



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

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, December 15, 2025
4:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Approval of the Agenda -

Action Request: Motion to approve the December 15, 2025 agenda.

2. Audience Comments -

If you wish to speak, please complete and submit a speaker's card to the City Clerk. When called, approach the podium and state your name and address for the record. Comments are limited to 3 minutes for both general and agenda items. Public comment on agenda items will be taken when that item is called. Any presentation intended as part of public comment must be provided to the City Clerk at least 24 hours before the meeting.

3. Approval of Minutes

a. Planning Board October 10, 2025 Minutes

4. Action Items -

a. Recommendation of Ordinance 2025-02, pertaining to conduct, behavior, operations, development, activity registration and permitting, and maintenance of the City's beaches, to the City Commission

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA FOR THE PURPOSE OF ADOPTING A BEACH ORDINANCE; CREATING CHAPTER 95. BEACHES, SECTIONS 95-1 THROUGH 95-25; RELOCATING, RENAMING AND AMENDING SECTIONS IN CODE OF ORDINANCES DIVISIONS 6, 14, 58, 62, 74 AND 94; AND RELOCATING AND AMENDING SECTIONS IN LAND DEVELOPMENT CODE DIVISION 25 AND 44; PROVIDING A CONSOLIDATED ORDINANCE PERTAINING TO CONDUCT, BEHAVIOR, OPERATIONS, DEVELOPMENT, PERMITTING, AND MAINTENANCE ON

THE CITY'S BEACHES; SPECIFYING PENALTIES FOR VIOLATIONS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

b. Recommendation of Ordinance 2025-16, pertaining to wildlife-friendly lighting, to the City Commission

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA FOR THE PURPOSE OF RENAMING LAND DEVELOPMENT CODE DIVISION 44 – MARINE TURTLE PROTECTION TO DIVISION 44 - MARINE TURTLE AND COASTAL WILDLIFE PROTECTIONS; AMENDING SECTIONS 44.1. THROUGH 44.9., AND ADOPTING SECTIONS 44.10 THROUGH 44.14., TO UPDATE TECHNICAL STANDARDS, CLARIFY REQUIREMENTS FOR NEW AND EXISTING DEVELOPMENT AND SPECIAL EVENTS, MODIFY PENALTIES, COMPLIANCE AND ENFORCEMENT MEASURES, SPECIFY RESPONSIBLE PARTIES, AND UPDATE DEFINITIONS, TO BETTER SERVE THE PURPOSE AND INTENT OF THE DIVISION AND ALIGN WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND FISH AND WILDLIFE COMMISSION BEST PRACTICES; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

5. Discussion Items

a. St. Pete Beach dock regulations

Discussing regulations related to docks, as requested by the Chair of Planning Board

6. Adjournment -

APPEAL: In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT (ADA): In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

The public is cordially invited to attend this meeting.

All agenda material is available for review at City Hall or www.stpetebeach.org.

PLANNING BOARD MEETING MINUTES

October 20, 2025 - 4:00PM

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

STAFF PRESENT: Brandon Berry, Senior Planner
Ginny Bodkin, Deputy City Clerk

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

Chair Hubbard announced that Member Shawn Rae had resigned from his seat on the Board. He thanked Member Rae for his service to the Planning Board and welcomed Commissioner Marriott's new appointee, Grant Izzi.

1. Approval of the Agenda –

Member Perry requested an update on land fill, and Member Grocott a status update on the Phase I Density Pool valuation discussions at the last meeting.

Motion: Member Perry moved, and Vice Chair Angelides seconded, to approve the October 20, 2025 agenda as amended; the motion carried unanimously.

2. Audience Comments – No one came forward to comment.

3. Approval of Minutes –

Motion: Member Grocott moved, and Member Perry seconded, to approve the September 15, 2025 minutes as presented; the motion carried unanimously.

4. Action Items –

a. Review and Approval 2026 Meeting Dates

Chair Hubbard indicated that he had conflicts with the February and March meeting dates as presented. The members discussed their availability for those months, and February 26 and March 23, 2026 were agreed upon.

Motion: Member Izzi moved, and Vice Chair Angelides seconded, to approve the 2026 Board meeting dates as amended; the motion carried unanimously.

b. Ordinance 2025-21: Modifying stair, accessory structure, and equipment setbacks for residential development (Sitting as Local Planning Agency)

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, AMENDING THE ST. PETE BEACH LAND DEVELOPMENT CODE SECTIONS 3.10., 6.13., 6.14., AND 6.22. TO INCREASE FRONT YARD STAIR ENCROACHMENTS FOR SPECIFIED ELEVATED RESIDENCES AND

NEWLY-CONSTRUCTED SINGLE- AND TWO-FAMILY HOMES, ALLOW RETENTION OF SPECIFIED NONCONFORMING RESIDENTIAL ACCESSORY STRUCTURES FOLLOWING SUBSTANTIAL IMPROVEMENT TO THE PRIMARY RESIDENCE, MODIFYING RESIDENTIAL STORAGE BUILDING STANDARDS, Page 1 of 24 2 MODIFYING RESIDENTIAL EQUIPMENT SETBACK STANDARDS, AND PROVIDING A FRONT YARD SETBACK LINE ALTERNATIVE FOR RESIDENTIAL CUL-DE-SAC LOTS; PROVIDING FOR SEVERABILITY, CODIFICATION AND SCRIVENER'S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

Senior Planner Brandon Berry reviewed a presentation of the proposed amendments to the Land Development Code (LDC) based upon directions received in September from the Planning Board and City Commission. These amendments address some of the most common issues encountered when redeveloping and elevating homes; he was seeking feedback on the drafted standards. His presentation is part of the meeting record and included:

Sec. 3.10 Vested Rights and Nonconformities – Stair Encroachment

- Allows front yard stair encroachment by right for homes with nonconforming front setbacks that are elevated in place.
 - Currently left to Staff discretion, which is not effectively defined.
- Stairs must be (examples provided):
 - Unroofed, except by extension of primary home's eaves.
 - Open base (80% transparency between treads, landing, and footer).
- Stairs for nonconforming homes may encroach to:
 - 10' from front property line (all districts)
 - 5' from front property line (residences in Pass-A-Grille)
 - No closer than the front wall of the residence (3').

The existing standards require that all additions must meet the required setbacks, even if the residence is nonconforming to setbacks. The proposed standard would allow open stairs to encroach to the existing nonconforming, front setback, and up to seven feet into the front setback from the location of the front door of the residence, not to have a setback of less than 10 feet.

Sec 3.10 Vested Rights and Nonconformities - Accessory Structure Retention

- Allows nonconforming deck covers, gazebos, and pools to remain in required yards when:
 - The home is being substantially improved but adding no more than 10% in living area (excluding finishing of garage/carport).
 - The accessory structure is not being substantially improved (i.e., residence is being voluntarily elevated).
 - Accessory structure does not cross property line or exist in easement.
- Does not allow for nonconforming accessory structures to be substantially improved or replaced without setback compliance. (primary improved, accessory left alone)

Sec 6.13 Residential Storage Buildings – (there was consensus here and at the City Commission)

- Increases storage building size from 80 to 120 square feet.
- Height remains at eight feet.
- Requires all storage buildings to be tied down to meet wind loads following substantial improvement of the residence, regardless of size.

Sec. 6.14 Ancillary Residential Equipment

- Cleans up language.
- Allows in-place elevation of existing equipment for all residences that are substantially improved or required by Florida Building Code to elevate.
 - Front yard encroachment limited to five feet.
 - Pedestal/column elevation setbacks are limited to three feet.
 - Equipment limited to one foot above lowest floor or Design Flood Elevation
- Newly installed equipment must meet all yard setbacks.
- Newly constructed homes' equipment must meet all yard setbacks.

Section 6.22 Yard and Measurement Requirements – Stairs

- This standard applies to all single- and two-family residences, unlike Sec. 3.10.
- Allows three-foot encroachment for stairs without independent roof overhangs.
- Allows seven-foot encroachment into the front yard for stairs without roofs and with open base (80%+ transparent).

Sec 6.22 Yard and Measurement Requirements – Cul-de-sacs

- Requested by City Commissioner.
- Provides option for owners of cul-de-sac lots to reduce front yard setback to 15 feet from tangent line of arc when developing.
- Allows typical encroachments (stairs, etc.) into that yard.
- More beneficial for lots with more aggressive arcs (smaller cul-de-sac radii)

Member Hubbard suggested, using an example of corner waterfront lots which have as tight a turn as a cul-de-sac, that the measurements do not need to be specific to cul-de-sacs if there is a mathematical formula that could be set on the pie-shaped lots. Mr. Berry made note.

Comp Plan Consistency

- The Comprehensive Plan does not directly address accessory structures but does address residence suitability. The City shall review ordinances, codes, regulations and permitting processes, as required, in order to increase the efficiency and economy of meeting the housing needs of the City, while continuing to ensure the health, welfare and safety of the residents.

If the Board finds these amendments suitable, presentation to the City Commission for first reading would be October 28th. Staff found that stair encroachment and equipment elevation were the major priorities based on the current challenges that residents face with redevelopment and floodplain compliance.

Chair Hubbard closed the meeting as the Planning Board at 4:22 p.m. and reconvened as the Local Planning Agency to review the presented amendments.

Member Izzi spoke about stair landing options, suggesting plus 4 feet on either side of the door on the landings, and that second story doors do not need to open outward once elevated. Member Perry interjected to present some working papers on research that she prepared using the Florida Building Code which outlines requirements such as the width of landings, elevation differences, and other standards for residential structures. She referred to Sec. 311.7.6 which says that doors can open inward above the floodplain, yet in high-wind areas, high winds can blow them in. Sec. 101.1.6 covers the relationship between the width of landings and stairways and notes that a landing is required within every 12 feet, 7 inches in a residential setting. She referred to her drawing which

calculated stair dimensions using 10" treads and 7½" risers, to show how following code recommendations provides design options - for example, a single three-foot-wide door swinging outward requires a landing of at least 4 feet 6 inches deep, though 5 feet is preferable. Based on previous discussions, she felt that these dimensions align with what the Board has been considering for landing recommendations. The options that meet code are generally - Option 1: 6 feet wide by 5 feet deep and Option 2: 4 feet 6 inches by 4 feet 6 inches.

Member Perry went on to show other drawings showing stair placement. Examples were a home 10 feet above grade with a 6-foot landing, 11 stairs down, then a 3-foot landing, and a different layout with stairs split side-by-side instead of extending straight out. Both comply with code but illustrate different approaches.

Chair Hubbard called a recess at 5:15 PM and reconvened at 5:20 PM.

Member Izzi raised the matter of outdoor living space and setbacks, which he considered a quality-of-life issue; easy access to outdoor space is lost when elevating a home. He raised whether the Board should consider allowing balconies within setbacks for that reason. Member Grocott voiced concern for the quality of life of neighbors and balancing property values across the neighborhood with added balconies. Member Izzi suggested allowing the existing balconies to remain in the same footprint. Following discussion, it was decided that Mr. Berry would bring forward the recommendation to the Commission to allow for balconies being reestablished in setbacks, in the same footprint, openness, design as the original.

When asked by the Chair, the members felt that the section on landings could use some modification and fleshing out (including reference to Florida Building Code requirements), based on discussions, and trusted that Mr. Berry could implement the additions.

Member Grocott asked for clarification on non-conforming uses, particularly in the Town Center area. Mr. Berry explained that no changes are proposed – currently if someone has a single-family home located in a commercial district, they can maintain it as-is. They cannot add onto or elevate it unless they bring the property into a conforming use. She also asked for clarification on accessory structures, specifically Sec. 6.13 regarding mechanical equipment; she felt the definition was too broad and could use better definition. Electricity in accessory structures was discussed.

Member Perry reviewed, page by page, a comprehensive list of items for clarification, correction, and discussion from the meeting packet. The members added comments, suggestions, and discussion.

Mr. Berry explained that the Board's initial feedback will go to the City Commission next week.

Mr. Berry reviewed his working list of the suggested changes provided by the members:

- Look at allowing an additional balcony encroachment into the rear yard in the same footprint and enclosure as the original that existed prior to elevation.
- Look at depth of permitted landings – stairs can be accommodated with less than 7 feet.
- Will look at removing 7-foot encroachment for new home stairs (addressing only homes that are being elevated or reconstructed).
- Maximum 7-foot projection maximum off front of home; minimum 5-foot setback for most areas of the city (5-foot minimum set back Pass-A-Grille, where setbacks are less)
- Better define mechanical equipment in context of storage buildings.

- Scrivener’s errors (repetitions).
- Ensure that the language on pg. 14 of agenda packet re: non-conforming structures is consistent with Code.
- Clarify that elevation above the floodplain (above the design flood) (Pg. 15) is a minimum, not a requirement.
- Remove same floor height limitation for homeowners who choose to abandon the first level, turning it into parking, storage, and access – and reconstruct the living level above. If they had an 8-foot floor height previously, they could go to 9 or 10 if desired, provided they are compliant with the height limitation for the zoning district.
- Clean up repeat sections in
- Look at maximum 7-foot front extension in Sec. 3.10
- Look at the use of the terms ‘substantial improvement’ and ‘substantial damage’ throughout the Code – clarify that it is not only a floodplain requirement and applies to accessory, ancillary structures as well.
- Pg. 19 of packet – change to allow that repair and maintenance of non-conforming structures are allowed (or not something that is related to building permits).
- Top of page 22 Change to ‘lowest living floor’ or clearer language
- The Board recommends that new homes should not be allowed the proposed additional stair encroachments (therefore Section 6.22 would be stricken and some parts of that moved into Sec.3.10 openness requirements, etc.).
- Strike ‘cul-de-sacs’ from Sec. 6.22(g).
- 6.14 and 6.22 scrivener’s errors in new language (add ‘setback’ to ‘yard’).

Motion: Member Perry moved, and Vice Chair Angelides seconded, to recommend approval of Ordinance 2025-21 to the City Commission with the modifications discussed and listed; the motion carried 5-0.

Chair Hubbard adjourned as the Local Planning Agency and reconvened as the Planning Board at 5:35 PM.

5. Discussion Items -

a. October 9th Town Center: Coquina West Community Forum Follow-up

Mr. Berry explained that this is a follow-up to the 10/9/25 meeting with local residents and business owners to discuss the TC-2 Coquina West District. TC-2 currently promotes large, block-level parcel assemblage that has been realized on the east side (Corey Landings) but not on the west side. This effort is intended to address short- and medium-term code permissions for redevelopment, but not address significant visioning, which may follow under future efforts (CRA, historic district). He provided a brief presentation, which is part of the meeting record.

Challenges:

- Horizontal mix of uses, where vertical is preferred.
- Significant setback and buffering requirements for commercial adjacent to standalone residential.
- Large concentration of nonconforming standalone residential/lodging.
- Single-parcel redevelopment may preclude large mixed-use projects (if still desired).

Comments from the forum:

- There was some consensus on redevelopment (floodplain-compliant buildings, beautified streetscape).
- Desire to allow multi-family development without mixed-use or full block consolidation.
- Reconsider height and number of floors (3-4 floors instead of 7-8) for smaller projects.
- Interest in preserving and allowing commercial development, multi-tenant if possible (e.g., smaller John's Pass).
 - Concerns about rooftop uses adjacent to residential.
 - Residential property owners waive some buffering requirements if new permissions.
- Commercial property owners are disinterested in redeveloping at-grade commercial.
- Interest in allowing lodging to remain and redevelop.
- District faces unique pressures due to extent of damage and nonconformities.

Staff will present meeting outcomes to City Commission with concept ideas in November, then engage with Forward Pinellas to discuss the amendment process and receive input. The process is likely to be 4-6 months after consensus on direction is reached and a draft is prepared. He welcomed input from the members. Member Perry thought that the meeting went well and that the residents understood the issues and potential solutions. Member Izzi suggested that the vision for the Town Center needs to be updated. The vision is the starting point to guide the direction and avoid wheel spinning.

b. Update on Fill (added)

Mr. Berry indicated that the first discussion took place last week, which was largely about Land Development Code updates, but fill will be part of a future meeting. The City Commission is going to be scheduling a discussion on fill as part of their strategic visioning and staff expect more direction from that.

c. Density Evaluation (added)

Mr. Berry reported that a follow-up meeting is scheduled for 10/22/25 with Sarah Vitale of the Tampa Bay Regional Planning Council (TBRC) to discuss the real estate analysis, which has not yet been completed, and discuss the next potential steps regarding valuation and applicability. Those findings will be added to the next agenda. Staff and the TBRC researched other communities but found no direct comparables that match our city's conditions (size, floodplain limits). Clearwater has a density pool, but it is 12 times larger and includes more bonus options. Tampa and other cities use density bonuses or fee-in-lieu systems, rather than a shared pool. Many communities base bonuses on providing public benefits (e.g., commercial space, streetscape improvements, affordable housing). The valuation process for bonuses is key. The city aims to create a portable valuation framework applicable to different project types (including lodging and workforce housing). There is a need to balance economic return with community benefits and housing diversity.

6. Adjournment - Next meeting November 17, 2025.

There being no further business, Chair Hubbard adjourned the meeting at 6:00 PM.

These minutes were approved at the November 17, 2025 meeting of the Planning Board.

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

Agenda Report

Agenda Title Name: Recommendation of Ordinance 2025-02, pertaining to conduct, behavior, operations, development, activity registration and permitting, and maintenance of the City's beaches, to the City Commission

Action Request: Motion to recommend modifications to the Land Development Code as proposed in Ordinance 2025-02 to the City Commission.

Strategic Objective:

Date: December 15, 2025

Prepared By: Brandon Berry, Senior Planner

Through: Laura Canary, Community Development Director

Summary of Issue: This item was recommended to the City Commission at a vote of 4-1 by the Beach Stewardship Committee at their November 2025 meeting. Changes made since that meeting, which address Beach Stewardship Committee requests, are highlighted yellow.

This ordinance is the first of three planned ordinances pertaining to use of the City's beaches, with this ordinance focused generally on conduct, behavior, and operations. Standards pertaining to wildlife-friendly lighting are found in companion Ordinance 2025-16. The potential content of a third ordinance that pertains to significant modified standards for alcohol service areas and continuous furniture and equipment placement on the beaches is unscheduled for hearing at this time, with its content having received the majority of public feedback when it was presented as a consolidated ordinance in early 2025.

This ordinance has been written to have minimal impact on existing development and daily business operations of established site-based businesses, although it does require registration of those non-site-based businesses who make use of the City's beaches in a manner that may be disproportionate with the

general public use of the beach.

The modification to content in the Land Development Code in this ordinance, which is under the purview of the Local Planning Agency, is fairly minimal. However, the sections being modified by this ordinance have significantly changed since the then-consolidated ordinance was presented to the Planning Board in early 2023 for recommendation, and is thus being brought back for a new recommendation. Modifications include the following:

- 1) Relocating Section 25.6. pertaining to tiki huts on the beach, to the new Chapter 95 of the Code of Ordinances, and consolidating its content with existing Code of Ordinances Section 94-71, which had similar and conflicting standards;
- 2) Modifying Section 25.9 (now Section 25.8) pertaining to permitting requirements for construction past the construction control line and prohibitions on unpermitted improvements or modification to dunes to reference Section 95-23, which will now contain its content and additional Beach Stewardship Committee priorities;
- 3) Modifying Section 44.3. pertaining to activities disruptive to marine turtles to reference Section 95-15, which will now contain its content and additional language pertaining to restoring the beach nightly during turtle season and other preventative care.

In general, while not in the purview of the Local Planning Agency, Staff finds the following modifications to be significant relative to existing standards and regulations:

- 1) Prohibiting bikes and micromobility devices on the beach, except in conjunction with a special event. Vehicles used for business and other limited purposes remain permitted with a vehicle on the beach permit;
- 2) Prohibiting fireworks on the beach;
- 3) Prohibiting glass and polystyrene on the public beach;
- 4) Requiring registration of both site-based and non-site-based businesses and providers that set up beach furniture, equipment, host recreational activities, or conduct similar events that are outsized with the typical public use of the beach;
- 5) Allowing individuals other than those who are registered guests of the resort to partake in beach cabana service areas.

Funding: N/A

Attachments: 1. Ordinance 2025-02 - Markup

Ordinance 2025-02

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA FOR THE PURPOSE OF ADOPTING A BEACH ORDINANCE; CREATING CHAPTER 95. BEACHES, SECTIONS 95-1 THROUGH 95-25; RELOCATING, RENAMING AND AMENDING SECTIONS IN CODE OF ORDINANCES DIVISIONS 6, 14, 58, 62, 74 AND 94; AND RELOCATING AND AMENDING SECTIONS IN LAND DEVELOPMENT CODE DIVISION 25 AND 44; PROVIDING A CONSOLIDATED ORDINANCE PERTAINING TO CONDUCT, BEHAVIOR, OPERATIONS, DEVELOPMENT, PERMITTING, AND MAINTENANCE ON THE CITY'S BEACHES; SPECIFYING PENALTIES FOR VIOLATIONS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

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

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

WHEREAS, management and enforcement of activities consistent with the designation of Preservation for the areas of the beach seaward of the Florida Coastal Construction Control Line is essential to preserve its aquatic resources, wildlife population and habitat, in order to maintain its environmental and recreational value; and

WHEREAS, the City's development regulations are intended to promote health and the general welfare, and prevent the overcrowding of land, prohibition on most forms of smoking and the use of Styrofoam on the beach, and other new and maintained limitations contained in this Ordinance, are intended to promote; and

WHEREAS, these regulations are carefully drafted with the intent of balancing the tourist trade and residential character of the City while providing for the continued enjoyment of natural resources and limiting the degradation of environmental resources along the City's beaches; and

WHEREAS, the City's beaches and parks are a valuable asset as the City is a large recreational and tourist community; and

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

Items in ~~strikethrough~~ are to be deleted;

Items in underline are to be added.

