



PLANNING BOARD MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

**Monday, February 25, 2019
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** – Three minutes per person to issues not on the agenda.
3. **Approval of Minutes**
 - a. **01/28/2019**
4. **Action Items**
5. **Discussion Items**
 - a. **Lighting**
 - b. **Landscaping**
6. **Adjournment – Next Meeting: 03/18/2019**

The public is cordially invited to attend.

APPEAL: Florida Statutes Chapter 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

All agenda material is available for review at City Hall.

PLANNING BOARD MINUTES

DECEMBER 17, 2018

4:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

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

ALSO PRESENT:

Andrew Dickman, City Attorney
Wesley Wright, Community Development Director
Bill Palmer, Building Official
Laura Marley, Planner II
Brandon Berry, Planner I
Mary Jo Murphy, Deputy City Clerk

Chairwoman Secka announced that Member Izzo had resigned from the Planning Board, and therefore, there is an open seat on the board.

1. Changes to the Agenda

Wesley Wright, Community Development Director, asked to make the following change: Item No. 4.b., i., ii. and 4.c., there was a request from the applicant to postpone the subject items to a date certain of January 28, 2019.

Member Ohlhaber made a motion to continue Item 4.b. and 4.c. until the 28th of January. The motion was seconded by Member Bell and unanimously approved by a roll call vote (4 yeses – 0 nos).

2. Audience Comments

There were no audience comments.

3. Approval of Minutes

a. Minutes for Acceptance: November 5, 2018

Member Ohlhaber made a motion to approve the minutes from the last meeting. The motion was seconded by Member Bell and unanimously approved by a roll call vote (4 yeses – 0 nos).

4. Agenda Items

a. CPA/ZM-18-00023 – M. David Feinberg Jr., for Sea Biscuit Properties LLC (Quasi-Judicial / Local Planning Agency) (Continued from 11/5/18).

- i. Ordinance No. 2019-01 – To amend the Future Land Use Map of the City of St. Pete Beach Comprehensive Plan from INS, Institutional District, to RM, Residential District.
- ii. Ordinance No. 2019-02 – To amend the Zoning Map of the City of St. Pete Beach Land Development Code from INS, Institutional District, to RM, Residential District.

Chairwoman Secka announced that the Planning Board would be sitting as the Local Planning Agency, LPA, as required by State law.

City Attorney Dickman stated that the two items would be reviewed during Quasi-Judicial proceedings.

Chairwoman Secka added there would be one presentation and two separate votes on the items and asked for any ex parte disclosures from the board members.

Hearing no ex parte disclosures from the board, Deputy City Clerk Murphy administered the oath or affirmation to witnesses present.

Wesley Wright, Community Development Director, gave a PowerPoint presentation and stated that Staff recommended approval of the Comprehensive Plan Amendment and the Zoning Amendment.

Dave Feinberg, 2701 Sunset Way, spoke in regard to the following topics: redevelop the subject building, letters of support, and eager to submit a plan and start the permitting process in 2019.

Chairwoman Secka asked for public comment.

Hearing none, Chairwoman Secka closed the public hearing and opened board discussion for the board members.

Member Ohlhaber made a motion to recommend to approve Ordinance 2019-01, an ordinance for the City of St. Pete Beach, Pinellas County, Florida, a political subdivision of the State of Florida, amending the City of St. Pete Beach Future Land Use Map of the City's Comprehensive Plan by re-designating approximately 0.316 acres from the Institutional District

(INS) to the Residential Medium District (RM); providing for Scrivener's errors; providing for applicability; providing for modification that may arise from consideration at public hearings; providing for severability; and providing for an effective date. The motion was seconded by Member Bell and unanimously approved by a roll call vote (4 yeses – 0 nos).

City Attorney Dickman stated for the record that everything that was presented on the prior item is also part of the record of the second item, the rezoning, and noted these are companion items.

Vice Chair Shavlan made a motion to recommend approval for Ordinance 2019-02, an ordinance for the City of St. Pete Beach, Pinellas County, Florida, a political subdivision of the State of Florida, amending the City of St. Pete Beach Zoning Map of the City's Land Development Code by re-designating approximately 0.316 acres from the Institutional District (INS) to the Residential Medium District (RM); providing for Scrivener's errors; providing for applicability; providing for modification that may arise from consideration at public hearings; providing for severability; and providing for an effective date. The motion was seconded by Member Bell and unanimously approved by a roll call vote (4 yeses – 0 nos).

b. CPA/ZM-18-00028 – Marilyn Mullen Healy, Esq., for Zamora Hospitality Group, LLC. (Quasi-Judicial / Local Planning Agency)

- i. Ordinance No. 2019-03 – To amend the Future Land Use Map of the City of St. Pete Beach Comprehensive Plan from BR, Bayou Residential District, to the BHC, Boutique Hotel Condo District.
- ii. Ordinance No. 2019-04 – To amend the Zoning Map of the City of St. Pete Beach Land Development code from BR, Bayou Residential District, to the BHC, Boutique Hotel Condo District.

Item No. 4.b., CPA/ZM-18-00028, was continued to a date certain of January 28, 2019 during Item No. 1, Changes to the Agenda.

c. CU-18-00032 – Marilyn Mullen Healy, Esq., for Zamora Hospitality Group, LLC.

Request: Conditional Use Permit to allow for nine temporary lodging units to be utilized from the density pool in accordance with the City of St. Pete Beach Land Development Code, Division 46 – BHC – Boutique Hotel Condo District, Section 46.4 – Allowable Conditional Uses.

Item No. 4.c., CU-18-00032, was continued to a date certain of January 28, 2019 during Item No. 1, Changes to the Agenda.

- d. Ordinance No. 2018-08** – To revise the Flood Hazard Mitigation Regulations as adopted by Ordinance 2015-26 to be consistent with the Florida Building Code.

Mr. Bill Palmer, Building Official, gave a presentation in regard to Management Regulations and the Florida Building Code relating to Ordinance 2018-08. Staff asked for approval to amend the floodplain ordinance in order to come into compliance with the National Flood Insurance Program.

City Attorney Dickman noted that the Planning Board is not acting as the LPA any longer and was sitting as the LPA when hearing the land use and zoning change. The Planning Board is now reviewing an ordinance on behalf of the City Commission.

Vice Chair Shavlan made a motion to recommend approval of Ordinance No. 2018-08, an ordinance of the City of St. Pete Beach, Florida, amending Chapter 98 of the City Code to adopt procedures and criteria for development in flood hazard areas, and for other purposes; to format existing provisions to be consistent with the Florida Building Code; to make technical and administrative amendments to the Florida Building Code; providing for severability; and providing for an effective date. The motion was seconded by Member Ohlhaber and unanimously approved by a roll call vote (4 yeses – 0 nos).

5. Discussion Items

There were no discussion items.

6. Adjournment – Next Meeting: 01/28/2019

There being no further business to come before the Board, the meeting was adjourned at 4:44 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Tiffany Secka, Chairwoman

Minutes approved on: _____

Land Development Code Ordinances Addressing Lighting and Illumination

Prepared for review by the Planning Board

February 25, 2019

DIVISION 6 - SUPPLEMENTAL REGULATIONS

Sec. 6.16. - Lights.

All exterior lights from all residential and commercial buildings or other structures and uses shall be shielded and no direct source of illumination shall be visible beyond the lot line of the structure or use involved.

(Ord. No. 03-7, § 3, 5-1-03)

Sec. 6.23. - Docks.

[...]

(c) *General requirements.*

[...]

(3) All dock lighting shall comply with [section 6.16](#).

