



PLANNING BOARD MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

June 18, 2018
4:00 p.m.

Call to Order
Pledge of Allegiance
Roll Call

- 1. Changes to the Agenda** – Agenda items to be added, moved or deleted will be addressed at this time. Items added will be assigned agenda item numbers and items that are moved will retain the same item numbers. A notation will be made that those items will be taken out of order.
- 2. Audience Comments** – Comments shall be limited to three minutes per person to issues not on the agenda.
- 3. Approval of Minutes from 16 April 2018.**
- 4. Agenda Items**
 - a. Discussion on Customary Use.**
 - b. Discussion of Comprehensive Planning.**

The next meeting is scheduled for 16 July 2018.

- 5. Adjournment**

APPEAL

APPEAL: Florida Statutes 286.0105 Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that, if a person decides 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.

AMERICANS WITH DISABILITIES ACT: Florida Statutes 286.26. Accessibility of public meetings to the physically handicapped. In accordance with the Americans with Disabilities Act and Florida Statutes, persons needing special accommodations to participate in a meeting should contact City Hall at (727) 367-2735 no later than forty-eight (48) hours prior to the meeting for assistance.

**Electronic media must be submitted a minimum of 24 hours in advance
to cityclerk@stpetebeach.org**

The public is cordially invited to attend.

All agenda material is available for review at City Hall.

PLANNING BOARD MINUTES

APRIL 16, 2018

4:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Tiffany Secka, Chairwoman
Marvin Shavlan, Vice Chairman
Kristin Bell, Member
Doug Izzo, Member
Jack Ohlhaber, Member

ALSO PRESENT:

Wayne Saunders, City Manager
Matthew McConnell, Esq., Dickman Law Firm
Wesley Wright, Community Development Director
Mary Jo Murphy, Deputy City Clerk

1. Changes to the Agenda

Chairwoman Secka made the following changes to the agenda:

- Add Item No. 4. b., Introduction of the new Community Development Director
- Add Item No. 4. c., Election of Chair and Vice Chair

2. Audience Comments

There were no audience comments.

3. Approval of Minutes - January 22, 2018

Vice Chair Shavlan made a motion to approve the minutes. The motion was seconded by Member Ohlhaber and unanimously approved by a roll call vote (5 yeses – 0 nos).

4. Agenda Items

- a. Ordinance 2018-02 – An Ordinance amending the Land Development Code of the City of St. Pete Beach to ban medical Marijuana Treatment Centers.

Matthew McConnell, present on behalf of City Attorney Dickman, reviewed Ordinance 2018-02 with the Planning Board.

At the conclusion of Mr. McConnell's presentation, Chairwoman Secka asked for board discussion.

After board discussion, Chairwoman Secka asked for a motion.

Member Ohlhaber made a motion to adopt Ordinance 2018-02, an Ordinance amending Division 7, Introduction to District Regulations of the Land Development Code of the City of St. Pete Beach, Florida, by adding a new section to be numbered and entitled as Section 7.6, Medical Marijuana Treatment Center Dispensing Facilities Prohibited, by prohibiting medical marijuana treatment center dispensing facilities from being located within the boundaries of the City of St. Pete Beach, as authorized by Section 381.986, Florida Statutes; providing legislative findings; providing a moratorium contingency; providing for conflicts, severability, construction, publication and an effective date. The motion was seconded by Vice Chair Shavlan and unanimously approved by a roll call vote (5 yeses – 0 nos).

- b. Introduction of the new Community Development Director

Wayne Saunders, City Manager, introduced the new Community Development Director, Wesley Wright.

Mr. Wright gave a summary of his background to the board.

- c. Election of Chair and Vice Chair

Member Ohlhaber proposed that the board retain the current chair and vice chair.

Chairwoman Secka and Vice Chair Shavlan agreed to remain and serve.

Vice Chair Shavlan made a motion that Tiffany Secka retains the position of Chairwoman. The motion was seconded by Member Ohlhaber and unanimously approved by a roll call vote (5 yeses – 0 nos).

Member Izzo made a motion to retain Marvin Shavlan as Vice Chair. The motion was seconded by Member Bell and unanimously approved by a roll call vote (5 yeses – 0 nos).

5. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 4:24 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Tiffany Secka, Chairwoman

Minutes approved on: _____

MEMORANDUM

FROM: Matthew McConnell, Esq. 
Dickman Law Firm

TO: Andrew Dickman, City Attorney
City of St. Pete Beach, Florida

COPY: Wayne Saunders, City Manager
Rebecca Haynes, City Clerk

DATE: May 24, 2018

RE: HB 631; beach access and the doctrine of "customary use" / updated v2

On March 23, 2018, Governor Scott signed into law House Bill 631, entitled "Possession of Real Property." The Bill was sponsored by State Representative Katie Edwards-Walpole, who authored the attached article to help explain the intent and purpose of the Bill.