*** indicates text that is unaltered but to be left out of the document for purposes of brevity.

WHEREAS, the City Commission finds that the provisions of this Ordinance are necessary and are in the best interest of the citizens of and visitors to the City, and are necessary to promote the public health, safety and welfare of the community at large; and

WHEREAS, a business impact estimate pursuant to Florida Statute 166.041(4)(c)5 shall be prepared prior to final adoption of this Ordinance.

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 City Code and Land Development Code is amended as shown in EXHIBIT A to this Ordinance.

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

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

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, word, 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, words, 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: _____
SECOND READING: _____
PUBLIC HEARING: _____

Items in ~~strike through~~ are to be deleted;

Items in underline are to be added.

*** indicates text that is unaltered but to be left out of the document for purposes of brevity.

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

Adrian Petrilă, Mayor

I, Renee Rose, 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 _____, 2025.

Renee Rose, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

City Attorney

Items in ~~strikethrough~~ are to be deleted;

Items in underline are to be added.

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Exhibit A

Existing Code of Ordinances Section 58-1. is amended as follows:

Sec. 58-1. - Definitions.

Senior means an individual 55 years of age or older.

Sunrise means the time when the upper limb of the sun appears above the horizon as a result of the diurnal rotation of the earth even if obscured by clouds or the reported time of sunset by time and date for the City of St Pete Beach.

Sunset means the time when the upper limb of the sun disappears below the sensible horizon as a result of the diurnal rotation of the earth even if obscured by clouds or the reported time of sunset by time and date for the City of St Pete Beach.

Youth means any individual between three and 17 years of age.

Existing Code of Ordinances Section 58-26. is amended as follows:

Sec. 58-26 – Prohibited activities in city parks and beaches.

Except for activities of the city, or a governmental agency within the scope of its governmental authority, it shall be unlawful for any person to do any one or more of the following in a public park or beach owned or controlled by the city:

- (~~1~~a) Sleep at any time during the hours from sunset to sunrise of the following day;
- (~~2~~b) Construct any hut, shanty, or other shelter, except by special permit issued by the department in association with a special event, or as authorized by Section 95-4;
- (~~3~~c) Discharge or deposit human wastes, except in toilet facilities provided by the city;
- (~~4~~d) Drive, putt or otherwise hit golf balls;
- (~~5~~e) Sleep as prohibited in Section 58-32 or otherwise be, or remain in any bushes, shrubs, or other foliage at any time; or
- (~~6~~f) Use public restrooms to shave and or shower or bathe unless showers are provided for purposes of showering before going into a public pool, or showers are provided to wash off sand or salt water at the beach.
- (~~7~~g) Offer for sale, rent or trade any article or thing, or station or place any stand, cart or vehicle for the transportation, sale or display of any article or merchandise, other than the department or concessionaires acting by and under the authority of the City of St. Pete Beach.
- (~~8~~h) Place or use any polystyrene product.

Items in ~~strikethrough~~ are to be deleted;

Items in underline are to be added.

*** indicates text that is unaltered but to be left out of the document for purposes of brevity.

Existing Code of Ordinances Section 74-91 is amended as follows:

Sec. 74-91 - Definitions

Electric personal assistive mobility device is any self-balancing, two-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system with average power of 750 watts (1 horsepower), the maximum speed of which, on a paved level surface when powered solely by such a propulsion system while being ridden by an operator who weighs 170 pounds, is less than 20 miles per hour.

Micromobility device ~~means any motorized transportation device which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters, electric bicycles, and electric personal assistive mobility devices as defined by F.S. 316.003, as amended. Devices required by handicapped are exempt.~~ means a motorized transportation device designed for individual use, which is typically 20 to 36 inches in width and 50 pounds or less in weight and which operates at a speed of typically less than 15 miles per hour but no more than 28 miles per hour. This term includes both a human-powered and a nonhuman-powered device such as an electric bicycle or motorized scooter as those terms are defined in F.S. 316.003., a bicycle, personal assistive mobility device, or any other device that is owned by an individual or part of a shared fleet, including those that are made available for private use through an online application, website or software for point-to-point trips. However, this term shall not include devices required for and used by handicapped persons.

Micromobility parking is approved parking for micromobility devices.

Existing Code of Ordinances Section 94-70 is relocated to Section 58-32 and amended as follows:

Sec. ~~94-70~~58-32. – Sleeping during nighttime prohibited.

- (a) *Intent*. It is the intent of the city commission to preserve and protect the beauty of the city's beaches, parks and other public property for use by residents and tourists. In furtherance of such purpose, the city commission makes the following findings of fact:
- (1) The city has a significant tourist population that utilizes its beaches, parks and other public property.
 - (2) Being a largely recreational and tourist community, the city's beaches, parks and other public property are a very valuable asset.
 - (3) ~~Such~~ The beaches, parks and any other public properties are intended to be used solely for recreational purposes and not for sleeping during nighttime hours.

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- (4) Permitting persons to sleep on the beaches, in the parks and on any other public property during nighttime hours will have a negative effect on ~~the appearance of such areas~~ public access and use of the area and upon the city's tourism industry.
- (5) Persons sleeping on the beaches, in the parks or on any other public property are exposed to the risk of harm from others or the elements.
- (6) Prohibiting persons from sleeping on the public beaches~~land~~, in the parks and on other public property during the nighttime hours will promote the public health, safety and welfare.
- (7) The beaches beginning at 30th **Cabrillo** Avenue and running north to the north boundary of block "M," Don Ce Sar Subdivision, and beginning at the south boundary line of block "N," Don Ce Sar Subdivision, and running north to 37th Avenue, are gulfward of residential property. Sleeping on the beach in these areas is contrary to the health and safety of the public.

(b) *Prohibition.* It shall be unlawful for any person to sleep in or on any public park, public beach land, or any other public property within the corporate limits ~~at the following places between sunset and sunrise the hours of 9:00 p.m. and 6:00 a.m. of the following day, in the following locations: referred to in this section as the nighttime hours:~~

- (1) On any public beach land or in any public park or any other public property within the corporate limits.
- (2) Between the waters of the Gulf of Mexico on the west and the most landward line of the sand dune or permanent construction, whichever first occurs, in the following area: beginning at 30th Avenue and running north to the north boundary of block "M," Don Ce Sar Subdivision, and beginning at the south boundary line of block "N," Don Ce Sar Subdivision, and running north to 37th Avenue.

(c) *Penalty.* Any person found guilty of violating this section shall, ~~be guilty of a misdemeanor in the second degree and, upon conviction, be penalized as provided in section 1-14~~ subject to a fine not to exceed \$500.00 or imprisonment not to exceed 60 days.

The Code of Ordinances Chapter 95 is created as follows:

Chapter 95. Beaches.

Section 95-1 is created as follows:

Sec. 95-1. – Intent and purpose.

It is the intent and purpose of these regulations to safeguard and beautify the city's beaches by limiting certain activity conducted on the beaches. These regulations are also intended to provide

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for the health, safety, and welfare of the city’s residents and the visitors of the City of St. Pete Beach.

Section 95-2 is created as follows:

Sec. 95-2. – Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animals means any domesticated or non-domesticated animal, but specifically does not include service animals.

Beach means the zone of unconsolidated material that extends landward from the mean low-water line to the place where there is marked change in material or physiological form, or to the line of permanent vegetation, usually the effective limit of storm waves. When not preceded by the terms “private” or “public” elsewhere in this ordinance, this term shall be inclusive of both.

City manager means the person appointed by the city commission as the chief administrative official for the city or the designated representative thereof.

Consumption on premises means the drinking of beer, wine, and/or liquor on the property of a business which is licensed through the Florida Department of Business and Professional Regulation or its successor with a COP-class, SFS-class, or other license class that provides at least the minimum approval to allow for an on-premises consumption type of sale. The use of the term premise shall not be construed to include land located seaward of the rear property line when the upland property is not owned to the mean high-water line.

Dune means a mound or ridge of loose sediments, usually sand-sized sediments, lying landward of the beach and deposited by any natural or artificial mechanism.

Frontal dune means the first natural or manmade mound or bluff of sand which is located landward of the beach and which has sufficient vegetation, height, continuity, and configuration to offer protective value.

Micromobility device shall have the same meaning as in section 74-91.

Permanent structure means an assembly of materials that is constructed on or placed over land or water, with either its own location on the ground or attached to something with a location on the ground, in which it is anticipated that the structure will remain in place for its expected lifespan or for which a temporary period of placement has not been defined and permitted through this Code. All structures erected for a period of longer than 180 days shall be considered permanent and must be permitted or maintained pursuant to the permit under which they were authorized.

Service animal shall have the same meaning as in F.S. § 413.08.

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Smoking means inhaling, exhaling, burning, or vaping any lighted product, including cigarettes, cigars, pipe tobacco, hemp, other smokeable substances, with the exception of unfiltered cigars. As used in this section, "unfiltered cigar" means a cigar consisting of a roll of tobacco wrapped in leaf tobacco without a filter and containing only tobacco and no other substance. Vaping means to inhale or exhale vapor produced by a vapor-generating electronic device or to possess a vapor-generating electronic device while that device is actively employing an electronic, a chemical, or a mechanical means designed to produce vapor or aerosol from a nicotine product or any other substance. The term does not include the mere possession of a vapor-generating electronic device.

Sunrise means the time when the upper limb of the sun appears above the horizon as a result of the diurnal rotation of the earth even if obscured by clouds or the reported time of sunset by time and date for the City of St Pete Beach.

Sunset means the time when the upper limb of the sun disappears below the sensible horizon as a result of the diurnal rotation of the earth even if obscured by clouds or the reported time of sunset by time and date for the City of St Pete Beach.

Temporary structure means an assembly of materials, including structures such as but not limited to cabanas, beach chairs, tables, umbrellas, tents and inflatable materials, which is constructed or placed, in compliance with the provisions, procedures and standards of this Code, that is intended to be in place for limited and defined period of time, and which does not involve the construction or alteration of any permanent structure. A structure erected for a period of 180 days or longer shall always be considered a permanent structure even if it is intended to be in place for a limited and defined period of time.

Unattended fishing and/or line means a fishing line to which no person is actively directing their attention.

Zoning lot shall have the same meaning as in the Land Development Code.

Section 95-3 is created as follows:

Sec. 95-3. – Penalties.

- (a) Any person violating this Chapter shall constitute an offense against the city, and where no specific penalty is provided therefore shall subject the offender, upon conviction, to a fine or penalties applicable to misdemeanor violation of a municipal ordinance.
- (b) The City may issue citations for violations of the City Code of Ordinances and assess a penalty for such violations. Citations may be appealed to the City Code Enforcement Special Magistrate under the procedures set forth in Code Section 22-287 and 22-288, or a court of competent jurisdiction.
- (c) The judgment of a court of proper jurisdiction imposing any fine or fine and cost of prosecution may contain provision for a period of imprisonment in default of payment of

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the fine or cost. The payment of fines and costs of prosecution may also be enforced by attachment summarily against the property of the delinquent.

- (d) In addition to the penalties provided in subsections (a), (b) and (c) of this section, any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance shall be deemed a nuisance, pursuant to Chapter 46, Article II of the City's Code of Ordinances, and shall be subject to abatement by the city, and each day that such condition continues shall be regarded as a new and separate offense.

Existing Code of Ordinances Section 94-66 and 94-67 are stricken as follows:

~~Sec. 94-66. – Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Sunrise* means the time when the upper limb of the sun as affected by refraction appears above the sensible horizon as a result of the diurnal rotation of the earth.~~

~~*Sunset* means the time when the upper limb of the sun as affected by refraction disappears below the sensible horizon as a result of the diurnal rotation of the earth.~~

~~Sec. 94-67. – Penalties.~~

~~Any person violating this article shall be subject to the penalties of [section 1-14](#).~~

Existing Code of Ordinances Section 94-68 is relocated to create Section 95-4, renamed, and amended as follows:

~~Sec. 94-68~~95-4. Chairs, tables, benches, cabanas, and umbrellas.

- (a) It shall be unlawful for any person to place upon the public beach land any chair, bench, table or umbrella that alone or in combination with a group of chairs, benches, tables or umbrellas, which is in a location or is of a size which would interfere with the use of the public beach land by the general public.
- (b) It shall be unlawful for any person placing or causing to be placed any chair, bench, table or umbrella equipment upon the public beach land to allow such to remain upon such public beach land between sunset and sunrise and each chair, bench, table or umbrella shall constitute a separate violation. This shall not apply to an entity operating in compliance with the conditions of an issued special event permit.
- (c) Any operation from a franchise to set up chairs, tables, umbrellas, or cabanas on or upon the beach shall register with the city. Franchises authorized, as of the date of this ordinance, to operate on any private beach land through an issued business tax receipt shall be exempt from this requirement. However, upon the expansion of any existing operation or creation of any new operation on any private beach land, or upon business tax receipt renewal for the upland entity, any franchise operating on any private beach land shall be subject to this registration requirement.

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- (d) It shall be considered a violation of this ordinance for a franchise to operate on any private beach land without permission of the landowner.
- (e) The maximum tent size allowed on the public beach land is 10 feet by 10 feet, except when a larger tent size is temporarily permitted within a designated area as part of an approved special event permit.
- (f) Any items left on the public beach land out of compliance with this section may be disposed of by the City in its sole and absolute discretion.

Existing Code of Ordinances Section 94-69 is relocated to create Section 95-5, renamed, and amended as follows:

Sec. 94-6995-5. Picnics, and food consumption, and fire pits.

- (a) ~~Except as provided in subsection (b) of this section, no person shall conduct or participate in a picnic on any of the city's beaches. Except as provided in section 6-595-10, no person shall possess or consume any alcoholic beverages upon any of the city's beaches.~~ Picnics may be allowed on the beach subject to the regulations in subsection (b). Consumption of alcohol may be allowed on the beach subject to the regulations in section 95-10.
- (b) Picnics and the consumption of food and nonalcoholic beverages shall be permitted on the ~~city beaches of Pass-a-Grille and Upham Beach~~, provided that:
 - (1) Those persons having picnics or consuming food or nonalcoholic beverages within the area shall be responsible for cleaning up and removing from the beach all of the food, papers, cartons, bottles and other refuse, litter or debris which may shall remain or be left from the consumption of such food or beverage. Depositing of refuse, litter or debris on the beach shall only be within a lawfully-provided container as authorized by the city.
 - (2) It shall be unlawful to build any fire for any purpose, including the cooking of food, within the sand beaches of the city, unless approved under subsection (c).
 - (3) Glass containers or bottles associated with the consumption of food or ~~nonalcoholic~~ beverages shall be prohibited.
 - (4) The use and possession of polystyrene products associated with any picnic or any food or beverage consumption on any public beach land is prohibited. The use and possession of plastic straws associated with any picnic or any food or beverage consumption on any beach is prohibited.
- (c) Notwithstanding subsection (b)(2) of this section, the city commission, the city manager or their designee shall be entitled to issue a permit to authorize the building of a temporary beach fire pit, with This authorization may contain conditions and such requirements as the deemed appropriate by the city commission or city manager's designee, that considering the advice of the fire department, the considerations of the

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rights of nearby property owners and the best interests of the city and its residents and visitors, such a temporary beach fire is deems-appropriate. Any person receiving authorization to build a fire shall agree in writing to comply fully with all requirements imposed by the city commission and/or city manager or designee. Absent such an authorization, open and/or uncontrolled flames on the beach shall be prohibited.

- (d) Signs may be posted notifying the public of the prohibitions and penalties for violating this section at beach ends, city parks, or other appropriate locations. Signs may contain language referencing the penalties for consumption of alcohol, use of unauthorized containers, and creation of fires in violation of this section. Anyone convicted of violating this section shall pay a fine of not less than \$100.00 or more than \$500.00. Signs shall be posted notifying the public of the penalty for violating this section.

Existing Code of Ordinances Section 94-71 is relocated to create Section 95-6, renamed, and amended as follows:

Sec. ~~94-71~~95-6. – Tiki (or Chickee) huts.

Tiki (or Chickee) huts are prohibited on any beach unless a permit has been issued by the city manager or designee and the structure and development is department of planning and development in compliance with the following:

- (1) (a) The tiki (or chickee) hut does not violate the terms of F.S. § 161.053.
- (2) (b) The person applying for the tiki (or chickee) hut permit has the written approval of the upland property owner or property owner of the beach land on which the tiki (or chickee) hut is to be located.
- (3) (c) The applicant is licensed as a commercial watersport business and the tiki (or chickee) hut size, location, and placement meets all requirements contained in the City Code and Florida Statutes as provided by the land development regulations is subpart B of this Code.
- (4) (d) The tiki (or chickee) hut meets all requirements of the Florida Statutes, Florida Building Code, and the city's Land Development Code, except that pursuant to Sec. 553.73.(10(i), Fla. Stat., Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida are exempt from the Florida Building Code The tiki hut is constructed as provided in section 98-67.

Existing Land Development Code Section 25.6. is stricken, with its content modified and amended into newly-created Section 95-6. as follows:

Sec. ~~25.6~~. Tiki huts.

- (a) The city may permit the location of a tiki hut on the beach in accordance with the following:
- (1) Tiki huts shall be allowed only in conjunction with the approval of the owner of the property upon which the tiki hut will be located. No tiki hut shall have utility services,

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~~shall serve food or drinks, or shall be used for any other service beyond the sales of services for an approved commercial water sports operation.~~

(2e) Tiki (or chickee) huts shall be removed from the beach in the event of the issuance of a warning for a storm that, in the opinion of the city, is expected to be of sufficient strength to warrant such removal.

(3f) Any tiki (or chickee) hut or other similar structure placed or erected on the beach after the adoption of this Code without a permit from the city shall in violation of this Code and all remedies shall be sought in accordance with the provisions of section 3.16 of this Code.

The remaining sections of Land Development Code Division 25 are amended and renumbered as follows:

Sec. 25.76. - Dune preservation and enhancement.

In accordance with F.S. Ch. 161, the St. Pete Beach Comprehensive Plan and this Code, dunes along the Gulf of ~~Mexico~~America with the city shall be protected, and such dunes will be enhanced under the provisions herein.

Sec. 25.87. - Development requirements.

- (a) Development on any Gulf-front property upon which no dune exists shall require the construction of a dune which shall be designed and constructed in accordance with the requirements of the Florida Department of Environmental Protection prior to the issuance of a certificate of occupancy.
- (b) Applicants for development on any Gulf-front property which has an existing dune and where such proposed development would alter any portion of the dune shall be required to file a plan in accordance with the requirements of the Florida Department of Environmental Protection for dune restoration. The restoration of the dune shall be completed prior to the issuance of a certificate of occupancy.

Sec. 25.98. - Permit required.

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

Permitting requirements for dune improvement and alteration, and requirements for any construction or other potentially-disturbing activities seaward of the coastal construction setback line that are not exempted under Section 25.3., can be found in Section 95-23. of the Code of Ordinances.

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Sec. 25.109. - Permitting procedures.

- (a) *Development.* Applications for development of Gulf-front properties, including any proposed development activity regulated under this section, shall be required to submit a site plan in accordance with Division 5 of this Code. Prior to the issuance of any development order or other permit, the applicant shall provide copies of all required county and state permits.
- (b) *Other activities.* Applications for non-development activities enumerated in section 25.3 shall be filed with the city manager for administrative approval.

Sec. 25.410. - Variances.

Variances to this section may be sought under the procedures of section 3.13 of this Code.

Existing Code of Ordinances Section 94-72 is relocated to create Section 95-7 and amended as follows:

Sec. 94.7295-7 – Temporary Structures.

No temporary structure of any kind shall be erected on any beach unless otherwise authorized by this article or other section of this Code or otherwise approved by the City.

Existing Code of Ordinances Section 94-73 is relocated to create Section 95-8 and amended as follows:

Sec. 94-7395-8. – Vehicle permits.

- (a) *Required.* No person, municipality, county or other public agency shall drive any vehicle on, over or across any beach unless such motor vehicle or bicycle has been issued a “vehicle on the beach” permit under this section, ~~except in emergency situations as approved by the police department or fire department.~~ Those devices that otherwise meet the definition of a micromobility device but are designed to accommodate more than one individual shall be considered vehicles for the purpose of this section. Emergency or law enforcement vehicles are exempt and shall be coordinated through the city manager or designee.
- (b) *Criteria for issuance.* Permits for the operation of vehicles on the beach shall be issued for the following purposes:
 - (1) City beach maintenance operations~~Public works and public safety;~~
 - (2) Permitted commercial activities;
 - (3) Special events; and
 - (4) Mechanical beach cleaning.
- (c) *Issuance; additional federal, state or county permits.* Permits shall be issued by application to the ~~department of planning and development~~ city manager or designee based on the scope of activity, and the determination that the issuance serves a public purpose. Where necessary, the applicant shall obtain whatever additional permits that may also be required by either

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federal, state or county law. Where federal, state or county approval is necessary, no permit issued by the department shall become effective until such approval has been granted.

- (d) ~~Bond~~; Insurance. Based on the scope of activity, the ~~department~~ city manager or designee may require the posting of ~~a bond~~ or a liability insurance policy protection against damage to property or persons as part of a “vehicle on the beach” permit.
- (e) Compliance. In reviewing the application for a permit, the ~~department~~ city manager or designee shall require the applicant to provide all information necessary to determine whether the vehicle will be operated to comply with the requirements of this ~~article~~ Chapter or to set reasonable conditions to ensure compliance.
- (f) Safe operation. Operating vehicles permitted under this section shall be subject to all of the regulations set forth in this ~~article~~ Chapter and other ordinances governing the safe operation of vehicles. Safe operation shall be deemed as 10 mph or any other limit later established per Land Development Code Section 6.12.(h)(3).
- (g) Exemptions. A one-time exemption may be obtained per approval of the City Manager.