(Ord. No. 03-7, § 3, 5-1-03; Ord. No. 2007-41, §§ 2, 3, 11-27-07; Ord. No. 2011-18, § 1, 7-12-11)

DIVISION 22 - LANDSCAPING AND TREE PROTECTION

Sec. 22.8. - Buffer requirements and installation standards.

[...]

Landscaped buffers shall be required to separate transient accommodation and nonresidential uses from residential or institutional uses, where such area abuts property zoned or in fact used primarily for residential or institutional purposes, to eliminate or minimize potential negative effects such as dirt, noise, litter, glare of lights, signs, parking areas, or to provide spacing to reduce the adverse impacts of noise, odor, or danger from fires or explosions. The size and nature of the buffer shall be determined by the site plan process. Buffers shall be subject to the following provisions:

(Ord. No. 2005-38, § 2, 11-8-05)

DIVISION 39 - COMMUNITY REDEVELOPMENT DISTRICT GENERAL STANDARDS

Sec. 39.5. - General operational and aesthetic requirements.

[...]

(b) All outdoor lighting associated with commercial and temporary lodging uses shall be designed so as not to adversely impact surrounding residential uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not blink, flash, oscillate, or be of unusually high brightness. Also, parking areas shall be illuminated so as to provide appropriate visibility and security during hours of darkness.

(Ord. No. 2008-12, § 1, 6-3-08)

Sec. 39.10. - Streetscape design required elements.

[...]

(b) On all streets not designated a Main street or a street type "A" in [section 39.2](#), a minimum eight-foot wide private landscape zone shall be installed along the property between the sidewalk and the building face; minimum building setbacks may be increased in accordance with the width of the landscape zone. The landscape zone proposal shall be reviewed for compliance during the design review/site plan approval process by the TRC and may be reduced to five feet during that process when warranted, in order to coordinate and integrate new development into an overall streetscape plan.

[...]

(6) Pedestrian-scale decorative lighting fixtures are required every 30 feet on the main commercial corridor within the landscape/pedestrian zone. Where there are physical restrictions, spacing of lighting standards shall be adjusted, provided the adjustment is the minimum needed to avoid the obstruction. An adequate easement shall be dedicated to the city, adjacent to the public right-of-way to allow adequate maintenance by the city of the lighting fixtures. Energy efficient or solar lighting is required.

(Ord. No. 2008-12, § 1, 6-3-08; Ord. No. 2017-30, § 2, 2-27-18)

Sec. 39.15. - Compatibility with low density residential.

External compatibility. Non-residential development and multi-family development must provide additional buffers and screening from RU-1 and RU-2 residentially zoned properties or parcels of land developed with existing single-family or duplex homes as follows:

(a) Lighting restrictions. Any development shall control the effects of lights from automobiles or other sources to prevent lighting spillover so that lights do not illuminate adjacent residential property or shine into any residential window.

(Ord. No. 2008-12, § 1, 6-3-08)

DIVISION 23 - OFF-STREET PARKING AND LOADING

Sec. 23.4. - General parking requirements.

All off-street parking shall be provided in accordance with the following general requirements:

[...]

(f) If artificially lighted, such lighting shall be so designed and arranged that light is directed away from any adjoining property used or zoned for residential purposes and so designed and arranged as to shield public roadways and all other adjacent properties from direct glare or hazardous interference of any kind.

(Ord. No. 2005-39, § 2, 11-8-05; Ord. No. 2015-03, § 2, 5-26-15; Ord. No. 2017-30, § 2, 2-27-18)

DIVISION 26 - SIGN ORDINANCE

Sec. 26.4. - Prohibited signs.

The following signs and sign types are prohibited within the city limits and shall not be erected. Any lawfully existing permanent sign or sign type which is among the prohibited signs and sign types listed below shall be deemed a nonconforming sign subject to the provisions of [section 26.5](#).

[...]

(c) Flashing or animated signs.

[...]

(l) Signs that have unshielded illuminating devices.

[...]

(y) Beacons, except as required by federal or state law.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.8. - Shielding of illumination.

Illuminated signs, in addition to conforming to all other requirements of this division, shall be shielded in such a manner so that no direct source of light is cast into residential properties or into a public street or right-of-way. Illuminated signs shall not interfere with pedestrian or motorist vision. The illumination shall not be reflective or phosphorescent and shall perform in a steady nonfluctuating or nonundulating manner and shall be placed in a manner that will not create a nuisance to other premises or interfere with vehicular movements.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.12. - Application.

(a) A sign permit application for a permanent sign shall be made upon a form provided by the city. The sign permit application is in addition to any building permit application required by the Florida Building Code. The sign permit application shall be accompanied by plans and specifications drawn to scale, together with any site plan required by [Division 5](#) of the Land Development Code. The applicant shall furnish the following information on or with the sign permit application form:

[...]

(13) If the proposed sign is to be an illuminated sign, the type, placement, intensity and hours of operation.

Sec. 26.23. - Illuminated and electronic message board signs.

The following conditions and restrictions shall apply to illuminated signs.

Except as hereinafter provided in this section, illuminated signs, or illumination in show windows, display windows, in or upon any building shall have the source of light concealed from view from the exterior of the building or structure, except that where channel letters or figures are used for any sign the illumination thereof may be visible if recessed within the depth of the channel.

Electronic message board signs are subject to the following maximum illumination intensity levels when measured at a distance of 50 linear feet from base of sign:

Maximum illumination intensity level for electronic message board signs shall not exceed 0.3 foot candles over ambient light when measured at 50 linear feet from the base of the sign.

Internally illuminated signs or portions of a sign that are internally illuminated shall not be larger than 50 square feet in area.

No more than 32 square feet of the total allowable signage square footage may be an electronic message board sign. Electronic message board signs shall only be located in a front yard or on a building front façade, and in no case shall be closer than 10 feet from the front yard property line. Electronic message board signs are only permitted on properties adjacent to Gulf Boulevard from 37th Avenue to 75th Avenue.

Electronic message board signs, including LED-type, shall only be permitted as defined above. All other existing nonconforming electronic message board signs shall be subject to the amortization schedule set forth in [section 26.5](#).

No animated or flashing illumination shall be permitted.

Sec. 26.29. - RFM Resort Facilities Medium District.

In addition to the permanent and temporary signs and sign types that are allowed pursuant to [section 26.25](#), the following permanent signs and temporary signs are also allowed within RFM Resort Facilities Medium District. The permanent signs described below require a sign permit:

[...]

(g) *Boat or beach concession signs*. Each licensed boat or beach concession rental business operating along the Gulf of Mexico and on the site of a business having Gulf frontage may be permitted signs as follows:

[...]

(3) *Lighted signs*. Lighted signs shall be prohibited.

Sec. 26.33. - TC-1 and TC-2 Districts.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to [section 26.25](#), each business within the TC-1 or TC-2 District may have up to three of the following signs in [subsections] (a)—(f) below, subject to permit approval and compliance with the conditions for each type of sign. One of the allowable signs may be internally illuminated subject to [section 26.23](#). Such signs shall not be located on any building façade or property frontage adjacent to Corey Avenue.

[...]

(e) A wall sign, provided the sign is not internally illuminated, unless such sign is on a parcel which abuts Gulf Boulevard south of 76th Avenue, in which case internal illumination shall be allowed. The area of the sign may be one square foot for every linear foot of building frontage, per business, not to exceed a total of 50 square feet.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13; Ord. No. 2016-24, § 6, 1-10-17)

Sec. 26.35. - CC-1 and CC-2 Districts.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to [section 26.25](#), each business may have up to three of the following signs in [subsections] (a) — (f) below, subject to permit approval and compliance with the conditions for each type of sign (businesses with more than 300 feet of frontage may choose to four signs from [subsection] (a) — (f):

[...]