Of the 18-page Bill, the last 4 pages contain the controversial s. 163.035, Fla. Stat., "Establishment of recreational customary use." (attached). The debate stems from the inherent issue of what part of Florida's beaches is private versus public. It is believed that the Bill is a legislative reaction to several high-profile inverse condemnation cases pertaining to private beach land.

Key Dates.

The Bill becomes effective July 1, 2018. Customary use ordinances in effect on or before January 1, 2016 are grandfathered in; the Bill does not apply to these ordinances. A governmental entity can use the customary use doctrine as a legal defense while defending an ordinance that is adopted before July 1, 2018. As a precautionary step, several local governments are rushing to adopt a standard customary use ordinance before the Bill's effective date to preserve the ability to raise customary use as a defense if a beach related ordinance is challenged. None of St. Pete Beach's beach related ordinances are being challenged.

After July 1, 2018.

Once the Bill is effective, a local government is preempted from adopting a customary use ordinance on a private beach "unless such ordinance or rule is based on a judicial declaration affirming recreational customary use on such beach." The judicial declaration is a condition precedent to adopting a customary use ordinance or rule.

The process for obtaining a judicial declaration from the circuit court is as follows:

The local government must “adopt” at a public hearing a formal “notice of intent” to pursue a customary use judicial determination. The notice of intent must specify all the subject beach property, the uses of those parcels, and the evidence upon which the local government will rely upon to prove customary use. All effected parcel owners must be notified by mail and the public hearing must be duly advertised. Due process is essential. It is not clear by what method the notice of intent must be adopted.

Within 60 days after adoption of the notice of intent, the local government must file in circuit court in the form of a complaint for a “Declaration of Recreational Customary Use.” All property owners must be put on notice of the filing, and any parcel owner has the right to intervene in the proceedings. The local government must prove that the recreational customary use exists. If the local government proves the customary use, it may adopt a customary use ordinance. It is unclear what type of order the court will issue or if the order is appealable. According to Rep. Edwards-Walpole, this procedure is “intended to avoid legal challenges to customary use ordinances adopted without judicial determination.”

The Doctrine of Customary Use - Generally.

The Florida Supreme Court established the *doctrine of customary use* as it relates to beach access in the *City of Daytona Beach v. Tona-Rama* 294 So. 2d 73, 75 (Fla. 1974) case. The Tona-Rama company owned and operated an ocean pier as a recreation center and tourist attraction. *Tona-Rama* at 74. When *Tona-Rama* obtained a building permit and constructed an observation tower as a part of the pier, the plaintiff – a competing beach observation tower near the pier - sued alleging the public acquired a prescriptive easement and exclusive rights to the beach by way of continuous use of the beach area for more than 20 years. *Id.*

The court ultimately held that the public did not obtain an easement by prescription because the public use was not adverse to the interest of *Tona-Rama*. *Id.* at 78. Since the public’s use of the land as a recreation center and tourist attraction was consistent with Tona-Rama’s intent to operate the pier as a public recreation center and tourist attraction, no adverse use existed to satisfy the test for a prescriptive easement. The court ruled that the public may continue to use the dry sand area for their usual recreational activities, not because they had any interest in the land itself, but because of a right gained through custom to use that particular area of the beach as they had without dispute and without interruption for many years. *Id.* The court expressed the standard for the establishment of a customary use as follows:

If the recreational use of the sandy area adjacent to mean high tide has been ancient, reasonable, without interruption and free from dispute, such use, as a matter of custom, should not be interfered with by the owner. However, the owner may make any use of his property which is consistent with such public use and not calculated to interfere with the exercise of the right of the public to enjoy the dry sand area as a recreational adjunct of the wet sand or foreshore area. *Id.*

Based in part on *Tona-Rama*, Walton County, Florida adopted its “Customary Use Ordinance” on October 25, 2016, essentially invoking customary use of private beaches except for a 15-foot buffer seaward of the dune system. This ordinance was appealed by homeowners at various private beach-front communities in Walton County. See *Goodwin v. Walton County*, 248 F.Supp.3d 1257 (2017).

The District Court in *Walton* described customary use in this way:

Florida law both recognizes and allows regulation of a public right acquired in some areas through custom to use the dry sand area of Florida beaches for recreation. See *Tona-Rama*, 294 So. 2d at 75-78 (“No part of Florida is more exclusively hers, nor more properly utilized by her people than her beaches. And the right of the public of access to, and enjoyment of, Florida’s oceans and beaches has long been recognized by this Court.”); *White v. Hughes*, 190 So. 446 (Fla. 1939).

