



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

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, November 18, 2024
4:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Approval of the Agenda -

Action Request: Motion to approve the November 18, 2024 agenda.

2. Audience Comments -

Comments shall be limited to 3 minutes for general and agenda item comments. Public comment on agenda items will be allowed when that item is called. Please complete a yellow comment card and submit it to the Clerk. Please state your name and address at the podium.

3. Approval of Minutes

a. October 21, 2024 Planning Board meeting.

4. Resolutions (Conditional Use Permits) -

a. Resolution 2024-08 (Conditional Use Permit #24038): 4200 Gulf Blvd (Miramar Beach Resort)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, APPROVING A CONDITIONAL USE PERMIT, PURSUANT TO SECTIONS 39.6.(p), 46.2.(c), 46.4.(c) AND 46.6.(b) OF THE LAND DEVELOPMENT CODE, TO ALLOW THE CONSTRUCTION OF A 30-UNIT HOTEL TOWER THAT WILL INCREASE SITE UNIT COUNT TO 50 TOTAL TEMPORARY LODGING UNITS, OR 64.2 UNITS PER BUILDABLE ACRE, AND EXTEND TO 76 FEET ABOVE BASE FLOOD ELEVATION WITH NON-HABITABLE OVERRUN NOT TO EXCEED 86 FEET ABOVE BASE FLOOD ELEVATION, AS WELL AS INCLUDE AN EIGHTH-FLOOR RESTAURANT WITH OUTDOOR SEATING AREA, ON PARCEL # 07-32-16-07380-000-0120 WITH ADDRESS

OF 4200 GULF BOULEVARD; INCORPORATING THE CONDITIONS OUTLINED HEREIN; AND PROVIDING FOR CORRECTION OF SCRIVENER'S ERROR AND AN EFFECTIVE DATE.

This is a companion to Ordinance 2024-07.

Action Request: Motion to recommend approval of Resolution 2024-08 to the City Commission with included conditions.

5. Ordinances -

a. Ordinance 2024-07: Awarding 12 Units From The Boutique Hotel/Condo District Temporary Lodging Unit Density Pool to 4200 Gulf Boulevard (Miramar Beach Resort)

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR THE ALLOCATION OF 12 UNITS OF TEMPORARY LODGING DENSITY UNDER THE PROVISIONS OF THE BOUTIQUE HOTEL/CONDO DISTRICT TEMPORARY LODGING UNIT DENSITY POOL, AS ESTABLISHED IN THE CITY OF ST. PETE BEACH COMPREHENSIVE PLAN, TO PROPERTY LOCATED AT 4200 GULF BLVD (MIRAMAR BEACH RESORT), AND REVERTING THE 15 TEMPORARY LODGING UNITS ALLOCATED UNDER ORDINANCE 2021-04 BACK TO THE NAMED DENSITY POOL; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

This request is a companion to Resolution 2024-08 (Conditional Use Permit #24038).

Action Request: Motion to recommend approval of Ordinance 2024-07 to the City Commission.

b. Ordinance 2024-13: Permanently adopting provisions for the elevation of flood-damaged equipment in required side and rear yards, and elevation or reconstruction of nonconforming residential structures in required yards

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING LAND DEVELOPMENT CODE DIVISION 3 – ADMINISTRATION OF THE LAND DEVELOPMENT CODE, SECTION 3.10 – VESTED RIGHTS AND NONCONFORMITIES; AND DIVISION 6 – SUPPLEMENTAL REGULATIONS, SECTION 6.14. - ENCROACHMENT OF CERTAIN SPECIFIED ANCILLARY RESIDENTIAL EQUIPMENT INTO REQUIRED YARDS; REPEALING EMERGENCY ORDINANCES 2024-11 AND 2024-14 CONTAINING SIMILAR PROVISIONS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

Action Request: Motion to recommend Ordinance 2024-13 to the City Commission.

6. Discussion Items

a. Artificial Turf

Discussing artificial turf standards in St. Pete Beach and comparison municipalities, with a review of Member Grocott's and the Tampa Bay Regional Planning Council's analysis and summaries.

7. Adjournment - Next meeting December 16, 2024 -

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

October 21, 2024 4:00PM

MEMBERS PRESENT: David Hubbard, Chair
Sam Angelides, Jr., Vice Chair
Terri Grocott, Member
Cindy Perry, Member

MEMBERS ABSENT: Shawn Rae, Member

STAFF PRESENT: Ralf Brookes, Interim City Attorney
Ginny Bodkin, Deputy City Clerk
Brandon Berry, Senior Planner

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

1. Approval of the Agenda –

Member Grocott asked to add a discussion item on the comparison of ordinances on synthetic turf as item 5b.

Motion: Member Perry moved, and Vice Chair Angelides seconded to approve the October 21, 2024 agenda as amended: the motion passed unanimously.

2. Audience Comments –

John Kurzman of Bahia Honda Way commented on Ordinance 2021-15, Substantial Damage and Improvements, and the FEMA 50 Percent Rule.

Jackie Hubbard of Boca Ciega Isle thanked the Board members and City staff for their work during the recent hurricanes and recovery.

3. Approval of Minutes – September 16, 2024 Meeting

Motion: Member Grocott moved, and Member Perry seconded, to approve the September 16, 2024, minutes as presented: the motion passed unanimously.

4. Action Items –

None.

5. Discussion Items –

Senior Planner Brandon Berry introduced Ralf Brookes, one of the Interim City Attorneys from Vose Law, and Interim Community Development Director Denise Sanderson.

a. Post-Disaster Planning

Mr. Berry began a review of a presentation to inform the members of some of the initiatives that the City is undertaking with regard to post-disaster planning; some are in early stages, and some are moving on to the City Commission. His presentation is part of the meeting record.

- Emergency Zoning Ordinances
 - Ordinance 2024-09 Allowing equal change-outs of equipment in required yards
Passed 10/14/24 – valid for 60 days.
 - Ordinance 2024-11 Allowing in-place elevation of nonconforming residences, on tomorrow's Commission agenda - Reviewed and modified by City Attorney after 10/14/24 reading - valid for 60 days if approved.

Attorney Brookes pointed out that during a State of Emergency only one ordinance reading is required for passage and can later be reheard and become part of permanent Code. Mr. Berry explained that the Building Dept. is requiring a FEMA evaluation packet for all work to be done on a structure. Air conditioner and generator swap outs are exempt from that total evaluation.

- FEMA 50% Substantial Improvement/Damage Rule
 - Current requirement - Five-year lookback on permits, with significant cost exclusions for maintenance/repair work.
 - Staff will discuss current and alternative options with the Commission tomorrow including - No lookback; One-year lookback with no exclusions; Five-year lookback with exclusions (current).
 - Affects ability to restore and improve structures without elevating or floodproofing.
- Pass-A-Grille restoration – workshop on hold
 - Significant damage including designated historic structures.
 - Code changes to augment design review processes to be considered by Commission.
 - Staff discussing options for incentivizing restoration instead of demolition.
- Recovery Task Force
 - Required by Coastal Element of the Comprehensive Plan
 - Primary responsibilities: Hazard mitigation policy recommendation and Post-disaster response with recommended Comp Plan changes
 - Recommended membership including Board members, environmental organization and Chamber of Commerce.
- Other Events and Changes
 - Comp plan Evaluation kickoff to begin as soon as viable.
 - Pending Projects – Miramar (adding outdoor dining), Windward Pass will be returning for action.
 - Community Development expanded hours through 11/02/24.
 - Emergency permitting information is on website.

Member Perry had inquiries regarding Ordinance 2024-09 (elevation, setbacks, height limits) which Mr. Berry addressed. FEMA lookbacks and the Cape Coral video presentation were discussed. Attorney Brookes will send the Cape Coral video to the Clerk's Office to share with the members and to include in the meeting record.

b. Synthetic Turf (Added)

Member Grocott had researched some other community's ordinances on perviousness and material standards of allowed astroturf surfaces. She suggested considering a more stringent code and asked for Mr. Berry to weigh in. Mr. Berry gave an overview of the City's current requirements. Member Grocott requested that staff research for the consideration of new standards.

6. Adjournment - Next meeting November 18, 2024.

There being no further business, Chair Hubbard adjourned the meeting at 4:40 PM.

These minutes will be considered for approval at the November 18, 2024 meeting of the Planning Board.

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

Agenda Report

Agenda Title Name: Resolution 2024-08 (Conditional Use Permit #24038):
4200 Gulf Blvd (Miramar Beach Resort)

Action Request: Motion to recommend approval of Resolution 2024-08
to the City Commission with included conditions.

Strategic Objective:

Date: November 18, 2024

Prepared By: Brandon Berry, Senior Planner

Through: Denise Sanderson, Community Development Director

Summary of Issue: The applicant has requested a partial site redevelopment of the existing two-story, two-building, and 30-unit Miramar Beach Resort. This request will demolish ten of the existing units in favor of a new 76-foot tower at the rear of the site containing 30 units and a rooftop restaurant, increasing total site unit count to 50 units or approximately 64.2 units per buildable acre where a maximum of 70 units per acre is permitted with conditional use permit and density pool allocation. Newly-added for the November review of this request, the applicant is now requesting outdoor seating on the eighth-floor rooftop, which also requires a conditional use permit in the Boutique Hotel/Condo zoning district.

Staff is requesting through companion Ordinance 2024-07 that the units from the prior approval (Ord. 2021-04 & Res. 2021-04) be reallocated to the density pool should this request be approved. If approved as such, the pool will gain a net of three units upon approval of this request.

This item is being brought back to Planning Board to reflect the amended request for rooftop dining, and due to an error in advertising the prior case. This case has been fully advertised as required by code.

The staff report for this request has been updated to

reference the roof dining component, and resolution conditions updated to reflect the conditions proposed by the applicant at the prior hearing. Staff did not find further need to amend conditions based upon the roof dining request, or modify the staff recommendation. Text changes, where made, are highlighted in red in the staff report.

Funding: N/A

Attachments:

1. Resolution 2024-08 (Clean)
2. Resolution 2024-08 (Markup showing changes from September hearing)
3. Staff Report (Updated from September 2024 hearing)
4. Application (Updated from September 2024 hearing)
5. Supplemental Application Documents
6. Site Plan, Floor Plans and Elevations (Updated 9/3/24)
7. Level Eight Seating Plan Layout
8. Renderings (Updated 9/3/24)
9. Property Survey
10. Fire Truck Exhibit (Updated 9/3/24)
11. Technical Review Committee Response Letter

RESOLUTION 2024-08

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, APPROVING A CONDITIONAL USE PERMIT, PURSUANT TO SECTIONS 39.6.(P), 46.2.(C), 46.4.(C) AND 46.6.(B) OF THE LAND DEVELOPMENT CODE, TO ALLOW THE CONSTRUCTION OF A 30-UNIT HOTEL TOWER THAT WILL INCREASE SITE UNIT COUNT TO 50 TOTAL TEMPORARY LODGING UNITS, OR 64.2 UNITS PER BUILDABLE ACRE, AND EXTEND TO 76 FEET ABOVE BASE FLOOD ELEVATION WITH NON-HABITABLE OVERRUN NOT TO EXCEED 86 FEET ABOVE BASE FLOOD ELEVATION, AS WELL AS INCLUDE AN EIGHTH-FLOOR RESTAURANT WITH OUTDOOR SEATING AREA, ON PARCEL # 07-32-16-07380-000-0120 WITH ADDRESS OF 4200 GULF BOULEVARD; INCORPORATING THE CONDITIONS OUTLINED HEREIN; AND PROVIDING FOR CORRECTION OF SCRIVENER’S ERROR AND AN EFFECTIVE DATE.

WHEREAS, Section 4.7 of the City of St. Pete Beach’s Land Development Code requires the City Commission to adopt conditional use permits by resolution.

WHEREAS, Section 39.6.(p) of the City of St. Pete Beach’s Land Development Code requires any temporary lodging use in the Community Redevelopment District proposed to be developed or redeveloped at a density greater than 30 units per acre or 50 feet in height to obtain a conditional use permit.

WHEREAS, Section 4.7 requires any aforementioned conditional use to be reviewed by the Planning Board prior to the City Commission for the purposes of making a recommendation.

WHEREAS, Katie E. Cole of Hill Ward Henderson and Jack Bodziak of Bodziak Hayes Architects for Kevin Bowden of Miramar Resort St. Pete LLC has made application for a partial site redevelopment of the Resort at 4200 Gulf Blvd (CUP #24038), which will include renovation of existing low-rise buildings as well as construction of a new 76-foot tower with total unit count of approximately 64.2 units per buildable acre at completion.

WHEREAS, “applicant” or “owner” as used herein shall include successors, assigns, and legal representatives.

WHEREAS, on April 30, 2024, the owner held a noticed community meeting as required by Land Development Code Section 39.17 at the Miramar Beach Resort property.

WHEREAS, on August 2, 2024, the applicant made complete the subject application for development, which includes a request to draw 12 of the additional 20 lodging units above existing from the Boutique Hotel/Condo District Temporary Lodging Unit Density Pool, which is companion Ordinance 2024-07 to this request.

WHEREAS, on August 28, 2024, staff held a Technical Review Committee (TRC) meeting to discuss the subject request.

WHEREAS, on November 18, 2024, the Planning Board convened to review this amended resolution, which clearly included the request for the rooftop dining area and was properly advertised to meet minimum ordinance requirements, and recommended [approval/approval with conditions/denial] of the request to the City Commission at a vote of [] to [].

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

WHEREAS, the City Commission has the authority to approve none, some, or all of the requested conditional uses.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, THAT:

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

SECTION 2. The City Commission hereby approves the requested conditional use permit application number #24038, incorporated herein by reference, and with the list of conditions enumerated in Exhibit “A” incorporated herein.

SECTION 3. Scrivener’s Error. The City Attorney may correct scrivener’s errors found in this Resolution by filing a corrected copy of this Resolution with the City Clerk.

SECTION 4. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, THIS _____ DAY OF _____, 2024.

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

Adrian Petrila, Mayor

ATTEST:

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Ralf Brookes, City Attorney

DRAFT

EXHIBIT “A” Conditions

Density Contingency Conditions

- 1) Approval of the temporary lodging unit count and floor area ratio of the subject development requested herein is contingent upon the passage of companion Ordinance 2024-07. Should Ordinance 2024-07 be denied, or reduced in unit count, the applicant shall be required to reduce the number of temporary lodging units and/or floor area ratio to provide compliance with the requirements of Land Development Code Division 46.
- 2) Should Resolution 2024-08 and companion Ordinance 2024-07 be approved by the City Commission, all bonus units awarded to the subject property under Ordinance 2021-04 shall be considered divested and return to the Boutique Hotel/Condo Temporary Lodging Unit Density Pool immediately upon non-appealable approval of both Ordinance 2024-07 and Resolution 2024-08.

Eighth-Floor Restaurant Operation Condition

- 3) There shall be no permanent outdoor speakers utilized on the top floor. Furthermore, music played indoors to the restaurant shall not be piped outdoors through the use of amplification equipment, speakers, or other equipment between 10 PM and 7 AM. Any tables, chairs, or other unsecured furniture utilized in the top floor outdoor restaurant area shall be brought and safely stored inside upon issuance of a tropical storm or hurricane watch.

Resort Development: Public Benefit Requirements

- 4) Prior to issuance of a site plan for the subject project, the applicant shall provide the following:
 - a. A pedestrian access easement, prepared to the satisfaction of the City Attorney, on the southern side of the property of sufficient size to expand the adjacent public beach access to at least ten feet in width from the front property line adjacent Gulf Boulevard to the mean high water line, high water mark, or existing watermark, as determined by the City Attorney.
 - b. Execution and recordation of an unimproved public beach access easement of at least fifteen feet in width along the sandy beach landward of the mean high water line, high water mark, or existing watermark, whichever is determined to achieve the intent of this condition, for any portion of private property which extends to said line.
 - c. Preliminary identification of the two green building standards to be pursued subject to LDC Sec. 39.9., including identification of any exterior site improvements necessary to achieve such certification.
 - d. Placement of a protected pedestrian pathway from the hotel exterior to the sidewalk or, if one is not viable such that it would reduce parking below the minimum for the use, or reduce the density of plantings, installation of a safe pathway through the parking lot using a differently-textured surface such as

pavers.

- e. Submission of a draft dunes plan if one is necessary to achieve compliance with City Code requirements for installation of an uninterrupted dune plan, or to achieve Florida Department of Environmental Protection compliance for best practices in dune planting, grading, or quality.
 - f. A draft pedestrian access sidewalk easement, prepared to the satisfaction of the Florida Department of Transportation (FDOT) and the City of St. Pete Beach, of sufficient size to allow the sidewalk along the property frontage to expand to ten feet in width except where approved driveway connection(s) cross the property line.
- 5) Prior to Certificate of Occupancy for the subject hotel tower, the applicant shall provide the following:
- a. Demonstration of sitewide compliance with the City's standards for new beachfront development lighting, Pinellas County Coastal Construction Code, or Florida Department of Environmental Protection (FDEP) Coastal Construction Line Code standards as they pertain to protection of marine turtles, whichever is or are more stringent. At the discretion of the City, this may include coordination of a beachfront review by Turtle Trackers to ensure that standards have been met;
 - b. Grading, screening, and installation of all other improvement necessary to create a walkable pedestrian access of at least ten feet in width from the property line adjacent Gulf Boulevard to the mean high water line, which includes any land already provided for such purpose on the adjacent property;
 - c. Provision of a beach access across the southern property line where the path mentioned in subitem b. above crosses said dune, along with provision of beach access for any other dedicated guest access point, as permitted by the FDEP and City. The public beach access required in subitem b. above shall connect users to the fifteen-foot easement mentioned in subitem 4)b.;
 - d. Construction of a ten-foot sidewalk, to the satisfaction of the FDOT, across the front of the property and adjacent right-of-way as demonstrated on the conceptual site plan, as well as transference of a pedestrian access easement to the FDOT for any portion of the sidewalk that extends onto the subject property;
 - e. Installation of all landscaping, irrigation, and other requirements of LDC Division 22 and 39, including installation of plant material as depicted in the conceptual site plan set or as may be amended;
 - f. Final certification from the reviewing agencies for achievement of the two green building standards selected from LDC Sec. 39.9., unless it can be demonstrated that such certification is guaranteed to be met contingent upon final administrative review of the project by outside agencies, and that all such improvements necessary for such certification have been completed.

Resort Development: Operational and Design Requirements

- 6) The finding of project consistency with Criteria 4.12.(a)(4) is found to extend to the project

as presented through renderings and elevations submitted with this request at the final reading before the City Commission. Any significant alteration to the exterior color, façade material, massing, or window or feature placement, at the discretion of the City Manager, may require this request to be returned to the City Commission for reconsideration. These criteria shall be in addition to those listed in Land Development Code Section 4.10.

- 7) All hotel deliveries shall take place on site, with no deliveries to the hotel occurring from the center lane of Gulf Boulevard, by the issuance of the certificate of occupancy for the subject hotel tower.
- 8) Valet service shall be exclusively maintained for the life of the development. A valet plan, prepared to the standards of Land Development Code Division 23, shall be submitted at time of site plan application.

Resort Development: Landscaping Requirements

- 9) The quality, density, and amount of landscaping shown in the conceptual site plan shall be the minimum installed. If a Florida-friendly species is substituted it shall be with another Florida-friendly species. Landscaping caliper and height site-wide shall exceed minimum standards where viable, but with particular emphasis given to landscaping along the property frontage. Unless it would cause conflicts with existing utilities or other critical public infrastructure, any tree installed within the front buffer shall be a minimum of twelve feet in height and three inches in caliper measured 4.5 feet above the ground at time of planting.
- 10) The applicant shall establish and maintain connection to the public reclaimed water system for landscaping irrigation, and such usage shall be metered. The irrigation system shall include pressure-regulated systems and there shall be monitoring devices installed to address leaks from lines and equipment.
- 11) The applicant shall demonstrate compliance with the relevant requirements of LDC Sec. 39.10., 39.11., 39.12., 39.13., and 39.14., which relate to site design and improvements, at time of site plan issuance. The applicant shall demonstrate compliance with relevant requirements of LDC Sec. 39.7. and 39.8., which relate to building design, at time of building permit issuance. The development shall also comply with relevant provisions of LDC Sec. 39.5. and 39.6., pertaining to lodging operation standards and general operational and aesthetic requirements, at relevant parts of the permitting and operations process. These standards are in addition to other standards imposed within the property's zoning district, parking and coastal construction requirements, and other requirements of the LDC and Comprehensive Plan.
- 12) Where viable and not in conflict with other requirements, the applicant shall plant trees with substantial canopies along the southern buffer to provide shade for users of the beach access.

Resort Development: Site Improvement Requirements

- 13) The applicant shall install and be responsible for emptying trash cans along the southern beach access. These cans shall be placed at least every 100 feet on the applicant's property.

- 14) All pedestrian pathways, surface parking spaces, and other paved non-structural surfaces shall be installed with permeable pavers, concrete or asphalt, turf block with interspersed vegetation, or similar except where accessibility or building or fire code requirements require impermeable surfaces. These areas shall be maintained so the surface continues to provide permeability, and the city may request periodic maintenance updates from the applicant if necessary to ensure the intent of this condition prevails.

Resort Development: Energy and Environmental Requirements

- 15) On the roof of the rooftop restaurant, the applicant shall install green roofs or utilize another technique demonstrated to reduce the heat island effect and improve thermal performance.

General Conditions

- 16) Any violation of the above-stated conditions will allow the City Commission to rescind or modify the Conditional Use Permit as it pertains to the request under which the condition is classified.
- 17) The City Commission may review the Conditional Use Permit periodically to determine whether the order is in compliance with the terms and conditions herein.

RESOLUTION 2024-08

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SECTION 2. The City Commission hereby approves the requested conditional use permit application number #24038, incorporated herein by reference, and with the list of conditions enumerated in Exhibit “A” incorporated herein.

SECTION 3. Scrivener’s Error. The City Attorney may correct scrivener’s errors found in this Resolution by filing a corrected copy of this Resolution with the City Clerk.

SECTION 4. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, THIS _____ DAY OF _____, 2024.

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

Adrian Petrila, Mayor

ATTEST:

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Ralf Brookes, City Attorney

DRAFT

EXHIBIT “A” Conditions

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- 2) Should Resolution 2024-08 and companion Ordinance 2024-07 be approved by the City Commission, all bonus units awarded to the subject property under Ordinance 2021-04 shall be considered divested and return to the Boutique Hotel/Condo Temporary Lodging Unit Density Pool immediately upon non-appealable passage approval of both Ordinance 2024-07 and Resolution 2024-08.

Rooftop Top Floor Restaurant Operation Condition

- 3) ~~The outdoor balcony space adjacent to the enclosed rooftop restaurant shall not be used for permanent seating without issuance of a subsequent conditional use permit. The use of any rooftop outdoor speakers shall be discontinued after 10 PM. There shall be no permanent outdoor speakers utilized on the top floor.~~ Furthermore, music played indoors to the restaurant shall not be piped outdoors through the use of amplification equipment, speakers, or other equipment between 10 PM and 7 AM after 10 PM. Any tables, chairs, or other unsecured furniture utilized in the top floor outdoor restaurant area shall be brought and safely stored inside upon issuance of a tropical storm or hurricane watch.

Resort Development: Public Benefit Requirements

- 4) Prior to issuance of a site plan for the subject project, the applicant shall provide the following:
 - a. A pedestrian access easement, prepared to the satisfaction of the City Attorney, on the southern side of the property of sufficient size to expand the adjacent public beach access to at least ten feet in width from the front property line adjacent Gulf Boulevard to the mean high water line, high water mark, or existing watermark, as determined by the City Attorney.
 - b. Execution and recordation of an unimproved public beach access easement of at least fifteen feet in width along the sandy beach landward of the mean high water line, high water mark, or existing watermark, whichever is determined to achieve the intent of this condition, for any portion of private property which extends to said line.
 - c. Preliminary identification of the two green building standards to be pursued subject to LDC Sec. 39.9., including identification of any exterior site improvements necessary to achieve such certification.
 - d. Placement of a protected pedestrian pathway from the hotel exterior to the sidewalk or, if one is not viable such that it would reduce parking below the

minimum for the use, or reduce the density of plantings, installation of a safe pathway through the parking lot using a differently-textured surface such as pavers.

- e. Submission of a draft dunes plan if one is necessary to achieve compliance with City Code requirements for installation of an uninterrupted dune plan, or to achieve Florida Department of Environmental Protection compliance for best practices in dune planting, grading, or quality.
 - f. A draft pedestrian access sidewalk easement, prepared to the satisfaction of the Florida Department of Transportation (FDOT) and the City of St. Pete Beach, of sufficient size to allow the sidewalk along the property frontage to expand to ten feet in width except where approved driveway connection(s) cross the property line.
- 5) Prior to Certificate of Occupancy for the subject hotel tower, the applicant shall provide the following:
- a. Demonstration of sitewide compliance with the City's standards for new beachfront development lighting, Pinellas County Coastal Construction Code, or Florida Department of Environmental Protection (FDEP) Coastal Construction Line Code standards as they pertain to protection of marine turtles, whichever is or are more stringent. At the discretion of the City, this may include coordination of a beachfront review by Turtle Trackers to ensure that standards have been met;
 - b. Grading, screening, and installation of all other improvement necessary to create a walkable pedestrian access of at least ten feet in width from the property line adjacent Gulf Boulevard to the mean high water line, which includes any land already provided for such purpose on the adjacent property;
 - c. Construction Provision of a dune walkoverbeach access across the southern property line where the path mentioned in subitem b. above crosses said dune, and along with provision of beach access for any other dedicated guest access point, as permitted by the FDEP and City, unless determined by the FDEP to be unnecessary to preserve the function of the restored system. The public beach access required in subitem b. above shall connect users to the fifteen-foot easement mentioned in subitem 4)b.;
 - d. Construction of a ten-foot sidewalk, to the satisfaction of the FDOT, across the front of the property and adjacent right-of-way as demonstrated on the conceptual site plan, as well as transference of a pedestrian access easement to the FDOT for any portion of the sidewalk that extends onto the subject property;
 - e. Installation of all landscaping, irrigation, and other requirements of LDC Division 22 and 39, including installation of plant material as depicted in the conceptual site plan set or as may be amended;
 - f. Final certification from the reviewing agencies for achievement of the two green building standards selected from LDC Sec. 39.9., unless it can be demonstrated that such certification is guaranteed to be met contingent upon final administrative review of the project by outside agencies, and that all such improvements

necessary for such certification have been completed.

Resort Development: Operational and Design Requirements

- 6) The finding of project consistency with Criteria 4.12.(a)(4) is found to extend to the project as presented through renderings and elevations submitted with this request at the final reading before the City Commission. Any significant alteration to the exterior color, façade material, massing, or window or feature placement, at the discretion of the City Manager, may require this request to be returned to the City Commission for reconsideration. These criteria shall be in addition to those listed in Land Development Code Section 4.10.
- 7) All hotel deliveries shall take place on site, with no deliveries to the hotel occurring from the center lane of Gulf Boulevard, by the issuance of the certificate of occupancy for the subject hotel tower.
- 8) Valet service shall be exclusively maintained for the life of the development. A valet plan, prepared to the standards of Land Development Code Division 23, shall be submitted at time of site plan application.

Resort Development: Landscaping Requirements

- 9) The quality, density, and amount of landscaping shown in the conceptual site plan shall be the minimum installed. If a Florida-friendly species is substituted it shall be with another Florida-friendly species. Landscaping caliper and height site-wide shall exceed minimum standards where viable, but with particular emphasis given to landscaping along the property frontage. Unless it would cause conflicts with existing utilities or other critical public infrastructure, any tree installed within the front buffer shall be a minimum of twelve feet in height and three inches in caliper measured 4.5 feet above the ground at time of planting.
- 10) The applicant shall establish and maintain connection to the public reclaimed water system for landscaping irrigation, and such usage shall be metered. ~~if connections are available.~~ The irrigation system shall include pressure-regulated systems and there shall be monitoring devices installed to address leaks from lines and equipment.
- 11) The applicant shall demonstrate compliance with the relevant requirements of LDC Sec. 39.10., 39.11., 39.12., 39.13., and 39.14., which relate to site design and improvements, at time of site plan issuance. The applicant shall demonstrate compliance with relevant requirements of LDC Sec. 39.7. and 39.8., which relate to building design, at time of building permit issuance. The development shall also comply with relevant provisions of LDC Sec. 39.5. and 39.6., pertaining to lodging operation standards and general operational and aesthetic requirements, at relevant parts of the permitting and operations process. These standards are in addition to other standards imposed within the property's zoning district, parking and coastal construction requirements, and other requirements of the LDC and Comprehensive Plan.
- 12) Where viable and not in conflict with other requirements, the applicant shall plant trees with substantial canopies along the southern buffer to provide shade for users of the beach access.

Resort Development: Site Improvement Requirements

- 13) The applicant shall install and be responsible for emptying trash cans along the southern beach access. These cans shall be placed at least every 100 feet on the applicant's property.
- 14) All pedestrian pathways, surface parking spaces, and other paved non-structural surfaces shall be installed with permeable pavers, concrete or asphalt, turf block with interspersed vegetation, or similar except where accessibility or building or fire code requirements require impermeable surfaces. These areas shall be maintained so the surface continues to provide permeability, and the city may request periodic maintenance updates from the applicant if necessary to ensure the intent of this condition prevails.

Resort Development: Energy and Environmental Requirements

- 15) On the roof of the rooftop restaurant, the applicant shall install green roofs or utilize another technique demonstrated to reduce the heat island effect and improve thermal performance.

General Conditions

- 16) Any violation of the above-stated conditions will allow the City Commission to rescind or modify the Conditional Use Permit as it pertains to the request under which the condition is classified.
- 17) The City Commission may review the Conditional Use Permit periodically to determine whether the order is in compliance with the terms and conditions herein.



**PLANNING DIVISION
CONDITIONAL USE APPLICATION
STAFF REPORT TO THE
CITY OF ST. PETE BEACH PLANNING BOARD**

CASE NO.: 24038

MEETING DATE: November 18, 2024

OWNER/APPLICANTS: Katherine E. Cole, Esq., of Hill Ward Henderson and Jack Bodziak of Bodziak Hayes Architects
for Kevin Bowden of Miramar Resort St. Pete LLC

PREPARED BY: Brandon Berry, Planner

Changes from the September Planning Board staff report are referenced below in **red text**.

This application is a request for a Conditional Use Permit:

REQUEST:	Construct a new temporary lodging facility of 76'-0" in height above base flood elevation with elevator overrun to 80'-6" containing 30 temporary lodging units, increasing total site unit count by 20 to 50 following demolition of 10 units, and total site lodging unit density to 64.2 units per buildable acre (LDC Sec. 39.6.(p)). Additionally, permit the operation of an outdoor dining area on the eighth floor that will include the playing of outdoor music (LDC Sec. 46.2.(c)). This request is accompanied by companion Ordinance 2024-07 request to draw twelve temporary lodging units from the Boutique Hotel/Condo temporary lodging unit density pool to achieve the density requested under the subject scope (LDC Sec. 46.4.(c)).
LOCATION:	4200 Gulf Blvd; BELLEVISTA BEACH LOTS 12 & 13 & LAND TO MHW; Parcel #07-32-16-07380-000-0120.
ACREAGE:	1.47 acres, of which 0.779 acres is landward of the Florida Coastal Construction Control Line (CCCL)
EXISTING LAND USE & ZONING	BHC – Boutique Hotel/Condo on the Zoning Map with P – Preservation seaward of the CCCL; BHC – Boutique Hotel/Condo on the Future Land Use Map with P – Preservation seaward of the CCCL
SURROUNDING FUTURE LAND DESIGNATIONS:	North: BHC and P South: BHC and P East: Gulf Blvd and BR West: Gulf of Mexico
SURROUNDING ZONING MAP DESIGNATIONS:	North: BHC and P South: BHC and P East: Gulf Blvd and BR West: Gulf of Mexico
SURROUNDING EXISTING USES:	North: Condominiums South: Condominiums East: Retail and Vacant (Former bank) West: Beach

BACKGROUND

The site currently contains the Miramar Beach Resort, hereinafter referred to as "Miramar", a one- and two-story 30-unit resort constructed in 1953 according to the Pinellas County Property Appraiser.

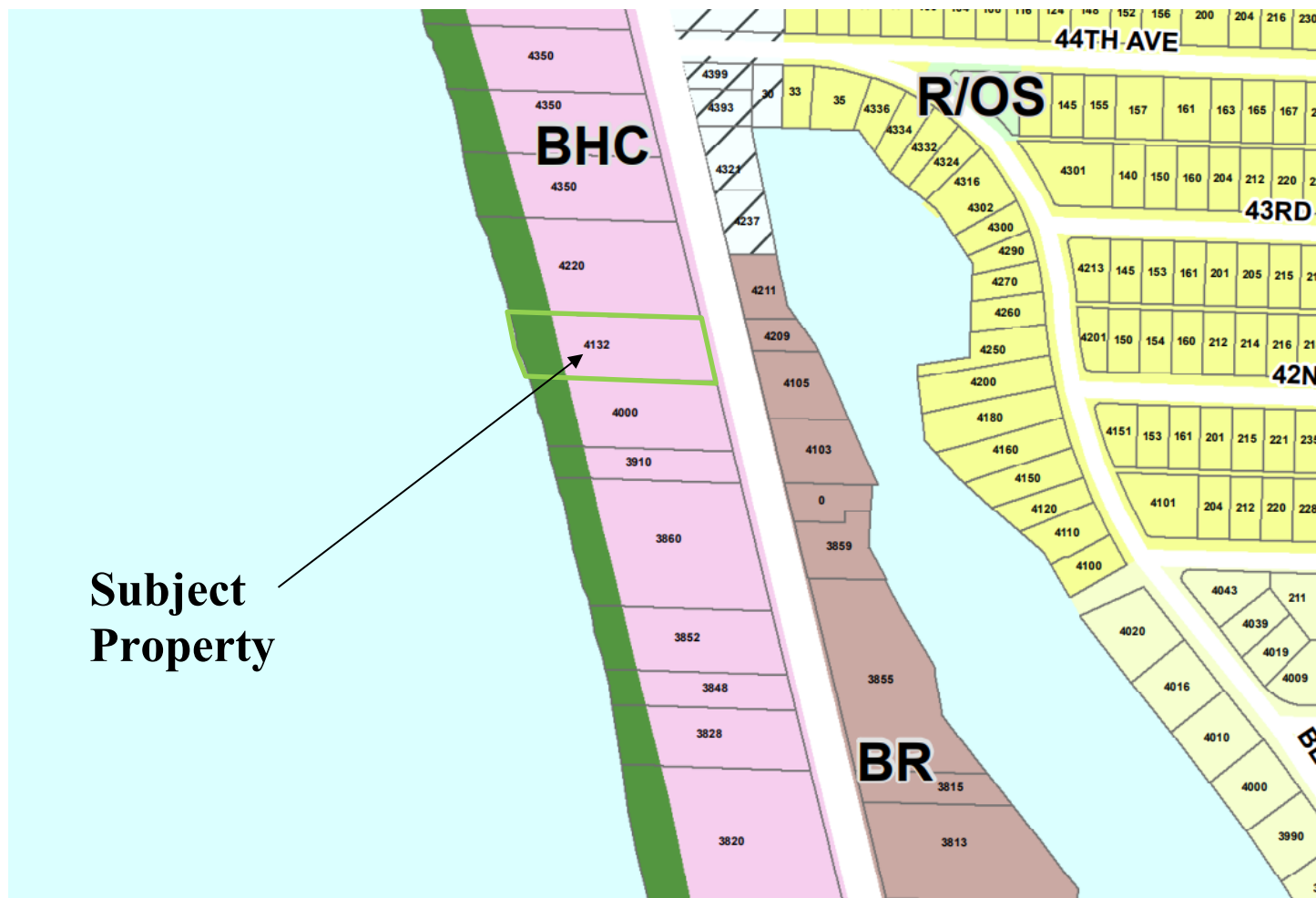
In 2021, the owner for this request received approval from the City Commission to construct a 54-unit lodging facility at the subject property (Ord. 2021-04 & Res 2021-04), which involved a complete site redevelopment including demolition of all existing structures on the site. While appeals extended this approval to October 2021 with an expected deadline to obtain a building permit in October 2022, numerous state of emergencies have tolled the remaining period to develop the subject project to as late as October 2026. The City remains within the scope of a state of emergency begun under Hurricane Ian in September 2022.

The applicant held a community meeting for the subject request at the Miramar property on April 30, 2024 as required by the Land Development Code. Comments from attendees included the following:

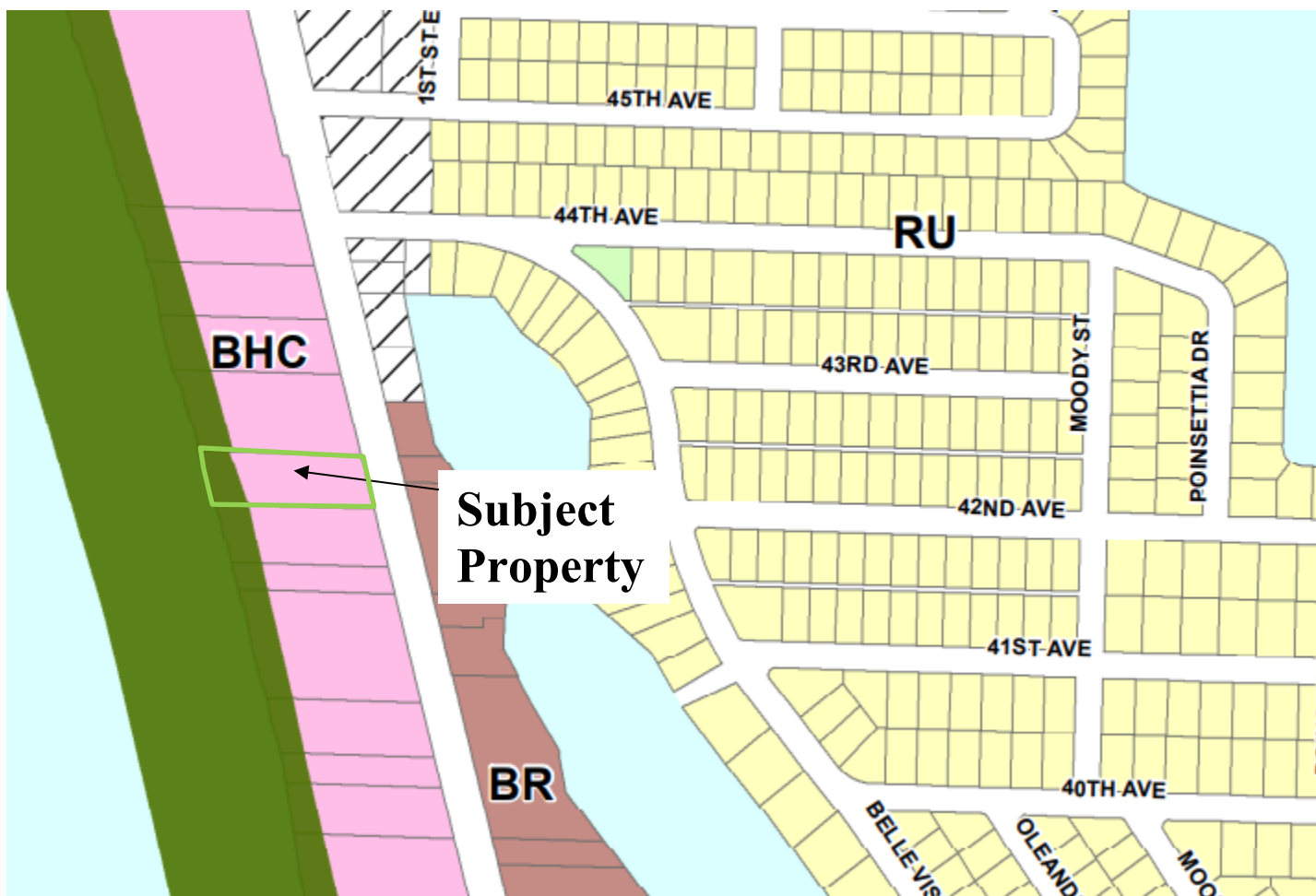
- 1) Plans for renovation of the remaining buildings on the site;
- 2) Use of the rooftop facilities for events;
- 3) Beachfront improvements;
- 4) General comments regarding the existing approved development.