(e) Wall signs subject to the following:

[...]

(2) Internally illuminated signs are discouraged but not prohibited. Externally illuminated signs are preferable with lighting from above or below casting light on the sign but the lighting shall not shine directly onto adjacent properties or onto the right-of-way.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.36. - CRD-EA District.

Each business with its own exterior entrance may have up two signs per frontage from the following list:

[...]

(c) One sandwich board sign or one designer sign, subject to the following:

(1) Sandwich board—Shall be located in front of the storefront for which it advertises and will not be placed in the right-of-way such that the sidewalk width would be less than 48 inches, not be placed within the visibility triangle required for intersections at streets and driveways, as required by this Code, be no larger than five feet in height and 12 square feet in area per face, shall have no illumination of any kind, and may be displayed only during the time when the business is open to the public.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.37. - UBV District.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to [section 26.25](#), each business within the UBV District may have up to three of the following signs in [subsections] (a) — (d) below, subject to permit approval and compliance with the conditions for each type of sign:

[...]

(c) A wall sign, provided the sign is not internally illuminated. The sign may be externally illuminated with lighting from above or below casting light on the sign, but the lighting shall not shine directly onto adjacent properties or onto the right-of-way. The area of the sign may be one square foot for every linear foot of building frontage per business not to exceed a total of 40 square feet;

(d) A freestanding monument sign, provided that the sign face does not exceed 40 square feet in area, is not taller than five feet in height, does not block any pedestrian walkway and is not located within the visibility triangle as required by this Code. The sign may be externally illuminated with lighting from above or below casting light on the sign but the lighting shall not shine directly onto adjacent properties or onto the right-of-way.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.39. - BR District.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to [section 26.25](#), each business within the BR District may have up to three of the following signs in [subsections]

(a)—(e) below, subject to permit approval and compliance with the conditions for each type of sign:

[...]

(c) A wall sign, provided the sign is not internally illuminated. The sign may be externally illuminated with lighting from above or below casting light on the sign, but the lighting shall not shine directly onto adjacent properties or onto the right-of-way. The area of the sign may be one square foot for every linear foot of building frontage per business not to exceed a total of 40 square feet;

(d) A freestanding monument sign, provided that the sign face does not exceed 40 square feet in area, is not taller than five feet in height, does not block any pedestrian walkway and is not located within the visibility triangle as required by this Code. The sign may be externally illuminated with lighting from above or below casting light on the sign but the lighting shall not shine directly onto adjacent properties or onto the right-of-way.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.40. - Traditional Hotel District.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to [section 26.25](#), each business within the THD District may have up to three of the following signs in [subsections]

(a)—(d) below, subject to permit approval and compliance with the conditions for each type of sign:

[...]

(c) A wall sign, provided the sign is not internally illuminated. The sign may be externally illuminated with lighting from above or below casting light on the sign, but the lighting shall not shine directly onto adjacent properties or onto the right-of-way. The area of the sign may be one square foot for every linear foot of building frontage, per business, not to exceed a total of 40 square feet;

(d) A freestanding monument sign, provided that the sign face does not exceed 20 square feet in area, is not taller than four feet in height, does not block any pedestrian walkway and is not located within the visibility triangle as required by this Code. The sign may be externally illuminated with lighting from above or below casting light on the sign, but the lighting shall not shine directly onto adjacent properties or onto the right-of-way. The sign may be located within the front yard setback.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.41. - Pass-a-grille overlay district.

All signs shall be allowed in accordance with the underlying zoning district's permitted signage, except that internally illuminated signage shall be expressly prohibited.

(Ord. No. 2016-24, § 7, 1-10-17)

DIVISION 43 - PLANNED DEVELOPMENT DISTRICTS

Sec. 43.12. - Additional development standards.

[...]

(b) General operational and aesthetic requirements.

[...]

(2) All outdoor lighting associated with commercial and transient accommodation uses shall be designed so as not to adversely impact surrounding residential uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not blink, flash, oscillate, or be of unusually high brightness. Also, parking areas shall be illuminated so as to provide appropriate visibility and security during hours of darkness.

[...]

f. Pedestrian lighting fixtures are required every 30 feet on the main commercial corridor within the landscape/pedestrian zone. Where there are physical restrictions spacing of lighting standards shall be adjusted, provided the adjustment is the minimum needed to avoid the obstruction. The lighting shall be a style approved by the city manager. In addition to supplying the pedestrian lighting a two-foot by two-foot dedicated easement adjacent to the public right-of-way shall be provide to allow adequate maintenance by the city of pedestrian lighting fixtures.

(Ord. No. 2006-03, § 1, 1-24-06)

DIVISION 44 - MARINE TURTLE PROTECTION

Sec. 44.3. - Prohibition of activities disruptive to marine turtles.

The following activities are prohibited on the beach at nighttime during the nesting season for the protection of nesting females, nests, and hatchling marine turtles:

[...]

(c) Any transient lighting which purposely and flagrantly illuminates nesting sea turtles or hatchlings. This prohibition does not apply to those persons who have authorization or a permit to engage in marine turtle conservation or research.

(Ord. No. 2007-21, § 1, 8-14-07)

Sec. 44.4. - Standards for new beachfront lighting.

In order to provide the highest level of protection for nesting marine turtles and their hatchlings, the following standards for artificial light sources on all new coastal construction shall be applied:

(a) Exterior artificial light fixtures shall be designed and positioned so that:

(1) The point source of light or any reflective surface of the light fixture is not directly visible from the beach;

(2) Areas seaward of the frontal dune, or the beach in areas where the frontal dune no longer exists, are not directly, indirectly, or cumulatively illuminated.

(b) Exterior artificial light fixtures directly or indirectly illuminating the beach are considered appropriately designed if:

(1) Exterior lights are completely shielded downlight only fixtures or recessed fixtures having low wattage Bug Type Bulbs, low-pressure sodium vapor (LPS) bulbs, Red or Amber Light-Emitting Diodes (LED), or True Neon light sources. Other fixtures that have appropriate light-blocking shields, louvers, or cut-off features may also be used if they are in compliance with subsection (a)(1), (2), and (3) above; and

(2) All fixtures are mounted as low in elevation as possible through use of low-mounted wall fixtures, low bollards, and ground-level fixtures

(c) Floodlights, uplights or spotlights that are directly visible from the beach, or which indirectly or cumulatively illuminate the beach, shall not be used.

(d) Exterior lights used expressly for safety or security purposes shall be limited to the minimum number and configuration required to achieve their functional role(s). The use of motion detector switches that keep lights off except when approached and that switch hooded or shielded lights on for the minimum duration possible are preferred.

(e) Only low intensity recessed or louvered lighting, or other appropriate low intensity lighting, shall be used on dune crossovers where permissible. All light fixtures on dune crosswalks must utilize low wattage Bug Type Bulbs, low-pressure sodium vapor (LPS) bulbs, Red or Amber Light-

Emitting Diodes (LED) or True Neon light sources. Dune crosswalk lighting seaward of the primary dune, or on the beach in areas where the primary dune no longer exists, shall not be used.

(f) Only low intensity lighting shall be used in parking areas within line-of-sight of the beach. Such lighting shall be:

(1) Set on a low-profile luminaire; and

(2) Positioned or shielded so that the light is cast downward and the source of light or any reflective surface of the light fixture is not visible from the beach and does not directly or indirectly illuminate the beach.

(g) All newly constructed parking areas and roadways, including any paved or unpaved areas upon which motorized vehicles will park or operate, shall be designed and located to prevent lights (including vehicular headlights) from directly or indirectly illuminating the beach.

