city commission on the application shall be made within 30 days of the date the application was filed.

Sec. 72-114~~2~~. Protection of trees during development activities.

(a) *Generally.*

(1) To assure the health and survival of protected trees that are not to be removed, the developer shall avoid the following kinds of tree injuries during all development activities:

a. Mechanical injuries to roots, trunk and branches;

b. Injuries by chemical poisoning;

c. Injuries by grade changes;

d. Injuries by excavations; and

e. Injuries by paving.

(2) At a minimum, the protective measures described in subsections (b) through (f) of this section shall be taken where appropriate to the development activity.

(b) *Avoiding mechanical injuries.*

(1) Prior to commencement of any construction activities on a development site or public or private right of way, ~~Prior to any land preparation or other development activities,~~ a protective barrier easily visible to equipment operators shall be placed around all protected trees meeting the minimum protection standards for all protected trees, in accordance with the protected root zone graphic (see Figure 2-A). ~~so as to encompass the entire tree protection zone. See Figure 2-A.~~ During the construction process no changes to predevelopment conditions shall take place within the approved protected root zone for all protected trees. No alterations shall be made to any part of the tree, unless approved by the City manager or their designee.

(2) No attachment, wires (other than supportive wires), signs or permits may be fastened to any protected tree.

(3) No equipment, construction materials or debris of any kind shall be placed within the protective barrier.

(4) Landscaping activities within the bounds of the protective barrier (before and after it is removed) shall be accomplished with light machinery or manual labor. Grubbing and similar activities are prohibited.

(5) In lieu of constructing the barriers required in subsection (b)(1) of this section, the developer may physically designate large areas containing protected trees where no land preparation or other development activities of any kind will occur. The area shall be designated by placing stakes a maximum of 25 feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeter of the area. This perimeter line shall be beyond the tree protection zone of any protected trees growing within the area.

(6) Required protective barriers and perimeter lines shall remain in place until all construction activity, except landscaping within the protected area, is terminated.

(c) *Avoiding injuries due to chemical poisoning.*

(1) No fuel, paint, solvent, oil, thinner, asphalt, cement, grout or any other construction chemical or other material or tools of any kind shall be stored, or allowed in any manner to enter, within a required protective barrier or perimeter line.

(2) No equipment shall be cleaned within a required protective barrier or perimeter line.

(d) *Avoiding injuries due to grade changes.* Grade changes shall not be made within the tree protection zone unless the following protective measures are taken:

(1) Raising the grade. When raising the grade, the following measures shall be taken:

a. Within the tree protection zone, existing sod, vegetation and leaf litter shall be removed and the soil loosened without injuring the roots.

b. The area within the tree protection zone shall be properly fertilized to improve the vigor and growth of the roots.

c. Porous, four inch agriculture drain shall be laid over the soil to drain liquids away from the trunk. A drop of at least one-eighth inch per foot shall be provided. The drain field shall be designed to provide adequate drainage of the existing configuration of the trees.

d. The number of drains shall depend upon soil material; lighter sandy soils and porous gravelly material require fewer drains than heavy nonporous soils.

e. Aeration shall be provided by installing vertical tiles along the system. The vertical tiles shall be filled with gravel and capped with a heavy-duty mesh to keep out trash and debris.

f. Dry wells shall be large enough to allow for maximum growth of the tree trunk. Most large shade trees require at least a 60-inch diameter well. For slow-growing mature trees, a space of 12 to 18 inches shall be provided between the trunk and the side of the well at every point.

g. To prevent washing of material into the well, the dry well casing walls shall be high enough to bring the coping just above the level of the proposed fill.

h. Dry well walls shall be constructed of materials that permit passage of air and water. Concrete blocks backed with galvanized screening may be used for the sides of the well.

i. Gratings or barriers shall be used around openings that are large enough to present a hazard to pedestrians.

j. Open wells shall be cleaned regularly to remove sediment, leaves, and debris that might interfere with the free passage of air.

k. Large stones shall be placed over the drainage tiles and a layer of smaller stones shall be placed over the remainder of the ground within the drip line.

l. A layer of gravel shall be placed over the stones.

m. The fill shall be completed with a layer of porous soil. ~~See Figures 2-B, 2-C, 2-D.~~

(2) *Lowering the grade.* When lowering the grade, the following measures shall be taken:

a. Roots shall be cut cleanly and re-trimmed after excavation.

b. The canopy shall be pruned to aid in maintaining tree vigor.

c. When lowering the grade of the soil surrounding a protected tree, the maximum number of tree roots within the tree protection zone shall be preserved by using any of the following methods:

1. *Terracing*. The area within the tree protection zone is left at the original grade by terracing.

2. *Retaining wall.* The area within the tree protection zone is left at the original grade constructing a dry retaining wall. The retaining wall shall be porous to allow for aeration.

3. *Terracing and retaining wall.* The area within the tree protection zone is left at the original grade by the combined use of terracing and dry retaining wall. ~~See Figure 2-E.~~

(3) *Minor changes in grade.* When the change in grade is minor, as determined by the city manager <u>or designee</u>, lesser protective measures than those described in subsections (d)(1) and (d)(2) of this section may be taken. The city manager <u>or designee</u> shall approve the use of these methods where their use will not endanger the health of the protected tree.

(e) *Avoiding injuries due to excavations.*

(1) Water, sewer, and other utility lines should be routed around the tree protection zones of protected trees.

(2) If a line cannot reasonably be routed around the tree protection zone, the line shall be tunneled beneath the area within the zone. The tunnel shall be offset to one side of the trunk to prevent damage to the main tap roots.

(f) *Avoiding injury by paving within the drip line.* Porous paving may be placed within the tree protection zone of a protected tree, so long as no damage is inflicted to the tree by grade change, compaction of the soil, or any other cause.

Sec. 72-1153. Special provisions for the protection of mangroves.

(a) *Generally.* In addition to the foregoing tree protection requirements, the following special provisions shall apply to the removal or alteration of mangroves (Black mangrove, Avicennia germinans; white mangrove, Laguncularia racemosa; red mangrove, Rhizophora mangle) and other vegetation from wetland areas, as defined in F.S. § 373.019, and Rule 62-340.200, F.A.C. These standards shall apply to all property owners, including single-family, duplex, and multifamily homeowners.

(b) *Replacement.* Mangroves and wetland vegetation may not be removed unless the developer replaces or relocates on the same development site at least an equal number of mangroves and sufficient other wetland vegetation to revegetate a land area equal to or greater than the land area from which mangroves/wetland vegetation was removed. The developer shall provide a plan, to be approved by the city manager or desginee, to ensure the survival of the replaced or relocated mangroves and wetland vegetation, and to stabilize the shoreline from which mangroves/wetland vegetation was removed. The approved plan shall be an express condition of any permit. Failure to carry out any provision of the plan shall be a violation of this Code.

(c) *Other protective measures*. The following protective measures shall apply to all mangroves and/or wetland vegetation:

(1) A permit shall be obtained from the state department of environmental protection (DEP) for any alteration of mangroves or wetland vegetation in jurisdictional waters.

(2) A permit shall be obtained from the Pinellas County Environmental Management Department for any alteration of mangroves or wetland vegetation which may be exempt from DEP permit requirements.

(3) The alteration of mangroves shall be subject to the provisions of F.S. §§ 403.9321—403.9333, ("Mangrove Trimming and Preservation Act"), and any additional standards contained in Chapter 166, Article II, Division 3 of the Pinellas County Land Development Code.

Sec. 72-1164. Automatic waiver.

The terms and provisions of this division may automatically be waived by the administration as follows:

(1) *No tree verification.* Upon submission of a notarized statement by the owner or his agent that no trees as defined within the province of this article, exist upon the site, the administration, after a verification visit to the site, may waive the requirements and provisions of this division.