According to the Florida Supreme Court, Florida’s coastal beaches “require separate consideration from other lands with respect to the elements and consequences of title” because of their unique character. *Tona-Rama*, 294 So. 2d at 77. Although this general policy applies state-wide, the customary use right recognized in *Tona-Rama* was not declared to apply on a state-wide basis; instead, the right was found to exist on Florida beaches where justified by facts showing that the public’s “recreational use of the sandy area adjacent to mean high tide has been ancient, reasonable, without interruption and free from dispute.” *Id.* at 78 (recognizing a customary use right on Daytona Beach). The doctrine does not give the public any ownership rights in the land, but only a recreational use right. *Id.* The landowner can continue to use the land in any manner that does not interfere with the public’s customary use right. *Id.*

The doctrine of customary use has also been discussed and applied by Florida’s Fifth District Court of Appeal. See *Trepanier v. City. of Volusia*, 965 So. 2d 276 (Fla. 5th DCA 2007) (finding issues of fact as to whether the customary use doctrine applied, requiring remand); *Reynolds v. City. of Volusia*, 659 So. 2d 1186 (Fla. 5th DCA 1995) (citing but not relying on the doctrine of customary use). The Fifth District Court of Appeal has interpreted *Tona-Rama* as instructing courts to “ascertain in each case the degree of customary and ancient use.” *Trepanier*, 965 So.2d at 290 (quoting *Reynolds*, 659 So. 2d at 1191). The court explained that the inquiry involves a case by case analysis, noting, “[w]hile some may find it preferable that proof of these elements of custom be established for the entire state by judicial fiat in order to protect the right of public access to Florida’s beaches, it appears to us that the acquisition of a right to use private property by custom is intensely local and anything but theoretical.” *Id.* at 289. “Custom is inherently a source of law that emanates from long-term, open, obvious and widely-accepted and widely-exercised practice.” *Id.*

Walton County and numerous customary use cases around Florida's coastal communities have done little to clarify issues surrounding public versus private beaches.

Public access to Florida beaches.

Article X, Section 11 of the Florida Constitution provides that the state holds the land seaward of the mean high-water line in trust for the people. Notwithstanding the process for judicial determination, HB 631 preempts a governmental entity from adopting a common use ordinance or rule for that portion of a beach above the mean high-water line, as defined in s. 177.27, Fla. Stat. This statute defines "Mean high-water line" as the intersection of the tidal plane of mean high water with the shore. In other words, the area landward of the mean high-water line is generally referred to as the dry sand beach while the area seaward of the mean high water is generally referred to as the wet sand beach.

Governmental regulation of private beaches.

By way of home rule and police powers, a municipality has both civil and criminal jurisdiction over property within its boundaries and therefore may regulate certain activities reasonably calculated to protect the public health, safety, and welfare. Fla. AGO 2002-38. Furthermore, the state's imposition of the coastal construction control line (CCCL) and the erosion control line (ECL) makes it abundantly clear that HB 631 does not preempt the regulation of private beaches.

The ECL is established during beach restoration or management projects, while the CCCL controls private construction on the beach. The CCCL is implemented by the Florida Department of Environment Protection (FDEP), in accordance with s. 161.053, Fla. Stat. and Chapter 62 of Florida Administrative Code. The CCCL is established on a county-by-county basis to define that portion of the beach-dune system which is subject to severe fluctuation following major storm events. The purpose of the CCCL is to preserve and protect coastal barrier dunes and adjacent beaches from construction which can jeopardize the stability of the beach-dune system, accelerate erosion, and provide inadequate protection for upland structures. Permits from the FDEP are required for most construction seaward of the established CCCL. Further, FDEP regulations specify detailed siting and engineering design criteria which must be satisfied before a permit will be issued for construction seaward of the CCCL. www.dep.state.fl.us/beaches. Additionally, Section 3109 of the Florida Building Code (FBC) contains structural design requirements for construction seaward of the CCCL. These policies are enforced by local government building officials. FDEP supports this section of the FBC by determining and publishing the appropriate storm elevations for construction seaward of the CCCL.

Note: As of the date of this memorandum, no challenges have been filed against HB 631. This memorandum may be revised as new information becomes available.

Landmark Legislation Balances Interests of Private Landowners and Public to Use Beachfront Property

By **KATIE EDWARDS-WALPOLE** ((SOURCE/KATIE-EDWARDS-WALPOLE))

March 21, 2018 - 9:30am



Without a doubt, one of the most controversial and highly misunderstood bills passed by the 2018 Florida Legislature involved public access to Florida's beaches contained in House Bill 631.

With an estimated 60 percent of Florida's beaches privately owned, the need to protect the public's ability to enjoy its shorelines for recreational uses is paramount. Equally important is the need to protect the ability of private property owners to use their property for uses consistent with the public's recreational uses of another's property.