(h) Vehicular lighting, parking area lighting, and roadway lighting shall be modified or shielded from the beach through the use of ground-level barriers or external shields. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short- or long-term damage to the beach/dune system.

(i) Tinted glass shall be installed on all windows and glass doors of single or multi-story structures within line-of-sight of the beach.

(j) Use of appropriately shielded low-pressure sodium vapor lamps and fixtures shall be preferred for high-intensity lighting applications such as lighting parking areas and roadways, providing security, and similar applications.

(k) All of the above standards shall be met prior to the issuance of a certificate of occupancy.

(l) Temporary lighting of construction sites during the marine turtle nesting season shall be restricted to the minimal amount necessary and shall incorporate all of the standards of this section. Said lighting shall not be mounted more than eight feet above the ground.

(Ord. No. 2007-21, § 1, 8-14-07)

Sec. 44.5. - Standards for existing beachfront lighting.

By July 1, 2008; all light sources or reflective surfaces illuminated by such sources that are visible from the beach shall be brought into compliance with the following standards:

(a) Existing artificial light fixtures shall be repositioned, modified, or removed so that:

(1) The point source of light or any reflective surface of the light fixture is not directly visible from the beach;

(2) Areas seaward of the frontal dune, or the beach in areas where the frontal dune no longer exists, are not directly, indirectly, or cumulatively illuminated.

(b) The following measures shall be taken to reduce or eliminate the negative effects of existing exterior artificial lighting:

- (1) Reposition fixtures so that the point source of light or any reflective surface of the light fixture is no longer visible from the beach;
- (2) Replace fixtures having an exposed light source with fixtures containing recessed light sources or external shields;
- (3) Replace traditional light bulbs (e.g. incandescent, fluorescent, and high intensity lighting) with yellow Bug Type Bulbs, low-pressure sodium vapor (LPS) bulbs, Red or Amber Light-Emitting Diodes (LED) or True Neon light sources;
- (4) Replace non-directional fixtures with directional fixtures that point down and away from the beach;
- (5) Replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;
- (6) Replace pole lamps with low-profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;
- (7) Replace incandescent, fluorescent, and high intensity lighting with the lowest wattage low-pressure sodium vapor lighting, yellow Bug Type Bulbs, Red or Amber Light-Emitting Diodes (LED) or True Neon light sources possible for the specific application;
- (8) Plant or improve vegetation buffers between the light source and the beach to screen light from the beach;
- (9) Construct a ground level barrier to shield light sources from the beach. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short- or long-term damage to the beach/dune system;
- (10) Permanently remove, disable or lock in off position any fixture which cannot be brought into compliance with the provisions of these standards.

(c) One or more of the following measures shall be taken to reduce or eliminate the negative effects of interior light emanating from doors and windows within line-of-sight of the beach:

- (1) Apply window tint or film that meets the standards for tinted glass;
- (2) Rearrange lamps and other moveable fixtures away from windows;
- (3) Use window treatments (e.g., blinds, curtains) to shield interior lights from the beach; or
- (4) Turn off unnecessary lights.

(Ord. No. 2007-21, § 1, 8-14-07)

Sec. 44.6. - Standards for publicly owned lighting.

All publicly owned lighting with light sources that are visible from the beach or that illuminate reflective surfaces that are visible from the beach, including but not limited to streetlights, parking lot lights, and beach access lighting, shall be:

- (a) Fitted with a shield or positioned so that the light source or any reflective surfaces illuminated by such sources are not visible from the beach and do not directly or indirectly illuminate the beach; or
- (b) Extinguished between sunset and sunrise from May 1 to October 31 of each year.

(Ord. No. 2007-21, § 1, 8-14-07)

Sec. 44.8. - Enforcement.

Periodic nighttime lighting inspections shall be performed from the beach to determine the extent of compliance with [section 44.5](#). Inspections shall include both public and private properties within jurisdictional boundaries. Inspections shall be conducted by the city or other qualified person appointed or contracted by the city. At least one compliance inspection of the beach shall be conducted at night prior to the commencement of the marine turtle nesting season and additional compliance inspections shall be conducted during the marine turtle nesting season until existing beachfront lighting has been brought into compliance.

(Ord. No. 2007-21, § 1, 8-14-07)

DIVISION 22 - LANDSCAPING AND TREE PROTECTION^[1]

Footnotes:

--- (1) ---

Editor's note— Ord. No. 2005-38, § 2, adopted Nov. 8, 2005, amended Div. 22, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Div. 22 pertained to similar subject matter. See also the Code Comparative Table.

Sec. 22.1. - Purpose and intent.

It is the intent and purpose of these regulations to provide standards for landscaping and tree protection to improve the appearance of the city, as well as assist in the natural control of air and water pollution and soil conservation. Emphasis shall be placed upon landscaping as a means of achieving beauty in the community. It will be required on all projects, and in some projects and areas it will be the primary tool available. Landscaping is considered extremely important to the aesthetic and environmental goals of the city.

(Ord. No. 2005-38, § 2, 11-8-05)

Sec. 22.2. - Applicability.

The minimum requirements set out in this section are applicable to each zoning district relative to tree protection, the landscaping of certain setback areas and additional required on-site landscaping, including vehicular use areas. Landscape design and planning shall be integrated into the overall design concept and not be considered merely as an afterthought. Towards this end, proposed landscaping schemes will be evaluated as to their relationship to the existing natural landscape, developed and other proposed landscape, including those on adjacent properties and street rights-of-way and the building or buildings proposed. The city may require additional landscaping if it deemed important for buffering or screening.

(Ord. No. 2005-38, § 2, 11-8-05)

Sec. 22.3. - General requirements.

- (a) *Plan approval.* All new construction, except single-family and two-family dwellings as regulated under section 22.5, must have a site plan and landscape plan approved by the city prior to the issuance of a building permit.
- (b) *Screening of certain areas.* Screening shall be employed for parking lots as required, and to mask from the public view such service areas as trash and garbage areas, outside equipment of unaesthetic character, and accessory buildings or areas not enhancing or in keeping with the aesthetics of the project or the neighborhood.
- (c) *Installation.* All landscaping shall be installed in accordance with the approved landscape plan prior to issuance of a certificate of occupancy and shall be installed in accordance with accepted landscape practices within the area. All plant material listed as Category I by the Florida Exotic Pest Plants Council (FEPPC) shall be removed prior to issuance of certificate of occupancy.
- (d) *Maintenance.* The owner and tenant, or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping in accordance with section 22.10, and landscaped areas shall be so maintained as to present a healthy, neat and orderly appearance and shall be kept free from

refuse and debris. If trees, shrubs or other landscape material should die, such materials must be replaced within 30 days.

- (e) *Protection of landscaped areas.* All landscaped areas shall be protected from vehicular encroachment by curbs, wheel stops or other similar device.
- (f) *Preservation of existing plant material.* In instances where healthy plant material exists on a site prior to its development, in part or in whole, for purposes of off-street parking or other vehicular use areas, or in conjunction with other landscaping requirements, an applicant will be encouraged to retain such landscaping. The city manager may adjust the application of the standards set out in this section to allow credit for such plant material if, in his opinion, such an adjustment is in keeping with and will preserve the intent of this section.
- (g) *Reclamation.* In the event construction activity ceases on a zoning lot that has been cleared of vegetation, the owner shall be required to restore sufficient vegetation and/or provide such other means, as determined by the city, to ensure the stability of the soil on the lot.

(Ord. No. 2005-38, § 2, 11-8-05)

Sec. 22.4. - Type, quality and size of plant material.