(2) *No effect verification.* Upon submission of a notarized statement by the owner or his agent that the proposed improvements or development involves less than ten percent of the total site and that no trees as defined within the province of this article will in any manner be affected, the administration, after a verification visit to the site, may waive the requirements and provisions of this division.

Secs. 72-1175—72-140. Reserved.

ARTICLE IV. ENVIRONMENTALLY SENSITIVE LANDS

Sec. 72-141. Purpose.

Topography, flooding characteristics, soil conditions, and the existence of wetlands or other areas containing protected species or habitats are among the factors which make some areas environmentally sensitive. In order to protect environmentally sensitive land, it may be necessary to prohibit development, or limit the allowable density and intensity of development, in those areas. Protection of environmentally sensitive land (i.e. river, lake, bay, wetland, upland habitat, or significant wildlife corridor), promotes the well-being of the residents of the city because they perform vital functions, such as providing habitat for fish, birds, mammals, and reptiles. Protection of environmentally sensitive land also results in the protection of community recreation opportunities, such as fishing, nature observation, and photography, as well as the protection of aesthetics and property values.

Sec. 72-142. Development impacting beaches.

~~Construction seaward of the coastal construction control line, as described in rule 62B-26.011, F.A.C., is subject to the provisions of F.S. § 161.052, and the permitting authority of the Florida Department of Environmental Protection (DEP), pursuant to Chapters 62B-33 and 62B-41, F.A.C. In addition, a~~

(a) Dune preservation. A dune preservation zone is hereby established, to include all shore areas seaward of ~~said~~ the coastal construction control line. Within this zone, excavation, destruction of native vegetation, and any other activities which are likely to adversely impact or affect the natural fluctuation of any primary sand dune are prohibited.

(b) Marine turtle protection. The City recognizes the importance of protecting marine turtles and their nesting areas along the City's beaches in accordance with the City Comprehensive Plan, Federal Endangered Species Act of 1973 and the State of Florida's Marine Turtle Protection Area (F.S. § 379.2431, as amended).

(1) Any ~~development~~ activity which is likely to impact a marine turtle nesting area is subject ~~to the conditions and requirements for marine turtle protection, pursuant to F.S. § 379.2431~~, the additional criteria and DEP permitting requirements in Rule 62B-41.0055, F.A.C. ~~In addition, to protect nesting marine turtles and their hatchlings from the adverse effects of artificial light, all properties that may produce artificial light directly, indirectly, or cumulatively visible from any portion of the beach shall comply with~~ and the coastal lighting standards contained in article V of this chapter (City Code sec. 72-161 – 72.164).

(2) Pursuant F.S. § 379.2431.2(d), a person, firm, or corporation shall not knowingly possess, take, disturb, mutilate, destroy, cause to be destroyed, transfer, sell, offer to sell, molest, or harass any ~~M~~marine turtle species and their nests, eggs, and hatchlings or parts thereof. ~~shall not be disturbed, and shall, upon discovery, be reported immediately to the Florida Marine Patrol.~~ Marine turtles, their hatchlings, or nests observed in the following situations shall be reported to the Florida Fish and Wildlife Conservation Commission (FWC) Division of Law Enforcement upon discovery: marine turtles or hatchlings that are stranded, disoriented, entangled, injured, or dead; disturbed nests; person(s) harassing or molesting marine turtles.

(3) Best practices for the protection of marine turtles and their habitats can be found on the city's website https://www.mytreasureisland.org/residents/departments/recreation/marine_turtle_information.php.

Sec. 72-143. Protecting habitat.

Prior to any development which is likely to impact an area populated by federally or state listed endangered, threatened, or species of special concern the applicant must demonstrate that the habitat for such species is either being preserved on-site or that off-site mitigation which is in compliance ~~consistent~~ with federal, state and local ~~regional~~ policies and permitting conditions is being accomplished. In addition, all development which is likely to generate or attract increased boating activity in an area known to be frequented by manatees shall establish an area specific manatee protection plan in cooperation with the FWC ~~Manatee Management Plan,~~ FDEP, and U.S. Fish and Wildlife service to ensure long range manatee and habitat protection.

Sec. 72-144. Improving environmentally sensitive land.

Avoidance and minimization of impacts to environmentally sensitive land is the priority of the City to promote the well-being of its residents. In addition to this, or when avoidance cannot be accomplished, ~~T~~the planting of mangroves and other suitable native vegetation is beneficial to the environment and the city encourages such plantings.

FIGURE 2-A
~~PROPERLY CONSTRUCTED BARRIER~~
PROTECTED ROOT ZONE



~~FIGURE 2-B~~
~~USE OF DRAIN TILES~~

~~FIGURE 2-C~~
~~RAISING THE GRADE~~

~~FIGURE 2-D~~
~~RAISING THE GRADE~~

~~FIGURE 2-E~~
~~LOWERING THE GRADE~~

Secs. 72-145—72-160. Reserved.

ARTICLE V. COASTAL LIGHTING STANDARDS

Sec. 72-161. Purpose.

This article is intended to ensure that both interior and exterior lighting from all properties cannot be seen from Treasure Island's gulf beaches. Artificial light that can be seen from the city's beaches may deter adult female marine turtles from nesting or disorient marine turtle hatchlings as they return to the Gulf, during the period from May 1 through October 31 each year.

The provisions of this article apply to the city.

Sec. 72-162. Definition of terms.

For the purpose of this article, certain words and terms used herein shall be defined as follows:

Artificial light: Any source of interior or exterior light other than the sun or the moon.

Decorative lighting: Non-essential accent lighting, such as up-lighting, for landscaping or structures.

Direct light: Any artificial light with a source that is directly visible to the ~~observer~~ from any portion of the beach.

Exterior light: Any artificial light source outside or on the exterior of a structure or building.

Hatchling: Any species of marine turtle, within or outside of a nest that has recently hatched from an egg.

Indirect light: Any artificial light with a source that is not directly visible to the observer. This may be described as the glow observed from an artificial light.

Interior light: Any light source inside of a structure or building.

Light source: The source of illumination; any device serving as a source of visible light including but not limited to light bulbs, light diodes, electronic screens or flames.

Marine turtle: Any marine-dwelling reptile of the families Cheloniidae or Dermochelyidae found in Florida waters or using the beach as nesting habitat, including the species: Caretta (loggerhead), Chelonia mydas (green), Dermochelys coriacea (leatherback), Eretmochelys imbricata (hawksbill), and Lepidochelys kempi (Kemp's ridley). For purposes of this rule, marine turtle is synonymous with sea turtle.

Nest: An area where marine turtle eggs have been naturally deposited or subsequently relocated.

Nesting and hatching season: The period from May 1 through October 31 of each year.

Lighting erected on publicly owned or leased facilities: Lights or traffic control devices located on property owned or leased by a public entity such as the state, county or city.

Temporary Lighting: any non-permanent light source that may be hand-held or portable including but not limited to tiki torches, lanterns, flashlights (including cell phone flashlights), candles, flash photography, etc.

Sec. 72-163. Standards for lighting.

(a) *Standards for new, existing, interior, and exterior lighting.* No direct or indirect artificial lighting or other lighting may be seen from the beach during nesting and hatching season from dusk until dawn, unless:

(1) The light source is a long wavelength lamp/bulb ~~of 560 nanometers or more~~ with the lowest possible wattage necessary for the application (560 nanometers or greater), and the light source cannot be directly seen, downward directed, full cutoff, fully shielded and mounted as close to the ground or finished floor surface as possible to achieve the required foot-candles;

(2) The light has been approved by the city commission;

(3) The lighting is being used by public safety officials and then it shall comply with this article and the DEP/FWC Sea Turtle Lighting Guidelines to the greatest extent practical. Beachfront lighting required for safety and security purposes shall be reduced to the minimum number and intensity possible to reasonably perform their functional roles(s);

(4) The lighting is erected on publicly-owned or publicly-leased, which shall comply with this article and the DEP/FWC Sea Turtle Lighting Guidelines to the greatest extent possible. Pole-mounted lights shall only be used in parking areas and roadways when mounting the lights at lower elevations cannot practicably comply with minimum light levels set forth in applicable federal and state laws designed to protect public safety.

