



PLANNING BOARD MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, September 19, 2022
4:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Approval of the Agenda -
2. Audience Comments - **Comments shall be limited to 3 minutes per person**
3. Approval of Minutes
 - a. **Approval of Minutes 8/15/2022**
4. Action Items
 - a. **Ord. 2022-xx: Residential and right-of-way landscaping standards (Sitting as Local Planning Agency)**

Proposed amendments to Division 22 of the Land Development Code requiring Florida native and non-palm trees during specified instances of residential development and redevelopment, and providing standards for planting of required trees in City-owned rights-of-way.
 - b. **Ord. 2022-xx: Beach ordinance (Sitting as Local Planning Agency)**

Proposed relocation and expansion of Land Development Code Sections 25.9 and 44.3, along with beach-related sections of the Code of Ordinances, into newly-created Chapter 95 of the Code of Ordinances. Chapter 95 is a consolidated chapter that will function as the City's "Beach Ordinance".
5. Discussion Items
 - a. **Concurrency**

Discussing general concurrency requirements within St. Pete Beach.
 - b. **Residential permitting process**

Discussing the residential permitting process in St. Pete Beach.

6. Adjournment - Next Meeting October 17, 2022

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.**

DRAFT PLANNING BOARD MEETING MINUTES

August 15, 2022 4:00 PM

PRESENT: Tiffany Secka, Chair
Rachel Ciliberti, Member
Greg Premier, Member

EXCUSED: Bev Jackson, Vice Chair
Tom DeYampert, Member

STAFF PRESENT: Matthew McConnell, Assistant City Attorney
Brandon Berry, Planner II
Jennifer McMahon, Chief Operating Officer
Alex Rey, City Manager
Ginny Bodkin, Deputy City Clerk

Chair Secka called the meeting to order at 4:00 PM, followed by the Pledge of Allegiance.

1. **Changes to the Agenda** – There were none.
2. **Audience Comments** - There were no audience comments.
3. **Approval of Minutes a. 7/18/2022**

Motion: Member Premier moved, and Member Ciliberti seconded the approval of the minutes from the July 18, 2022 meeting as presented; the motion carried unanimously.

4. **Action Items** – There were no action items.
5. **Discussion Items**

a. Residential Landscape Requirements

Brandon Berry, Planner II began the continuation of last month's landscaping discussion with a review of a presentation, which is part of the meeting record. The presentation included photographs of a variety of recommended canopy and understory trees for the City, as well as the crown spread of some canopy palms and trees. A graphic was included that explained tree root radius. The presentation compared tree count requirements, tree preservation credits, native tree requirements, palm equivalence, and mature canopy spread expectation of St. Pete Beach and three other communities (Marco Island, Ft. Myers Beach and Madeira Beach). St. Pete Beach does not require native trees, the three other communities do.

Mr. Berry reviewed slides which detailed the City's current landscaping thresholds: St. Pete Beach only requires residential lots to come into full tree compliance when developed or substantially improved; all residential properties exceeding their non-vegetative groundcover thresholds must comply when receiving a practical difficulty or hardship variance or building an addition that exceeds 10% of the lot area; as an alternative to groundcover compliance, the homeowner may propose increased canopy. A slide depicting minimum landscape requirements was reviewed.

Following the presentation, the Board members were asked to consider and provide recommendations on the following:

Right of Way Plantings – City Manager Alex Rey provided comments to clarify what may be considered rights of way in the absence of sidewalks; for the most part, residents treat/consider the undefined rights of way as their own property. He also informed the members that the City is considering whether owners should be obligated to replace trees (maintain tree count) that have been lost to natural causes or neglect in accordance with the Certificate of Occupancy. There would likely be difficult conversations with properties that have become treeless over time.

Ms. McMahon explained that the City has begun creating a tree canopy GIS to identify where trees are throughout the City – and when planted/age/when trimmed. She shared that some other cities give away trees and recommend where to plant and follow up yearly.

Discussion followed on whether trees placed in a right of way should count toward the minimum required. The recommendation was 2-1 in favor of including them in the count – and there should be a certain percentage of native tree types required. Understory trees were not recommended considering visibility issues. Staff will bring a species list back for the Board to review.

Non-palm Tree Requirements – The Board discussed whether new or substantially improved properties should have a certain required percentage of trees to be non-palms. The recommendation was 2-1 in favor of requiring 1/3 of the trees to be non-palm.