- (a) *Quality.* Plant materials used in conformance with the provisions of this article shall conform to the standard for Florida No. 1 or better, as given in Grades and Standards for Nursery Plants, part I, 1963, and part II, published by the Florida Department of Agriculture, or equal.
- (b) *Invasive exotic plant materials.* No plant listed by the Florida Exotic Pest Plants Council shall be counted towards the required landscaping.
- (c) *Trees.* Except as otherwise provided herein, all trees planted under the provisions of this Code shall be of a species having an average crown of greater than 15 feet at maturity and having a trunk which can be maintained in a clean condition, free of branches, from grade to five feet above grade. Trees having an average mature spread of crown less than 15 feet may be substituted by grouping the trees so as to create the equivalent of a 15-foot crown spread.

- (1) Canopy trees shall have a minimum height of 12 feet and a DBH dimension of three inches at the time of planting. A recommended list of canopy trees and palms to be used includes but is not limited to the following types:

Quercus virginiana (Live Oak)

Conocarpus erectus (Buttonwood)

Conocarpus erectus serviceus (Silver Buttonwood)*

Tabebuia Caraba (Silver Trumpet/Yellow Flower)*

Pinus elliottii (Slash Pine)

Tabebuia argentia (Gold Tree)

Swietenia mahogani (Mahogany)

Celtis laevigata (Sugarberry)

Platanus occidentalis (Sycamore)

Juniperus silicicola (Southern Red Cedar)

Bucida buceras (Black Olive)

- (2) One of the following palms is equivalent to one required canopy tree when planted at the required height of 12 feet of clear trunk:

Phoenix dactylifera (Medjool Date Palm)*

Phoenix canariensis (Canary Island Date Palm)

Roystonea elata (Royal Palm)*

Cocos nucifera (Coconut Palm)*

Or any single or multi-stemmed palm known to be of equivalent mature size.

- (3) Three of the following palms are equivalent to one required canopy tree when planted at the required height of eight feet of clear trunk:

Syragus romanzoffiana (Queen Palm)

Acoelorrhaphe wrightii (Paurotis Palm)

Sabal palmetto Cabbage Palm (Sabal Palm)*

Washingtonia robusta (Washingtonian Palm)

Or any single palm known to be of equivalent mature size.

- (4) Required canopy trees may be replaced with under-story trees when the mature height of the canopy trees will conflict with overhead power lines, excluding service drops. Appropriate setbacks of trees from such power lines, as referenced by Florida Power and Light's "Plant the Right Tree in the Right Place" publication shall be required, a copy of which is on file at the office of the city clerk.
- (5) Accent/under-story trees shall be a minimum of eight feet in overall height and a tree DBH dimension of two inches at the time of planting.
- (6) The following is a recommended list of accent/under-story trees to be used:

Jatropha Hastata Compacta (Jatropha)*

Coccoloba Uvifera (Sea Grape)

Coccoloba diversifolia. (Pigeon Plum)

Tecoma stans (Yellow Elder)

Persea borbonia (Redbay)

Ilex vomitoria (Yaupon Holly)*

Callistemon vaminalis (Weeping bottlebrush)

Eriobotrya japonica (Loquat)

Myrica cerifera (Wax Myrtle)

Lagerstroemia indica (Crepe Myrtle)

- (d) *Credit for saving existing trees.* No credit shall be given to canopy trees identified by these regulations as nuisance trees. The following trees shall be considered nuisance trees: *Malalueca quinquenervia* (Punk Tree), *Schinus terebinthifolius* (Brazilian Pepper), *Casuarina* spp. (Australian Pine), *Cupaniopsis anacardioides* (Carrotwood), *Melia azedarack* (China Berry), and *Sapium*

sebiferum (Chinese Tallow) or any tree listed by the Florida Pest Plant Council. Credit is given for existing canopy trees, in good health as provided below:

- (1) Credit is given at the following ratios for existing canopy trees in good health to be preserved:

4"—10" DBH = 1 tree

10"—20" DBH = 2 trees

Over 20" DBH = 3 trees

- (2) Credit is given at the ratio of three palms to one tree for existing native palms.

- (3) A maximum ten percent required parking credit may be allowed for the purpose of preserving native trees.

- (e) *Shrubs and hedges.* Shrubs and hedges shall be a minimum of two feet in height when measured immediately after planting. Hedges, where required, shall be planted and maintained so as to form a continuous unbroken solid visual screen within one year after time of planting. A recommended list of shrubs and hedges to be used includes, but is not limited to, the following:

Rapholepis Indica (Dwarf Indian Hawthorne)*

Conocarpus erectus (Buttonwood)

Coccoloba Uvifera (Sea Grape)

Allamanda Cathartica (Dwarf Allamanda)*

Plumbago Capensis (Blue Plumbago)*

Serenoa Repens (Saw Palmetto)*

Penta Lanceolata (Pentas)*

Chrysobalanus icaco (Cocoplum)

Myrica pumila (Dwarf Wax Myrtle)

Ilex vomitoria (Dwarf Yaupon Holly)

Lantana involucrata (Beach Lantana)

Viburnum obovatum (Walter Viburnum)*

- (f) *Ground covers.* Ground covers in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage. In no instance shall stone or gravel be utilized for more than 20 percent of the minimum required pervious area. A recommended list of ground covers to be used includes, but is not limited to, the following:

Gallardia Pullchella (Gallardia)*

Helianthus Debius (Beach Sunflower)*

Lantana Camara (Dwarf Yellow Lantana)*

Trachelospernum Jasmine Varigated (Varegated Confederate Jasmine)*

Trachelospernum Jasmine Minima Varegated (Varegated Dwarf Confederate Jasmine)*

Trachelospernum Jasminoides (Confederate Jasmine)*

Licania michauxii (Gopher Apple)

Scaevola plumieri (Inkberry)

Stachytarpheta jamaicensis (Prone Porterweed)*

Zamia pumila (Coontie)*

Muhlenbergia capillaris (Muhley Grass)*

- (g) *Lawn grass.* Grass areas shall be planted in species normally grown in permanent lawns in the city area. Grass areas may be sodded, plugged or sprigged, except that solid sod shall be used in swales or other areas subject to erosion. A recommended list of ground covers to be used includes but is not limited to, the following:

Stenotaphrum secundatum (St. Augustine)

Paspalum vaginatum (Seashore Paspalum)

(Ord. No. 2005-38, § 2, 11-8-05; Ord. No. 2017-30, § 2, 2-27-18)

Sec. 22.5. - Landscaping for single-family and two-family dwellings.

All new or substantially improved single-family and two-family dwellings shall be landscaped in accordance with this subsection prior to the issuance of a certificate of occupancy.

- (a) *Trees required.* All trees shall meet the standards of section 22.4. The number of trees required to be planted upon construction of a single-family and two-family dwelling shall be as follows:

Lot Size	Minimum Number of Trees
3,500 to 6,000 square feet	2 trees
6,001 to 7,500 square feet	3 trees
7,501 to 10,000 square feet	4 trees
10,001 to 16,000 square feet	6 trees
Over 16,000 square feet	8 trees

- (b) *Credit for remaining trees.* If, on a zoning lot for a single-family or two-family dwelling, existing trees can be saved and will remain in good condition when construction is complete, credit shall be given pursuant to section 22.4(d).
- (c) *Other materials.* The remainder of the required landscaped areas shall be adequately landscaped with shrubs, grass, ground cover or other landscape treatment as described in subsection 22.4.

(Ord. No. 2005-38, § 2, 11-8-05)

Sec. 22.6. - Landscaping for all other developments.