Chapter 94 reservations are updated as follows:

Secs. ~~94-7466~~ – 94-79. – Reserved.

Existing Code of Ordinances Section 94-101 is relocated to create Section 95-9, renamed, and amended as follows:

Sec. ~~94-101~~. 95-9. – Requirements Beach maintenance regulations.

- (a) Mechanical beach cleaning shall be conducted in accordance with the following requirements:
 - (1) All mechanical beach cleaning equipment operated on the beach shall require a permit issued by the city in accordance with this ~~article~~ Chapter.
 - (2) Cleaning equipment shall meet the requirements of state and local law governing the permitting of beach maintenance activities, including the requirements of F.S. §§ 161.052 and 161.053 and the rules and regulations adopted by the state department of environmental protection, division of beaches and shores.
 - (3) Cleaning activities shall be performed only between sunrise and sunset.
 - (4) Seaweed and other natural sea vegetation may be placed within the five-foot zone, ~~at seaward of the toe of the~~ frontal dune, as long as the dune is not disturbed.
 - (5) Additional requirements apply to the maintenance of dunes as found in Land Development Code Division 25.

Existing Code of Ordinances Section 94-102. is relocated to newly-created Section 95-9, with its content amended as follows:

Sec. ~~94-102.~~ – Prohibitions.

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(6) The following activities shall be prohibited on beaches:

- (1) ~~a.~~ Mechanical beach cleaning shall be prohibited within five feet of the toe of the dune.
- (2) ~~b.~~ Mechanical beach cleaning equipment activities shall not which disturb any natural beach vegetation.
- (3) ~~c.~~ Penetration of the beach surface with mechanical beach cleaning equipment by more than two inches into the surface of the beach.
- (4) ~~d.~~ Any mechanical beach cleaning during the period of February 15 ~~May 1~~ through October 31 (covering shorebird and turtle nesting season), except seaward of the prior day's high-tide mark or debris line or where authorized by a permit from the state department of environmental protection, division of beaches and shores.

Existing Code of Ordinances Section 94-103. is relocated to Section 95-9, with its content amended as follows:

Sec. 94-103. — Exemptions.

(b) The city shall be exempt from permitting requirements of this ~~division~~ section, but shall otherwise comply with all federal, state and local laws.

Chapter 94 reservations are updated as follows:

Secs. 94-104 101– 94-130. – Reserved.

Code of Ordinances Section 6-5 is amended as follows:

Sec. 6-5. – Consumption or possession of alcoholic beverages.

- (a) Except as provided in subsection (~~de~~) of this section, it shall be unlawful to drink or consume alcoholic beverages on or upon:
 - (1) All public streets.
 - (2) ~~All public beach lands.~~
 - (3) (2) Any public sidewalk.
 - (4) (3) Any city park.
 - (5) ~~All private sand beach areas upland of the Gulf of Mexico and adjacent to private property.~~
 - (6) ~~All sovereignty submerged land.~~
- (b) Except as provided in Chapter 95, it shall be unlawful to drink or consume alcoholic beverages on or upon:
 - (1) All public beach lands.
 - (2) All private sand beach areas upland of the Gulf and adjacent to private property.

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- (c) It shall be unlawful to drink or consume alcoholic beverages on or upon all sovereignty submerged land.
- (b) ~~Notices.~~ For public beach lands, notice of this section shall be posted in a prominent beach access location by the city. For upland property is used for some commercial use, including but not limited to hotels and resorts on the beach, notice shall be posted by the owner and shall contain language determined to be acceptable by the city attorney. For upland property used as multifamily residential use, the owner or condominium association shall be responsible for posting the notice. For upland property is less than three residential living units, the city shall post the notice at the closest public access to the beach.
- (e) ~~(d)~~ Containers. It shall be unlawful for any person to carry on or about his person any container of alcoholic beverages, whether or not the container is a bottle, can, carton or other form of container, in those areas described in subsection (a) through (c) of this section unless a permit has been issued pursuant to subsection (e) of this section or Chapter 95 of this code otherwise allowing said activity to occur under any certain terms and conditions stated in the permit. This subsection shall not be applicable in those areas described in subsections (a)(1) and (3b) of this section if the alcoholic beverage is contained in a sealed container or if the bottle, can, carton or other container has never been opened since the time the beverage was originally bottled at the manufacturer's or bottler's plant. Possession of any container of alcoholic beverages wherein the seal has been broken, the bottle cap or pop-top has been opened or removed or where the container may seem to be open or to have been opened shall constitute prima facie evidence of a violation of this section.
- (d) ~~(e)~~ Permits. Permits allowing for the consumption of alcohol for special events, outdoor dining or outdoor drinking areas, or special occasions may be issued as follows:
- (1) Special event permit on public non-beach lands. The city commission may authorize the consumption of alcoholic beverages in the areas described in subsections (a)(1), (2) and (3), and (4) as stated above, in connection with the approval of a special event permit issued pursuant to Article II of Chapter 26 of this Code. Regulations pertaining to consumption of alcohol on beach lands are as provided in Chapter 95 of this Code.
- (2) ~~Special event permit on private lands.~~ Owners of private sand beach areas may obtain a special event permits for the consumption of alcoholic beverages for special occasions. The permits shall be issued by the city manager or designee and shall include conditions necessary to protect the safety, health and welfare of the public. The upland owner shall be entitled to no more than three permits per month. The area of the beach subject to the permit shall be marked with approved temporary markers, and the consumption of alcohol shall be confined to the marked area. Permits shall not authorize consumption before 8:00 a.m. and shall terminate no later than 10:00 p.m.

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~~(32)~~ *Conditional use permit on public land.* The city commission may authorize the sale and consumption of alcoholic beverages in connection with the approval of a conditional use permit for an outdoor dining area or outdoor drinking area in the area described in subsection (a)(1) and ~~(a)(32)~~ as provided by the City of St. Pete Beach Land Development Code.

Code of Ordinances Section 95-10 is created as follows:

Sec. 95-10. –Use of alcohol on the beach.

- (a) Consumption or possession of alcoholic beverages. It shall be unlawful for any person to drink or consume any alcoholic beverage on or upon:
- (1) All public beach lands, except as may be approved through Section 95-10.(e)(1).
 - (2) All private beach lands, except as may be approved through Section 95-10.(d) or (e)(2).
- (b) It shall be unlawful for any person to carry on or about their person any open container of alcoholic beverages, whether the container is a bottle, can, carton or other form of container, on any beach or sovereignty submerged land adjacent to the beach except in those areas as permitted in subsection (a) preceding.
- (c) Notices. For public beach lands, notice of this section may be posted in prominent beach access locations by the city with appropriate locations determined by the city manager or designee. When upland property is used for some commercial use, including but not limited to hotels and resorts on the beach, and the beach is public or the commercial use lacks authorization for alcohol on the private beach land, notice shall be posted by the owner facing landward of the dune line or Coastal Construction Control Line where no dune exists at an appropriate beach access location and shall contain language determined to be acceptable by the city attorney. For upland property used as multifamily residential use, the owner or condominium association shall be responsible for posting the notice. When upland property contains fewer than three residential living units, the city’s posting at the nearest beach access shall suffice to provide notice as required for this item.

Existing Code of Ordinances Section 6-5.(d)(4) is amended and transferred into newly-created Section 95-10. as follows:

- ~~(d4)~~ Administrative approval for alcoholic beverages on private beach lands. Upon receipt of an accepted site plan application, the technical review committee may approve the sale of alcoholic beverages in conjunction with the rental of beach cabanas on private transient lodging property if all of the following requirements are met through the site plan review and approval process, as outlined in division five of the land development code.

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- (1)~~a.~~ Each transient lodging facility that desires an alcohol cabana service area permit must complete the permitting process and have an active BTR (business tax receipt) for cabana rental associated with the lodging facility.
- (2)~~b.~~ The cabana service area must be delineated by sketch on COP liquor license, as well as a component of the site plan review. The sketch shall be available for viewing at the transient lodging facility at all times.
- (3)~~e.~~ The cabana service area can be no closer than 75 feet to a property line abutting an existing residential use located outside of the CRD (community redevelopment district).
- ~~d.~~ All occupants of the cabana service area must wear an identifiable and unique wrist band that is exclusive to the upland transient lodging facility. The wrist band shall indicate that alcohol must remain in the cabana service area at all times.
- (4)e. The cabana service area shall be no closer than 50 feet to the wet sand.
- (5)f. The cabana service area's hours of operation shall be 10:00 am to 10:00 pm.
- (6)g. The cabana service area's patron(s) shall only be served by identifiable transient lodging facility employees, in person and all service-ware shall have clearly identifiable transient lodging facility markings.
- (7)h. Glass and plastic straws are prohibited at all times on the sand beach.
- (8)~~i.~~ Only patrons or registered members of the transient lodging facility that have current room rental as well as a cabana rental in the cabana service area may be served alcohol. Invited guests of the facility patron that desire to be served alcohol shall register with the hotel to secure a wrist band. Patrons and/or guests are prohibited from bringing alcohol into the cabana service area.
- (9)j. Service of alcohol shall only be provided within a beach cabana service area, as delineated by boundary markers consistent with the on-site COP map. Boundary markers shall be four-by-four wooden posts extending four to six feet above the sand and painted a single contrasting color to the sand. The top of the markers shall be installed with signage of two to four square feet facing inward to the cabana service area informing guests that alcohol shall not removed from the area.
- (10) Initial applications for a new cabana service area shall demonstrate an adequate number of toilets and/or urinals to service guests of the area will be in place at time of its operation. When an existing cabana service area was established prior to this requirement, the demonstration shall be made at time of request for renewal. No cabana service area shall start or continue to operate without an adequate number of operational permanent or temporary water closets necessary to meet Florida Building

Items in ~~strikethrough~~ are to be deleted;

Items in underline are to be added.

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Code requirements. Any portable toilet placed to support this area shall meet requirements of this Code and the Land Development Code.

~~(11)~~k. Penalty. Violation of the above criteria will result in:

~~a~~1. First violation - written warning to the transient lodging facility.

~~b~~2. Second violation - written warning to the transient lodging with the stipulation that the permit will be revoked if additional violation occurs within six months.

~~c~~3. Third violation - revocation of the cabana service area permit. The transient lodging facility will not be able to re-apply for a cabana service area permit for one year. For every continual violation an additional six months will be added to this requirement.

~~(12)~~l. Cabana service area permits shall be issued on an annual basis, and subject to all ordinance amendments at the time of renewal.

Code of Ordinances Section 95-10.(e) is created as follows:

(e) Special event approval for alcohol consumption on public and private beach lands. Alcohol consumption on public and private beach lands not otherwise authorized through (d) preceding may be approved through a special event permit, as follows:

(1) Public beach land. The city commission may authorize the consumption of alcoholic beverages on public beach lands in connection with the approval of a special event permit issued pursuant to Article II of Chapter 26 of this Code.

(2) Private beach land. Owners of private sand beach areas may obtain a special event permit for the consumption of alcoholic beverages for special occasions. The permits shall be issued by the city manager or designee and shall include conditions necessary to protect the safety, health and welfare of the public. The upland private property owner shall be entitled to no more than three permits per month. The area of the beach subject to the permit shall be marked with approved temporary markers, and the consumption of alcohol shall be confined to the marked area. Permits shall not authorize consumption before 8:00 a.m. and shall terminate no later than 10:00 p.m.

Code of Ordinances Section 95-11 is created as follows:

Sec. 95-11. Smoking, sleeping, and polystyrene and glass prohibited on public beach lands.

(a) Pursuant to F.S. 386.209, smoking and vaping (except for unfiltered cigars) is prohibited and unlawful within the boundaries of any public park or public beach land within the city and further restricted within the boundaries of public beach lands and public parks that are within its jurisdiction but are owned by the county, unless such restriction conflicts with a county ordinance. A violation of this provision may be enforced by citation by any law enforcement officer or by any code enforcement officer.

Items in ~~strikethrough~~ are to be deleted;

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- (b) The starting or maintaining of fires and open flames on the beach is prohibited except where specifically allowed in Section 95-5 or in conjunction with an annual special event as approved by the fire marshal.
- (c) The use, carrying, or placement of polystyrene or glass containers on the public beach is prohibited.

Code of Ordinances Section 95-12. is created as follows:

Sec. 95-12. Unauthorized fires, and depositing of litter and human waste, prohibited on the beach.

- (c) Discharge or deposit of human wastes is prohibited on the beach except within an approved water closet, lavatory, or urinal.
- (d) Dumping of any litter as defined in F.S. 403.413 on the beach is prohibited, except within a container approved for such a purpose.
- (e) Sleeping on the public beach land, in addition to on public parks and public property, is prohibited subject to the regulations in Section 58-26 of this Code.

Existing Code of Ordinances Section 14-35 is relocated to create Section 95-13, renamed, and amended as follows, with subsequent remaining section renumbered:

Sec. 14-35~~95-13~~. Dogs P~~P~~rohibited on the sand-beaches.

- (a) It shall be unlawful for any owner or other person keeping a dog to take such dog upon any sand beach or beach access or to knowingly allow any such dog to be upon any sand beach or beach access except as prescribed below.
- (b) Designated dog beach area shall be those sand beach lands that lie from the easterly extension of the southernmost ROW line of 1st Avenue north to the easterly extension of the southernmost ROW line of 3rd Avenue and eastward of the Pass-a-Grille Way ROW line. Any dog accessing this designated dog beach area shall be kept and held on a leash of any substantial material and of a maximum length of eight feet at all times, regardless of location.
 - (1) For designated dog beach areas, the following rules and regulations apply:
 - a. Owners are legally responsible for their dogs and injuries caused by them.
 - b. Dogs must be properly licensed, have required immunizations and ~~always~~ wear appropriate ID tags at all times.
 - c. Dogs must remain out of any dune vegetation, sea turtle and nesting bird habitat, or other protected areas.
 - d. Owners must clean up after their dogs.
 - e. Owners shall maintain clear sidewalks at all times by ensuring that their dogs do not impede the use of such sidewalks by persons or other dogs.
 - f. Dogs showing aggression towards people or other dogs shall be immediately removed from the premises.

Items in ~~strikethrough~~ are to be deleted;

Items in underline are to be added.

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- g. Dogs that bark persistently or are otherwise a nuisance shall be removed from the premises.
 - ~~h. Dogs using the dog beach area must be at least four months old.~~
 - hi. Dogs must never be left unattended.
 - ij. Dogs "in heat" will not be allowed inside the dog beach area.
 - jk. Rawhide, food or any other consumable is not allowed inside the dog beach area.
 - kl. Dogs are the only type of animal permitted inside the dog beach area.
 - lm. Violators will be subject to removal from the area and suspension of area privileges.
- (2) Hours of operation shall be determined by the city manager or his/her designee and posted on-site. Hours may be adjusted without notice.
- (3) The city shall have no obligation or responsibility to replace any existing sand on a dog beach that is removed as a result of alluvial shift, tides, currents, storms or other natural occurrences.

(c) Service animals as defined in this chapter are exempt from the prohibition of animals on the beach.

Sec. 14-36. 35. – Regulations for dogs in approved outdoor seating areas.

Section 95-14 is created as follows:

Sec. 95-14. – Feeding or harassing wild birds, sea turtles and manatees prohibited on the beach.

- (a) The feeding of birds on the beach is prohibited.
- (b) No person shall take, harass, harm, pursue, hunt, shoot, kill, trap, capture, or collect, possess, or sell any of the endangered or threatened shorebird and seabird species (American Oystercatcher, Snowy Plover, Black Skimmer, Least Tern), Sea Turtles or Manatees.

The content of existing Land Development Code Section 44.3. is transferred to create Code of Ordinances Section 95-15 and amended as follows:

Land Development Code Sec. 44.3. – Marine turtle activity regulations.

Regulations pertaining to the prohibition of activities disruptive to marine turtles are found in Section 95-15 of the Code of Ordinances.

Section 95-15. of the Code of Ordinances is created and receives the amended content of Section 44.3. of the Land Development Code as follows:

Code of Ordinances Sec. 44.3,95-15. - Prohibition of activities disruptive to marine turtles.

Marine turtles nesting season is from May 1 – October 31 (“nesting season”). The following activities are prohibited on the beach at nighttime during the nesting season for the protection of nesting females, nests, and hatchling marine turtles:

Items in ~~strikethrough~~ are to be deleted;

Items in underline are to be added.

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- (a) The operation of all motorized vehicles, except emergency and law enforcement vehicles or operated by those persons who have authorization or a permit to engage in marine turtle conservation or research issued by the United States Fish and Wildlife Service, or the Florida Fish and Wildlife Conservation Commission, and Florida Department of Environmental Protection approved for mechanical beach cleaning or beach renourishment activities.
- (b) The building of campfires or bonfires.
- (c) Any ~~flashlights, cellphone flash or light, or other transient lighting which purposely and flagrantly illuminates nesting sea turtles or hatchlings~~. This prohibition does not apply to those persons who have authorization or a permit to engage in marine turtle conservation or research.
- (d) If any turtle nests or nesting activities have been reported within a portion of a beach, any temporary structures, including but not limited to beach chairs, umbrellas and cabanas which have the potential for entrapment of marine turtles and which may interfere with the use of the natural beach environment for nesting habitat shall be:
 - (1) Removed from the beach nightly; or
 - (2) Stored in areas designated by the City of St. Pete Beach staff which are situated to avoid interference with marine turtles; or
 - (3) Placed in a manner so as to not obstruct the transit of turtle hatchlings to the water.
- (e) When preparing to leave the beach, beachgoers shall fill in any holes, remove beach chairs, umbrellas, towels, beach toys, sand sculptures, and any other objects created or placed by the beachgoer that could interfere with transit of nesting turtles or turtle hatchlings.
- (f) When windows of a beach-facing structure lacks treatment or other permanent occlusion to limit inside to outside visible light transmittance to less than 45% for tint installed prior to [insert adoption date of Ordinance 2025-02], or 30% for tint installed after that date, blinds shall be closed each night.
- (g) No person shall disturb a sea turtle or sea turtle nest.
- (h) All persons and property shall comply with any applicable sea turtle lighting provisions contained in the City's Land Development Code.

Section 95-16 is created as follows:

Sec. 95-16. – Fireworks prohibited on the beach.

It shall be unlawful to possess or use any fireworks, including but not limited to sparklers, firecrackers, propellants, explosives, or any of the fireworks defined in F.S. § 791.01(4), on or over any beach of the City.

Section 95-17 is created as follows:

Items in ~~strikethrough~~ are to be deleted;

Items in underline are to be added.

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Sec. 95-17. – Micromobility devices, including bicycles, prohibited on the beach.

The riding of any micromobility device as defined in this Chapter shall be prohibited upon any beach within the City or any area as designated by the City where notice is posted, except as **authorized through a special event permit pursuant to Section 95-24 of this Code.** Operation of such devices, whether privately owned or not, is prohibited on sidewalks except for the purposes of parking the device in an acceptable location as referenced in Sections 74-91 through 74-95.

Section 95-18 is created as follows:

Sec. 95-18. – Distribution of handbills and other advertising.

It shall be unlawful for any person to throw, cast, affix, or discard any handbill, circular, card, booklet, placard or other paper or plastic or other material whatsoever in or upon any public beach land.

Section 95-19 is created as follows:

Sec. 95-19. – Fishing on the beach.

- (a) It shall be unlawful for any person to fish on public beach land after having been warned by any law enforcement officer that the health and safety of bathers is being endangered by fishing in that location, in that manner and at that time.
- (b) It shall be unlawful to chum the water when fishing for any species from the beach or when wade fishing in waters adjacent to a beach. **Disposal of carcasses shall follow best practices of the Fish and Wildlife Commission.**
- (c) Nothing in this section shall be construed to create a duty on the part of any City employee or representative to prevent fishing or to warn of the presence of sharks in the waters of the Gulf.

Section 95-20 is created as follows:

Sec. 95-20. – Distribution of handbills and other advertising.

It shall be unlawful for any person to throw, cast, affix, or discard any handbill, circular, card, booklet, placard or other paper or plastic or other material whatsoever in or upon any public beach land.

Section 62-59 is amended as follows:

Sec. 62-59.– Application; qualifications; contents

- (a) A solicitation permit may be obtained by written application of the person desiring to solicit. Such applicant shall be a legal adult or shall have obtained a work permit from a school. The solicitation permit shall contain the following information and shall be signed and sworn to by the applicant:
 - (1) Full name of applicant.

Items in ~~strikethrough~~ are to be deleted;

Items in underline are to be added.

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- (2) The name of the business or property which the applicant is representing.
- (3) Expiration date of the permit.
- (4) A recent photograph of the applicant.
- (b) ~~For solicitation along the sand beach areas of the Gulf of Mexico, the permit shall be issued only after the property owner represented has demonstrated to the satisfaction of the director of planning and development that the sandy beach portion of the property is owned by the upland property owner.~~In addition to the requirements of (a) preceding, any solicitor seeking to solicit on private beach lands shall demonstrate authorization from the landowner prior to the issuance of a permit. Regulations specific to commercial solicitation in sand beach areas can be found in Section 95-22 of this Code.

Section 95-21 is created as follows:

Sec. 95-21. – Vending on public beach land.

- (a) No person, persons, organization or firm, other than the department or concessionaires acting, by and under the authority of the city manager or designee, shall expose or offer for sale, rent or trade any article or thing, or station or place any stand, cart or vehicle for the transportation, sale or display of any article or merchandise upon any public sand beach. Nothing contained herein shall restrict freedom of speech exercised by any person without the use of tables, chairs, or signs erected or placed upon the ground, or other objects, stands, carts, vehicles or similar items.
- (b) No person shall solicit, canvass, or otherwise take orders for the sale of merchandise, goods, or property of any kind or character upon any public beach land.
- (c) Regulations particular to solicitation on private beach land may be found in Chapter 62 and Section 95-22 of this Code.