Local governments have tried to resolve these conflicts through the adoption of customary use ordinances. These ordinances have been challenged, creating tension between affected parties and generating legal costs borne by the taxpayers.

Legislation passed by the 2018 Legislature resolves this conflict by creating a streamlined and efficient process for a government entity to affirm a recreational customary use on private property through a judicial determination. That determination provides due process for the private property owners and notice and public hearings to all interested parties.

This procedure is intended to avoid legal challenges to customary use ordinances adopted without judicial determination.

But first, what is customary use? Customary use is a judicial doctrine that provides the public with a non-possessory use in privately owned land based on the following elements that must be established with evidence: the use must be ancient, reasonable, free from interruption and without dispute. Where the elements are established, there is no taking of private property and accordingly, no compensation due to the private land owner.

Most people are surprised -- and even dismayed -- to learn that beaches may be privately owned. While the wet sand area below the mean high water mark is held in trust by the state for the public, the dry sand area above the mean high water mark may be privately owned. Customary use deals with the dry sand area which is privately owned. The legislation does not privatize public beaches nor does it impact the public's ability to enjoy our public beaches.

Counties that already have customary use ordinances based on prior court cases or determinations are upheld so there will be no disruption to those counties. The 1974 Florida Supreme Court case of *City of Daytona Beach v. Tona-Roma, Inc.* also provides guidance on the extent to which a city or county may enforce regulations on private property subject to a customary use ordinance.

Local governments may continue to enforce appropriate regulations under its police powers. Furthermore, the private property owner may continue to use his or her property for all legal uses provided those uses are not meant to interfere with the public's recreational uses of the property. HB 631 resolves longstanding conflicts over the adoption of customary use doctrines and balances the interests of private property rights and the public's right to continue enjoying and using privately owned beachfront property just as it has since time immemorial.

State Rep. Katie Edwards-Walpole, D-Plantation, has represented the 98th District, which includes parts of Davie, Plantation, and Sunrise in southern Broward County, since 2012. She has said she will not seek a fourth and final term. See her farewell address [here \(https://www.youtube.com/watch?v=-4NuG1I9ZTw&sns=fb\)](https://www.youtube.com/watch?v=-4NuG1I9ZTw&sns=fb).

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351 the plaintiff or the defendant bars any action of trespass for
352 injury to the real property or ejectment between the same
353 parties respecting the same real property. A judgment is not
354 conclusive as to ~~No verdict is conclusive of the facts therein~~
355 ~~found~~ in any future action for of trespass, ejectment, or quiet
356 title. A judgment rendered either for the plaintiff or the
357 defendant pursuant to this chapter may be superseded, in whole
358 or in part, by a subsequent judgment in an action for trespass
359 for injury to the real property, ejectment, or quiet title
360 involving the same parties with respect to the same real
361 property or ejectment.

362 Section 10. Section 163.035, Florida Statutes, is created
363 to read:

364 163.035 Establishment of recreational customary use.-

365 (1) DEFINITION.-The term "governmental entity" includes an
366 agency of the state, a regional or a local government created by
367 the State Constitution or by general or special act, any county
368 or municipality, or any other entity that independently
369 exercises governmental authority.

370 (2) ORDINANCES AND RULES RELATING TO CUSTOMARY USE.-A
371 governmental entity may not adopt or keep in effect an ordinance
372 or rule that finds, determines, relies on, or is based upon
373 customary use of any portion of a beach above the mean high-
374 water line, as defined in s. 177.27, unless such ordinance or
375 rule is based on a judicial declaration affirming recreational

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customary use on such beach.

(3) NOTICE OF INTENT TO AFFIRM RECREATION PUBLIC USE ON PRIVATE PROPERTY; JUDICIAL DETERMINATION.—A governmental entity that seeks to affirm the existence of a recreational customary use on private property must follow the procedures set forth in this subsection.

(a) Notice.—The governing board of a governmental entity must, at a public hearing, adopt a formal notice of intent to affirm the existence of a recreational customary use on private property. The notice of intent must specifically identify the following:

1. The specific parcels of property, or the specific portions thereof, upon which a customary use affirmation is sought;

2. The detailed, specific, and individual use or uses of the parcels of property to which a customary use affirmation is sought; and

3. Each source of evidence that the governmental entity would rely upon to prove a recreational customary use has been ancient, reasonable, without interruption, and free from dispute.

The governmental entity must provide notice of the public hearing to the owner of each parcel of property subject to the notice of intent at the address reflected in the county property

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appraiser's records no later than 30 days before the public meeting. Such notice must be provided by certified mail with return receipt requested, publication in a newspaper of general circulation in the area where the parcels of property are located, and posting on the governmental entity's website.