Decorative lighting of any wavelength must not be used when capable of being seen either directly or indirectly from the beach.

Best management practices for shielding lights and recommended types of lights and fixtures can be found ~~on the city's website at www.mytreasureisland.com.~~ at https://myfwc.com/conservation/you-conserve/lighting/criteria/certified/

(b) *Local requirements not exclusive.* Requirements pursuant to this chapter shall be in addition to and not in lieu of any federal, state, regional, or other local approvals which may be required for the same or similar activities. Similarly, compliance with provisions of this chapter does not excuse any person from having to comply with other applicable federal, state, regional or local laws.

Sec. 72-164. Violations and enforcement.

(a) City code enforcement officers are hereby authorized to enforce this chapter pursuant to the supplemental county or municipal code or ordinance enforcement procedures set forth in F.S. § 162.21, as same may be amended from time to time. The city code enforcement officers are authorized and directed to strictly enforce this chapter in accordance with Chapter 2 section 1-15 of the city code. When the code enforcement officer has reasonable cause to believe, based upon personal investigation, that a person has committed a violation of this chapter, the city code enforcement officer is hereby authorized to issue a Code Enforcement Citation or Notice of Violation (NOV) that shall be noticed for a hearing before the Code Enforcement Board if not corrected within the time to bring the property into compliance that is set forth in the Notice of Violation. Destruction or damage to dunes, nesting habitat of listed sea turtles or a nesting black skimmer, plover, or other shorebird habitat, the destruction or damage to historic trees or protected trees in violation of this Ordinance shall be considered irreversible and irreparable violations that have disrupted or interrupted natural ecological habitat and natural resources and assessed a penalty as

irreversible and irreparable violations under Chapter 2 and Florida Statutes 162.09. Additional plantings or donations towards planting new, less mature trees for the loss of historic or protected trees at a reasonable replacement ratio may be required to compensate for the loss of the protected tree(s) age, dbh and tree canopy loss but this is recognized as insufficient to fully remedy the irreversible and irreparable disrupted or interrupted natural ecological habitat and natural resources including the loss of mature historic or protected trees and tree canopy that provide nesting and foraging habitat, shade and other environmental resource management benefits that cannot be fully and instantly replaced.

(b) Prior to issuing a citation, the code enforcement officer shall provide notice to the person that the person has committed a violation of this chapter and that said person has a time period of one calendar days from the date of said notice within which to correct the violation. If, upon personal investigation, the code enforcement officer finds that the person has not timely corrected the violation, the code enforcement officer may issue a citation to the person who has committed the violation. The code enforcement officer is not required to provide any period of time to correct the violation prior to issuance of a citation if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety or welfare, or if the violation is irreparable, irreversible or not capable of being cured.

(c) The citation shall contain the dollar amount of the fine to be imposed in the event the person does not contest the citation and notice of the necessary procedures to contest the citation in the county court for the city. Additionally, the citation shall contain all other requirements of F.S. § 162.21(3)(c). If the person elects not to contest the citation, the person shall pay the applicable civil penalty to the clerk of the county court within 30 days after issuance of the citation. Alternatively, if the person elects to contest the citation, the person shall request a hearing through the clerk of the county court within 30 days after the issuance of the citation. The clerk shall schedule a hearing in the county court and shall provide written notice of the hearing to the person as well as the code enforcement officer or police officer. Citations contested in the county court shall be subject to court costs as well as the civil penalty set forth in this chapter. Any violation of this chapter is a civil infraction, punishable by a civil penalty as provided by this section, not to exceed $500.00. Violation. Each day any violation of any provision of this article shall continue shall constitute a separate offense. A violation of the provisions of this chapter, by any person shall be punishable by civil penalties, as a category V violation, with an uncontested fine amount of $88.00.

(c) Prior to issuing a citation, the code enforcement officer shall provide notice to the person that the person has committed a violation of this chapter and that said person has a time period of one calendar days from the date of said notice within which to correct the violation. If, upon personal investigation, the code enforcement officer finds that the person has not timely corrected the violation, the code enforcement officer may issue a citation to the person who has committed the violation. The code enforcement officer is not required to provide any period of time to correct the violation prior to issuance of a citation if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety or welfare, or if the violation is irreparable, irreversible or not capable of being cured.

(d) The citation shall contain the dollar amount of the fine to be imposed in the event the person does not contest the citation and notice of the necessary procedures to contest the citation in the county court for the city. Additionally, the citation shall contain all other requirements of F.S. § 162.21(3)(c). If the person elects not to contest the citation, the

person shall pay the applicable civil penalty to the clerk of the county court within 30 days after issuance of the citation. Alternatively, if the person elects to contest the citation, the person shall request a hearing through the clerk of the county court within 30 days after the issuance of the citation. The clerk shall schedule a hearing in the county court and shall provide written notice of the hearing to the person as well as the code enforcement officer or police officer. Citations contested in the county court shall be subject to court costs as well as the civil penalty set forth in this chapter. Any violation of this chapter is a civil infraction, punishable by a civil penalty as provided by this section, not to exceed $500.00.In addition to the civil penalties provided, the city commission is hereby authorized to institute any appropriate action or proceeding, including a suit for injunctive relief, in order to prevent or abate violations of this article.A violation of the provisions of this chapter, by any person shall be punishable by civil penalties, as a category V violation, with an uncontested fine amount of $88.00.

(e) Prior to issuing a citation, the code enforcement officer shall provide notice to the person that the person has committed a violation of this chapter and that said person has a time period of one calendar days from the date of said notice within which to correct the violation. If, upon personal investigation, the code enforcement officer finds that the person has not timely corrected the violation, the code enforcement officer may issue a citation to the person who has committed the violation. The code enforcement officer is not required to provide any period of time to correct the violation prior to issuance of a citation if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety or welfare, or if the violation is irreparable, irreversible or not capable of being cured.

(bf) In addition to the city's community development department, fire and police departments, the department of environmental protection of the Florida Fish and Wildlife Conservation Commission shall have authority to enforce provisions of this article.

LOCAL PLANNING AGENCY
RESOLUTION NO. 2026-06

A RECOMMENDATION TO THE CITY OF TREASURE ISLAND CITY COMMISSION FOR THE APPROVAL OF AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, AMENDING CHAPTER 72 "RESOURCES; VEGETATION, AND ENVIRONMENTALLY SENSITIVE LANDS" OF THE LAND DEVELOPMENT REGULATIONS, BY AMENDING AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, AMENDING CHAPTER 72, "LANDSCAPING," OF THE CODE OF ORDINANCES; AMENDING SECTIONS 72-1, 72-2, 72-31 THROUGH 73-37, 73-39 THROUGH 72-45, 72-91, 72-111 THROUGH 72-117, 72-142, THROUGH 72-144, SECTIONS 72-162, THROUGH 72-164 TO REVISE DEFINITIONS, LANDSCAPING REQUIREMENTS, TREE PROTECTION STANDARDS, DEVELOPMENT REVIEW PROCEDURES, AND MAINTENANCE REQUIREMENTS; CREATING SECTIONS 72-112, TREE REMOVAL EXEMPTIONS, AND 72-113, TREE REPLACEMENT; REORGANIZING AND MODERNIZING LANDSCAPING AND TREE PROTECTION REGULATIONS; PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICT, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3174, Fla. Stat., provides for the establishment of a “local planning agency”; and