This item was previously reviewed by the Planning Board at the September meeting. In the interim, the applicant has made explicit application for eighth-floor outdoor dining and drinking, which requires a conditional use permit and has been referenced under the cover of the associated resolution. Additionally, the September hearing was not advertised under the timetables specified in the Land Development Code. The November hearing for this request has been properly noticed.

ZONING MAP



FUTURE LAND USE MAP



An aerial photograph of a coastal area. A red rectangle highlights a property on the left side of the image, near the beach. A black arrow points from the text 'Subject Property' to this red rectangle. The map shows a road labeled 'GULF BLVD' running vertically. To the right of the road, there are several streets labeled '44TH AVE', '43RD AVE', '42ND AVE', and '41ST AVE'. A body of water is visible on the right side of the map. The text 'Subject Property' is written in a large, bold, black font at the bottom left of the image.

SITE REQUEST

The subject property currently contains 30 lodging units and limited ancillary space such as a lobby and laundry room. The applicant is proposing partial demolition of the front and side portions of the two-story southern building to construct a new eight-story (bottom open story with six floors of guestrooms and one-story rooftop restaurant above) structure at the rear of the site containing 30 lodging units. If approved this will increase total site unit count from 30 to 50, or from an existing site density of 38.5 units per acre to 64.2 units per acre.

Along with the partial demolition and new structure, the applicant is proposing significant renovation of the remaining existing buildings, a new pool at the northern rear of the site, and extensive parking lot and landscaping improvements. These improvements are detailed in the table in the Analysis section, below.

ANALYSIS

The table below details current Land Development Code requirements, the improvements the applicant is proposing under the subject request, and the improvements provided under the approval granted to the property in 2021.

General Development Requirements			
	Required	Proposed (Subject Project)	2021 Approval
Density (Lodging Units)	Not to exceed 50 units/buildable acre with CUP, or 70 units/buildable acre with CUP and density pool allocation	64.2 units/buildable acre	69.3 units/buildable acre
Impervious Surface Ratio	Not to exceed 85% impervious (28,800 sq. ft.)	83%	85%
Vegetative Greenspace Ratio	At least 12% of buildable property acreage (4,100 sq. ft.)	Not analyzed in CUP – 4,800 sq. ft. estimated by staff	Not analyzed in CUP
Floor Area Ratio	Not to exceed 750 sq. ft. per lodging unit (average). Additionally, not to exceed 20% of buildable site area for specific listed amenities (6,790 sq. ft.)	Guest room maximum: 37,500 sq. ft. Guest room provided: 22,024 sq. ft. Amenity space maximum: 6,790 sq. ft. Amenity space provided: 2,336 sq. ft.	Guest room maximum: 40,500 sq. ft. Guest room provided: 40,500 sq. ft. Amenity space maximum: 6,790 sq. ft. Amenity space provided: 6,790 sq. ft.
Parking spaces	0.81 spaces/unit for lodging 0.9 space/200 sq. ft. for restaurant 0.9 space/300 sq. ft. for office 0.9 space/600 sq. ft. for ballroom and conference space	48 spaces required 48 spaces provided (primarily compact and tandem)	64 spaces required 64 spaces provided
Loading spaces	One per 10,000 SF of new meeting or conference space, plus food service space (Four spaces)	None required or provided	None required or provided
Side landscaping buffer	Use buffer required: None Parking buffer required: 6' where spaces are not screened by a fence, wall, or structure	Compliant, but variable – Zero to seven feet	Compliant, but variable – Generally two to ten feet (inclusive of beach walk along north side)
Height	76 feet above BFE maximum, plus an additional 10' at each stepback for non-habitable overruns like elevators	76' above BFE to rooftop 80'-8" above BFE to top of elevator	76' above BFE to rooftop 81'-4" above BFE to top of elevator

Yard Requirements			
	Required	Proposed (Subject Project)	Requirement Met?
Front Yard	Not to exceed: 50' above BFE 50' from Gulf Blvd; 65' above BFE 75' from Gulf Blvd; 76' above BFE 100' from Gulf Blvd Plus an additional 10' at each stepback for non-habitable overruns	Approximately 200 feet from front property line to closest new building element	Yes
Side Yard	30% total side setback, with a minimum of 10% on each side	29' on north side – new building only 12' on south side – new building only	Yes, as required for new building only.
Rear Yard	10' landward of the CCCL	10' landward of CCCL to new building	Yes

Development increases property-wide above existing are detailed below.

	Existing	Proposed	Percentage Increase	Change compared to 2021 approval
Lodging Density	30 units	50 (+20) units	+66%	Minus four units
Accessory Spaces				
Retail & Restaurant	0 SF	2,366 sq. ft.	N/A	Addition of 543 sq. ft. (enclosed area) Subtraction of 8,000 sq. ft. (approximate – when including outdoor space)

As shown above, the subject request is a minor decrease in overall unit count compared with the approvals granted to the property in 2021, and a significant reduction in both overall floor area of buildings on the site as well as the floor area utilized for guest amenities in the new building. The enclosed portion of the building utilized for restaurant space in the subject request is increasing by approximately 550 sq. ft. compared with the 2021 approval. However, this excludes substantial exterior space utilized for an outdoor bar and customer seating space under the prior approval that is not sought under the subject request. Particularly, the 2021 approval contained space for a first-floor enclosed restaurant, a first-floor outdoor seating area, and a rooftop covered bar, the latter two areas of which was not factored into the floor area calculations due to the spaces being unwallled. These spaces represent approximately 8,000 sq. ft. of additional bar and restaurant-associated space not sought under the current approval.

The height of the subject and 2021 requests are effectively identical, although the subject request contains a significantly smaller building footprint that is sought to be constructed close to the 76-foot above BFE maximum permitted in the zoning district compared with the prior approval. The subject request also contains substantially less rooftop amenity square footage, as noted previously.

Both the subject request and prior approval contain similar amounts of greenspace and impervious surface, with both projects within a few percent of the maximum impermeable surface allowable for the zoning district.

A significant change in the current request compared to the former is that the applicant is proposing to keep a large proportion of the existing buildings currently on site, with renovations to these buildings planned. These buildings were constructed prior to the implementation of national flood resiliency standards, and are also noncompliant with current side setback requirements. While a portion of the southern building would be demolished to accommodate the new construction, which will be both FEMA- and zoning code-compliant, the remaining buildings will not be compliant with either standard. The applicant indicated at Technical Review Committee on August 28, 2024 that they would be installing flood panels on the doors of renovated units, but did not address other floodproofing techniques that would be implemented.

Public Benefit and Amenity Analysis

As a small site, and one subject to only partial redevelopment, the subject proposal is exempt from some of the development requirements required of larger projects in similar zoning districts. The table below outlines the requirements and voluntary improvements proposed by the applicant.

Community Redevelopment District – General Requirements				
	Required	Proposed	Requirement Met?	Requirement Exceeded?
Sidewalk along Gulf Blvd	6' (minimum) to 10' (default) in width	10'	Yes	No
Frontage landscaping buffer	5' (minimum) to 8' (default) in width	Variable – 10 to 30 feet in width	Yes	Yes
Pedestrian amenities in landscaping buffer	One amenity per 100' of frontage (two total)	Bike rack and trash can	Yes	No
Pedestrian lighting fixtures at frontage	Spaced every 30'	None shown	Requirement relayed to applicant	N/A
Green building standards	Two listed green building standards	Required at building permit stage	Requirement relayed to applicant	N/A
Boutique Hotel Temporary Lodging Redevelopment – General Requirements				
	Required	Proposed	Requirement Met?	Standard Exceeded?
Public beach access	None – lot less than 150' in width	Expansion of southern access by four feet	N/A	Yes
Beach easement parallel to and along MHWL	As requested by City	None shown, but applicant has agreed to 10'+	N/A	Staff to request 15'

Economic Impact Analysis

The applicant did not provide an economic impact analysis for this project. They are encouraged to provide details on the expected construction costs and taxable value increases expected.

Table 1, 2022-2023 Taxable Value of Subject Parcels

		2023*	2022
	Taxable Value	\$5,000,000.00	\$4,779,500.00
Taxes	St. Pete Beach	\$15,456.50	\$15,055.43
	SPB Stormwater	\$1,891.60	\$1,891.60
	EMS	\$4,209.00	\$4,194.01
	County General	\$23,699.00	\$22,653.87
	Total	\$45,256.10	\$43,794.91

*This rate is calculated before any early payment discounts.

Impact Fees

In addition to ad valorem fees, the City receives one-time transportation impact and connection fees when corresponding building permits are issued. The transportation impact fee is shared with the county. Estimated fees for the proposed application are detailed in the table below.

	Rate	Number	Total Fee
Transportation			
<i>Resort hotel rooms</i>	\$3,208.00/unit	20 units	\$64,160.00
<i>Retail & Restaurant</i>	\$8,205.00/1,000 sq. ft.	2,366 sq. ft. increase	\$19,413.03
Sewer Connection			
<i>Water meter</i>	Unknown		

It should be noted that the transportation impact fees may fluctuate based on additional amenities provided by the applicant, submission of an approved transportation impact study that shows a reduction impact compared with county rates, and pending final use determination of interior commercial and office spaces. Impact fee rates

are calculated as static numbers from the General Fee Schedule of Chapter 150, Pinellas County Code of Ordinances. Rates above are estimates, and will not subsume the safety or multimodal improvement fees included in the development agreement for this project if this request and the development agreement are approved as drafted.

Transportation Analysis

This project is estimated to produce fewer than the 51 additional trips at peak hour to be considered a ‘Tier 1’ project, which is generally considered the threshold for production of a traffic study. If the applicant is approved for all twenty additional units requested the project is estimated to produce an additional 7.6 trips at peak hour based on the “all suites hotel” classification, chosen due to the limited services offered in the new resort building. This corresponds to a total sitewide production of 19 peak hour trips when considering all 50 units.

The applicant is required to produce a transportation management plan that offsets the expected impact of their project on the local road network. These strategies, required under the City’s Comprehensive Plan, are over and above the minimum requirements of a 10-foot sidewalk and can include improvements to pedestrian circulation, financial contributions to the City’s multimodal system, private multimodal improvements, and similar. As of the date of the drafting of this report, this plan has not yet been produced.

Health, Safety and Welfare Analysis

Information has been requested pertaining to the impact of new development on public services, including public safety entities. This information for 2022 and 2023 is detailed below.

	2023	2022
SPB Fire Calls	1	5
Code Enforcement Cases	1	0

City Code Enforcement received one complaint in 2023 related to broken windows that was unsubstantiated, and one complaint in 2024 as of the drafting of this report related to marine turtle lighting which was found to pertain to an adjacent property. Both complaints are closed and there are no active violations at the property.

Fire calls to the property were limited in 2022 and 2023, and none related to fire suppression. All incidents concerned either illness or injury.

Landscaping Analysis

Landscaping provided in the draft plans set relative to the city’s code are analyzed below, providing the requirement and stating whether the criteria in the code is met, exceeds the requirement or does not meet the minimum code requirement.

	Minimum	Provided	Standard Met?
Sec. 22.7. – Development standards			
Vehicle use area screening – North side yard	Solid barrier (fence/wall) or a landscaped buffer of six feet with one tree every 30 linear feet.	Approximately 7.5’ buffer along north side adjacent existing rooms, and 2.5 feet adjacent pool deck, with 6’ vinyl fence; Approximately 2’ on south side adjacent existing rooms, 8’ adjacent new hotel, and 3’ adjacent tandem parking area, with 6’ vinyl fence.	Yes.
Interior landscaping areas	20 square feet for each surface parking space not facing a perimeter buffer (560	Approximately 800 sq. ft. outside of buffer areas and 10 trees	Yes

	sq. ft.) and one tree for each 200 square feet		
Sec. 39.10 – Streetscape design required elements			
Size	8' depth	Varies – 10 to 30' in depth	Exceeded
One tree required every 30 linear feet	30' spacing	One tree every 25' (accounting for driveways)	Exceeded
Pedestrian amenities – Two per 200' linear feet	Two amenities	Bike rack and trash can	Met
Pedestrian-scale lighting fixtures	Spaced every 30 feet	Not shown	Not met, but acknowledged by applicant
Sec. 39.11 – Walkways and pedestrian connections			
Walkway trees	One shade or ornamental tree for each 30 linear feet of walkway	One tree provided every 20 feet along rear property line promenade.	Exceeded, but staff prefers shade trees along promenades where viable.

Land Development Code Sec. 4.4 – Standards for review.

When considering an application for approval of a conditional use, the City Commission review shall consider the following standards:

- (1) Whether the conditional use is consistent with the goals, objectives, and policies of the Comprehensive Plan, any adopted special area plan and these regulations;**

Staff finds that the conditional use request is generally consistent with the goals, objectives and policies (GOPs) of the Comprehensive Plan, particularly the following pertaining to the Community Redevelopment Districts:

Future Land Use Plan Element: Special Designation – Community Redevelopment District (CRD)

GOAL 1:

To support achieving a quality sustainable community through livable community design standards as well as Green building, site design and operation strategies.

Objective 1.1

Promote a sustainable community by requiring the use of Green standards and practices for all development and redevelopment within the Community Redevelopment District by establishing minimum Green building and site design standards that benefit the quality and sustainability of the environment and:

- Conserve water and other natural resources.
- Reduce energy consumption.
- Improve air quality by reducing Greenhouse gas emissions.
- Reduce impacts on infrastructure by participating in ride sharing and shuttle service programs.
- Reduce urban heat by reducing paved surfaces, reduce the need for parking by participating in shared parking plans, employer ride-share and shuttle service programs.

- Reduce urban heat and encourage pedestrian mobility by planting additional shade trees.
- Reduce waste through efficient design and recycling programs.
- Promote a walkable environment by providing on-site pedestrian pathways that link to adjacent properties and off-site sidewalks to reduce traffic impacts and Greenhouse gas emissions.
- Provide trolley stops or improve existing trolley stops as a comfortable, safe, convenient and attractive experience that encourages mass transit use.

Policy 1.1.1

Require minimum Green standards and encourage the use of Green redevelopment practices that exceed minimum standards for public and private development.

Staff Comment: *The applicant has been notified that they will need to achieve certification in two green building standards listed in the Land Development Code for their development. These standards are above the minimum required through the Florida Energy Conservation Code. This standard will be addressed at the building permit stage.*

Policy 1.1.9.

Encourage the use of low flow fixtures and high energy efficient rating construction materials, equipment and appliances.

Staff comment: *The green building standards listed in the Land Development Code credit low-flow fixtures and energy conservation techniques.*

GOAL 2:

To meet the needs of residents and further the ideal of quality communities as a function of living, working, and recreation opportunities, the design and functionality of the Community Redevelopment District will have a renewed focus on livable community strategies that focus more on people and less on the auto with community improvements and site design that values connectivity, safe and attractive gathering places, functional and attractive design, and alternative safe mobility options.

Objective 2.1

Create livable, healthy streets that are designed and oriented towards safe pedestrian and bicycle movement.

Policy 2.1.1

Where appropriate, development and redevelopment should include the following pedestrian-friendly design features:

- Continuous sidewalks with a minimum width of ten feet, buffered from traffic by on-street parking and/or landscaping, and that include pedestrian amenities such as benches, trash receptacles, trolley shelters, and pedestrian-scale street lighting.
- Street trees to provide pedestrian-scale as well as shade and comfort to the pedestrian.
- Buildings should be served by primary walkways that directly link the main building entrance to the street, parking structure and parking areas.

- Pedestrian walkways should be visually distinct from parking lot and driveway surfaces and may include textured or colored materials.
- Permanent structures such as utility poles and traffic control poles within the sidewalk that restrict pedestrian movement should be discouraged.
- Direct routes between destinations, especially between adjacent parcels, to create walking and bicycling connections between neighborhoods and neighborhood (activity) centers.
- Additional sidewalk width and distinctive interesting sidewalk patterns for outdoor cafe; seating.
- Internal vehicular access between adjacent properties that allows vehicular movement between properties without returning to the street to reduce curb cuts and improve traffic flow on roadways.
- Shared access driveways to reduce curb cuts and pedestrian-vehicular conflict.

Staff comment: *The applicant will be installing a ten-foot sidewalk along the property frontage, with adjacent landscaping buffer. In the process, this will reduce the width of the frontage utilized for driveways. Staff has also requested a protected pathway with the frontage sidewalk. Other elements of this criteria generally pertain to the City's downtown area, and are not relevant to the subject development.*

Objective 2.2

Parking lots and driveways should be designed to support pedestrian safety, connections and comfort by reducing the number of curb cuts and providing interconnectivity between and through sites.

Policy 2.2.2

New commercial, office, and retail buildings and centers should be planned to reduce the number of curb cuts and driveways. Where possible, projects should share driveways and parking access with adjacent sites to provide an interconnected system of auto and service access points.

Staff comment: *While cross-property connectivity is difficult at this time due to the developed nature of the abutting properties, the applicant is eliminating a significant stretch of driveway access from the current development, providing just one point of ingress and egress for vehicles.*

Policy 2.2.5

Parking lots should include trees to provide shade and reduce temperature for pedestrians.

Staff comment: *The subject property currently has only a small strip of landscaping dividing the two parking lots at the frontage of the site. The amount of landscaping in the parking area will be significantly increased through the frontage and side buffers, as well as landscaping islands in the parking lot.*

GOAL 3:

To rebuild the core commercial and resort areas of the City utilizing Green practices, strategies and technologies.

Objective 3.1

Implement building and site design construction and operation practices that support long-term environmental sustainability by: protecting and conserving water resources; constructing energy

efficient buildings; using Florida waterwise and native landscape plant materials and design; recycling construction materials and debris; reducing urban heat through innovative building and site design; reducing pollutant run-off; protecting further degradation of the beach dune system and coastal wildlife species habitat and restoring or enhancing existing conditions through dune restoration measures, lighting and refuse controls and other measures.

Policy 3.1.1

All development within the Community Redevelopment District shall comply with a minimum of two environmental standards that will be established in Division 39.

Staff comment: *The applicant has acknowledged that this will be met during the building permitting process.*

Goals, Objectives and Policies for the Gulf Boulevard Redevelopment District

GOAL 1:

Gulf Boulevard shall be a place that attracts people for living, employment and recreation. The City shall encourage the revitalization of Gulf Boulevard through commercial and temporary lodging redevelopment that will attract residents and visitors to the Gulf Boulevard core resort area as a recreation, entertainment, resort and shopping destination.

Objective 1.1

All development and redevelopment within the Gulf Boulevard Redevelopment District shall further the goals, objectives and policies of the Community Redevelopment District, this District and each character district within which development occurs; and shall comply with the design guidelines and the applicable land development regulations for the respective character district.

Staff comment: *The applicant has demonstrated general compliance with the design standards required within the zoning district. Formal notation of the design criteria will be required at the building permit stage.*

Objective 1.4

The Gulf Boulevard Redevelopment District shall be a safe environment for both residents and visitors, and real and perceived public safety issues will be addressed including improved lighting, improved pedestrian circulation on the east and west sides of Gulf Boulevard and crossing Gulf Boulevard, improved bicycle lanes for safer circulation for all modes of non-vehicular transportation, and shall consider traffic flow devices and improvements to assist in daily traffic flow and emergency evacuation.

Staff comment: *The subject property is not slated for any significant frontage improvements under the City's 2024 Gulf Boulevard Safety Study. However, the applicant will be expanding the property's frontage sidewalk, and installing pedestrian-scale lighting fixtures within the frontage buffer as required by the Land Development Code.*

Objective 1.6

Public beach access will be preserved and expanded through redevelopment of temporary lodging uses.

Staff comment: *The applicant has voluntarily elected to provide four feet of easement to expand the southern six-foot beach access to ten feet.*

Objective 1.7

All new building construction shall comply with current Building and Safety Codes, FEMA and National Flood Insurance program regulations to maximize protection of the City's built infrastructure from all manner of hazards, natural disasters and flooding. The City shall ensure compliance not only through the building permit process but through Code Enforcement and inspections as necessary to maintain the highest FEMA rating achievable for a coastal barrier island.

Staff comment: *The new building, and associated other improvements such as dune restoration if required and on-site stormwater vaulting, should help to reduce the property's flood risk. Unlike the previous design for the property approved in 2021, twenty of the thirty existing units will be preserved with floodproofing applied, rather than brought into full compliance with the current FEMA regulations through redevelopment. However, new building construction will comply with current codes.*

GOAL 2:

Create a quality livable community where people and vehicles can circulate in the Gulf Boulevard Redevelopment District area safely, comfortably and efficiently.

Objective 2.2

Temporary lodging redevelopment shall be required to file an enforceable mandatory closure and evacuation plan that complies with County Emergency evacuation and management procedures and local emergency management rules and procedures, which shall be updated and amended as may be required by the County and/or City, from time to time.

Staff comment: *This will be addressed at the permitting stage if the use is approved. The City requires that guests evacuate prior to residents to allow adequate resources during emergency events to be dedicated to the City's residential population.*

Objective 2.4

A variety of parking solutions for motorized and non-motorized vehicles shall be pursued to support redevelopment, while maintaining ease of access and adequate parking throughout the Gulf Boulevard Redevelopment District.

Staff comment: *The applicant is required to provide bicycle parking for the development. All vehicle parking on site will be by valet.*

GOAL 3:

Maintain and improve Gulf Boulevard as a memorable place to be enjoyed by residents and visitors that emphasizes pedestrian mobility, waterfront and Gulf beach access, a quality built environment that focuses on retail services and entertainment.

Objective 3.2

Public beach access points will be preserved, expanded and improved through redevelopment and coordinated with pedestrian crosswalks, bike lanes and sidewalks, trolley stops and entrances to

major residential neighborhoods on the east side of Gulf Boulevard to the maximum extent practical and feasible.

Staff comment: *The applicant is both expanding the existing frontage sidewalk and the southern beach access.*

Objective 3.3

Redevelopment is encouraged to create a vibrant Gulf Boulevard core resort environment containing a variety of building forms and styles of exceptional architectural design and high quality finishes that respect the Gulf Boulevard resort character and heritage, increase Green space, reduce paved surface parking, increase side yard setbacks, increase setbacks from Gulf Boulevard, and provide amenities, retail services, restaurants and waterfront beach bars that serve guests and residents alike.

Staff comment: *Staff finds the architecture of the building to be of high caliber and visually consistent with other art deco-lite coastal development in the vicinity. The redevelopment will modestly increase the amount of greenspace on the site along with the total number of trees. Although the new development preserves portions of both buildings that are noncompliant with the modern side setback requirements, the new structure will comply with all development standards, and drastically exceed the required front setback. The applicant is also providing a rooftop restaurant, for which staff requests testimony from the applicant as to whether the use will be held out to the public. Staff has not assigned hour of operation limitations to the restaurant as a recommended condition due to the property abutting other lodging facilities, but has recommended the applicant cease any outdoor music between 10 PM and 7 AM. This is a higher standard than required by code, which typically only limits decibels at the receiving property line between those hours..*

Policy 1:

All development shall be consistent with building and site design guidelines and standards that establish the quality of design features expected for renovation, redevelopment and new construction in the Gulf Boulevard Redevelopment District.

Staff comment: *The development appears to be generally consistent with the Land Development Code design requirements pertaining to façade decoration and embellishment. Staff finds the renovated low-rise buildings and new tower to be consistent with other architecture in the vicinity.*

Policy 2:

The character of each district shall be reinforced through the site plan review and approval process. Projects shall be consistent with and contribute positively to the vision of the character district in which they are located.

Staff comment: *The application appears to be generally consistent with the vision for the Boutique Hotel/Condo District, which promotes redevelopment and ultimately preservation of the limited number of boutique hotels to the extent possible. Unlike the application approved for the subject property in 2021, the applicant has chosen to continue operating the redeveloped Miramar as a beach resort hotel, rather than a condominium.*

Policy 3:

The design of all projects in the Gulf Boulevard Redevelopment District shall make meaningful contributions to a safe and comfortable pedestrian environment through site and building design, internal connections between adjacent properties, and external connections to and along Gulf Boulevard.

Staff comment: *The applicant is expanding the frontage sidewalk and side beach access, and staff is requesting a protected connection to the front sidewalk as a condition of approval.*

Policy 6:

Property owners/developers are encouraged to meet with area neighborhood associations/business groups prior to submitting a major redevelopment project for City review.

Staff comment: *The applicant held a noticed community meeting on the project in April 2024.*

Policy 10:

To improve traffic flow and reduce pedestrian/bicyclist - vehicular conflict, vehicular curb cuts to access Gulf Boulevard shall be minimized, shared access driveways should be pursued, and internal connectivity between adjacent properties should be encouraged, to the practical extent feasible to allow reasonable, adequate and safe ingress and egress to new development.

Staff comment: *The applicant is reducing the number and total width of curb cuts along the frontage. While staff prefers connections of 24 feet or less, the connection to Gulf Boulevard will ultimately be reviewed by FDOT for access management purposes, with dimensions set at that time.*

Policy 11:

A Transportation Management Plan (TMP) shall be required on all development and redevelopment that increases density or intensity of development on a site. Physical and operational improvements and strategies should be considered as part of any project Transportation Management Plan.

Staff comment: *The applicant has stated they will provide a TMP prior to the Planning Board hearing. That Plan has not been received at the time of the drafting of this report.*

Policy 13:

Increased setbacks from Gulf Boulevard for any building exceeding fifty (50) above based flood elevation.

Staff comment: *The applicant is constructing the new hotel tower to the maximum height permitted for the zoning district, but has set it back to approximately 200 feet from the front property line where 100 feet is required. Increased setbacks assist to mitigate the visual impact of taller buildings by maintaining a lower-angled daylight plane.*

Policy 15:

All new development or redevelopment shall be required to obtain administrative site plan approval prior to construction.

Staff comment: *If the subject development is approved the applicant will be required to obtain a site plan. Details such as dune and easement location, finalization of groundcover standards and tree species and quality, and other specifics to the property will be addressed at that stage.*

Boutique Hotel/Condo District (B-HC)

Policy 1:

Architectural design features that provide visual interest, are aesthetically pleasing and relate to the human scale at ground level are equally important for both the street and water-side of buildings. Blank wall facades shall be prohibited.

Staff comment: *As noted in previous responses, staff finds the development to be of acceptable architectural quality, both in terms of new and renovated construction.*

Policy 2.2:

Public beach access will be by foot traffic and wheelchair only and shall be directed to marked paths or dune walkovers in order to protect the dune system. Emergency police, fire rescue and lifeguard response vehicles, or bicycles will be allowed access in a manner that minimizes adverse impacts to the dune system to the maximum extent possible.

Staff comment: *The applicant is voluntarily providing a four-foot widening to the existing southern beach access, as noted in other responses.*

Policy 3:

All development and redevelopment projects may be required to provide an easement to the City for unimproved public access landward of the mean high water line to provide a continuous, uninterrupted pedestrian beach system.

Staff comment: *Staff is requesting a fifteen-foot easement along the waterline as a condition of approval.*

Policy 4:

Professional landscaping and design standards consistent with the standards contained in the LDC shall be the minimum required on the entire building site for new development that exceeds 75% of the buildable site, with particular emphasis on the Gulf Boulevard frontage and screening from any adjacent low-rise residential use that may include landscaping and privacy walls. Landscape design, including the type and quantity of plant material as well as creative tropical hardscape designs, shall be consistent with the quality and character of a high quality tropical resort destination

Staff comment: *The applicant does not meet this threshold, redeveloping approximately 55% of the density on the site and approximately 35% of its guestroom and commercial floor area maximum. However, with the exception of parking lot landscaping island requirements, the applicant is generally consistent with buffer and species requirements site-wide, providing similar density of plantings compared with the full-site redevelopment plans approved for the site in 2021.*

Policy 5:

Increased building setbacks from Gulf Boulevard shall be required for increases to building height allowed for temporary lodging uses.

Staff comment: *The applicant significantly exceeds the required front setback for the new hotel building.*

Policy 6:

Temporary lodging uses shall comply with all County and local hurricane closure and evacuation procedures that will ensure orderly evacuation of guests and visitors prior to evacuation orders being issued for residents in Zone A.

Staff comment: *The applicant will be required to file a hurricane closure plan to this effect at time of site plan submittal.*

Policy 7:

All temporary lodging uses shall comply with adopted City rules and regulations that ensure that projects approved as temporary lodging facilities are built, function, operate and are occupied exclusively as temporary lodging uses.

Staff comment: *The applicant will be required to file covenants or other instruments deemed acceptable to the City Attorney at time of site plan approval to ensure this policy is met.*

Staff found at the September hearing for this request that the applicant adequately addressed Objective 3.3 and Policy 3 of the Goals, Objectives and Policies for the Gulf Boulevard Redevelopment District, which spoke to eighth-floor restaurant operations and pedestrian access to Gulf Boulevard. In light of recent events, staff reiterates the request for additional testimony pertaining to Policy 9, as noted below.

Goals, Objectives and Policies for the Gulf Boulevard Redevelopment District

Policy 9 – A significant portion of the property, inclusive of most of the building footprint proposed and remaining, is located within the Coastal A flood zone, which is treated similarly to the velocity zone (VE) for new construction purposes. Buildings in this zone are considered more susceptible to floods than buildings in the AE zone as models show them subject to increased wave action during 100-year events. As the two remaining buildings on the property are pre-Flood Insurance Rate Map, they remain susceptible to storms by remaining at grade. The applicant's architect stated at Technical Review Committee that some floodproofing would be undertaken in the renovation of the two buildings, but the buildings will remain noncompliant with the Coastal A standards and are likely to remain for several years due to the investment being undertaken.

The applicant should address any damage sustained by Hurricanes Helene and Milton that will need to be remediated during or preceding renovation of the remaining twenty total unit buildings that are not elevated above the floodplain, and whether it has been determined that these building are at risk of passing their substantial improvement thresholds. The applicant should also address if there are elective plans for partial or full elevation regardless of the minimum City standards.

- (2) **Whether the proposed use will be compatible with the character of the existing area, including existing structures and structures under construction, existing public facilities and public facilities under construction, and residential, commercial and/or service facilities available within the existing area. More specifically:**

- a. **Whether the overall appearance and function of the area will be significantly affected.** *Consideration shall be given to the existence of other uses in the area, based on the number, size, and location of the uses and the intensity and scale of the proposed and existing uses in the area; Staff finds the function of the area will not be significantly affected, and that the impact on the overall appearance of the local area will be moderate but positive. The applicant states that the building design is in a nouveau art deco style and, while it lacks some of the style's common features like stark vertical bars and wraparound rounded balconies, the style does contain variation in material and colors commonly associated with coastal resort buildings. Furthermore, the architect is proposing improvements to the remaining buildings like addition of open breezblock and installation of period-appropriate signage for the remaining 1950s buildings. The design of the new building appears to generally meet the City's limited design criteria for new commercial construction in the Gulf Boulevard Redevelopment District.*

Staff does not anticipate a significant impact on the surrounding area. The project provides for twenty additional lodging units above those available to the existing resort, four fewer than the CUP approval awarded to the property in 2021. The applicant is proposing a rooftop restaurant of approximately 1,550 square feet of customer seating area that will provide an increase in intensity over the current resort which lacks any such commercial amenity, but this restaurant is less than one-third of the combined first-floor and rooftop restaurant floor area approved under the 2021 request.

Despite the overall bulk of the new structure significantly decreasing compared with the 2021 approval, the overall height of the structure has not significantly changed, at less than a one-foot difference when factoring in roof overruns. The proposed eight-story structure remains significantly taller than the two-story Mariner Beach Club to the north, and approximately 36 feet taller to the roof than the five-story Vistas on the Gulf to the south, partially accounted for by increased comparable floor heights and partially due to the additional three stories. However, height is overall compliant with the Land Development Code, especially when accounting for setback requirements that the proposed structure substantially exceeds.

A significant change compared with the 2021 approval is the location and total amount of elevated outdoor area provided to customers. The 2021 approval provided for rooftop dining oriented toward the northern property line, with dining on the southern side on the first-floor deck. This above-grade dedicated customer space is significantly smaller under the subject proposal, with the applicant proposing no outdoor seating area, but with this balcony area on the rooftop oriented closer to the southern property line. Depending on the use of this balcony space, or operations late at night, it could pose nuisance to either abutting property. Staff requests as condition that the space be limited in terms of amplified noise during late-night activities.

- b. **Whether the application will preserve any city, state or federally designated historic, scenic, archaeological, or cultural resources;** *There are no known historic, archaeological or cultural resources on the property. The City's conditional use criteria generally promote the maintenance of Gulf views and vistas as a scenic resource, and this development appears to eliminate a portion of a view of the beach through the center of the property as currently developed. As both existing resort buildings are being retained on site through redevelopment, the development will also not provide additional view corridors on the northern or southern sides compared with current conditions. However, this project will increase public comfort in accessing and public access overall along the beach through the*

expansion of the existing six-foot southern pathway and public easement along the mean high water line.

- c. **Whether the application will be compatible with adjacent development, if any, based on characteristics such as size, building style and scale; or whether such incompatibilities are mitigated through such means as screening, landscaping, setbacks, and other design features.** *As noted previously, the development proposed is significantly taller than any structure on either abutting property. With the exception of the seventeen-floor San Seair, structures in the BHC District are generally low-rise one- and two-story hotels or motels, or five- to six-story resorts such as Vistas on the Gulf and Beach House Suites. This approval would maintain Miramar as the second-tallest structure in the District, but still within the height limitation. The building does favor the southern side of the property in terms of setback, which staff finds to be appropriate given the height of existing abutting structures.*

The proposed structure is not meaningfully different in overall height compared with the structure approved in 2021. What does differ significantly is the bulk of the building that will be located at the height limit permitted for a structure in the zoning district. The footprint of the new building, which is almost entirely at the maximum height of 76 feet above base flood elevation, has a footprint of approximately 3,900 sq. ft. In comparison, staff estimates the footprint of the building at or near the 76-foot height limitation under the 2021 approval to be approximately 8,100 sq. ft., or over twice the size. This also does not account for the significantly-greater encroachment of the building requested under the 2021 approval toward the front property line, with the five-story portion of the structure located 50 feet from the front property line at its closest point. In comparison, the subject proposed structure is approximately 200 feet from the front property line at its closest point.

Staff finds that the applicant has designed the building in keeping with the art deco-lite coastal resort styles of surrounding properties. Signage and other elements of the renovations of existing buildings are contemporary with other structures in the vicinity.

Staff finds the landscaping treatment in general to be appropriate and, in terms of screening, generally maintains what was proposed under the conceptual plan included with the 2021 approval. Both development proposals demonstrate compliance with minimum permeability and greenspace standards for the zoning district.

- d. **Whether the application will have significant adverse impacts on the livability and usability of nearby land due to noise, dust, fumes, smoke, glare from lights, late-night operations, odors, vehicular traffic, truck and other delivery trips, the amount, location, and nature of any outside activities, potential for increased litter, or privacy and safety issues.** *Staff does not expect additional adverse impacts from dust, fumes, smoke, glare, vehicular or truck traffic under the subject scope. The parking areas will be screened from abutting properties via a fence, and the uses contemplated are not uses that significantly produce dust, fumes, or smoke. While the applicant states that limited truck deliveries and pickups are anticipated due to the scale of commercial development, they have agreed to move all delivery truck traffic on site, substantially increasing safety.*

There is potential for increased noise, late-night operations, and outdoor activities, due to the increase in density units and provision of a rooftop restaurant. Staff finds this to be a reduction over the density and commercial intensity provided for in the 2021 approval. Notably, the portion of the rooftop restaurant that is unenclosed is a substantial reduction.

Any increase in density has the potential to increase litter. The proposed development is oriented toward the rear of the private property, so staff has limited concerns about increases in litter along the Boulevard. A greater concern is potential for increased litter along the beachfront. The applicant does not currently possess an approved cabana service area permit for alcohol sales on the beach, and the City is currently in the process of rewriting its beach ordinance. Litter and similar issues will be addressed with the applicant when and if such application is made.

Staff finds that the building is well designed to minimize privacy concerns on abutting properties. Unlike the 2021 approval, which featured a building with balconies oriented at an angle toward the southern property line, the subject development is enclosed along both sides. The rooms do contain balconies, but balconies generally taper toward the property line along the south side, and are oriented at the rear of the building facing toward the beach. The rooftop balcony, which also features a taper at the southern end with limited usability due to depth, is a reduction to the total amount of outdoor customer area that is unbuffered from adjacent properties compared with the prior approval.

Odor is a potential nuisance due to the location of the rooftop restaurant, although the height differential with the abutting developments may resolve any potential issues in the immediate term. Staff requests the applicant address the location of exhausts and any scrubbing technology to be utilized to minimize cooking odors on abutting properties.

- (3) Whether the transportation system is capable of adequately supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, if any, site access requirements, neighborhood impacts, and pedestrian safety;**

Staff expects the site redesign to generally be an improvement to public safety from a transportation perspective. With the exemption of a small portion in the center of the property frontage where the existing signage and center landscaping barrier is located, and at the southern ends, the current site frontage is effectively two large curb cuts. The subject proposal will reduce the number of cuts to one, install a wider sidewalk, and make other improvements such as implementation of tactile pads at apron crossings. It will also remove a substantial portion of the parking from the area immediately adjacent to the curb cut, improving safety for vehicles entering the property and potentially for pedestrian walking on the adjacent sidewalk.

The project is under the threshold required for a traffic study. For a select service hotel development of 20 units above existing, the project is anticipated to produce an additional 7.6 trips at evening peak hour, or roughly one additional vehicle trip every eight minutes, based upon estimates from the most recent Institute of Transportation Engineers Trip Generation Manual. The portion of Gulf Boulevard adjacent to the property is a level of service classification of D based upon the 2024 Forward Pinellas Annual Level of Service Report, using the 2023 data year, with a volume-to-capacity ratio of 0.75 based upon a physical capacity of 1,630 trips. This is not a dramatic increase from the ratio presented in the 2023 report.