Planting Thresholds – The Board considered whether trees should need to be planted on thresholds lower than substantial improvement (e.g. size of a home addition, value, percentage). The sentiment was that residents with fixed incomes may have affordability issues to be compliant (impervious surfaces may need to be removed). How would this be enforced and followed up on? The consensus recommendation of the Board was to focus only on new homes and substantial improvements.

Native Requirements – There is currently no requirement in the City. Following discussion, the Board's recommendation was for a requirement of 50%, with language addressing if there are none currently and then when an improvement occurs. The Board also recommended that the minimum mature canopy requirement not be increased (from the current 15 feet). Staff will research whether other communities differentiate between canopy size in residential and commercial properties.

Chair Secka asked staff for an update on impervious surface ratios. Ms. McMahon will bring in current requirements (including irrigation requirements) for review. Mr. Berry commented that currently canopy can be traded for ground cover.

The Chair also referenced the water conservation ordinance that was passed last fall. There is a large gap in funds collected vs. spent for water in the City budget. Options to improve that were discussed, including the regulation of sprinkler head types, requiring rain sensors, enforcing day/time for water and regulating water sprinkler pressure, particularly for new construction.

Ms. McMahon will bring the beach ordinance to the next meeting for consideration as portions of it include the Land Development Code.

6. Adjournment – Next meeting 9/19/2022. There being no further business, Chair Secka adjourned the meeting at 5:01 PM.

These minutes will be presented for approval at the September 19, 2022 Planning Board meeting.

PLANNING BOARD MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Ord. 2022-xx: Residential and right-of-way landscaping standards (Sitting as Local Planning Agency)

Date: September 19, 2022

Prepared By: Jennifer McMahon, Chief Operating Officer

Through:

Summary of Issue: Proposed amendments to Division 22 of the Land Development Code requiring Florida native and non-palm trees during specified instances of residential development and redevelopment, and providing standards for planting of required trees in City-owned rights-of-way.

Funding: N/A

Requested Motion: The Planning Board, sitting as the Local Planning Agency, finds Ordinance 2022-xx consistent with the St. Pete Beach Comprehensive Plan and recommends the ordinance to the City Commission.

Attachments:

1. Agenda Staff Report Landscaping Updates
2. Ordinance 2022-xx Residential Landscaping

CITY OF ST. PETE BEACH PLANNING BOARD STAFF REPORT

TO: Planning Board

FROM: Jennifer McMahon, Chief Operating Officer

DATE: September 19, 2022

SUBJECT: Ordinance 2022-xx, amending Land Development Code Division 22 – LANDSCAPING AND TREE PROTECTION to provide standards for planting trees in the City-owned right-of-way, and instituting Florida native and non-palm tree requirements under specified circumstances.

BACKGROUND:

St. Pete Beach has modified its landscaping code over the last several years to provide homeowners greater choice in picking the vegetation that suits their preferences, while also incentivizing lot improvements that produce greater canopy spread, increased permeable surfaces, and hardier plantings. To further the intent of these amendments and complement the City's recent street tree program, this ordinance proposes code changes that will permit the planting of some required single- and two-family vegetation in the right-of-way. Furthermore, adoption of this ordinance would institute requirements for Florida native and non-palm trees for all new and substantially-improved residences.

Florida native plantings provide a host of benefits, such as trees that have a greater chance of adapting and thriving in the local environment, and providing support for local ecosystems. Non-palm trees, which the City's landscaping code classifies as "canopy" and "understory" trees, often provide more substantial canopies and can provide exponentially greater carbon sequestration than equivalent palms. This ordinance recommends that one-half of trees on new and substantially-improved single- and two-family developments be Florida native, and at least one-third of trees be non-palms.

To provide additional space for trees to thrive and a pedestrian canopy, this ordinance also proposes allowing for up to half of a property's required landscaping to be placed in the right-of-way in front of the home. A list of recommended trees, evaluation criteria for alternative plantings, and procedures for obtaining a permit, are outlined.

PLANNING BOARD:

The Planning Board, sitting as the LPA, will review proposed Ordinance 2022-xx on September 19, 2022 for consistency with St. Pete Beach's Comprehensive Plan.