(b) Judicial determination.—

1. Within 60 days after the adoption of the notice of intent at the public hearing, the governmental entity must file a Complaint for Declaration of Recreational Customary Use with the circuit court in the county in which the properties subject to the notice of intent are located. The governmental entity must provide notice of the filing of the complaint to the owner of each parcel of property subject to the complaint in the same manner as is required for the notice of intent in paragraph (a). The notice must allow the owner receiving the notice to intervene in the proceeding within 45 days after receiving the notice. The governmental entity must provide verification of the service of the notice to the property owners required in this paragraph to the court so that the court may establish a schedule for the judicial proceedings.

2. All proceedings under this paragraph shall be de novo. The court must determine whether the evidence presented demonstrates that the recreational customary use for the use or uses identified in the notice of intent have been ancient, reasonable, without interruption, and free from dispute. There

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is no presumption regarding the existence of a recreational customary use with respect to any parcel of property, and the governmental entity has the burden of proof to show that a recreational customary use exists. An owner of a parcel of property that is subject to the complaint has the right to intervene as a party defendant in such proceeding.

(4) APPLICABILITY.—This section does not apply to a governmental entity with an ordinance or rule that was adopted and in effect on or before January 1, 2016, and does not deprive a governmental entity from raising customary use as an affirmative defense in any proceeding challenging an ordinance or rule adopted before July 1, 2018.

Section 11. Section 82.061, Florida Statutes, is repealed.

Section 12. Section 82.071, Florida Statutes, is repealed.

Section 13. Section 82.081, Florida Statutes, is repealed.

Section 14. This act shall take effect July 1, 2018.

I. - Citizen Input on Community Redevelopment^[1]

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

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

- (i) Demonstrate the community's commitment to environmental stewardship and social responsibility.
- (8) Residents have expressed a need and desire for a safer community through redevelopment of aging, functionally obsolete and vacant properties to:
 - (a) Reduce crime and vagrancy; and
 - (b) Replace older structures and buildings with new construction that meets current Building Code standards and FEMA flood protection regulations to maximize protection from both wind and flood damage caused by hurricanes and tropical cyclones.
- (9) Residents have expressed a need and desire to improve the safety, traffic flow and appearance of Gulf Boulevard that is the primary and most visible corridor through our community by:
 - (a) Improving pedestrian and bicycle safety;
 - (b) Improving the appearance as well as protecting the community from storm damage by placing overhead utilities underground;
 - (c) Improving traffic flow by reducing curb cuts and installing intelligent traffic flow devices; and
 - (d) Creating a visually appealing boulevard worthy of a quality residential and resort community.
- (10) Residents strongly object to more high-rise residential development throughout the City, that if permitted to continue will replace most, if not all, temporary lodging facilities, adversely impact our economy, commercial diversity, as well as diminish public beach and waterfront access. The impact, if permitted to continue under the City's 1998 Comprehensive Plan, will forever change the character and heritage of our City. Historically, the City has been a quality residential community complemented by resorts and supported by a tourist-based economy where residents and visitors for more than 50 years have lived and played in harmony with one another, but many realize that legacy is in jeopardy if corrective regulatory action is not taken.

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

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

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

The City and its residents will benefit from a Redevelopment Trust Fund established pursuant to F.S. § 163.387 as may be authorized by Pinellas County that will provide capital infrastructure, public improvements and amenities that will improve the safety, services to, and beauty of the City.

(Ord. No. 2015-05, § 1(Exh. A), 3-9-2015)

Footnotes:

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Editor's note— Ord. No. 2015-05, § 1(Exh. A), adopted March 9, 2015, amended Part I, in effect, repealing and replacing Part I as set out herein. Former Part I pertained to similar subject matter.

Green Mission Statement

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

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

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

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

Quality Community - Planning To Stay (General Provisions)

- (a) General Intent. In order to remain consistent with the Rules Concerning the Administration of the Countywide Future Land Use Plan, the following land use category designations and the standards described within each category shall be applied to the City of St. Pete Beach Future Land Use Map. The maps showing the new redevelopment districts that occupy approximately 20% of the total land area of the City and which properties each character district category is applied to, are included herein. The existing land use designations outside the boundaries of the new special area designation - Community Redevelopment District - remain unchanged from the adopted 1998 Plan by this amendment for the remaining 80% of the City.