- (4) Whether the minimum off-street parking area required and the amount of space needed for the loading and unloading of trucks, if applicable, will be provided and will function properly and safely;** *The development is shown to be compliant with the parking minimums required by the Land Development Code. The site does not meet the 10,000 square foot of accessory commercial space minimum necessary to require an on-site loading space. However, the applicant has stated that delivery unloading will be relocated from the center turn lane of Gulf Boulevard onto the property.*

- (5) **Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made;** *Staff is recommending conditions pertaining to sea turtle lighting compliance, operation and hours of the rooftop facility, and safe passage of visitors through the parking lot, in addition to standard conditions pertaining to beach access.*
- (6) **Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to guarantee the provision such improvements and mitigation;** *The applicant states the owner, who has not changed since 2021, has previously demonstrated the financial and technical capacity for a larger development under the preceding approval. Staff is aware of one other project the applicant has successfully completed and operates in an adjacent municipality, which is larger in scale than the subject development. However, staff requests the applicant provide additional detail on any secured funding for the project, as well as timelines for completion.*
- (7) **Whether the proposed use complies with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the regulations of the City of St. Pete Beach.** *The applicant has been put on notice that the project will be required to demonstrate compliance with the green building standards, landscaping quality standards, building and fire codes, and temporary lodging operation requirements, at time of site or building permit issuance as relevant. A concurrency certificate for tracked facilities will be necessary at site plan issuance as well.*

The applicant successfully held a code-compliant community meeting in the spring of 2024. A subsequent meeting is not necessary as of the drafting of this report.

Sec. 4.12. - Criteria for review of conditional use applications.

- (a) **Conditional use applications within the community redevelopment district shall be evaluated upon the extent to which the applicant can demonstrate that the following issues are addressed in a manner consistent with the policies established in the community redevelopment plan for the district and that no unreasonable or disproportionately negative impacts are imposed upon adjacent or nearby properties:**

- (1) **Utility infrastructure, including sanitary sewer, reclaimed water, potable water, electric and natural gas services, and data transmission and telecommunications services;**

The City's engineer has accepted preliminary sewer calculations showing total property-wide usage of 10,000 gallons per day, with a peak of 21 gallons per minute.

The development is existing, but the applicant has not yet provided potable water meter upgrade information. The applicant will be required to demonstrate concurrency with potable water standards at time of site plan issuance. Electric service is available to the property.

Staff has not located any permits for rooftop telecommunication equipment on either abutting property. There is no known critical telecommunications equipment that would be impacted by the construction of the new lodging building if this use is approved.

- (2) **Transportation infrastructure, including ingress and egress from public rights-of-way, traffic control devices and signalization, internal vehicle circulation of the site, design and function of parking areas, loading and unloading areas, pedestrian transit infrastructure and amenities, and public sidewalks and roadways;**

As noted previously, staff expects apron narrowing, sidewalk widening, and elimination of most parking immediately adjacent Gulf Boulevard to improve safety in accessing and circulating the site. Staff would like to see a protected pedestrian pathway provided to the frontage as was included in the design for the 2021 approval.

The applicant has not provided a transportation management plan as of the date of the drafting of this report, but states one will be provided prior to Planning Board review. Minimum code requirements for improvements have been provided.

(3) Hydrological features and storm water management infrastructure;

The applicant has indicated that they plan to vault stormwater on site rather than retain or detain it above ground. This is at the option of the developer, provided that they still maintain the minimum greenspace required under the Land Development Code. The current development precedes any drainage regulations and does not appear to have any active or maintained storage basins on site. As the current code requires detention of at least a 25-year, 24-hour storm, and there are often heightened requirements of both Southwest Florida Water Management District and Florida Department of Environmental Protection when drainage is released off site, staff expects stormwater conditions to improve.

Staff is not aware of any remaining natural hydrological features on the site. Storm water is to be vaulted to meet minimum code requirements, which will be demonstrated at time of site plan submittal.

(4) Aesthetic and architectural features of the development, including site layout, physical dimensions of structures such as height and massing, design and appearance of building facades, exterior building materials, advertising and directional signage and the provision and maintenance of Gulf and Bay views and vistas;

The Land Development Code does not require demolition or relocation of existing nonconforming structures unless they are substantially improved, and therefore the applicant can maintain the two remaining buildings where they were constructed. Staff finds the height of the new structure to be larger than most others in the zoning district, but finds that it is a significant reduction in overall massing compared with the structure approved in 2021. Staff also finds the design of the new building, and particularly the renovated features of the two existing buildings, to be appropriate for the coastal art deco-lite or subdued art moderne style that was popular around the mid-century, and is still reflected in many of the BHC District's oldest lodging projects.

The exterior of the structure appears to be a mix of metal and stucco, with no wood or other borrowed elements from contrasting architectural styles. Colors are subdued, drawn from a common palette, and suitable for the coastal design of the building.

The layout of the existing development provides a view through the center of the property that appears to be largely eliminated with the new proposal. While the renderings show what appears to be a narrow view corridor between the new building, the rear elevation contains an open breezeblock design that may obscure the direct view. Although the new development is compliant with the zoning code regarding setbacks, existing development is not compliant with side setbacks, at approximately eight feet on the north side and seven feet on the south side where 36 feet combined would be required under the current code requirements. The development is increasing beach access, or at least comfort in accessing the beach, through the widening of the southern six-foot access to ten feet.

The applicant is showing revised signage along the northern low-rise building and on the rear of the new tower facing the beach. While signage size and placement will be addressed at the site plan stage, staff recommends that all signage face the Gulf Boulevard frontage.

(5) Site landscaping, open space provision and impervious surface limitations;

The site is compliant with the impervious surface ratio limitations, with 83% coverage where 85% is permitted. The greenspace ratio is also compliant based on staff estimates. Staff finds the landscaping layout to be

appropriate, and the tree count to exceed the minimums required for the development type. The architect has listed mature vegetation height in the code, rather than planting standards for caliper and height, and states they intend to comply with minimum requirements. Staff would like to see that frontage vegetation at a minimum be planted to a higher standard than minimum code requirements.

Notably, nearly all of the landscaping proposed under the landscaping plan is considered Florida friendly for Zone 10b. The applicant is proposing a mix of crape myrtle, royal and sabal palm, and silver buttonwood. As the existing structures are lower height, these trees should be adequate to screen the front of the property.

(6) Operational and functional requirements of facilities, including hours of operation, provision of required services or amenities, lighting requirements, noise abatement requirements, residency limitations and facilities maintenance;

Under the 2021 approval, the owner sought to develop the project with a condominium or timeshare-like ownership scheme. Under the current request, the applicant is instead intending to operate the lodging project as a hotel in the same manner as the existing resort. Per City requirements, this will involve recordation of commitments to maintain units as short-term rentals, file a hurricane evacuation plan, restrict use of units for residency, and similar, at the site and building permit stages.

The project is primarily temporary lodging and will operate continuously. The applicant responded to a staff TRC comment regarding the rooftop restaurant, and staff requests as condition that the use of the outdoor space be moderated at 10 PM to account for the limited distance between the development and abutting properties, particularly on the south side. The applicant will be limited to the same decibel requirements that apply City-wide, but is not subject to the same prohibition on audible music at adjacent property lines due to both abutting projects being lodging.

The applicant stated they have not yet corresponded with Waste Connections regarding trash pickup. Compared with the previous approval, the trash area has been relocated a significant distance away from the street, and there is no dedicated space for vehicles. Staff requests additional information from the applicant, if known, at the hearing.

(7) Fire suppression and facility security;

As of September 3, the applicant has provided sufficient information to the fire marshal to demonstrate compliance with truck turnaround requirements. Remaining comments, that are less impactful to conceptual layout, will be addressed at the site plan stage.

The applicant states that on-site security will be provided.

(8) Emergency management and hurricane evacuation provisions;

The applicant has not provided a hurricane management plan, which is a requirement for new lodging developments and will be evaluated at the site plan or building permit stage, as relevant.

(9) For temporary lodging uses taller than 50 feet in height or a density greater than 30 units per acre, the following additional issues shall be considered:

- a. The amount of separation provided between the proposed temporary lodging use and any existing buildings on adjoining properties and resulting impact on sunlight and views; and**

The existing Miramar development is the same number of stories as the closest building on the property to the north, and is three stories shorter than the building on the southern property. The subject building proposed will exceed existing developed stories on abutting properties by six and three, respectively.

The northwesterly jog of the Florida Coastal Construction Control Line (CCCL), from which all new development in BHC must be set back at least ten feet, favors preservation of beach views for properties to the north of new development taking advantage of the minimum setback. From plat measurements the rear of the closest Mariner Beach Club building is estimated to be set back approximately the same distance from its front property line as the new Miramar tower, at 250 feet and 260 feet to the rear of the structure respectively. The subject proposal has the new Miramar tower set farther from the northern property line shared with Mariner Beach Club than the one approved in 2021, while also moving the building farther from the CCCL on the north side, which should benefit the views from the northern neighbor compared with the prior approval.

The subject new construction is oriented closer to the southern property line, which is the reverse of the layout of the approval granted in 2021, which oriented it closer to the north. The subject new tower, which is set at approximately 12 feet from the CCCL at the closest point and 23 feet at its furthest, does appear to be located further from this line than the Vistas on the Gulf, which has balconies that vary between one and five feet from the CCCL per plat measurements.

Staff anticipates the impact on view to be greater on the southern property as developed, which currently maintains a relatively unfettered view of the beach across the Miramar property on its upper levels. However, staff does not anticipate the impact to be greater than the approved 2021 development, which maintains the same number of stories and approximately the same rear setback.

b. The proximity of any adjacent residential building to the Florida Coastal Construction Control Line and the degree to which the proposed temporary lodging use and/or any accessory use or structure maintains an open view of the waterfront from neighboring properties.

Both abutting properties contain structures utilized as resort condominiums, and are not residential in nature.

SUMMARY OF STAFF FINDINGS

Staff finds the following project impacts as supporting the goals, objectives and policies of the Comprehensive Plan:

- 1) The applicant will voluntarily expand the southern beach access from six to ten feet, which will increase pedestrian comfort in accessing the beach.
- 2) The applicant has agreed to provide an easement along the mean high water line, which staff requests to be fifteen feet in width. This contributes to perpetual public access of local residents and the general public to the beach.
- 3) The development is proposing to modify the front of the property to consolidate two large existing curb cuts, move parking spaces farther from the front property line to provide safer ingress and egress for vehicles, and expand the sidewalk along the frontage to the full ten foot width requested in the Land Development Code, which should make the frontage of the site safer for both drivers and pedestrians.
- 4) Landscaping at the site will be improved and additional permeable area will be installed, which promotes both aesthetics and on-site stormwater retention.
- 5) The entire site will be brought into compliance with the City's stormwater requirements to retain the volume of a 25-year, 24 hour storm, improving drainage at a site that was developed preceding any City stormwater regulations.
- 6) Ten of the existing 30 units that were developed prior to FEMA regulations will be demolished and reconstructed within the new tower, which will be compliant with the coastal and velocity zone FEMA regulations. The architect has stated that flood panels will also be installed on the doors of the remaining noncompliant units, providing some protection.

- 7) The development, both new and renovated, appears to be of quality aesthetic character and preserves the understated coastal art deco or moderne style that adorns several of the historic and recently-developed structures in the area.

Staff seeks additional applicant testimony on the following element for which either partial support was provided in the application, or Staff identifies as elements that could more effectively promote the Comprehensive Plan:

- 1) While the new structure will be fully compliant with the current FEMA regulations, it appears at least a sizeable portion of the remaining, noncompliant structures will remain in a Coastal A flood zone, which is a modeled zone where wave action of 1.5 to 3 feet is possible during a major storm event. The applicant's architect states that the project will include installation of flood panels along doors, but the pre-FIRM buildings will lack the deep foundations or piles required for new construction. The applicant should address resiliency for existing structures, particularly in the wake of Hurricane Helene and Milton relative to previously-considered conditions.
- 2) The applicant should address if there have been any changes in dune conditions from recent storms at the rear of the property that would affect the ability of the beach access point from Gulf Boulevard to provide direct pedestrian access to the mean high water line easement.

STAFF RECOMMENDATION

Staff finds the development proposed under Conditional Use Permit #24038 to be generally consistent with the City's Comprehensive Plan. Staff also finds full support for 19 of the 20 conditional use permit criteria, and general support for the remaining three criteria, but requests additional applicant testimony as detailed below:

Criteria 4.4.(a)(5) – Whether generally, the public health, safety and welfare will be preserved [...].

While the subject proposal is significantly less intensive than the active approval for the property granted in 2021, the new request involves renovation of two-thirds of the existing units rather than sitewide redevelopment. This results in buildings that are not fully compliant with FEMA regulations. **Additionally, it is unclear if existing buildings proposed for renovation in the scope of this request were damaged and face a chance of passing the substantial improvement threshold in the course of repair or improvement. The applicant should address how mitigation is to be implemented to protect existing development on the property and whether any building on the property is proposed for elevation given recent events.**

Recommended Conditions

Staff recommends approval of the subject request. In the event that the Planning Board finds adequate support to recommend approval of CUP #24038 (Resolution) to the City Commission, staff recommends the following conditions, which have been modified to address the amended conditions proposed by the applicant during the September hearing.

Density Contingency Conditions

- 1) Approval of the temporary lodging unit count and floor area ratio of the subject development requested herein is contingent upon the passage of companion Ordinance 2024-07. Should Ordinance 2024-07 be denied, or reduced in unit count, the applicant shall be required to reduce the number of temporary lodging units and/or floor area ratio to provide compliance with the requirements of Land Development Code Division 46.
- 2) Should Resolution 2024-08 and companion Ordinance 2024-07 be approved by the City Commission, all bonus units awarded to the subject property under Ordinance 2021-04 shall be considered divested and return to the Boutique Hotel/Condo Temporary Lodging Unit Density Pool immediately upon non-appealable approval of both Ordinance 2024-07 and Resolution 2024-08.

Eighth-Floor Restaurant Operation Condition

- 3) There shall be no permanent outdoor speakers utilized on the top floor. Furthermore, music played indoors to the restaurant shall not be piped outdoors through the use of amplification equipment,

speakers, or other equipment between 10 PM and 7 AM. Any tables, chairs, or other unsecured furniture utilized in the top floor outdoor restaurant area shall be brought and safely stored inside upon issuance of a tropical storm or hurricane watch.

Resort Development: Public Benefit Requirements

4) Prior to issuance of a site plan for the subject project, the applicant shall provide the following:

- a. A pedestrian access easement, prepared to the satisfaction of the City Attorney, on the southern side of the property of sufficient size to expand the adjacent public beach access to at least ten feet in width from the front property line adjacent Gulf Boulevard to the mean high water line, high water mark, or existing watermark, as determined by the City Attorney.
- b. Execution and recordation of an unimproved public beach access easement of at least fifteen feet in width along the sandy beach landward of the mean high water line, high water mark, or existing watermark, whichever is determined to achieve the intent of this condition, for any portion of private property which extends to said line.
- c. Preliminary identification of the two green building standards to be pursued subject to LDC Sec. 39.9., including identification of any exterior site improvements necessary to achieve such certification.
- d. Placement of a protected pedestrian pathway from the hotel exterior to the sidewalk or, if one is not viable such that it would reduce parking below the minimum for the use, or reduce the density of plantings, installation of a safe pathway through the parking lot using a differently-textured surface such as pavers.
- e. Submission of a draft dunes plan if one is necessary to achieve compliance with City Code requirements for installation of an uninterrupted dune plan, or to achieve Florida Department of Environmental Protection compliance for best practices in dune planting, grading, or quality.
- f. A draft pedestrian access sidewalk easement, prepared to the satisfaction of the Florida Department of Transportation (FDOT) and the City of St. Pete Beach, of sufficient size to allow the sidewalk along the property frontage to expand to ten feet in width except where approved driveway connection(s) cross the property line.

5) Prior to Certificate of Occupancy for the subject hotel tower, the applicant shall provide the following:

- a. Demonstration of sitewide compliance with the City's standards for new beachfront development lighting, Pinellas County Coastal Construction Code, or Florida Department of Environmental Protection (FDEP) Coastal Construction Line Code standards as they pertain to protection of marine turtles, whichever is or are more stringent. At the discretion of the City, this may include coordination of a beachfront review by Turtle Trackers to ensure that standards have been met;
- b. Grading, screening, and installation of all other improvement necessary to create a walkable pedestrian access of at least ten feet in width from the property line adjacent Gulf Boulevard to the mean high water line, which includes any land already provided for such purpose on the adjacent property;
- c. Provision of a beach access across the southern property line where the path mentioned in subitem b. above crosses said dune, along with provision of beach access for any other dedicated guest access point, as permitted by the FDEP and City. The public beach access required in subitem b. above shall connect users to the fifteen-foot easement mentioned in subitem 4)b.;
- d. Construction of a ten-foot sidewalk, to the satisfaction of the FDOT, across the front of the property and adjacent right-of-way as demonstrated on the conceptual site plan, as well as transference of a pedestrian access easement to the FDOT for any portion of the sidewalk that extends onto the subject property;
- e. Installation of all landscaping, irrigation, and other requirements of LDC Division 22 and 39, including installation of plant material as depicted in the conceptual site plan set or as may be amended;

- f. Final certification from the reviewing agencies for achievement of the two green building standards selected from LDC Sec. 39.9., unless it can be demonstrated that such certification is guaranteed to be met contingent upon final administrative review of the project by outside agencies, and that all such improvements necessary for such certification have been completed.

Resort Development: Operational and Design Requirements

- 6) The finding of project consistency with Criteria 4.12.(a)(4) is found to extend to the project as presented through renderings and elevations submitted with this request at the final reading before the City Commission. Any significant alteration to the exterior color, façade material, massing, or window or feature placement, at the discretion of the City Manager, may require this request to be returned to the City Commission for reconsideration. These criteria shall be in addition to those listed in Land Development Code Section 4.10.
- 7) All hotel deliveries shall take place on site, with no deliveries to the hotel occurring from the center lane of Gulf Boulevard, by the issuance of the certificate of occupancy for the subject hotel tower.
- 8) Valet service shall be exclusively maintained for the life of the development. A valet plan, prepared to the standards of Land Development Code Division 23, shall be submitted at time of site plan application.

Resort Development: Landscaping Requirements

- 9) The quality, density, and amount of landscaping shown in the conceptual site plan shall be the minimum installed. If a Florida-friendly species is substituted it shall be with another Florida-friendly species. Landscaping caliper and height site-wide shall exceed minimum standards where viable, but with particular emphasis given to landscaping along the property frontage. Unless it would cause conflicts with existing utilities or other critical public infrastructure, any tree installed within the front buffer shall be a minimum of twelve feet in height and three inches in caliper measured 4.5 feet above the ground at time of planting.
- 10) The applicant shall establish and maintain connection to the public reclaimed water system for landscaping irrigation, and such usage shall be metered. The irrigation system shall include pressure-regulated systems and there shall be monitoring devices installed to address leaks from lines and equipment.
- 11) The applicant shall demonstrate compliance with the relevant requirements of LDC Sec. 39.10., 39.11., 39.12., 39.13., and 39.14., which relate to site design and improvements, at time of site plan issuance. The applicant shall demonstrate compliance with relevant requirements of LDC Sec. 39.7. and 39.8., which relate to building design, at time of building permit issuance. The development shall also comply with relevant provisions of LDC Sec. 39.5. and 39.6., pertaining to lodging operation standards and general operational and aesthetic requirements, at relevant parts of the permitting and operations process. These standards are in addition to other standards imposed within the property's zoning district, parking and coastal construction requirements, and other requirements of the LDC and Comprehensive Plan.
- 12) Where viable and not in conflict with other requirements, the applicant shall plant trees with substantial canopies along the southern buffer to provide shade for users of the beach access.

Resort Development: Site Improvement Requirements

- 13) The applicant shall install and be responsible for emptying trash cans along the southern beach access. These cans shall be placed at least every 100 feet on the applicant's property.
- 14) All pedestrian pathways, surface parking spaces, and other paved non-structural surfaces shall be installed with permeable pavers, concrete or asphalt, turf block with interspersed vegetation, or similar except where accessibility or building or fire code requirements require impermeable surfaces. These areas shall be maintained so the surface continues to provide permeability, and the city may request periodic maintenance updates from the applicant if necessary to ensure the intent of this condition prevails.

Resort Development: Energy and Environmental Requirements

- 15) On the roof of the rooftop restaurant, the applicant shall install green roofs or utilize another technique demonstrated to reduce the heat island effect and improve thermal performance.

General Conditions

- 16) Any violation of the above-stated conditions will allow the City Commission to rescind or modify the Conditional Use Permit as it pertains to the request under which the condition is classified.
- 17) The City Commission may review the Conditional Use Permit periodically to determine whether the order is in compliance with the terms and conditions herein.

Recommended Motion:

Motion to recommend approval of Resolution 2024-08 to the City Commission with included conditions.

Alternatively, the Planning Board may recommend approval, approval with additional or fewer conditions, or denial.



CONDITIONAL USE APPLICATION

Case Number: _____

PROPERTY OWNER: Miramar Resort St. Pete LLC

APPLICANT/AGENT (Attach agent authorization form)

Name: Kevin Bowden

Name: Bodziak Hayes Architects

Address: 4200 Gulf Blvd.

Address: 5665 Central Ave. N.

City: St. Pete Beach State: FL

City: St. Petersburg State: FL

Zip: 33706 Telephone: _____

Zip: _____ Telephone: 727.327.1966

Email: _____

Email: Jack@JABodziak.com

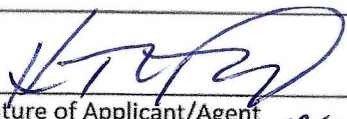
SUBJECT PROPERTY:

Address: 4200 Gulf Blvd Current Name of Business: Miramar Resort

Parcel ID: 07 - 32 -16 - 07380 - 000 - 0120 Name of Project: Miramar Resort

DETAILS OF THE REQUEST, INCLUDING APPLICABLE CODE SECTIONS AND ANY ASSOCIATED CASES (Add additional sheets if necessary):

See Exhibit "A" & "B" attached here-to


Signature of Applicant/Agent Manager

11/1/24
Date

CITY OF ST. PETE BEACH, Community Development Department
155 Corey Avenue, St. Pete. Beach, Florida 33706, 727-367-2735 www.stpetebeach.org

In order for an application for a Conditional Use to be approved or approved with Conditions, the City Commission must make a positive finding with regard to each of the provisions below, pursuant to Division 4 of the City's Land Development (LDC). The applicant has the burden of proof demonstrating that the application for the conditional use complies with each of the requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

1. LDC Sec 4.4(a)(1) Whether the conditional use is consistent with the goals, objectives, and policies of the Comprehensive Plan and any adopted special area plan.
This Conditional Use Request is a significant reduction in the Intensity, Scale and Scope of an existing Project with standing Approval by the City of St. Pete Beach. The Owner/Developer is attempting to seek Approval of this Redevelopment Plan which significantly reduces the Intensity, Scale and Scope of a newly proposed Development and requiring less units from density pool elements by:

- *preserving and upgrading a major portion of the existing Buildings (significantly reducing the previously proposed Structure)*
- *relocating the newly proposed mid-rise Construction away from Gulf Blvd*
- *restoring a significant number of the existing Units in an Art Deco/ Mid-Century Modern inspired design reflecting historically traditional beach resort elements. The new Design is of an Art Deco/ Mid-Century Modern Style, reminiscent of much of the original 1950's St. Pete Beach Heritage and in keeping with the original on-site structures built in 1953.*

This major Redesign of the currently Approved Project is a significant Design compromise attempting to recognize a desire of the City Commission and many Residents to encourage Design Schemes which acknowledge and preserve some of the Historic Elements that once were a predominant part of the St. Pete Beach, while compromising and incorporating current luxury Design elements and current Code compliance features that create an updated Facility with current Design and comfort features.

Please also see Exhibit "B" attached hereto

2. LDC Sec 4.4(a)(2)a-d Whether the proposed use will be compatible with the character of the existing area, including existing structures and structures under construction, existing public facilities and public facilities under construction, and residential commercial and/or service facilities available within the existing area. More specifically:
The proposed Redesign is in fact a significant attempt at redirecting a major, Approved Project, into a Facility that is a compromise of preservation, and upgrading the Historic Character of the existing Facilities, while proposing new Construction of a less imposing Design Volume and Nature.

- a. Whether the overall appearance and function of the area will be significantly affected. consideration shall be given to the existence of other uses in the area, based on the number, size, and location of the uses and the intensity and scale of the proposed and existing uses in the area;

The "overall appearance and function" will be to upgrade and preserve twenty (20) of

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the twenty-seven (27) existing Units. This new proposed plan Redevelopment will preserve and enhance existing Elements that are rapidly disappearing from the Historic Character of St. Pete Beach, all the while downplaying the size and location On- Site of a new Mid Rise thirty (30) unit Facility which will incorporate similar existing Design Features, presenting a uniform Function and cohesive Design.

Please also see Exhibit "B" attached hereto

- b. Whether the application will preserve any city, state, or federally designated historic, scenic, archaeological, or cultural resources (check with Community Development to determine historic resource status);
The proposed Design preserves and in fact, although not Historically designated, restores Historic Character and Cultural Elements which were once prevalent in many of the Florida Beach Communities.

Please also see Exhibit "B" attached hereto

- c. Whether the application will be compatible with adjacent development, if any, based on characteristics such as size, building style and scale, or whether such incompatibilities are mitigated through such means as screening, landscaping, setbacks, and other design features;
The Project as Revised will be compatible in Size, Building Style and Scale to many adjacent Structures while significantly reducing the Approved size and the visual impact on the surrounding Beach Community. Redevelopment impacts are significantly mitigated by the sheer volume of reduced Design Features. The currently proposed Structures significantly reduces visual impact on adjacent properties, reducing by in excess of 60% of the current building Design as presently Approved in Scale and Volume.

Please also see Exhibit "B" attached hereto

- d. Whether the application will have significant adverse impacts on the livability and usability of nearby land due to noise, dust, fumes, smoke, glare from lights, late-night operations, odors, vehicular traffic, truck and other delivery trips, the amount, location, and nature of any outside activities, potential for increased litter, or privacy and safety issues;
The Revised Building Plans are designed to significantly reduce visual impact on the adjacent properties and in fact preserves Elements of the existing Building's Historic Character and Nature.
During Construction, the Contractor will evaluate and make all reasonable attempts to reduce noise, dust, fumes, smoke, glare from lights, late-night operations, odors, also controlling Subcontractors vehicular traffic, truck and delivery trips, including the amount, location, and nature of any outside activities, and potential for increased litter, while keeping in mind privacy and safety issues.

Please also see Exhibit "B" attached hereto

3. Whether the transportation system is capable of adequately supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, if any, site access requirements, neighborhood impacts, and pedestrian safety (a traffic study may be required);
The impact on Transportation Systems is again equal to or possibly significantly reduced

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with the reduction in Scope and size of the Facility.

Please also see Exhibit "B" attached hereto

4. Whether the minimum off-street parking area required, and the amount of space needed for the loading and unloading of trucks, if applicable, will be provided and will function properly and safely (please provide current and proposed number of parking and loading spaces);

The off-street Parking as required is proportionately less due to the reduction in Size, Scope and number of On-Site Facilities with:

- *Forty-four (44) Parking Spaces*
- *Three (3) Bicycle Racks = Fifteen (15) P. S.*
- *Two (2) Motorcycle Parking Spaces*

Building Size, Volume, and functions which are reduced in number, size, and physical volume and the new proposed design.

The proposed Redesign being requested here-in has eliminated the need for:

- *extensive elevated Pool & Sun Decks,*
- *a covered Parking Garage with lifts to accommodate the existing Approved Facilities and*
- *allows for the preservation of existing ground level Open Space for Parking and loading and unloading properly and safely.*
- *Preserves and updates major elements of existing low rise buildings immediate to Gulf Blvd.*

Please also see Exhibit "B" attached hereto

5. Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made;
The proposed Redesign does more reasonably preserve desired public health, safety and welfare elements with what is a reasonable compromise Redesign request, improving safety of Gulf Blvd access.

Please also see Exhibit "B" attached hereto

6. Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to guarantee the provision of such improvements and mitigation; and,

The Applicant's Team previously has demonstrated Financial and Technical Capacity for Development of the significantly larger, and previously Approved Project. The Team has a significant history of Design, Construction, Development and Management of similar Projects in the Gulf Beaches, throughout the State and Nationally.

Please also see Exhibit "B" attached hereto

7. The proposed use complies with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the regulations of the City of St. Pete Beach. *The proposed Redesign complies with all additional standards imposed on it*

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by the particular provisions of the regulations authorizing such use, and all other applicable requirements of the regulations of the City of St. Pete Beach. The significant reduction in Size, Scope and Volume on the Revised Project Design proposed here-in was recognized with an overwhelmingly positive reaction in the Neighborhood Meeting of April 30, 2024 as a "welcome alternative Design Proposal".

Please also see Exhibit "B" attached hereto

Sec. 4.12 of the Land Development Code additionally requires conditional use applications within the community redevelopment district to be evaluated upon the extent to which the applicant can demonstrate that the following issues are addressed in a manner consistent with the policies established in the community redevelopment plan for the district and that no unreasonable or disproportionately negative impacts are imposed upon adjacent or nearby properties:

Requirements mentioned are acknowledged and intend to be incorporated as required prior to a Revised Building Permit Application as follows:

1. Utility infrastructure, including sanitary sewer, reclaimed water, potable water, electric and natural gas services, and data transmission and telecommunication services.
Understood. The significant reduction of utility and service requirements by this reduced impact project will be addressed upon the new redesign permit submittal.
2. Transportation infrastructure, including ingress and egress from public right-of-way, traffic control devices and signalization, internal vehicle circulation of the site, design and function of parking areas, loading and unloading areas, pedestrian transit infrastructure and amenities, and public sidewalks and roadways.
Understood. The significant redesign improves the ingress egress to current standards and further review requirements will be addressed upon confirmation of CUP approval.
3. Hydrological features and storm water management infrastructure.
Understood. The proposed redesign of the approved project significantly reduces required system design and will meet the requirements of the SWFWMD, FDEP and City of St. Pete Beach for storm water management infrastructure.
4. Aesthetic and architectural features of the development, including site layout, physical dimensions of structures such as height and massing, design and appearance of building facades, exterior building materials, advertising and directional signage and the provision and maintenance of Gulf and Bay views and vistas.
Understood. Site layout, building height, massing are in fact significantly reduced in the new redesign and scale with several of the surrounding properties. The design and appearance of the building facades, exterior building materials, appearance and directional signage in the new Design, will be of an Art Deco/ Mid-Century Modern

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Style, reminiscent of much of the original 1950's St. Pete Beach Heritage. Many factions of existing Gulf and Bay views and vistas are to be maintained.

5. Site landscaping, open space provision and impervious surface limitations.
Understood. All landscape and open space provisions and ISR limitations have been significantly improved in a proposed redesign.
6. Operational and functional requirements of facilities, including hours of operation, provision of required services or amenities, lighting requirements, noise abatement requirements, residency limitations and facilities maintenance.
All operational and functional requirements related to amenities, lighting, and noise abatement including the hours of operation will be professionally managed and compliant with all city of St. Pete Beach regulations and codes.
7. Fire suppression and facility security.
Requirement is acknowledged and included in the scope of work, fire sprinklers, alarms, and on site security will be provided.
8. Emergency management and hurricane evacuation provisions.
Emergency management and hurricane evacuation provisions will be addressed and provided.
9. For temporary lodging uses taller than 50 feet in height or a density greater than 30 units per acre,
the following additional issues shall be considered:
 - a. The amount of separation provided between the proposed temporary lodging use and any existing buildings on adjoining properties and resulting impact on sunlight and views; and
Separation provided for proposed new building meets code requirements while preserving and improving set backs and separation of existing units to remain and new facilities. The proposed redesign is significantly less intrusive and on adjoining properties, sunlight, and views.
 - b. The proximity of any adjacent residential building to the Florida Coastal Construction Control Line and the degree to which the proposed temporary lodging use and/or any accessory use or structure maintains an open view of the waterfront from neighboring properties.
Proximity to Florida coastal construction control line is code compliant and conforms to previously approved and proposed new temporary lodging units to conform to and provide improved open view for neighboring properties.

EXHIBIT A

VARIANCE REQUEST
(as part of Conditional Use Application)
4200 Gulf
Boulevard,
St. Pete Beach,
FL

LEGAL DESCRIPTION

Exhibit "A"
Legal Description

Parcel I

Lot 12. Bellevista Beach, according to the Plat thereof as recorded in Plat Book 7, Page 34. Public Records of Pinellas County, Florida. Less and except that portion conveyed to the State of Florida by Deed recorded in Official Records Book 1347, Page 247, Public Records of Pinellas County. Florida.

Parcel II

Lot 13. together with all land lying between the West lot line and the high-water mark of the Gulf of Mexico and between the Northerly and Southerly Lines of said Lot 13, extended to the high water mark of the Gulf of Mexico, Bellevista Beach, according to the map or plat thereof as recorded in Plat Book 7, page 34, Public Records of Pinellas County, Florida. Less and except that portion conveyed to the State of Florida in Deed recorded in Official Records Book 1402, page 16, Public Records of Pinellas County. Florida.

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EXHIBIT B
CONDITIONAL USE REQUEST
4200 Gulf Boulevard, St. Pete Beach, FL

Description of Conditional Use Request: This request is part of the application by the property owner to modify an existing conditional use approval and grant of density units approved by the City Commission on April 27, 2021. In Ordinance 2021-04, the City approved the allocation of fifteen (15) units from the Boutique Hotel/Condo Temporary Lodging Unit Density Pool in conjunction with the conditional use approval for a hotel of fifty-four (54) total units and a height of 76 feet and an uninhabitable overrun of 85 feet. The rooftop level restaurant will include an outdoor seating area with food service facing the Gulf of Mexico.

The Property is 0.78 acres easterly of the CCCL has a future land use of Resort/Retail and a zoning of Boutique Hotel/Condo (BH/C) for the majority of the Property which lies east of the Coastal Construction Control Line (CCCL) with the balance of the Property holding a designation of Preservation. The Conditional Use is necessary due to the proposed density landward of the CCCL.

The 2021 approvals were extended pursuant to the Governor's Executive Orders and notice to the City of St. Pete Beach.

Conditional Use Criteria (sec. 4.2) Conditional use applications within the community redevelopment district shall be evaluated upon the extent to which the applicant can demonstrate that the following issues are addressed in a manner consistent with the policies established in the community redevelopment plan for the district and that no unreasonable or disproportionately negative impacts are imposed upon adjacent or nearby properties:

I. Utility infrastructure, including sanitary sewer, reclaimed water, potable water, electric and natural gas services, and data transmission and telecommunications services;
The existing hotel and retail operate with a capacity of sewer, water and other utilities. The proposed additional units do not inordinately burden capacity and were accommodated for in the City's study-related to the creation of the density pool.

II. Transportation infrastructure, including ingress and egress from public rights-of-way, traffic control devices and signalization, internal vehicle circulation of the site, design and function of parking areas, loading and unloading areas, pedestrian transit infrastructure and amenities, and public sidewalks and roadways;
The proposed plan modifies the existing parking areas to reduce parking that backs onto Gulf Blvd., limiting access to Gulf Blvd in one ingress/egress instead of the existing and previously approved two access points. This allows for better internal circulation on the Property.

III. Hydrological features and stormwater management infrastructure. The proposed expansion will comply with City stormwater management requirements.

IV. Aesthetic and architectural features of the development, including site layout, physical dimensions of structures such as height and massing, design and appearance of building facades, exterior building materials, advertising and directional signage and the provision and maintenance of Gulf and Bay views and vistas;

The proposed expansion maintains the unique character of the Boutique Hotel district by renovating an existing product and including a moderate expansion of this motel with modern amenities. The plans include the renovation of the existing rooms and the addition of the "tower" which is a moderate, 76 ABV. B.F.E. ft tall building. The exterior building materials will be upgraded on the hotel and the retail spaces to create a unified visual plan.

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I. Site landscaping, open space provision and impervious surface limitations;
The proposed expansion does not increase existing impervious surface ratios nor does it exceed any limitations of same.

II. Operational and functional requirements of facilities, including hours of operation, provision of required services or amenities, lighting requirements, noise abatement requirements, residency limitations and facilities maintenance;

The hotel operations will continue as provided. The development of the new rooms on an existing surface lot, and reduction in parking spaces will result in fewer publicly accessible parking spaces.

III. Fire suppression and facility security;

IV. The expanded hotel area will implement current fire code requirements. Emergency management and hurricane evacuation provisions; and will continue to safely manage guest evacuation as required by Pinellas County emergency management.

V. For temporary lodging uses taller than 50 feet in height or a density greater than 30 units per acre, the following additional issues shall be considered:

a. The amount of separation provided between the proposed temporary lodging use and any existing buildings on adjoining properties and the resulting impact on sunlight and views; and
The proposed portion of the property taller than fifty feet is nestled on the center of the lot toward the rear of the property allowing for sufficient separation between the existing uses to the north and south.

Additional provisions in the Comprehensive Plan are reflected in the overall development plan both because of the already permitted renovation of the existing hotel and the proposed expansion to the north. Pursuant to Policy 3 of the Comprehensive Plan, there is an existing beach access along the southerly portion of the parcels.

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CONDITIONAL USE APPLICATION

Applicants must acknowledge understanding of the following. Initial each of the statements below. If you do not understand any of these, staff will explain them to you.

 X I understand that the City will not accept or process an incomplete application.

 X I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a conditional use. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a conditional use.

 X On all conditional uses, a majority vote is required. Action on this application by the City Commission may be continued to a later meeting.

X I understand that if a conditional use is approved by the City Commission, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval from the City Commission becomes voided.

X I understand that any person aggrieved by the final decision has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.

X I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application.

After acknowledgement of these conditions, complete the application form on the following pages

Signature of Applicant 5/16/24
Date

CITY OF ST. PETE BEACH, Community Development Department
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Owner's Authorization for Agent

I/WE Miramar Resort St. Pete LLC
(print name of property owner)

hereby authorize Katherine E. Cole, Esq., Hill Ward Henderson
(print name of agent)

to represent me/us in an application for _____
(type of application: variance, conditional use, zoning, etc.)

[Signature]
Signature of Owner *manager*

Signature of Owner

Kevin R Bowden
Print Name of Owner

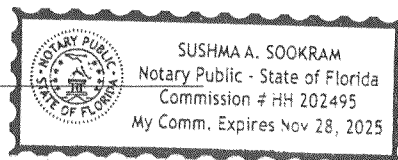
Print Name of Owner

The forgoing instrument was acknowledged before me this 17th day of May 2024 by Kevin Bowden
FL Owners License who is personally known _____ or produced _____
as identification.

[Signature]
(Notary Signature)

5/17/24.
(Date)

My Commission Expires _____



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PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Miramar Resort St. Pete LLC, agrees to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the Public Hearing and remain in place until the requested action has been heard and decided. Multiple sign postings shall not be more than three hundred (300) feet apart. If the subject parcel(s) abut more than one (1) street, notices shall be posted along each street. When the subject parcel(s) does not front a public road, the sign shall be posted at the point on a public road by which the property is, or can be, reached.

The sign shall be maintained in good readable condition by the applicant. If the said sign is destroyed, lost, or becomes unreadable, the applicant or applicant's representative shall obtain a replacement sign. Any sign posted in accordance with these requirements shall be removed from the property and disposed of by the applicant or applicant's agent not later than 24 hours following the final decision.