CONSISTENCY WITH THE COMPREHENSIVE PLAN – STAFF REVIEW

Staff has reviewed the proposed Ordinance and finds it to be consistent with the City of St. Pete Beach's Comprehensive Plan specifically as follows:

FUTURE LAND USE ELEMENT - Future Land Use Policies - Green Practices, Residential Character and Introduction to Land Use Categories

GOAL 1:

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

Objective 1.2

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

Policy 1.2.3

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

Objective 2.1

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

Policy 2.1.6

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

COASTAL AND CONSERVATION ELEMENT

GOAL 1:

To ensure the highest environmental quality possible, the City of St. Pete Beach shall conserve, protect and appropriately manage the natural resources (aquatic, wetland and terrestrial).

Objective 1.4

The City shall conserve, appropriately use and protect native vegetation.

Policy 1.4.2

Native vegetation shall receive priority in the landscaping.

STAFF RECOMMENDATION:

Staff recommends the Planning Board, sitting as the LPA, recommend approval of Ordinance No. 2022-xx and find it consistent with the city's Comprehensive Plan as stated in the staff report.

Ordinance 2022-XX

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE DIVISION 22 – LANDSCAPING AND TREE PROTECTION; SECTION 22.4. – TYPE, QUALITY AND SIZE OF PLANT MATERIAL; SECTION 22.5 – LANDSCAPING FOR SINGLE-FAMILY AND TWO-FAMILY DWELLINGS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER’S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach promotes the use of native and Florida-friendly landscaping within the City.

WHEREAS, the City Commission recognizes that robust landscaping provisions can result in greater choice for homeowners while providing ecological benefits, hardier plantings, and a reduction in the heat island effect.

WHEREAS, on September 19, 2022, the City’s Planning Board, sitting as the Local Planning Agency, held a public hearing to consider the proposed Land Development Code changes and provided recommendations to the City Commission.

WHEREAS, the City Commission has found this ordinance to be in the best interest of the citizens of the City, and preserves safety and welfare.

WHEREAS, notice of this ordinance has been provided in accordance with applicable law.

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. Language in the City’s Land Development Code is to be amended as follows:

DIVISION 22 – LANDSCAPING AND TREE PROTECTION

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

- (7) Tree plantings in the City-owned right-of-way shall be a minimum of twelve feet in overall height and a tree DBH dimension of three inches at the time of planting. However, this requirement may be modified to no less than eight feet in height and a

tree DBH dimension of two inches to avoid conflicts with utilities, visibility, or to address other concerns. The following is a recommended list of trees to be planted in the right-of-way:

Chrysophyllum oliviforme (Satinleaf)

Cordia sebestena (Geiger Tree)

Coccoloba divesifolia (Pigeon Plum)

Conocarpus erectus (Green Buttonwood)

Conocarpus erectus var. *sericeus* (Silver Buttonwood)

Citharexylum spinosum (Florida Fiddlewood)

Ilex cassine (Dahoon Holly)

Other species may be considered by the city manager in addition to those listed above. Consideration may be given to the salt and wind tolerance of the species, light and soil demands, root habits, mature canopy spread, and risk of harm to passerby from spiny or otherwise dangerous foliage.

- (8) All right-of-way tree plantings shall be Florida native species and shall not conflict with existing or planned utilities, access, other improvements, or intersection visibility requirements as specified in section 6.21. Evergreen trees are strongly preferred. Additional concerns may be grounds for denial or landscaping plan modification as determined by the city manager at their discretion.
- (9) In general, the setback of right-of-way plantings should be at least half of the mature canopy from the street, other trees, and utility poles. This standard may be modified by the city manager with evidence that the plantings will not cause conflicts at maturity.
- (10) A right-of-way permit shall be required for all right-of-way plantings, and the city manager may require additional assurances such as recording of the permit or simultaneous issuance of an irrigation permit before approving right-of-way plantings.
- (11) Maintenance of right-of-way plantings is the responsibility of the property owner who installed them and their successors. In instances where trees placed in the right-of-way function as required plantings for a property, as may be permitted elsewhere in this division, trees shall be maintained and replaced as necessary to maintain minimum property requirements. Should a property owner wish to no longer maintain their right-of-way plantings, they may request to provide the plantings to the City for maintenance. However, the zoning lot must be planted to meet the minimum tree requirements based on this division, and a denial of the City to assume maintenance will require the property owner to remove or relocate the trees and restore the right-of-way at their sole expense.