- (a) *New multifamily and all nonresidential developments.* New multifamily and all nonresidential developments shall be landscaped in accordance with the applicable provisions of this section.
- (b) *Additions to existing buildings.* When the cost of any addition to or renovation of an existing multifamily or nonresidential building is determined to be a substantial improvement, as defined in Division 2, the property shall be landscaped in accordance with paragraph (a) prior to the issuance of a certificate of occupancy. If the proposed addition or renovation will not constitute a substantial improvement and if the property does not comply with the requirements of this division, one square foot of landscaping for each one square foot of additional building area shall be required. If no buildings are constructed, landscaping equal to the following table shall be required.

Cost of Renovation	Dollar Amount of Landscaping Required
\$1,001.00—\$10,000.00	25 percent of renovations costs
\$10,001.00—\$25,000.00	20 percent of renovations costs
\$25,001.00—\$100,000.00	15 percent of renovations costs
Over \$100,001.00	10 percent of renovations costs

In the event that the required landscaping cannot be placed on the property in such a way as to permit proper maintenance, said landscaping may be placed in the public right-of-way with the approval of the city. If that is not practical, a payment in accordance with the table above may be made to the city for landscaping in an appropriate area.

- (c) *Changes in use.* Changes in use of existing buildings shall require the landscaping of the property to bring it into full compliance with all the standards provided in this section.
- (d) *Community Redevelopment District (CRD).* All new projects within the CRD abutting Gulf Boulevard and Blind Pass Road are encouraged to utilize plant material marked with an (*) within the front setback.

(Ord. No. 2005-38, § 2, 11-8-05)

Sec. 22.7. - Development standards.

- (a) *Front setback areas.* Required landscaping in front setback areas in all districts, except RU-1, RU-2 and RLM-1, shall be as follows:
 - (1) *Minimum size of landscaped areas.* Except where driveways and walkways providing ingress and egress crossing the property line, the entire length of the property frontage shall be landscaped and shall have a minimum depth from the front property line inward to the property equal to ten percent of the adjacent right-of-way width.
 - (2) *Minimum number of trees.* The total number of trees shall not be less than one for each 180 square feet or fraction thereof of the area to be landscaped.

- (3) *Other materials.* The remainder of the required landscaped areas shall be adequately landscaped with a mixture of shrubs, grass, ground cover or other approved landscape treatment.
- (b) *Vehicular use areas.* Except along the boundary of a vehicular use area that is landscaped in accordance with paragraph (a) preceding, other vehicular use areas, where such areas will not be entirely screened visually by an intervening building or structure from any abutting property line there shall be provided landscaping between such areas and such property lines as follows:
 - (1) *Planting area.* A strip of land at least six feet in depth, located between the property line and the vehicular use area shall be landscaped.
 - (2) *Minimum number of trees.* The minimum number of trees is one tree for each 30 linear feet or fraction thereof.
 - (3) *Minimum size of landscaped areas.* Except for driveways crossing property lines, the entire boundary of the vehicle use area shall be landscaped.
 - (4) *Hedge required.* Unless otherwise approved during the site plan review process, a hedge in accordance with section 22.4 of at least two feet in height shall be placed along the entire length of such landscaped area.
 - (5) *Other materials.* The remainder of the required landscaped area shall be landscaped with grass, ground cover or other approved landscaping treatment.
- (c) *Interior landscaping for vehicular use areas.*
 - (1) *Area to be landscaped.*
 - a. *Minimum area per parking space.* Off-street parking areas shall have at least 20 square feet of interior landscaping for each parking space, excluding those spaces abutting a perimeter for which landscaping is required by other parts of this section.
 - b. *Minimum area relative to other vehicular use areas.* In addition, other vehicular use areas, such as loading areas or vehicle storage lots, shall have two square feet of landscaping area for each 100 square feet or fraction thereof.
 - c. *Determination of size of vehicular use areas.* Where the property contains both parking areas and other vehicular use areas, the two types of areas may be separated for the purposes of determining the other vehicular use areas by first multiplying the total number of parking spaces by 300 and subtracting the resulting figure from the total square footage of paved areas.
 - d. *Minimum size of landscaped areas.* Each separate landscaped area shall contain a minimum of 400 square feet and shall have a minimum dimension of at least ten feet, unless otherwise specifically provided for elsewhere in this Code.
 - e. *Parking areas with fewer than 20 parking spaces.* On properties with fewer than 20 total parking spaces, interior landscaping required above may be added to the perimeter landscape areas pursuant to paragraph (3) below.
 - (2) *Plant materials.*
 - a. *Generally.* Each separate landscaped area shall include at least one tree, as specified in section 22.4(c), with the remaining area adequately landscaped with shrubs, ground cover or other approved landscaping material.
 - b. *Minimum number of trees.* The total number of trees shall not be less than one for each 100 square feet or fraction thereof of required interior landscaping areas.
 - c. *Location of landscaped areas.* Such landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide traffic flow and direction.

- (3) *Exception.* In off-street parking areas and other vehicular use areas where the strict application of this section will seriously limit the function of such area, the required landscaping may be permitted to be located along the perimeters of the area, including such perimeters which may be adjacent to the building on the site. Such landscaping shall be in addition to all other landscaping requirements.
- (d) *Walkways, pedestrian connections and additional landscaped areas.* Pedestrian walkways shall be landscaped with additional shade or ornamental trees equal to an average of one shade tree per 50 linear feet of walkway, unless the walkway is adjacent or included within an existing compliant buffer or frontage planting. One shade tree shall be planted for each 200 square feet of separate additional landscaped area.

(Ord. No. 2005-38, § 2, 11-8-05)

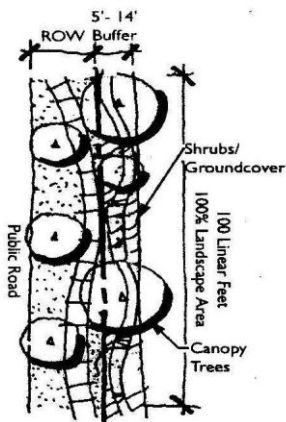
Sec. 22.8. - Buffer requirements and installation standards.

- (a) *Generally.* A buffer shall be defined as specified land area together with its planting and landscaping requirements. Buffers may also contain a barrier, such as a fence, wall, hedge, or berm, where such additional screening is necessary to achieve the desired degree of buffering between adjacent uses.

Landscaped buffers shall be required to separate transient accommodation and nonresidential uses from residential or institutional uses, where such area abuts property zoned or in fact used primarily for residential or institutional purposes, to eliminate or minimize potential negative effects such as dirt, noise, litter, glare of lights, signs, parking areas, or to provide spacing to reduce the adverse impacts of noise, odor, or danger from fires or explosions. The size and nature of the buffer shall be determined by the site plan process. Buffers shall be subject to the following provisions:

- (1) A buffer may be used for passive recreation, when appropriate upon approval of the approving authority.
- (2) A buffer may be used for utility or drainage easements, provided that the requirements of such use and the buffer requirements are compatible.
- (3) A buffer may be used for satisfaction of minimum setback requirements.
- (4) A buffer may be used for satisfaction of minimum open space requirements.
- (5) A buffer may be used for storm water retention or detention areas so long as the required buffer plantings are provided and the design and landscaping of the buffer does not interfere with proper functioning of the drainage system and the design water depth does not harm the viability of the plantings.
- (6) A buffer may be used for passive recreation such as pedestrian or bicycle trails subject to the following limitations:
 - a. No plant material is eliminated.
 - b. The total width of the buffer is maintained.
 - c. All other requirements of these regulations are met.
- (7) A buffer may be used for installation of underground utilities and utility structures provided such structures do not exceed four feet in height so long as the location and use of the utility lines does not interfere with required buffer plantings.
- (8) The following uses shall not be allowed in a required buffer: principal structures, accessory structures, swimming pools, tennis courts, or similar active recreation uses; storage facilities, or parking facilities.
- (9) Buffers shall remain part of the zoning lot for which they are required.

