



**CITY COMMISSION WORKSHOP MEETING  
CITY OF ST. PETE BEACH**

155 Corey Avenue  
St. Pete Beach, FL 33706  
Tuesday, August 9, 2022  
4:30 PM

Call to Order  
Pledge of Allegiance  
Roll Call

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**WORKSHOP MEETING**

1. Items for Discussion -

**a. Beach Ordinance**

Staff and Commission will continue the discussion from the July 12, 2022 Workshop.

2. Adjournment

**APPEAL:** In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this 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 (ADA):** In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

**The public is cordially invited to attend this meeting.  
All agenda material is available for review at City Hall or [www.stpetebeach.org](http://www.stpetebeach.org).**



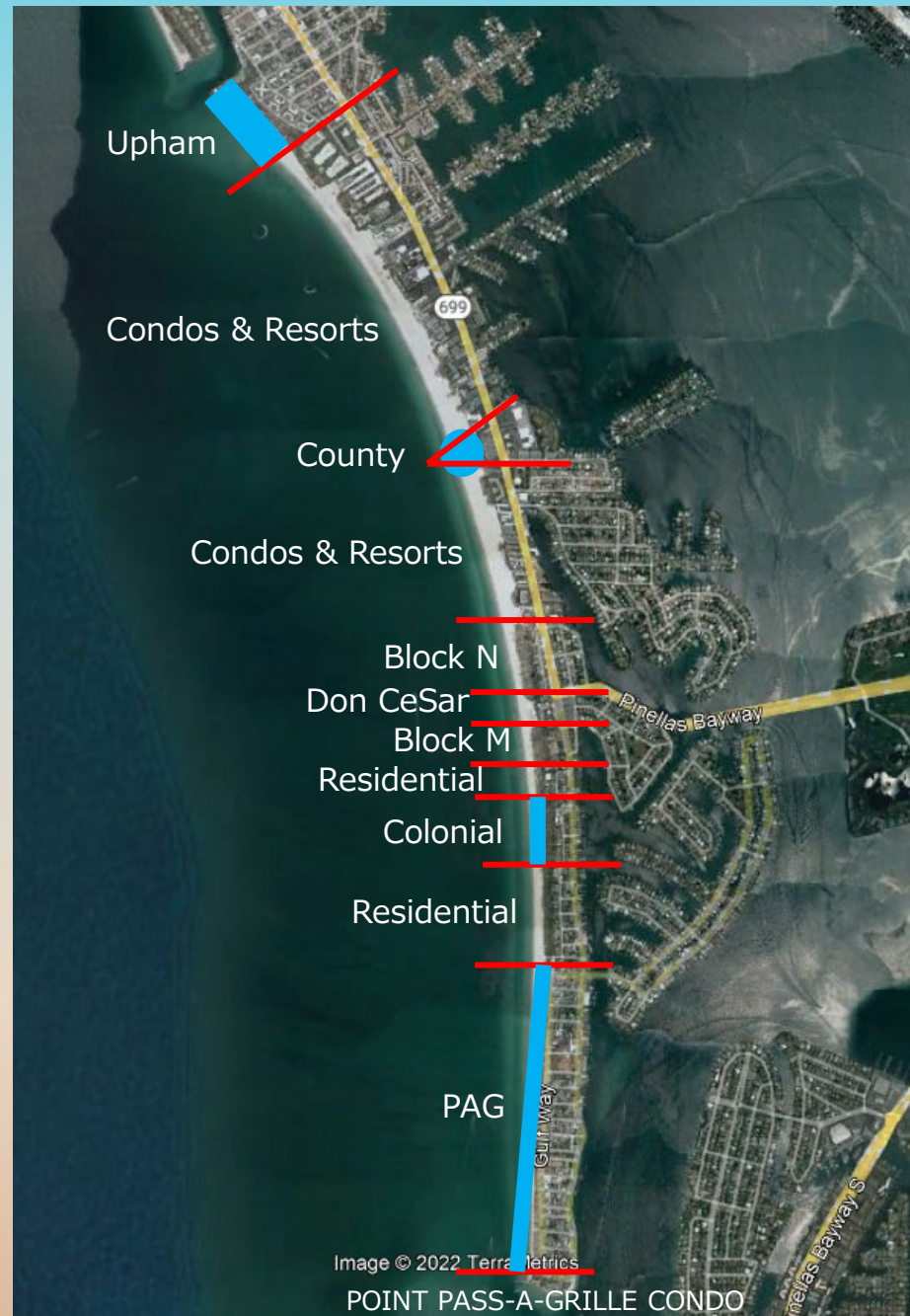
City of St. Pete Beach  
Ordinance 2022-XX  
**Beach Restrictions and  
Regulations**



