



## **PLANNING BOARD MEETING**

### **CITY OF ST. PETE BEACH**

155 Corey Avenue  
St. Pete Beach, FL 33706

**Monday, October 21, 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. **09/16/19**
4. **Action Items: Sitting as Local Planning Agency (LPA)**
  - a. **Ordinance No. 2019-xx** – To amend the Land Development Code, Section 22.4. – Type, quality and size of plant material; Section 22.14. - Tree removal permit requirements
  - b. **Ordinance No. 2019-xx** – To amend the Land Development Code, Section 3.10 – Vested rights and nonconformities
  - c. **Ordinance No. 2019-xx** – To amend the Land Development Code, Section 2.1 – Words, terms and phrases defined; Section 3.12 – Variances
  - d. **Ordinance No. 2019-xx** – To amend the Land Development Code, Section 3.14 – Appeals

5. Discussion Items
  - a. None

6. Adjournment – Next Meeting: 11/18/19

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](mailto:cityclerk@stpetebeach.org)

All agenda material is available for review at City Hall.

# **PLANNING BOARD MINUTES**

**September 16, 2019**

**4:00 P.M.**

## **CALL TO ORDER**

## **PLEDGE OF ALLEGIANCE**

## **ROLL CALL**

## **PRESENT:**

Tiffany Secka, Chairwoman  
Marvin Shavlan, Vice Chairman  
Mark Grill, Member  
Tom DeYampert, Member  
Bev Jackson, Member

## **ALSO PRESENT:**

Andrew Dickman, City Attorney  
Ginny Keeter-Bodkin, Deputy City Clerk  
Wesley Wright, Community Development Director  
Brandon Berry, Planner I  
Lynn Rosetti, Senior Planner

### **1. Changes to the Agenda**

There were no changes to the agenda. Community Development Director Wesley Wright introduced Lynn Rosetti, the new Senior Planner for the City.

### **2. Audience Comments**

There were no audience comments.

### **3. Approval of Minutes**

- a. 7/15/2019

**Member DeYampert made a motion to approve the 7/15/2019 minutes as presented. The motion was seconded by Member Jackson and approved by a unanimous roll call vote.**

### **4. Action Items**

- a. None.

## **5. Discussion Items**

### **a. Division 22, Landscaping**

As outlined in the meeting Memorandum, City Attorney Andrew Dickman stated that he and Community Development Director, Wesley Wright would like to address two issues with regard to the City's Landscaping and Tree Protection Ordinance: the new state law that bans local governments from regulating tree removal on private property and single-family landscape and ground cover requirements.

Mr. Dickman stated that new legislation is focusing on resiliency after storms including issues related to trees affecting power lines. The new law allows property owners to remove a tree without approval from their local municipality if a licensed arborist determines the tree poses a danger.

Section 22.14(a) of the City's Landscaping and Tree Protection Ordinance addresses tree removal and permit requirements. Mr. Dickman suggested adding the language "Notwithstanding state law to the contrary," prior to "any person desiring a permit to remove a tree..." in Section 22.14(a) to protect the city in terms of compliance with state law. The Board members agreed by consensus to the addition of this language to the Code.

Board discussion followed on administrative requirements and penalties (currently \$100) for tree removal. Mr. Dickman and Mr. Wright will bring alternative suggestions to the next meeting.

Photographs of various types of existing landscape throughout the city were presented regarding single-family landscape requirements and ground covers. Discussion followed on what would be a trigger to bring homes into compliance and what compliance would look like. There are aesthetic and environmental goals in the current Ordinance.

Section 22.4(f) of the City's Ordinance addresses type, quality and size of plant material – ground covers. The goal is to tighten the language to be less vague. Each zoning district has a certain amount of area that must be pervious (covered with either grass, plant, stone or gravel). The City has also been allowing shell.

Mr. Dickman proposed the following changes to section 22.4(f):

- adding the term "Vegetative" to section (f) prior to "ground covers in lieu of grass" in the first sentence.
- changing the second sentence to include shell - "in no instance shall non-vegetative pervious materials, including, but not limited to stone, shell, or gravel be used for more than 20 percent of the minimum..." to distinguish vegetative v. non-vegetative.
- adding the sentence "This minimum may be adjusted administratively for innovative features to control storm water, to conserve ground water, and to

increase tree canopy.” after “... 20 percent of the minimum required pervious area”.