Applicant/Agent (must fill out agent authorization form):

Name(print): Miramar Resort St Pete LLC Kevin R Bowden manager

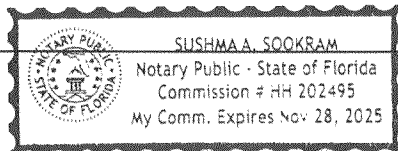
Address: 4200 Gulf Blvd St Pete Beach FL 33706

[Signature] 5/16/24
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 17th day of May 20 24 by Kevin Bowden, who appeared before me, and is personally known to me, or has produced FL Drivers License as identification, and did take an oath.

My commission expires:



NOTARY:

Print Name: Sushma Sookram.
Notary Public, State of Florida
(Notarial Seal) [Signature]

CITY OF ST. PETE BEACH, Community Development Department
155 Corey Avenue, St. Pete. Beach, Florida 33706, 727-367-2735 www.stpetebeach.org

ANNUAL LOBBYIST REGISTRATION

FOR THE PERIOD JANUARY 1, 2024 THRU DECEMBER 31, 2024

Name Miramar Resort St. Pete LLC Phone _____ Email kbowden077@gmail.com

Mailing Address 4200 Gulf Blvd., St. Pete Beach, FL

NAMES OF INDIVIDUAL LOBBYISTS (attach additional sheets if necessary):

- 1) Name Kevin Bowden
- 2) Name _____
- 3) Name _____
- 4) Name _____

Business Relationships: Does the Lobbying Firm or any of the Lobbyists listed above have any direct business association or partnership with any current member of the City Commission, City employee, or person sitting on a decision-making body (mark one)?

☐ Yes ☒ No

If "yes", attach documentation explaining the nature of each business relationship.

List any local campaign contributions and the amount(s):

LIST THE NAME AND BUSINESS ADDRESS OF EACH PRINCIPAL REPRESENTED, THEIR GENERAL AND SPECIFIC AREAS OF LEGISLATIVE INTEREST, AND THEIR POSITION ON SUCH AREA OF INTEREST.

(1) Name Miramar Resort St. Pete LLC

Address 4200 Gulf Blvd., St. Pete Beach, FL

General Area of Legislative Interest: Approval of CUP, Site Plan and Permits for Miramar Resort

Specific Area of Legislative Interest: _____

Position on Area of Interest: _____

(2) Name _____

Address _____

General Area of Legislative Interest: _____

Specific Area of Legislative Interest: _____

Position on Area of Interest: _____

(3) Name _____

Address _____

General Area of Legislative Interest: _____

Specific Area of Legislative Interest: _____

Position on Area of Interest: _____

(4) Name _____

Address _____

General Area of Legislative Interest: _____

Specific Area of Legislative Interest: _____

Position on Area of Interest: _____

(USE ADDITIONAL PAGES IF NECESSARY)

Be advised:

- 1) Completed forms may be scanned and emailed to cityclerk@stpetebeach.org, hand delivered, or mailed to the address below. For those submitting electronically, **registration does not become effective until all fees have been paid and the form has been reviewed and approved by staff.** Staff review will verify all required information has been provided and an effective date will be communicated to registrant.
- 2) This registration expires at 11:59 p.m. on December 31st. A new registration must be filed each year.
- 3) The registration fee is \$50.00, in compliance with the City's Code of Ordinances.
- 4) A revised registration may be submitted throughout the year to add or remove principals and/or individual lobbyists. No charge is required to amend a registration throughout the year. If the general or specific area of legislative interest changes, written notification shall be filed with the City Clerk reflecting such amendments, and such notification shall be made prior to lobbying on any new subject.

By submission of this form, you are attesting that the firm and lobbyist(s) listed above have been retained to represent each principal listed above.

OATH

Under penalties of perjury, I declare that I have read the foregoing document and that facts stated in it are true.

Signature _____

Printed Name _____

Title

Date _____

Submit form with registration fee made payable to the City of St. Pete Beach.

Scanned forms may be emailed to cityclerk@stpetebeach.org

Notice: Cash or Check ONLY. Credit/Debit cards are not accepted.

City of St. Pete Beach
City Clerk's Office
Attn: City Clerk
155 Corey Avenue
Ste. Pete Beach, FL 33706

Registration Fee Paid and Form Accepted: _____
Staff Initial _____



NOTES:
1. ALL TREES AND BASE PLANTS REQUIRE MULCH AT PLANTING OVER THE ROOT ZONE

13. WHEN AN ACCESS WAY INTERSECTS A PUBLIC RIGHT-OF-WAY OR OTHER ACCESS WAY, OR WHEN THE SUBJECT PROPERTY ABUTS THE INTERSECTION OF TWO OR MORE PUBLIC RIGHT-OF-WAYS, ALL LANDSCAPING WITHIN THE TRIANGULAR AREAS DESCRIBED AS (OR) REFERENCED TO AS THE "CROSS-VISIBILITY AREA" SHALL PROVIDE UNOBSTRUCTED CROSS-VISIBILITY AT A LEVEL OF NOT LESS THAN EIGHT FEET. TREES AND PLANT MATERIAL TRIMMED IN SUCH A MANNER THAT CROSS VISIBILITY IS NOT HINDERED WILL BE ALLOWED PROVIDED THEY ARE LOCATED SO AS NOT TO CREATE A TRAFFIC HAZARD, AS DETERMINED BY THE CITY.

OWNER

MIRAMAR RESORT ST. PETE LLC
4200 GULF BOULEVARD
ST PETE BEACH, FL 33706

OWNER'S CONSULTANT

GULF COAST CONSULTING, INC.

CIVIL ENGINEERING

13825 ICOT BOULEVARD, SUITE 605
CLEARWATER, FLORIDA 33760
TEL: 727-524-1818

JOHN A. BOZDZAK & ASSOC., INC., HEREBY RESERVES ITS COMMON LAW COPYRIGHTS AND OTHER PROPERTY RIGHTS IN THESE PLANS, IDEAS AND DESIGN. THESE IDEAS, DESIGNS AND PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MATTER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION AND CONSENT AND APPROPRIATE COMPENSATION TO JOHN A. BOZDZAK & ASSOC., INC. DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR DIMENSIONS AND CONDITIONS OF THE JOB AND JOHN A. BOZDZAK & ASSOC., INC. BE NOTIFIED IN WRITING OF ANY VARIATION FROM THE DIMENSIONS, CONDITIONS AND SPECIFICATIONS APPEARING ON THESE PLANS.

ARCHITECT'S / CONSULTANT'S STAMP

KEY PLAN

[illegible]

ISSUE TITLE

CONDITIONAL USE PERMIT

PROJECT ADDRESS

MIRAMAR

4200 GULF BLVD.
ST. PETE BEACH, FLORIDA

SHEET TITLE

OVERALL GROUND FLOOR PLAN

PROJECT

24-004

SCALE
As indicated

DRAWN BY
Π

DATE
00/00/00

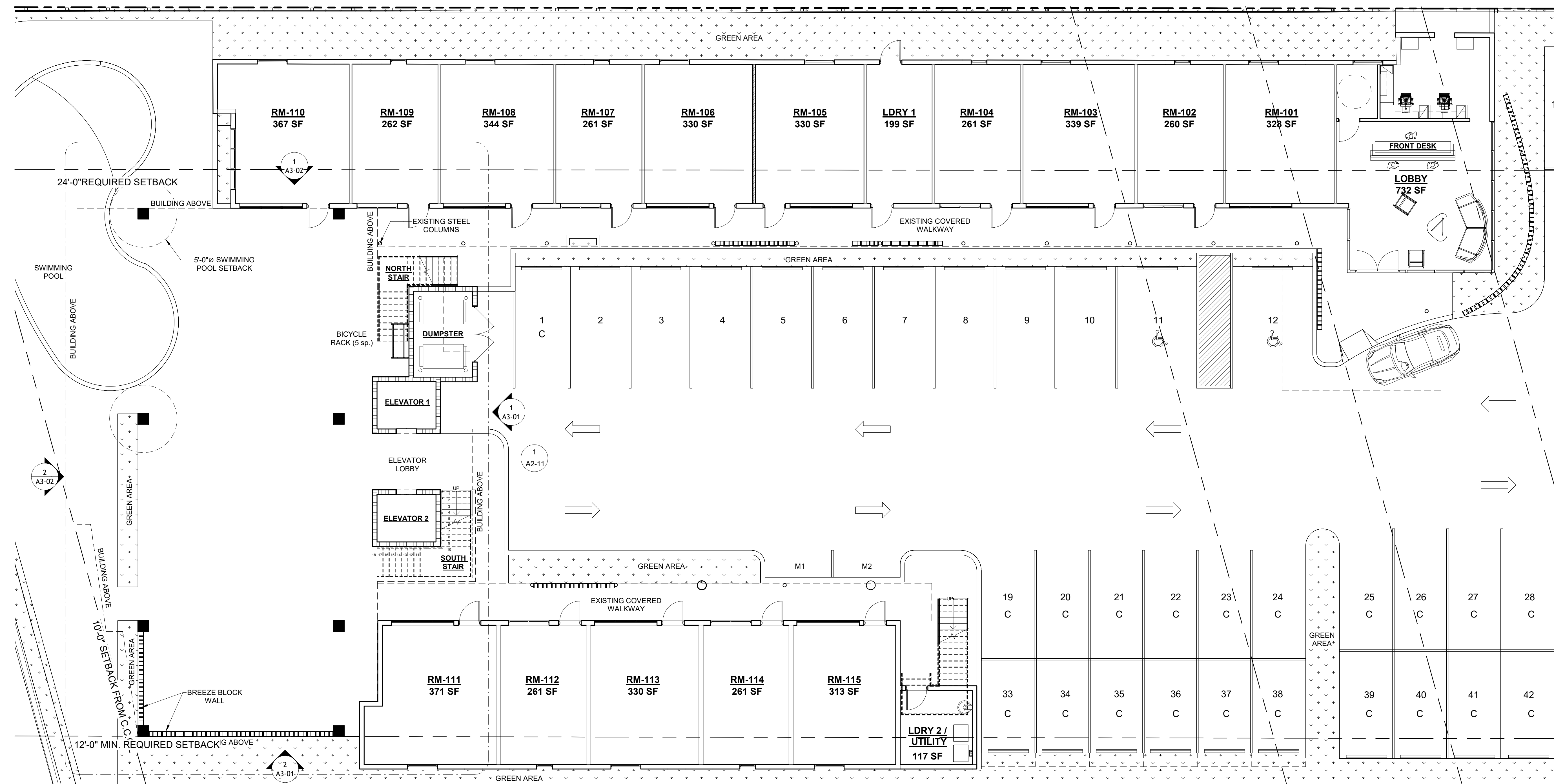
ORIGINAL S

ORIGINAL SIZE : 24" X

SHEET NUMBER

A2-01

© BODZIAK/HAYES ARCHITECTS, PLLC



1 OVERALL GROUND FLOOR

$$1/8'' = 1'-0''$$


AIR CONDITIONED SPACE														
GROUND FLOOR		SECOND FLOOR		THIRD FLOOR		FOURTH FLOOR		FIFTH FLOOR		SIXTH FLOOR		SEVENTH FLOOR		ROOF DECK
ROOM 101	328.00 SF	ROOM 201	498.00 SF	ROOM 301	498.00 SF	ROOM 401	498.00 SF	ROOM 501	498.00 SF	ROOM 601	498.00 SF	ROOM 701	498.00 SF	2,848.07 SF
ROOM 102	260.00 SF	ROOM 202	416.00 SF	ROOM 302	416.00 SF	ROOM 402	416.00 SF	ROOM 502	416.00 SF	ROOM 602	416.00 SF	ROOM 702	416.00 SF	
ROOM 103	339.00 SF	ROOM 203	416.00 SF	ROOM 303	416.00 SF	ROOM 403	416.00 SF	ROOM 503	416.00 SF	ROOM 603	416.00 SF	ROOM 703	416.00 SF	
ROOM 104	261.00 SF	ROOM 204	414.00 SF	ROOM 304	414.00 SF	ROOM 404	414.00 SF	ROOM 504	414.00 SF	ROOM 604	414.00 SF	ROOM 704	414.00 SF	
ROOM 105	330.00 SF	ROOM 205	413.00 SF	ROOM 305	413.00 SF	ROOM 405	413.00 SF	ROOM 505	413.00 SF	ROOM 605	413.00 SF	ROOM 705	413.00 SF	
ROOM 106	330.00 SF	ROOM 206	353.00 SF											
ROOM 107	261.00 SF	ROOM 207	248.00 SF											
ROOM 108	344.00 SF	ROOM 208	345.00 SF											
ROOM 109	262.00 SF	ROOM 209	248.00 SF											
ROOM 110	367.00 SF	ROOM 210	343.00 SF											
ROOM 111	371.00 SF													
ROOM 112	261.00 SF													
ROOM 113	330.00 SF													
ROOM 114	261.00 SF													
ROOM 115	313.00 SF													
LORBY	732.00 SF													
LAUNDRY 1	199.00 SF													
LAUNDRY 2	117.00 SF													
TOTAL PER FLOOR	5,666.00 SF	3,692.00 SF	2,157.00 SF	2,157.00 SF	2,157.00 SF	2,157.00 SF	2,157.00 SF	2,157.00 SF	2,157.00 SF	2,157.00 SF	2,157.00 SF	2,648.07 SF		
TOTAL BUILDING	22,791.07 SF													

MIRAMAR RESORT ST. PETE LLO
4200 GULF BOULEVARD
ST PETE BEACH, FL 33706

GULF COAST CONSULTING, INC
CIVIL ENGINEERING
13825 ICOT BOUELVARD, SUITE 605
CLEARWATER, FLORIDA 33760
TEL: 727-524-1818

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KEY PLAN

[illegible]

CONDITIONAL USE PERMIT

MIRAMAR

OVERALL SECOND FLOOR PLAN

ORIGINAL SHEET
SIZE : 24" X 36"

A2-02

© BODZIAK/HAYES ARCHITECTS, PLLC



AIR CONDITIONED SPACE														
GROUND FLOOR		SECOND FLOOR		THIRD FLOOR		FOURTH FLOOR		FIFTH FLOOR		SIXTH FLOOR		SEVENTH FLOOR		ROOF DECK
ROOM 101	328.00 SF	ROOM 201	498.00 SF	ROOM 301	498.00 SF	ROOM 401	498.00 SF	ROOM 501	498.00 SF	ROOM 601	498.00 SF	ROOM 701	498.00 SF	2,648.07 SF
ROOM 102	260.00 SF	ROOM 202	416.00 SF	ROOM 302	416.00 SF	ROOM 402	416.00 SF	ROOM 502	416.00 SF	ROOM 602	416.00 SF	ROOM 702	416.00 SF	
ROOM 103	339.00 SF	ROOM 203	416.00 SF	ROOM 303	416.00 SF	ROOM 403	416.00 SF	ROOM 503	416.00 SF	ROOM 603	416.00 SF	ROOM 703	416.00 SF	
ROOM 104	261.00 SF	ROOM 204	414.00 SF	ROOM 304	414.00 SF	ROOM 404	414.00 SF	ROOM 504	414.00 SF	ROOM 604	414.00 SF	ROOM 704	414.00 SF	
ROOM 105	330.00 SF	ROOM 205	413.00 SF	ROOM 305	413.00 SF	ROOM 405	413.00 SF	ROOM 505	413.00 SF	ROOM 605	413.00 SF	ROOM 705	413.00 SF	
ROOM 106	330.00 SF	ROOM 206	353.00 SF											
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ROOM 110	367.00 SF	ROOM 210	343.00 SF											
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ROOM 114	261.00 SF													
ROOM 115	313.00 SF													
LOBBY	732.00 SF													
LAUNDRY 1	199.00 SF													
LAUNDRY 2	117.00 SF													
TOTAL PER FLOOR	5,666.00 SF	3,692.00 SF		2,157.00 SF		2,157.00 SF		2,157.00 SF		2,157.00 SF		2,157.00 SF		2,648.07 SF
TOTAL BUILDING	22,791.07 SF													

MIRAMAR RESORT ST. PETE LLC
4200 GULF BOULEVARD
ST PETE BEACH, FL 33706

GULF COAST CONSULTING, INC.
CIVIL ENGINEERING
13825 ICOT BOULEVARD, SUITE 605
CLEARWATER, FLORIDA 33760
TEL: 727-524-1818

ARCHITECT'S / CONSULTANT'S STAMP

[illegible]

ORIGINAL SHEET
SIZE · 24" X 36"

© BODZIAK/HAYES ARCHITECTS, PLLC

9/3/2024 8:42:15 PM \\JAB-ADFS1\Users\$(Camillo)Documents\24-004 Miramar Scheme 4_detached_camillo7OSK2.rvt

MIRAMAR RESORT ST. PETE LLC

OWNER'S CONSULTANT

GULF COAST CONSULTING, INC.

CIVIL ENGINEERING

13825 ICOT BOULEVARD, SUITE 605
CLEARWATER, FLORIDA 33760
TEL: 727-524-1818

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ARCHITECT'S / CONSULTANT'S STAMP

KEY PLAN

[illegible]

ISSUE TITLE

CONDITIONAL USE PERMIT

PROJECT ADDRESS

MIRAMAR

4200 GULF BLVD.
ST. PETE BEACH, FLORIDA

SHEET TITLE

THIRD FLOOR PLAN

PROJECT

24-004

SCALE
As indicated

DRAWN I

Π

DATE _____

09/03/24

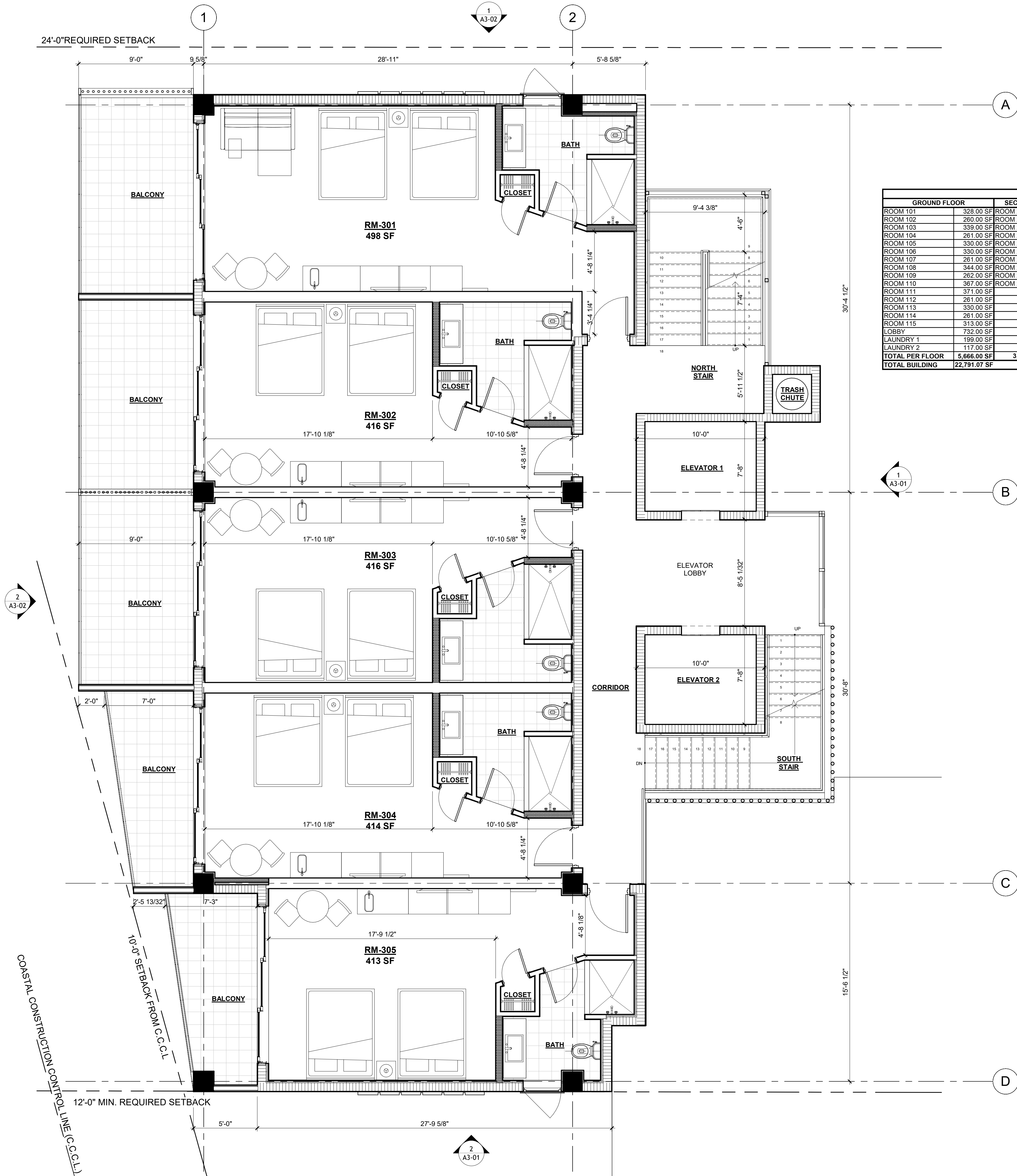
ORIGINAL

ORIGINAL
SIZE : 24

SHEET NUMBER

A2-13

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1

3RD FLOOR

$$1/4'' = 1'-0'$$


MIRAMAR RESORT ST. PETE LLO
4200 GULF BOULEVARD
ST PETE BEACH, FL 33706

GULF COAST CONSULTING, INC
CIVIL ENGINEERING
13825 ICOT BOUELVARD, SUITE 605
CLEARWATER, FLORIDA 33760
TEL: 727-524-1818

ARCHITECT'S / CONSULTANT'S STAMP

AIR CONDITIONED SPACE														
GROUND FLOOR		SECOND FLOOR		THIRD FLOOR		FOURTH FLOOR		FIFTH FLOOR		SIXTH FLOOR		SEVENTH FLOOR		ROOF DECK
ROOM 101	328.00 SF	ROOM 201	498.00 SF	ROOM 301	498.00 SF	ROOM 401	498.00 SF	ROOM 501	498.00 SF	ROOM 601	498.00 SF	ROOM 701	498.00 SF	2,648.07 SF
ROOM 102	260.00 SF	ROOM 202	416.00 SF	ROOM 302	416.00 SF	ROOM 402	416.00 SF	ROOM 502	416.00 SF	ROOM 602	416.00 SF	ROOM 702	416.00 SF	
ROOM 103	339.00 SF	ROOM 203	414.00 SF	ROOM 303	416.00 SF	ROOM 403	416.00 SF	ROOM 503	416.00 SF	ROOM 603	416.00 SF	ROOM 703	416.00 SF	
ROOM 104	261.00 SF	ROOM 204	414.00 SF	ROOM 304	414.00 SF	ROOM 404	414.00 SF	ROOM 504	414.00 SF	ROOM 604	414.00 SF	ROOM 704	414.00 SF	
ROOM 105	330.00 SF	ROOM 205	413.00 SF	ROOM 305	413.00 SF	ROOM 405	413.00 SF	ROOM 505	413.00 SF	ROOM 605	413.00 SF	ROOM 705	413.00 SF	
ROOM 106	330.00 SF	ROOM 206	353.00 SF											
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LOBBY	732.00 SF													
LAUNDRY 1	199.00 SF													
LAUNDRY 2	117.00 SF													
TOTAL PER FLOOR	5,666.00 SF	3,692.00 SF		2,157.00 SF		2,157.00 SF		2,157.00 SF		2,157.00 SF		2,157.00 SF		2,648.07 SF
TOTAL BUILDING	22,791.07 SF													

KEY PLAN

[illegible]

CONDITIONAL USE PERMIT

MIRAMAR

4200 GULF BLVD.
ST. PETE BEACH, FLORIDA

FOURTH FLOOR
PLAN

24-004

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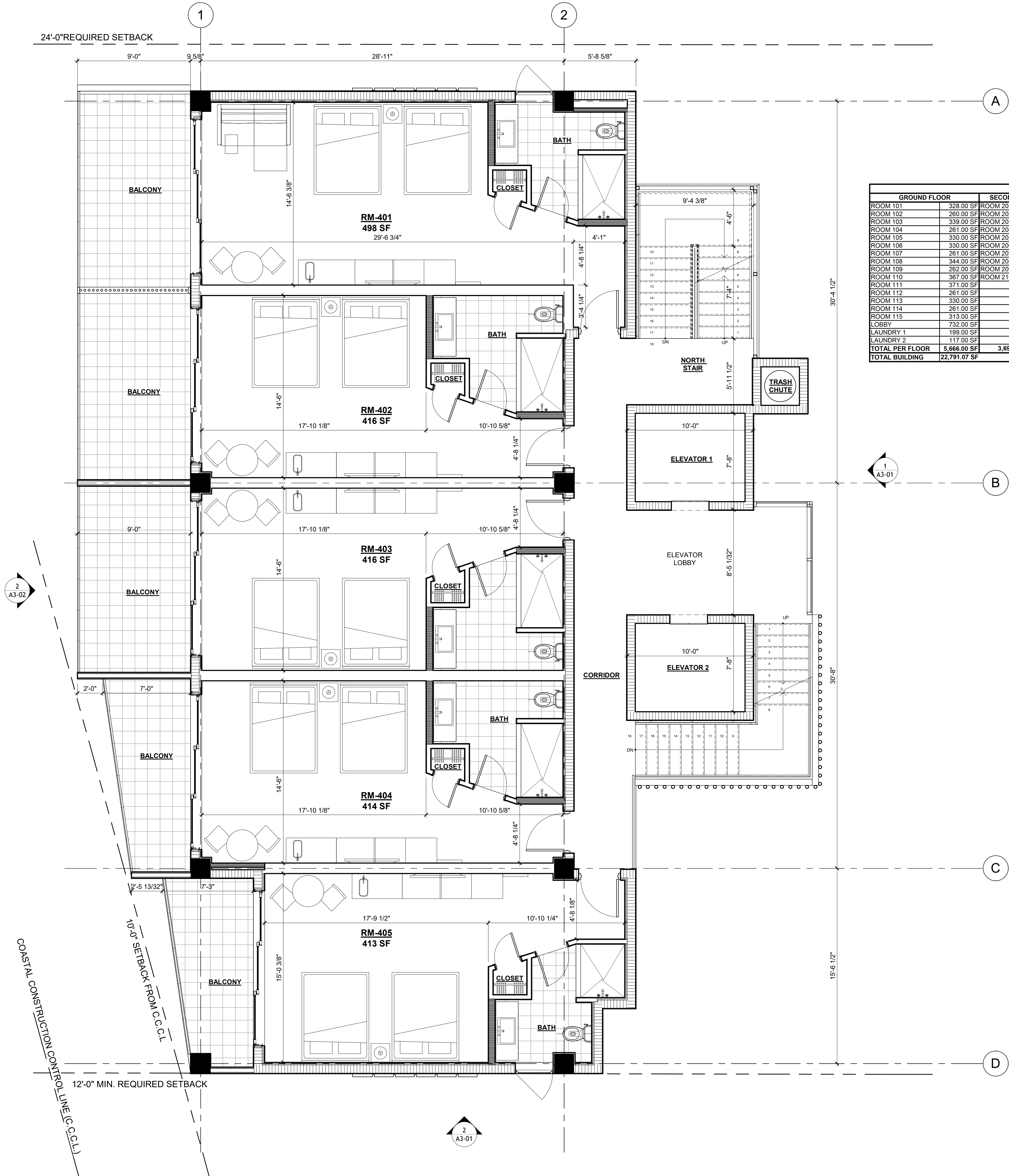
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DATE
09/03/24

ORIGINAL S

A2-14

© BODZIAK/HAYES ARCHITECTS, PLLC



1

4TH FLOOR

$$1/4" = 1'-0"$$

MIRAMAR RESORT ST. PETE LLC
4200 GULF BOULEVARD
ST PETE BEACH, FL 33706

GULF COAST CONSULTING, INC.
CIVIL ENGINEERING
13825 ICOT BOUELVARD, SUITE 605
CLEARWATER, FLORIDA 33760
TEL: 727-524-1818

ARCHITECT'S / CONSULTANT'S STAMP

AIR CONDITIONED SPACE														
GROUND FLOOR		SECOND FLOOR		THIRD FLOOR		FOURTH FLOOR		FIFTH FLOOR		SIXTH FLOOR		SEVENTH FLOOR		ROOF DECK
ROOM 101	328.00 SF	ROOM 201	498.00 SF	ROOM 301	498.00 SF	ROOM 401	498.00 SF	ROOM 501	498.00 SF	ROOM 601	498.00 SF	ROOM 701	498.00 SF	2,648.07 SF
ROOM 102	260.00 SF	ROOM 202	416.00 SF	ROOM 302	416.00 SF	ROOM 402	416.00 SF	ROOM 502	416.00 SF	ROOM 602	416.00 SF	ROOM 702	416.00 SF	
ROOM 103	339.00 SF	ROOM 203	414.00 SF	ROOM 303	416.00 SF	ROOM 403	416.00 SF	ROOM 503	416.00 SF	ROOM 603	416.00 SF	ROOM 703	416.00 SF	
ROOM 104	261.00 SF	ROOM 204	414.00 SF	ROOM 304	414.00 SF	ROOM 404	414.00 SF	ROOM 504	414.00 SF	ROOM 604	414.00 SF	ROOM 704	414.00 SF	
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LAUNDRY 2	117.00 SF													
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TOTAL BUILDING	22,791.07 SF													

KEY PLAN

[illegible]

CONDITIONAL USE PERMIT

MIRAMAR

4200 GULF BLVD.
ST. PETE BEACH, FLORIDA

FIFTH FLOOR
PLAN

SCALE
As indicated

11

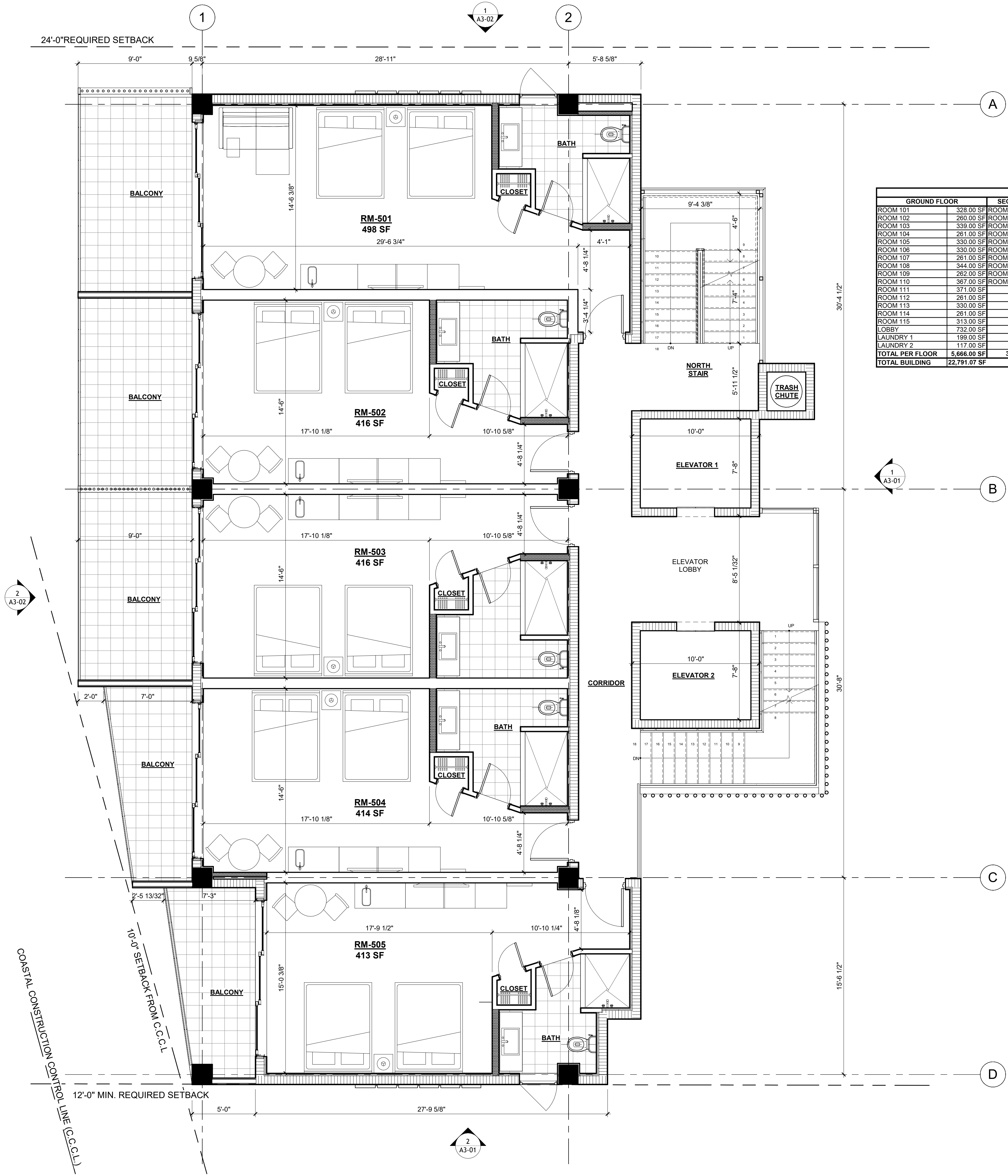
DATE
00/03/24

05/05/24

ORIGINAL SIZE · 24" X

A2-15

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1

5TH FLOOR

$$1/4" = 1'-0"$$

MIRAMAR RESORT ST. PETE LLO
4200 GULF BOULEVARD
ST PETE BEACH, FL 33706

GULF COAST CONSULTING, INC
CIVIL ENGINEERING
13825 ICOT BOUELVARD, SUITE 605
CLEARWATER, FLORIDA 33760
TEL: 727-524-1818

ARCHITECT'S / CONSULTANT'S STAMP

AIR CONDITIONED SPACE															
GROUND FLOOR		SECOND FLOOR		THIRD FLOOR		FOURTH FLOOR		FIFTH FLOOR		SIXTH FLOOR		SEVENTH FLOOR		ROOF DECK	
ROOM 101	328.00 SF	ROOM 201	498.00 SF	ROOM 301	498.00 SF	ROOM 401	498.00 SF	ROOM 501	498.00 SF	ROOM 601	498.00 SF	ROOM 701	498.00 SF	2,648.07 SF	
ROOM 102	260.00 SF	ROOM 202	416.00 SF	ROOM 302	416.00 SF	ROOM 402	416.00 SF	ROOM 502	416.00 SF	ROOM 602	416.00 SF	ROOM 702	416.00 SF		
ROOM 103	339.00 SF	ROOM 203	444.00 SF	ROOM 303	416.00 SF	ROOM 403	416.00 SF	ROOM 503	416.00 SF	ROOM 603	416.00 SF	ROOM 703	416.00 SF		
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ROOM 105	330.00 SF	ROOM 205	413.00 SF	ROOM 305	413.00 SF	ROOM 405	413.00 SF	ROOM 505	413.00 SF	ROOM 605	413.00 SF	ROOM 705	413.00 SF		
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LOBBY	732.00 SF														
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LAUNDRY 2	117.00 SF														
TOTAL PER FLOOR	5,666.00 SF	3,692.00 SF	2,157.00 SF	2,157.00 SF		2,157.00 SF		2,157.00 SF		2,157.00 SF		2,157.00 SF		2,648.07 SF	
TOTAL BUILDING	22,791.07 SF														

[illegible]

CONDITIONAL USE PERMIT

MIRAMAR

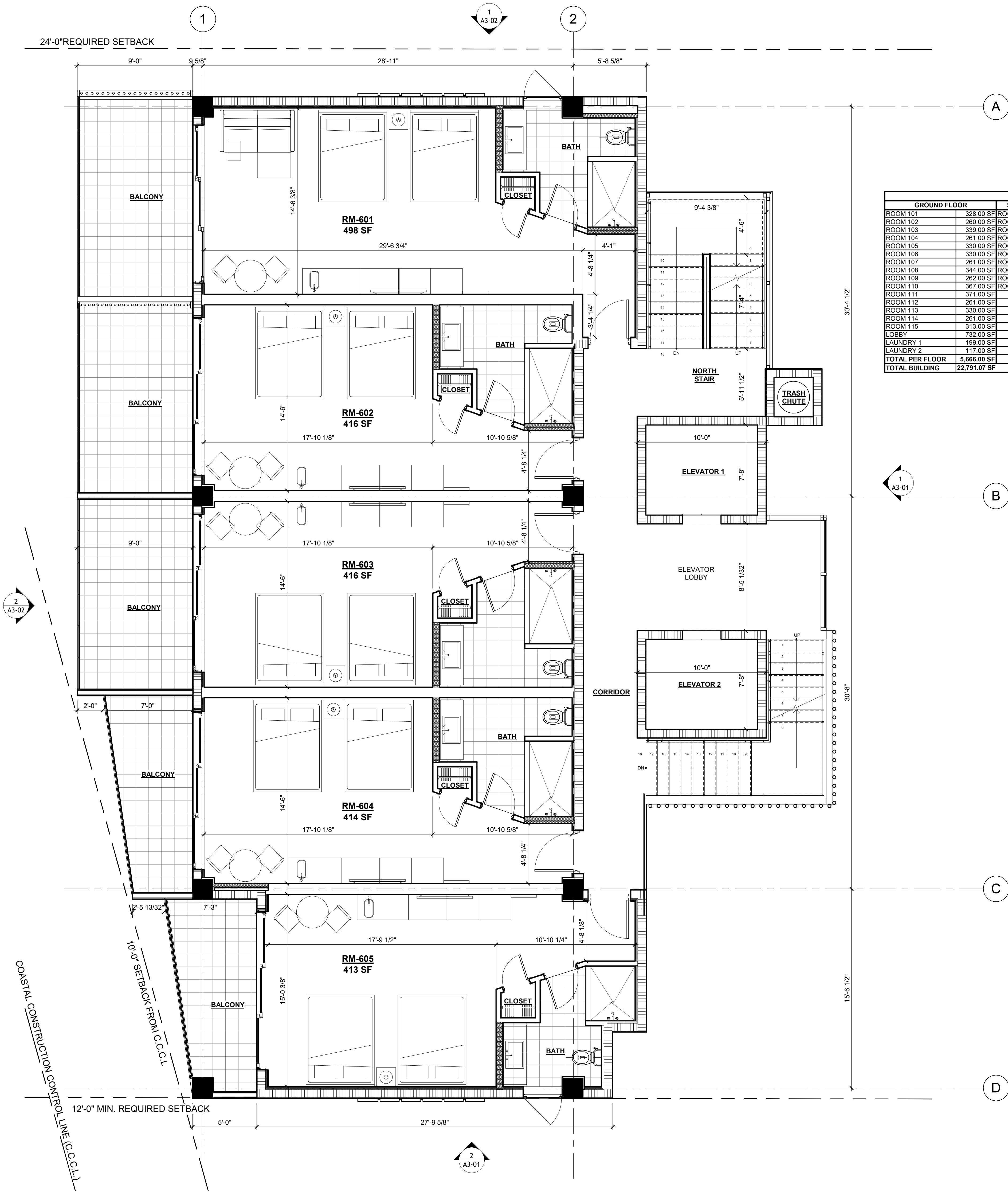
4200 GULF BLVD.
ST. PETE BEACH, FLORIDA

SIXTH FLOOR PLAN

ORIGINAL SIZE · 24" X 36"