- (b) Nonconforming Residential and Temporary Lodging Uses, Densities and Intensities -It is the intent of the City of St. Pete Beach to allow for the continuance of existing non-conforming residential and temporary lodging units under the circumstances outlined below:
1. Catastrophic Events. In the case of natural disaster or other catastrophic event over which the owner is presumed to have had no control, residential and temporary lodging properties that were in existence prior to the event may be reconstructed with the same number of units, subject to the LDC requirements other than density and intensity, Florida Building Code requirements and FEMA regulations, in effect at the time of reconstruction.
 2. Routine Maintenance. In the event a residential or temporary lodging use would be considered a non-conforming use under the land use category designated for its property as adopted herein, it is the intent of the City to permit the routine maintenance of these residential or temporary lodging structures which pre-date the adoption of the Comprehensive Plan in 2009 that would prohibit their construction today.
 3. FEMA Compliance Required. Notwithstanding any statements to the contrary, there is no intention of superseding any regulations of the Federal Emergency Management Agency (FEMA) or National Flood Insurance Program requirements regarding the protection of properties from flood damage.
 4. Expansion Prohibited. There also is no intention of allowing for the expansion of non-conforming uses or an increase in a non-conforming density or intensity of a use as determined by the Future Land Use Plan and Map designation and implementing zoning regulations effective at the time of the event.
 5. Existing platted lots of record that are located in the Residential Urban, Residential Low Medium, Residential Medium, and Residential High land use categories shall not be prohibited from the construction of one residential unit due to a non-conforming lot size.
- (c) Citywide Land Use Goals, Objectives and Policies. In furtherance of the overall goals, objectives, and policies contained in the Comprehensive Plan, the land use categories and their descriptions, beginning on the next page, are hereby adopted for the purpose of serving as the guide for the City of St. Pete Beach in continuing its heritage of quality residential living complemented by resort facilities that support a tourist-based economy by creating a vision for the City's future that ensures that the City will remain a desirable place to live and visit that includes overall quality land management and emphasis on strict management of redevelopment in designated strategic core areas of the City.

GOAL 1:

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

Objective 1.1

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

Policy 1.1.1.

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

Policy 1.1.2

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

Policy 1.1.3

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

Policy 1.1.4

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

Policy 1.1.5

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

Policy 1.1.6

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

~~Star standards for new buildings and major renovations, as dictated by the Florida Statutes for the sea level rise initiatives.~~

Policy 1.1.7

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

Comment [WW1]: Research requirements and review opportunities.

Policy 1.1.8

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

Policy 1.1.9

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

Objective 1.2

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

Policy 1.2.1

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

Policy 1.2.2

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

Policy 1.2.3

The City shall identify and promote the use of native and drought tolerant landscape with particular emphasis on Florida-friendly landscaping techniques including use of reclaimed water, and rain sensor irrigation systems to conserve water resources.

Policy 1.2.4

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

Policy 1.2.5

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

Policy 1.2.6

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

Policy 1.2.7

The City shall pursue cooperation with developers to promote conservation methodologies in the design of fountains and water features and funding sources that may be available ~~promote water conservation methods and technologies shall be encouraged.~~

Policy 1.2.8

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

Policy 1.2.9

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

Policy 1.2.10

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

Objective 1.3

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

Policy 1.3.1

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

Policy 1.3.2

Encourage ~~and facilitate~~ mass transit ridership subsidies for employees.

Policy 1.3.3

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

~~Policy 1.3.4~~

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

GOAL 2:

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

- Maximizing the potential for economic benefit resulting from the tourist trade and the enjoyment of natural and man-made resources by residents and visitors alike.

- Minimizing the threat to health, safety, and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation.
- Maintaining the community's recreation, open space and beaches.

Objective 2.1

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

Policy 2.1.1

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

- Residential Urban (RU), with a maximum residential density of 7.5 residential units per acre.
- Residential Low Medium (RLM), with a maximum residential density of 10.0 residential units per acre.
- Residential Medium (RM), with a maximum residential density of 15.0 residential units per acre.
- Residential High (RH), with a maximum residential density of 30.0 residential units per acre.
- Resort Facilities Medium (RFM), with a maximum residential density of 18.0 units per acre or 30.0 temporary lodging units per acre; non-residential uses shall not exceed neither a floor area ratio (FAR) of 0.45 to 0.65 nor an impervious surface ratio (ISR) of 0.65 to 0.85.
- Residential/Office/Retail (R/O/R), with a maximum residential density of 18.0 units per acre or 30 temporary lodging units per acre; non-residential uses shall not exceed neither a floor area ratio (FAR) of 0.20 to 0.40 nor an impervious surface ratio (ISR) of .65 to .85.
- Residential/Office General (R/OG), with a maximum residential density of 15 units per acre; non-residential uses shall not exceed neither a floor area ratio (FAR) of 0.30 to 0.50 nor an impervious surface ratio (ISR) of 0.55 to 0.75.
- Resort Facilities Overlay (RFO), where the density of residential units shall not exceed the maximum number of dwelling units per acre determined by the underlying residential plan category temporary lodging units shall not exceed a ratio of 1.67 temporary lodging units to the permitted number of underlying residential units; and non-residential uses shall not exceed neither the floor area ratio (FAR) nor the impervious surface ratio (ISR) of the underlying plan category.
- Commercial General (CG), where the density of residential units shall not exceed 24 units per acre; temporary lodging units shall not exceed 40 units per acre; non-residential units shall not exceed neither a floor area ratio (FAR) of 0.35 to 0.55 nor an impervious surface ratio (ISR) of 0.70 to 0.85.
- Community Redevelopment District (CRD), where the densities and intensities shall be as determined within the Community Redevelopment District as specified in each designated character district pursuant to the provisions set forth in Special Area Designation - Community Redevelopment District section of this Future Land Use Element to encourage economic revitalization and redevelopment of properties and uses located within the CRD, with a particular emphasis on commercial, temporary lodging and mixed uses along the City's main transportation corridors, adjacent to waterfront or located within major community activity centers.