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) *Native requirements.* One-half of the trees required shall be Florida native species. When this results in a fractional number, required native species for the property shall be rounded up to the nearest whole number. Sources for Florida native plantings may include the Florida Native Plant Society, University of Florida IFAS, or similar organizations as determined by the city manager.
- (d) *Non-palm requirements.* One-third of the trees required, minimum one, shall be non-palm species. When this results in a fractional number of plantings, required non-palm trees for the property shall be rounded to the nearest whole number.
- (e) *Exemption to native and non-palm requirements.* Developed properties that do not meet the standards of items (a) through (d) as of the date of this ordinance must comply with the native and non-palm requirements only when trees are removed and replaced on the property. Replacement trees only will be required to contribute toward the requirements of this section. However, all substantially improved properties, and all newly-developed and redeveloped properties, must fully comply with this section.
- (f) *Right-of-way plantings.* Up to half of the required trees for single-family and two-family dwellings may be permitted to be planted in the right-of-way between the zoning lot and the street. All right-of-way plantings shall require approval through a right-of-way utilization permit. Additional criteria may be found in section 22.4(c).
- (g) *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.

SECTION 3. Codification. This Ordinance shall be codified in the Code of Ordinance of the City of St. Pete Beach.

SECTION 4. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance as they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Scrivener's Error. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

SECTION 7. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 8. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 9. Effective Date. This ordinance shall take effect immediately upon adoption.

FIRST READING: _____
 PUBLISHED: _____
 SECOND READING: _____
 PUBLIC HEARING: _____

CITY COMMISSION, CITY OF ST. PETE
 BEACH, FLORIDA.

 Alan Johnson, Mayor

I, Amber LaRowe, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2022.

 Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Andrew Dickman, City Attorney

PLANNING BOARD MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Ord. 2022-xx: Beach ordinance (Sitting as Local Planning Agency)

Date: September 19, 2022

Prepared By: Jennifer McMahon, Chief Operating Officer

Through:

Summary of Issue: Proposed relocation and expansion of Land Development Code Sections 25.9 and 44.3, along with beach-related sections of the Code of Ordinances, into newly-created Chapter 95 of the Code of Ordinances. Chapter 95 is a consolidated chapter that will function as the City's "Beach Ordinance".

Funding: N/A

Requested Motion: The Planning Board, sitting as the Local Planning Agency, finds the amendments of Ordinance 2022-xx that pertain to the Land Development Code consistent with the St. Pete Beach Comprehensive Plan and recommends the amendments to the City Commission.

Attachments:

1. Agenda Staff Report Beach Ordinance
2. SPB Beach Regulation and Management Ord 2022-xx

CITY OF ST. PETE BEACH PLANNING BOARD STAFF REPORT

TO: Planning Board

FROM: Jennifer McMahon, Chief Operating Officer

DATE: September 19, 2022

SUBJECT: Ordinance 2022-xx, amending Land Development Code Division 25 – COASTAL PROTECTION AND CONSERVATION and Division 44 – MARINE TURTLE PROTECTION to relocate permitting requirements and restrictions for activities that impact dunes, land seaward of the coastal construction setback line, and marine turtles to the Code of Ordinances.

BACKGROUND:

This ordinance provides for the consolidation of the numerous sections of the St. Pete Beach Code of Ordinances and Land Development Code that concern activities on the beach to a new Chapter 95 in the Code of Ordinances for the purpose of helping city staff and beachgoers better follow, understand, and enforce the Code. Furthermore, changes are added to prohibit Styrofoam and fueling containers on the sand beaches, provide for sea bird protections, and other items outlined in the ordinance.

Under the purview of the Planning Board are alterations made to Land Development Code Section 25.9, pertaining to permit requirements for alterations to dunes and land seaward of the coastal construction setback line, and Section 44.3, pertaining to prohibition of activities that are disruptive to marine turtles. Both sections are proposed to be relocated in their entirety from the Land Development Code to Code of Ordinances Chapter 95. Both sections are also proposed to contain new amendments that provide guidelines for daily beach maintenance, shrouding of illumination, bonfire prohibitions, and unmarked nest reporting. Subsequent sections of both divisions are being retained and renumbered, with no further amendments.