A2-16

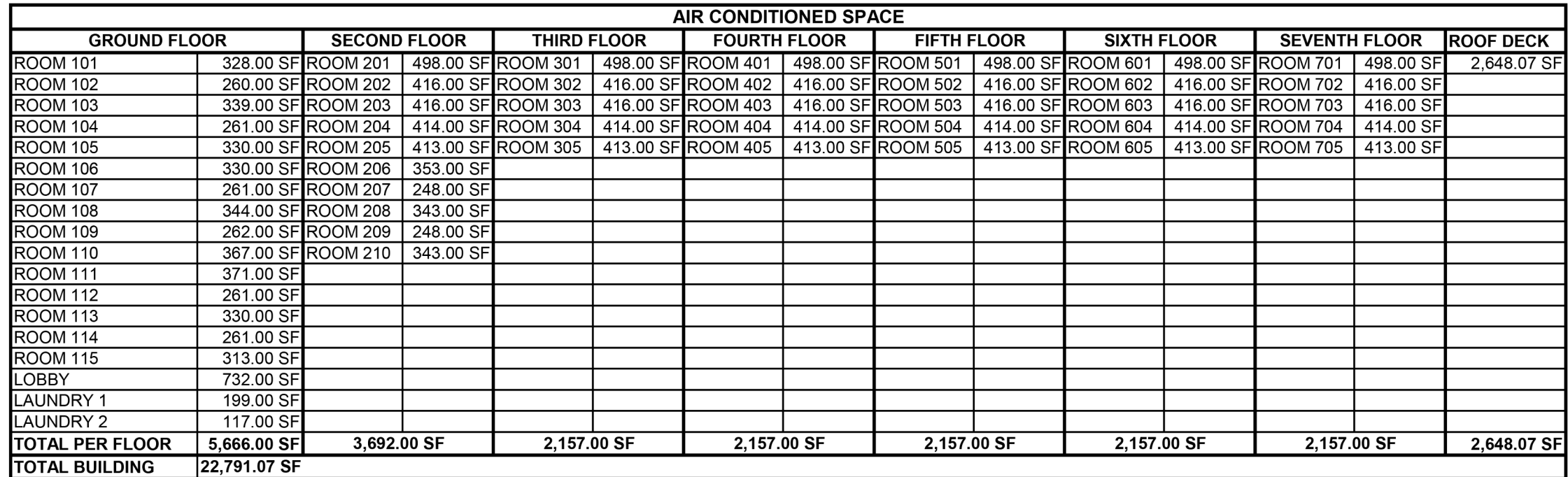
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1

6TH FLOOR

$$1/4'' = 1'-0''$$



MIRAMAR RESORT ST. PETE LLO
4200 GULF BOULEVARD
ST PETE BEACH, FL 33706

GULF COAST CONSULTING, INC
CIVIL ENGINEERING
13825 ICOT BOUELVARD, SUITE 605
CLEARWATER, FLORIDA 33760
TEL: 727-524-1818

ARCHITECT'S / CONSULTANT'S STAMP

KEY PLAN

[illegible]

CONDITIONAL USE PERMIT

MIRAMAR

4200 GULF BLVD.
ST. PETE BEACH, FLORIDA

NEW BUILDING -
SOUTH & EAST
ELEVATION

PROJECT
24-004

SHEET NUMBER

SCALE
1/8" = 1'-0"

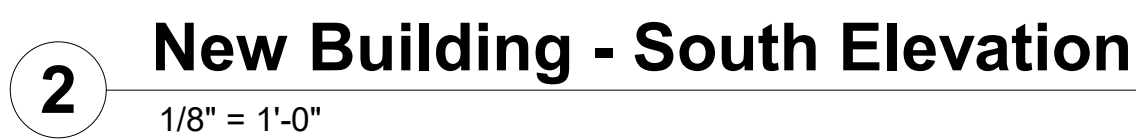
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TT

DATE
09/03/24

ORIGINAL SHEET
SIZE : 24" X 36"

A3-01

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MIRAMAR RESORT ST. PETE LLC
4200 GULF BOULEVARD
ST PETE BEACH, FL 33706

GULF COAST CONSULTING, INC.
CIVIL ENGINEERING
13825 ICOT BOUELVARD, SUITE 605
CLEARWATER, FLORIDA 33760
TEL: 727-524-1818

ARCHITECT'S / CONSULTANT'S STAMP

KEY PLAN

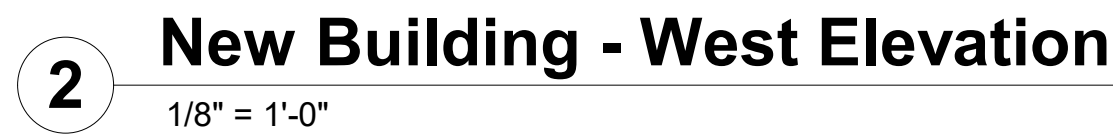
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CONDITIONAL USE PERMIT

MIRAMAR

NEW BUILDING -
NORTH & WEST
ELEVATION

A3-02



4200 GULF BOULEVARD
ST PETE BEACH, FL 33706

CIVIL ENGINEERING
13825 ICOT BOULEVARD, SUITE 605
CLEARWATER, FLORIDA 33760
TEL: 727-524-1818

ARCHITECT'S / CONSULTANT'S STAMP

KEY PLAN

ISSUE TITLE

CONDITIONAL USE PERMIT

PROJECT ADDRESS

4200 GULF BLVD.
ST. PETE BEACH, FLORIDA

SHEET TITLE

PROJECT

24-004

SCALE
As indicated

DRAWN BY
II

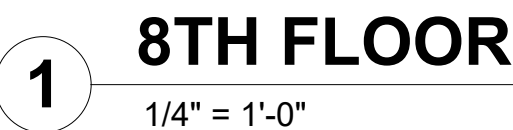
DATE
10/31/24

ORIGINAL SIZE · 24" X 36"

SHEET NUMBER

A2-18

© BODZIAK/HAYES ARCHITECTS, PLLC





MIRAMAR RESORT, 4200 Gulf Boulevard, St Pete Beach, Florida
1950's Modernism Inspired - View from Gulf Boulevard



MIRAMAR RESORT, 4200 Gulf Boulevard, St Pete Beach, Florida
1950's Modernism Inspired - View from the Motor Court



MIRAMAR RESORT, 4200 Gulf Boulevard, St Pete Beach,
Florida *1950's Modernism Inspired - View from the Motor Court*



*MIRAMAR RESORT, 4200 Gulf Boulevard, St Pete Beach, Florida
1950's Modernism Inspired - View from the Beach*



MIRAMAR RESORT, 4200 Gulf Boulevard, St Pete Beach, Florida
1950's Modernism Inspired - Pool View from the North



*MIRAMAR RESORT, 4200 Gulf Boulevard, St Pete Beach, Florida
1950's Modernism Inspired - View from the Beach*



MIRAMAR RESORT, 4200 Gulf Boulevard, St Pete Beach, Florida
1950's Modernism Inspired - View from Gulf Boulevard



*MIRAMAR RESORT, 4200 Gulf Boulevard, St Pete Beach, Florida
1950's Modernism Inspired - Aerial View from Gulf Boulevard*

Legend of Symbols & Abbreviations

- Set P.K. Nail & Disk
- (F)

Field Measurement
- (P)

Plat Reference
- (C)

Calculated Measurement
- P.S.M.

Professional Surveyor and Mapper
- TYP.

Typical
- Id.

Identification
- LB

Licensed Business
- OR

Official Records
- No.

Number
- #

Number
- ✚

Temporary Benchmark
- TBM

Temporary Benchmark
- YD

Yard Drain
- FDOT

Florida Department of Transportation
- Cleanout
- ✚

Irrigation Control Valve
- ✚

Sign
- ☐

Telephone Pull Box
- FFE

Finished Floor Elevation
- ✚

Sign
- ✚

Air Conditioning Unit
- ☐

Square Post
- ✚

Gas Valve

⊗

Gas Meter

⊗

Yard Drain

⊗

Fire Hydrant

⊗

Water Meter

⊗

Water Valve

⊗

Reclaim Water Valve

⊗

Electrical Pull Box

⊗

Electric Transformer

⊗

Electric Vault

⊗

Guy Wire

⊗

Light Pole

⊗

Power Pole

⊗

Round Post

39.42

Back of Curb Elevation

38.92

Edge of Pavement Elevation

✚

Spot Elevation

✚

Spot Elevation on Hard Surface

✚

Fence

✚

Guardrail

OL-OL

Overhead Utility Line

→

Gate

NUMBER OF PROVIDED PARKING SPACES	
TYPE OF SPACE	TOTAL PROVIDED
REGULAR	18
HANDICAP	0
TOTAL	18

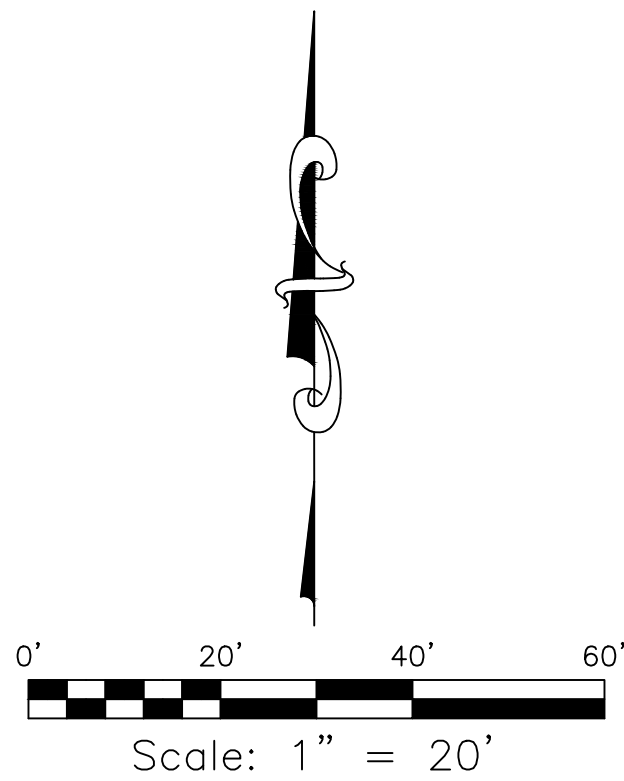
FLOOD NOTE:

By graphic plotting only, this property is in Flood Zones "VE" & "AE"
Flood Insurance Rate Map: 12103C
Panel No.: 0278 H
Community Name/No.: City of St. Pete Beach/125149
Effective Date: August 24, 2021

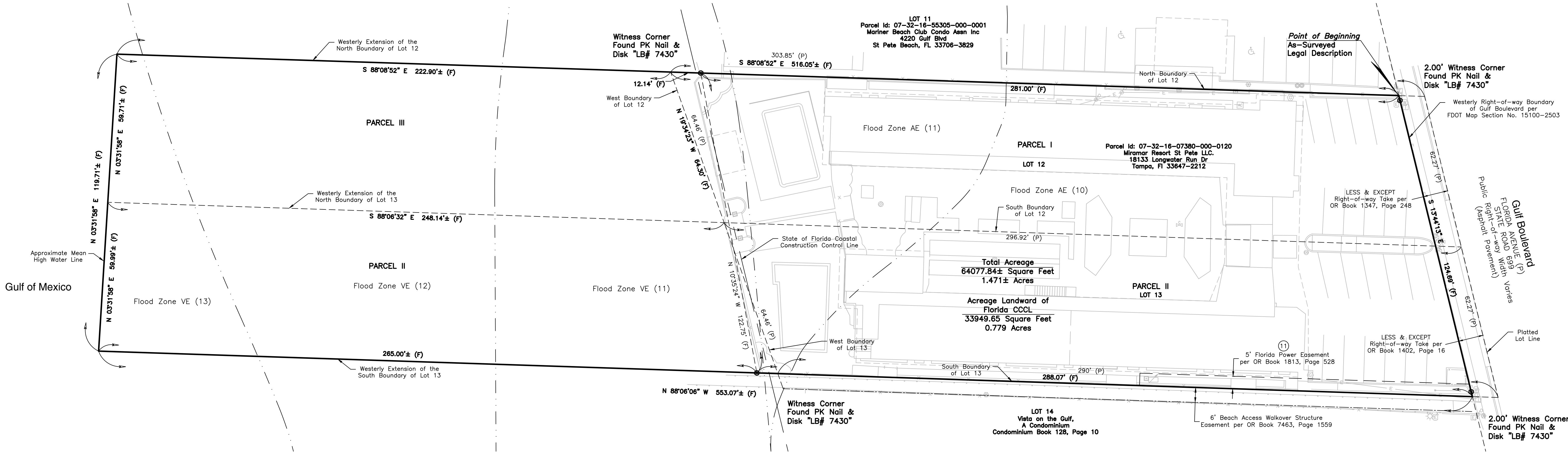
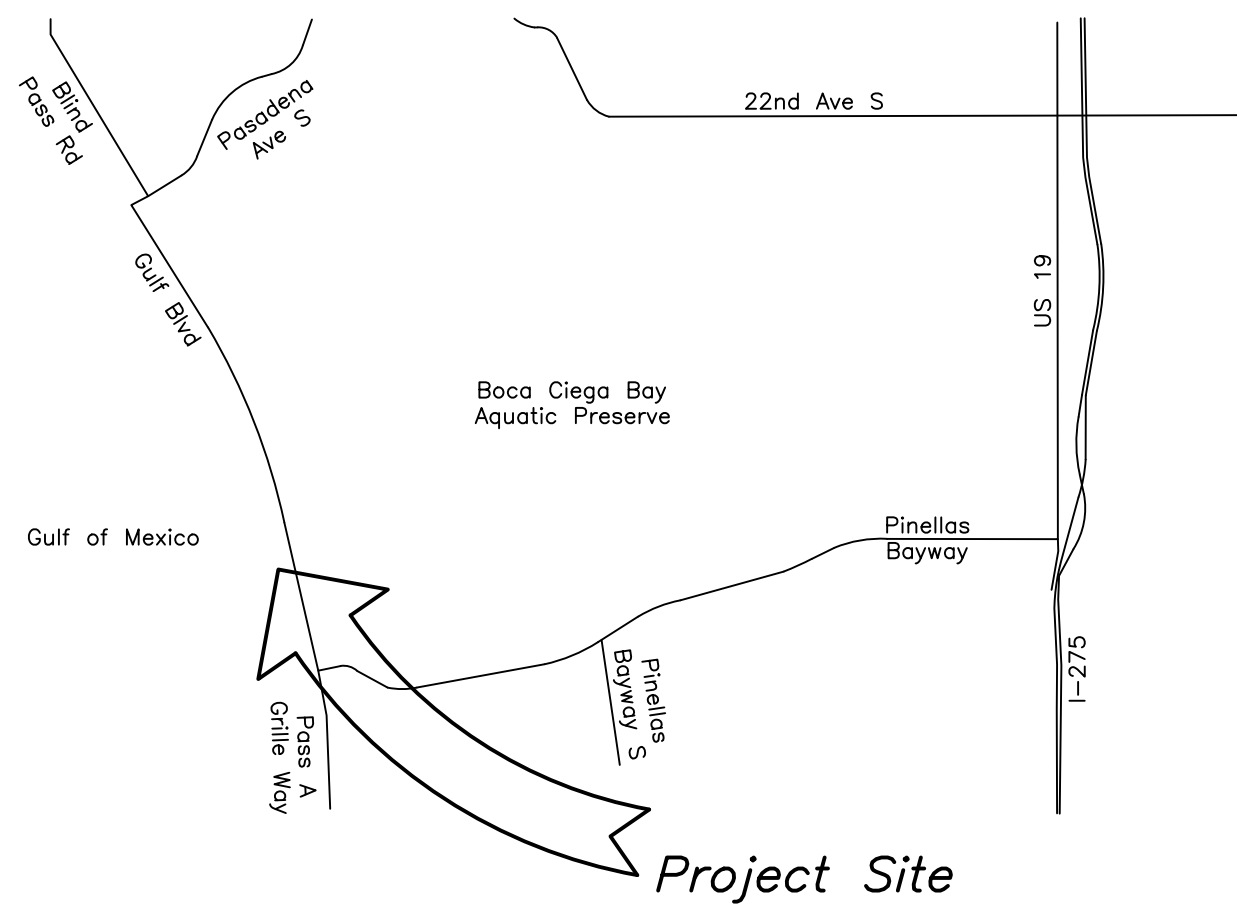
Subject Property is in a Special Flood Hazard Area.

No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

ALTA/NSPS Land Title Survey
Miramar Resort
Section 7, Township 32 South, Range 16 East
Pinellas County, Florida



Vicinity Map



Statement of Potential Encroachments

- (A) Metal Shed encroaches over the South property line. (See Survey for extents)
- (B) Concrete wall is on the property line. (See Survey for extents)
- (C) Concrete wall is on the property line. (See Survey for extents)
- (D) Concrete wall at southeast corner of the property is over the line 0.1 foot.

Surveyor's Notes

- 1.) Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.
- 2.) The bearing structure for this survey is based on a NAD 1983 Florida State Plane West Zone, bearing of S 13°44'13" E for the Easterly Boundary of Subject Property, also being the Westerly right-of-way boundary of Gulf Boulevard.
- 3.) The horizontal datum utilized for this project is NAD 1983 Florida West Zone, 2011 Adjustment, U.S. Survey Feet. Said datum was established by utilizing the Florida Permanent Reference Network (FPRN).
- 4.) No underground foundations or footers were excavated or located for this survey.
- 5.) Per Table A of the ALTA/NSPS requirements:

a.) Item 6: a zoning report or letter was not provided to the surveyor by the client; therefore no zoning information is depicted hereon.

b.) Item 11: All utilities depicted hereon are from visible evidence only. Surveyor did not contact subsurface utility locator service.

c.) Item 16: there is no observable evidence of current earth moving work, building construction or building additions.

d.) Item 17: there is no known proposed changes in street right-of-way and there is no observable evidence of recent street or sidewalk construction or repairs.
- 6.) Subject property has direct access to Gulf Boulevard, being a publicly dedicated Right-of-way.
- 7.) Parking spaces depicted hereon are shown only for reference.
- 8.) Surveyor was unable to find any property corners on site but was able to re-establish the property boundary by finding property corners along the right-of-way and using a previous survey, supplied by the client, to place the boundary. SurvTech also reviewed Condo Book 61, Page 4 and Condo Book 128, Page 11, for the adjoining properties, as a check.
- 9.) The public beach access per OR Book 7463, Page 1559, depicted hereon, and lying adjacent to the South boundary of the subject property lies entirely within Lot 14, BELLE VISTA BEACH. No portion of said easement falls within the subject property. Said document states that the easement is for construction and maintenance of a beach access dune walkover structure over the northerly 6 feet of said Lot 14.

Schedule B-2 Exceptions

per Title Commitment Order No. 6190576 issued by Fidelity National Title Insurance Company, bearing an effective date of April 6, 2017 at 5:00 PM.

Items not listed below are standard title exceptions and/or are not matters or issues that pertain to this survey.

- (11) Easement granted to Florida Power Corporation recorded in Official Records Book 1813, page 528. (Parcel II) *Affects subject property as depicted hereon.*
- (12) CATV Service Agreement recorded in Official Records Book 5082, page 1743. (Parcel II) *Document does not provide a legal description of the premises. Surveyor is unable to determine if the document pertains to subject property. However, document is blanket in nature.*
- (13) Memorandum of Agreement by and between Paragon Communications and Milos Coso d/b/a Miramar Hotel recorded in Official Records Book 6990, page 707. (Parcel I) *Affects subject property. Lot 12 only. Blanket in nature. not plotted.*

Legal Description

PARCEL I
Lot 12, Belle Vista Beach, according to the plat thereof as recorded in Plat Book 7, page 34, Public Records of Pinellas County, Florida. Less and except that portion conveyed to the State of Florida by Deed recorded in Official Records Book 1347, page 248, Public Records of Pinellas County, Florida.

PARCEL II
Lot 13, together with all land lying between the West lot line and the high water mark of the Gulf of Mexico and between the Northerly and Southerly lines of said Lot 13, extended to the high water mark of the Gulf of Mexico, Bellevista Beach, according to the map or plat thereof as recorded in Plat Book 7, page 34, Public Records of Pinellas County, Florida. Less and except that portion conveyed to the State of Florida in Deed recorded in Official Records Book 1402, page 16, Public Records of Pinellas County, Florida.

PARCEL III
All of the land lying between the West lot line of Lot 12 of Belle Vista Beach, according to the map or plat thereof as recorded in Plat Book 7, Page 34, Public Records of Pinellas County, Florida, and the high water mark of the Gulf of Mexico, and between the Northerly and Southerly lines of said Lot 12, extended to the high water mark of the Gulf of Mexico and the high water mark of the Gulf of Mexico.

As-Surveyed Legal Description

A parcel of land being a portion of Lot 12 and Lot 13, Belle Vista Beach, according to the plat thereof as recorded in Plat Book 7, page 34, Public Records of Pinellas County, Florida.

TOGETHER WITH all land lying between the West lot lines of Lot 12 and Lot 13 and the high water mark of the Gulf of Mexico and between the Northerly lot line of Lot 12 and the Southerly lot line of said Lot 13, extended to the high water mark of the Gulf of Mexico, Bellevista Beach, according to the map or plat thereof as recorded in Plat Book 7, page 34, Public Records of Pinellas County, Florida.

All being more particularly described as follows:

BEGIN at a point marking the intersection of the North line of Lot 12, Belle Vista Beach, according to the plat thereof as recorded in Plat Book 7, page 34, Public Records of Pinellas County, Florida and the Westerly right-of-way line of Gulf Boulevard (State Road No. 699) per Florida Department of Transportation Map Section No. 15100-2503; thence coincident with said Westerly right-of-way line, S 13°44'13" E a distance of 124.69 feet to a point coincident with the South line of Lot 13 of said Plat of Belle Vista Beach; thence departing said Westerly right-of-way line, coincident with said South line and the Westerly extension thereof, N 88°06'06" W a distance of 553.07 feet more or less to a point coincident with the mean high water line of the Gulf of Mexico; thence coincident with said mean high water line, N 03°31'58" E a distance of 119.71 feet to a point coincident with a line being the Westerly extension of the North line of the aforesaid Lot 12; thence departing said mean high water line, coincident with said Westerly extension and the North line of said Lot 12, S 88°08'52" E a distance of 516.05 feet more or less to the POINT OF BEGINNING.

ALTA/NSPS Land Title Survey

Miramar Resort
4200 Gulf Boulevard
St. Pete Beach, Florida 33706

Surveyor's Certification:

This is to certify to Miramar Resort St. Pete LLC, a Florida limited liability company; DCR Mortgage 7 Sub 2, LLC, a Delaware limited liability company, its successors and/or assigns as their interests may appear; San Ann Food Stores, Inc., a Florida corporation; Eastern Food Stores, Inc., a Florida corporation; Charles G Palmer Trustee of the Charles G Palmer Inter Vivos Trust u/g dated March 12, 1993 and Moravia Company, a Florida corporation as their interest may appear; Fidelity National Title Insurance Company; Bryan W. Sykes, PA and Greg Hughes that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2016, and includes Items 1-4, 6(a), 6(b), 7(a), 7(b)(1), 8-9, 11, 13, 16 and 17 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Florida the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

Stacy L. Brown
Florida Professional Surveyor and Mapper No: 6516
SurvTech Solutions, Inc.
Florida Licensed Business No. 7340

REVISION	DATE	INITIALS

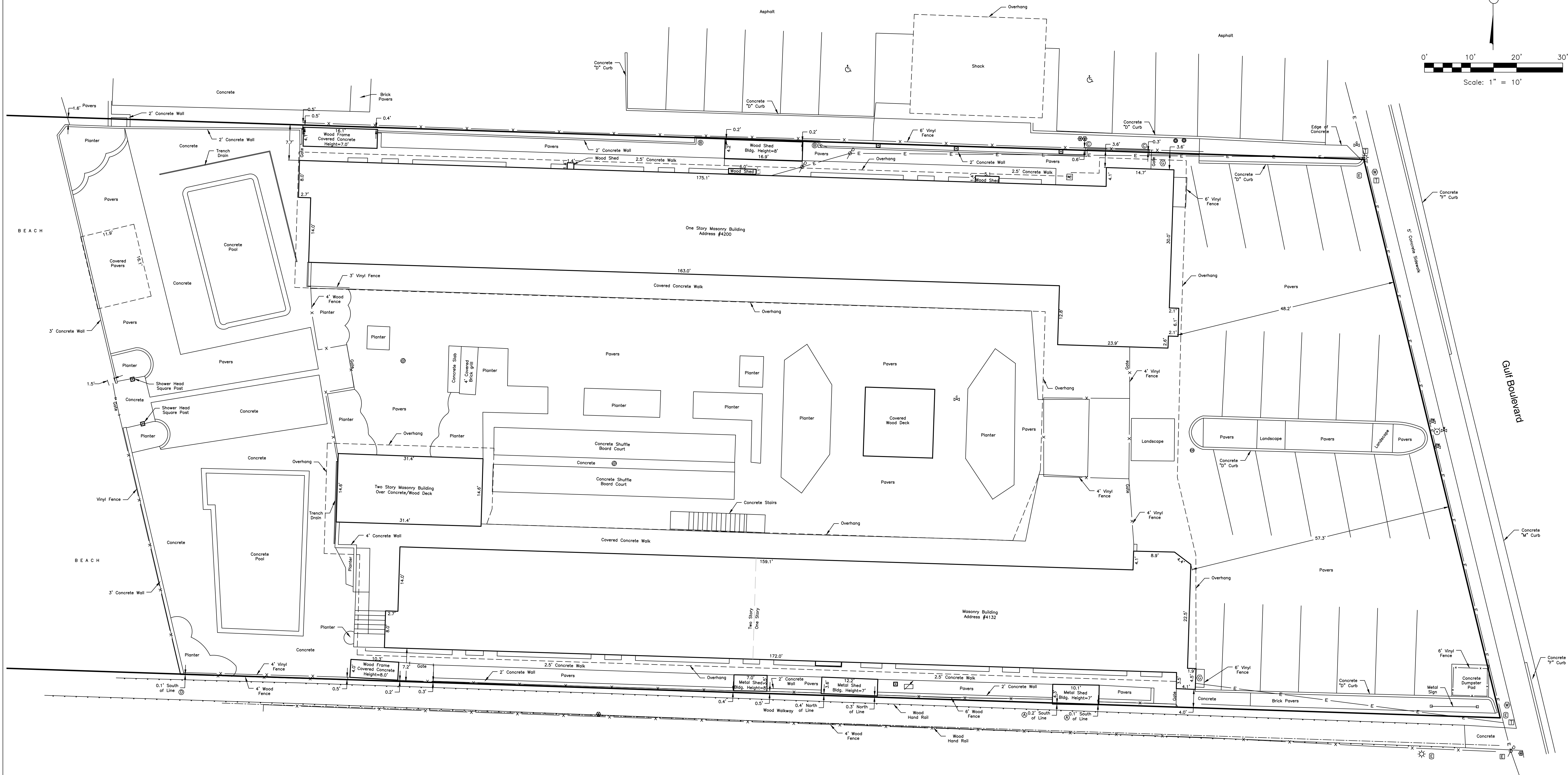
SURVEYING TODAY WITH TOMORROW'S TECHNOLOGY

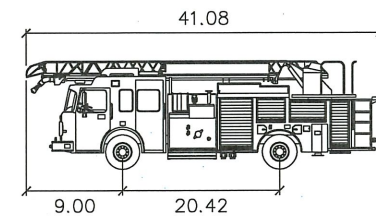
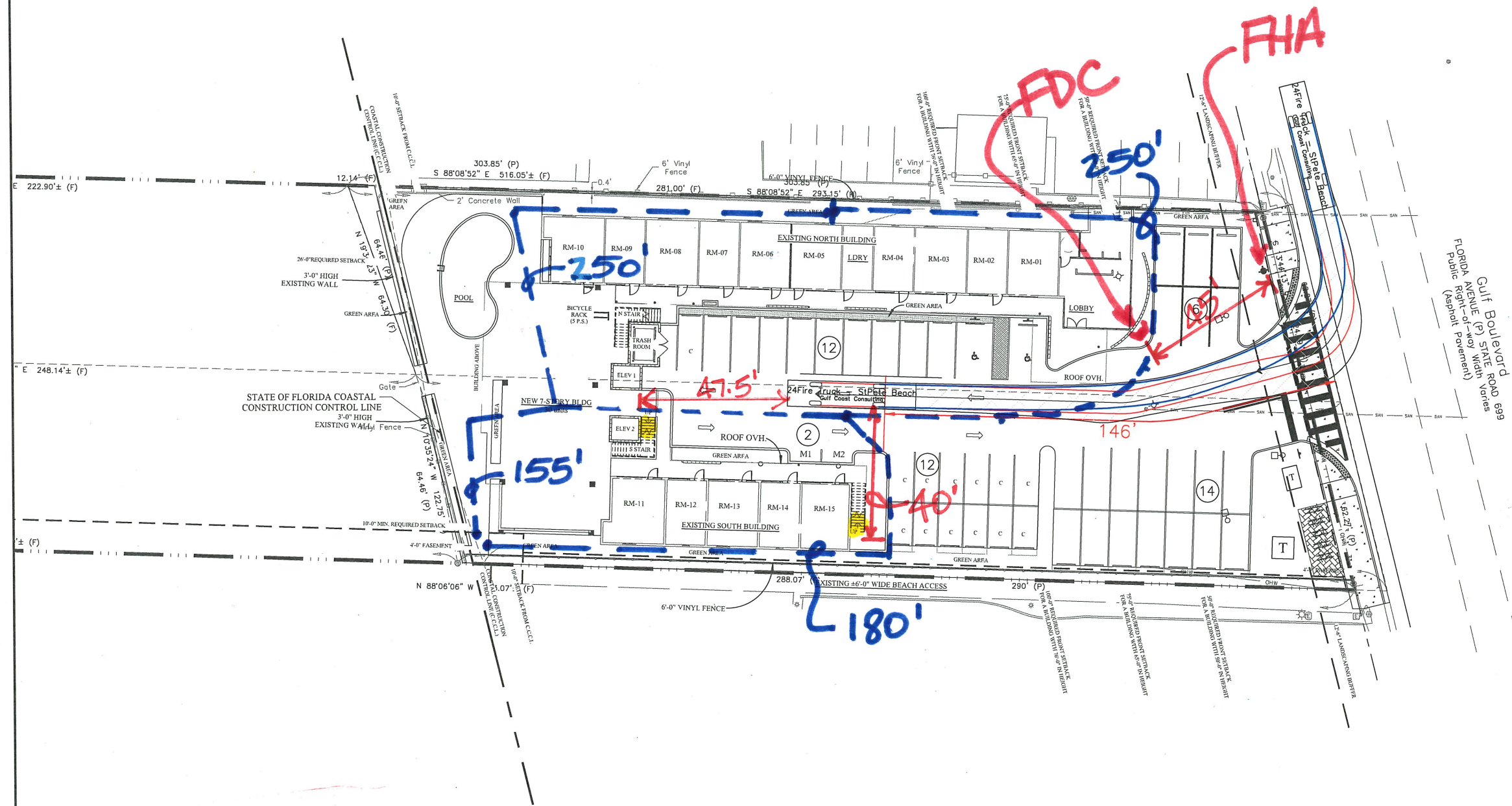
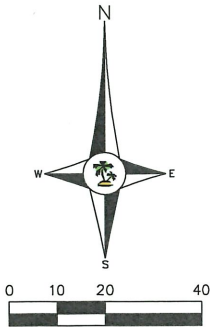
Drafted By: K. Quibell
Date Drafted: 8/09/24
Approved By: S. Brown
Date Approved: 8/12/24

Drawing Name: 241283
Previous Project: 20170067
Field Date: 7/19/24
Field Book/Page: 24-16/66



SURVTECH SOLUTIONS, INC.
10220 U.S. Highway 92 East
Tampa, FL 33610
phone: (813)-621-4929
fax: (813)-621-7194
Licensed Business #7340
email: sbrown@survtechsolutions.com
http://www.survtechsolutions.com





24Fire Truck - StPete Beach
feet
Width : 8.33
Track : 7.28
Lock to Lock Time : 6.0
Steering Angle : 45.0

DESIGNED BY: SPC
DRAWN BY: MKC
CHECKED BY: SPC
DATE: 05/31/22

**Gulf Coast Consulting, Inc.**
Land Development Consulting
ENGINEERING TRANSPORTATION PLANNING PERMITTING
13825 ICOT BLVD., SUITE 605
Clearwater, Florida 33760
Phone: (727) 524-1818 Fax: (727) 524-6090
WWW.GULFCOASTCONSULTINGINC.COM

PREPARED FOR:
MIRAMAR RESORT ST PETE, LLC
4200 Gulf Boulevard
St Pete Beach, FL 33706

SHEET DESCRIPTION:
**EMERALD SANDS RESORT
EMERGENCY VEHICLE TURNING MOVEMENT**

NO.	DATE	REVISIONS

SEAN P. CASHEN
STATE OF FLORIDA
PROFESSIONAL ENGINEER
LICENSE NO. 42505
THIS ITEM HAS BEEN DIGITALLY SIGNED AND
SEALED BY SEAN P. CASHEN, ON THE DATE
INDICATED HERE.

PRINTED COPIES OF THIS DOCUMENT ARE
NOT CONSIDERED SIGNED AND SEALED AND
THE SIGNATURE MUST BE VERIFIED ON
ANY ELECTRONIC COPIES.

THESE PLANS MAY NOT BE COPIED OR
MODIFIED WITHOUT WRITTEN PERMISSION
FROM GULF COAST CONSULTING, INC.

SEAN P. CASHEN, P.E. #42505
NOT VALID UNLESS SIGNED & ENROBSED
BY A REGISTERED ENGINEER
GULF COAST CONSULTING, INC.
CERTIFICATE OF AUTHORIZATION No. 9774

JOB NO.: 20-098
DATE: 05/31/22
SHEET: C5A

BODZIAK/HAYES

ARCHITECTS

September 3, 2024

City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL 33706

ATTN: Brandon Berry, Planner

RE: Miramar Resort Conditional Use Permit & Density Pool
Application #: 24038
Parcel ID: #07-32-16-07380-000-0120

Brandon Berry,

We are here-in responding to your 08/26/24 CUP Review and Submitting Plans and Updated Rendered Views and this Response Letter in answer to your Comments. We have made revisions to address these concerns, and believe that the resulting Hotel and Resort design is improved for the better with your team's guidance. We appreciate your cooperation and are looking forward to being scheduled for the upcoming September Planning and Zoning Meeting.

Public Works:

----- COMMENTS DATED 08/26/2024 -----

1. Please provide anticipated wastewater flow rates (in gallons per minute) that will be generated from the proposed project and will contribute to the City's Sanitary Sewer System.
Response:
See A0-01 Zoning Code Summary. Per the Civil engineer: WATER-SEWER FLOWS ARE 200 GALLONS PER DAY PER FAC 64E-6 CRITERIA FOR RESORT HOTELS; EQUALS 10,000 GPD (Gallons per day); Equals 21 Gallons per minute with peak factor of 3.0.
2. Detailed wastewater calculations can be provided at the future site plan submittal.
Response:
Noted; site plan submittal will address this requirement.

Building:

----- COMMENTS DATED 08/26/2024 -----

1. The existing buildings will be subject to Substantial Improvement so we will need a FEMA packet for that scope of the work. In order to make the determination on Substantial Improvement, we will also need an appraisal from a licensed appraiser.
Response:
FEMA packet will be submitted. Initial submittal did include updated appraisal. Forthcoming building permit submittal will provide the required FEMA packet.

Fire:

----- COMMENTS DATED 08/26/2024 -----

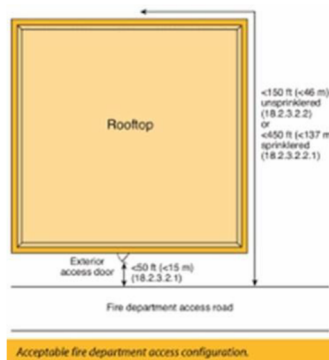
1. Fire Department Access Roads (NFPA 1 2021ed: 18.2.3.2)

5665 CENTRAL AVENUE, ST. PETERSBURG, FL 33710
PHONE: (727) 327-1966 | FAX: 1 (727) 826-0968
JOHN A. BODZIAK, AIA, #AR0005065 | BRITT BROWNE HAYES, AIA, #AR102428

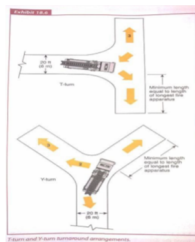
BODZIAK/HAYES

ARCHITECTS

- All buildings-Reflect dimension from fire department access road to at least one exterior door that can be opened from the outside that provides access to the interior of the building per NFPA 1, 2021ed: 18.2.3.2.1 as well as distance to any portion of the facility/portion of an exterior wall of the first story of the building per NFPA 1: 18.2.3.2.2.1.
- 18.2.3.2.1 A fire department access road shall extend to within 50 ft (15 m) of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.
- 18.2.3.2.2 Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft (46 m) from fire department access roads as measured by an approved route around the exterior of the building or facility.
- 18.2.3.2.2.1 When buildings are protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R, the distance in 18.2.3.2.2 shall be permitted to be increased to 450 ft (137 m).



- Fire department access roads shall have an unobstructed width of not less than 20ft (1:18.2.3.5.1.1)
- The turning radius of fire department access road shall be as approved by the AHJ (1:18.2.3.5.3.1)
- Dead-end fire department access roads in excess of 150ft in length shall be provided with approved provisions for the fire department apparatus to turn around. (NFPA 1: 18.2.3.5.4) Turn arounds shall comply with NFPA 1: 18.2.3.5.4, See exhibit below.



Response:

See Civil Engineer's Fire Truck Exhibit C5A as reviewed and preliminarily approved by Fire Marshall's office. Balance of Fire Marshall's review comments will be provided for review prior to construction plan submittals.

BODZIAK/HAYES

ARCHITECTS

2. **FD vehicle movement exhibit**

FD vehicle movement exhibit shall be provided reflect road widths, turning radii, etc. T23 specs attached.

[Response:](#)

[See Civil Engineer's Fire Truck Exhibit C5A as reviewed and preliminarily approved by Fire Marshall's office.](#)

3. **Fire Flow Requirements for Buildings**

Fire flow shall be in accordance with the minimum flow requirements of NFPA 1 2021ed Section 18.4.5.3 and Table 18.4.5.2.1; Provide analysis.

[Response:](#)

[Noted; site plan submittal will address these detailed requirements.](#)

4. **Fire Hydrants**

Provide fire hydrant locations.