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

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

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

Density/Intensity Standards shall include the following:

- Density and intensity of use for commercial and residential components shall be inclusive, i.e. the same land area may be used to support both use types without proration.
- Residential use - Shall not exceed 24 dwelling units per acre.
- Residential equivalent use - Shall not exceed an equivalent of 2.0 to 3.0 beds per permitted dwelling unit at 24 dwelling units per acre.
- Non-residential use - Shall not exceed a floor area ratio (FAR) of 1.0 for single use commercial structures or 1.5 for mixed-use development, nor an impervious surface ratio (ISR) of .90. The standard for the purpose of establishing relative intensity and potential impacts shall be an FAR of .75 and an ISR of .75.
- Transient accommodation use - Shall not exceed 50 units per acre.
- Other standards shall include the following: Public/semi-public; ancillary non-residential use - shall not exceed a maximum area of three (3) acres. Any such use, alone or when added to existing contiguous like uses, which exceeds this threshold shall require a plan amendment which shall include such use and all contiguous like uses.
- Preservation (P), applied to the beaches seaward of the Florida Coastal Construction Control Line, Fuller Island and other environmentally significant natural resource areas; such designated areas shall not be developed except to provide beach access dune walkovers from adjacent developed properties under the provisions of the City's Beach Management Regulations.
- Recreation/Open Space (R/OS), uses permitted in this category are limited to public and private open spaces, public/private parks, public recreation facilities and public beach or water access points; no use shall exceed neither a floor area ratio (FAR) of 0.05 to 0.25 nor an impervious surface ratio (ISR) of 0.40 to 0.60.
- Institutional (I), density of residential units shall not exceed 12.5 units per acre; non-residential uses shall exceed neither a floor area ratio (FAR) of 0.45 to 0.65 nor an impervious surface ratio (ISR) of 0.65 to 0.85; uses within this category are limited to the following:

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

Secondary Uses - Residential; Residential equivalent; Recreation/open space; Public/semi-public; Ancillary non-residential.
- Transportation/Utility (T/U), residential uses not permitted; non-residential uses shall not exceed neither a floor area ratio (FAR) of 0.50 to 0.70 nor an impervious surface ratio of 0.70 to 0.90; uses within this category shall be limited to the following:

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

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

Policy 2.1.2

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

Policy 2.1.3

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

Policy 2.1.4

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

Policy 2.1.5

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

Policy 2.1.6

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

Policy 2.1.7

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

Policy 2.1.8

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

Policy 2.1.9

No temporary lodging unit shall be occupied as a residential dwelling unit. Temporary lodging uses within the Community Redevelopment District shall not be occupied for more than thirty (30) consecutive days by the same temporary lodging unit guest or more than thirty days cumulatively on an annual basis for a resort condominium unit owner. In other words, the thirty days is measured beginning on the first day of any occupancy until 365 days from that date. The City of St. Pete Beach may require affidavits of compliance with this policy from each temporary lodging use and/or unit owner. Seller of temporary lodging unit shall be responsible for advising the purchaser of this requirement. In addition, any seller of a resort condominium project or temporary lodging unit shall be required to record a covenant in the public records of Pinellas County agreeing to said restriction prior to conveyance.

Policy 2.1.10

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

Policy 2.1.11

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

Policy 2.1.12

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

Policy 2.1.13

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

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

Policy 2.1.14

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

Objective 2.2

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

Policy 2.2.1

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

Policy 2.2.2

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

- Allowance for a creative approach for development or redevelopment;
- A requirement that more open space, if practical, be provided than that called for by the strict application of the minimum requirements of the land development regulations;

- A harmonious development of the site with consideration given to the surrounding areas and community facilities, while providing for safe and efficient traffic circulation; and
- The establishment of procedures for the granting of increased structure height not to exceed 50 feet in all areas of the City excluding the Community Redevelopment District which establishes specific height standards by use within each character district; in exchange for increased open space and decreased amounts of impervious surfaces; and
- Procedures that would allow increased height or density above the maximum established in each character district located within the Special Area Designation - Community Redevelopment District shall be prohibited; and
- Other provisions as deemed appropriate by the City in keeping with the intent of the comprehensive plan and land development regulations.
- Land survey within the last twelve (12) months.