WHEREAS, Section 163.3174, Fla. Stat., describes the duties and responsibilities of a Local Planning Agency, which include preparing and making recommendations of comprehensive plan amendments and proposed land development regulation amendments; and

WHEREAS, on August 20, 2026, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed amendments provided herein and found the amendments consistent with the Treasure Island Comprehensive Plan and its elements; and

WHEREAS, on August 20, 2026, the Planning and Zoning Board, sitting as the Local Planning Agency, held a public hearing on Ordinance 2026-18 amending Chapter 72, “Resources, Vegetation and Environmentally Sensitive Lands” and has considered the information received at said public hearing; and

WHEREAS, on August 20, 2026, the Planning and Zoning Board, sitting as the Local Planning Agency, recommended approval of Ordinance 2026-18 to the City Commission; and

NOW, THEREFORE, BE IT RESOLVED by the Local Planning Agency of the City of Treasure Island, Florida, in a public meeting assembled:

The City of Treasure Island Local Planning Agency hereby transmits to the City Commission the proposed amendments to the Land Development Regulations, as set forth in Exhibit "A", Ordinance 2026-18, with the recommendation to approve said amendments.

PASSED AND DULY ADOPTED BY THE CITY OF TREASURE ISLAND LOCAL PLANNING AGENCY, 20th Day of August 2026.

TREASURE ISLAND LOCAL PLANNING AGENCY

_____ _____
Richard Harris, Chair Date
Local Planning Agency

ATTEST:

_____
Lisa-Marie V. Kennedy, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

_____
Vose Law Firm, City Attorney

City of Treasure Island
Business Impact Estimate

Proposed ordinance's title/reference:

ORDINANCE 2026-18

AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, AMENDING CHAPTER 72 "RESOURCES; VEGETATION, AND ENVIRONMENTALLY SENSITIVE LANDS" OF THE LAND DEVELOPMENT REGULATIONS, BY AMENDING AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, AMENDING CHAPTER 72, "LANDSCAPING," OF THE CODE OF ORDINANCES; AMENDING SECTIONS 72-1, 72-2, 72-31 THROUGH 73-37, 73-39 THROUGH 72-45, 72-91, 72-111 THROUGH 72-117, 72-142, THROUGH 72-144, SECTIONS 72-162, THROUGH 72-164 TO REVISE DEFINITIONS, LANDSCAPING REQUIREMENTS, TREE PROTECTION STANDARDS, DEVELOPMENT REVIEW PROCEDURES, AND MAINTENANCE REQUIREMENTS; CREATING SECTIONS 72-112, TREE REMOVAL EXEMPTIONS, AND 72-113, TREE REPLACEMENT; REORGANIZING AND MODERNIZING LANDSCAPING AND TREE PROTECTION REGULATIONS; PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICT, AND PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes.

Question 1. Does the proposed ordinance meet one or more of the exceptions listed below? If so, then please check the applicable exception below and move to Question 2. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by section 166.041(4), Florida Statutes, for the proposed ordinance. If there is no applicable exception, proceed with completing the business impact estimate at Question 3.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;

☐ The proposed ordinance is an emergency ordinance;

☐ The ordinance relates to procurement; or

☐ The proposed ordinance is enacted to implement the following:

a. Development orders and development permits, as those terms are defined in section 163.3164, Florida Statutes, and development agreements, as authorized by the Florida Local Government Development Agreement Act under sections 163.3220-163.3243, Florida Statutes;
b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the City;
c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Question 2. Based on the exception you selected above and in accordance with the provisions of the controlling law, please provide an explanation below of why the ordinance meets the exception(s).

N/A

Question 3. If there is no applicable exception, proceed with completing the below Business Impact Estimate. This Business Impact Estimate may be revised following its initial posting. In accordance, the City hereby publishes the following information:

A. Summary of the proposed ordinance (must include a statement of the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals and welfare of the City): The purpose of the ordinance is to improve and modernize the existing landscaping requirements established within the Land Development Regulations. The ordinance supports the general welfare, public health, and safety of the City by setting forth applicable landscaping standards which preserves the visual quality, community character, and appropriate buffering of uses throughout the City.

B. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the city, including the following, if any: N/A

(1) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted; Related costs from landscaping standards including cost of vegetation, installation, and maintenance are not anticipated to be higher than the existing ordinance in place.
(2) Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible; N/A
(3) An estimate of the City's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs. N/A
(4) Any other direct economic impacts of the proposed ordinance on private, for-profit businesses in the City that are not covered by (1), (2), or (3): N/A

C. Good faith estimate of the number of businesses likely to be impacted by the ordinance: N/A

D. Additional information the governing body deems useful (if any): N/A

AGENDA ITEM NO. 6.D

Item Cover Page

LOCAL PLANNING AGENCY AGENDA ITEM REPORT

DATE: August 20, 2026

SUBMITTED BY: Braydon Evans, Community Development

ITEM TYPE: Presentations

AGENDA SECTION: PRESENTATION OF ITEMS

SUBJECT: Review of Ordinance 2026-19 – Amending Chapter 74, Subdivisions

BACKGROUND:

The Subdivision chapter of the City's Land Development Regulations has been reviewed and updated to ensure consistency with the Comprehensive Plan and updated Florida Statutes.

This update resolves subdivision related conflicts and discrepancies identified by City staff through the administration of current regulations, which were compiled and submitted to the City's consultant for resolution as part of this scope of work including but not limited to revised platting procedures, parcel division procedures, and updated infrastructure and dedication requirements.

The ordinance also reorganizes subdivision regulations and standards for improved clarity and brevity, correcting identified issues and aligning cross-references throughout the revised Land Development Regulations.

POLICY/PURPOSE: These amendments ensure the City’s subdivision regulations are administratively workable and clearly understood by those applying and enforcing them while bringing platting regulations into statutory conformance with Section 177.071 of the Florida Statute.

STRATEGIC PLAN RELEVANCE: Bold Action 1: Perform a review of local ordinances and Land Development Regulations
Bold Action 2: Update the City's Comprehensive Plan, Local

Ordinances and Land Development Regulations

ANALYSIS/DISCUSSION: In addition to reorganizational amendments, this ordinance also implements a substantive, legislatively mandated change to the City's plat approval process. Senate Bill 784 amended Section 177.071, Florida Statutes, to require that plats and replats be approved administratively by a designated local government official, with no further action or approval required by the governing body, provided the submittal complies with Section 177.091, Florida Statutes. This ordinance designates an administrative authority within the City to receive, review, and approve, approve with conditions, or deny plat and replat submittals, and establishes the notice and review timeframes required under Florida Statute.

FUNDING: No further funding is required for this phase of the project.

MOTION: I move to approve Resolution 2026-07 recommending approval of Ordinance 2026-19 to the City Commission.