This would include Florida-friendly landscaping, xeriscape, and other programs and give staff the flexibility to allow adjustments for other green alternatives.

The Board discussed underlayment materials, other bedding materials, Astroturf, maintenance, the definition of “impervious surface” in the City Code (prevents the absorption of stormwater into the ground), and whether there should be a time limit (i.e. five years) to come into compliance with the impervious surface ratio in the City Codes, or enforce by a triggering event (change of title, renovation, etc.).

After discussion, the Board agreed to leave the non-vegetative pervious material list as stone, shell, and gravel at this time.

Member DeYampert left the meeting at 5:23 PM.

Mr. Dickman asked the board members if they want staff to have administrative flexibility to allow for more non-vegetative ground cover if there are other stormwater positive elements such as xeriscape or tree canopy coverage that matches the city’s intent and they agreed.

**Vice Chair Shavlan made a motion to accept staff’s proposed changes to Division 22 of the City Code as discussed and recommend them to the City Commission. The motion was seconded by Member Jackson and approved by a unanimous roll call vote (4-0).**

Mr. Dickman will send the finalized language to the City Clerk’s office as a recommendation to the City Commission.

There was no public comment.

**6. Adjournment – Next Meeting: 10/21/2019**

There being no further business to come before the Board, the meeting was adjourned at 5:35 p.m.

Attest:

\_\_\_\_\_  
Rebecca C. Haynes, City Clerk

\_\_\_\_\_  
Tiffany Secka, Chairwoman

Minutes approved on: \_\_\_\_\_

**ORDINANCE NO. 2019-XX**

**AN ORDINANCE OF THE CITY OF ST. PETE BEACH,  
AMENDING THE LAND DEVELOPMENT CODE, SECTION 22.4.  
– TYPE, QUALITY AND SIZE OF PLANT MATERIAL; SECTION  
22.14. - TREE REMOVAL PERMIT REQUIREMENTS;  
PROVIDING FOR CODIFICATION, PROVIDING FOR  
SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES  
IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Commission of the City of St. Pete Beach (insert language); and

WHEREAS, (insert language); and

WHEREAS, (insert language); and

WHEREAS, (insert language) and

WHEREAS, (insert language).

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH  
FLORIDA, HEREBY ORDAINS:**

SECTION 1. Recitals. The above recitals (“Whereas” clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The provisions in this Section pertaining to the City’s Land Development Code are amended as follows:

**Sec. 22.4. – (Type, quality and size of plant material) shall be amended as follows:**

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(f) *Ground covers.* ~~Vegetative g~~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 ~~nonvegetative pervious material (stone, shell, gravel, and artificial turf only)~~stone or gravel be utilized for more than 20 percent of the minimum required pervious area. The 20 percent maximum nonvegetative portion of the required pervious area may be increased administratively if the homeowner installs an innovative landscape design that incorporates features that retains stormwater onsite, reduces the need for ground water irrigation, or increases the tree canopy. New construction shall require full compliance with this section. A recommended list of vegetative ground covers to be used includes, but is not limited to, the following:

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Words ~~stricken~~ through shall be deleted. Words underscored constitute the amendment proposed. The symbol \*\*\* constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

*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)\*

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**Sec. 22.14. – (Tree removal permit requirements) shall be amended as follows:**

- (a) Notwithstanding state law to the contrary, ~~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.

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**ORDINANCE NO. 2019-XX**

**AN ORDINANCE OF THE CITY OF ST. PETE BEACH,  
AMENDING THE LAND DEVELOPMENT CODE, SECTION 3.10  
– VESTED RIGHTS AND NONCONFORMITIES; AND  
PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL  
OF ORDINANCES IN CONFLICT; AND PROVIDING AN  
EFFECTIVE DATE.**

WHEREAS, the City Commission of the City of St. Pete Beach (insert language); and

WHEREAS, (insert language); and

WHEREAS, (insert language); and

WHEREAS, (insert language) and

WHEREAS, (insert language).