Existing Code of Ordinances Section 62-93 is relocated to create Section 95-22, renamed, and amended as follows:

Sec. 62-93.95-22. – Specific restrictions on solicitation on sand beach areas. Restrictions specific to commercial solicitation on beach land.

- (a) ~~There may be no more than two permitted solicitors on a single parcels of sand beach property at any one time.~~Commercial solicitation on sand beach areas shall comply with the requirements of this section in addition to Chapter 62 of this Code.
- (b) For solicitation along the sand beach areas of the Gulf of America, the permit shall be issued only after the property owner represented has demonstrated to the satisfaction of the city manager or designee that the sandy beach portion of the property is owned by the upland property owner.
- (bc) Except for boat and beach rentals, or as approved through a special event permit, solicitation shall be oral, with no display of wares.

Items in ~~strikethrough~~ are to be deleted;

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~~(ed)~~ Signs shall be regulated as provided in chapter 122 pursuant to the City's Land Development Code.

~~(de)~~ Solicitation shall be confined to privately owned property, and solicitation shall not occur upon the public access beaches land. At all times a solicitor shall be required to wear ~~his~~their city-issued solicitor's card on the outside of ~~his~~their clothing.

~~(e)~~ The establishment of a solicitation line on individual properties shall be through a survey by a licensed surveyor. The solicitation line shall be marked at each boundary line of the property, and at intermediate points if required by the director of planning and development, by means of a device as approved by the city manager or his authorized designee. The property owner shall bear the expense for establishment of the location of the solicitation line and the maintenance of the marking devices. If the property owner fails or refuses to provide a survey establishing the location of the solicitation line after written request by the city, further solicitation on the property shall be prohibited until the survey is provided to the city.

~~(f)~~ The appropriate board of authority shall be empowered to grant variances to the city solicitation setback line where an upland owner feels that such line as established is unduly restrictive or prevents legitimate use of his property. However, the appropriate board of authority shall grant no variances to this section which would allow the solicitor to locate on public beach land.

~~(gf)~~ The upland business or property owner shall be responsible for the actions of solicitors employed by or representing ~~him~~them. The business or property owner shall be responsible for compliance with this Chapter by solicitors employed by or representing ~~him~~them, in addition to the citation to be issued to the solicitor.

Code of Ordinances Sec. 62-94 is renumbered as follows:

Sec. 62-9493. - Permitted hours for solicitation.

(a) *House-to-house solicitation.* All persons engaged in commercial house-to-house sales and solicitations within the city shall be required to conduct their business between the hours of 11:00 a.m. and 4:00 p.m. Such sales and solicitations shall be prohibited before and after such hours, and activities subject to this section shall be prohibited on Sundays and legal holidays.

(b) *Other.* All persons engaged in commercial solicitation other than house-to-house, as provided in subsection (a) of this section, shall be required to conduct their business between sunrise and sunset.

Code of Ordinances Ch. 62 reservations are updated as follows:

Secs. 62-9594—62-120. - Reserved.

Items in ~~strikethrough~~ are to be deleted;

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Section 95-23. of the Code of Ordinances is created and receives the amended content of existing Section 25.9. of the Land Development Code as follows:

Code of Ordinances Sec. 95-23. – Permit or registration required.

- (a) Dunes. In no instance shall any person, municipality, county or other public or private agency excavate or otherwise cause damage to a dune or conduct or cause to be conducted any activity to improve or enhance a dune without obtaining the necessary permits from the Florida Department of Environmental Protection and the city.
- (b) Other non-exempt activities. All other non-exempt activities, including construction of permanent structures other than those excepted in Land Development Code Section 25.3., excavation, fill placement, repair of shore protection structures, and other activities seaward of the coastal construction setback line and activities that would alter the topography or disturb the vegetation of the beach/dune system, including vehicular traffic relating thereto, are required to obtain a permit from both the Florida Department of Environmental Protection and the city. Maintenance of a dune, including trimming, planting, and removal of vegetation within, shall require a permit from the city even in cases where the Florida Department of Environmental Protection waives or exempts such a requirement. With the authorization of the City Manager or designee, a continuing agreement for maintenance and/or replacement of dune vegetation may be implemented for a property owner or authorized entity of the property owner when not contrary to any requirement of the Florida Department of Environmental Protection. Construction of temporary structures shall be regulated by Section 95-7 of this Code.
- (c) Recreational Activities. Any organized recreational or entertainment activity, including but not limited to beach volleyball tournaments, skimboarding or surfing contests, or concerts, conducted on the beach shall be required to obtain the necessary special event permits and any other required permits through the city manager.
- (d) Commercial operations not occurring under a Business Tax Receipt or Special Event Permit. When a business operates from or offers a service or event that involves use of the public beach land, other than the placement of chairs, tables, cabanas and umbrellas as regulated in section 95-4, or those events authorized by and operated in compliance with the conditions of a city-issued special event permit, such event shall be registered with the city. Registration shall occur prior to each event for irregularly-scheduled or one-time events, or prior to the first event for regularly-scheduled events. By way of examples, these events shall include but not be limited to beach exercise excursions, photography sessions containing changing tents or lighting setups, yoga classes, catered dinners, and similar business-operated events.
- (e) Commercial and recreational activities on private beach lands. All commercial and recreational activities occurring on private beach lands shall have the authorization of the land owner in addition to any permit or other registration required by the City of St. Pete Beach.

Section 95-24. is created as follows:

Sec. 95-24. –Special events on the beach.

Items in ~~strikethrough~~ are to be deleted;

Items in underline are to be added.

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- (a) No special event on a public or private beach land shall be permitted within the city limits of St. Pete Beach unless and until a special event permit has been issued in accordance with the requirements of this Chapter and Chapter 26 of this Code. Special event shall be as defined in Sec. 26-31 of this Code.
- (b) This requirement shall not apply to events which are sponsored or co-sponsored by the city. Approval of such sponsorship shall be at the discretion of either the city manager or city commission, provided, however, that if an event is open to the entire community, the city commission shall be responsible to either grant or deny such approval. City sponsored or co-sponsored events may take place on public property or private property with the consent of the property owner.
- (c) Alcohol may be permitted on the beach in conjunction with a special event as regulated in Section 95-10.(e) of this Chapter.

Section 95-25 is created as follows:

Section 95-25.: Reserved

Items in ~~strikethrough~~ are to be deleted;

Items in underline are to be added.

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

Agenda Report

Agenda Title Name: Recommendation of Ordinance 2025-16, pertaining to wildlife-friendly lighting, to the City Commission

Action Request: Motion to recommend Ordinance 2025-16 to the City Commission.

Strategic Objective:

Date: December 15, 2025

Prepared By: Brandon Berry, Senior Planner

Through: Laura Canary, Community Development Director

Summary of Issue: This item was recommended to the City Commission at a vote of 4-1 by the Beach Stewardship Committee at their November 2025 meeting.

This ordinance makes updates to the City's wildlife (currently marine turtle-focused) lighting regulations, bringing the City's laws in line with the 2020 state model lighting ordinance and more recent evidence-based best practices such as requiring tint that provides 30% or less inside-to-outside visible light transmittance. These regulations are intended to work within the existing definition of "construction" as defined within the Land Development Code to avoid conflicts with Florida Law 2025-190 (formerly SB 180), by providing better clarity to staff and property owners as to when certain improvements must be made. The content of this ordinance limits the application of additional regulations to special events, and property maintenance and repair, rather than new development. This ordinance also defines the code enforcement department as the entity responsible for enforcing this ordinance, defines penalties, and expands reporting requirements.

Only minor adjustments have been made to the content of this ordinance since the November 2025 Beach Stewardship Committee meeting. These updates include:

- Preserving Section 44.3., pertaining to prohibitions on activities disruptive to marine turtles, by referencing the content's new location in Chapter 95 of the Code of Ordinances; and,
- Striking "Florida friendly" landscaping as a viable screening option for lighting visible from the beach, leaving "Florida native" as the only permitted option.

Funding: N/A

Attachments: 1. Ord. 2025-16 - Markup

Ordinance 2025-16

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA FOR THE PURPOSE OF RENAMING LAND DEVELOPMENT CODE DIVISION 44 – MARINE TURTLE PROTECTION TO DIVISION 44 - MARINE TURTLE AND COASTAL WILDLIFE PROTECTIONS; AMENDING SECTIONS 44.1. THROUGH 44.9., AND ADOPTING SECTIONS 44.10 THROUGH 44.14., TO UPDATE TECHNICAL STANDARDS, CLARIFY REQUIREMENTS FOR NEW AND EXISTING DEVELOPMENT AND SPECIAL EVENTS, MODIFY PENALTIES, COMPLIANCE AND ENFORCEMENT MEASURES, SPECIFY RESPONSIBLE PARTIES, AND UPDATE DEFINITIONS, TO BETTER SERVE THE PURPOSE AND INTENT OF THE DIVISION AND ALIGN WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND FISH AND WILDLIFE COMMISSION BEST PRACTICES; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER’S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, the sand beaches of St. Pete Beach are frequently used as nesting activity for marine turtles, particularly loggerhead and green sea turtles; and

WHEREAS, the City’s wildlife partners have tracked numerous hatchling disorientations over the past years, including in 2025, which are often linked to the use of short wavelength bulbs, and/or lights that are not properly shielded and cut off; and

WHEREAS, the City’s existing marine turtle protection ordinance was evaluated as “somewhat ideal” by the Sea Turtle Conservancy in 2022; and

WHEREAS, the City’s ordinance provides a strong framework, but lacks some of the modern technical justification generated since its adoption in 2007, and can also benefit from clearer requirements for new and existing development, along with compliance and enforcement guidelines; and

WHEREAS, millions of birds die annually from collision with glass following disorientation from artificial lighting according to the American Bird Conservancy (2022)¹, and while eliminating interior artificial light as an attractor is only one of a set of collision-reducing efforts that should be undertaken, darkening windows can assist with eliminating disorientations among other coastal wildlife (U.S. Fish & Wildlife Service, n.d.)².

WHEREAS, the City’s Comprehensive Plan requires the City to conserve and improve its wildlife population and habitat; and

¹ American Bird Conservancy. (2022, May 12). Misguiding lights: American Bird Conservancy highlights artificial light’s link to bird-glass collisions. <https://abcbirds.org/news/new-lighting-collisions-recommendations/>.

² U.S. Fish & Wildlife Service. (n.d.). Threats to birds: Collisions (Buildings & glass). <https://www.fws.gov/story/threats-birds-collisions-buildings-glass>.

WHEREAS, these amendments are not intended to create greater burdens on existing or new development, but to clarify requirements for development in the context of the City’s existing definition for “construction” in Division 2 of the Land Development Code, and “tinted glass” in Division 44, to align standards with the research of King et. al (2025)³, Long et. al (2025)⁴, the Florida state model lighting ordinance, and local knowledge, among other sources; and

WHEREAS, these amendments are found to be consistent with the Land Development Code and Comprehensive Plan.

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 City Code and Land Development Code is amended as shown in EXHIBIT A to this Ordinance.

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

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

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, word, 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, words, 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.

³ King, E.J., Hofeister, K.M., Bosshard, S.C., Limpus, C.J., & Scales, K.L. (2015, July 16). To see in the dark: Assessing effects of LED streetlights on sea-finding in marine turtle hatchlings. *Wildlife Research*, 52(7). <https://doi.org/10.1071/WR24151>.

⁴ Long, T.M., Anderson, R., Ceriani, S.A., Frederick, C., Koperski, M., Shea, C.P., Wideroff, M., & Trindell, R.N. (2025, March). Can darker window tints reduce interior light impacts to hatchling sea turtles on developed coastlines? An experimental assessment. *Journal for Nature Conservation*, 84. <https://doi.org/10.1016/j.jnc.2025.126843>.

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

FIRST READING: _____

SECOND READING: _____

PUBLIC HEARING: _____

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

Adrian Petrila, Mayor

I, Renee Rose, 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 _____, 2025.

Renee Rose, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

City Attorney

Exhibit A

Land Development Code Division 44 Marine Turtle Protection is amended as follows:

DIVISION 44 MARINE TURTLE AND COASTAL WILDLIFE PROTECTIONS

Sec. 44.1. Purpose and intent.

The purpose of this rule is to protect hatchling marine turtles, the city's coastal seabirds, and other coastal wildlife from the adverse effects of artificial lighting, provide overall improvement in marine turtle nesting habitat degraded by light pollution, and increase successful nesting activity and production of marine turtle hatchlings.

Sec. 44.2. Definitions.

[The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Artificial light or *artificial lighting* means the light emanating from any human-made device.

Bollards means lighting consisting of short posts that incorporate a lighting element, including temporary staked lighting and other such structures that are installed low to the ground and typically used to illuminate a pathway.

Bug light or *bug type bulb* means ~~any yellow colored light bulb that is marketed as being specifically treated in such a way so as to reduce the attraction of bugs to the light.~~

Certified Wildlife Lighting means lighting fixtures and bulbs reviewed and approved with conditions of use through the Florida Fish and Wildlife Conservation Commission's Wildlife Lighting Certification Process and published at <https://myfwc.com/conservation/you- conserve/lighting/criteria/certified/>.

City manager shall mean the City's Chief Executive Officer or their designee.

Coastal construction activities means any work or activity that is likely to have a material physical effect on existing coastal conditions or natural shore and inlet processes.

Construction shall have the same meaning as in Division 2 of the Land Development Code.

Cumulatively illuminated means illuminated by numerous artificial light sources that ~~as a group illuminate any portion of~~ can be seen by an observer standing anywhere on the beach.

Directional fixture means an assembly that holds the lamp along with any globe, shade, or other covering surrounding the lamp that may be adjusted to concentrate or throw light in a specific direction.

Directly illuminated ~~visible~~ means ~~illuminated as a result of~~ when glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source ~~which is visible to~~ can be seen by an observer standing anywhere on the beach.

Existing beachfront lighting means an artificial light source associated with a building, structure, roadway, parking lot, dune crossover, pier, beach walkway or beach access for which a permit was issued prior to the adoption of this ordinance and such lighting is directly or indirectly visible from the beach. This term shall include those improvements and repairs further defined in Section 44.5 of this Division.

Floodlight means a reflector-type light fixture that may be attached directly to a building, other structure, or freestanding, and is unshielded.

Frontal dune means the first natural or man-made mound or bluff of sand which is located landward of the beach and which has sufficient vegetation, height, continuity, and configuration to offer protective value to the beach environment.

Full cutoff means a lighting fixture constructed in such a manner that no light emitted by the fixture, either directly from the lamp or a diffusing element or indirectly by reflection or refraction from any part of the fixture, is projected at or above 90° as determined by photometric test or certified by the fixture manufacturer.

Ground-level barrier means any vegetation, natural feature or artificial structure rising from the ground which prevents beachfront lighting from shining directly onto the beach-dune system, including, but not limited to, hedges, native dune vegetation, privacy fences, walls, etc.

Hatchling means any species of marine turtle, within or outside of a nest that has recently hatched from an egg.

~~*Illuminated* means exposed to light from an artificial light source in a way that produces brightness detectable to an observer standing anywhere on the beach. A beach is illuminated if an observer standing anywhere on the beach can see light that has emanated from an artificial light source.~~

~~*Indirectly illuminated/visible* means illuminated as a result of light reflected from the glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is not visible to an that can be seen by an observer standing anywhere on the beach, without the light source being directly visible.~~

Long wavelength means an amber, orange, or red lamp or bulb that has a light source emitting a light wavelength of 560 nanometers or greater and is absent wavelengths below 560 nanometers.

~~*Low-pressure sodium luminaire (LPS)* means an electric discharge lamp, containing sodium, neon, and argon, that when illuminated appears amber-yellow.~~

Low-profile luminaire means a light fixture set on a base which raises the source of light no higher than 48 inches above the ground, and is designed in such a way that light is directed downward from a hooded light source.

~~*Low-wattage bug light* means a bug light with no greater than 25-watt incandescence and no greater than nine-watt fluorescence.~~

Marine turtle means any marine-dwelling reptile of the families Cheloniidae or Dermochelyidae found in Florida waters or using the beach as nesting habitat, including the species: *Caretta caretta* (loggerhead), *Chelonia mydas* (green), *Dermochelys coriacea* (leatherback), *Eretmochelys imbricata* (hawksbill), and *Lepidochelys kempi* (Kemp's ridley). For purposes of this rule, marine turtle is synonymous with sea turtle.

Motorized vehicle means, but is not limited to, any self-propelled, wheeled, tracked, or belted conveyance.

Nest means an area where marine turtle eggs have been naturally deposited or subsequently relocated.

Nesting season means the period from May 1 through October 31 of each year.

New coastal construction means new construction and remodeling of existing structures when such remodeling includes alteration of exterior lighting where such lighting does or will at completion of work be directly and/or indirectly visible from the beach. This term shall include those improvements further defined in Section 44.5 of this Division.

Nighttime means the locally effective time period between sunset and sunrise.

Person means individuals, firms, associations, joint ventures, partnerships, estates, trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

Point source of light means the actual light source such as the bulb, fluorescent tube, lamp, etc., from which light emanates.

Pole lighting means a light fixture set on a base or pole which raises the source of the light higher than 48 inches off the ground.

Primary dune means the most seaward dune with sufficient alongshore continuity which has sufficient height and configuration or vegetation to offer protective value to the beach environment.

Publicly owned lighting means lighting installed by a public or private entity which is owned by, or rented or leased to, a governmental agency, or lighting installed on public property.

Red or amber light emitting diodes (LED) means miniature lamps that emit pure red or amber light that does not vary in color over the life of the lamp. These lamps may be used in multiples to form strips of small lamps within a light fixture.

Shield means a nonreflective covering, canopy or other such device fitted over and extended below a light source preventing light from illuminating the beach. *Spotlight* means a light fixture having a narrow beam.

Shielded means a lighting fixture constructed in such a manner that the glowing elements, lamps, globes, or reflectors of the fixture are completely covered by a permanent opaque material to prevent them from being directly visible from the beach.

Temporary structure means any human-made structure or object with a location or arrangement that is temporary or transient in nature.

Tinted glass means any glass ~~treated~~ modified by tinting, film or other material that has to achieve an industry approved, inside-to-outside light transmittance value of 4530 percent or less. Such transmittance is limited to the visible spectrum (400 to 700 nanometers) and is measured as the percentage of light that is transmitted through the glass.

Transient lighting means ~~artificial~~ any non-permanent light sources that are not affixed to a building or other structure may be hand-held or portable including but not limited to tiki torches, lanterns, flashlights (including cell phone flashlights), candles, flash photography, etc. When used in the context of special event permitting, this term also means any non-permanent source associated with the special event to which it is associated, such as the temporary installation of a light fixture. ~~Transient lighting includes, but is not limited to, flashlights, fishing lanterns, flash photography, recreational fireworks, and vehicle headlights.~~

True neon means a tubular lamp containing neon gas that emits pure red light. Not to be confused with tubular fluorescent lamps, which may appear as various colors.

Uplight means a lighting source which is strategically located to light up features such as building facades, signs, and trees.

Visible from the beach, which not preceded by the modifier “directly” or “indirectly”, shall be inclusive of both.

Sec. 44.3. – Prohibition of activities disruptive to marine turtles. Activity regulations during marine turtle nesting season.

Regulations pertaining to the prohibition of activities disruptive to marine turtles are found in Section 95-15 of the Code of Ordinances.

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

- ~~(a) The operation of all motorized vehicles, except emergency and law enforcement vehicles or operated by those persons who have authorization or a permit to engage in marine turtle conservation or research issued by the United States Fish and Wildlife Service, or the Florida Fish and Wildlife Conservation Commission, and Florida Department of Environmental Protection approved for mechanical beach cleaning or beach renourishment activities.~~

- ~~(b) The building of campfires or bonfires.~~
- ~~(c) Any transient lighting which purposely and flagrantly illuminates nesting sea turtles or hatchlings. This prohibition does not apply to those persons who have authorization or a permit to engage in marine turtle conservation or research.~~
- ~~(d) If any turtle nests or nesting activities have been reported within a portion of a beach, any temporary structures, including but not limited to beach chairs, umbrellas and cabanas which have the potential for entrapment of marine turtles and which may interfere with the use of the natural beach environment for nesting habitat shall be:
 - ~~(1) Removed from the beach nightly; or~~
 - ~~(2) Stored in areas designated by the City of St. Pete Beach staff which are situated to avoid interference with marine turtles; or~~
 - ~~(3) Placed in a manner so as to not obstruct the transit of turtle hatchlings to the water.~~~~

Sec. 44.4. Responsible department.

St. Pete Beach Code Enforcement shall be the responsible department for the enforcement of this division.

Sec. 44.5. Certification of compliance.

- (a) The following shall be submitted and completed for any new coastal construction as classified in Section 44.7.:
 - (1) All permit applications for new coastal construction shall include:
 - a. A statement that the construction will be compliant with the requirements of section 44.7;
 - b. Product specifications and/or plan references to certification numbers verifying that bulbs, fixtures, and other lighting elements required to meet the new coastal construction requirements of section 44.7. have Certified Wildlife Lighting certification. In absence of this certification, information deemed adequate to the city manager or designee that the lighting elements will be long wavelength, shielded, full cutoff, downward-directed, and/or mounted as low as possible, when required, shall suffice.
 - (2) Prior to certificate of occupancy or final inspection for a permit for new coastal construction, as relevant to the permit type, St. Pete Beach Code Enforcement reserves the right to schedule an inspection to certify compliance of the construction with Section 44.6., which may include a nighttime inspection. This inspection shall be a requirement for any new coastal construction utilizing bulbs or fixtures not certified by the Certified Wildlife Lighting program, unless waived in writing by the city manager or designee.
- (b) When existing beachfront lighting has been modified to comply with section 44.8., the property owner shall submit product specifications, Certified Wildlife Lighting certifications, or other detail deemed sufficient to the city manager or designee to demonstrate compliance.