ATTACHMENTS:
Final Ordinance 2026-19 Chapter 74 Subdivisions.pdf
Res 2026-07 Ord 2026-19 Chapter 74 Subdivision.pdf
Business Impact Estimate - Ord 2026-19.pdf

ORDINANCE 2026-19

AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, AMENDING CHAPTER 74, "SUBDIVISIONS," OF THE LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 74-1, DEFINITIONS; SECTION 74-3, APPROVAL OF THE CITY COMMISSION REQUIRED FOR SUBDIVISION OF PROPERTY AND RECORDING OF PLAT; SECTION 74-4, POLICY ON PUBLIC IMPROVEMENTS; CREATING SECTION 74-5, LOT SPLITS OR LOT COMBINATIONS OF LESS THAN 3 PARCELS; AMENDING SECTION 74-31, PROCEDURE FOR SECURING APPROVAL OF SUBDIVISION; REMOVING SECTION 74-32, AUTHORITY OF PLANNING AND ZONNG BOARD TO BE ADVISORY ONLY; AMENDING SECTION 74-61, INSTALLATION OF IMPROVEMENTS AND UTILITIES; SECTION 74-62, SEAWALLS; SECTION 74-91, GENERAL REQUIREMENTS; SECTION 74-92, RELATION OF PROPOSED STREETS TO ADJOINING STREET SYSTEM; SECTION 74-97, CORNER RADII; SECTION 74-99, ALLEYS; SECTION 74-100, BLOCK LENGTH; SECTION 74-102, LOT DIMENSIONS; SECTION 74-104, SITES FOR PUBLIC USES; SECTION 74-105, VARIANCES; CREATING SECTION 74-106, REDUCTION OF LOT AREA; AND AMENDING SECTION 74-131, PRELIMINARY PLAT; CONTENT AND FORM AND SECTION 74-132, FINAL PLAT FORM AND CONTENT; PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICT; PROVIDINF FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the Treasure Island is authorized to adopt and amend subdivision regulations and land development regulations for the administrative approval of subdivision plats, lot splits and lot combinations pursuant to Chapter 163, Florida Statutes, and Chapter 177, Florida Statutes; and

WHEREAS, Chapter 74 of the City of Treasure Island Land Development Regulations establishes standards and procedures governing the subdivision of land, platting of property, installation of public improvements, and design of streets, lots, blocks, easements, and infrastructure within the City; and

WHEREAS, the City has undertaken a review of Chapter 74 in order to modernize subdivision procedures, improve consistency with current development review practices, clarify approval authority, and improve coordination with related provisions of the City's Land Development Regulations; and

WHEREAS, the City Commission finds that portions of the existing subdivision regulations contain outdated procedural references, duplicative provisions, inconsistent terminology, and administrative processes that would benefit from clarification, modernization, and reorganization; and

WHEREAS, the amendments contained herein are intended to align subdivision review and plat approval procedures with the procedural framework established in Chapter 61 of the Land Development Regulations and to improve the efficiency and administration of development review processes; and

WHEREAS, the amendments further update standards relating to subdivision design, public infrastructure improvements, street connectivity, easements, utilities, seawalls, storm drainage, lot dimensions, and platting requirements in order to provide clearer and more effective development standards; and

WHEREAS, the City Commission finds that the amendments improve internal consistency among the City's subdivision regulations, zoning regulations, development procedures, infrastructure standards, and related provisions of the City Code; and

WHEREAS, the amendments are further intended to provide clearer guidance to property owners, developers, surveyors, engineers, City staff, advisory boards, and the public regarding subdivision requirements, plat approval procedures, and development standards; and

WHEREAS, the City Commission finds that the amendments contained herein are consistent with the goals, objectives, and policies of the City's Comprehensive Plan and further the public health, safety, and welfare of the citizens of the City of Treasure Island; and

WHEREAS, the Planning and Zoning Board, acting as the Local Planning Agency for the City of Treasure Island, conducted a duly noticed public hearing on the proposed amendments and reviewed the Ordinance for consistency with the Comprehensive Plan and applicable law.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF TREASURE ISLAND:

Section 1. The recitals set forth above are true and correct and adopted herein by reference as legislative findings by the City Commission of the City of Treasure Island, Florida, for the adoption of this Ordinance.

Section 2. Chapter 68 of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended and shall read as shown in Exhibit A:

(Underlined terms are additions; ~~stricken~~ terms are deletions from the original text)

Section 3. All ordinances in conflict herewith are repealed to the extent necessary to give this ordinance full force and effect.

Section 4. Should any section, paragraph, clause, sentence, item, word or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part hereof, not so declared to be invalid.

Section 5. It is the intent of the City Commission that the provisions of this Ordinance shall become codified and made a part of the Code of Ordinances of the City of Treasure Island, Florida, and the sections cited in this Ordinance may be renumbered, reformatted or re-lettered to accomplish such intention.

Section 6. This Ordinance shall become effective immediately upon its passage.

CITY OF TREASURE ISLAND, FLORIDA

FIRST READING and PUBLIC HEARING on the ____ day of _____, 2026.

SECOND READING and PUBLIC HEARING on the ____ day of _____, 2026.

PUBLISHED in the Tampa Bay Times on the ____ day of _____, 2026.

_____
John Doctor, Mayor

Attest:

_____
Lisa-Marie V. Kennedy, Clerk

Approved as to Form:

_____
Vose Law Firm, City Attorney

Chapter 74 SUBDIVISIONS

ARTICLE I. – IN GENERAL

Sec. 74-1. Definitions.

The following words when used in this chapter shall have the meaning ascribed herein unless the context clearly indicates otherwise:

Alley means a right-of-way providing a secondary means of access and service to abutting property. May also consist of a vehicular-use drive located to the rear of lots providing access to service areas, parking, ancillary structures, or containing easements.

Lot depth (also referred to as length) means the horizontal distance between the front and rear lot lines measured in the mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the opposite mean rear line of the lot.

Lot width means the horizontal distance between the side lot lines measured along the front building setback line of the lot as determined by the prescribed front yard requirements of the land development regulations and zoning district.

Street means any public accessway such as a street, road, highway, avenue, boulevard, alley, terrace, circle, or cul-de-sac, and also includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved, but shall not include those access ways such as easements and rights-of-ways intended solely for limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines, drainage and sanitary sewers, and private easements for ingress and egress.

Subdivision means the division of real property into three ~~two~~ or more lots, parcels, tracts, tiers, blocks, sites, units or any other division of land, or if the establishment of new streets and alleys is involved, any division of such parcel. The term includes resubdivisions and, when appropriate to the text, relates to the process of subdividing or to the lands or area subdivided, however, that the following shall be exempt:

(1) The public acquisition of strips of land for the widening of existing streets.

(2) The combination or recombination of portions of previously platted lots where no new parcels or residual parcels smaller than any of the original lots are created.

(3) The division of land into parcels greater than 1¼ acres where no new streets or easements of access are planned.

(4) The transference of part of one lot or tract to an adjacent lot or tract provided such transference does not reduce any lot or tract to an area or width less than the minimum specified in this chapter.

Sec. 74-2. Declaration of purpose.

The procedures and standards for the development and subdivision of real estate and for the surveying and platting thereof, adopted and prescribed by this chapter are hereby found by the city commission to be necessary and appropriate in order to provide for economical and sufficient streets with adequate widths and with proper alignment and grades designed to promote the public safety, health and general welfare, to provide for suitable residential neighborhoods with adequate streets and utilities and appropriate building sites, to save unnecessary expenditure of public funds by initial proper construction of streets and utilities, and

to provide proper land records for the convenience of the public and for better identification and permanent location of real estate boundaries.

Sec. 74-3. Administrative approval ~~Approval of the city commission~~ required for subdivision of property and recording of plat and lot splits or lot combinations of less than 3 parcels.

No real property within the city shall be divided and offered for sale until a plat thereof is administratively approved ~~by the city commission~~; provided, however, that the procedures and standards set forth in Chapter 61 ~~this chapter~~ shall not apply to the exceptions enumerated in section 74-1 nor shall a plat be recorded without first submitting a preliminary plat for review by the Community Development Director ~~planning and~~ zoning board and without obtaining from the Community Development Director or designee ~~city commission~~ approval of the final plat. Building permits shall not be issued for structures located in a subdivision created subsequent to October 4, 1955 unless such plat is recorded in the office of the clerk of circuit court.

Sec. 74-4. Policy on public improvements.

The city hereby defines its policy to be that the city will withhold all public improvements and utilities of whatever nature, including, but not limited to, the maintenance of streets, drains and drainage facilities, utilities and easements and rights-of-way therefor, and the furnishing of sanitary sewer collection and sewage disposal facilities and services from all subdivisions which have not been approved, or for which a plat has not been approved, by the Community Development Director ~~city commission~~, and from all areas dedicated to the public which have not been accepted by the Community Development Director ~~city commission~~, in the manner prescribed in this chapter.