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH  
FLORIDA, HEREBY ORDAINS:**

SECTION 1. Recitals. The above recitals (“Whereas” clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The provisions in this Section pertaining to the City’s Land Development Code are amended as follows:

**Division 3, Sec. 3.10 (Vested rights and nonconformities) shall be amended as follows:**

**\*\*\***

(b) Nonconforming structures. Where a lawful structure exists at the time of adoption or amendment of this Code which could no longer be built under the terms of this Code by reason of restrictions on lot area, impervious surface, height, or other such characteristics, such structure may continue to be used so long as it remains otherwise lawful, subject to the following provisions:

(1) No such structure may be enlarged, altered or improved in a manner which increases its non-conformity, except for the conditions set forth for elevating an existing structure in Section (3)A. below.

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(2) Any nonconforming structure which suffers substantial damage, as defined in this Code, shall only be repaired, restored or reconstructed in a manner which brings the entire structure into compliance with all requirements of this Code and other applicable codes of the city.

(3) Should such nonconforming structure be moved, either vertically or horizontally, it shall comply with the following:

A. The structure shall be moved, vertically only, such that the lowest floor is elevated no higher than six inches above the base flood elevation, as defined and established in the city's flood damage prevention regulations set forth in Chapter 98 of the Code of Ordinances, except that minimum necessary additional height shall be allowed to provide for the construction of a garage underneath any structure which is so moved. The maximum height of the new construction for the garage shall not exceed nine feet from the existing grade of the lot to the bottom of the existing horizontal structural member of the lowest floor. Under no circumstances shall the resulting structure exceed the maximum height allowed by the zoning district.

B. The structure shall be moved, horizontally only, such that no additional non-conformities are created, and no existing non-conformities are increased, by such relocation; and

C. The structure shall be located on the property so that there is a setback of at least three feet from the nearest property line on all sides of the structure.

(4) Any nonconforming structure may be reinforced to make it resistant to hurricanes for the health safety and welfare of the public. These improvements include the addition of hurricane shutters, impact windows and doors, and hurricane straps.

(5) Ordinary repairs and maintenance may be made to a non-conforming structure provided that such repairs or maintenance do not constitute a substantial improvement as defined in the Land Development Code.

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**ORDINANCE NO. 2019-XX**

**AN ORDINANCE OF THE CITY OF ST. PETE BEACH, AMENDING THE LAND DEVELOPMENT CODE, SECTION 2.1 – WORDS, TERMS AND PHRASES DEFINED; SECTION 3.12 – VARIANCES; AND PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Commission of the City of St. Pete Beach (insert language); and

WHEREAS, (insert language); and

WHEREAS, (insert language); and

WHEREAS, (insert language) and

WHEREAS, (insert language).

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:**

SECTION 1. Recitals. The above recitals (“Whereas” clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The provisions in this Section pertaining to the City’s Land Development Code are amended as follows:

**Division 2, Sec. 2.1 (Words, terms and phrases defined) shall be amended as follows:**

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Pervious refers to any surface or material that permits water penetration into the ground. Such materials may include rock, stone, gravel, pebbles, shell and other similar materials including organic and inorganic mulches installed in such a manner to permit water to penetrate the ground beneath the material. The materials may be provided with a porous underlayment for stability or to enhance attractiveness of the area so long as the surface and any underlayment remains pervious.

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Variance means a grant of relief by the City Manager, appropriate board of authority or city commission from the requirements of the Land Development Code which permits development in a manner otherwise prohibited, subject to the standards set forth in section 3.12.

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**Division 3, Sec. 3.12 shall be amended as follows:**

~~(a) — Authority and approval criteria:~~

~~(1) — The appropriate board of authority may authorize variances to the land development regulations if the applicant is able to demonstrate the following conditions:~~

~~(a) — The existence of conditions and circumstances that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same district which have complied with these regulations without hardship; that the strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building; and the peculiar conditions and circumstances are not the result of the actions of the applicant; and~~

~~(b) — Neither a nonconforming use of neighboring lands, structures or buildings, legal or illegal, in the same district, nor a permitted use in adjacent districts shall be considered as grounds for issuance of a variance; and~~

~~(c) — The proposed variance will not have the effect of changing any district boundary on the zoning map, nor constitute the granting of a nonconforming use. Under no circumstances shall a variance permit an increase in development density or permit a use not specifically permitted in the district; and~~

~~(d) — The granting of a variance will be in harmony with the general purpose and intent of the land development regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In granting the variance, the appropriate board of authority may prescribe any conditions and safeguards it deems necessary or desirable as a condition of approval of the variance application; and~~

~~[e] — The appropriate board of authority finds as a reasonable conclusion that hardship would unnecessarily result from a literal enforcement of the provisions of the land development regulations as set forth in the application, and the variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.~~

General Variances

(a) Purpose, definition, scope and limitations.