# LOCAL BEACH REGULATION: LEGAL CONSIDERATIONS.

- **Jurisdiction** – City, County, State, other.
- **Ownership** – Public, Private, Covenants, Deed Restrictions, Etc.
- **Geography** – FWC permitted zones, state submerged lands, various mean water lines, erosion control line (ECL), coastal construction control line (CCCL), wet sand, sandy beach, dunes and protected vegetation, perpendicular beach accesses points.
- **Municipal Police Powers and Home Rule Authority** – Regulations enacted must be reasonably calculated to protect the public health, safety, and welfare. Regulations cannot be ones pre-empted by superior authority. Must avoid “taking” of private property.
- **Comprehensive Plan** – enact codes that implement the adopted goals, objectives and policies in the City’s comprehensive plan.
- **Administrability and Enforceability** – Biggest challenge is no discrete beach boundaries.
- **Customary Use Doctrine (FS 163.035)** – Formal process for a local government to enact recreational customary use ordinance on all or parts of the beach.
- **Redevelopment** – Request lateral and perpendicular beach easements during the redevelopment public hearing process.

# LOCAL BEACH REGULATION: LEGAL CONSIDERATIONS.



## DYNAMICS:

- One continuous shoreline and beach.
- Numerous official and unofficial beach access points.
- Complex tapestry of landward uses, legal descriptions and chains of title.
- Shifting sands (avulsion, accretions, and beach nourishment).

## Background

- St. Pete Beach's greatest natural resource was regulated in several different sections of the code. Removing the language from the existing sections and condensing it into one will help both City Staff and Beach Goers better understand, follow, and enforce the Code.
- Most of the restrictions and regulations you will see outlined in the ordinance are already included in the Code today.
- There are some changes to what can or cannot be done on St. Pete Beach Beaches.





# Ordinance Highlights

# Prohibited on Beaches

## Existing Regulations/Prohibitions

- **Dogs:** Prohibited on sand beaches except for on designated dog beaches. [From Sec 14-35](#)
- **Alcohol:** Commercial cabana services must have permit through the city to service alcohol. No other alcohol allowed on sand beaches. [From Sec. 6-5](#)
- **Solicitation:** Except for permitted event or market [From Sec. 62-92](#)
- **Feeding Wild Birds:** NO feeding of wild birds [From Sec. 14-2](#)
- **Sleeping:** From sunset to sunrise on sand beaches [From Sec. 94-70](#)
- **Tiki Huts:** Unless built with an approved building permit [From Sec. 94-71 & Sec 25.6 of LDC](#)

[Beach Concession standards are outlined in the Land Development Code under Sec. 6.12\(h\)](#)

- **Fireworks:** Except by fireworks permit [From Sec 98-160](#)

# Prohibited on Beaches

## NEW Regulations/Prohibitions

- **Fishing:** NO fishing allowed within any marked swim zone (except between the hours of 6:00am-9:00 daily?)
- **Smoking:** NO smoking or (vaping?) allowed on public beaches (Once Governor signs Bill, then this will be adopted)
- **Micromobility:** NO micromobility (e-bikes) allowed on sand beaches
- **Bicycles:** NO bicycles allowed on sand beaches

# Food Consumption and Picnics

## Existing Regulations/Prohibitions

- Persons having a picnic or consuming food shall be responsible for cleaning up all food or debris [From Sec. 94-69](#)
- No fires will be permitted for the purposes of cooking food on sand beaches [From Sec. 58-27](#)
- No grills, stoves, fireplaces, or other containers will be allowed on sand beaches [From Sec. 58-27](#)
- Glass of any kind is prohibited [From Sec 6-5 and Sec. 94-69](#)
- Single use plastic straws are prohibited [From Sec. 6-5](#)
- Serving trays, coolers, boxes, or other devices or objects remain stacked or stored outside of a storage facility and visible from any vantage point on the beach beyond sunset. [Sec. 6.12 LDC](#)

## NEW Regulations

- **Styrofoam:** NO Styrofoam allowed on sand beaches



# Beach Chairs, Tables, Umbrellas, and Cabanas

## Existing Regulations/Prohibitions

- **Nesting:** Beach chairs, umbrellas and cabanas which have the potential for entrapment of marine turtles, and which may interfere with the use of the natural beach environment for nesting habitat. [From Sec. 44.3 LDC](#)
- **Interference:** It shall be unlawful for any person to place upon the public beach any chair, bench, table or umbrella which is in a location or is of a size which would interfere with the use of the public beach by the general public. [From Sec. 44.3 LDC](#)
- **Sunset to sunrise:** Unlawful to remain upon such public beach between sunset and sunrise. [From Sec. 44.3 LDC](#)

## NEW Regulations:

- **Commercial Cabanas and Rentals: ONLY** commercial operation from St. Pete Beach businesses to sell/rents chairs, tables, umbrellas or cabanas will be allowed. A permit from the City with proof of insurance will be required.
  - **Discussion Point:** Regulate the number of rental operations? Number of cabanas to be used at one time for commercial use? Setback from wet sand? Distance placed west of dunes?