Sec. 74-5. Lot splits or lot combinations of less than 3 parcels

Lot splits or lot combinations of less than 3 parcels shall meet all lot size and other requirements of the zoning district and land development regulations and shall be submitted to the City for approval prior to recording.

Secs. 74-6~~5~~—74-30. Reserved.

ARTICLE II. ADMINISTRATION

Sec. 74-31. Procedure for securing approval of subdivision.

All procedures for securing approval of subdivision, both preliminary and final plat, are outlined in Chapter 61 of these Land Development regulations.

~~(a) *Preliminary plat approved by planning and zoning board.* A subdivider or property owner shall submit three copies of a preliminary plat of his proposed subdivision, prepared in accordance with the requirements of article IV of this chapter and section 74-131 to the planning and zoning board at least ten days prior to a regularly scheduled meeting of the planning and zoning board and pay all applicable fees as set by the city commission in appendix A. Before acting to grant preliminary approval or to reject the proposed subdivision, the planning and zoning board shall receive reports from the building official certifying compliance with, or noting deviations from, the requirements of this chapter and commenting on any other items which bear upon the public interest in the proposed subdivision. After preliminary approval has been granted by the planning and zoning board or the city commission, the final plat of the subdivision shall be prepared and submitted for~~

~~final approval within one year from the date of the preliminary approval. No improvements shall be made in the subdivision other than grading until the preliminary plat has been approved and detailed plans for such improvements have been approved by the building official.~~

~~(b) *Final plat approved by planning and zoning board and city commission.* The owner or subdivider shall submit three copies of the final plat prepared in accordance with the conditions of the preliminary approval and requirements of section 74-132 to the planning and zoning board at least ten days prior to a regularly scheduled meeting of the planning and zoning board and pay all applicable fees as set by the city commission in appendix A. Before granting final approval to the plat, the planning and zoning board shall receive reports from the building official. After being reviewed by the board, the plat, with the board's recommendations, shall be transmitted for the city commission's approval. The city commission may require reports certifying compliance with the requirements of this chapter from the building official and the planning and zoning board before granting final approval to a subdivision plat.~~

~~Sec. 74-32. Authority of planning and zoning board to be advisory only.~~

~~The planning and zoning board's actions and decisions shall be advisory only, and shall be in no way binding on the city commission which shall have the sole power to make decision in accordance with this chapter.~~

Secs. 74-3~~3~~2—74-60. Reserved.

ARTICLE III. INSTALLATION OF INFRASTRUCTURE IMPROVEMENTS

Sec. 74-61. Installation of improvements and utilities.

(a) All subdivisions within the city limits shall have storm drains installed, streets graded, paved or surfaced, curbs and gutters, sanitary sewage collection and disposal facilities, potable water lines or mains, and reclaimed water lines or mains (when a reclaimed water supply is available), all to be installed by the owner or subdivider in accordance with the applicable standard specifications of the city. Such construction or installation shall be subject to inspection and approval by the building official upon recommendation from Public Works. Fire hydrants, street paving, sanitary sewage collection and disposal facilities, water lines and mains (potable and/or reclaimed water), or any other improvements and utilities to be constructed or installed upon or within proposed public rights-of-way, and all storm drains, regardless of location, shall be subject to the prior approval of the building official upon recommendation from Public Works.

(b) The cost of any or all such construction or installations or furnishing of improvements and utilities shall be borne by and paid for by the owner or subdivider when such improvements and utilities are installed.

(c) The city may also require the owner or subdivider to install or guarantee the installation of crosswalks and sidewalks on any streets having a right-of-way greater than 60 feet, or which have a length of more than 1,000 feet, unless a variance is obtained pursuant to Section ~~70-221~~ 61-85 of this Code. ~~or where the need for sidewalks is set forth in the minutes of a planning and zoning board meeting and two-thirds of the members of such board, present and voting, deem it necessary and recommend that sidewalks be constructed along a street or streets~~.

Sec. 74-62. Seawalls.

Seawalls shall be installed on all waterfront property fronting on channels at the cost and expense of the owner or subdivider, in accordance with applicable standards and specifications of the city, and subject to inspection and approval by the city building inspector. Seawalls may also be required elsewhere, wherever, in the opinion of the City Commission upon recommendation by the Public Works Department or licensed design professional ~~city commission~~, there is danger of erosion.

Sec. 74-63. Storm drainage.

If special drainage facilities to carry stormwater from a subdivision or several subdivisions are necessary, these facilities shall be constructed and installed and paid for by the owners or subdividers and the city, not to exceed 660 feet beyond the boundaries of the subdivision or, subdivisions involved, in such reasonable manner as the owners or subdividers and the city shall agree upon.

Sec. 74-64. Alternative methods of guaranteeing improvements.

Where the improvements and utilities required in sections 74-61, 74-62 and 74-63 have not been completed prior to the submission of the plat for final approval, the approval of the plat shall be subject to one of the following alternatives if required by the city:

(1) The owner or subdivider filing with the city a performance or surety bond in an amount to be determined by the city with sureties satisfactory to the city guaranteeing the grading and paving of the streets and the construction and installation of curbs and gutters, storm drains, sewer collection and sewage disposal facilities, sidewalks, water lines or mains and fire hydrants within such reasonable time as may be specified by the city.

(2) The deposit with the city or the placing in escrow of cash or a certified check in an amount to be determined by the city to cover the cost of the improvements and utilities. The city may release portions of this security deposit as work progresses.

(3) The owner or subdivider entering into an agreement with the city guaranteeing the completion of the required work, such agreement to be binding on the grantees, assigns, successors, heirs and personal representatives of the owner or subdivider and upon subsequent purchasers of the property involved or of any interest therein and to be recorded at the option of the city. Such agreement shall permit progressive development of the subdivision by sections, and shall provide that satisfactory security be furnished the city guaranteeing the completion of the necessary improvements and installation of utilities before each section of the subdivision is developed.

Secs. 74-65—74-90. Reserved.

ARTICLE IV. GENERAL REQUIREMENTS AND MINIMUM DESIGN STANDARDS

Sec. 74-91. General requirements.

All proposed subdivisions shall be in conformity with a plan for the most advantageous development of the entire neighboring area and shall conform substantially to the existing or amended plans of the City ~~planning and zoning board~~. Whenever a tract to be subdivided

embraces any part of a thoroughfare, boulevard, or parkway, so designated by the Community Development Director or designee ~~planning and zoning board~~, such part of such proposed public way shall be platted by the subdivider in the location and to the width recommended by the City. ~~planning and zoning board.~~ Whenever a proposed subdivision involves the construction of new public streets, extension of existing public streets, new connections to existing public streets, or other modifications to existing public streets, such construction, extension, connections, and/or modifications shall be subject to the design criteria and permitting requirements of the city, county, and/or state, whichever may be applicable.

Sec. 74-92. Relation of proposed streets to adjoining street system.

The proposed street system shall extend existing street or projects at the same or greater width, but in no case less than the required minimum width. Where in the opinion of Community Development Director or designee ~~the planning and zoning board~~, it is desirable to provide for street access to adjoining property, the proposed street shall be extended by dedication to the boundary of such property. The centerline of continuation of the streets must be in alignment or be offset by the width of the larger right-of-way plus at least 20 feet.

Sec. 74-93. Street names.

Proposed streets which are obviously in alignment with others already existing and named, shall bear the name of existing streets. In no case except for numbered streets and avenues shall the name for proposed streets duplicate or be phonetically similar to existing street names, irrespective of the suffix street, avenue, boulevard, drive, place or court.