PLANNING BOARD:

The Planning Board, sitting as the LPA, will review proposed alterations to Land Development Code sections 25.9 and 44.3 through Ordinance 2022-xx on September 19, 2022 for consistency with St. Pete Beach's Comprehensive Plan.

CONSISTENCY WITH THE COMPREHENSIVE PLAN – STAFF REVIEW

Staff has reviewed the proposed Ordinance and finds it to be consistent with the City of St. Pete Beach's Comprehensive Plan specifically as follows:

COASTAL AND CONSERVATION ELEMENT

GOAL 1:

To ensure the highest environmental quality possible, the City of St. Pete Beach shall conserve, protect and appropriately manage the natural resources (aquatic, wetland and terrestrial).

Objective 1.2

Regulations for development within the 100-year flood plain shall be strictly enforced.

Objective 1.3

As an ongoing objective, the City shall conserve or improve wetlands, aquatic resources and wildlife population and habitat to maintain their environmental and recreational value.

Objective 1.4

The City shall conserve, appropriately use and protect native vegetation.

Objective 1.5

In accordance with this Comprehensive Plan, the City shall protect species with special status from adverse impacts due to loss of natural habitats.

Policy 1.5.1

The City shall assist in the application of and compliance with all state and federal regulations pertaining to species of special status (e.g., endangered, rare, species of special concern and threatened).

Policy 1.5.3

The City shall establish a public information program calling for the protection of those sea turtle nesting areas located within the community.

Objective 1.9

In accordance with this Comprehensive Plan, the City of St. Pete Beach shall protect and restore its beaches, dunes and natural system, protect its recreational and commercial working waterfronts, and establish construction standards which minimize the impacts of man-made structures on these systems through the land development regulations.

Policy 1.9.1

Construction seaward of the Coastal Construction Control Line shall be subject to the permitting procedures pursuant to Chapter 161 of the Florida Statutes.

Policy 1.9.3

Dune preservation shall be required by development regulations to protect the primary dunes, and which shall address prohibitions on excavations, destruction of native vegetation, and other activities which affect the natural fluctuation of the dunes.

Policy 1.9.4

The City shall continue a program for the restoration and maintenance of the coastal dune system. The program shall include:

- Stabilization projects utilizing native vegetation.
- Develop an educational program emphasizing the need to protect the coastline.
- Construction of dune walkover structures.

STAFF RECOMMENDATION:

Staff recommends the Planning Board, sitting as the LPA, recommend approval of Ordinance No. 2022-xx as it pertains to Land Development Code sections 25.9 and 44.3, and find the alterations to those sections consistent with the city's Comprehensive Plan as stated in the staff report.

Ordinance 2022-XX

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES, CHAPTER 6 – ALCOHOLIC BEVERAGES, ARTICLE I – IN GENERAL; SECTION 6-5 – CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES; CHAPTER 14 – ANIMALS, ARTICLE I – IN GENERAL; SECTION 14-2 – FEEDING WILD BIRDS IN PUBLIC PLACES, ARTICLE II – DOGS, SECTION 14-35 – PROHIBITED ON SAND BEACHES; CHAPTER 26 – BUSINESSES, ARTICLE II – SPECIAL EVENT PERMIT; SECTION 26-32 – SPECIAL EVENT PERMIT REQUIRED; CHAPTER 46 – ENVIRONMENT, ARTICLE I – IN GENERAL; SECTION 46-1 – DISTRIBUTION OF HANDBILLS AND OTHER ADVERTISING; CHAPTER 58 – PARKS AND RECREATION, ARTICLE II – CITY PARKS AND FACILITIES; SECTION 58-23 – VENDING IN CITY PARKS; CHAPTER 62 – PEDDLERS AND SOLICITATORS, ARTICLE II – COMMERCIAL SOLICITATIONS; DIVISION 2 – PERMIT; SECTION 62-59 – APPLICATION; QUALIFICATIONS; CONTENTS; DIVISION 3 – REGULATIONS; SECTION 62-93 – SPECIFIC RESTRICTIONS ON SOLICITATION ON SAND BEACH AREAS; CHAPTER 94 – WATERWAYS, ARTICLE III – BEACHES, DIVISION 1 – GENERALLY; SECTION 94-66 – DEFINITIONS; SECTION 94-67 – PENALTIES; SECTION 94-68 – CHAIRS, TABLES, UMBRELLAS; SECTION 94-69 – PICNICS AND FOOD CONSUMPTION; SECTION 94-70 – SLEEPING DURING NIGHTTIME PROHIBITED; SECTION 94-71 – TIKI HUTS; SECTION 94-72 – TEMPORARY STRUCTURES; SECTION 94-73 – VEHICLE PERMITS; DIVISION 2 – BEACH MAINTENANCE REGULATIONS; SECTION 94-101 – REQUIREMENTS; SECTION 94-102 – PROHIBITIONS; SECTION 94-103 – EXEMPTIONS; AMENDING THE LAND DEVELOPMENT CODE DIVISION 25 – COASTAL PROTECTION AND CONSERVATION; SECTION 25.9 – PERMIT REQUIRED; DIVISION 44 – MARINE TURTLE PROTECTION; SECTION 44.3 – PROHIBITION OF ACTIVITIES DISRUPTIVE TO MARINE TURTLES; PROVIDING FOR THE ADDITION OF THE CODE OF ORDINANCES, CHAPTER 95 – BEACHES; SECTION 95-1 – DEFINITIONS; SECTION 95-2 – PENALTIES; SECTION 95-3 – CHAIRS, TABLES, UMBRELLAS; SECTION 95-4 – PICNICS AND FOOD CONSUMPTION; SECTION 95-5 – SLEEPING DURING NIGHTTIME PROHIBITED; SECTION 95-6 – TIKI HUTS; SECTION 95-7 – TEMPORARY STRUCTURES; SECTION 95-8 – VEHICLE PERMITS; SECTION 95-9 – BEACH MAINTENANCE REGULATIONS; SECTION 95-10 – PROHIBITIONS ON SAND BEACH; SECTION 95-11 – DOGS PROHIBITED ON SAND BEACHES;