Section 44.6. Classification of new coastal construction and existing lighting.

- (a) The following shall constitute new coastal construction for the purpose of this division:
 - (1) Any construction of any new building, structure, or accessory structure where any exterior or interior light source is visible from the beach.
 - (2) Any redevelopment or partial reconstruction of any existing building, structure, or accessory structure where any exterior or interior light source is visible from the beach.

- (3) Any replacement of any existing window or door, or remodel or repair of, or addition to, any building which:
 - a. Introduces a new or replaces an existing exterior light source;
 - b. Replaces any existing window or door visible from the beach;
 - c. Creates a new opening visible from the beach;
 - d. Widens or lengthens an existing opening visible from the beach;
 - e. Constitutes a substantial improvement to the building or structure; or,
 - f. Exchanges a window or door within an existing opening for the other, from which an interior light source is visible from the beach.
- (b) The following shall constitute existing lighting for the purpose of this division:
 - (1) Existing lights in the interior of a building or structure that are visible from the beach through an existing opening that has not been replaced or modified subsequent to [specify adoption date of Ordinance 2025-16];
 - (2) Any exterior or interior light noncompliant with the new coastal construction requirements of Section 44.7. that is visible from the beach and was installed prior to August 14, 2007; and,
 - (3) Repair of exterior light fixtures that were installed prior to August 14, 2007, that does not constitute a full replacement of the fixture, further expose the point source of the fixture's light, or cause greater direct or indirect illumination of the beach.
- (e) When a building, structure, or accessory structure is newly-constructed, redeveloped or substantially improved, the new construction standards of this Division shall apply to the entire building, structure, or accessory structure. When the newly-constructed, redeveloped or substantially improved building or structure is the primary structure on the property, the new construction standards of this Division shall also apply to the entire property. When an addition is constructed to a building and does not constitute a substantial improvement, the new construction standards of this Division shall apply to the addition. For all other construction associated with existing buildings and structures, including remodels and renovations that modify or replace the exterior of the structure, and one-for-one changeouts of windows, doors and exterior lighting fixtures where such construction does not constitute a substantial improvement to the building or structure, the new construction standards of this Division shall apply to the altered part(s) of the building or structure and/or replaced fixtures, windows and doors.

Sec. 44.47. Standards for new beachfront lighting.

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

- (a) Exterior artificial light fixtures shall be designed and positioned so that:
 - (1) The point source of light or any reflective surface of the light fixture is not directly visible from the beach;
 - (2) Areas seaward of the frontal dune, or the beach in areas where the frontal dune no longer exists, are not directly, indirectly, or cumulatively illuminated.
- (b) Exterior artificial light fixtures cumulatively, directly or indirectly illuminating the beach are considered appropriately designed if:
 - (1) Exterior lights are completely shielded downlight only fixtures or recessed fixtures ~~having low wattage Bug Type Bulbs, low pressure sodium vapor (LPS) bulbs, Red or Amber~~

Light Emitting Diodes (LED), or True Neon light sources producing long wavelength light as certified by and installed according to requirements of the Certified Wildlife Lighting program or as demonstrated through spectrometric inspection by the city manager, their designee, or a local wildlife protection program partner. Other fixtures that have appropriate light-blocking shields, louvers, or cut-off features may also be used if they are in compliance with subsection (a)(1); and (2); and (3) above; and

- (2) All fixtures are mounted as low in elevation as possible through use of low-mounted wall fixtures, low bollards, and ground-level fixtures; and,
- (3) Fixtures are full cutoff.
- (c) Floodlights, uplights or spotlights that ~~are directly, visible from the beach, or which~~ indirectly or cumulatively illuminate the beach, shall not be used.
- (d) Exterior lights used expressly for safety or security purposes shall be limited to the minimum number and configuration required to achieve their functional role(s). The use of motion detector switches that keep lights off except when approached and that switch hooded or shielded lights on for the minimum duration possible are preferred.
- (e) Only ~~low intensity~~long wavelength recessed or louvered lighting, or other appropriate ~~low intensity~~long wavelength lighting, shall be used on dune crossovers, walkovers, cut-throughs, and other means of access where permissible. All light fixtures on dune crosswalks must utilize ~~low wattage Bug Type Bulbs, low pressure sodium vapor (LPS) bulbs, Red or Amber Light Emitting Diodes (LED) or True Neon~~long wavelength light sources. Dune crosswalk lighting seaward of the primary dune, or on the beach in areas where the primary dune no longer exists, shall not be used.
- (f) To the extent this regulation is not adverse to applicable state and federal public safety laws, pools, spas, and their accessory decks shall utilize long-wavelength and fully shielded bulbs and fixtures. Underwater lighting shall be mounted horizontally, long wavelength and not be directly or indirectly visible from the beach.
- (fg) Only ~~low intensity~~long wavelength lighting shall be used in parking areas within line-of-sight of the beach. Such lighting shall be:
 - (1) Set on a low-profile luminaire; and
 - (2) Positioned or shielded so that the light is cast downward and the source of light or any reflective surface of the light fixture is not visible from the beach and does not directly or indirectly illuminate the beach.
- (gh) All newly constructed parking areas and roadways, including any paved or unpaved areas upon which motorized vehicles will park or operate, shall be designed and located to prevent lights (including vehicular headlights) from directly or indirectly illuminating the beach.
- (hi) Vehicular lighting, parking area lighting, and roadway lighting shall be modified or shielded from the beach through the use of ground-level barriers or external shields. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short- or long-term damage to the beach/dune system.
- (ij) Tinted glass shall be installed on all windows and glass doors of single or multi-story structures within line-of-sight of the beach visible from the beach.
- (jk) Use of appropriately shielded ~~low pressure sodium vapor~~long wavelength lamps and fixtures shall be preferred for high-intensity lighting applications such as lighting parking areas and roadways, providing security, and similar applications.

- (kl) All of the above standards shall be met prior to the issuance of a certificate of occupancy.
- (lm) Temporary lighting of construction sites during the marine turtle nesting season shall be restricted to the minimal amount necessary and shall incorporate all of the standards of this section. Said lighting shall not be mounted more than eight feet above the ground.

Sec. 44.58. Standards for existing beachfront lighting.

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

- (a) Existing artificial light fixtures shall be repositioned, modified, or removed so that:
 - (1) The point source of light or any reflective surface of the light fixture is not directly visible from the beach;
 - (2) Areas seaward of the frontal dune, or the beach in areas where the frontal dune no longer exists, are not directly, indirectly, or cumulatively illuminated.
- (b) The following measures shall be taken to reduce or eliminate the negative effects of existing exterior artificial lighting:
 - (1) Reposition fixtures so that the point source of light or any reflective surface of the light fixture is no longer visible from the beach;
 - (2) Replace fixtures having an exposed light source with fixtures containing recessed light sources or external shields;
 - (3) Replace traditional light bulbs (e.g. incandescent, fluorescent, and high intensity lighting) with yellow Bug Type Bulbs, the lowest-wattage long wavelength low-pressure sodium vapor (LPS) bulbs, or Red or Amber Light-Emitting Diodes (LED) or True Neon light sources available for the specific application. Unless preempted by law, replacement lighting shall be long wavelength;
 - (4) Replace non-directional fixtures with directional fixtures that point down and away from the beach;
 - (5) Replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;
 - (6) Replace pole lamps with low-profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;
 - (7) Replace incandescent, fluorescent, and high intensity lighting with the lowest wattage ~~low-pressure sodium vapor lighting, yellow Bug Type Bulbs,~~ Red or Amber Light-Emitting Diodes (LED) or True Neon light sources possible for the specific application. Unless preempted by law, replacement lighting shall be long wavelength;
 - (8) Plant or improve Floridan native vegetation buffers between the light source and the beach to screen light from the beach. All dune plantings shall be those listed in the Florida Department of Environmental Protection (FDEP) *Recommended Florida Native Beach and Dune Plants for Beachfront Properties and Dune Restoration* guide, or an approved alternative, and shall be planted only upon issuance of a permit from the City of St. Pete Beach and FDEP, as applicable;

- (9) Construct a ground level barrier to shield light sources from the beach. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short- or long-term damage to the beach/dune system;
- (10) Permanently remove, disable or lock in off position any fixture which cannot be brought into compliance with the provisions of these standards.
- (c) One or more of the following measures shall be taken to reduce or eliminate the negative effects of interior light emanating from doors and windows within line-of-sight of the beach:
 - (1) Apply window tint or film to meet standards for tinted glass as defined in this division ~~that meets the standards for tinted glass~~;
 - (2) Rearrange lamps and other moveable fixtures away from windows;
 - (3) Use window treatments (e.g., blinds, curtains) to shield interior lights from the beach; or
 - (4) Turn off unnecessary lights.

Sec. 44.69. Standards for publicly owned lighting.

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

- (a) Fitted with a shield or positioned so that the light source or any reflective surfaces illuminated by such sources are not visible from the beach and do not directly or indirectly illuminate the beach; or
- (b) Extinguished between sunset and sunrise, as defined in Code of Ordinances Chapter 95, from May 1 to October 31 of each year.

Sec 44.10. Special events utilizing light and use of fireworks during turtle season.

Lighting associated with a special event that may directly, indirectly, or cumulatively be visible from any portion of the beach shall not be authorized at nighttime during sea turtle nesting season. This prohibition shall be inclusive of any transient lighting associated with the special event, whether installed in a temporary manner or otherwise utilized as a feature of the special event such as through handheld use. The use of fireworks, including sparklers, firecrackers, propellants, explosives, or any of the fireworks defined in F.S. § 791.01(4), on or over any beach of the City, shall be prohibited from February 15 through October 31.

Sec. 44.711. Construction during nesting season.

- (a) During the nesting/hatching season, it shall be unlawful to construct any structure, excavate or place any fill, mechanically clean any beach, or grade any dirt within 100 feet of the nesting zone of a beach where marine turtles nest or may nest, without:
 - (1) Obtaining written approval from the Florida Department of Environmental Protection (FDEP) (F.A.C. 62B-33, F.S. ch. 161, and F.S. § 370.12); and
 - (2) Coordinating each activity by means of a written agreement with FWC-permitted sea turtle nest monitoring personnel holding a current and valid permit from the FWC for the specific area.
- (b) Construction activities, including use of temporary light sources, shall not interfere with marine turtle nesting, nests or hatching activities, shall preserve or replace any native vegetation on the site, and shall maintain the natural existing beach profile and minimize interference with the natural beach dynamics and function.

Sec. 44.812. Enforcement.

Periodic nighttime lighting inspections shall be performed from the beach to determine the extent of compliance with section 44.57 and 44.8. Inspections shall include both public and private properties within jurisdictional boundaries. Inspections shall be conducted by the city code enforcement department or other qualified persons appointed or contracted by the city. ~~At least one compliance inspection of the beach shall be conducted at night prior to the commencement of the marine turtle nesting season and additional compliance inspections shall be conducted during the marine turtle nesting season until existing beachfront lighting has been brought into compliance.~~

Section 44.13. Penalties.

- (a) Violations of this division originating from any lighting associated with a permanent building, structure, or accessory structure, any constructed or installed outdoor lighting fixture, or any transient lighting associated with a temporary structure or special event associated with a property or properties, shall be cited to the property owner(s) and follow the procedure in section 22-276 of this Code. When a property has multiple light sources in violation of this division, each may be cited as a violation.
- (b) Violations of this division that originate from a transient lighting source unassociated with a special event, temporary structure, and/or that originate from individuals on the public beach shall be cited in accordance with the procedures in section 22-286 of this Code.
- (c) During marine turtle nesting season, any light source installed or placed upon any public property that is visible from the beach without prior authorization of the City may be removed without notice at the discretion of the city manager.

Sec. 44.914. Monitoring and reporting guidance.

The following information should be compiled by the city or qualified wildlife protection program partner on an annual basis and submitted to the Florida Fish and Wildlife Conservation Commission Marine Turtle Protection Program, with report made available to the City Commission and Beach Stewardship Committee:

- (a) Number of lighting applications reviewed;
- (b) Number of potential violations reported;
- (c) Number of potential violations investigated;
- (d) Disposition of all potential violations including results of enforcement actions and amounts of penalties assessed;
- (e) Results of compliance checks conducted prior to and during the marine turtle nesting season; and
- (f) Status of local lighting ordinances and any amendments to those ordinances.

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

Agenda Report

Agenda Title Name: St. Pete Beach dock regulations

Action Request: None - for discussion

Strategic Objective:

Date: December 15, 2025

Prepared By: Brandon Berry, Senior Planner

Through: Laura Canary, Community Development Director

Summary of Issue: Discussion will pertain to at least the following topics:

- Definition of "waterway";
- Dock height limitations, and potential conflicts with seawall height standards;
- Administrative dock waivers;
- Restoration timeframes for damaged and dilapidated docks.

Funding: N/A

Attachments:

1. Land Development Code Dock Regulations
2. Pinellas County Water & Navigation Regulations

Sec. 6.23. Docks.

It is the intent of the city, together with the Pinellas County Water and Navigation Control Authority, to regulate the construction of residential and commercial dock facilities in order to minimize the adverse impacts of such activities upon the natural resources of the City of St. Pete Beach, Pinellas County and the State of Florida.

- (a) *Applicability.*
- (1) It shall be unlawful to build, construct, repair or alter any dock or part thereof in the city without conforming to this section.
 - (2) It shall be unlawful to raze, alter, move, repair or build upon any dock or any part thereof except according to this section.
- (b) *Specifications and materials.* All docks, boat lifts, tie poles and attendant structures shall be constructed in accordance with and in conformity to this section and the requirements of the Pinellas County Water and Navigation Control Authority. All materials used in the construction of such structure shall likewise conform to the requirements of any city, county, state and federal agency having jurisdiction.
- (c) *General requirements.*
- (1) No dock or wharf, pier or other structure contemplated by this section shall be enclosed or covered by any means, either permanent or temporary.
 - (2) The height of a docking facility (except openwork, railings, pilings, flag or signal poles and boat davits) shall not exceed 12 inches in height from the seawall or natural grade level to which it abuts, except when state or federal regulations require additional height.
 - (3) All dock lighting shall comply with section 6.16.
 - (4) Permits for docks shall be issued only for properties upon which a principal structure exists or upon which a building permit for the principal structures has been issued and the structure is substantially completed.
 - (5) No building shall be permitted to be constructed over the waters of the county.
 - (6) No dock structure or tie pole shall be allowed to project in the navigable portion of a waterway more than 25 percent of the width of the waterway.
 - (7) No dock shall extend outward into the water from the seawall, mean or ordinary high water line more than 300 feet.
 - (8) No portion of a docking facility shall encroach closer than 150 feet to the centerline of the Intracoastal Waterway.
 - (9) Docks may be provided with electric or water utilities, provided no residential dock shall be served by separately metered utility service.
 - (10) Submittal of all application information required by the Pinellas County Water and Navigation Control Authority Regulations, as appropriate.
 - (11) Minimum construction specifications as required by the Pinellas County Water and Navigation Control Authority.
 - (12) All application for docks shall be completed pursuant to paragraphs (10) and (11) above and shall be submitted to the city for approval prior to submission to the Pinellas County Water and Navigation Control Authority for permit.

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- (d) *Additional requirements for residential docks.* In addition to the preceding general requirements, residential docks shall adhere to the following:
- (1) No residential dock shall be designed or constructed to accommodate more than two boats for permanent mooring. No residential zoning lot shall have more than one dock. For the purpose of this section, personal watercraft (wave runners or jet skis) lifts shall not be considered a boat slip.
 - (2) Notwithstanding the preceding, a residential dock for the joint use by two or more adjacent waterfront property owners may be permitted where the physical characteristics of the waterfront make it impractical to build individual docks.
 - (3) No residential dock, davits, boatlifts or tie poles shall extend from the mean high water line or seawall of the appurtenant upland property to a length greater than one-half the width of the zoning lot at the waterfront. This requirement may be varied administratively provided that signed statements of "no objection" from both adjacent waterfront property owners have been submitted.
 - (4) Residential dock, davits, boatlifts or tie poles shall be located within the center one-half of the width of the appurtenant upland property at the waterfront. For the purpose of this regulation, side lot lines of a lot shall be deemed to extend into the adjacent water body perpendicular to the shoreline which they intersect. This requirement may be varied administratively provided that a signed statement of "no objection" from the property owner encroached upon has been submitted with the permit application.
- (e) *Additional requirements for commercial docks.* A commercial dock shall be permitted only as a conditional use. In addition to the requirements of Division 4, the following standards shall be met prior to the issuance of any development order for any commercial docking facility by the city:
- (1) The applicant shall demonstrate that the waterfront use is in compliance with this Code or can be brought into compliance to accommodate both the current use and the proposed dock, as it relates to parking, drainage, utilities and other facilities necessitated by the development. This provision shall also apply to a property which is already developed with docking facilities and where the owner wishes to add ancillary facilities;
 - (2) All commercial dock installations must be consistent with the zoning of the adjacent upland property;
 - (3) Commercial docking facilities constructed in the waters of the county shall be constructed so that the width of such facilities shall not exceed 75 percent of the width of the property at the waterfront and shall be further constructed so that the length of the facility shall not extend from the mean high water line or seawall of the property further than 75 percent of the width of the property at the waterfront;
 - (4) All docking facilities must be so located that no portion of the proposed facility is closer to either adjacent extended property line than ten percent of the property width at the waterfront;
 - (5) Commercial docks abutting adjacent waterfront residential property must be set back a minimum of one-third of the applicant's waterfront property width from the adjacent waterfront residential property. This requirement may be waived administratively provided that signed statements of "no objection" from the affected property owners has been submitted;
 - (6) Would have a detrimental effect on the use of such waters for navigation, transportation, recreational or other public purposes and public conveniences;
 - (7) Would have a material adverse effect upon the natural beauty and recreational advantages of the city;

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- (8) Would have a material adverse effect upon the conservation of wildlife, marine life, and other natural resources, including beaches and shores, so as to be contrary to the public interest;
 - (9) Would have a material adverse effect upon the uplands surrounding or necessarily affected by such plan or development; or
 - (10) Would have a material adverse effect on the safety, health and welfare of the general public.
- (f) *Dock repairs.*
- (1) All dock repairs, including repairs to or replacement of permitted boat lifts, shall require a permit from the city, unless otherwise provided in this subsection.
 - (2) Replacement of deck boards, only, on a residential dock shall not require the issuance of a permit from the city. All deck boards shall meet the minimum construction criteria as required by the Pinellas County Water and Navigation Control Authority.
 - (3) Residential dock owners shall be permitted to repair or replace residential docks in the same size and configuration as the original permitted dock. A copy of the original county permits and drawings shall be submitted with the permit application. If original county permits cannot be provided, then the application will be reviewed as if it were a new dock permit request. This provision shall supersede requirements for nonconforming structures provided for elsewhere in the Code.
- (g) *Disrepair or dilapidated docks.* If any dock falls into a state of disrepair and becomes a dangerous structure, creating risks to the safety and well-being of the community or individual members thereof, the entire structure shall either be removed or repaired so as to conform to the requirements of this section.

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

ARTICLE XV. WATER AND NAVIGATION REGULATIONS¹

DIVISION 1. GENERALLY

Sec. 58-500. Title.

The regulations set out in this article may be known and cited as the "Pinellas County Water and Navigation Regulations."

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-501. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aesthetics or natural beauty refers primarily to the natural beauty of the waters of the county and shall be interpreted as seen from within or upon the waters of the county.

Beach means that area of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of permanent upland vegetation (usually the effective limit of storm waves).

Board means the Pinellas County Board of County Commissioners, or its designated representative.

Boat lift means a device for lifting boats out of the water for storage over the water. Boat lifts shall be inclusive of all post and floating lift systems but exclusive of davits where the davit base is not within the waters of the county.

Building means any structure which has enclosing walls and was built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Commercial dock, class A means any dock, pier, wharf, or mooring field used in connection with a hotel, motel or restaurant and where the slips are not rented, leased or sold, but utilized as an enhancement to the principal function of the basic facility.

Commercial dock, class B means any dock, pier, wharf, or mooring field used in connection with a social or fraternal club or organization, and where use of the facility is restricted to the membership thereof.

Commercial dock, class C means any dock, pier, wharf, or mooring field constructed and maintained by a local municipality, the county or any state or federal agency.

¹Editor's note(s)—Ord. No. 18-38, § 1, adopted Oct. 23, 2018, amended and relocated Ch. 166, Art. V, §§ 166-241—166-251, 166-253—166-255, 166-281—166-285, 166-287—166-294, 166-321—166-334, 166-356—166-364, 166-391, to Art. XV in Ch. 58, §§ 58-500—58-513, 58-530—58-556, 58-570—58-578, as set out herein. History notes of the originating article have been retained for reference.

Commercial dock, class D means any dock, pier, wharf, or mooring field where the primary function is the collection of revenue for profit. This classification shall include all commercial marinas, boatyards and commercial boat docking facilities.

Construction means new work, repairs, replacements, and extensions to structures.

County means Pinellas County, Florida, or any employee or agent thereof.

County administrator means the county administrator for the county or his or her designated representative.

Department means the county public works department.

Dock means any structure, including a pier, wharf, loading platform, tie pole, mooring buoy, dolphin, accessory structure, or boat lift which is constructed on piling, over open water, or which is supported by flotation on the waters of the county.

Dredging means excavation, by any means, in the waters of the county.