# Vehicles on the Beach

- Vehicles will only be allowed on City beaches with an approved VOB permit by the city (Sec. 94-73)
- Who can get a permit? Public Works or Public Safety, Permitted Commercial Services, Special Events, Mechanical Beach Cleaning
- Driving on the Beach related to concessions is already outlined in LDC Sec. 6.12(3):
  - Includes 10 mph speed limit
  - Prohibited during marine turtle nesting season until after daily marine turtle nest survey/monitoring is conducted.

## New Regulations:

- Add wording to confirm that **handicap motorized scooters and wheelchairs etc.** are allowed on sand beaches

## Discussion Points:

- **Electric** only by 2027?
- **Public Safety** designated drive area? In high density areas (Upham, PCI, County Park)?
- Regulate **vehicle size**?

## Special Events

- Special events on City beaches or in City parks will be by permit only. May allow for alcohol and food service.
- Individuals wishing to have a beach wedding on a Public Beach must get an approved Beach Wedding permit.



# **Environmental Protections**

# Sea Turtle Protection

## Existing Regulations

### Turtle Nesting Season (Division 44 LDC)

- Remove all beach equipment and return sand to normal level
- Close blinds on beach facing windows (Lightning regulations in land development code)
- No bonfires or lights that could interfere with turtle hatchlings
- Do not disturb sea turtle nests and report unmarked nests to Turtle Trackers
- Follow all guidance outlined in the Florida Marine Turtle Protection Act

# Sea Bird Protection

## NEW Regulations

- No person shall take, harass, harm, pursue, hunt, shoot, kill, trap, capture, collect, possess, or sell any of the endangered or threatened shorebird and/or seabird species
- Protected Birds: American Oystercatcher, Snowy Plover, Black Skimmer, Least Tern or any other protected or endangered species

# Dune Protection

## Existing Regulations/Prohibitions

- Crossing Dunes is only allowed at designated crossing points (walkovers and drive-overs) [Sec. 25.5 LDC](#)
- Blocking or causing to be blocked by any means whatsoever any pathway leading to or from a public beach [Sec. 25.5 LDC](#)
- The removal or disturbance of vegetation of a dune; [Sec. 25.5 LDC](#)
- Planting of vegetation except for native, salt-resistant species suitable for beach and dune stabilization [Sec. 25.5 LDC](#)
- **You cannot alter or enter any dune or naturally occurring accrued sand without a permit from the City AND the Department of Environmental Protection.** [Sec 25.9 LDC](#)



# **Requirements for Transient Lodging**

# Commercial Property Cabana Service Areas

## Existing Regulations

- Cabana areas with alcohol service must complete city permitting process and have an active BRT– must have clearly set up boundaries and go through a site plan review process and alcohol must remain in cabana service area at all times [From Sec. 6-5](#)
- Must be at least 75 ft from an abutting residential property line [From Sec. 6-5](#)
- Guests must wear a unique and easily identifiable wrist band [From Sec. 6-5](#)
- Cabana areas can only operate 10am – 10pm [From Sec. 6-5](#)
- Employees or servers must be easily identified as associated with the Transient Lodging facility. [From Sec. 6-5](#)
- Cabana service area must be no closer than 50 feet to the wet sand [From Sec. 6-5](#)

## NEW Regulations:

- Cabanas can only be placed out in designated area when actually in-use
- Cabana density limitations



# Beach Maintenance

# Beach Maintenance Regulations

## Existing Regulations

- Mechanical beach cleaning will be by permit only – only between sunset and sunrise [From Sec. 94-101](#)
- Equipment shall meet state and local requirements [From Sec. 94-101](#)
- Seaweed and other vegetation can be placed at the base of the dunes [From Sec. 94-101](#)
- Beach cleaning equipment can penetrate the sand no more than 2 inches [From Sec. 94-102](#)
- Mechanical beach cleaning is prohibited during turtle nesting season anywhere above the previous days hightide line. [From Sec. 94-102](#)
- Shall not disturb any natural beach vegetation [From Sec. 94-102](#)
- Prohibited within five feet of the toe of the dune. [From Sec. 94-102](#)

An aerial photograph of a beach with turquoise waves and white foam washing onto the golden sand. A large, semi-transparent white circle is overlaid on the left side of the image, containing the text 'Questions/Suggestions'.

Questions/Suggestions