- The distances specified in Section 18.5 shall be measured along fire department access roads in accordance with 18.2.3 (1:18.5.1.4)
- FDC and Fire hydrants shall be located not more than 12ft from the fire department access road (1:18.5.1.6) Fire hydrant spacing shall be in accordance with the requirements of NFPA 1 2021ed Section 18.5.3.
- The requirements for fire hydrant distances in 18.5.3 should be measured as the fire department would lay down hose along the fire access road. The purpose of these requirements is to ensure that fire hydrants are located close enough to buildings that they can be used for firefighting operations, therefore should be measured as hose would be laid. (1) The maximum distance to a fire hydrant from the closest point on the building shall not exceed 400 ft (122 m).
- (2) The maximum distance between fire hydrants shall not exceed 500 ft (152 m).
- NFPA 1: 18.5.3 Buildings Other than Detached One- and Two-Family Dwellings. Fire hydrants shall be provided for buildings other than detached one- and two-family dwellings in accordance with both of the following:
- Fire hydrant shall be within 100ft of FDC.
NFPA 14 2019ed Section 6.4.5.4*
Fire department connections shall be located not more than 100 ft (30.5 m) from the nearest fire hydrant connected to an approved water supply.

[Response:](#)

[See Civil Engineer's Fire Truck Exhibit C5A for proposed fire hydrant and FDC locations.](#)

5. **Fire hydrant fire flow**

- NFPA 1: 18.5.4 Minimum Number of Fire Hydrants for Fire Flow.
- 18.5.4.1 The minimum number of fire hydrants needed to deliver the required fire flow for new buildings in accordance with Section 18.4 shall be determined in accordance with Section 18.5.4.
- 18.5.4.2 The aggregate fire flow capacity of all fire hydrants within 1000 ft (305 m) of the building, measured in accordance with 18.5.1.4 and 18.5.1.5, shall be not less than the required fire flow determined in accordance with Section 18.4.
- 18.5.4.3* The maximum fire flow capacity for which a fire hydrant shall be credited shall be as specified by Table 18.5.4.3. Capacities exceeding the values specified in Table 18.5.4.3 shall be permitted when local fire department operations have the ability to accommodate such values as determined by the fire department.

5665 CENTRAL AVENUE, ST. PETERSBURG, FL 33710

PHONE: (727) 327-1966 | FAX: 1 (727) 826-0968

JOHN A. BODZIAK, AIA, #AR0005065 | BRITT BROWNE HAYES, AIA, #AR102428

BODZIAK/HAYES

ARCHITECTS

- 18.5.4.4 Fire hydrants required by 18.5.2 and 18.5.3 shall be included in the minimum number of fire hydrants for fire flow required by 18.5.4.
- A 36" clear space shall be maintained around the circumference of fire hydrants; a clear space of not less than 60" shall be provided in front of each hydrant connection having a diameter greater than 2.5" (NFPA 1: 18.5.7.1, 18.5.7.2)
- Provide cross sectional detail of hydrant installation.
- Fire Department Connection (FDC)
- Reflect FDC location(s).
- Provide FDC details. FDC shall be a 2.5 inch Siamese connection, 30-36 inches above finished grade; detached from the building.
- Provide type and size of underground line for FDC.
- High-rise buildings shall have at least two remotely located fire department connections for each zone per NFPA 14 2019ed Section 7.12.2
- Signage shall be provided for all FDC's.

[Response:](#)

Noted; site plan submittal will address these detailed requirements.

6. Fire Mains

- Reflect fire mains on plans include size and type of pipe.

[Response:](#)

Noted; site plan submittal will address this detailed requirement.

7. Fire Department Comprehensive Master plan

- The applicant shall provide to the City a proportionate cost, not to exceed \$30,000 of future planning study/documents for the fire department to ensure a continued appropriate emergency services level for the residents and visitors of St. Pete Beach.
- The first such study/document, anticipated to be completed during late 2024 or early 2025, will be a Comprehensive Master Plan.
- A Master Plan is an organizational planning document that draws from public engagement as well as a thorough assessment of the operational environment to frame resource allocation decisions. Organizations of all types utilize these documents to proactively guide decision-makers and to develop effective strategies to address challenges related to sustainability, funding, and resource allocation. This document will include specific areas such as service demand trends that will analyze items such as concurrency.

[Response:](#)

Noted; site plan submittal will address this detailed requirement.

8. Building Observations, 8 story building

- 8 story building, 76 ft to highest floor.

[Response:](#)

Building is 8 stories and measures 70'-4" from grade to the highest floor level.

- The building shall meet high rise requirements per NFPA 101 2021ed Section 11.8 as well as requirements in Chapter 28.

BODZIAK/HAYES

ARCHITECTS

NFPA 101: 3.3.37.3 A building where the floor of an occupiable story is greater than 75ft above the lowest level of fire department vehicle access.

[Response:](#)

Building is not a high-rise as it measures 70'-4" from grade to the highest floor level.

- Page A1-01 Architectural site plan reflects 7 story building but when counting floors it is 8 stories.

[Response:](#)

We have now included the pool area covered seating on ground level. Building stories is now reflected as simply "8 stories" instead of "7 stories over parking".

- Trash chute near North stair shall comply with NFPA 82 Standard on Incinerators and Waste and Linen Handling Systems and Equipment.

NFPA 82 2019ed Section 6.2.3.1.2

The walls of the enclosure shall be continuous and have a fire resistance rating of not less than 2 hours for chutes connecting four or more stories and not less than 1 hour if the building for chutes connecting less than four stories.

6.2.4.1.1

Waste and linen chutes shall terminate or discharge directly into a room having a minimum fire resistance rating not less than that specified for the chute enclosure.

6.2.5.1.1

Every chute intake shall be in a room that is separated from the other parts of the building by walls, partitions, floors, and floor-ceiling assemblies having a fire resistance rating of not less than the required rating of the chute enclosure as specified in 6.2.3.1.

6.2.5.1.3

Where chute intake rooms are protected by automatic sprinklers, the room shall be enclosed in a minimum of 1-hour fire resistance-rated construction.

[Response:](#)

Noted; site plan submittal will address and be compliant with these detailed requirements.

- Stair remoteness- Ensure that stair remoteness is met.

NFPA 101 2021ed Section 7.5.1.3.3 In buildings protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 9.7, the minimum separation distance between two exits, exit accesses, or exit discharges, measured in accordance with 7.5.1.3.2, shall be not less than one-third the length of the maximum overall diagonal dimension of the building or area to be served.

[Response:](#)

Stair are in compliance; site plan submittal will address this detailed requirements.

9. All buildings

- Fire sprinkler and fire alarm system shall be provided for one and two-story building. (NFPA1: 13.3.2.14.1, NFPA 101: 28.3.4)

[Response:](#)

Fire sprinklers and fire alarm will be provided throughout, as noted on A0-01.

- 8 story building shall be provided with the following whether high rise or not: NFPA 13 fire sprinkler system, wet standpipe system to include a fire pump, fire alarm system with voice evac and two-way

5665 CENTRAL AVENUE, ST. PETERSBURG, FL 33710

PHONE: (727) 327-1966 | FAX: 1 (727) 826-0968

JOHN A. BODZIAK, AIA, #AR0005065 | BRITT BROWNE HAYES, AIA, #AR102428

BODZIAK/HAYES

ARCHITECTS

radio communication enhancement system (radio signal strength for fire department communications). (NFPA 1: 13.2.2.2, 13.3.2.14, 11.10; NFPA 101: 28.3.4)

Response:

Building will comply with required sprinkler and communications systems.

Planning & Zoning/Transportation:

----- COMMENTS DATED 08/26/2024 -----

General Comments

1. Submittal of this request does not divest any remaining rights extant under CUP #20090, but units will still need to be re-awarded from the density pool for the portion of the subject development's density that exceeds 50 units per acre. The CUP will be determined at the second reading of the ordinance providing for such additional units.

Response:

Acknowledged.

2. Per owner/representative, the beachfront behind lot 12 is now under Miramar ownership. Please reflect or reference this on the site plan and submit an updated survey showing the beach under Miramar ownership.

Response:

New survey has been provided and architectural plans and all related calculations have been updated as shown on the Site data table on A1-01.

3. A concurrency certificate was never issued for development under site plan #22048 and will need to be applied for under the forthcoming site plan if this request is approved.

Response:

Acknowledged.

4. This development falls below the expected threshold for a traffic study, but a transportation management plan as referenced in the Future Land Use Element of the Comprehensive Plan is required. Please prepare this plan prior to Planning Board review. Selected strategy or strategies should be proportionate to the expected impact of the project. Recent hotel proposals have included contributions to the city's circulator system, offering private on-demand circulator service to major destinations like airports, and similar.

Response:

A transportation management plan will be provided prior to the Planning Board Review.

Civil and Architectural Plan Comments

5. FAR total on sheet A1-01 should include all enclosed common and amenity space not specifically excluded in LDC Sec. 46.6.(c). Include the bar, kitchen, roof seating area, and any other eligible space in the new building, as well as amenity space like the laundry room in the remaining building(s).

Response:

Calculations have been updated and are now compliant (but do not include staff laundry facility).

BODZIAK/HAYES

ARCHITECTS

6. Lobby may be excluded from parking counts, but the portion of the rooftop restaurant accessible to customers must be included. Please refer to updated counts in LDC Sec. 23.5 and update the table on sheet A1-01.

Response:

Parking calculations have been updated to include the restaurant area that is accessible to customers, and as such two additional parking spaces have been added to accommodate the required restaurant parking.

7. South and potentially the north elevations of the hotel do not appear to comply with LDC Sec. 39.8.(b). Please update these facades to comply with the architectural detail standard. These details can include projecting elements, jogs in the building, grill or tile work, or similar elements.

Response:

Plaster details and color transitions (from blue to white) have been added to further differentiate the north and south facades in compliance with the code. See elevations A3-01 & A3-02.

8. Is the transient unit FAR in the table on sheet A1-01 inclusive of existing units remaining on site?

Response:

Existing and new units are accounted for in the table.

9. Please note that the sidewalk will be 10' in width on the site plan.

Response:

Sidewalk width has been noted on A1-01.

10. Site plan shows a 4' easement along the south side for expanding the beach access, but the application states 5'. Please clarify.

Response:

A 4' easement is provided, which provides a total 10' wide beach access when considered with the adjacent neighbor's existing beach easement. Per review, parking spaces have been reduced to 18' in depth to accommodate this. All parking on-site is intended to be valet-attended.

11. Has trash location been discussed with Waste Connections? Is this area accessible by their trucks and equipment? The prior design showed the dumpster closer to the street.

Response:

Prior to site plan review the team will engage with Waste Connections to develop a plan for waste disposal that satisfies their requirements. Staff can roll-in dumpsters to designated area at the curb for servicing, if necessary.

12. As with the prior conditional use permit, staff will request an easement along the owned portion of the mean high-water line for public access purposes.

Response:

Acknowledged.

13. The following improvements will be required at time of site plan or building plan issuance, as relevant. Please let staff know if you have any initial questions or concerns.

- a. Installation of at least two frontage amenities and pedestrian-scale lighting posts (LDC Sec. 39.10)

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Response:

Acknowledged; site plan submittal will address these detailed requirements. A bicycle rack and trash can are shown in the site plan.

- b. Restoration of dunes to FDEP standards.

Response:

Acknowledged; site plan submittal will address this detailed requirement per discussions with city staff.

- c. Inclusion of two listed green building standards (LEED-NC, LEED for renovation of existing structures, FGBC, FDEP Green Lodge Program) in LDC Sec. 39.9.

Response:

Acknowledged; site plan submittal will address this detailed requirement.

- d. Compliance with all relevant lodging standards of LDC Sec. 39.6.

Response:

Acknowledged; site plan submittal will address this detailed standards and requirements.

- e. Sitewide compliance with the marine turtle lighting requirements (LDC Division 44).

Response:

Acknowledged; site plan submittal will address and comply with these detailed requirements.

Operational Comments

14. What are the owner's plans, if any, for cabana alcohol service if this development is approved?

Response:

This has not yet been determined, but all applications will be consistent with the city's upcoming Cabana Ordinance revisions to hours of operations and limitations.

15. What are the expected hours of operation for the rooftop restaurant? Will this area be routinely used for events?

Response:

The hours will conform to the city standards, with limitations on music and operating hours. Yes, there are intended to be small events serving small wedding parties and hotel patrons.

16. Has the owner decided if the units will be sold as condominiums, timeshares, or in a similar multiple-owner setup?

Response:

The units will not be sold.

17. Where will deliveries to the rooftop restaurant be unloaded?

Response:

Due to the limited size of the rooftop facility, with a relatively small food preparation area, the menu is intended to be kept simple and consequently, rooftop deliveries will be primarily through small trucks parking in the area of space #1, by the elevators.

BODZIAK/HAYES

ARCHITECTS

18. Tandem parking spaces require valet service to be maintained. A copy of the service contract will be reviewed at the site plan stage.

Response:

The project is intended to be a full-valet service facility. Site plan submittal will include a service contract as required.

Landscaping Comments

19. Please provide a preliminary landscaping plan or schedule, or update renderings to include landscaping.

Response:

Plan is provided and coordinated with the rendered views in compliance with Saint Pete Beach landscape regulations. See A1-02 for plan and planting legend.

20. Please add landscaping between the wheel stop and fence line on the south side of the property, south of the 14 tandem spaces.

Response:

This required landscaping has been added. See A1-02 for planting types and locations.

We continue to appreciate your review and attention to this project. Please feel free to call on us if you have any further questions.

Thank you,



John A. Bodziak, Architect A.I.A.



Britt Hayes, Architect A.I.A.

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

Agenda Report

Agenda Title Name: Ordinance 2024-07: Awarding 12 Units From The Boutique Hotel/Condo District Temporary Lodging Unit Density Pool to 4200 Gulf Boulevard (Miramar Beach Resort)

Action Request: Motion to recommend approval of Ordinance 2024-07 to the City Commission.

Strategic Objective:

Date: November 18, 2024

Prepared By: Brandon Berry, Senior Planner

Through: Denise Sanderson, Community Development Director

Summary of Issue: Under companion case 24038 (Resolution 2024-08), the applicant has requested 50 total units of density for redevelopment of Miramar Resort at 4200 Gulf Boulevard, resulting in a total site density of 64.2 units per buildable acre. The standards for the Boutique Hotel/Condo District require any density greater than 50 units per buildable acre to be requested from a limited density pool established for the District, of which 110 of 125 units are currently available, but with all 15 entitled to the subject property under a former redevelopment request approved in 2021. Approval of this ordinance would accompany the companion conditional use permit case, but is also drafted to return a net of three of those 15 units to the density pool, resulting in a project with four total units fewer than approved in 2021.

The one unit disparity between the density pool request and the total site density is accounted for by a reduced recalculation of the site area under the newest submitted survey, with the lot entitled to only 38 units of base density rather than the 39 previously demonstrated.

This ordinance has been amended to reflect similar language in Resolution 2024-08 which would have the

presently-requested density pool units be made available, and the units awarded to the property in 2021 reverted, only after the ordinance and companion resolution pass their appeal periods or active appeals. This is done to not unintentionally prevent the owner from moving forward with the vested project approved in 2021 should this request be approved but ultimately overturned.

Funding: N/A

Attachments: 1. Ordinance 2024-07

Ordinance 2024-07

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR THE ALLOCATION OF 12 UNITS OF TEMPORARY LODGING DENSITY UNDER THE PROVISIONS OF THE BOUTIQUE HOTEL/CONDO DISTRICT TEMPORARY LODGING UNIT DENSITY POOL, AS ESTABLISHED IN THE CITY OF ST. PETE BEACH COMPREHENSIVE PLAN, TO PROPERTY LOCATED AT 4200 GULF BLVD (MIRAMAR BEACH RESORT), AND REVERTING THE 15 TEMPORARY LODGING UNITS ALLOCATED UNDER ORDINANCE 2021-04 BACK TO THE NAMED DENSITY POOL; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City Commission supports redevelopment projects that fit the character, context, and purpose and intent of the zoning district;

WHEREAS, the applicant held a noticed public meeting on April 30, 2024 at the Miramar Beach Resort property where the initial redevelopment proposal was presented and comments were solicited;

WHEREAS, the applicant made complete the subject application for development on August 2, 2024 under Conditional Use Permit Request 24038, which included a request to draw 12 of the project's 50 total units from the Boutique Hotel/Condo District Temporary Lodging Unit Density Pool, being all of those units requested for the project for which density exceeds 50 per buildable acre;

WHEREAS, the case was reviewed at the August 28, 2024 Technical Review Committee, where significant comments pertained to fire vehicle access, wastewater calculations, and parking requirements;

WHEREAS, Staff has reviewed this request as amended and found it to be consistent with the City's Comprehensive Plan and other related regulations in the Land Development Code.

WHEREAS, the Planning Board reviewed this request at the November 18, 2024 meeting and recommended [approval/denial/approval with conditions] of this Ordinance to the City Commission at a vote of [x-x].

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. Kevin Bowden, Managing Partner for Miramar Resort St. Pete LLC, desires to redevelop the 0.779 buildable acre site at 4200 Gulf Boulevard with 50 temporary lodging units at a height of 76 feet above base flood elevation with a non-habitable overrun not to exceed 86 feet. The property is permitted up to 38 temporary lodging units with a Conditional Use Permit, and up to an additional 15 temporary lodging units from the Boutique Hotel/Condo District Temporary Lodging Unit Density Pool (“BHC Pool”), of which 12 are requested.

SECTION 3. As the property is already subject to an allocation of units granted under Ordinance 2021-04, and an additional allocation would cause the property to exceed permitted density established in the Comprehensive Plan, the approval of allocation of units under this Ordinance and approval granted under Resolution 2024-08 (CUP #24038) shall cause the immediate reversal of units approved under Ordinance 2021-04 to the BHC Pool, resulting in a net increase of three units as detailed in EXHIBIT A.

SECTION 4. Upon this Ordinance becoming effective, and procedure detailed in SECTION 3 undertaken, there shall be 113 units in the BHC Pool.

SECTION 5. The 12 units awarded by this ordinance shall revert back to the density pool should a building permit to undertake the construction of the additional 30-unit building proposed under Resolution 2024-08 not be obtained within one year of the passage of this Ordinance, or should “continual construction” as defined in Division 2 of the Land Development Code cease, unless extended by resolution of the City Commission.

SECTION 6. 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 7. 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 8. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 9. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 10. Effective Date. This ordinance shall take effect upon non-appealable approval of both this Ordinance and companion Resolution 2024-08.

SECTION 11. Reservation of Units. The twelve density pool units contemplated in this Ordinance shall be reserved for the period of any appeal of the approval granted under this Ordinance or companion Resolution 2024-08. Should the project approval be overturned on appeal, these twelve units shall be returned to the density pool. Should the approval be upheld,

the time period provided in SECTION 5 above shall start at the date of the dismissal of the appeal.

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

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

Adrian Petrila, 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 _____, 2024.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Ralf Brookes, City Attorney

Temporary Lodging Unit Density Pool Information			
<u>District</u>	<u>Total Units Available</u>	<u>Total Units Utilized</u>	<u>Total Units Remaining</u>
Boutique Hotel/Condo	125	15 12	110 113
Town Center Core	50	0	50
Upham Beach Village	175	3	172
Town Center – Corey Circle	325	64	261
Town Center – Coquina West			
Activity Center			
Bayou Residential			
Total	675	82 79	593 596

EXHIBIT A

Residential Density Pool Information			
District	Total Units Available	Total Units Utilized	Total Units Remaining
Community Redevelopment District	195	150	45

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

Agenda Report

Agenda Title Name: Ordinance 2024-13: Permanently adopting provisions for the elevation of flood-damaged equipment in required side and rear yards, and elevation or reconstruction of nonconforming residential structures in required yards

Action Request: Motion to recommend Ordinance 2024-13 to the City Commission.

Strategic Objective: Resilient community

Date: November 18, 2024

Prepared By: Brandon Berry, Senior Planner

Through: Denise Sanderson, Community Development Director

Summary of Issue: This ordinance is prepared to provide for permanent adoption of Emergency Ordinances 2024-11 and 2024-14, containing similar language and purpose. This ordinance will allow for residences nonconforming solely by setback to be elevated or have the living level reconstructed above the required flood elevation, and construct a staircase within a front setback if required to access the elevated living level. This ordinance also allows for in-place elevation of equipment required to be elevated by the Florida Building Code if located in a required side or rear yard.

One alteration from language contained in the aforementioned emergency ordinances included in this ordinance is to clarify that the elevation or reconstruction permission pertains to structures that are nonconforming solely by means of setback, and not by other means such as use.

Funding: N/A

Attachments:

1. Ord 2024-13 - Clean (First reading)
2. Ord 2024-13 - Markup (First reading)
3. Ordinance 2024-13 - Business Impact Estimate

Ordinance 2024-13

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING LAND DEVELOPMENT CODE DIVISION 3 – ADMINISTRATION OF THE LAND DEVELOPMENT CODE, SECTION 3.10 – VESTED RIGHTS AND NONCONFORMITIES; AND DIVISION 6 – SUPPLEMENTAL REGULATIONS, SECTION 6.14. - ENCROACHMENT OF CERTAIN SPECIFIED ANCILLARY RESIDENTIAL EQUIPMENT INTO REQUIRED YARDS; REPEALING EMERGENCY ORDINANCES 2024-11 AND 2024-14 CONTAINING SIMILAR PROVISIONS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER’S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City adopted similar permissions as contained as exhibits herein for sixty days through emergency Ordinances 2024-11 and 2024-14.

WHEREAS, both residential and commercial structures City-wide have sustained significant structural and nonstructural damage due to the effects of hurricanes Helene and Milton.

WHEREAS, the Land Development Code has benefitted from additional clarity on simple change-outs of existing equipment when required to be elevated above the floodplain, and permissions to allow residential structures with nonconforming setbacks to have the living level of the structure elevated or reconstructed above the floodplain, to continue assisting with Citywide recovery and long-term resiliency efforts.

WHEREAS, the City Commission finds these amendments to assist in the preservation and maintenance the public health, safety, and welfare.

WHEREAS, a business impact estimate pursuant to Florida Statute 166.041(4)(c).5. as amended through the 2024 session has been prepared and found no significant negative impact on the business community.

WHEREAS, this item was taken for review before the Local Planning Agency (Planning Board) on November 18, 2024, and [recommended/not recommended] to the City Commission for final adoption at a vote of [____ to ____].

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 is amended as shown in EXHIBIT A to this Ordinance.

SECTION 3. Codification. This Ordinance shall be codified in the Land Development Code 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. The enactment of this ordinance shall immediately repeal Emergency Ordinances 2024-11 and 2024-14 containing similar provisions.

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.

Adrian Petrila, 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 _____, 2024.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Andrew Dickman, City Attorney

EXHIBIT A

Sec. 3.10. - Vested rights and nonconformities.

(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 nonconformity, except for the conditions set forth for elevating an existing structure in Section (3)A. below.
- (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, except as provided in (3)D. below.
- (3) Should such nonconforming structure be moved, either vertically or horizontally, it shall comply with the following:
 - A. The structure may be moved, vertically only, such that the lowest habitable floor is elevated above the required design_flood elevation, as defined and established in the city's flood damage prevention regulations set forth in Chapter 98 of the Code of Ordinances. Additionally, the existing habitable ground floor of the structure beneath the required design flood elevation may be converted to parking, storage and building access if in compliance with the structure's flood zone if the habitable floor(s) are reconstructed, in the same footprint and the same floor height as the existing habitable floor(s), above. 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 nonconformities 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. Any additions to the structure made during or subsequent to the elevation or reconstruction of the structure, other than reconstruction of the habitable floor(s) of the structure above required design flood elevation when reconstruction is undertaken, shall comply with the existing required setbacks for the structure's zoning district.
 - D. When a residential structure that is nonconforming solely by means of setback(s) suffers substantial damage and the requirements of (3)A. through C. preceding can be met, the structure may be eligible for a vertical move, elevation or reconstruction as set forth above but shall comply with all

applicable floodplain management regulations and building codes. At time of permitting for the elevation or reconstruction the applicant shall demonstrate why the structure cannot be relocated to fully comply with required setbacks, and the Applicant shall also demonstrate that the Applicant has made all reasonable, viable accommodations to increase compliance with the required setbacks when the structure is elevated or reconstructed.

E. When (3)A. or D. above is utilized, if the applicant cannot reasonably construct stairs to access the first living level without encroaching into the front setback, the applicant may be permitted to construct stairs without an independent roof overhang within the required front yard. Stairs shall not encroach more than ten feet into the required front yard unless additional encroachment is demonstrated as necessary to avoid conflict with garage access or correct a safety issue. Under no circumstances shall stairs authorized through this permission be located closer than three feet to any property line. This standard shall supersede other permissions and restrictions found elsewhere in this Code.

(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 nonconforming structure provided that such repairs or maintenance do not constitute a substantial improvement as defined in the Land Development Code.

Sec. 6.14. Encroachment of certain specified ancillary residential equipment into required yards.

- (a) Ancillary residential equipment installed no more than two feet above grade, such as but not limited to air conditioning compressors when permitted, swimming pool and spa filters and pumps, etc. shall be allowed to encroach into any required yards up to four feet, provided that any such equipment located in front of the residence shall be adequately shielded from the adjoining property by either a solid enclosure or solid fence or wall and no resulting setback shall be less than 3 feet from any property line.
- (b) Equipment newly installed more than two feet above grade shall not encroach into any required front or side yard setback.
- (c) New elevated equipment on any new or substantially improved residential structures shall not encroach into any required yard setback. This shall apply to any equipment installed for new or substantially improved structures or to such items being installed for existing structures the first time.
- (d) Change-outs or in-place elevation of existing residential equipment located in the required rear or side yard of a structure legally nonconforming to the current required design flood elevation, that has sustained damage from a flood and is required by the

Florida Building Code to be elevated above the floodplain, shall be permitted to be elevated in place subject to the following criteria:

- a. The bottom of the equipment shall be elevated no higher than one foot above required design flood elevation.
- b. The equipment shall encroach no farther into the required yard than the equipment it is replacing, except that minimum additional encroachment may be permitted to avoid conflict with existing projections located on the structure and/or roof eaves.
- c. If on a column or pedestal, the equipment with column or pedestal shall be located no closer than three feet from the property line.
- d. If on a bracket the equipment with bracket shall be located no closer than three feet from the property line or, if elevated on a bracket such that any projection is no lower than 6'-8" from adjacent grade, shall not encroach beyond the property line.
- e. The top of the equipment shall not exceed the height of the ridge of the roof of the structure to which it is attached or associated.
- f. This provision shall not apply to residential structures that are new or substantially improved, which are regulated by (c), above.

Ordinance 2024-13

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING LAND DEVELOPMENT CODE DIVISION 3 – ADMINISTRATION OF THE LAND DEVELOPMENT CODE, SECTION 3.10 – VESTED RIGHTS AND NONCONFORMITIES; AND DIVISION 6 – SUPPLEMENTAL REGULATIONS, SECTION 6.14. - ENCROACHMENT OF CERTAIN SPECIFIED ANCILLARY RESIDENTIAL EQUIPMENT INTO REQUIRED YARDS; REPEALING EMERGENCY ORDINANCES 2024-11 AND 2024-14 CONTAINING SIMILAR PROVISIONS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER’S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City adopted similar permissions as contained as exhibits herein for sixty days through emergency Ordinances 2024-11 and 2024-14.

WHEREAS, both residential and commercial structures City-wide have sustained significant structural and nonstructural damage due to the effects of hurricanes Helene and Milton.

WHEREAS, the Land Development Code has benefitted from additional clarity on simple change-outs of existing equipment when required to be elevated above the floodplain, and permissions to allow residential structures with nonconforming setbacks to have the living level of the structure elevated or reconstructed above the floodplain, to continue assisting with Citywide recovery and long-term resiliency efforts.

WHEREAS, the City Commission finds these amendments to assist in the preservation and maintenance the public health, safety, and welfare.

WHEREAS, a business impact estimate pursuant to Florida Statute 166.041(4)(c).5. as amended through the 2024 session has been prepared and found no significant negative impact on the business community.

WHEREAS, this item was taken for review before the Local Planning Agency (Planning Board) on November 18, 2024, and [recommended/not recommended] to the City Commission for final adoption at a vote of [____ to ____].

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 is amended as shown in EXHIBIT A to this Ordinance.

SECTION 3. Codification. This Ordinance shall be codified in the Land Development Code 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. The enactment of this ordinance shall immediately repeal Emergency Ordinances 2024-11 and 2024-14 containing similar provisions.

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.

Adrian Petrila, Mayor

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.

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 _____, 2024.

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.

EXHIBIT A

Sec. 3.10. - Vested rights and nonconformities.

(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 nonconformity, except for the conditions set forth for elevating an existing structure in Section (3)A. below.
- (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, except as provided in (3)D. below.
- (3) Should such nonconforming structure be moved, either vertically or horizontally, it shall comply with the following:
 - A. The structure ~~shall~~ may be moved, vertically only, such that the lowest habitable floor is elevated ~~no higher than six inches~~ above the base required design 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. Additionally, the existing habitable ground floor of the structure beneath the required design flood elevation may be converted to parking, storage and building access if in compliance with the structure's flood zone if the habitable floor(s) are reconstructed, in the same footprint and the same floor height as the existing habitable floor(s), above.~~ 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 nonconformities 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. Any additions to the structure made during or subsequent to the elevation or reconstruction of the structure, other than reconstruction of the habitable floor(s) of the structure above required design flood elevation when

reconstruction is undertaken, shall comply with the existing required setbacks for the structure's zoning district.

D. When a residential structure that is nonconforming solely by means of setback(s) suffers substantial damage and the requirements of (3)A. through C. preceding can be met, the structure may be eligible for a vertical move, elevation or reconstruction as set forth above but shall comply with all applicable floodplain management regulations and building codes. At time of permitting for the elevation or reconstruction the applicant shall demonstrate why the structure cannot be relocated to fully comply with required setbacks, and the Applicant shall also demonstrate that the Applicant has made all reasonable, viable accommodations to increase compliance with the required setbacks when the structure is elevated or reconstructed.

E. When (3)A. or D. above is utilized, if the applicant cannot reasonably construct stairs to access the first living level without encroaching into the front setback, the applicant may be permitted to construct stairs without an independent roof overhang within the required front yard. Stairs shall not encroach more than ten feet into the required front yard unless additional encroachment is demonstrated as necessary to avoid conflict with garage access or correct a safety issue. Under no circumstances shall stairs authorized through this permission be located closer than three feet to any property line. This standard shall supersede other permissions and restrictions found elsewhere in this Code.

(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 nonconforming structure provided that such repairs or maintenance do not constitute a substantial improvement as defined in the Land Development Code.

Sec. 6.14. Encroachment of certain specified ancillary residential equipment into required yards.

(a) Ancillary residential equipment installed no more than two feet above grade, such as but not limited to air conditioning compressors when permitted, swimming pool and spa filters and pumps, etc. shall be allowed to encroach into any required yards up to four feet, provided that any such equipment located in front of the residence shall be adequately shielded from the adjoining property by either a solid enclosure or solid fence or wall and no resulting setback shall be less than 3 feet from any property line.

(b) Equipment newly installed more than two feet above grade shall not encroach into any required front or side yard setback.

- (c) New elevated equipment on any new or substantially improved residential structures shall not encroach into any required yard setback. This shall apply to any equipment installed for new or substantially improved structures or to such items being installed for existing structures the first time.
- (d) Change-outs or in-place elevation of existing residential equipment located in the required rear or side yard of a structure legally nonconforming to the current required design flood elevation, that has sustained damage from a flood and is required by the Florida Building Code to be elevated above the floodplain, shall be permitted to be elevated in place subject to the following criteria: ~~shall be exempt as long as the new equipment does not encroach into any required yard to a greater extent than the existing equipment.~~
- a. The bottom of the equipment shall be elevated no higher than one foot above required design flood elevation.
 - b. The equipment shall encroach no farther into the required yard than the equipment it is replacing, except that minimum additional encroachment may be permitted to avoid conflict with existing projections located on the structure and/or roof eaves.
 - c. If on a column or pedestal, the equipment with column or pedestal shall be located no closer than three feet from the property line.
 - d. If on a bracket the equipment with bracket shall be located no closer than three feet from the property line or, if elevated on a bracket such that any projection is no lower than 6'-8" from adjacent grade, shall not encroach beyond the property line.
 - e. The top of the equipment shall not exceed the height of the ridge of the roof of the structure to which it is attached or associated.
 - f. This provision shall not apply to residential structures that are new or substantially improved, which are regulated by (c), above.

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of St. Pete Beach website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING LAND DEVELOPMENT CODE DIVISION 3 – ADMINISTRATION OF THE LAND DEVELOPMENT CODE, SECTION 3.10 – VESTED RIGHTS AND NONCONFORMITIES; AND DIVISION 6 – SUPPLEMENTAL REGULATIONS, SECTION 6.14. - ENCROACHMENT OF CERTAIN SPECIFIED ANCILLARY RESIDENTIAL EQUIPMENT INTO REQUIRED YARDS; REPEALING EMERGENCY ORDINANCES 2024-11 AND 2024-14 CONTAINING SIMILAR PROVISIONS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of St. Pete Beach is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City of St. Pete Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement;
- ☐ The proposed ordinance is enacted to implement development orders and development permits, as those terms are defined in s. 163.3164, F.S., and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss.163.3220-163.3243;
- ☐ The proposed ordinance implements a comprehensive plan or land development regulation amendment and was initiated through application by a private party other than the municipality.

- ☐ The proposed ordinance relates to Sections 190.005, 190.046, 553.73 (Florida Building Code), or 633.202 (Florida Fire Prevention Code).

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of St. Pete Beach hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

This Ordinance allows for permanent adoption of prior emergency Ordinances 2024-11 and 2024-14, which respectively permitted the in-place elevation or limited reconstruction of a residential structure that encroached into a required yard provided that the structure's living level is elevated out of the floodplain, and elevate equipment associated with pre-FIRM structures located in the required rear or side yard above the floodplain when required to do so by the Florida Building Code. The public purpose of this ordinance is to expedite recovery for homeowners who need to replace equipment in order to reoccupy their homes, and promote elevation of residences above the floodplain to prevent dislocation of homeowners who are required to elevate their home following substantial damage.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of St. Pete Beach, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of St. Pete Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

This ordinance is permissive in nature and is not expected to have any significant economic impact on private, for-profit businesses in the City of St. Pete Beach in terms of compliance costs. The sole known potential impact would be from the in-place elevation of a residential structure closer to a property line than permitted under code for new development, which could increase the offset of new development on an adjacent property or the installation of firewalls. However, generally, there are significant landscaping buffer and commercial setback requirements from commercial structures to adjacent residential.

There are no additional new fees or regulatory costs introduced with this ordinance. This ordinance does not impose additional requirements on any business or property owner.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

As commercial businesses are not subject to the same setback requirements or flood elevation requirements for equipment as residences, few if any businesses are expected to benefit from that provision. Staff estimates that as many as 50 condominium associations and apartment building owners will potentially benefit from the provisions allowing for elevation of residences above the floodplain; however, it is unclear how many of these developments can be elevated to the required flood elevation level without conflicting with height requirements, which would still require obtaining a variance.

4. Additional information the governing body deems useful (if any):

[You may wish to include the methodology or data used to prepare the Business Impact Estimate in this section. For example: City of St. Pete Beach staff solicited comments from businesses in the City of St. Pete Beach as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City of St. Pete Beach website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses); therefore, the proposed ordinance does not affect only businesses.]

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

Agenda Report

Agenda Title Name: Artificial Turf

Action Request: None - for discussion purposes.

Strategic Objective:

Date: November 18, 2024

Prepared By: Brandon Berry, Senior Planner

Through: Denise Sanderson, Community Development Director

Summary of Issue: At the October meeting, Member Grocott shared detailed analysis of other jurisdictions' standards pertaining to artificial turf. Shortly after the meeting, Tampa Bay Regional Planning Council shared a study they conducted on the pros and cons of artificial turf, noting that St. Pete Beach was then the only jurisdiction that regulated turf percentages.

This item is a follow-up to that discussion, providing members with information that has been shared and seeking direction.