Environmental seawall enhancement means the addition of living shoreline components to an existing seawall to reduce wave energy and erosion and create native shoreline habitat.

Filling means the deposition, by any means, of materials in the waters of the county.

Floating dock means any dock supported by flotation devices.

Florida Building Code means that Code as adopted by the State of Florida, as that Code may be amended over time.

Listed species means those flora and fauna listed by the state or the federal government as endangered, threatened, or as species of special concern.

Living shoreline means a shoreline management practice that provides erosion control benefits; protects, restores, or enhances natural shoreline habitat; and maintains coastal processes through the strategic placement of native plants, stone, sand, oyster shell, and other structural organic materials.

Lumber sizes means nominal sizes.

Mitigation means the creation of habitat in compensation for the adverse impacts associated with a permitted activity.

Multiuse private dock means any dock to be owned in common or used by the residents of an apartment house (more than two units), condominium, cooperative apartment, mobile home park or zero lot line attached structures. Docks serving both commercial and residential uses shall fall under the appropriate commercial dock category.

Navigable waters means and includes all tidal waters, such fresh waters as are in fact navigable, and swamp and overflow lands.

Navigation means the maneuvering of watercraft within the waters of the county, including ingress to and egress from an upland property.

New development means and includes new construction and remodeling of existing structures.

Person means any natural person, firm, corporation, county, municipality, township, or any other public agency, but shall not include the State of Florida or Pinellas County when used in this article.

Private dock means any dock which will be used by an individual owner, his family and friends, and at which the property is zoned residential, single-family; or shall mean any single structure dock facility which provides dockage for a duplex type residential unit. This definition is not intended to include docks servicing zero lot line attached units.

Project means any development, redevelopment, construction, repair, or other activity which occurs in whole or in part within the jurisdiction of the county.

Property line means those lines described in the legal description of the applicant's deed.

Protective barrier means a physical structure limiting access to a designated area and composed of wooden and/or other suitable materials which gives reasonable assurance of compliance with the intent of this article.

Public hearing means an advertised hearing before the board or board of adjustment and appeals, open to the public, for the purpose of presenting the facts of an application and for the purpose of providing a forum through which affected parties may make their concerns known to the board or board of adjustment and appeals.

Restoration means the designed creation of desirable habitat.

Riprap means the hardening of shorelines by a means other than the installation or repair of seawalls.

Seawall means any hardening of the shore by the installation of a vertical wall where such structure is toed in within the waters of the county. This definition specifically excludes upland retaining walls located outside of the waters of the county.

Setback means a buffer area of a size to be determined on an individual basis within which no change to existing conditions may be made without a specific permit.

Special Magistrate means an individual charged with hearing appeals and variance requests under this article. The special magistrate must be an attorney in good standing with the Florida Bar with at least seven years of experience practicing law in the State of Florida. Additionally, the special magistrate must not have been an employee or agent of the county at any time over the past seven years preceding the applicable hearing date.

Survey means a one inch equal to 200 feet scale aerial and 1:10 to 1:60 scale drawing signed and sealed by a state registered land surveyor (P.L.S.) which accurately locates either designated stands of mangroves or designated individual trees in addition to other site characteristics (such as topography, mean high water, property lines, and upland trees) required for the review of the application.

Tie piles means and includes dolphin, batter, sister, or mooring piles which are placed to provide anchorage, mooring, structural support, or space for a ship or boat.

Utility means those public and private services such as telephone, power, sanitary sewer, potable water, etc.

Waters of the county means and includes:

- (1) All those waters having a measurable salinity at some point during the tidal cycle and lying within the legal boundaries of the county;
- (2) The following lakes: Tarpon, Seminole, St. George, Chautauqua (Township 28 South, Range 16 East), Salt, Leisure, Taylor, and Walsingham; or
- (3) All those areas associated with (1) or (2) above, which are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation specifically adapted to life in saturated conditions, as listed in the Florida Administrative Code. These waters include, but are not limited to, rivers, estuaries, bays, swamps, marshes, sloughs, bayous, and open waters, whether such waters are on private or public lands and whether such waters are manmade or natural. Where vegetation would not normally be expected due to other environmental factors, such as in the high energy zone of marine beaches, the limits of the waters of the county shall be determined by the coastal erosion control line. Where a coastal erosion control line has not been established, the limits of the waters of the county shall be set by a reasonable alternative.

All other words, terms, and phrases used in this article shall be defined according to their commonly accepted meanings.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 16-17, § 1, 3-29-16; Ord. No. 18-38, § 1, 10-23-18; Ord. No. 25-5, § 2, 1-28-25)

Sec. 58-502. Authority for article.

This article is adopted in compliance with and pursuant to Article II, Section 2.04(u) of the Pinellas County Charter.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-503. Violations and penalties.

- (a) Any person who shall violate the provisions of this article or any conditions imposed as a part of a permit issued pursuant to this article may be punished as provided in section 1-8.
- (b) In addition to the penalties provided in subsection (a), any violation of the provisions of this article may be punished as provided for in article VIII, chapter 2 of the Pinellas County Code.
- (c) In addition to the penalties provided in this section, any violation of the provisions of this article or any conditions made a part of the permit issued pursuant to this article may constitute grounds for revocation of that permit.
- (d) In addition to other penalties provided in this section, the county attorney may institute or participate in any appropriate civil or administrative action or proceeding to declare, prevent, restrain, correct or abate any violation, or threat thereof, of any provision of this article. The county may also seek civil remedies pursuant to Laws of Fla. ch. 90-403, as amended, the "Pinellas County Environmental Enforcement Act" (compiled in chapter 58, article II of the Pinellas County Code).
- (e) In addition to other penalties provided in this section, the county may require restoration, mitigation, or enhancement in order to ameliorate the adverse impacts of unpermitted or improperly conducted activities.
- (f) The county administrator may withhold the issuance of other certificates, licenses, or permits on related developments or projects where violations of this article are outstanding until the violations of this article have been abated.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-504. Purpose and intent.

- (a) It is the intent of the board to exercise the special power granted to the county in Article II, Section 2.04(u) of the Pinellas County Charter. It is the further intent of the board to implement the regulations set out in this article throughout the waters of the county, except where otherwise stated in this article.
- (b) It is the intent of the board to protect, through sound management and the judicious issuance of permits, the natural resources and scenic beauty of the county.
- (c) It is the intent of the board to regulate all dredge and fill activity within the waters of the county in order to minimize the adverse impacts of these activities on the natural resources and scenic beauty of the county.
- (d) It is the intent of the board to regulate the placement of seawalls within the waters of the county in order to minimize the adverse effects of these structures as well as assure the protection of upland lands from the erosive action of the waters of the county.

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- (e) It is the intent of the board to regulate the construction of commercial and private docking facilities within the waters of the county in order to minimize the adverse impacts of such activities upon the natural resources and scenic beauty of the county.
 - (f) It is the intent of the board to protect those species listed as endangered, threatened, or as species of special concern by federal and state agencies.
 - (g) It is the intent of the board to apply this article in a manner sensitive to both the property rights of the applicant and the rights of the citizens of the county to enjoy the benefits of their natural resources.
 - (h) It is the intent of the board that the provisions of this article be liberally construed in order to effectively carry out its purpose of protecting the public's interest and preserving natural resources.
 - (i) The purposes of this article are hereby declared and found to be good and valid public and county purposes.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-505. Interpretation; conflicting provisions.

In interpreting and applying the provisions of this article, such provisions shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare of the citizens of the county. It is not intended by this article to interfere with, abrogate or annul any lawful easements, covenants or other agreements between parties; provided, however, that where this article imposes a greater restriction upon the use of structures, premises or lands within the waters of the county than are imposed or required by other resolutions, rules, regulations or other lawful easements, covenants or agreements, the provisions of this article shall control.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-506. Territory embraced.

Pursuant to the jurisdiction given to the county by benefit of Article II, Section 2.04(u), Pinellas County Charter, this article shall be applicable throughout the county, including both incorporated and unincorporated areas of the county.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-507. Exemptions.

- (a) Waters of the county shall be limited around freshwater lakes to include only those vegetated areas, per the definition of waters of the county, which immediately fringe the lake. It is specifically intended that the tributaries to such lakes not be included in such definition unless such tributaries are navigable waters.
- (b) Waters of the county shall not be interpreted to include stormwater retention ponds.
- (c) Dock owners (either by themselves or through their licensed general and marine contractors) are allowed to repair, replace, or reconfigure docks that have been damaged by a natural disaster (act of God, heavy winds and/or seas) in accordance with section 58-544 without applying for a permit under this article when this subsection is invoked by the department. The department will make the determination to invoke this subsection based on the amount of damage sustained and requests received and post notice of same on the department's webpage. The department may also extend the timeframe to submit for emergency repair authorizations based on the severity of the event and the volume of requests received and will post the extension in the same manner as the original notice. A dock owner must notify the department of their

intent to avail themselves of the exemption at least 48 hours prior to work commencing and within 90 days of the department's invocation of this subsection and complete the work within six months from their submittal. The dock owner must also notify the department within five days of completion of work, after which time the dock will be inspected by department staff for compliance with section 58-544. After the department verifies such compliance, if the dock was not repaired or replaced to the previously approved permit configuration, the dock owner may be subject to enforcement in accordance with this article.

- (d) Property owners (either by themselves or through their licensed general and marine contractors) are allowed to conduct emergency dredging and/or replace seawalls that have been damaged by a natural disaster (act of God, heavy winds and/or seas). The department will make the determination to invoke this subsection based on the amount of damage sustained and requests received and post notice of same on the department's webpage. The department may also extend the timeframe to submit for emergency dredge and fill permits based on the severity of the event and the volume of requests received and will post the extension in the same manner as the original notice. Replacement seawalls beyond the one-foot requirement imposed by subsection 58-573(2), along with emergency dredging, must still obtain a dredge and fill permit under this article. Such permits will be approved by the department on a case-by-case basis, have an expedited review process, and the fee will be waived. An application must be submitted to the department within 90 days of the department's invocation of this subsection to qualify and the work must be completed within six months of the original submittal. The owner must also notify the department within five days of completion of work, after which time the dredge area or seawall will be inspected by department staff for compliance with this article (other than the one-foot requirement imposed by subsection 58-573(2)). After the department verifies such compliance, if the work was not performed to the approved permit plans, the owner may be subject to enforcement in accordance with this article.
- (e) The requirements contained in section 58-510 do not apply where the construction activity is to be conducted by the property owner.
- (f) Contractors licensed to perform such work by the State of Florida, or the Pinellas County Construction Licensing Board may install or repair tie poles, sister poles, batter poles and dolphin poles without having first obtained a permit, provided that such permit is applied for within 15 days of the activity. Such installation is conducted at the contractor's risk and may be required to be removed or relocated if the permit is not approvable.
- (g) Application for the repair of multiuse private or commercial docks to be made in the same configuration and to the same material specifications as were originally permitted by the county will not require the signature and seal of a state registered civil engineer.
- (h) The placement of cables or pipes via directional drilling techniques which does not result in any disturbance of waters of the county is exempt from the requirement to obtain a dredge and fill permit.
- (i) Federal and state projects are exempt from the requirement to obtain a permit under this article. This exemption does not include those projects where the federal or state government solely provides funds for projects undertaken by other entities.
- (j) Signs, buoys, and markers posted pursuant to the State of Florida Uniform Waterways Markers program do not require a separate permit under this article.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18; Ord. No. 25-5, § 2, 1-28-25)

Sec. 58-508. Administration.

- (a) The administration and enforcement of this article is vested in the county administrator, or his or her designee.

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- (b) The county administrator shall have the authority to issue all permits pursuant to this article without the further consent of the board and without the need for public hearings. Those permits requiring variances shall be subject to the procedures set forth in this article.
 - (c) Department staff shall coordinate all permit intake and review activities under this article.
 - (d) All applications, revised applications, requests for permit extension and associated fees under this article must be submitted through the department.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18; Ord. No. 25-5, § 2, 1-28-25)

Sec. 58-509. Enforcement procedure.

- (a) All projects under this article will be subject to a final inspection by the county to assure compliance with the conditions of the permit.
- (b) The county shall be notified when dredge, fill, or commercial and multiuse dock construction commences and upon the completion thereof. The county shall be notified upon completion of a private dock structure.
- (c) The applicant, contractor, and/or agent will be notified by the county, in writing, of any discrepancies discovered during any inspection within ten working days. The responsible party shall have ten working days from the date of notice to correct such discrepancies.
- (d) Any person may report a violation of this article to the county.
- (e) Any designee of the county administrator shall have the authority to investigate violations of this article.
- (f) Investigations of violations of this article may be based upon statements of the complainant or upon inspections performed by county personnel.
- (g) In conducting investigations of violations of this article, departmental inspectors shall have the authority, where otherwise lawful, to inspect property, obtain the signed statements of prospective witnesses, photograph violations, and do such other gathering of evidence as is necessary for the complete investigation of a violation of this article.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-510. Contractor's requirements.

- (a) All construction activity under this article, where not performed by the property owner, must be conducted by a contractor licensed to perform such work by the State of Florida or the Pinellas County Construction Licensing Board. All such contractors must maintain any applicable insurance coverage required by state and federal law, including but not limited to the Longshoremen's and Harbor Worker's Compensation Act and the Jones Act. The department may require proof of such coverage at any time.
- (b) It shall be a violation of this section to cancel any required insurance after presenting proof of such coverage to the county and obtaining a permit, unless the contractor actually performs the construction activity covered by such permit with the appropriate insurance coverage in effect.
- (c) It shall be a violation of this section for a property owner to procure any permit under this article with the intent to aid or abet a contractor that does not meet the requirements set forth in subsection (a) above in performing the permitted construction, alteration or repair.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18; Ord. No. 25-5, § 2, 1-28-25)

Sec. 58-511. Building permits.

- (a) It shall be the responsibility of the municipality if within municipal limits or the county building department if within unincorporated areas to set construction standards and issue building permits for seawalls. New seawalls placed within the waters of the county shall also require a fill permit from the county.
- (b) Dock permits issued by the county will be for the structure only and do not include an approval or permit for other installations requiring plumbing or electrical facilities.
- (c) Nothing in this section is to imply that an improperly conducted activity such as the improper placement of a seawall or riprap is not a violation of this article.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-512. Protection of adjacent habitat.

Projects conducted within the unincorporated county are subject to all other county regulations and ordinances. Where projects are conducted in areas where the habitat management and landscaping provisions of the County Land Development Code are in effect, those habitat protection requirements will be enforced. Certain habitats will require protective barriers prior to permit issuance. The county administrator shall make provisions necessary to issue the permit pursuant to this article and the habitat management and landscape permits simultaneously where applicable. The provisions of this section may be expanded, at the discretion of the county administrator, to account for consistency with other county ordinances where applicable.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-513. Signs and fences on submerged lands.

The posting of signs and placing of fences upon the submerged lands of the county will be considered an obstruction to navigation. Such signs or fences shall only be permitted if an application is submitted to the county and the issuance of a permit for such installation is approved at public hearing before the board.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Secs. 58-514—58-529. Reserved.

DIVISION 2. PERMITS GENERALLY

Sec. 58-530. Permit required; review of applications.

- (a) It shall be a violation of this article for any person to undertake activities regulated by this article without a permit from the county.
- (b) The board and its staff shall consider, in its review of permit applications under this article, the following criteria. If any of the following questions are answered in the affirmative, the application shall be denied or modified:
 - (1) Would the project have a detrimental effect on the use of such waters for navigation, transportation, recreational or other public purposes and public conveniences?
 - (2) Would the project restrict the free use of the waterways and navigable waters?

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- (3) Would the project have a material adverse effect upon the flow of water or tidal currents in the surrounding waters?
 - (4) Would the project have a material adverse effect upon erosion, erosion control, extraordinary storm drainage, shoaling of channels, or would be likely to adversely affect the water quality presently existing in the area or limit progress that is being made toward improvement of water quality in the area?
 - (5) Would the project have a material adverse effect upon the natural beauty and recreational advantages of the county?
 - (6) Would the project have a material adverse effect upon the conservation of wildlife, marine life, and other natural resources, including beaches and shores, so as to be contrary to the public interest?
 - (7) Would the project have a material adverse effect upon the uplands surrounding or necessarily affected by such plan or development?
 - (8) Would the project have a material adverse effect on the safety, health and welfare of the general public?
 - (9) Would the project be inconsistent with adopted state plans (e.g., manatee protection, SWIM plans), county and municipal comprehensive plans, other formally adopted natural resource management plans, or any other county ordinances or regulations?
- (c) If an application for a permit for any activity regulated under this article is denied, the county shall provide written notice to the applicant. Such notice shall provide citations to the applicable portions of this article under which the permit is denied.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-531. Criteria for approval of permits.

- (a) It shall be the burden of the applicant for a permit under this article to provide data and testimony to show the effect of the proposed plan and development on the criteria in subsection 58-530(b).
- (b) Permits are required for dredging or filling (section 58-570), seawall installation (section 58-573), dock construction (section 58-543), dock repair (section 58-544), after-the-fact dock construction (section 58-545), dock construction within Lake Tarpon and Lake Seminole (section 58-546), boardwalks (section 58-547), and associated habitat impacts (section 58-512).
- (c) The county shall have the option of requiring the analysis of alternative designs where such alternatives have the potential to reduce environmental impacts or navigational impacts. It shall be the burden of the applicant to prove that alternatives do not result in lesser impacts than the proposed design. An analysis of alternatives may be submitted at the time of application at the option of the applicant.
- (d) The use of alternative designs, such as the use of multiuse private docks in lieu of single-family private docks, may be required where the assessment of cumulative impacts indicates that such cumulative impacts would violate the general provisions under subsection 58-530(b).

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-532. Mitigation and enhancement.

- (a) The county may consider proposals for mitigation in the review of permit applications under this article. The replacement requirements for legally impacted wetlands shall be defined on a square footage basis and shall

use, as a minimum, one acre (or portion thereof) created for each acre adversely impacted. Each acre (or portion thereof) shall contain sufficient wetland replants to reestablish the wetland habitat with 85 percent coverage within three years.

- (b) Any proposal for mitigation under this article must be signed by a registered environmental professional (National Association of Environmental Professionals), a registered professional ecologist (Ecological Society of America), landscape architect, or other suitable recognized professional.
- (c) The county may require the enhancement of the local habitat where such enhancement may be reasonably expected to enhance the natural functions of the local ecosystem and where such enhancement will not place an undue hardship upon the applicant under this article.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-533. Criteria for issuance.

- (a) In all cases, the department shall consider consistency with the comprehensive plans of the county and local municipality, if applicable, in the review of permit applications. The department shall also consider adherence to this article, the information received as a part of the application, and the information gathered by staff during field or literature reviews.
- (b) In order to provide protection for those habitats having a high degree of ecological value, proposed projects shall be specifically reviewed for adverse impacts to vegetated wetland areas; vegetative, terrestrial, or aquatic habitats critical to the support of listed species in providing one or more of the requirements to sustain their existence, such as range, nesting or feeding grounds; habitats which display biological or physical attributes which would serve to make them rare within the confines of the county, such as natural marine habitats, grass flats suitable as nursery feeding grounds for marine life, or established marine soil suitable for producing plant growth of a type useful as nursery or feeding grounds for marine life; designated preservation areas such as those identified in the comprehensive land use plan, national wildlife refuges, bird sanctuaries, manatee sanctuaries; natural reefs and any such artificial reef which has developed an associated flora and fauna which have been determined to be approaching a typical natural assemblage structure in both density and diversity; oyster beds; clam beds; known sea turtle nesting sites; commercial or sport fisheries or shell fisheries areas; habitats desirable as juvenile fish habitat.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18; Ord. No. 25-5, § 2, 1-28-25)

Sec. 58-534. Special conditions.

- (a) Upon issuance of any permit under this article, special conditions may be imposed for such permit. These conditions should include any item which can be reasonably expected to enhance the probability that the proposed activity will be conducted in compliance with the intent of this article. Those conditions may include, but are not limited to, field inspections by county staff, reports, monitoring, bonding, easements, guaranteed survival of nonaffected and/or replanted vegetation, protective barriers, setbacks, protective earthwork, replants, signage, restoration and/or mitigation. Conditions may also be applied in order to assure consistency with the county and municipal comprehensive plans.
- (b) It shall be unlawful for any person to deviate from the specific conditions of the permit as set forth by this article without the prior approval of the county.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-535. Notice of public hearing.

- (a) The department must mail to all property owners, as listed in the property appraiser's files, within a 500-foot radius of the property containing the project at issue, notice of any pending hearing before the special magistrate. The notice must contain the parcel identification number or address of the property containing the project, a brief description of the project and relief sought, and the date, time, and place of the hearing. All notices must be postmarked at least twenty days before the hearing date.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18; Ord. No. 25-5, § 2, 1-28-25)

Sec. 58-536. Appeals.

- (a) Any person, including the state, aggrieved by any final determination made by the department under this article (e.g., permit issuance or denial, variance approval or denial), may, within 30 days of such determination, appeal such determination to the special magistrate. The appeal must be filed with the department, who will coordinate with the special magistrate to schedule a hearing within a reasonable time that is noticed pursuant to section 58-539. The appeal need not satisfy any particular length or format requirements; rather, it must only state the grounds upon which the department erred in its determination and how the appellant is aggrieved by such determination. At least one week before the hearing, the department must file a report defending the challenged determination, which will become part of the record.
- (b) In hearing an appeal, the special magistrate is not bound by any specific procedural requirements other than those prescribed in this article. Accordingly, the special magistrate may set his/her own rules of procedure. By way of illustration and not limitation, the special magistrate is not bound by County Code Chapter 2, Article VIII (Code Enforcement by Special Magistrates), County Code Section 134-14 (Quasi-Judicial Proceedings), or F.S. Ch. 162 (County or Municipal Code Enforcement). However, the special magistrate may reference such other laws in setting his/her own rules as desired. Additionally, fundamental due process concepts must be observed, and the formal rules of evidence must not apply.
- (c) Any person, including the state, who is aggrieved by the special magistrate's ruling on an appeal, may file a petition for writ of certiorari with the Circuit Court within 30 days after the Special Magistrate's written order is rendered.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18; Ord. No. 25-5, § 2, 1-28-25)

Sec. 58-537. Acceptance of permit.