- (10) The required buffer shall not contain any development, impervious surfaces, or site features that do not function to meet the standards of this section. No grading, development, or land-disturbing activities shall occur within the buffer unless approved as part of a development permit. Storm water detention, retention or treatment areas and easements shall be shown on the approved landscape plan and such areas shall not occupy more than 50 percent, horizontally, of the width of the buffer.
 - (11) The arrangement of required plants and trees shall be distributed in a relatively uniform manner and as depicted on the approved landscape plan.
 - (12) Existing trees and vegetation within a required buffer, which meet these requirements may be counted toward the total buffer plant material requirements. If existing trees and plants do not fully meet the standards for the type of buffer required, additional vegetation shall be planted.
- (b) *Location of buffers.* The buffers required by these regulations shall be located along the perimeter of a zoning lot where required, extending the entire length of the zoning lot, except at approved entrances or exits to the property or in required sight triangles. Buffers shall extend to the zoning lot line or right-of-way line, except where easements, covenants, or natural features may require the buffer to be set back from the property line.
- (1) Buffers shall not be located on any portion of an existing, dedicated, or proposed right-of-way, road easement, or private street.
 - (2) Where an existing utility easement is partially or wholly within a required buffer, the developer shall design the buffer to eliminate or minimize plantings within the easement. Such design may necessitate choosing a buffer with more land area or fewer required plantings.
 - (3) All general landscape requirements of these regulations shall be met.
- (c) *Landscape buffer along public streets.* Landscape buffers along "A" and "B" streets shall meet the following guidelines:
- (1) A five- to 15-foot landscape buffer shall be required along public streets and shall include shade trees and groundcover.
 - (2) All planted shrub and groundcover areas shall achieve a 100-percent coverage of their planting area within one year.
 - (3) Permitted features for front buffers - sidewalks, signs, low wall and picket fences (wrought iron, wood or PVC).
 - (4) Additional features such as a knee walls and decorative picket fencing are permissible with the following standards.



- a. Knee wall - maximum 24 inches.

- b. Decorative fencing - maximum 48 inches and must have at least 50 percent of required buffer planting adjacent to right-of-way.
- (5) Prohibited features in front buffers - chain-link fences, walls greater than two feet, loading, service or dumpsters areas or similar items may not be placed in the front buffer or in any additional "open space" adjacent to the street or any direction visible from the street.
- (d) *Buffer requirements.* The following types of buffers shall be required for the uses described and illustrated on the following pages.
 - (1) Commercial use adjacent to single-family or two-family residential — Type C
 - (2) Transient accommodation use adjacent to single-family or two-family residential — Type C
 - (3) Mixed use adjacent to single-family or two-family residential — Type B
 - (4) Commercial use adjacent to mixed-use with residential component — Type B
 - (5) Multi-family use adjacent to single-family or two-family residential — Type B
 - (6) Commercial use adjacent to commercial use — Type A
 - (7) Commercial use adjacent to transient accommodation use — Type B
 - (8) Multi-family use adjacent to multi-family use — Type A
- (e) *Fencing within buffers.* Fencing for the purpose of security or protection is allowable within all buffers provided the fence is in compliance with the applicable standards of these regulations. Developments proposing a privacy fence five feet or more in height within a required buffer may be allowed a 50 percent reduction in the density of plantings. Such request shall be submitted in writing by the applicant and shall include provisions by the owner for maintenance of the buffer and the fencing.

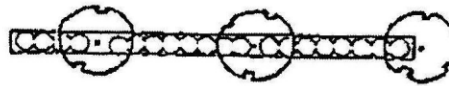
Buffer - Type A

Required Plant
Units per 100 feet

Width

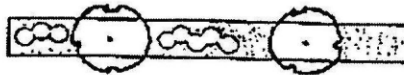
2.4 trees
20 shrubs

5 feet*



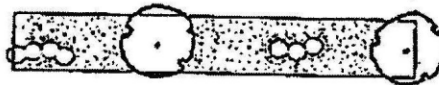
2 trees
8 shrubs

10 feet



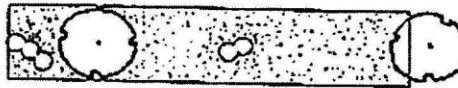
1.6 trees
6.4 shrubs

15 feet



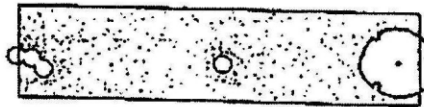
1.2 trees
4.8 shrubs

20 feet



1.0 tree
3.2 shrubs

25 feet



*Requires continuous hedge @ 5 feet O.C. maximum spacing; minimum installed height of 3.5 feet.

Buffer Type B

Required Plant
Units per 100 feet

Width

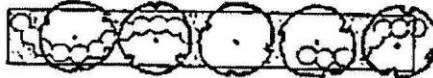
4.8 trees
20 shrubs

10 feet*



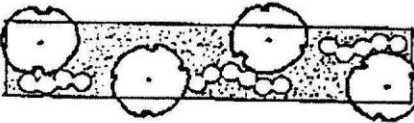
4.8 trees
19.2 shrubs

15 feet



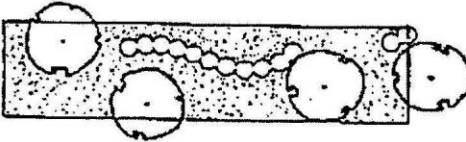
4 trees
16 shrubs

20 feet



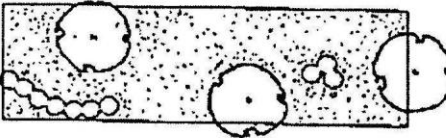
3.2 trees
12.8 shrubs

25 feet



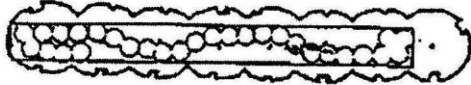
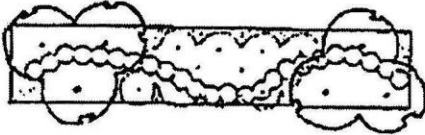
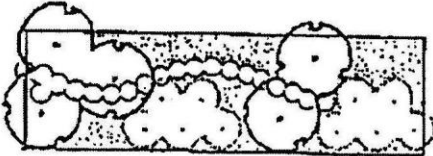
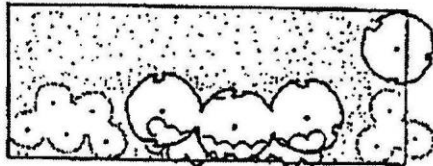
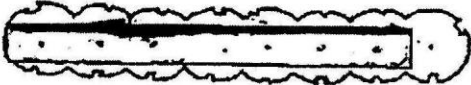
2.4 trees
9.6 shrubs

30 feet



*Requires continuous hedge @ 5 feet O.C. maximum spacing; minimum installed height of 3.5 feet.

Buffer Type C

Required Plant Units per 100 feet	Width	
7.2 trees 28.8 shrubs	15 feet*	
6 trees 24 shrubs 12 conifers	25 feet	
4.8 trees 19.2 shrubs 9.6 conifers	35 feet	
3.6 trees 14.4 shrubs 7.2 conifers	45 feet	
7.2 trees Opaque Wall	10 feet*	

*Requires continuous hedge @ 5 feet O.C. maximum spacing; minimum installed height 3.5 feet.