Funding: N/A

Attachments:

1. Artificial Turf Comparison - Florida Ordinances - Shared by Member Grocott
2. TBRPC Model Ordinance - Artificial Turf
3. TBRPC Summary Presentation - Artificial Turf
4. TBRPC Analysis Summary - Artificial Turf

Artificial Turf: Comparisons of Local Florida Ordinances

City/Town	Definition	Pervious or Impervious	Design/Material Standards	Installation Standards	Maintenance Standards	Prohibited Uses	Placement on Residential Property	Process to Permit
Surfside, Florida	"A dense and continuous surface of synthetic fibers mounted on a permeable backing and of sufficient density and green color to replicate the appearance of healthy, natural grass"	Pervious	-Min. eight-year "no fade" warranty -Type: cut pile infill with pile fibers of a min. height of 1.75 inches and max. height of 2.5 inches -Min. face weight of 75 oz per square yard -Manufactured from polyethylene monofilament, dual yard system, and made in the US -Have backing that is permeable -Be lead free and flame retardant	-Must be installed according to manufacturer's specifications -Must be anchored to ensure that turf will withstand the effects of wind -All seams must be nailed and glued, not sewn, and edges must be trimmed to fit against all regular and irregular edges to resemble a natural look -For seawalls, the artificial turf must be pinned or staked behind the seawall. None may be attached directly to or placed on a seawall or seawall cap -Proper drainage must be provided -Must be visually leveled with the grain pointing in one direction -A solid barrier device (e.g. concrete mow strip, bender board) is required to separate living and nonliving landscape -Precautions for installation around trees may be restricted to ensure tree roots are not damaged or the overall health of the tree is not compromised	-Be maintained in an attractive and clean condition with no holes, tears, stains, discoloration, seam separations, uplifted surfaces or edges, heat degradation or excessive wear -Be maintained in a green fadeless condition and free of weeds, debris, and impressions	-Cannot be in the public ROW or swales -Cannot be used as screening material	-Permitted on all properties -Separated from planter areas and tree wells by a concrete mow strip, bender board or other barrier with a minimum four-inch thickness to prevent the intrusion of living plant material into the synthetic turf -Irrigation system shall be directed away from the synthetic turf	-Requires Building Permit (1) Application includes landscape plan; (2) Existing/proposed irrigation system; (3) Brand and type of turf with manufacturer specifications and warranties; (4) Scaled cross section and details of proposed materials and installation; (5) Survey of the property -Previously Installed Turf Property owners of artificial turf must submit proof satisfactory to the Town to show that the property is in compliance. The Town will review proof of compliance satisfactory to determine if turf may stay or if it in violation of the Code, which is subject to immediate removal

Artificial Turf: Comparisons of Local Florida Ordinances

City/Town	Definition	Pervious or Impervious	Design/Material Standards	Installation Standards	Maintenance Standards	Prohibited Uses	Placement on Residential Property	Process to Permit
Orlando, Florida	N/A	Impervious Landscape Code sites "living" material as pervious areas	-Material must appear natural in appearance and color -Other generally accepted colors are reviewed by Appearance Review Officer	-Installed outside of the drip line of any tree	-Must be installed according to manufacturer's specifications -Must be anchored to ensure that turf will withstand the effects of wind -All seams must be nailed and glued, not sewn, and edges must be trimmed to fit against all regular and irregular edges to resemble a natural look -For seawalls, the artificial turf must be pinned or staked behind the seawall. None may be attached directly to or placed on a seawall or seawall cap -Proper drainage must be provided -Must be visually leveled with the grain pointing in one direction -A solid barrier device (e. g. concrete mow strip, bender board) is required to separate living and nonliving landscape -Precautions for installation around trees may be restricted to ensure tree roots are not damaged or the overall health of the tree is not compromised	-Cannot be installed within 50 ft of any artificial or natural body of water -Prohibited within drainage features -Prohibited within Historic Preservation Districts -Prohibited within public and private ROW -Use of indoor/outdoor plastic or nylon carpeting as artificial turf is prohibited	-Permitted on residential, private parks, schools, commercial sites and limited play areas of public parks and institutions	- Requires Engineering Permit -Owner/Builder Declaration form required (for doing work as the homeowner and not hiring a contractor) -Notice of Commencement must be provided for jobs more than \$2,500 - All plans must include: (1) Site plan/survey/plot plan - must be signed and sealed by surveyor with property lines and easements included (2) Placement and dimension (L x W) of artificial turf (3) Distance between property line and where the artificial grass starts (L x W) (4) ISR calculations included on plans (5) Product specifications (6) Applicant must submit a statement regarding implementation of erosion sediment control measures in reference to The City of Orlando's Guidelines for Erosion Sediment Control

Artificial Turf: Comparisons of Local Florida Ordinances

City/Town	Definition	Pervious or Impervious	Design/Material Standards	Installation Standards	Maintenance Standards	Prohibited Uses	Placement on Residential Property	Process to Permit
Winter Park, Florida	"Artificial turf or synthetic grass means an artificial grass mat manufactured with man-made materials such as polypropylene, polyethylene, and/or other materials, which is used to replicate the appearance of natural grass"	-Impervious unless specifically designed and permitted with a proper porous permeable underlying material such as gravel. -Standard engineering coefficients of permeability shall be utilized for mixed surfaces.		Installation is distinguished between Impervious and Pervious materials -Impervious Installations requires: (1) permit (2) New total impervious area coverage (3) proof of permeability not required (4) first inch of stormwater runoff from the artificial turf must be retained onsite -Pervious Installations requires: (1) permit (2) Backing of a uniform (every square inch) woven material, which precludes the use of a solid backed material with periodic holes (3) Required min. rate of permeability is 30 inches per hour uniformly (every square inch) across the artificial turf (4) Underlying material (gravel, drainfield rock, sand setting, fabric, etc.) must be included in the design per the manufacturer's specifications to meet the min. rate of permeability	-Routine maintenance required to include cleaning, brushing, debris removal, repairing and replacing turf as needed -Code violation if turf is not maintained as designed and permitted	-Installations prohibited under tree canopies		-Property owner must enter into a recorded agreement with the City to maintain the turf in good standing and remain in compliance to Code. I. Property owner required to remove and/or replace the turf in the future if it ceases to function as designed and permitted II. The City's remedies in the event the property owner fails to comply with its maintenance, repair, and replacement obligations III. Property owner's indemnification and hold harmless of the City and its officials and employees with respect to the turf installation, maintenance, and repair, including any drainage problem that may arise therefrom

Artificial Turf: Comparisons of Local Florida Ordinances

City/Town	Definition	Pervious or Impervious	Design/Material Standards	Installation Standards	Maintenance Standards	Prohibited Uses	Placement on Residential Property	Process to Permit
West Palm Beach, Florida	N/A	Impervious	-Must appear green, lifelike with individual blades of grass that emulate natural turf -Min. pile height of 1.5 inches -Min. tufted weight of 56 oz per square yard -Min. permeability of 30 inches per hour per square yard -Min. eight year manufacturer's warranty that protects against color fading and a decrease in pile height -Must be lead free -Must include test documentation declaring the turf yard and backing materials are disposable under normal conditions at any US landfill station (Total Content Leach Protocol (TCLP) test)	-Must be installed according to manufacturer's specifications -Must be anchored to ensure that turf will withstand the effects of wind -All seams must be nailed and glued, not sewn, and edges must be trimmed to fit against all regular and irregular edges to resemble a natural look -For seawalls, the artificial turf must be pinned or staked behind the seawall. None may be attached directly to or placed on a seawall or seawall cap -Proper drainage must be provided -Must be visually leveled with the grain pointing in one direction -A solid barrier device (e.g. concrete mow strip, bender board) is required to separate living and nonliving landscape -Precautions for installation around trees may be restricted to ensure tree roots are not damaged or the overall health of the tree is not compromised	-Town or other public entity or utility company may remove turf at any time and for any reason, including but not limited to, in order to provide underground access to utility work -The owner shall bear and pay any and all costs to replace and reinstall turf	-Synthetic turf is prohibited in the public right-of-way and swales	Use and location limited to: (1) Non-city-owned athletic fields and playgrounds associated with non-city-owned community center, park, school, or university (2) Part of a construction of any nonresidential development (3) On roof terraces	-Requires Building Permit -Special use permit issued for non-city-owned athletic fields and playgrounds associated with non-city-owned community center, park, school, or university

Artificial Turf: Comparisons of Local Florida Ordinances

City/Town	Definition	Pervious or Impervious	Design/Material Standards	Installation Standards	Maintenance Standards	Prohibited Uses	Placement on Residential Property	Process to Permit
Marco Island, Florida	N/A	N/A	-Must appear live turf, organic turf, grass, sod, or lawn -Type: cut pile infill with pile fibers -Min. height of 1.75 inches -Min. 75 oz per square yard -Must be manufactured from polyethylene monofilament, dual yard system -Be affixed to permeable backing -Min. 8-year "No Fade" warranty -Must be lead free -Must be flame retardant -Material other than polyethylene monofilament may be approved by CM/designatee if the product is certified to meet applicable environmental and health regulations regarding lead content -Recognized as a fill in material, rather than as a planned element of the landscape -Infill medium consists of clean silica sand or other approved mixture brushed into the fibers to ensure fibers are in an upright position and provide ballast to help hold the turf in place and provide a cushioning effect	-Must be installed by a Florida-licensed general contractor or Florida-licensed landscape architect in a manner prescribed by the manufacturer -Must be installed over a subgrade prepared to provide positive drainage and an evenly graded mass of compacted, porous crushed rock aggregate material that is a minimum of three inches in depth -Cannot have seams visible between multiple panels -Must be anchored at all edges and seams -Panels of turf must have seams joined in a tight and secure manner -An infill medium consisting of clean silica sand or other mixture, pursuant to the manufacturer's specifications or as approved by the City Engineer, that shall (1) be brushed into the fibers to ensure that the fibers remain in an upright position, (2) provide ballast that will help hold the turf in place and (3) provide a cushioning effect	-Must be fadeless and free of dirt, mud, stains, weeds, debris, tears, holes and impressions -The City, City employees or its contractors are not responsible to repair or replace any synthetic turf located within the public ROW, swales, or easements damaged as a result of an associated city project or work order. -Replacement of turf material removed or damaged to repair or maintain roadways or utilities in the public ROW, swales, or easements is the responsibility of the property owner and such repairs shall be made within 30 days or result in a code compliance violation	-Cannot be installed on areas with a slope percentage greater than 5% -Use of indoor/outdoor plastic or nylon carpeting as artificial turf is prohibited -Synthetic turf is prohibited in the public right-of-way and swales within the City	-Use of an irrigation system for non-active use turf shall be prohibited -An existing irrigation system that will not be utilized for the synthetic turf may remain, however, heads shall be removed and pipes shall be capped below ground -Separated from planter areas and tree wells by a concrete mow strip, bender board other other barrier with a minimum 3/8" thickness to prevent the intrusion of living plant material into the synthetic turf areas -Areas of living plant material shall be installed or maintained in conjunction with the installation of synthetic turf when utilized in the front yard area. Living plant material shall include shrubs, vines, trees and groundcovers in separate planter areas and tree wells	-Material specifications and plans must be provided to the City Manager or designee for review and approval prior to the installment of turf -Submittal shall include: I. A landscape plan showing turfed area, area of living plant material, and separation material between these areas II. Dimensioned cross section of proposed materials and installation details, including subgrade, drainage, base or leveling layer, and infill III. Edge material and detail for treatment of seams IV. Material description and specifications, including manufacturer, installer (with contact information), and warranty information

Artificial Turf: Comparisons of Local Florida Ordinances

City/Town	Definition	Pervious or Impervious	Design/Material Standards	Installation Standards	Maintenance Standards	Prohibited Uses	Placement on Residential Property	Process to Permit
Lantana, Florida	N/A	N/A	-Must appear green, lifelike with individual blades of grass that emulate natural turf -Min. pile height of 1.5 inches -Min. tufted weight of 56 oz per square yard -Min. permeability of 30 inches per hour per square yard -Min. eight year manufacturer's warranty that protects against color fading and a decrease in pile height -Must be lead free - Must include test documentation declaring the turf yard and backing materials are disposable under normal conditions at any US landfill station (Total Content Leach Protocol (TCLP) test)	-Must be installed according to manufacturer's specifications -Must be anchored to ensure that turf will withstand the effects of wind -All seams must be nailed and glued, not sewn, and edges must be trimmed to fit against all regular and irregular edges to resemble a natural look -For seawalls, the artificial turf must be pinned or staked behind the seawall. None may be attached directly to or placed on a seawall or seawall cap -Proper drainage must be provided -Must be visually leveled with the grain pointing in one direction -A solid barrier device (e.g. concrete mow strip, bender board) is required to separate living and nonliving landscape -Precautions for installation around trees may be restricted to ensure tree roots are not damaged or the overall health of the tree is not compromised	-Must be maintained in a green, fadeless condition and free of dirt, mud, odors, stains, weeds, invasive roots, debris, tears, holes, impressions, and flat or matted areas -Repair depressions and ruts to maintain a visually-level surface -All edges must not be loose and must maintain appropriate edging and stakes -Must be replaced if the material falls into disrepair with fading, holes, or loose areas -Replacement and/or repairs must be done with like materials from the same manufacturer and done so in a manner that blends in with the existing turf -Town or other public entity or utility company may remove turf at any time and for any reason, including but not limited to, in order to provide underground access to utility work -The owner shall bear and pay any and all costs to replace and reinstall turf	-Use of indoor/outdoor plastic or nylon carpeting as artificial turf is prohibited		-Requires Building Permit

Artificial Turf: Comparisons of Local Florida Ordinances

City/Town	Definition	Pervious or Impervious	Design/Material Standards	Installation Standards	Maintenance Standards	Prohibited Uses	Placement on Residential Property	Process to Permit
Ocean Ridge, Florida	N/A	Considered 100% pervious area	-Must appear green, lifelike with individual blades of grass that emulate natural turf -Min. pile height of 1.5 inches -Min. tufted weight of 56 oz per square yard -Min. permeability of 30 inches per hour per square yard -Min. eight year manufacturer's warranty that protects against color fading and a decrease in pile height -Must be lead free -Must include test documentation declaring the turf yard and backing materials are disposable under normal conditions at any US landfill station (Total Content Leach Protocol (TCLP) test)	-Must be installed according to manufacturer's specifications -Must be anchored to ensure that turf will withstand the effects of wind -All seams must be nailed and glued, not sewn, and edges must be trimmed to fit against all regular and irregular edges to resemble a natural look -For seawalls, the artificial turf must be pinned or staked behind the seawall. None may be attached directly to or placed on a seawall or seawall cap -Proper drainage must be provided -Must be visually leveled with the grain pointing in one direction -A solid barrier device (e.g. concrete mow strip, bender board) is required to separate living and nonliving landscape -Precautions for installation around trees may be restricted to ensure tree roots are not damaged or the overall health of the tree is not compromised	-Must be maintained in a green, fadeless condition and free of dirt, mud, odors, stains, weeds, invasive roots, debris, tears, holes, impressions, and flat or matted areas -Repair depressions and ruts to maintain a visually-level surface -All edges must not be loose and must maintain appropriate edging and stakes -Must be replaced if the material falls into disrepair with fading, holes, or loose areas -Replacement and/or repairs must be done with like materials from the same manufacturer and done so in a manner that blends in with the existing turf -Town or other public entity or utility company may remove turf at any time and for any reason, including but not limited to, in order to provide underground access to utility work -The owner shall bear and pay any and all costs to replace and reinstall turf	-Use of indoor/outdoor plastic or nylon carpeting as artificial turf is prohibited	Locations allowed: -Allowed in rear and side yards, but cannot exceed 25% of the total lot area Locations not allowed: -In any front yard areas or in any area visible from the public ROW (regardless of whether it is in the rear or side yard), unless placed between paver blocks or similar items in a manner where the area for the turf does not exceed four inches in width, provided that the synthetic turf area does not exceed 50% of the total lot area using the paver blocks. -Screening, as approved by the building official, may be used in order to comply with the visibility requirement, further any turf placed in between paver blocks shall not count toward the 25% maximum amount allowed -No turf allowed in the ROW	-Requires Building Permit Existing Turf: -For properties where turf is currently installed that is not in compliance with the Code, when the existing turf is replaced or repaired, in an amount exceeding 50%, then compliance with Code is required -All existing turf, not in compliance, must be replaced within 10 years of the adoption of the turf ordinance

Artificial Turf: Comparisons of Local Florida Ordinances

City/Town	Definition	Pervious or Impervious	Design/Material Standards	Installation Standards	Maintenance Standards	Prohibited Uses	Placement on Residential Property	Process to Permit
Lighthouse Point, Florida	"A dense and continuous surface of synthetic fibers mounted on a permeable backing and of sufficient density and green color to replicate the appearance of healthy, natural grass"	Pervious	-Min. eight-year "no fade" warranty -Type: cut pile infill with pile fibers of a min. height of 1.75 inches and max. height of 2.5 inches -Min. face weight of 75 oz per square yard -Manufactured from polyethylene monofilament, dual yard system, and made in the US -Have backing that is permeable -Be lead free and flame retardant	-Must be installed by a licensed professional pursuant to manufacturer's requirements -Must be installed over a subgrade prepared to provide positive drainage and an evenly graded mass of compacted, porous crushed rock aggregate material -Must be anchored at all edges and seams -Drainage system must be installed underneath to prevent excessive runoff or pooling -Panels of turf must have seams joined in a tight and secure manner -An infill medium consisting of clean silica sand or other mixture, which should ensure that the fibers remain in an upright position, provide ballast that will help hold the turf in place and provide a cushioning effect	-Be maintained in an attractive and clean condition with no holes, tears, stains, discoloration, seam separations, uplifted surfaces or edge, heat degradation or excessive wear -Free of weeds, debris, and impressions	-Synthetic turf is prohibited in the public right-of-way and swales within the City -Cannot be treated as a filler for landscaping that is not part of a planned element of landscaping	-Permitted on residential and commercial properties -An existing irrigation system that will not be utilized for the synthetic turf may remain, however, heads shall be removed and pipes shall be capped below ground -Separated from planter areas and tree wells by a concrete mow strip, bender board other barrier with a minimum 3/8" thickness to prevent the intrusion of living plant material into the synthetic turf areas -Areas of living plant material shall be installed or maintained in conjunction with the installation of synthetic turf when utilized in the front yard area. Living plant material shall include shrubs, vines, trees and groundcovers in separate planter areas and tree wells	-Requires Building Permit -Submittal shall include: (1) A landscape plan showing turfed area, area of living plant material, and method of separation between these areas (2) Details regarding existing or proposed irrigation proximate to the turf (3) Brand and type of turf with manufacturer specifications and warranties; (4) Scaled cross section and details of proposed materials and installation, including but not limited to subgrade, drainage, base or leveling layer, and infill; (5) Survey of the property, signed and sealed by a licensed surveyor, depicting all existing easements located on the property (6) A form signed by any holder of an easement on the property consenting to the installation of the synthetic turf within the easement, with an accompanying acknowledgement by the property owner that in the event the easement holder performs work in the easement that it is the property owner's responsibility to repair and replace the synthetic turf disturbed as a result of the work in the easement



MEMORANDUM

TO: Agency on Bay Management, Tampa Bay Regional Planning Council
FROM: Maxwell Pyles & Angela Xu from the Jacobs Public Interest Law Clinic for
Democracy and the Environment
DATE: April 18, 2023
SUBJECT: Artificial Turf Model Ordinance Research Memorandum

I. Introduction

This memorandum provides an outline of factors to consider in contemplating an artificial turf model ordinance, including the environmental impacts of artificial turf, how municipalities have implemented artificial turf ordinances, the work of the Florida-Friendly Landscaping program, and the concerns of artificial turf industry representatives.

Dr. Kruse's presentation to the Agency on Bay Management on September 8, 2022 informed the memo, along with scholarly research, analysis of existing ordinances addressing artificial turf, and conversations with industry representatives.

II. Environmental Impacts of Artificial Turf

Residential use of artificial turf is increasingly popular but concerns about potential environmental impacts remain.¹ Artificial turf is designed to prevent water from pooling and running off the property, but these systems are imperfect and do not achieve water infiltration into soil as compared to natural turf.² Compacted soil base, poor drainage, and hydrophobicity of artificial materials can reduce water infiltration and movement.³ Furthermore, artificial turf retains more heat than other landscaping materials and can have detrimental ecological effects.⁴ Therefore, a potential ordinance should address three primary concerns: water infiltration, urban heat island effect, ecological impacts. Additionally, pollution and the harmful chemicals found in synthetic turf should be considered.

¹ Jason Kruse, Professor, University of Florida, Presentation to the Agency on Bay Management: The Impacts of Artificial Turf (Sept. 8, 2022).

² *Id.*

³ *Id.*

⁴ *Id.*

A. Water Infiltration

Water infiltration, or permeability, is the process of water on the turf's surface entering the soil. Permeability is important because precipitation that permeates soil recharges groundwater, improving water quantity and quality. Impermeable surfaces decrease recharge and increase runoff, which worsens local water quality. Numerous layers of artificial turf can impact the permeability, but the foundation layers, or the base, decreases permeability due to the materials used and amount or degree of compaction.⁵ Currently, the City of Tampa prohibits compacted crushed concrete and compacted limerock as a base stabilization material, and considers the materials to be impervious.⁶ Under City of Tampa Ord. No. 2012-48 Section 21-141, and Pinellas County Ord. No. 10-06 Section 58-473, an *impervious surface* is defined as a surface “that has been compacted or covered with a layer of material . . . that [is] highly resistant or prevents infiltration by stormwater,” including roofs, compacted sand, clay, limerock, sidewalks, streets, and parking lots.⁷ In contrast, the synthetic turf industry supports these practices and claims that the material is pervious.⁸

A study by King's College London compared natural grass to two types of artificial grass,⁹ predicting harmful environmental impacts.¹⁰ The study hypothesized a decrease in water infiltration and increase in runoff in urban areas because of high flood risk, a substantial number of private and public lawns, and “an abundance of impervious surface cover and climate change impacts.”¹¹ The study showed synthetic grasses displayed significantly greater volumes and proportion of runoff and “perform[s] worse hydrologically than living grass.”¹² Therefore, artificial turf likely reduces overall water infiltration into the soil and promotes runoff into stormwater drains or other water bodies.

When assessing permeability, it is important to consider the integral elements of synthetic turf's base, grass fibers, backing, and infill. Infill is the particulates of material that sit between the turf's blades of grass. The Tampa Bay Builders Association's (TBBA) study conducted in

⁵ *Id.*

⁶ Email from Alexander Awad, Chief Planning Engineer, City of Tampa, to Maxwell Pyles et al., Student, Stetson U. Coll. of L. (Feb. 24, 2023, 8:24 EST) (on file with author).

⁷ See Email from Alexander Awad (2023).

⁸ See <https://turffactorydirect.com/2021/09/23/is-artificial-grass-permeable/> (stating that “properly installed artificial turf” is permeable and drains even better than natural grass).

⁹ Thomas J. Simpson et al., *Artificial lawns exhibit increased runoff and decreased water retention compared to living lawns following controlled rainfall experiments*, 63 Urban Forestry & Urban Greening Volume (2021).

¹⁰ Robert A. Francis, *Artificial lawns: environmental and societal considerations of an ecological simulacrum*, 30 Urban Forestry & Urban Greening 152, 152-156 (2018).

¹¹ Simpson, *supra* note 9.

¹² *Id.*

Hillsborough County by Anticus Engineering compared natural turf soil with 4 different synthetic turf geotextile bases (the layer on the soil), including concrete and limerock aggregates.¹³ Anticus used saturated hydraulic conductivity tests, a common technique to study permeability.¹⁴ The study found that natural grass had less permeability than all synthetic turf bases,¹⁵ an opinion that was echoed by turf industry representatives at a March 6, 2023 TBBA meeting.¹⁶ However, the study only examines aggregate base and does not test the permeability of grass blades, infill, and carpet backing layers of artificial turf that sit on top of the aggregate base,¹⁷ nor did it address the fact that a field or collector drain in or below the base intercept and divert the water before it enters the base layer.

B. Heat and Increased Ambient Temperature

Artificial turf has been found to have an increased ambient temperature as compared to other common surfaces, both natural and artificial.¹⁸ Natural grass has the ability to dissipate “high levels of radiant heat in urban areas” and has “lower surface and ambient temperatures” compared to artificial turf, particularly synthetic fields with crumb rubber infill.¹⁹ Artificial turf shows great capacity to absorb and retain heat and sunlight,²⁰ and will significantly increase the temperature of ground surfaces and the surrounding air.²¹

¹³ Report of Permeability Testing Synthetic Turf Section Testing Hillsborough County, Florida Anticus Project No: 01.5348.22. May 12, 2022 at 12. Anticus provides geotechnical engineering services in Florida, <https://anticuseng.com/services/>, (last visited Mar. 15, 2023).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Meeting with Tampa Bay Builders Association, March 6, 2023.

¹⁷ *Id.*

¹⁸ Frank Williams and Gilbert Pulley, *Synthetic Surface Heat Studies*, Brigham Young University (2002).

¹⁹ Julian E. Lozano et al., *Ecosystem services for compensation of artificial turf systems*, (2021).

²⁰ Tayoaki Aoki, *Solar illuminance and albedo on surface temperature of outdoor sport surfaces*, 11 *Nature and its Environment* 40, 40-48 (2009); Neda Yaghoobian et al., *Modeling the Thermal Effects of Artificial Turf on the Urban Environment*, 49 *J. Applied Meteorology and Climatology* 332, 332-345 (2010).

²¹ Lauren Petrass et al., *Understanding how the Components of a Synthetic Turf System Contribute to Increased Surface Temperature*, The 2014 Conference of the International Sports Engineering Association (2014); See also Adam W. Thoms et al., *Models for predicting surface temperatures on synthetic turf playing surfaces*, The 2014 Conference of the International Sports Engineering Association (2014); See also: C.Y. Jim, *Intense summer heat fluxes in artificial turf harm people and environment*, 157 *Landscape and Urban Planning* 561, 561-576 (2017).

Artificial turf surface temperature can rise 54 degrees Fahrenheit higher than natural surfaces, and even sustain high temperatures throughout the evening.²² Artificial turf was found on average 39 degrees hotter than a sand-based grass field, and 8 degrees hotter than asphalt, with the hottest reading 86 degrees higher than grass.²³ Transpiration from natural grass has a cooling effect, so grass seldom reaches temperatures warmer than 100 degrees Fahrenheit.²⁴ In comparison, turf field temperatures regularly go above 100 degrees Fahrenheit.²⁵ The Center for Sports Surface Research at Pennsylvania State University conducted studies finding that surface temperatures of synthetic turf reached an average of 140 to 170 degrees Fahrenheit on hot and sunny days.²⁶

Widespread use in residential landscaping could exacerbate the heat island effect and require more energy to cool homes.²⁷ While head sprinklers and irrigation may help to cool artificial turf, this is a temporary remedy that reduces surface temperatures for only up to half an hour.²⁸ Instead of crumb rubber, utilizing organic infills or installing fields without such granules can reduce the effect of heat.²⁹ Plastic-based granules dominate the performance infill market.³⁰

This increased temperature could potentially cause issues like the urban heat island effect (UHIE).³¹ UHIE is heat accumulation within urban areas due to urban construction and human activities.³² UHIE can have numerous negative ecological and environmental effects on the surrounding area.³³ Artificial turf has the potential to impact urban heat islands, though “the magnitude of such heat effect is unclear and will depend on . . . color and other specifications of the infill material and of the artificial turf carpet.”³⁴ A health risk assessment conducted for a

²² Jane Loveday, et al., *Seasonal and Diurnal Surface Temperatures of Urban Landscape Elements*, 11 Sustainability (2019).

²³ *Supra* note 17.

²⁴ Sonia Myrick, Synthetic Sports Fields and the Heat Island Effect, National Recreation and Park Association (May 8, 2019); <https://www.nrpa.org/parks-recreation-magazine/2019/may/synthetic-sports-fields-and-the-heat-island-effect/>.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Supra* note 18.

²⁸ Thomas Serensits, et al., Human health issues on synthetic turf in the USA, 225 J. Sports Engineering and Technology 139, 139-146 (2011).

²⁹ Eunomia Research & Consulting Ltd, *Environmental impact study on artificial football turf*, (2017), (a study conducted for FIFA).

³⁰ *Id.*

³¹ Li Yang, et al., *Research on Urban Heat-island Effect* (2016).

³² *Id.*

³³ *Id.*

³⁴ Joe Lavorgna et al., *A Review of Benefits and Issues Associated with Natural and Artificial Turf Rectangular Stadium Fields - Final Report*, (2011).

municipality in Canada showed that “synthetic turf surfaces may pose a risk of heat-related illness, including burns, heat stress and dehydration.”³⁵

C. Loss of Biodiversity and Ecosystem

Replacing natural surfaces with artificial turf can have negative ecological effects. Natural grass ecosystem services are lost when they are replaced by synthetic grass,³⁶ and “[l]arge populations . . . are supported by the soil-turfgrass ecosystem,”³⁷ whereas artificial turf does not provide habitat for wildlife or beneficial insects.³⁸ For example, “[n]atural turf ecosystems can support abundant populations of earthworms,” which leads to better water infiltration and retention.³⁹

Furthermore, artificial turf does not support microorganisms which break down and recycle organic and inorganic products falling on the surface and soil microbes which decompose pesticides and bacteria.⁴⁰ Removing the ability of decomposition from the ecosystem could create issues with waste on the turf surface.⁴¹ Over time, runoff containing the waste may enter water bodies, contributing to pollution and nutrient loading.⁴² An increase of nutrients in water bodies may impact water quality and cause harmful ecological impacts, such as algal growth.⁴³ Runoff from artificial turf may also increase microplastics entering water bodies.⁴⁴ While it is hard to quantify the sources of many microplastics, Nordic countries found that hundreds or even thousands of metric tons of microplastics were lost from artificial turfs each year.⁴⁵ Much of this plastic could potentially be found in marine ecosystems through stormwater.⁴⁶

D. Pollution, Harmful Chemicals, and Recycling

³⁵ Geoff McKee, *The Health Implications of Synthetic Turf Fields with Crumb Rubber Infill - A Human Health Risk Assessment for the Municipality of North Cowichan*, (2015).

³⁶ Lozano, *supra* note 19.

³⁷ *Id.*

³⁸ Florida-Friendly Landscaping Program™, <https://ffl.ifas.ufl.edu/about-ffl/> (last visited Feb. 27, 2023).

³⁹ *Id.*

⁴⁰ Lozano, *supra* note 19.

⁴¹ *See supra* note 1.

⁴² Yun-Ya Yang & Mary G. Lusk, *Nutrients in Urban Stormwater Runoff: Current State of the Science and Potential Mitigation Options*, (9 April 2018).

⁴³ *Id.*

⁴⁴ Lozano, *supra* note 19.

⁴⁵ *Id.*

⁴⁶ *Id.*

Tampa Bay is already struggling with a microplastics issue. Runoff from artificial turf may increase microplastics entering water bodies. One study found that hundreds to thousands of metric tons of microplastics were annually lost from artificial turf, and much of this plastic could potentially be found in marine ecosystems through stormwater.⁴⁷

The Norwegian Institute of Water Research also conducted an environmental risk assessment of the leachate materials from artificial turf, finding that the rubber granulates and concentrated amounts of zinc are the most problematic pollution component.⁴⁸ The study found that these pollutants were a risk because of direct run-off into a watercourse instead of infiltration into the ground.⁴⁹

Crumb rubber infill is comprised of chemical substances that can be harmful to human health.⁵⁰ 14 European countries conducted a health risk assessment with rubber granule samples made from tires, finding carcinogenic contaminants.⁵¹ The contaminants were below critical levels and the leaching of hazardous substances did not exceed critical limits.⁵² However, other research found the presence of microplastics and zinc to be concerning.⁵³ Research shows that infill with rubber granules can be cancerous⁵⁴ and contain other harmful chemicals.⁵⁵

Per- or poly-fluoroalkyl substances (PFAS) are thousands of compounds that break down very slowly in the environment.⁵⁶ Some PFAS have been linked to health problems, such as

⁴⁷ Lozano, *supra* note 19.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Barbara Laker et al., *A Tangled Timeline*, The Philadelphia Inquirer, Mar. 7, 2023, <https://www.inquirer.com/news/inq2/astroturf-vet-stadium-artificial-turf-monsanto-history-phillies-stadium-forever-chemicals-pfas-20230307.html>; See also: Washington State Department of Health, <https://doh.wa.gov/community-and-environment/schools/environmental-health/synthetic-turf> (last visited Mar. 15, 2023); See also: CBS Austin, <https://cbsaustin.com/news/nation-world/toxic-turf-debate-weighs-safety-of-artificial-crumb-rubber-fields-used-for-kids-sports-parks-fields-stadiums-united-states-synthetic-grass-soccer-football-non-hodgkins-lymphoma-carcinogens> (last visited Mar. 15, 2023).

⁵⁵ Rachel Masset et al., *Artificial Turf Infill: A Comparative Assessment of Chemical Contents*, 30 NEW SOLUTIONS: A Journal of Environmental and Occupational Health Policy 10, 10-26 (2020); See also: Philip Zuccaro et al., *Assessing extraction-analysis methodology to detect fluoretelomer alcohols (FTOH), a class of perfluoroalkyl and polyfluoroalkyl substances (PFAS), in artificial turf fibers and crumb rubber infill*, Case Studies in Chemical and Environmental Engineering 7 (2023).

⁵⁶ EPA, PFAS Explained, <https://www.epa.gov/pfas/pfas-explained> (last visited Mar. 28, 2023).

cancers and kidney or liver issues.⁵⁷ Because of its widespread use and presence in the environment, many PFAS are found all over the world: in water, air, soil, blood samples of humans and animals, and food and agriculture products.⁵⁸ The Children’s Environmental Health Center of the Icahn School of Medicine at Mount Sinai discourages the use of artificial turf, stating that “environmental contamination from turf field run off” is a concern because of PFAS contaminating water.⁵⁹ Furthermore, PFAS are found in artificial turf backing, grass blades, and fibers,⁶⁰ and are used in extruding the plastics during manufacturing.⁶¹

The Environmental Protection Agency, the Center for Disease Control, and the Agency for Toxic Substances and Disease Registry issued a report on recycled crumb rubber, finding numerous metals and volatile and semi-volatile organic compounds (VOCs).⁶² Many of these compounds are carcinogens, such as cadmium, benzene, nickel, chromium, and arsenic.⁶³

Municipalities across the country – including several in Massachusetts and Connecticut, and two in California’s Bay Area – have limited their usage of artificial turf by way of bans, moratoriums, or making installation illegal.⁶⁴ Boston banned artificial turf, citing its makeup of dangerous chemicals, toxic PFAS compounds, VOCs, heavy metals, benzene, and other carcinogens.⁶⁵ The artificial turf material also emits high levels of methane, which is a severe

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ Sarah Evans, *The Children’s Environmental Health Center of the Icahn School of Medicine at Mount Sinai Strongly Discourages the Installation of Artificial Turf*, <https://www.tapinto.net/towns/scotch-plains-slash-fanwood/articles/the-children-s-environmental-health-center-of-the-icahn-school-of-medicine-at-mount-sinai-strongly-discourages-the-installation-of-artificial-turf> (last visited Apr. 16, 2023).

⁶⁰ Toxics Use Reduction Institute, U. Mass. Lowell, *Per- and Poly-fluoroalkyl Substances (PFAS) in Artificial Turf Carpet* (2020).

⁶¹ Sharon Lerner, *Toxic PFAS Chemicals Found in Artificial Turf*, *The Intercept* (Oct. 8, 2019).

⁶² EPA, *Synthetic Turf Field Recycled Tire Crumb Rubber Research Under the Federal Research Action Plan, Final Report Part 1 – Tire Crum Rubber Characterization Volume 1*, https://www.epa.gov/sites/production/files/2019-08/documents/synthetic_turf_field_recycled_tire_crumb_rubber_research_under_the_federal_research_action_plan_final_report_part_1_volume_1.pdf, (2019).; See also: Lerner, *supra* note 59.

⁶³ *Id.*

⁶⁴ Tom Perkins, Boston bans artificial turf in parks due to toxic ‘forever chemicals,’ *The Guardian* (Sept. 30, 2022).; See also: Liz Neisloss, More games or more grass fields? Turf wars play out across Massachusetts, *WGBH* (May 10, 2022).; *See also* The Daily Journal, Millbrae enacting temporary ban on new artificial turf Council halting installation of synthetic yard treatment pending permanent ordinance limiting its use in the city (Nov. 1, 2021).; See also: Michelle Pitcher, Sierra Club opposes artificial turf at Los Gatos schools, *The Mercury News* (Nov. 14, 2021).

⁶⁵ *Id.*

greenhouse gas that also sheds chemicals and microplastics into waterways.⁶⁶ Furthermore, the European Commission recently proposed a broad ban on microplastics, including that found in rubber crumb infill.⁶⁷

Presently, while there are initiatives to recycle artificial turf, it appears that these practices are not widespread nor currently implemented.⁶⁸

III. Implementation of Artificial Turf Ordinances

Most cities in Florida do not seem to address artificial turf or only address it in passing,⁶⁹ and the Florida state legislature has not addressed the issue. Thus far, Orlando is the largest municipality in Florida that has clearly identified artificial turf in legislation.⁷⁰ Member governments of the Tampa Bay Regional Planning Council are mostly quiet on the issue, with St. Pete Beach addressing artificial turf directly and Tampa having issued guidelines.⁷¹ Otherwise, few municipalities have addressed artificial turf, often in a similar fashion.⁷² This section addresses allowable square footage of artificial turf, as requested by the City of Tampa;⁷³ then details how Tampa Bay Regional Planning Council member governments, Orlando, and other municipalities have addressed artificial turf in their ordinances; and finally, it discusses Florida-Friendly Landscaping as a potential driver of policy in local municipalities.

A. Allowable Square Footage

One strategy to address potential negative environmental effects is to set an allowable square footage. Allowable square footage is the total amount of artificial turf allowed on residential property. There are currently two most common methods of setting an allowable limit: impervious surface ratio (ISR) and minimum distance of artificial turf from other landscape aspects. Municipalities may also set hard limits on allowable square footage, but this option has been avoided, most likely due to difficulty in determining a reasonable limit.⁷⁴

⁶⁶ *Id.*

⁶⁷ European Commission Regulation concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards synthetic polymer microparticles (Proposed 22 Sept. 2022).

⁶⁸ Lundstrom, Marjie, et al., *The Dangerous Pileup of Artificial Turf*, <https://www.theatlantic.com/science/archive/2019/12/artificial-turf-fields-are-piling-no-recycling-fix/603874/>; *Can Artificial Grass be Recycled?*, <https://artificialgreens.org/can-artificial-grass-be-recycled/>

⁶⁹ City of Weston, Fla., Codified Ordinances § 124.37.3 (2022).

⁷⁰ City of Orlando, Fla., Codified Ordinances § 60.224 (2021).

⁷¹ *Infra* note 82.

⁷² *Id.*

⁷³ *See supra* note 6.

⁷⁴ *Infra* note 82.

Impervious surface ratio is the total amount of hard-surfaced development over the total area of the property.⁷⁵ ISR is often limited by local governments to maintain water permeability and prevent runoff.⁷⁶ Municipalities frequently require artificial turf be included as impervious in ISR calculations.⁷⁷ Through this ISR method, the municipality will have already set a standard for property owners and the ordinance is merely including turf within that standard. Using ISR is an attractive answer to determining allowable square footage because it sets a maximum amount of artificial turf allowed on residential property under successful existing regulations.

In tandem with ISR, municipalities regulate how far artificial turf may be from other landscaping aspects.⁷⁸ Some examples include distance from trees and shrubs, structures, unfenced side property lot lines, and water bodies.⁷⁹ On busy properties with numerous improvements or a close proximity to other properties or water bodies, these requirements could limit how much artificial turf is able to exist on the property.

The simplest and most direct way to address allowable square footage is to set a hard limit. For example, Miami Shores allows artificial turf on up to 30% of total area and not in excess of 600 square feet.⁸⁰ This appears to be the only Florida local ordinance that clearly defines an allowable square footage.⁸¹ Other ordinances prefer ISR as a method of determining allowable square footage if they address this issue at all. This is likely due to the difficulty of determining a number like Miami Shores that is not arbitrary, whereas ISR is specifically addressing impervious surfaces as an issue.

B. Tampa Bay Regional Planning Council Member Governments

Currently, the member governments of the Tampa Bay Regional Planning Council are mostly quiet about artificial turf. Only two counties and two cities have directly addressed artificial turf in some capacity. Hernando County does not accept “synthetic lawns” as living plant installations in landscape designs.⁸² Pinellas County, New Port Richey, and St. Pete Beach allow

⁷⁵ *Impervious Surface Ratio (ISR Definition)*, Law Insider. (2023), <https://www.lawinsider.com/dictionary/impervious-surface-ratio-isr>.

⁷⁶ *Impervious Surface*, City of Durham, <https://www.durhamnc.gov/864/Impervious-Surface>.

⁷⁷ *See infra* note 82.

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ Village of Miami Shores, Fla., Codified Ordinances § 536 (7)(a)(1)(iii).

⁸¹ *See infra* note 82.

⁸² County of Hernando, Fla., Codified Ordinances § 10-25.

artificial turf to meet general landscape maintenance standards for private property.⁸³ St. Pete Beach goes further by labeling artificial turf as a pervious material, but limits use of artificial turf to 20% of minimum required pervious area.⁸⁴ At the Natural Resources Committee meeting, City of Tampa representatives stated that the city has guidelines for installing artificial turf, but these guidelines are not codified.⁸⁵ It is possible that similar guidelines exist in other municipalities.

C. Orlando

Orlando promulgated an ordinance addressing artificial turf in 2021.⁸⁶ The Orlando ordinance directly addresses three main issues: water infiltration, urban heat island effect, and aesthetics.⁸⁷

First, Orlando requires a permit from the city to install any artificial turf and the installation is subject to the manufacturer's specifications and any applicable stormwater requirements.⁸⁸ Section 60.224(a) allows artificial turf to be installed on residential and other private lands, but the section also prohibits artificial turf within 50 feet of water bodies, within drainage features, and inside the drip line of any tree.⁸⁹ This section intends to prevent the adverse effects of runoff from artificial turf without prohibiting its use in residential areas.

Furthermore, § 60.224(b) requires areas of artificial turf to be considered an impervious surface.⁹⁰ This section clearly states that the intent of the code is to encourage "living, sub-tropical materials on *pervious* areas" (emphasis added).⁹¹ This notion was reinforced in the city council's summary of the ordinance, noting preference for "materials that store carbon, absorb rainwater, and reduce heat island effects" when discussing artificial turf as an impervious surface.⁹² Summarized, Orlando is using the impervious surface ratio to set an allowable square footage. Once again, the ordinance seeks to allow the use of artificial turf, but sets requirements designed to discourage the ill effects, particularly permeability and the urban heat island effect.