Failure to file an appeal of a permit which is issued under this article pursuant to section 58-536 shall constitute acceptance of the permit.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18; Ord. No. 25-5, § 2, 1-28-25)

Sec. 58-538. Expiration of permits; extension or revision.

- (a) Except as otherwise provided in this article, all permits are not effective until 30 days after issuance and, if an appeal is filed pursuant to section 58-536, until such appeal is fully resolved, and any subsequent appeal windows have lapsed. All permits issued under this article shall expire one year from the date of issuance.
- (b) In the event that the project is not completed within one year of the date of the issuance of a permit under this article, the county shall authorize a one-year extension upon written request to the county. A second

one-year extension shall be granted upon written request if the project is not completed by the end of the second year. The county may authorize two additional one-year extensions upon written request to the county and for good reason shown. Extensions shall be requested within 90 days before or after the permit expiration date.

- (c) Applications for revisions to permits issued pursuant to this article shall only be accepted within one year of the original issuance of the permit unless the applicant can demonstrate that the project has been under active review by another government agency and that the revision is a requirement of said agency.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18; Ord. No. 25-5, § 2, 1-28-25)

Sec. 58-539. Variances.

- (a) A permit applicant may request a variance from the special magistrate from any permitting criterion under this Article not included in subsections (d) or (e) below. The variance request must be filed with the department, who will coordinate with the special magistrate to schedule a hearing within a reasonable time that is noticed pursuant to section 58-539. The special magistrate must grant the variance request if the permit applicant establishes at hearing that all applicable criteria set forth in section 138-231, Pinellas County Land Development Code, are satisfied. At least one week before the hearing, the department must file a report opining as to whether such criteria are satisfied, which shall become part of the record.
- (b) In hearing a variance request, the special magistrate is not bound by any specific procedural requirements other than those prescribed in this Article. Accordingly, the special magistrate may set his/her own rules of procedure. By way of illustration and not limitation, the special magistrate is not bound by County Code Chapter 2, Article VIII (Code Enforcement by Special Magistrates), County Code Section 134-14 (Quasi-Judicial Proceedings), or F.S. Ch. 162 (County or Municipal Code Enforcement). However, the special magistrate may reference such other laws in setting his/her own rules as desired. Additionally, fundamental due process concepts must be observed, and the formal rules of evidence must not apply.
- (c) Any person, including the state, who is aggrieved by the special magistrate's ruling on a variance request, may file a petition for writ of certiorari with the Circuit Court within 30 days after the Special Magistrate's written order is rendered.
- (d) A permit applicant may request a variance from the department from the following permitting criteria under this article: subsections 58-532(a), 58-532(b), 58-543(f), 58-543(g), 58-543(l), 58-543(m), 58-546(1), 58-546(4), 58-546(5), 58-546(7), 58-555(a)(2), 58-555(a)(3), 58-555(a)(4), and 58-555(a)(7). The department must grant the variance request if the permit applicant establishes that all applicable criteria set forth in section 138-231, Pinellas County Land Development Code, are satisfied.
- (e) A permit applicant may request a variance from the department from any construction materials or minimum construction specifications specified under this article. The department must grant the variance request if the permit applicant establishes that, based on a report signed and sealed by a professional engineer, the proposed materials or specifications are equivalent to, or better than, that which is specified in this article.
- (f) Any person, including the state, who is aggrieved by department's ruling on a variance request, may appeal such determination to the special magistrate pursuant to section 58-536 above.
- (g) In granting any variance, appropriate conditions, time limits, and safeguards may be prescribed. Variances shall not be deemed to set precedence for other applications should they be either standard applications or those requiring variances.
- (h) After-the-fact variance requests are allowed where the special magistrate or department, as applicable, determines that the need for the variance is the result of a good faith mistake.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18; Ord. No. 25-5, § 2, 1-28-25)

Sec. 58-540. Fees.

- (a) All fees and deposits required under this article for applications, permit extensions, and public hearings shall be set by the board by resolution on an annual basis. Fees shall be sufficient to cover the cost of the review, public notice, and issuance or extension of the permit.
- (b) After-the-fact dock applications and permits will be subject to increased fees as set by the board annually by resolution.
- (c) Fees will be levied upon the contractor, or owner if the structure is self-built, and shall be paid to the department.
- (d) A waiver of permit application fees for governmental agencies shall be administratively granted.
- (e) A waiver of permit application fees for the placement of riprap against an existing seawall shall be administratively granted.
- (f) A waiver of permit application fees for projects conducted for environmental enhancement or environmental restoration, including but not limited to living shorelines and environmental seawall enhancement, shall be administratively granted.
- (g) A waiver of permit application fees for emergency dredge and fill projects as described under Section 58-507(d), shall be administratively granted.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18; Ord. No. 25-5, § 2, 1-28-25)

Sec. 58-541. Posting.

All permits issued under this article shall be prominently and openly posted in close proximity to the work allowed by the permit for the duration of the permit or until the work is complete.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-542. Revocation of permits.

For any noncompliance with or for violations of its terms, any permit issued under this article may be revoked by the department after notice of the intent to do so has been furnished by the department and opportunity afforded within 30 days for the permit holder to appeal the revocation pursuant to section 58-536.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18; Ord. No. 25-5, § 2, 1-28-25)

DIVISION 3. DOCKS AND SIMILAR STRUCTURES

Sec. 58-543. Dock permit requirements and restrictions.

- (a) No person shall construct any dock or other obstruction to navigation within the waters of the county without having first obtained a permit for such construction from the county.
- (b) Live-aboard facilities shall not be permitted without the appropriate infrastructure and solid waste facilities to support equivalent residential units.

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- (c) The county, based on the location of natural resources, encourages, and may require, the use of a single mooring facility at apartments, condominiums, zero lot line attached units, and cooperative apartments, or where cumulative impacts would invoke subsection 58-531(d).
 - (d) All multiuse and commercial dock installations must be consistent with the zoning of the adjacent upland riparian property.
 - (e) Boat lifts shall not be permitted where the installation of such lifts can reasonably be expected to have an adverse impact on the natural resources in the immediate vicinity of the installation.
 - (f) In tidal waters, all docks shall have at least 18 inches of water depth at the slip at mean low tide and shall have a continuous channel with a minimum of 18 inches of water depth at mean low tide to allow access to the structure from open waters.
 - (g) In nontidal waters, all docks shall have at least 18 inches of water depth at the slip, as measured from ordinary low water, and shall have a continuous channel with a minimum of 18 inches of water depth at ordinary low water to allow access to the structure from open water.
 - (h) In accordance with the comprehensive plan coastal management element, the county shall use the following criteria in the review of commercial and multiuse private dock structures:
 - (1) Adequate water depth to accommodate the proposed boat use.
 - (2) Preference shall be given to the expansion of suitable existing facilities rather than new construction.
 - (3) Located in areas where there is adequate flushing of the basin to prevent stagnation and water quality deterioration.
 - (4) No adverse impact on archaeological or historic sites as defined by state and local comprehensive plans.
 - (5) Reasonable access to a large navigable water body.
 - (6) Sufficient upland area to accommodate all needed utilities and support facilities, such as parking spaces, restrooms, dry storage, etc.
 - (7) Capacity of the surrounding roadways to handle boating traffic to and from the facility.
 - (8) Compatible land uses.
 - (9) Adequate wastewater treatment capacity in accordance with state standards.
 - (10) Commercial and multiuse private dock facility development shall be consistent with the special requirements for developing in the following areas:
 - a. Aquatic preserves.
 - b. Outstanding Florida Waters.
 - c. Class II waters.
 - d. Areas approved or conditionally approved by the state department of environmental protection for shellfish harvesting.
 - e. Other highly productive and/or unique habitats as determined by the state department of environmental protection based on vegetation and/or wildlife species.
 - (i) No commercial or multiuse private dock shall be constructed or expanded in areas determined by the state department of environmental protection to be critical to the survival of the West Indian Manatee.

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- (j) No new or substantial improvement to a commercial dock shall be approved until a hurricane plan for the project has been established. This requirement may be waived on projects for which the county deems a hurricane plan unnecessary.
 - (k) No docking facility will be permitted on the open sandy beaches of the Gulf of Mexico.
 - (l) No dock, boardwalk or pier will be permitted to be constructed parallel to the shoreline or seawall within the littoral zone between the mean high water line and the mean low water line.
 - (m) No roofed structure other than covered boat slips and no vertical walls will be allowed.
- (Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-544. Dock repair and reconstruction.

- (a) Where any dock permit was previously issued under this article, a variance granted under section 58-539 shall not be required for the county to issue a permit for repair, replacement, or reconfiguration of the dock where either subsection (a)(1) or (a)(2) below is satisfied:

- (1) The dock is reconstructed in the same configuration approved in said permit.
- (2) Said permit demonstrates nonconformance with any one or more of the following subsections in this article:
 - a. Depth under subsection 58-543(f), 58-543(g), or 58-546(7); or
 - b. Length under subsection 58-546(1), 58-555(a)(3), 58-555(a)(4), or 58-555(a)(7); or
 - c. Dock and slip limits under subsection 58-546(3), 58-546(4), 58-555(a)(5); or
 - d. Prohibited structures under subsection 58-543(k), 58-543(l), 58-543(m), 58-546(5), or 58-555(a)(2); or
 - e. Dock length and setback in the unincorporated county under subsection 58-555(b)(1), 58-555(b)(2), or 58-556(b)(1); or
 - f. Commercial and multiuse private dock width in the unincorporated county under subsection 58-556(b)(1); and

The dock is reconstructed subject to the following condition(s) relevant to any of the applicable subsections identified in this subsection (a)(2) above:

- a. Depth of the slips is not decreased;
- b. Total length of the dock is not increased;
- c. Total nonconforming number of docks and/or slips is not increased;
- d. Square footage of each category of prohibited structure is not increased;
- e. The dock is reconstructed such that there are no new structures located beyond the applicable setback and length limits required in the unincorporated county;
- f. Width of the multiuse or commercial dock in the unincorporated county is not increased.

This subsection (a)(2) does not permit nonconformance with any criteria, requirements, or restrictions not explicitly listed in this subsection (a)(2) above, including but not limited to the criteria set forth in section 58-530.

- (b) Where no dock permit was previously issued under this article, a variance granted under section 58-539 shall not be required for the county to issue a permit for repair or replacement of that dock where the dock was

originally constructed on or prior to February 26, 1990, remained in existence until two years or less prior to application submittal, and is reconstructed in the same configuration as existed on February 26, 1990. For the purposes of this subsection (b), a dock shall be considered to have "remained in existence" if at least 75 percent of the dock's pilings remain.

- (c) Repairs to or replacements of permitted boat lifts shall not require a permit under this article from the county unless pilings are to be replaced. Such boat lifts are to be reconstructed without enclosed sides.
- (d) Repairs to or replacement of deck boards only do not require a permit under this article from the county. This exemption does not apply to any support structure such as stringers, caps or floaters and all deck boards must meet the minimum construction criteria of subsection 58-554(7).

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 16-17, § 2, 3-29-16; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-545. After-the-fact dock permits.

Any person who undertakes to construct a dock without obtaining the required permit from the county shall have ten days from the date of written notice from the county to file an application for an after-the-fact permit, or to remove the unpermitted structure. Such after-the-fact application must comply with all the terms and conditions of this article. In the event that the unpermitted structure has been constructed, even in part, by any person holding a valid license, the county shall copy the written notice of violation to the Pinellas County Construction and Licensing Board. Such notice shall constitute a complaint to the Pinellas County Construction and Licensing Board.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-546. Special dock restrictions for Lake Tarpon and Lake Seminole.

The following restrictions apply to Lake Tarpon and Lake Seminole:

- (1) No new dock and/or tie pole installation shall be allowed to penetrate into the waters of Lake Tarpon or Lake Seminole further than 100 feet from the ordinary high water line as controlled by the U.S. Army Corps of Engineers outfall weir located on the Lake Tarpon outfall canal, or the weir located at the southern terminus of Lake Seminole (Park Boulevard).
- (2) Dilapidated docks shall be reconstructed in a manner which is in compliance with the provisions of this article.
- (3) No more than one private dock structure can be constructed per residential property under common ownership, provided it complies with the other sections of this article. Mooring space including boat lifts and davits for two boats may be provided. The county may require boat lifts or davits to minimize adverse impacts to the natural resources of the lakes or to the navigational opportunities of the lakes.
- (4) No more than one multiuse private dock or commercial dock can be constructed per 1,250 feet of lakefront property under common ownership, mooring space to be provided at the rate of two mooring spaces per each 100 feet of lakefront, except that, for property under common ownership of less than 1,250 feet of lakefront footage, one dock may be constructed with a minimum number of moorings not to exceed one space per 50 feet or fraction thereof of lakefront ownership (25 slips maximum per 1,250 feet of lakefront owned). Additional docks may be allowed at the rate of one dock per each 1,250 feet or fraction thereof of lakefront property owned. Mooring spaces shall be provided at the rate of two per 100 feet of waterfront. The dock shall be placed within the 1,250-foot increment. The space between dock structures (on waterfront in excess of 1,250 feet) shall equal or exceed 25 feet times the combined amount of mooring spaces at each structure.

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- (5) No building shall be permitted to be constructed over the waters of Lake Tarpon or Lake Seminole. Covered boat lifts without side walls may be permitted.
 - (6) No docks shall be allowed within the Lake Tarpon outfall canal.
 - (7) All docks within Lake Tarpon shall have at least two and one-half feet of water depth at the slip as measured from ordinary low water (elevation 2.6 NGVD), except those within canals, which shall have at least one and one-half feet of water depth at the slip as measured from ordinary low water.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-547. Boardwalks and observation platforms on commercial and multiuse properties.

Commercial and multiuse boardwalks, observation platforms, elevated nature trails and other such structures located within the waters of the county and not intended for use as a dock facility shall not be required to comply with the criteria of subsections 58-543(f), (g), (h), (i), (j), (k) and (l); however, the structures shall be required to be built in such a manner as to deter or restrict the structure for boating use. Such requirements may include, but are not limited to, double railing, no lower landings, ladders, superelevated decks, signage, etc.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-548. Disrepaired or dilapidated docks.

If any dock within the waters of the county falls into disrepair so as to become a dangerous structure involving risks to the safety and well-being of the community or individual members thereof, such structure must either be removed or repaired so as to conform with the requirements of this article. Upon determination by the county that any dock has become a dangerous structure, written notice thereof shall be given to the owner of record of the riparian upland property. Such party so informed shall have a maximum of three days from the date of the notice within which to secure the area and respond to the county indicating the intent regarding the dilapidated structure. Such party shall have an additional 60 days to remove the structure or apply for a permit to repair such structure to conform with the requirements of this article. The entire structure must be brought into conformance with the requirements of this article.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-549. Application information.

- (a) All applications under this article are to be filed with the department. Processing fees shall be paid at the time of application.
- (b) Prior to the issuance of a permit under this article, the applicant must show that the proposed activity is consistent with the county comprehensive plan or municipal comprehensive plan, as applicable.
- (c) Prior to a final determination on an application under this article, the applicant may be requested to supply any other information necessary to promote sound judgment in the issuance, modification or nonissuance of a permit.
- (d) All applications under this article shall expire after a 90-day period of inactivity.
- (e) All applications under this article must include a statement outlining the intended use of the project facility.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18; Ord. No. 25-5, § 2, 1-28-25)

Sec. 58-550. Private dock application information.

- (a) All applications for private dock permits must be submitted to the department on approved application forms.
- (b) All applications for permits for docks to be located within a municipal limit must have municipal approval prior to submission to the county, except for after-the-fact applications, which may be submitted to the county and municipality simultaneously.
- (c) Where required, signatures of no objection from adjacent property owners must be provided on the permit drawing accompanying the application for a private dock, along with the completed notarized variance forms included in the application.
- (d) Adequate water depth at the slip and to navigable waters must be evidenced on applications for the expansion of existing dock facilities or the creation of new dock facilities.
- (e) The following information is required for applications for private dock permits:
 - (1) The application form adopted by the county, properly filled out and signed.
 - (2) A detailed statement describing the upland land use and activities (i.e., commercial marina, multiuse, condominium, restaurant, private single-family, etc.).
 - (3) Satisfactory evidence of title or extent of interest of the applicant to the riparian upland ownership or submerged ownership with a copy of the trustee's deed in chain of title.
 - (4) A copy of the state department of environmental protection permit application, where applicable.
 - (5) A copy of the U.S. Army Corps of Engineers permit application, where applicable.
 - (6) An affidavit attesting to the dates any existing structures were built, and a copy of any prior authorization or permit for the structures, where applicable.
 - (7) Permit sketches clearly depicting the proposed project. The sketches and application package must include the following:
 - a. Three copies of black and white drawings of the proposed project drawn to an appropriate scale (from 1:10 to 1:60, lettering to be 0.10 inch high or greater).
 - b. The drawings must clearly show the following:
 - 1. Name of waterway.
 - 2. North arrow and graphic scale.
 - 3. Existing shoreline, limits of the waters of the county, and the mean high water line (or ordinary high water) based on NGVD.
 - 4. Sufficient water depths in the affected areas.
 - 5. Locations of existing structures.
 - 6. Linear footage of riparian shoreline.
 - 7. All drawings and legal descriptions pertaining to proof of ownership submitted as part of an application for a permit from the county must contain the required signature and seal of a Florida registered professional engineer or land surveyor.
 - 8. Location of the proposed activity, including half section, township, range, affected water body, and a vicinity map, preferably a reproduction of the appropriate portion of the United States Geological Survey quadrangle map.

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- (8) Proper fee as set by the board.
 - (9) A completed copy of the disclosure form provided by the county.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18; Ord. No. 25-5, § 2, 1-28-25)

Sec. 58-551. Multiuse private dock application information.

The following information is required for applications for multiuse private docks:

- (1) All information required under section 58-550.
- (2) Except for applications for tie poles and previously approved lifts, all applications for multiuse private and commercial docks shall have the signature and seal of a state registered professional engineer affixed to the plans submitted for approval.
- (3) Information shall be submitted, prepared by a state registered civil engineer, attesting to the fact that adequate flushing exists and that the project will not cause stagnation or water quality degradation.
- (4) The following additional information is required:
 - a. A detailed statement describing the proposed activity and how it affects the waters of the county.
 - b. A copy of the Southwest Florida Water Management District permit application, where applicable.
 - c. Permit sketches must be signed and sealed by a state registered professional engineer.
- (5) Location of the proposed activity, including half section, township, range, affected waterbody, and a vicinity map, preferably a reproduction of the appropriate portion of the United States Geological Survey quadrangle map.
- (6) A 1:200 scale aerial photo of the area showing the location of the property therein.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-552. Commercial dock application information.

The following information is required for applications for commercial docks:

- (1) All information required under sections 58-550 and 58-551.
- (2) An approved hurricane plan unless waived per subsection 58-543(j).
- (3) Any other information necessary to meet the criteria of this article.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-553. Permitting criteria for docks.

The county shall use the criteria as contained in sections 58-530(b) and 58-533 in the issuance of dock permits. If any of the nine questions are answered in the affirmative, the application shall be denied or modified.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-554. Minimum construction specifications for all dock construction.

The following minimum construction specifications shall be required for all dock construction:

- (1) All piling shall be of precast class IV concrete, as specified by Florida Department of Transportation, Standard Specifications for Road and Bridge Construction, 1986 edition, or latest revision or superseding publication, 3,500 pounds per square inch or better in 28 days, or of Southern pine piles conforming in physical quality to American Society for Testing and Materials Specifications D 25-55, which have been treated in conformance with American Wood Preservers Association Standard C-3 with chromated copper arsenate (CCA, type A, B, or C) in accordance with American Wood Preservers Association Standard P-5, and which have minimum butt size of nine inches diameter and tip sizes of six inches diameter.
- (2) When Southern pine piles treated with chromated copper arsenate, type A, B, or C, are used, analysis by assay extraction in accordance with American Wood Preservers Association Standard A-2 may be required to show a minimum retention and distribution of solid preservative of 2.5 p.c.f. in the zone zero to 1.5 inches from the surface and 1.5 p.c.f. in the zone 1.5 to 2.0 inches from the surface. In no event shall penetration be less than six feet into the submerged bottom. If impenetrable material is encountered, the county must be contacted to seek a variance to this minimum penetration requirement.
- (3) All concrete piling shall be at least eight inches square in cross section. Concrete pilings shall incorporate at least four no. 5 steel rods (five-eighths inch diameter) epoxy coated running the entire length thereof, and tied or welded in the form of a three-inch to four-inch square cage. All steel reinforcing rods shall be covered by at least two inches of concrete.
- (4) Tie piling shall project above the surface of the water or land only as high as may be reasonably necessary for use and application; in no case shall this be higher than ten feet above mean high water. All such piling shall be either concrete or Southern pine piling treated in conformance with American Wood Preservers Association Standard C-3 with chromated copper arsenate (CCA) type A, B, or C, and as approved by the county.
- (5) All metal fastenings shall be hot-dip galvanized or better.
- (6) All other timber shall be pressure treated.
- (7) Spacing of pile bents shall not exceed 12 feet on-center. For timber decked dock construction, the second bent shall not exceed 14 feet in front of the beginning of the dock. The first bent of piling shall be located no further than two feet from the mean high water or the seawall. Outside stringer systems shall be doubled two-inch by eight-inch pressure treated timber or greater. Five-eighths inch diameter galvanized bolts or greater are to be used for attachment of stringers to piling. Intermediate stringers shall be single two-inch by eight-inch or greater, with a maximum three feet zero inches on-center spacing. Decking shall be two-inch by six-inch, or greater, pressure treated lumber. All pile bents shall have pile caps, two inches by eight inches, bearing stringers to support deck joists on main dock and only on docks with wood pilings. All intersections (stringers) shall be bolted.
- (8) All floating private docks to be constructed in the waters of the county must have a minimum of 20 pounds per square foot flotation.
- (9) Covered boat lifts:
 - a. All roof designs must conform to the Florida Building Code applicable to the type of construction being used to cover the lift.
 - b. Catwalks constructed in conjunction with boat lifts, will have stringers bolted to piling.