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.

SECTION 95-12 – DISTRIBUTION OF HANDBILLS AND OTHER ADVERTISING; SECTION 95-13 – FISHING ON THE BEACH; SECTION 95-14 – FEEDING WILD BIRDS; SECTION 95-15 – FIREWORKS; SECTION 96-16 – MICRO-MOBILITY; SECTION 95-17 – VENDING IN CITY PARKS; SECTION 95-18 – SOLICITATION; SECTION 95-19 – NATURAL HABITAT PROTECTION; SECTION 95-20 – PROHIBITION OF ACTIVITIES DISRUPTIVE TO MARINE TURTLES; SECTION 95-21 – SEABIRDS; SECTION 95-22 – DUNE PROTECTION; SECTION 95-23 – SPECIAL EVENTS ON THE BEACH; AND SECTION 95-24 – TRANSIENT LODGING FACILITIES; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER’S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach intends to preserve and protect the beauty of the City’s beaches, parks, and other public property for the use and enjoyment by residents and tourists; and

WHEREAS, the City has significant tourist population that utilizes its beaches, parks, and other public property; and

WHEREAS, the City’s beaches, parks, and other public property are a valuable asset as the City is a large recreational and tourist community; and

WHEREAS, such beaches, parks and any other public properties are intended to be used solely for recreational purposes and not to be used for sleeping during nighttime hours; and

WHEREAS, prohibiting persons from sleeping on the public beaches, in the parks, and on other public property during the nighttime hours will promote the public health, safety and welfare.

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 Land Development Code Division 25 is amended as follows:

~~Sec. 25.9.— Permit required.~~

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.

- ~~(a) Dunes. In no instance shall any person, municipality, county, or other public or private agency excavate or otherwise cause damage to a dune or conduct or cause to be conducted any activity to improve or enhance a dune without obtaining the necessary permits from the Florida Department of Environmental Protection and the city.~~
- ~~(b) Other non exempt activities. All other non exempt activities, including construction, excavation, fill placement, repair of shore protection structures, and other activities seaward of the coastal construction setback line and activities that would alter the topography or disturb the vegetation of the beach/dune system, including vehicular traffic relating thereto, are required to obtain a permit from both the Florida Department of Environmental Protection and the city.~~

Sec. 25.10 9. – Permitting procedures.