⁸³ County of Pinellas, Fla., Codified Ordinances § 138-3658 (a)(3); City of New Port Richey, Fla., Codified Ordinances § 26-6 (b); City of St. Pete Beach, Fla., Codified Ordinances § 26-6 (b).

⁸⁴ St. Pete Beach, Fla., § 2.1, 22.4 (f).

⁸⁵ Agency on Bay Management Natural Resources Committee Meeting, March 29, 2023.

⁸⁶ City of Orlando, Fla., § 60.224 (2021).

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.* § 60.224(a).

⁹⁰ *Id.* § 60.224(b).

⁹¹ *Id.*

⁹² City of Orlando Council Agenda Item Ordinance No. 2021-49 (Aug. 23, 2021).

Finally, the ordinance contains numerous provisions to address the aesthetics of artificial turf. The ordinance requires a natural appearance, prohibits plastic/nylon carpeting, prohibits visible use in historical sites, and requires consistent cleaning and maintenance.⁹³

Notably, the same ordinance also enacted Florida-Friendly Landscaping into the code.⁹⁴ Orlando's city council enacted the ordinance with findings of no fiscal impact⁹⁵ and without public comment or discussion by councilmembers.⁹⁶

D. Other Municipalities

Some smaller municipalities have also addressed artificial turf, usually more robustly than Orlando's ordinance. Particularly, small municipalities in South Florida have ordinances addressing artificial turf in a consistent fashion. Lantana, Lighthouse Point, Marco Island, Miami Shores, Surfside, and Weston use strikingly similar language in their ordinances.⁹⁷ While some differences occur, the language clearly shows the cities based their ordinance off the same source. A broader search found that even the city of Beverly Hills, California uses much of the same base language.⁹⁸ These cities' ordinances included permitting, design, installation, and additional requirements.

1. Permitting

Each city requires a permitting process in order to install artificial turf on residential property.⁹⁹ The cities note what is required in the application for the permit, with the exception of Lantana, which merely requires a permit.¹⁰⁰ The other permits require landscaping plans for the property, including the dimensions and details of turf and other natural/artificial spaces.¹⁰¹ For example, Miami Shores requires the plans to maintain a maximum allowable area for artificial turf at 30% of rear yard area but no more than 600 square feet.¹⁰² The other cities do not directly address

⁹³ City of Orlando, Fla., § 60.224 (c) - (d).

⁹⁴ *Supra* note 91.

⁹⁵ *Id.*

⁹⁶ City of Orlando City Council Meeting, (August 23, 2021). https://www.youtube.com/live/IHZXerO_KhI?feature=share at 1:06:30.

⁹⁷ City of Lantana, Fla., Codified Ordinances § 10.5-23 (e); City of Lighthouse Point, Fla., Codified Ordinances § 42-392; City of Marco Island, Fla., Codified Ordinances § 30-435 (i); Village of Miami Shores, Fla., Codified Ordinances § 536; City of Surfside, Fla., Codified Ordinances § 90-87 (15); City of Weston, Fla., Codified Ordinances § 124.37.3.

⁹⁸ City of Beverly Hills, Cali., Codified Ordinances § 10-3-2519.5.

⁹⁹ *Supra* note 82.

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² Miami Shores, Fla., § 536 (7)(a)(1)(iii).

the maximum allowable area.¹⁰³ Permit applications must also contain irrigation details, turf manufacturer and specifications, drawings of installed turf cross sections and/or a sample of the turf, and a survey of the property.¹⁰⁴ Weston and Miami Shores also require the application to include a calculation of pervious and impervious area, with Weston requiring at least 40% pervious area.¹⁰⁵

2. Design Standards

Design standards set in these ordinances mostly involve the type of materials used and how the turf will interact with other landscaping properties.¹⁰⁶ The ordinances require the turf blades to be made of polypropylene and/or polyethylene, but the ordinances are inconsistent about which material, and Lantana contains no such requirement.¹⁰⁷ Each ordinance requires the use of cut-pile infill (blades similar to natural blades of grass) and requires infill material such as silica sand.¹⁰⁸ The ordinances require permeable backing to the turf itself, with Miami Shores specifically requiring a drain rate of 15 inches per hour and Marco Island allowing turf with a permeability exceeding that of real turf.¹⁰⁹ The ordinances require lead free and flame retardant materials, minimum face weight and blade height, prohibition of indoor/outdoor carpeting, and exceptions for sports turf (ex. putting green height may be lower).¹¹⁰

3. Installation Standards

Installation standards include materials used and actions taken during installment.¹¹¹ The ordinances require the installment to be completed by a Florida licensed general contractor or professional.¹¹² Florida Department of Business and Professional Regulation requires a landscape architecture license for “design landscape that provides for drainage and run-off that limits erosion.”¹¹³ It is unclear if the ordinances intend to invoke this licensure requirement. The cities also require installation up to the manufacturer’s specifications, use of compacted aggregate material at a minimum of three inches, and a subgrade designed for positive drainage.¹¹⁴ The turf

¹⁰³ *Supra* note 82.

¹⁰⁴ *Id.*

¹⁰⁵ Miami Shores, Fla., § 536 (7)(a)(1)(i); Weston, Fla., § 124.37.3 (G)(6).

¹⁰⁶ *Supra* note 82.

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Supra* note 82.

¹¹² *Id.*

¹¹³ Department of Business and Professional Regulation,
<http://www.myfloridalicense.com/dbpr/services-requiring-a-dbpr-license/>.

¹¹⁴ *Supra* note 82.

layer must have invisible seams with proper anchoring and use of infill.¹¹⁵ Furthermore, the installation process needs to protect the roots of trees and shrubs and artificial turf may not be installed within a certain distance from trees, shrubs, structures, or unfenced side property lot lines.¹¹⁶

4. Additional Standards

Additional standards include maintenance requirements of keeping turf clean from weeds and debris, fadeless, and require fixing tears and holes.¹¹⁷ Municipalities prohibit use of turf in public rights-of-way or swales.¹¹⁸ Miami Shores standards only apply to the rear yard and driveway, whereas Weston only allows use in the rear yard, and the others are quiet on the matter.¹¹⁹ Lantana allows the town to remove artificial turf at any time, for utility work or otherwise, and requires the property owner to cover costs to repair or reinstall.¹²⁰ Lighthouse Point requires easement holders on the property to agree to installation in writing and requires the owner to repair damage done by the easement holder.¹²¹ Lantana also requires the turf to be pinned or staked to an adjacent seawall and may not be directly placed on a seawall.¹²² Marco Island treats the turf as impervious, with a maximum of 67% total impervious surface area for the property, but it may be used in pervious calculations if the applicant can prove permeability.¹²³ Lantana requires that the turf structure as a whole has a minimum permeability of 30 inches per hour per square yard.¹²⁴

In total, the municipalities address many of the same issues as Orlando, including permeability and aesthetics, but these municipalities go further to include more finely tuned issues. In general, this fine tuning creates a higher barrier to entry for residential property owners, but there remains a question of enforcement of the requirements after installation is permitted. Many of these ordinances fail to accurately convey the allowable square footage under the law, favoring requiring conformance with existing landscape and Impervious Surface Area standards. While this may be advantageous from a municipalities' perspective, this may be confusing or unhelpful for some property owners. A potential artificial turf customer may not realize the importance of these standards or know how to ensure compliance with the law without the ordinance having clear standards, like Miami Shores. Alongside the material requirements in these cities' ordinances, a

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ Lantana, Fla., § 10.5-23 (e)(2)(l).

¹²¹ Lighthouse Point, Fla., § 42-392.

¹²² Lantana, Fla., § 10.5-23 (e)(2)(d).

¹²³ Marco Island, Fla., § 30-435 (e)(3).

¹²⁴ Lantana, Fla., § 10.5-23 (e)(1)(b).

model ordinance should clearly set standards for allowable square footage, permeability, landscaping, and allowable uses.

E. Florida-Friendly Landscaping

An additional factor is how different communities incorporate the Florida-Friendly Landscaping program (FFL) as an influence for landscaping.¹²⁵ FFL is “a partnership between the University of Florida, Institute of Food and Agricultural Sciences Extension (UF/IFAS Extension) and the Florida Department of Environmental Protection (DEP).”¹²⁶ FFL applies goals and aesthetics that fit each community’s unique landscape conditions, while promoting sustainability.¹²⁷ The ultimate goal is reducing nonpoint source pollution by utilizing less pesticides, water, and fertilizer.¹²⁸ FFL considers its guidance as “low-impact, environmentally friendly, science-based landscape practices.”¹²⁹

Approximately 50 Florida counties have an active FFL program,¹³⁰ including Hillsborough,¹³¹ Manatee,¹³² Pasco,¹³³ and Pinellas.¹³⁴ To encourage using FFL, Pinellas County

¹²⁵ Orlando incorporates this. *See* City of Orlando, Fla., § 60.229, 66.200.

¹²⁶ Florida-Friendly Landscaping Program™, *supra* note 38.

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ UF IFAS Extension Manatee County, *Florida-Friendly Landscaping™ in Manatee County*, YouTube (Mar. 21, 2022), <https://www.youtube.com/watch?v=hqLLjnqg5aw>.

¹³¹ Florida-Friendly Landscaping™, UF IFAS Extension Hillsborough County, <https://sfyl.ifas.ufl.edu/hillsborough/lawngarden/florida-friendly-landscaping/>, (last visited Apr. 16, 2023); *See also*: Board Approves Funding for Florida Friendly Landscaping, Tampa Bay Water, <https://www.tampabaywater.org/blog/board-approves-funding-for-florida-friendly-landscaping/>, (last visited Apr. 16, 2023).

¹³² Florida-Friendly Landscaping™, UF IFAS Extension Manatee County, <https://blogs.ifas.ufl.edu/manateeco/category/home-landscapes/florida-friendly-landscaping/>, (last visited Apr. 16, 2023).

¹³³ Florida-Friendly Landscaping™, UF IFAS Extension Pasco County, <https://sfyl.ifas.ufl.edu/pasco/our-program-areas/florida-friendly-landscaping/>, (last visited Apr. 16, 2023).

¹³⁴ Florida-Friendly Landscaping™, UF IFAS Extension Pinellas County, <https://sfyl.ifas.ufl.edu/pinellas/florida-friendly-landscaping/>, (last visited Apr. 16, 2023); *See also*: Florida-Friendly Landscaping Incentive Program, Pinellas County, <https://pinellas.gov/programs/florida-friendly-landscaping-incentive-program/>, (last visited Apr. 16, 2023).

provides an incentive program available to businesses and residents living in the watershed communities of McKay Creek, Allen’s Creek, and Lake Seminole Basin.¹³⁵

FFL connects to community members in the following ways:

- (1) Florida Yards and Neighborhoods (FYN) collaborates with homeowners.
- (2) Florida-Friendly Communities (FFC) targets homeowners’ associations, builders, developers, property managers, community managers, and local governments.
- (3) Green Industries Best Management Practices works with landscape professionals to provide training in how to reduce water consumption while applying irrigation methods, pesticides, and fertilizer. Under Florida Statutes,¹³⁶ this training is mandatory for “all commercial fertilizer applicators” – and, as required by certain local ordinances, for some non-commercial fertilizer applicators – in their process of earning the required “Limited Certification from the Florida Department of Agriculture and Consumer Services (FDACS).”¹³⁷ UF/IFAS and the Florida Department of Environmental Protection provide certificates for completing the training.¹³⁸

Notably, the Florida-Friendly Landscaping Program does not consider artificial turf to be a “Florida Friendly Product.”¹³⁹ The Florida-Friendly Landscaping Program’s primary concerns with artificial turf are that it is a petroleum-based product, can reduce groundwater recharge and wildlife habitat, and can increase local heat, glare, noise.¹⁴⁰

IV. Turf Industry Perspectives

TBBA members expressed a desire to set industry standards and guidance for municipalities and homeowners on appropriate turf grass manufacturing and installation. For example, TBBA explained the importance of using appropriate *infill*, how it adds weight and acts as a ballast, expands life of turf and backing, and helps filter and move water. The most common infill in residential areas includes sand, silica sand (uncoated and coated), and rubber. Each has different performance capabilities. For example, cooling infill absorbs and releases water over time. TBBA asserted that this can keep soil saturated for growing plants and has a cooling effect on turf. While the types of infill vary in cost, TBBA members prioritize the highest quality of infill over affordability, functionality over cost, believing their products to be of a premium service.

¹³⁵ *Id.*

¹³⁶ Fla. Stat. § 482.1562 (2022).

¹³⁷ Florida-Friendly Landscaping Program™, *supra* note 38.

¹³⁸ *Id.*

¹³⁹ *Id.*; See also: Kathy Malone et al., Questions and Answers: 2009 Florida-Friendly Landscaping Legislation (Feb. 21, 2021), <https://edis.ifas.ufl.edu/publication/EP440>.

¹⁴⁰ Kruse, *supra* note 1.

Except for rubber infill, TBBA noted that most infill in residential turf are made from mostly natural materials or sand granules.

TBBA asserted that synthetic turf has several benefits, including its ability to prevent erosion. “According to Beard et al. (1994), the erosion control effectiveness of turfgrass is the combined result of a high shoot density and root mass for surface soil stabilization, plus a high biomass matrix that provides resistance to lateral surface water flow. . .”¹⁴¹ Artificial turf reduces the use and consumption of water as well, bypassing the need for irrigation. The Synthetic Turf Council estimated that synthetic turf fields conserved more than three billion gallons of water.¹⁴²

V. Conclusion

Artificial turf has numerous possible issues, including permeability, water filtration, urban heat island effect, and ecological impacts. Florida municipalities have begun to slowly address these issues through ordinances affecting how artificial turf may be used on residential property by addressing allowable square footage, installation and design standards, and even promotion of sustainable practices like Florida Friendly Landscaping. A model ordinance should set clear standards for artificial turf installation and use to promote environmentally and consumer friendly landscaping practices.

¹⁴¹ Lozano, *supra* note 20.

¹⁴² Synthetic Turf Counsel, <https://www.syntheticurfCouncil.org/news/123873/Synthetic-Turf-Conserves-More-Than-Three-Billion-Gallons-of-Water-and-Helps-the-Environment.ht> (last visited Mar. 11, 2023).

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Artificial Turf Model Ordinance Assessment

Maxwell Pyles and Angela Xu
Students from Stetson University College of Law
Jacobs Public Interest Law Clinic
for Democracy and the Environment



STETSON LAW



Roadmap

- Methods
- Environmental Impacts
 - Water
 - Heat
 - Ecology
 - Pollution
- Allowable Square Footage
- Existing Ordinances
 - TBRPC Members
 - Orlando
 - Other Florida Municipalities
- Other Paths

Methods

- Base Knowledge: September 8, 2022 ABM Meeting
- Scholarly Research
- Legal
 - Municode
 - Local Government Websites
- Meetings

A wide-angle photograph of a marshy landscape at sunset. The foreground is filled with tall, green grass. In the middle ground, there's a small body of water reflecting the sky, surrounded by some trees and shrubs. The sky is a mix of orange, pink, and blue, with scattered clouds. A white rectangular box with a thin blue border is centered in the upper half of the image, containing the text "Environmental Impacts".

Environmental Impacts

Water

- Water Infiltration
 - Permeability
 - Runoff
- Reduce Water Use

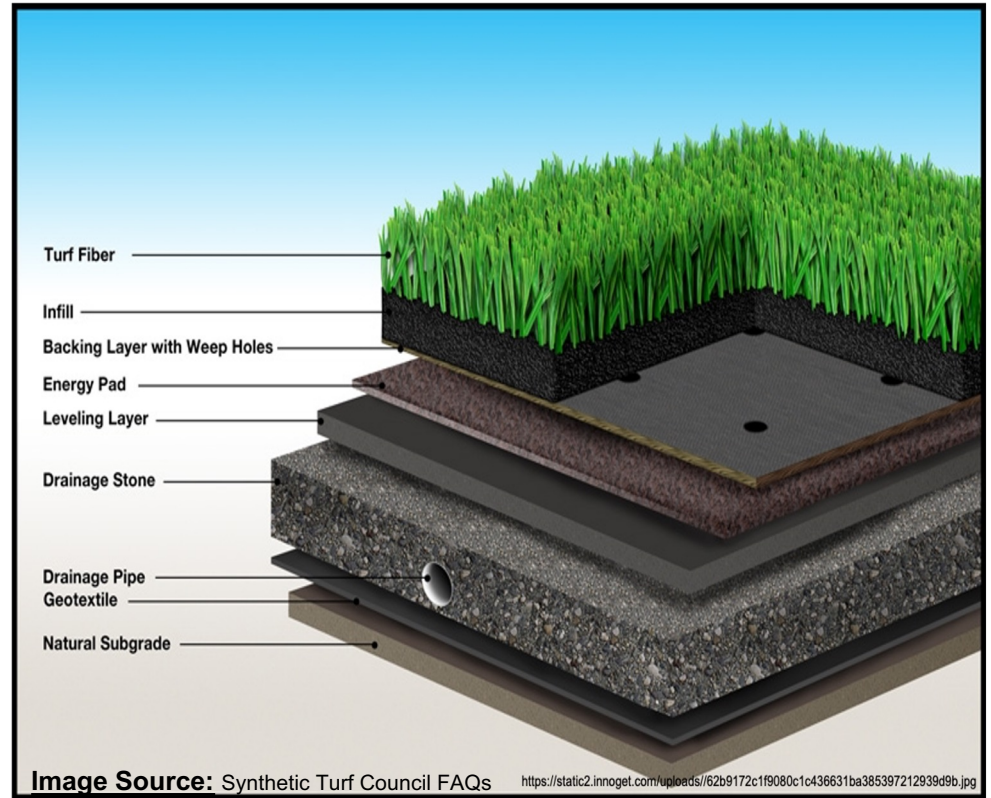


Image Source: Synthetic Turf Council FAQs

<https://static2.innoget.com/uploads/62b9172c1f9080c1c436631ba385397212939d9b.jpg>

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Compaction

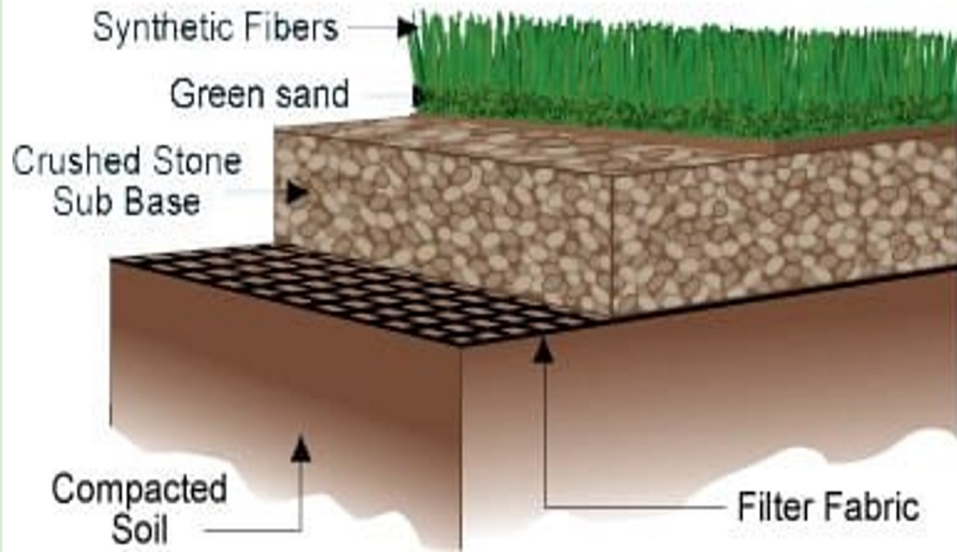


Image Source: Cascade Greens <https://images.squarespace-cdn.com/content/v1/62c466004573201d728200c2/eb841795-69f7-4daa-85ed-6a3f0e512ff5/Silica+sand.jpeg>



Image Source: Global Syn-Turf
<https://www.globalsynturf.com/images/art/25x21/compacting-base-turf.jpg>

Heat

- Urban Heat Island Effect
 - Heat accumulation due to urban construction and human activities
- Higher Ambient Temperature
- Heat Retention

Ecology

- Loss of natural grass ecosystems
- Macroorganisms
 - Fewer insect populations
 - Weed growth
- Microorganisms
 - Reduced decomposition of waste

Pollution

- Microplastics, Chemicals, and PFAS
 - Potential leaching into stormwater runoff
 - PFAS: per- or poly-fluoroalkyl substances
 - VOCs: Volatile Organic Chemicals
- Recyclability
 - Theoretically recyclable
 - Not widely adopted

A wide-angle photograph of a marshy landscape at sunset. The foreground is filled with tall, green grass. In the middle ground, there's a small body of water reflecting the sky, with some trees and shrubs on the left. The background shows a line of trees under a vast sky with large, colorful clouds in shades of orange, pink, and blue. A large white rectangular box with a thin blue border is centered over the image, containing the text 'Allowable Square Footage'.

Allowable Square Footage

Allowable Square Footage

- Impervious Surface Ratio (ISR)
- Maintain Distance
 - Trees and Shrubs
 - Lot lines
 - Water Bodies
 - Structures
- Hard Limit
 - Miami Shores: 30% of area or 600 ft²



Existing Ordinances

Florida Municipalities

- TBRPC Member Governments
- Orlando
- Other Municipalities
 - Lantana
 - Lighthouse Point
 - Marco Island
 - Miami Shores
 - Surfside
 - Weston

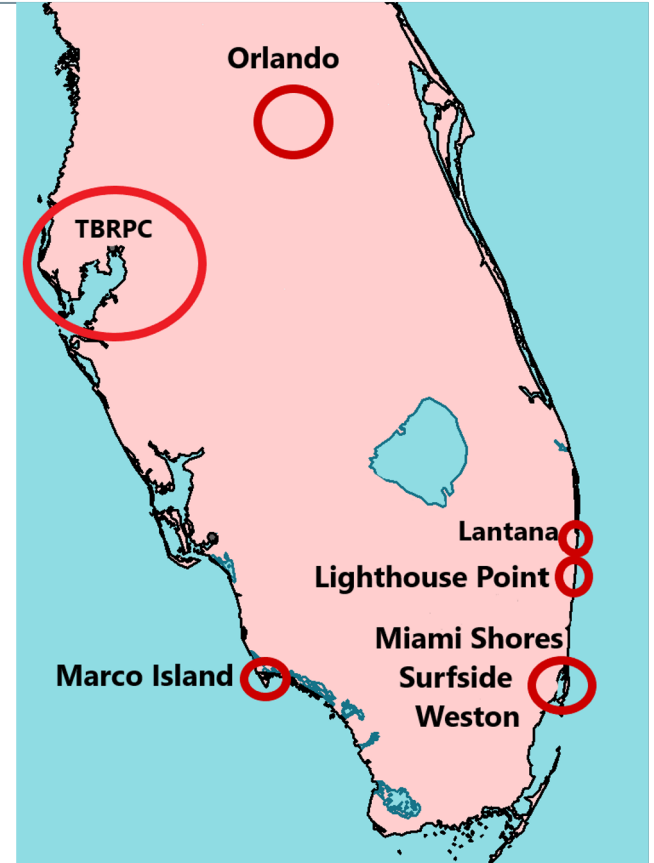


Image Source: <http://www.yourchildlearns.com/states/images/florida-map.png>
edited by Maxwell Pyles

TBRPC Member Governments



- Mostly Quiet
- Not Accepted As Live Plant Installations
 - Hernando County
- Artificial Turf meets General Maintenance Requirements
 - Pinellas County, New Port Richey, St. Pete Beach
- St. Pete Beach
 - Nonvegetative Pervious Material
 - Limited to 20% of Minimum Required Pervious Area

Orlando

- Permit Requirement
- Impervious Surface Ratio
- Installation
- Distance Requirements
- Aesthetics

ORDINANCE NO. 2021-49

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, RELATING TO ARTIFICIAL TURF; AMENDING CHAPTER 60, PART 2, AND CHAPTER 66 OF THE LAND DEVELOPMENT CODE, TO PROVIDE SPECIFIC REGULATIONS FOR ARTIFICIAL TURF AND PROVIDING STANDARDS FOR THE INSTALLATION AND MAINTENANCE OF ARTIFICIAL TURF; PROVIDING LEGISLATIVE FINDINGS, AND FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, section 163.3202(1), Florida Statutes, requires that the city of Orlando, Florida (the "city"), adopt or amend and enforce land development regulations that are consistent with and implement the city's adopted comprehensive plan; and

WHEREAS, section 163.3202(3), Florida Statutes, encourages the use of innovative land development regulations and requires that all land development regulations be combined into a single land development code for the city; and

WHEREAS, from time to time, amendments and revisions to the city's adopted comprehensive plan (the "Growth Management Plan"), progress in the field of planning and zoning, or changes to state law make it necessary or desirable to amend the land development regulations of the city; and

WHEREAS, at its regularly scheduled meeting of May 18, 2021, the Municipal Planning Board recommended to the City Council of the City of Orlando, Florida (the "Orlando City Council"), that the provisions of this ordinance are consistent with the applicable provisions of the city's adopted Growth Management Plan, are in the best interest of the public health, safety, and welfare, are in harmony with the purpose and intent of the Land Development Code of the City of Orlando, Florida (the "Land Development Code"), will not result in disorderly and illogical development patterns, and will not result in incompatible land uses; and

WHEREAS, the Orlando City Council hereby finds and determines that this ordinance is consistent with the applicable provisions of the city's adopted Growth Management Plan, is in the best interest of the public health, safety, and welfare, is in harmony with the purpose and intent of the city's Land Development Code, will not result in disorderly and illogical development patterns, and will not result in incompatible land uses; and

WHEREAS, the Orlando City Council hereby finds and declares that this ordinance is in the best interest of the public health, safety, and welfare.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AS FOLLOWS:

Other Municipalities

- Permitting
- Design
- Installation
- Additional Standards

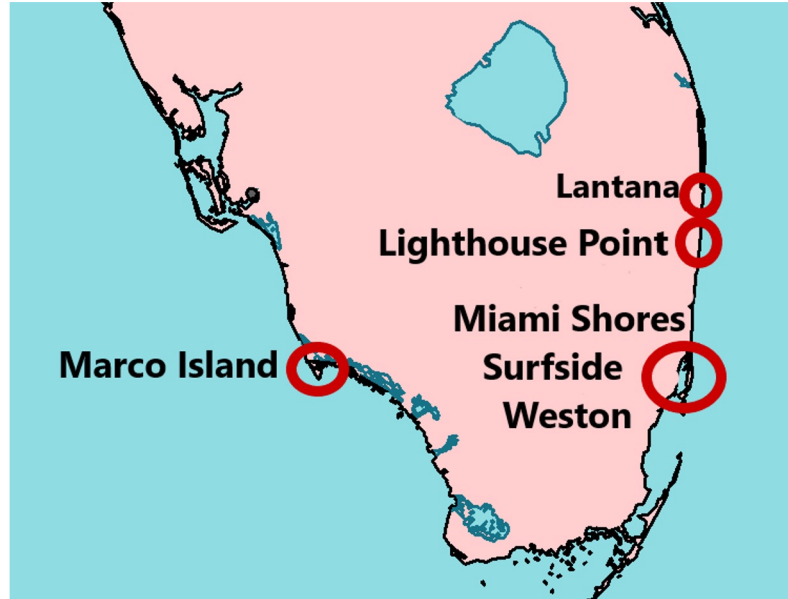


Image Source: <http://www.yourchildlearns.com/states/images/florida-map.png>
edited by Maxwell Pyles

Permitting

- Landscaping Plans
 - Dimensions and Details
 - Impervious Area Calculation
- Irrigation
- Manufacturer Specifications
- Turf Cross Sections / Sample
- Property Survey

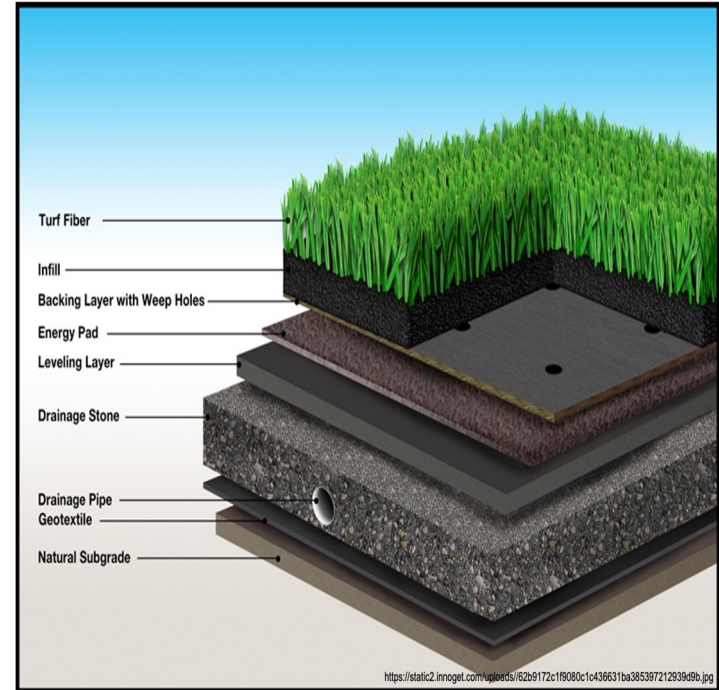


Image Source: Synthetic Turf Council FAQs
https://staging-stc.site-ym.com/resource/resmgr/images/turf_crosssection.JPG

Design

- Pile Type (Grass Blades)
 - Min/Max Blade Height
 - Material
- Infill Use
 - Silica Sand
- Permeable Backing
- Face Weight
- Lead Free and Flame Retardant
- Prohibits Indoor/Outdoor Carpeting

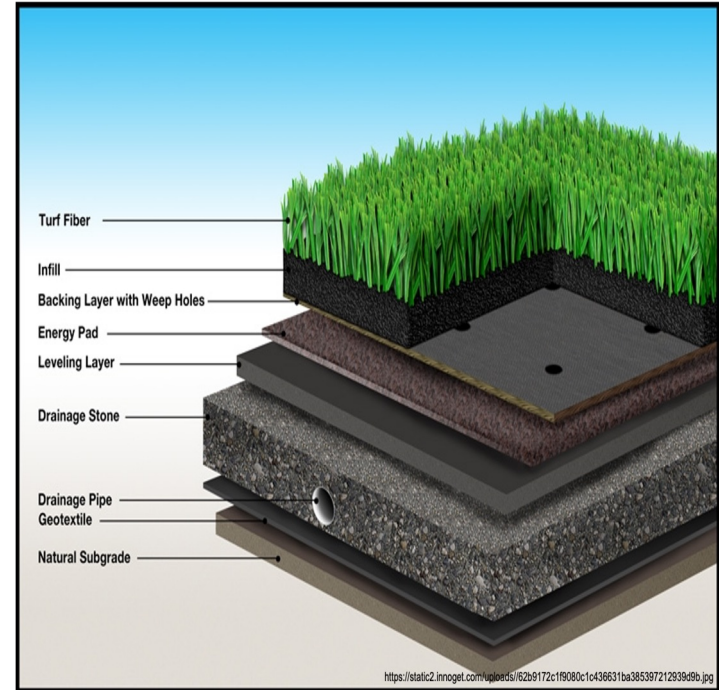


Image Source: Synthetic Turf Council FAQs
https://staging-stc.site-ym.com/resource/resmgr/images/turf_crosssection.JPG

Installation

- Florida Licensed Contractor or Professional
 - DBPR License?
- Manufacturer Specifications
- Compacted Aggregate
- Subgrade designed for Positive Drainage
- Seams and Infill
- Distance from Plants, Structures, Lot Lines
- Protect Roots

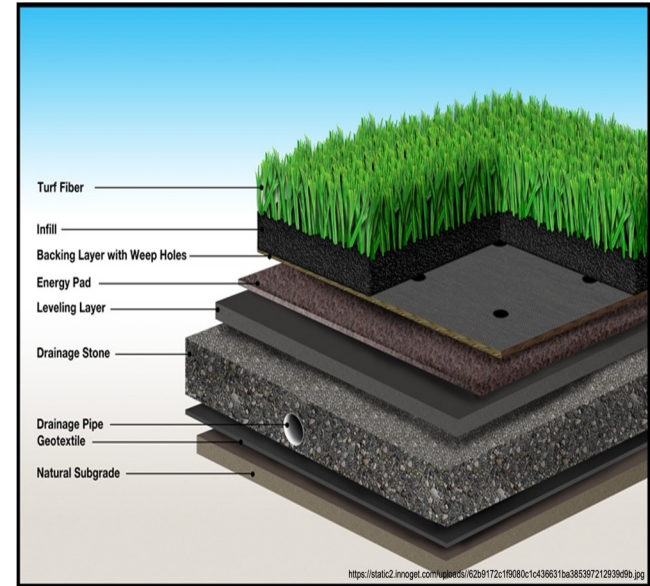


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Additional Standards

- Maintenance
 - Clean, Fadeless, Whole
- Prohibited in Rights-of-way
- Rear Yard Only
- Removal/Damage Covered by Property Owner
- Prohibited on Seawall
- Impervious Surface

Existing Municipalities

- Mostly Address Design and Installation
- Environmental Issues
 - Difficult to Directly Address
 - Still Partially Accomplished

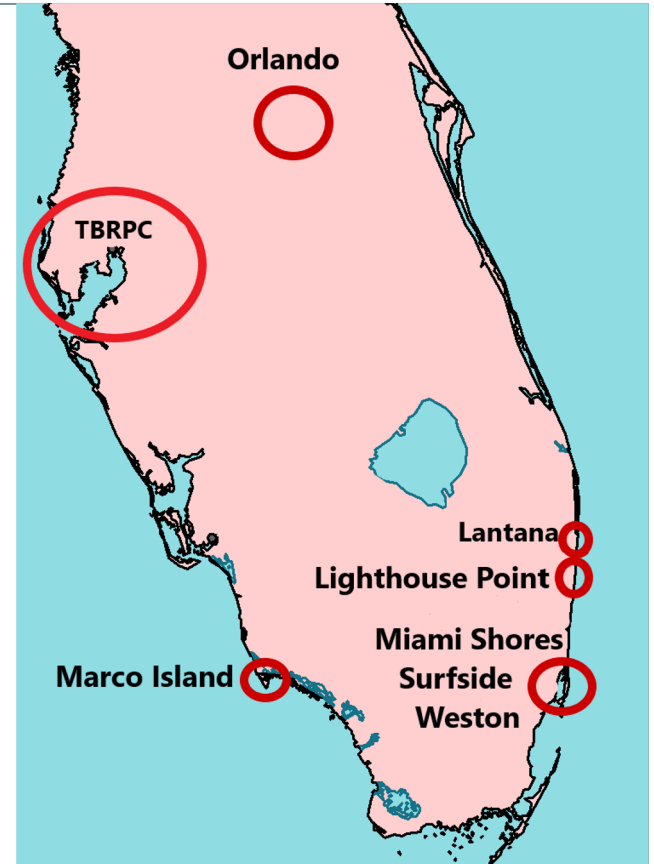


Image Source: <http://www.yourchildlearns.com/states/images/florida-map.png>
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Potential Model Ordinance Options

- Hard Limits
- Permitting
- Limit Potentially Harmful Aspects
 - Allowable Square Footage
 - Protect Natural Landscape
 - Materials
 - Reduce/Ban Crumb Rubber Infill
- General Installation Requirements
 - Manufacturer Specifications, Quality Standards, Materials, etc.
- Note Enforcement Issues



Conclusion

- Methods
- Environmental Impacts
 - Water
 - Heat
 - Ecology
 - Pollution
- Allowable Square Footage
- Existing Ordinances
 - TBRPC Members
 - Orlando
 - Other Florida Municipalities
- Other Paths





TO: Agency on Bay Management, Tampa Bay Regional Planning Council
FROM: Maxwell Pyles & Angela Xu from the Jacobs Public Interest Law Clinic for
Democracy and the Environment
SUBJECT: Artificial Turf Analysis Summary
DATE: April 18, 2023

Artificial turf is a surface of synthetic fibers made to look like natural grass. Historically used for sports fields, artificial turf use has risen in residential areas, causing governments to research potential impacts. This summary provides the environmental impacts and potential pathways for municipalities to address artificial turf in residential areas.

I. Environmental Impacts

Potential environmental impacts include reduction of water infiltration, increased temperature, ecological issues, and increased pollution.

First, artificial turf is made with impermeable materials and the soil underneath the turf requires compaction. These factors reduce water infiltration and recharge into the soil as compared to natural turf.

Second, artificial turf materials have a greater capacity to absorb and retain heat from sunlight, up to 54 degrees hotter than natural surfaces and 8 degrees hotter than asphalt. This contributes to the urban heat island effect, which has numerous negative ecological and environmental effects.

Third, removing natural surfaces reduces the ability of that habitat to support biodiversity. Further, artificial turf surfaces do not support microorganisms that break down animal waste, potentially causing the waste to enter runoff and contribute to pollution and nutrient loading.

Lastly, artificial turf materials include harmful, carcinogenic chemicals and substances like VOCs (volatile organic compounds) and PFAS (perfluoroalkyl and polyfluoroalkyl substances). These pollutants can enter stormwater runoff and water bodies. Most current studies view crumb rubber infill as a major source of microplastics used in artificial turf.

II. Municipalities

Local governments have expressed interest in setting a maximum allowable square footage for artificial turf. Currently, there are three common ways to limit square footage of artificial turf. A hard limit can be set, but this may seem arbitrary. Municipalities can include artificial turf in the impervious surface ratio, an existing standard limiting usable area on residential property. Finally, requiring artificial turf to maintain a minimum distance from landscape features effectively limits square footage, for example prohibiting turf within fifty feet of water bodies.

A review of Florida municipalities shows that most do not directly address artificial turf. Tampa Bay Regional Planning Council member governments are mostly silent on the issue. Only St. Pete Beach regulates artificial turf directly, labeling turf a pervious surface but limiting allowable square footage. At the Natural Resources Committee meeting, City of Tampa representatives stated that the city has guidelines for installing artificial turf, but these guidelines are not codified. It is possible that similar guidelines exist in other municipalities.

Municipalities with codified ordinances addressing artificial turf have requirements and standards for permitting, installation, design, and more. Permitting requirements include landscape plans and impervious area calculations. Installation requirements include installation by a professional up to manufacturer's specifications, maintaining minimum distance from landscape features, and protecting roots. Design requirements include specifying materials used for the grass blades and infill and requiring a permeable backing for the top carpet layer. Additional standards include maintenance requirements, prohibition in rights-of-way or front yards, and labeling turf as an impervious surface.

Municipalities that wish to address artificial turf can implement these requirements. Permitting allows local governments to gather knowledge of artificial turf use. Including artificial turf in impervious surface ratio limits the maximum amount of use without seeming arbitrary. Environmental issues can be reduced by protecting living landscape features, maintaining distance from water bodies and living features, and reducing or preventing usage of potentially harmful materials like crumb rubber infill. Finally, installation and maintenance requirements are recommended.

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