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- c. Vertical side walls for boat lifts are prohibited.
 - (10) The intersection of the main dock and finger piers will be constructed by the installation of a pile under the finger pier at the intersection, or by an approved bolted connection; in no case will nailed connection be used.
 - (11) Where, because of space restrictions, double stringers are abutted against the seawall, pile caps shall be installed. Such pile caps are to be doubled two inches by eight inches and bolted at each pile.
 - (12) Wave break devices, when necessary, shall be designed to allow for maximum water circulation and shall be built in such a manner as to be part of the dock structure or tie poles.
 - (13) Docks shall be constructed to allow for maximum light penetration. Special restrictions may be applied where natural resources are present on a case by case basis.
 - (14) Where appropriate, structures shall provide for passage of pedestrian traffic by elevation or design so as not to obstruct normal pedestrian traffic on lands along the shoreline. The dock or pier shall be constructed in a manner that would minimize harm to natural resources.
 - (15) Walkways to dockhead intersections not supported directly by piles under the connection must be diagonally bolted through the intersecting stringers (minimum triple two-inch by eight-inch dock head stringers) or the use of a two-inch by four-inch by one-fourth-inch galvanized angle bracket or larger must be utilized.
 - (16) Catwalks supported by a single pile at each bent and cantilevered structures shall be no wider than 30 inches.
 - (17) Applicants are encouraged to use environmentally sustainable building practices.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-555. Design criteria for private docks.

- (a) Design criteria for all private docks shall be as follows:
 - (1) All criteria contained in section 58-554 shall also apply to private docks.
 - (2) No building shall be permitted to be constructed over the waters of the county.
 - (3) No dock structure or tie pole shall be allowed to project into the navigable portion of a waterway more than 25 percent of such waterway.
 - (4) No dock shall extend waterward of the seawall, mean or ordinary high water line more than 300 feet.
 - (5) A dock shall not be designed or constructed to accommodate more than two boats for permanent mooring. No more than one structure shall be located at a private residential site.
 - (6) Docks for the joint use of adjacent waterfront property owners may be centered on the extended common property line without being in variance to the setback requirements.
 - (7) No portion of a docking facility shall encroach closer than 150 feet to the centerline of the Intracoastal waterway.
 - (8) Personal watercraft lifts shall not be considered a boat slip and as such are exempt from the depth criteria of these rules. In addition, open grated personal watercraft lifts without outer piling shall not be considered when calculating dock dimensions or setbacks.
- (b) The following additional design criteria shall apply only to those private docks in the unincorporated areas of the county:

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- (1) Private docks to be constructed in the waters of the county shall be constructed so that the length of the dock, excluding tie poles, shall not extend from the mean high water line or seawall of the property further than one-half the width of the property at the waterfront. This requirement may be waived by the county provided that signed statements of no objection from both adjacent waterfront property owners have been submitted.
 - (2) Private docks and boat lifts, excluding tie poles, must be constructed within the center one-third of the applicant's waterfront property or 50 feet from the adjacent property, whichever is less restrictive. This requirement may be waived by the county, provided that signed statements of no objection from the property owners encroached upon have been submitted.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-556. Design criteria for commercial and multiuse private docks.

- (a) Design criteria for all commercial and multiuse private docks shall be as follows:
 - (1) All criteria contained in subsections 58-555(a)(1), (2), (3), (4), (7) and (8) shall also apply to commercial and multiuse private docks.
- (b) The following additional criteria shall apply only to commercial and multiuse private docks in the unincorporated areas of the county:
 - (1) Docking facilities constructed in the waters of the county, excluding tie poles, shall be constructed so that the width of such facilities shall not exceed 75 percent of the width of the property at the waterfront and shall be further constructed so that the length of the facility shall not extend from the mean high water line or seawall of the property further than 75 percent of the width of the property at the waterfront. All docking facilities, excluding tie poles, must be so located that no portion of the proposed facility is closer to either adjacent extended property line than ten percent of the property width at the waterfront. Multiuse private and commercial docks abutting adjacent waterfront residential property, excluding tie poles, must be set back a minimum of one-third of the applicant's waterfront property width from the adjacent waterfront residential property. This requirement may be waived by the county provided that signed statements of no objection from the affected property owners have been submitted.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Secs. 58-557—58-569. Reserved.

DIVISION 4. DREDGING AND FILLING; SEAWALLS

Sec. 58-570. Dredge and fill—Permit required.

- (a) No person shall undertake any dredging or filling in the waters of the county without first obtaining a permit from the county.
- (b) There shall be in no case any dredging seaward of a bulkhead line for the sole and primary purpose of providing fill for any area landward of a bulkhead line.
- (c) There shall be no drilling for oil or gas wells, excavation for minerals, except the dredging of dead oyster shells as approved by the department of environmental protection, and no erection of any structures unless such activity is associated with activity authorized by this article.

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Sec. 58-571. Same—Application information.

All dredge and fill applications submitted to the county shall consist of the following:

- (1) The application form adopted by the county, properly filled out and signed.
- (2) Approval of the municipal authority if within any corporate limits, except for after-the-fact applications, which may be submitted to the county and municipality simultaneously.
- (3) A completed copy of the disclosure form provided by the county.
- (4) Location of the proposed activity, including half section, township, range, affected water body, and a vicinity map, preferably a reproduction of the appropriate portion of the United States Geological Survey quadrangle map.
- (5) A detailed statement describing the proposed activity and how it affects the waters of the county.
- (6) A detailed statement describing the upland land use and activities (i.e., commercial marina, multiuse, condominium, restaurant, private single-family, etc.).
- (7) An aerial photo of the area showing the location of the property therein.
- (8) Satisfactory evidence of title or extent of interest of the applicant to the riparian upland ownership or submerged ownership with a copy of the trustee's deed in chain of title.
- (9) A copy of the state department of environmental protection permit application, where possible.
- (10) A copy of the Southwest Florida Water Management District permit application, where applicable.
- (11) A copy of the U.S. Army Corps of Engineers permit application, where applicable.
- (12) A copy of the state department of transportation authorization or permit, where applicable.
- (13) An affidavit attesting to the dates any existing structures were built, and a copy of any prior authorization or permit for the structure or excavation, if applicable.
- (14) Permit sketches, signed and sealed by a state registered professional engineer, as follows:
 - a. Four copies of black and white drawings of the proposed project drawn to an appropriate scale (from 1:10 to 1:60, lettering to be 0.10 inch high or greater).
 - b. The drawings must clearly show the following:
 1. Name of waterway.
 2. North arrow and graphic scale.
 3. Existing shoreline, limits of the waters of the county, and the mean high water line (or ordinary high water) based on NGVD.
 4. Sufficient water depths in the affected areas.
 5. Proposed dredge and/or fill areas with proper dimensions (cross sections and profiles are required in addition to plan view).
 6. Locations of existing structures and reference points.
 7. Location and plan of spoil site, if applicable, along with detail of site.
 8. Linear footage of riparian shoreline.

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9. Cubic yardage of material, removed or placed within, and landward of, the waters of the county.
 10. All drawings and legal descriptions pertaining to proof of ownership submitted as part of an application for a permit from the county must contain the required signature and seal of a Florida registered professional engineer or land surveyor.
- (15) Legal description of dredge and/or fill and spoil areas.
 - (16) Any other information necessary to meet the criteria of this article.
 - (17) Proper fee as determined by the board.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-572. Same—Permitting criteria.

The county shall use the criteria as contained in sections 58-530(b) and 58-533 in the issuance of dredge and fill permits. If any of the nine questions are answered in the affirmative, the application shall be denied or modified.

The county shall also consider, in its review of dredge and fill permit applications, the following five criteria. A minimum of one affirmative response is required.

- (1) Is the dredging and/or filling connected with a public navigation or transportation project?
- (2) Is the dredging and/or filling necessary for erosion control or the protection of upland riparian property?
- (3) Is the dredging and/or filling necessary to improve ingress and egress with respect to upland riparian property?
- (4) Will such filling be accomplished by the use of material brought in from sources other than from the dredging of lands regulated by the county?
- (5) Is dredging and/or filling necessary to enhance the quality or utility of the submerged lands or the public health, safety and welfare generally?

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-573. Seawalls—Placement restrictions.

Placement of seawalls shall be governed by the following restrictions:

- (1) New seawalls placed within the waters of the county shall require a dredge and fill permit from the county. The construction permit for the seawall shall be obtained from the municipality if within municipal limits or the county building department if within unincorporated areas.
- (2) Existing seawalls may be repaired or replaced without a dredge and fill permit from the county. Replacement seawalls can be placed no further than one foot in front of the face of an existing seawall. The construction permit for the replacement or repair of a seawall shall be obtained from the local government.
- (3) Seawalls shall not be placed upon a shoreline which generally supports wetland vegetation. Exceptions may be authorized by the county where the project site lies between two existing seawalls, where the length of the new seawall is less than 100 feet, and where the project qualifies for an administrative permit.

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- (4) The county may require the installation of riprap at the base of new seawalls, replacement seawalls, or where more than 25 percent of the face of the seawall is to be repaired.
 - (5) Riprap shall be utilized in lieu of seawalls, where possible, as a protection to existing upland properties. All riprap must consist of clean concrete or natural rock and must generally range in size from six inches to three feet in diameter. Riprap is to be placed on a slope no steeper than two to one (horizontal to vertical).
 - (6) The use of seawalls or riprap to increase the usable upland area of properties shall not be allowed, the provisions of subsection (3) of this section notwithstanding.
 - (7) Stabilization by the use of vegetation shall be required in lieu of shoreline hardening wherever possible.
 - (8) It shall be the burden of the applicant to show that the vegetative option of shoreline stabilization is not viable.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-574. Same—Permit application information.

All criteria in sections 58-549, 58-571 and 58-573 shall apply to applications for a seawall permit.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-575. Same—Placement criteria.

The criteria for placement of seawalls shall be the same as those found in sections 58-530(b) and 58-533. In addition, no seawall shall be approved unless it is proven by the applicant that no other alternative is reasonable.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-576. Same—Design criteria.

All seawalls, bulkheads, and retaining walls constructed or altered, projected or prolonged, on or adjacent to waters of the county, other than those of the Gulf of Mexico, shall be of concrete, aluminum, or wood construction in compliance with the following minimum standards:

- (1) *Concrete seawalls.*
 - a. All seawalls, retaining walls and bulkheads may be of concrete, utilizing the tongue and groove, or other approved method of sheet pile-type construction, with poured-in-place concrete cap and tieback anchors. The concrete shall have a minimum test strength of 3,500 psi at 28 days, and all reinforcing steel shall be covered with a minimum of two inches concrete.
 - b. The concrete sheet piling shall have a minimum thickness of five and five-eighths inches and contain vertical steel reinforcement equivalent in cross-sectional area to one no. 4 deformed reinforcing bar spaced at eight inches on-center. Each slab shall have two no. 4 steel hairpins extending into the cap a minimum of three inches.
 - c. The poured-in-place concrete cap shall not be less than nine and one-half inches in thickness, nor less than 16 inches in width.
 - d. The cap shall contain continuous horizontal steel reinforcement equivalent in cross-sectional area to four no. 4 deformed reinforcing bars. All splices shall be lapped not less than 40 diameters;

provided, however, that the steel shall not be continuous through expansion joints. Expansion joints shall normally be provided every 40 feet.

- e. All tieback rods shall be steel and have a cross-sectional area equal to, or greater than, a no. 8 reinforcing bar. All such rods shall be spaced not more than ten feet on-center and shall have two or more coats of an approved protection material. The length of all tie rods shall be equal to, or greater than, two times the height of the seawall slab projecting above the ground line. In no case shall the tie rods be of shorter length than 12 feet.
- f. All anchors shall be poured-in-place concrete, containing not less than four and one-half cubic feet of concrete, and have not less than four and one-half square feet of vertical surface perpendicular to the alignment of the tie rod. Each anchor shall contain vertical and horizontal steel reinforcement equivalent in cross-sectional area to two no. 4 deformed reinforcing bars per square foot, in each direction.
- g. The penetration of each seawall slab into firm ground shall be equal to 0.67 times the height of the wall above the ground line, or 0.4 times the total length of the slab, whichever is greater. In no case shall the seawall slab be of shorter length than eight feet.
- h. The elevation for all seawalls, bulkheads and retaining walls fronting on the bay shall be equal to or greater than elevation five feet USCGS datum mean sea level.

(2) *Aluminum seawalls.*

- a. Aluminum seawalls shall not have an exposed height of more than five feet.
- b. Sheet piles shall be fabricated from aluminum alloy 6061-T6, conforming to ASTM designation B209 alloy 6061-T6 for chemical composition; also having a minimum thickness of 0.125 inch and minimum tensile strength of 35,500 psi. Corrugations shall have nominal nine-inch pitch, and nominal two and one-half-inch depth. The penetration into firm ground shall be equal to 0.67 times the height of the wall above the ground line, or 0.4 times the total length of the sheet, whichever is greater. In no case shall the total sheet be less than six feet in length. Where sheet lengths required are more than eight and one-half feet, and when soil conditions, surcharges and other factors exceed the scope of these standard specifications, a special design shall be submitted, signed and sealed by a state registered professional engineer.
- c. Cap and joint extrusion shall be fabricated from aluminum alloy 6063-T6, conforming to ASTM designation B221 alloy 6063 for chemical composition; and shall have a minimum thickness of 0.15 inch and a minimum tensile strength of 30,000 psi. The cap shall be a minimum of six inches wide and five and three-quarters inches deep.
- d. Anchor rods and deadman anchor plates shall be fabricated from aluminum alloy 6061-T6, conforming to ASTM designation B221 alloy 6061 for chemical composition; and shall have a minimum thickness of anchor plates of 0.10 inch and minimum tensile strength of 38,000 psi. The anchor plates shall not be less than one and one-half by two and one-half feet equipment with a three-inch by two and one-quarter-inch backing channel one-quarter-inch thick and one and one-half feet long. Anchor plates shall be placed with the top at least two feet below the elevation of the wall cap. The anchor rods shall be not less than three-quarter inch in diameter and equipped with a rod sleeve, nut and curved washer where it passes through the cap. Anchor rods shall be installed continuously along the wall at a maximum spacing of six and one-half feet. The normal length shall be 12 feet. One tieback system shall be constructed at each end of the wall, and thereafter one tieback system shall be constructed six feet six inches on-center throughout. All tie rods shall be pretensioned after placement of backfill around anchor plates, but before final backfill of sheeting. Such pretensioning shall not tend to move the sheets or anchors. Tie rods

shall be placed in the coping so that the anchor pull brings the coping in direct contact with a bayside corrugation of the wall sheeting.

- e. Surcharge from fill behind the wall shall be controlled by limiting the slope to a maximum of ten degrees, and prohibiting objects other than landscaping to be located closer than five feet from the wall cap. The minimum standards described above assume sandy soil with an angle of repose of 30 degrees for soil against the wall. They also assume that the environment is not highly alkaline or acidic. If conditions require a design in excess of the limitations specified in this subsection, the wall shall be of concrete construction in accordance with subsection (1) of this section.
- f. If the aluminum material is brought in contact with mortar or concrete, a coating of clear methacrylate lacquer shall be applied to the aluminum contact surface to prevent corrosion. There shall be no dissimilar metals or metal systems bonded to the wall.

(3) *Wooden seawalls.*

- a. All wood shall be rough cut Southern pine pressure treated with a minimum retention and distribution of solid preservative chromated copper arsenate (CCA); salt water 2.5 CCA Round piles will be a minimum of nine inches in diameter or square posts six inches by six inches, minimum. Boards used must be two inches by eight inches minimum, rough cut Southern pine, pressure treated. The wall must penetrate the ground by 50 percent of its total length. Piles or posts are to be placed eight feet on-center. All steel used must be hot-dipped galvanized. A single tieback rod shall be installed at every post or pile through the wall whalers and piles or posts with the connection being through a three-inch by three-inch by one-fourth-inch hot-dipped galvanized steel plate and bolted. A single two-inch by eight-inch board will be used as a cap. A strip of tarpaper is to be installed underneath the capboard. Filter fabric material will be placed vertically between the back of the wall and soil or backfill.
- b. All tieback rods shall be hot-dipped galvanized or epoxy-coated PVC encased steel and have a cross-sectional area equal to, or greater than, a no. 8 reinforcing bar. All such rods shall be spaced on eight-foot centers. The ends shall be threaded. They must pass through the wall, whaler and piling or post and fastened with a three-inch by three-inch by one-fourth-inch hot-dipped galvanized steel plate and bolted three inches below the top of the piling or post.
- c. All anchors shall be poured-in-place concrete, three feet eight inches by 12 inches by 18 inches, containing not less than four and one-half cubic feet of concrete, and have not less than four and one-half square feet of vertical surface perpendicular to the alignment of the tie rod. Each anchor shall contain vertical and horizontal steel reinforcement equivalent in cross-sectional area to two no. 4 deformed reinforcing bars per square foot in each direction. All steel reinforcement shall be epoxy coated.
- d. Southern pine piles conforming in physical quality to American Society for Testing and Materials specifications D 25-55, which have been treated in conformance with American Wood Preservers Association Standard C-3 with chromated copper arsenate type A, B, or C, in accordance with American Wood Preservers Association Standard P-5, and which have minimum butt size of nine inches diameter and tip sizes of six inches diameter. When Southern pine piles treated with chromated copper arsenate type A, B, or C are used, analysis by assay extraction in accordance with American Wood Preservers Association Standard A-2 may be required to show a minimum retention and distribution of solid preservative of 2.5 p.c.f. in the zone zero to one and one-half inches from the surface and 1.5 p.c.f. in the zone one and one-half inches to two inches from the surface.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-577. Same—Fronting the Gulf of Mexico.

All seawalls, bulkheads or retaining walls constructed, altered, projected or prolonged on the Gulf of Mexico shall be of masonry construction in compliance with the following minimum standards:

- (1) All seawalls and bulkheads shall be of concrete, utilizing the tongue and groove, or other approved method of sheet pile type construction with poured-in-place concrete cap and tieback anchors. The concrete shall have a minimum test strength of 3,500 psi at 28 days, and all reinforcing steel shall be covered with a minimum of two and one-half inches of concrete.
- (2) The concrete sheet piling shall have a minimum thickness of seven and one-half inches and contain vertical steel reinforcement equivalent in cross-sectional area to no. 6 deformed reinforcing bars spaced at six inches on-center. Each slab shall have two no. 6 steel hairpins extending into the cap a minimum of three inches. All reinforcing steel shall be epoxy coated.
- (3) The poured-in-place concrete cap shall not be less than 12 inches in thickness, nor less than 18 inches in width.
- (4) The cap shall contain continuous horizontal steel reinforcement equivalent in cross-sectional area to four no. 5 deformed epoxy-coated reinforcing bars. All splices shall be lapped not less than 40 diameters; provided, however, that the steel shall not be continuous through expansion joints. The cap shall also contain not less than four no. 2 stirrups that encircle the horizontal steel, spaced equally, 12 inches on centers. Expansion joints shall normally be provided every 40 feet.
- (5) All tieback rods shall be steel and have a cross-sectional area equal to, or greater than, a no. 9 reinforcing bar. All such rods shall be spaced not more than ten feet on-center and shall be encased in concrete with a minimum coverage of three inches. The length of all tie rods shall be equal to, or greater than, two times the height of seawall slab projecting above the ground line. In no case shall the tie rods be of shorter length than 16 feet.
- (6) Tieback anchors shall be poured-in-place concrete, containing not less than seven and one-half cubic feet of concrete, and have not less than seven and one-half square feet of vertical surface perpendicular to the alignment of the tie rod. Each anchor shall contain horizontal steel reinforcement equivalent in cross-sectional area to four no. 4 deformed epoxy-coated reinforcing bars and be provided with no. 2 steel stirrups, 12 inches on centers.
- (7) The penetration of each seawall slab into firm ground shall be equal to, or greater than, 0.5 times the total length of the slab. In no case shall the seawall slab be of shorter length than 12 feet.
- (8) The elevation for all seawalls, bulkheads and retaining walls fronting on the Gulf of Mexico shall be equal to, or greater than, elevation six feet USCGS datum mean sea level.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Sec. 58-578. Standards for seawall construction.

- (a) The standard specifications of the Florida State Department for Road and Bridge Construction, dated edition of 1986, or latest revision or superseding publication, shall govern seawall construction, covering materials and workmanship where applicable.
- (b) The minimum standards in the seawall design criteria assume sandy soil with an angle of repose of 30 degrees for soil against the wall.

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- (c) No tiebacks shall be cut or removed in connection with the construction of facilities other than seawalls, or otherwise, without making provisions in some manner to secure the stability of the installation, and such plans shall be approved by the building director prior to the cutting or removing of any tiebacks.

(Ord. No. 11-12, § 2, 4-26-11; Ord. No. 18-38, § 1, 10-23-18)

Secs. 58-579—58-599. Reserved.