(1) Unnecessary and undue hardship variance. An unnecessary and undue hardship variance is a relaxation of the terms or provisions of the Land Development Code of the

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City of St Pete Beach (zoning code) where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the zoning code would result in unnecessary and undue hardship on the property.

(2) Practical difficulty variance. A practical difficulty variance is a relaxation of the terms or provisions of the Land Development Code which is less rigorous than the unnecessary and undue hardship standard. Practical difficulty variances shall only be applicable to impervious surface ratio, setback lines, or landscaping for single family homes located on single lots in the established residential districts. If a practical difficulty variance is granted, the maximum reduction in the required pervious area of a property shall be 50 percent. A practical difficulty variance for a reduction in the required pervious area of a property shall only be granted by the city one time per property. The standard provides for a variance where a literal enforcement of a zoning regulation will create a practical difficulty in the use of the parcel of land for the purpose or in the manner for which it is zoned, considering various factors set forth below.

(3) Administrative (de minimis) variances. When the literal or strict enforcement of the provisions of this chapter causes unusual, exceptional, unnecessary difficulties or injustice because of the size of the tract, parcel or lot, the topography, the condition or nature of adjoining areas or the existence of other unusual physical conditions. The sum of all variances approved by the City Manager under these administrative procedures shall not exceed 12 inches for setbacks and accessory structure height for each property or lot.

(b) Authority and approval criteria.

(1) The City Manager or appropriate board of authority may authorize variances to the land development code if the applicant is able to demonstrate the following conditions:

a. Unnecessary and undue hardship variance. Standards of review for an unnecessary and undue hardship variance. The appropriate board of authority shall approve an unnecessary and undue hardship variance only if the variance applicant demonstrates by clear and convincing evidence that all of the following are met and satisfied:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;

2. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;

3. Literal interpretation of the provisions of the zoning code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the zoning code and results in unnecessary and undue hardship on the applicant;

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4. The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the comprehensive plan or the zoning code;

5. An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;

6. Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;

7. The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and

8. The requested variance is in harmony with the general intent and purpose of the comprehensive plan and the zoning code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.

b. Practical difficulty variance. Standards of review for a practical difficulty variance. The appropriate board of authority shall approve a practical difficulty variance if it finds, based on substantial competent evidence, that following factors demonstrate that a practical difficulty exists:

1. How substantial the variance is in relation to the requirement sought to be varied;

2. Whether an adverse change will be produced in the character of the neighborhood;

3. Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and

4. Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.

c. Administrative (de minimis) variances. The City Manager may grant an Administrative (de minimis) variances to the setback and accessory structure height requirements found in this chapter in accordance with the following procedure:

1. An application for an administrative variance shall be submitted to the City Manager. The application shall set forth the reasons justifying the administrative granting of the variance including:

a. Special conditions and circumstances that exist which are particular to the land involved and are not applicable to other surrounding lands;

b. The basis for seeking a variance;

c. How a literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties located in the City;

d. That the granting of the variance requested will not confer on the applicant any special privilege that is otherwise denied other similarly situated lands, buildings, or structures in the same zoning district; and

e. An explanation of how the request meets the requirements for approval under this section.

2. To approve a variance application, the City Manager shall find:

a. That the requirements of this section have been met;

b. The reasons set forth in the application justify the administrative granting of the variance;

c. That the variance is the minimal variance that would make possible the use of the land;

d. That the granting of the variance would be in harmony with the general purpose and intent of this Code; and

e. That the variance shall not be injurious to the surrounding property owners and impair desirable general development of the neighborhood or the community as proposed in the Comprehensive Plan or otherwise be detrimental to the public welfare.

3. Notice of administrative variance. The City Manager shall, at the expense of the applicant, provide legal publication and posted notice of an application for variance approval on the subject property, and shall give written notice to adjacent property owners, of the preliminary determination regarding the administrative variance as provided herein, and shall hear any objections regarding the preliminary determination during a subsequent 30-day period. At the conclusion of the 30-day period, the City Manager shall approve, approve with modifications and/or conditions, or deny the administrative variance request by written development order.

(2) When application is made to the city commission for approval of a conditional use permit, any necessary variances shall be considered by the commission at the same time as the conditional use permit request. Such variances may be approved or denied by the city commission without regard to the disposition of the conditional use permit request.