Sec. 25.11 10. – Variances

The Land Development Code Division 44 is amended as follows:

~~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:~~

- ~~(a) The operation of all motorized vehicles, except emergency and law enforcement vehicles or operated by those persons who have authorization or a permit to engage in marine turtle conservation or research issued by the United States Fish and Wildlife Service, or the Florida Fish and Wildlife Conservation Commission, and Florida Department of Environmental Protection approved for mechanical beach cleaning or beach renourishment activities.~~
- ~~(b) The building of campfires or bonfires.~~
- ~~(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~~
- ~~(d) If any turtle nests or nesting activities have been reported within a portion of a beach, any temporary structures, including but not limited to 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 shall be:~~
 - ~~(1) Removed from the beach nightly; or~~
 - ~~(2) Stored in areas designated by the City of St. Pete Beach staff which are situated to avoid interference with marine turtles; or~~
 - ~~(3) Placed in a manner so as to not obstruct the transit of turtle hatchlings to the water.~~

Sec. 44.4.~~3.~~ 3. – Standards for new beachfront lighting.

Sec. 44.5. ~~4.~~ 4. – Standards for existing beachfront lighting.

Sec. 44.6. ~~5.~~ 5. – Standards for publicly owned lighting.

Sec. 44.7.~~6.~~ 6. – Construction during nesting season.

Sec. 44.8. ~~7.~~ 7. – Enforcement.

Sec. 44.9. ~~8.~~ 8. – Monitoring and reporting guidance.

SECTION 3. Codification. This Ordinance shall be codified in the Code of Ordinance of the City of St. Pete Beach.

SECTION 4. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance as they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Scrivener's Error. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

SECTION 7. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

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.

SECTION 8. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 9. Effective Date. This ordinance shall take effect immediately upon adoption. [unless different effective date].

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

CITY COMMISSION, CITY OF ST. PETE
BEACH, FLORIDA.

Alan Johnson, Mayor

I, Amber LaRowe, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2022.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Andrew Dickman, City Attorney

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.

**PLANNING BOARD MEETING
CITY OF ST. PETE BEACH**

Agenda Report

Issue Considered: Concurrency

Date: September 19, 2022

Prepared By: Jennifer McMahon, Chief Operating Officer

Through:

Summary of Issue: Discussing general concurrency requirements within St. Pete Beach.

Funding: N/A

Requested Motion: For information only.

Attachments:

PLANNING BOARD MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Residential permitting process

Date: September 19, 2022

Prepared By: Jennifer McMahon, Chief Operating Officer

Through:

Summary of Issue: Discussing the residential permitting process in St. Pete Beach.

Funding: N/A

Requested Motion: For information only.

Attachments: 1. Permitting Processes FAQ

Permitting Processes

1. When is zoning review required before plans are submitted?

For residential properties, variances and historic preservation review may be required before your project can get underway. Variances are required for a project to exceed the zoning district standards listed in the Land Development Code for items such as setbacks, hardscape lot coverage, or height. Historic preservation review is required for most exterior alterations to buildings that have been voluntarily placed on the City's local historic registry, and for demolition of all voluntary historic buildings as well as those considered contributing to the Pass-a-Grille Historic District. It is important to be aware of these requirements and whether they apply to your property, as these requests must often be reviewed through a public hearing and may add two or more months on to the initial review of your project. If you have questions about whether a variance or historic preservation review may apply to your project, please contact zoning staff at planning@stpetebeach.org.

1. When are plans necessary?

Plans are required for all structural improvements. The plans are used to calculate the cost of the job, get estimates from any contractors or subcontractors, show details in legal documents, and to obtain the necessary building permits.

Plans are generally not required for work such as:

- Re-piping a dwelling
- Re-roofing
- Replacing heating and air conditioning equipment
- Sandblasting and plastering
- Small electrical, mechanical and plumbing jobs
- Window and door replacements

2. What kinds of plans are needed?

Plans should be drawn on 24-inch by 36-inch paper, using a scale of 1/4-inch per one foot for floor, foundation plans, sections and elevations, and at a scale of 1/8-inch per one foot for site or plot plans. In most cases, two sets of plans and two sets of structural and energy calculations are required for submittal.

Minimum Information Required

The minimum information required on building plans for most construction projects include:

- A site plan showing the property dimensions, the legal description of the site, all existing structures on the site and the proposed new construction, distances between buildings and property lines, drainage patterns and electrical service locations.
- A floor plan showing room locations, sizes and uses, doors, locations and sizes of windows, stairs, and the size and spacing of all structural members of the building.