Sec. 74-94. Minimum street widths.

The minimum width of proposed streets, roads and alleys, measured from lot line to lot line shall be:

(1) Major arterial streets which serve or may serve heavy local traffic and major state or federal highway, 100 feet.

(2) Arterial streets connecting important divisions of the metropolitan area, 80 feet.

(3) Local service streets which have, or may have in the future, a continuous alignment more than one mile in length and all local feeder streets, 60 feet.

(4) All other local service streets, 50 feet.

(5) Alleys in commercial or industrial areas, 30 feet.

(6) Alleys in residential areas, 24 feet.

Sec. 74-95. Street grades.

Grades on all streets and roads will be determined by the city and shall not exceed six percent, nor be less than two-tenths of one percent.

Sec. 74-96. Horizontal curves.

Where a deflection angle of more than ten degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced.

Sec. 74-97. Corner radii.

There shall be a minimum radius at the property line of 20 feet at all intersections. The Community Development Director or designee ~~planning and zoning board~~ may require a greater radius at the intersection of any street with an arterial street.

Sec. 74-98. Dead end streets.

In general, streets designed to have one end permanently closed (cul-de-sac) shall be avoided unless it is clear that a through street is not desirable for the street system in the area. Where such streets are used, they shall terminate in a circular area of public right-of-way having a minimum property line radius of 50 feet, and a minimum outside curb radius of 40 feet.

Sec. 74-99. Alleys.

Alleys shall be provided to the rear of lots to be used for business purposes unless the subdivider shows that they are not needed and may be provided in residential blocks, as required by the Community Development Director or designee ~~planning and zoning board.~~

Sec. 74-100. Block length.

Blocks, except waterfront blocks, shall not exceed 1,400 feet in length. A crosswalk or pedestrian way, not less than ten feet in width shall be provided near the center, and entirely across any block that is more than 1,000 feet in length, and may be required by the City ~~planning and zoning board~~ across any block that is more than 700 feet in length, or as determined ~~by~~ by the Community Development Director or designee ~~planning and zoning board~~.

Sec. 74-101. Block width.

Blocks, except waterfront blocks, shall be at least wide enough to allow two tiers of lots of minimum depth.

Sec. 74-102. Lot dimensions.

The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated, and shall conform to the following:

(1) Every lot or parcel of land shall abut a public street.

(2) Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

(3) Except where otherwise approved, ~~E~~every lot shall have a minimum mean lot width consistent with the corresponding zone district outlined in Chapter 68. ~~of 70 feet, except that every corner lot shall have a minimum mean lot width of 75 feet, but l~~in no case shall the frontage upon a public street be reduced below 40 feet.

(4) Every lot shall have a minimum lot area outlined in each associated zone district in Chapter 68. ~~of 6,000 square feet~~.

(5) Every lot shall have a depth no greater than three times the mean width, and no less than 90 feet.

(6) On plats within the force and effect of any current zoning district, the minimum lot area shall in no case be less than that required by such land development regulations.

Sec. 74-103. Utility easements.

To provide for public service poles, conduits, storm drains, and surface swales, sewer or gas mains (but not both), an easement not less than ten feet in width, five feet on each side of the common rear lot line and in other locations where necessary, shall be provided. If both sewer and gas lines are to be located in such easements, a width of at least 15 feet, 7½ feet on each side, shall be provided. No building or other obstruction shall be erected and no trees or shrubbery shall be planted on any easement required under this chapter other than fences and hedges of a type approved by the city, and such fences and hedges shall be cleared away by the property owner whenever necessary in the opinion of the city.

Sec. 74-104. Sites for public uses.

In subdividing property, due consideration shall be given by the subdivider and the Community Development Director or designee ~~planning and zoning board~~ to the reservation or dedication of suitable sites for schools, parks and other public uses. Such provision should be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated or acquired.

Sec. 74-105. Variances.

Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of the regulations in this article would cause an unnecessary hardship, the applicant may apply for a variance pursuant to Section ~~70-221~~ 61-85 of Chapter 70, Article III of this Code. ~~the Community Development Director or designee planning and zoning board may recommend and the city commission authorize a variance, disregarding recommendations of the planning and zoning board if it chooses~~. Any variance thus authorized is required to be entered in writing in the minutes of the planning and zoning board and of the city commission and the reasoning on which the departure was justified set forth.

Sec~~s~~. ~~68-455~~74-106. Reduction of lot area.

The area or dimension of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by these land development regulations, except as provided in these land development regulations and, if already less than the minimum required, such area or dimension may be continued, but shall not be further reduced. Lot splits or lot combinations of less than 3 parcels shall meet all lot size and other requirements of the zoning district and land development regulations and shall be submitted to the City for approval prior to recording.

Secs. 74-107~~6~~—74-130. Reserved.

ARTICLE V. PLATS

(1) Date, approximate north point and scale.

(2) The boundary line of the tract to be subdivided, drawn accurately to scale and with accurate linear and angular dimensions.

(3) The location of existing and platted property lines, streets, watercourses, railroads, bridges and any public utility easement of record, both on the land to be subdivided and on the land immediately adjoining for a distance of at least 150 feet. The location of water and sewer mains, culverts, drain pipes, and all structures on the land to be subdivided and on the land within ten feet of it. The names of adjoining subdivisions with plat book and page numbers or the names of record owners of adjoining parcels of unsubdivided land.

(4) The names, proposed locations, and approximate dimensions of proposed streets, alleys, easements, parks and other open spaces, reservations, lot lines and building lines. This information may be graphical only, not requiring detailed computations or field work over and above that required to obtain the information listed next above.

(5) When deemed necessary by the planning and zoning board, profiles of all streets showing natural and finished grades drawn to scale of not less than one inch equals 40 feet horizontal and one inch equals four feet vertical.

(6) When deemed necessary by the planning and zoning board, contours with a vertical interval of not more than one foot referred to sea level datum.

(8) A title opinion of an attorney at law licensed in Florida or a property information report showing that record title to the land is in the name of the entity or person executing the dedication.

Sec. 74-132. Final plat; form and content.

The final plat shall be drawn in black ink upon tracing cloth to a scale of not less than 100 feet equals one inch, unless the planning and zoning board will accept the plat at a lesser scale. It shall contain the following:

(1) The boundary lines with accurate distances and bearings, and the exact location and the width of all existing or recorded streets intersecting the boundary of the tract;

(2) The lines and the names of all streets; alley lines; lot lines; building lines; easements, areas devoted to public use, with notes stating their purposes and lot and block numbers;

(3) Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, block line, and building line whether straight or curved. This shall include the radius, arcs and chords of all curves. All linear dimensions shall be given in feet and hundredths thereof, and angular dimensions shall be of comparable accuracy within the limits of good surveying practice;

(4) The accurate location of all monuments and the designation of specific control corners in conformance with the letter and intent of Laws of Fla. (1949), ch. 26151;

(5) A surveyor's certificate properly completed and signed;

(6) The title including the name of the subdivision and its location; north point; scale;

(7) A title opinion of an attorney at law licensed in Florida or a property information report showing that record title to the land is in the name of the entity or person executing the dedication.

(8~~7~~) A certificate of ownership and dedication properly completed and signed;

(9~~8~~) A form for the endorsement of the administrative authority, which shall contain a provision that the administrative approval of the city manager or community development director is conditioned upon the plat being filed in the office of the clerk of circuit court of the county within 90 days from the date of such approval. The form shall be similar to the following:

~~A form for the endorsement of the city commission which shall contain a provision that the approval of the city commission is conditioned upon the plat being filed in the office of the clerk of circuit court of the county within 90 days from the date of such approval. The form shall be similar to the following:~~

~~Approved for the City Commission of the City of Treasure Island, Pinellas County, Florida, this _____ day of _____ A.D. 19___; provided that the plat is filed in the office of the clerk of the circuit court of Pinellas County, Florida, within 90 days from date of this approval.~~

	Mayor-Commissioner

CERTIFICATE OF APPROVAL BY ADMINISTRATIVE AUTHORITY PURSUANT TO SECTION 177.071 FLORIDA STATUTES
Approved for the Administrative Authority of the City of Treasure Island, Pinellas County, Florida, this _____ day of _____, 20___; provided that the plat is recorded in the public records of Pinellas County, Florida, within 90 days from date of this approval.