(f) *Plant sizes and design requirements.*

- (1) Trees in buffers of ten feet or less should be small or medium. Trees in buffers of more than ten feet may be small, medium, or large provided, however, at least one-half of the required trees shall be large. Trees used in required buffers may be used to meet the required plantings for the property, provided the trees meet or exceed all size, type, and location requirements for replacement trees as specified in these regulations.
- (2) Alternative designs for required buffers may be approved by the city manager upon a finding that such alternative design meets the intent of these regulations and sound landscaping practices. In no case is the city manager authorized to reduce the width of a buffer or the total number of plants required on the site.

(Ord. No. 2005-38, § 2, 11-8-05)

Sec. 22.9. - Preservation standards.

- (a) *Construction barriers.* During the development of the property, the owner of the property shall be responsible for the erection of any and all barriers or protective guards necessary to protect any existing or installed vegetation from damage during construction.
- (b) *Wall.* Wherever a change of grade is planned, the trees to be preserved shall be protected by a wall so as to preserve the existing grade for the tree's root system.
- (c) *Topsoil.* Wherever a change of grade is planned, the topsoil stripped on site shall be preserved for the new landscaping to be installed.

(Ord. No. 2005-38, § 2, 11-8-05)

Sec. 22.10. - Maintenance standards.

- (a) *Landscaped areas.* All required landscaped areas must include an in-ground automatic irrigation system. The plantings in any landscaped area must be properly maintained in order for the landscaped area to fulfill the purposes for which it was established. Such maintenance shall include all actions necessary to keep the landscaped area free of litter and debris and to keep plantings healthy and orderly in appearance. Where reclaimed water is not used to irrigate, the developer is required to use drip or micro-spray irrigation systems.
- (b) *Buffers.* The plantings, fences, walls, and berms that constitute a buffer must be properly maintained in order for the buffer to fulfill the purpose for which it is established. Such maintenance shall include all actions necessary to keep the buffer free of litter and debris, and to keep plantings, walls, fences, and berms in good repair and neat appearance. All buffer material shall be protected from damage by motor vehicles or pedestrians which could reduce the effectiveness of the buffer.
- (c) *Damage.* In the event that any vegetation or physical element functioning to meet the standards of this division is severely damaged, it shall be replanted or replaced within 30 days. In the event that the damage is found to be caused by a catastrophic event, a grace period of 180 days shall be granted for replacement.
- (d) *Pruning.* Trees shall be pruned in accordance with the pruning standards of the American National Standards Institute (ANSI publication A300); however, the topping of trees is prohibited. Topping shall be considered a violation of Section 22.11 of this division.

(Ord. No. 2005-38, § 2, 11-8-05)

Sec. 22.11. - Tree protection.

It shall be unlawful for any person to remove or cause to be removed any tree having a DBH of three inches or more or any palm with a height of eight feet or more overall without first having obtained a tree removal permit from the city in accordance with section 22.13. Diameter at breast height or DBH means the measurement of a single-stemmed or multi-stemmed tree at four and one-half feet above grade.

(Ord. No. 2005-38, § 2, 11-8-05)

Sec. 22.12. - Tree removal permit required.

Approval of a tree removal permit shall be regulated by the following:

- (a) *Mangroves.* Mangroves shall be removed only in accordance with the provisions of F.S. §§ 403.9321 through 403.9333.

- (b) *Approved permits.* Tree removal permits issued by the city, in accordance with the administrative regulations pertaining thereto, shall be valid for a period of three months from the date of issuance.
- (c) *New development or redevelopment.* When the development of a vacant property or the redevelopment of an existing developed property is proposed, the following requirements shall be followed:
 - (1) Where no trees having a three-inch DBH or greater exist on a site proposed for development, an applicant for a development permit shall verify in writing at the time of permit application that no protected trees exist. Such verification shall be in the form of a notarized statement which shall be filed with the application.
 - (2) Where such trees do exist on a site proposed for development or redevelopment and are proposed for removal or relocation, a plan showing in what manner removed trees will be replaced or where such trees will be relocated shall be submitted with the application.
 - (3) Where such trees will remain, a plan shall be submitted showing how such trees will be protected during the development process.
- (d) *Standards for approval.* In determining whether or not a permit should be issued, the city manager shall consider and base his decision on the following:
 - (1) The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interference with utilities;
 - (2) The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property;
 - (3) Whether the tree has been determined to be an historic or specimen tree, meaning a tree which has been determined to be of notable historic or high value to the city because of type, size, age or community association;
 - (4) Impact upon the urban and natural environment including:
 - a. *Ecological impacts.* Whether the removal of trees will have an adverse impact upon existing biological and ecological systems, microclimatic conditions which directly affect these systems, or whether such removals will create conditions which may adversely affect the dynamic equilibrium of associated systems.
 - b. *Noise pollution.* Whether the removal of trees will significantly increase ambient or point source noise levels to the degree that a public nuisance is anticipated to occur.
 - c. *Wildlife habitat.* Whether the removal of trees will significantly reduce the available habitat for wildlife existence and reproduction or result in the emigration of wildlife from adjacent or associated ecosystems.
 - (5) The ease with which the applicant can alter or revise any proposed development to eliminate the need to remove the tree; and
 - (6) Whether the tree is one of the Category I exotic invasive plants, as listed by the Florida's Exotic Pest Plants Council, including, but not limited to the Australian Pine (*Casaurina* spp.), Chinese Tallow (*Sapium sebiferum*), Carrotwood (*Cupianopsis anacardioides*), Punk (cajeput) tree (*Melaleuca quinquenervia*), and Brazilian Pepper (also known as the Florida Holly) (*Schinus terebinthefolius*).
- (e) *Replacement of removed trees.* Trees removed under the provisions of this section shall be replaced as follows:
 - (1) *New developments.* Where trees were removed to accommodate a new development, replacement trees shall be governed by the landscaping requirements of this Code for new developments.

- (2) *Other properties.* Replacement of removed trees shall be required within six months of the date of issuance of the tree removal permit as follows:
- a. When the removed tree is of a native species, the replacement tree shall also be of a native species.
 - b. Except as provided in paragraph d herein, removed trees four-inches DBH or smaller shall be replaced by one tree for each tree removed.
 - c. Except as provided in paragraph d herein, removed trees larger than four-inches DBH shall be replaced by two trees for each tree removed.
 - d. When the total number of trees on the property meet or exceed the requirements in section 22.4 for single-family and two-family properties, replacement trees shall not be required.
- (f) *Denial of a tree removal permit.* In the event a tree removal permit is denied, the city manager shall specify the reasons for such denial in writing. Applicants may appeal a denial in accordance with section 3.14 of this Code.
- (g) *Removal of hazardous trees required.* It shall be unlawful for any owner of real property to allow, suffer or permit any tree which has been damaged or injured to remain upon the real property when the tree creates and constitutes a hazard endangering the life or limb of any person or surrounding adjacent property.

(Ord. No. 2005-38, § 2, 11-8-05)

Sec. 22.13. - Relocation by the city.

In some instances where the trees to be removed are healthy and desirable, with the permission of the owner, the city shall have the option to relocate the tree at its expense. If the city chooses relocation under this provision, such relocation shall be accomplished within 15 working days of the issuance of the permit. If the city fails to remove the tree within the 15-working day period, the permit holder shall be allowed to proceed as provided in the permit.

(Ord. No. 2005-38, § 2, 11-8-05)

Sec. 22.14. - Tree removal permit requirements.

- (a) Any person desiring a permit to remove a tree as required by this section shall make written application, accompanied by the payment of the applicable fee set forth in Appendix A, St. Pete Beach Code of Ordinances, to the city manager.
- (b) Failure to obtain the required permit shall result in a penalty charge equal to twice the cost of the original permit or \$100.00, whichever is greater.

(Ord. No. 2005-38, § 2, 11-8-05)