- Elevations illustrating the building's exterior appearance, architectural features, height and roof-top features.
- Two structural sections showing the building foundation, floor systems, walls and roof as they would appear if the building were cut in two at a particular plane.
- Electrical, mechanical and plumbing plans are required to show the location and sizes of equipment, wiring, switches and fixtures.
- Handicap access plans are required for additions to and alterations of existing commercial buildings, as well as for new construction.
- General information and specification sheet for materials workmanship.
- Foundation plan showing the layout and dimension sizes, reinforcement and details of anchor bolts and so on.

Plans for smaller jobs requiring a permit should include the appropriate information from the above list for the planned project.

3. When must I hire an architect, engineer or surveyor?

By law, certain types, scope and complexity of construction will demand the services of licensed technical professionals. In general, a Florida licensed architect or engineer must be hired for designing new buildings and major remodels which require more extensive plans, calculations and technical reports such as:

- Lot survey map, height survey and elevation certificate must be signed by a state-licensed surveyor or engineer
- Soils reports for a new building or major remodel
- Design calculations and details for the building's structural system
- Electrical systems design (generally on service of 400 amps or more)
- Title 24 energy calculations on new buildings, additions or increases in electrical service

Community Development - Getting a Permit

1. When do I need a permit?

Generally when any work exceeds the scope of routine maintenance and repairs, you will need a permit. View a [partial listing of examples of work](#) requiring a permit. If you are unsure if your project requires a permit, call the Building Division at 727-363-9241 for information.

Attention: To minimize exposure between employees and the public, please [pull all permits online](#).

- Ahri (Mechanical)
- Diagram of Window Placement
- [Instructions for Uploading Files to a Permit \(PDF\)](#)
- PDF for Large Format Plans (25Mb) - Hard copy plans are still required, please contact our office for instructions - Email pdf plans to: plans@stpetebeach.org
- Please Include Necessary Documents (Building)
- Product Approvals (Roof, Windows, Doors, Etc.)

2. Who is eligible to obtain a permit?

Permits can be obtained by either a properly licensed contractor within the appropriate construction trade or by an owner of a single family residence, provided that the house is

not for sale, lease or rent, and such owner signs a declaration that he will perform the work himself or, acting as the general contractor, hire only properly licensed subcontractors.

3. What are the permitting requirements?

Permit applications are located in our office. The completed application together with the necessary construction plans must be submitted, in person, at the permit counter where it will be logged into the computer and assigned a plan check/permit number. Plans are reviewed in the order in which they are received, usually taking a week to ten days for completion.

4. Why are plan checks performed?

Plan checks performed to ensure that the mandatory minimum requirements for structural safety, fire protection, energy conservation, exits, light and ventilation, site grading and handicap access, when required, are met. When such review is completed and any other necessary approvals have been received, you will be notified either to come in for your permit or, if needed, to amend your plans to meet the requirements.

5. How long is a permit good for?

Permits must be obtained within six months of approval of the plans and building permits are valid only for six months from the date of issuance unless construction has begun. If construction is not begun within six months or, once started, is suspended for a period of more than 90 days, the permit will expire, and the complete permit process, including the payment of fees, will begin again.

Please remember that city approval of plans and specifications does not remove you from the responsibility of meeting all of the applicable standards in the building codes, other city ordinances, and state and federal laws.

Community Development - Inspections

1. When are inspections required?

The type and number of inspections will vary with the type of project, but the typical order of site inspection visits are as follows:

- **Foundation inspection:** After trenches are excavated, reinforcing is in place and forms set, all materials for the foundation are on-site and before pouring any concrete or laying down any masonry units.
- **Rough plumbing, mechanical or electrical inspections:** When all in-slab or under-floor conduit, piping, service equipment are in, but before concrete is poured or floor sheeting is installed.
- **Framing inspection:** After roofing, framing, fire blocking and bracing are in place, and all pipes, chimneys and vents are in.
- **Insulation inspection:** When all thermal insulation is installed in floors, walls, attics, but before any of the work is concealed.
- **Lath or wallboard inspection:** After lathing and/or gypsum wallboard is in place, but before plastering is done or joints and fasteners are taped and finished.
- **Final inspection:** After building is completed, watertight and ready for occupancy. All electrical and plumbing fixtures and heating/cooling equipment

must be in place, and any finish grading of the site is completed. Painting, carpeting and other "cosmetic" work need not be finished prior to final inspection.