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(3) Any variance granted hereunder shall expire one (1) year from the date of the development order providing for such variance, unless a building permit for the construction authorized by such variance is obtained within such time and said building permit has not expired prior to the completion of construction in accordance therewith.

(bc) Limitations on variance authority of appointed boards. Any request for variance to the city's coastal control line shall be made directly to the city commission. No board of authority shall grant a variance from any requirement imposed by the city commission as a condition of rezoning, conditional use approval or any other action of the commission resulting in the granting of specific development rights.

(ed) Application submission requirements. Each application is due no later than 30 days prior to the public hearing or final administrative determination and shall contain the following information, accompanied by the payment of the applicable fee set forth in Appendix A, St. Pete Beach Code of Ordinances:

(1) A completed application, signed by the property owner. The format of the application shall be determined by the City Manager.

(2) Proof of ownership.

(3) When the applicant is a representative of the property owner or purchaser under contract, a notarized statement authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures.

(4) A property survey containing the legal description, land area, and existing improvements on the site. The survey shall be signed and sealed by a surveyor licensed in the State, and shall have been performed not more than ten (10) years prior to the date of application. The survey shall accurately depict all improvements on the site. If all improvements are not depicted on the survey, the applicant shall conduct a new survey of the property and submit it with the application materials.

(5) A site plan illustrating the request, drawn to scale. The sheet size shall not be less than eleven inches by seventeen inches (11 × 17) and shall not be more than thirty-six inches by forty-eight inches (36 × 48). An electronic version may be required.

(6) Any stipulation, condition, or proffer the applicant wishes to offer along with the application.

(7) Applicants are encouraged and may be required to submit additional information, such as elevations, photos, and/or product information, when appropriate.

(de) Determination of completeness of application. The city shall determine whether the application is complete. If the application is complete, the application shall be forwarded for review. If the application is not complete the city shall take no further action on the application until the required information is submitted by the applicant.

## ORDINANCE NO. 2019-XX

### AN ORDINANCE OF THE CITY OF ST. PETE BEACH, AMENDING THE LAND DEVELOPMENT CODE, SECTION 3.14 – APPEALS; PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach (insert language); and

WHEREAS, (insert language); and

WHEREAS, (insert language); and

WHEREAS, (insert language) and

WHEREAS, (insert language).

### NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:

SECTION 1. Recitals. The above recitals (“Whereas” clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The provisions in this Section pertaining to the City’s Land Development Code are amended as follows:

#### **Division 3, Sec. 3.14 (Appeals) shall be amended as follows:**

(a) An appeal to a hearing officer designated by the city commission may be taken by any person aggrieved by any final decision of the City Manager or designee of the city where it is alleged there is an error in an order, zoning permit, condition, requirement, decision or determination by the City Manager or designee in enforcing the Land Development Code. An appeal shall be filed in writing on or before 30 days from the day of the administrative decision. This section does not apply to building permits.

(b) Any person aggrieved by a final order of Board of Appeal ~~the city commission or~~ may appeal the order to the City Commission if the decision of the board and the staff recommendation are not consistent with each other. ~~to the circuit court.~~ The appeal shall be filed with the ~~circuit court~~ City Clerk on or before 30 days following the issuance of the final ~~development~~ order. [NEEDS

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Words ~~stricken~~ through shall be deleted. Words underscored constitute the amendment proposed. The symbol \*\*\* constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

TO HAVE A FILING FEE. PROBABLY NEED TO BE CLEAR THAT THIS PERTAINS TO LAND DEVELOPMENT CODE DECISIONS.]

(c) Any person aggrieved by a final order of the city commission may appeal the order to the circuit court. The appeal shall be filed with the circuit court on or before 30 days following the issuance of the final development order. [NEEDS FILING FEE. PROBABLY NEED TO BE CLEAR THIS PERTAINS TO LAND DEVELOPMENT CODE DECISIONS.]

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

(~~e~~d) If the hearing officer finds that said conditions exists, the hearing officer may deny the stay and allow the administrative order to be executed.

(~~f~~e) The city commission may appoint one or more hearing officers to hear appeals as provided in this section. Such hearing officers shall be attorneys licensed to practice law in all state courts of the State of Florida, and shall have been so licensed for a continuous period of at least five years up to the date of such appointment.

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