Objective 2.3

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

Policy 2.3.1

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

Policy 2.3.2

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

Policy 2.3.3

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

Policy 2.3.4

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

Policy 2.3.5

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

Policy 2.3.6

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

Policy 2.3.7

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

Policy 2.3.8

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

Policy 2.3.9

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

Objective 2.4

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

Policy 2.4.1

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

Policy 2.4.2

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

Policy 2.4.3

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

Policy 2.4.4

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

Policy 2.4.5

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

Objective 2.5

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

Policy 2.5.1

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

Policy 2.5.2

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

Objective 2.6

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

Policy 2.6.1

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

Policy 2.6.2

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

Policy 2.6.3

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

Policy 2.6.4

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

Objective 2.7

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

Policy 2.7.1

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

Policy 2.7.2

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

Policy 2.7.3

Development review criteria shall include soil suitability.

Policy 2.7.4

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

Policy 2.7.5

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

Policy 2.7.6

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

Policy 2.7.7

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

Policy 2.7.8

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

Policy 2.7.9

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

Policy 2.7.10

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

Policy 2.7.11

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

Policy 2.7.12

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

Policy 2.7.13

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

Policy 2.7.14

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

Objective 2.8

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

Policy 2.8.1

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

Policy 2.8.2

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

Policy 2.8.3

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

Policy 2.8.4

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

Policy 2.8.5

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

Policy 2.8.6

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

Objective 2.9

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

Policy 2.9.1

As administered by the land development regulations, the City of St. Pete Beach shall not issue any development order (excluding future land use or zoning map amendments) or building permit for any project that results in a reduction of the level of service requirements established and adopted in this comprehensive plan.

Policy 2.9.2

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

Policy 2.9.3

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

Policy 2.9.4

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

Policy 2.9.5

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

Policy 2.9.6

Consistent with this Comprehensive Plan, as amended, building permits for new construction, additions, or certificates of occupancy for a change in use shall be issued only if public facilities necessary to meet the level of service standards adopted pursuant to this comprehensive plan are available concurrent with the impacts of the development.

Objective 2.10

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

Policy 2.10.1

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

Policy 2.10.2

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

Objective 2.11

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

Policy 2.11.1

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

Policy 2.11.2

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

Policy 2.11.3

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

Policy 2.11.4

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

Policy 2.11.5

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

Objective 2.12

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

Policy 2.12.1

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

Policy 2.12.2

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

Objective 2.13

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

Policy 2.13.1

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

Policy 2.13.2

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

Policy 2.13.3

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

Policy 2.13.4

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

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

"Transient Accommodation Use" shall be renamed "Temporary Lodging Use."

"Transient Accommodation Unit" shall be renamed "Temporary Lodging Unit."

GOAL 3:

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

Objective 3.1

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

Policy 3.1.1

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

Policy 3.1.2

The land development regulations shall ensure that all development along the coastline is in accordance with the Coastal Construction Control Line as established by the State of Florida.

Policy 3.1.3

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

Policy 3.1.4

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

Policy 3.1.5

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

Policy 3.1.6

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

Policy 3.1.7

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

Policy 3.1.8

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

Objective 3.2

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

Policy 3.2.1

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

Policy 3.2.2

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

Policy 3.2.3

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

Objective 3.3

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

Policy 3.3.1

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

Policy 3.3.2

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

Policy 3.3.3

The City shall permit no new developments where the facilities and services are not available or planned to be available in accordance with the Concurrency Management System as set forth under Division 29 of the City of St. Pete Beach Land Development Code.

GOAL 4:

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

Objective 4.1

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

Policy 4.1.1

Publicly funded infrastructure inside the coastal high hazard area shall be limited to the following:

- The expenditure for the maintenance, repair or replacement of existing facilities.
- The expenditure for restoration or enhancement of natural resources or public access.
- The expenditure needed to address an existing deficiency identified in the Capital Improvements Element of this plan.
- The expenditure for the retrofitting of storm water management facilities for water quality enhancement of storm water runoff.
- The expenditure for the development or improvement of public roads and bridges identified in the Transportation Element or Capital Improvements Element of this plan.
- The expenditure for a public facility necessary to ensure public health and safety.

Policy 4.1.2

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

Policy 4.1.3

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

Policy 4.1.4