_____
CITY MANAGER/COMMUNITY DEVELOPMENT DIRECTOR

ATTEST: _____
CITY CLERK

LOCAL PLANNING AGENCY
RESOLUTION NO. 2026-07

A RECOMMENDATION TO THE CITY OF TREASURE ISLAND CITY COMMISSION FOR THE APPROVAL OF AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, AMENDING CHAPTER 74, "SUBDIVISIONS," OF THE LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 74-1, DEFINITIONS; SECTION 74-3, APPROVAL OF THE CITY COMMISSION REQUIRED FOR SUBDIVISION OF PROPERTY AND RECORDING OF PLAT; SECTION 74-4, POLICY ON PUBLIC IMPROVEMENTS; CREATING SECTION 74-5, LOT SPLITS OR LOT COMBINATIONS OF LESS THAN 3 PARCELS; AMENDING SECTION 74-31, PROCEDURE FOR SECURING APPROVAL OF SUBDIVISION; REMOVING SECTION 74-32, AUTHORITY OF PLANNING AND ZONNG BOARD TO BE ADVISORY ONLY; AMENDING SECTION 74-61, INSTALLATION OF IMPROVEMENTS AND UTILITIES; SECTION 74-62, SEAWALLS; SECTION 74-91, GENERAL REQUIREMENTS; SECTION 74-92, RELATION OF PROPOSED STREETS TO ADJOINING STREET SYSTEM; SECTION 74-97, CORNER RADII; SECTION 74-99, ALLEYS; SECTION 74-100, BLOCK LENGTH; SECTION 74-102, LOT DIMENSIONS; SECTION 74-104, SITES FOR PUBLIC USES; SECTION 74-105, VARIANCES; CREATING SECTION 74-106, REDUCTION OF LOT AREA; AND AMENDING SECTION 74-131, PRELIMINARY PLAT; CONTENT AND FORM AND SECTION 74-132, FINAL PLAT FORM AND CONTENT; PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICT; PROVIDINF FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3174, Fla. Stat., provides for the establishment of a “local planning agency”; and

WHEREAS, Section 163.3174, Fla. Stat., describes the duties and responsibilities of a Local Planning Agency, which include preparing and making recommendations of comprehensive plan amendments and proposed land development regulation amendments; and

WHEREAS, on August 20, 2026, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed amendments provided herein and found the amendments consistent with the Treasure Island Comprehensive Plan and its elements; and

WHEREAS, on August 20, the Planning and Zoning Board, sitting as the Local Planning Agency, held a public hearing on Ordinance 2026-19 amending Chapter 74, "Subdivisions" and has considered the information received at said public hearing; and

WHEREAS, on August 20, 2026, the Planning and Zoning Board, sitting as the Local Planning Agency, recommended approval of Ordinance 2026-19 to the City Commission; and

NOW, THEREFORE, BE IT RESOLVED by the Local Planning Agency of the City of Treasure Island, Florida, in a public meeting assembled:

The City of Treasure Island Local Planning Agency hereby transmits to the City Commission the proposed amendments to the Land Development Regulations, as set forth in Exhibit "A", Ordinance 2026-19, with the recommendation to approve said amendments.

PASSED AND DULY ADOPTED BY THE CITY OF TREASURE ISLAND LOCAL PLANNING AGENCY, 20th Day of August 2026.

TREASURE ISLAND LOCAL PLANNING AGENCY

_____ _____
Richard Harris, Chair Date
Local Planning Agency

ATTEST:

_____
Lisa-Marie V. Kennedy, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

_____
Vose Law Firm, City Attorney

City of Treasure Island
Business Impact Estimate

Proposed ordinance's title/reference:

ORDINANCE 2026-17

AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, AMENDING CHAPTER 74, "SUBDIVISIONS," OF THE LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 74-1, DEFINITIONS; SECTION 74-3, APPROVAL OF THE CITY COMMISSION REQUIRED FOR SUBDIVISION OF PROPERTY AND RECORDING OF PLAT; SECTION 74-4, POLICY ON PUBLIC IMPROVEMENTS; CREATING SECTION 74-5, LOT SPLITS OR LOT COMBINATIONS OF LESS THAN 3 PARCELS; AMENDING SECTION 74-31, PROCEDURE FOR SECURING APPROVAL OF SUBDIVISION; REMOVING SECTION 74-32, AUTHORITY OF PLANNING AND ZONNG BOARD TO BE ADVISORY ONLY; AMENDING SECTION 74-61, INSTALLATION OF IMPROVEMENTS AND UTILITIES; SECTION 74-62, SEAWALLS; SECTION 74-91, GENERAL REQUIREMENTS; SECTION 74-92, RELATION OF PROPOSED STREETS TO ADJOINING STREET SYSTEM; SECTION 74-97, CORNER RADII; SECTION 74-99, ALLEYS; SECTION 74-100, BLOCK LENGTH; SECTION 74-102, LOT DIMENSIONS; SECTION 74-104, SITES FOR PUBLIC USES; SECTION 74-105, VARIANCES; CREATING SECTION 74-106, REDUCTION OF LOT AREA; AND AMENDING SECTION 74-131, PRELIMINARY PLAT; CONTENT AND FORM AND SECTION 74-132, FINAL PLAT FORM AND CONTENT; PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICT; PROVIDINF FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes.

Question 1. Does the proposed ordinance meet one or more of the exceptions listed below? If so, then please check the applicable exception below and move to Question 2. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by section 166.041(4), Florida Statutes, for the proposed ordinance. If there is no applicable exception, proceed with completing the business impact estimate at Question 3.

☐ The proposed ordinance is required for compliance with Federal or State law or regulation;

☐ The proposed ordinance relates to the issuance or refinancing of debt;

☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;

☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;

☐ The proposed ordinance is an emergency ordinance;

☐ The ordinance relates to procurement; or

☐ The proposed ordinance is enacted to implement the following:

a. Development orders and development permits, as those terms are defined in section 163.3164, Florida Statutes, and development agreements, as authorized by the Florida Local Government Development Agreement Act under sections 163.3220-163.3243, Florida Statutes;
b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the City;
c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Question 2. Based on the exception you selected above and in accordance with the provisions of the controlling law, please provide an explanation below of why the ordinance meets the exception(s).

N/A

Question 3. If there is no applicable exception, proceed with completing the below Business Impact Estimate. This Business Impact Estimate may be revised following its initial posting. In accordance, the City hereby publishes the following information:

A. Summary of the proposed ordinance (must include a statement of the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals and welfare of the City): The purpose of the ordinance is to ensure consistent application of subdivision regulations within the City and to facilitate the proper subdivision of land. The ordinance protects the public safety and welfare of the City and its residents by regulating the physical development standards of parcels, roadways, and utilities which contribute to the provision of adequate public safety and services while ensuring proper recording of the division of land.

B. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the city, including the following, if any:
(1) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted; N/A
(2) Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible; N/A
(3) An estimate of the City's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs. N/A
(4) Any other direct economic impacts of the proposed ordinance on private, for-profit businesses in the City that are not covered by (1), (2), or (3): N/A

C. Good faith estimate of the number of businesses likely to be impacted by the ordinance: N/A

D. Additional information the governing body deems useful (if any): N/A