

CITY OF ST. PETE BEACH

ORDINANCE NO. 2012-14

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENTS TO THE LAND DEVELOPMENT CODE AS IT RELATES TO THE CITY COASTAL CONSTRUCTION EXCAVATION SETBACK LINE; DELETING ALL REFERENCES TO SAID LINE; PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of St. Pete Beach established a Coastal Construction Excavation Setback Line in 1972 to protect the City's natural resources; and

WHEREAS, the State of Florida established a Coastal Construction Line in 1978 to protect coastal resources throughout the State of Florida; and

WHEREAS, the need for the City's Coastal Construction Excavation Setback Line has become obsolete over the last 30 years, as the accretion and avulsion of the sand changes over time; and

WHEREAS, The Planning Board, acting as the Local Planning Agency, conducted a public hearing regarding these changes on July 31, 2012, noticed pursuant to Florida Statute and Division 3 of the Land Development Code, and unanimously recommended approval of the proposed changes; and

WHEREAS, The City Commission of the City of St. Pete Beach conducted public hearings on August 28, 2012 and September 12, 2012, noticed pursuant to Florida law and conducted pursuant to Ordinance 88-36 of the City of St. Pete Beach; and

WHEREAS, the City Commission finds these text amendments to the Code of Ordinances promote, protect and improve the health, safety and welfare of the citizens of the city; and

WHEREAS, the City Commission finds these text amendments to the Land Development Code to be in the best interest of the citizens of the City of St. Pete Beach.

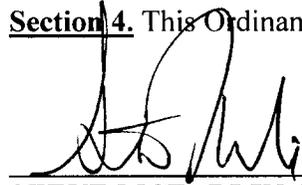
NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:

Section 1. The Land Development Code is hereby amended as illustrated in "Exhibit A".

Section 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 3. If any portion or part of this Ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 4. This Ordinance shall become immediately upon adoption.



STEVE MCFARLIN, MAYOR

LPA HEARING: 7/31/2012

FIRST READING: 8/28/2012

PUBLISHED: 8/12/2012

SECOND/FINAL READING 9/12/2012

PUBLISHED: 9/2/2012

I, Rebecca Haynes, 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 12th day of September 2012.



Rebecca Haynes, City Clerk

Exhibit A

DIVISION 2 Definitions

~~Coastal construction and excavation setback line (CCSBL) means the surveyed boundary separating the developable areas of lots fronting along the Gulf of Mexico and the protected beaches adopted by the City of St. Pete Beach in 1972.~~

DIVISION 25 - COASTAL PROTECTION AND CONSERVATION

Sec. 25.1. - Purpose and intent.

This section is intended to provide for the protection and enhancement of the beach and dune system along the Gulf of Mexico by regulating the location of development on or adjacent to these natural resources and, to the fullest possible extent, to achieve a continuous and uninterrupted frontal dune along the entire Gulf of Mexico beachfront.

Sec. 25.2. - Matters regulated.

The requirements of this section shall apply to all development of Gulf-front properties unless specifically exempted in section 25.3.

Sec. 25.3. - Exemptions.

The following shall be exempt from the provisions of this section:

- (a) Structures or construction extending seaward of the mean high-water line which are regulated by F.S. § 161.041, such as groins, jetties, moles, breakwaters, seawalls, revetments, beach nourishment, inlet dredging, and like kinds of projects;
- (b) Piers, pipelines or outfalls which are regulated pursuant to the provisions of F.S. § 161.053;
- (c) Fencing or other structures approved by the state, county or city used to assist in sand erosion control or control of pedestrian beach use of dunes areas;
- (d) Gulf-front property which has been designated as a "critically eroded beach area" and has come within the jurisdiction of the county or the Florida Department of Environmental Protection; and
- (e) The following activities, provided that any such activity performed by private individuals shall require a permit from the city:

(1)

- The operation of city government vehicles performing an official function;
- (2) Non-mechanical beach cleaning and debris removal;
- (3) Landscape maintenance and modification that does not involve dune vegetation or removal of sand or dirt from the beach/dune system;
- (4) Remodeling of habitable and non-habitable structures that does not involve alteration of the foundation, footprint, or structural envelope; or
- (5) Replacement of impervious pavement with permeable surfaces such as pavers or crushed shell on a permeable base.

Sec. 25.4. - Development controls.

The city, the State of Florida and Pinellas County have adopted construction control lines and other regulations to protect the beaches and dunes of Pinellas County, including those within the City of St. Pete Beach, as follows:

- (a) ~~*St. Pete Beach Coastal Construction and Excavation Setback Line.* There is established a Coastal Construction and Excavation Setback Line (CCSBL), as provided by the official coastal construction and excavation setback line map, such map having been adopted and made a part of this section by reference.~~
- (ab) *St. Pete Beach Bulkhead Line.* There is established a beach bulkhead line, as provided by the official bulkhead line map, such map having been adopted and made part of this section by reference.
- (be) *Florida Coastal Construction Control Line.* The State of Florida has established a Coastal Construction Control Line (CCCL) in accordance with Section 161.053, Florida Statutes, that is administered by the Florida Department of Environmental Protection.

Sec. 25.5. - Prohibitions.

- (a)

~~Except as otherwise provided herein, no person, municipality, county or other public or private agency shall develop or cause any development seaward of the CCSBL.~~

(b)

No person, municipality, county or other public or private agency shall develop or cause any development seaward of the CCCL without a permit from the Florida Department of Environmental Protection.

(c)

Further, no person, municipality, county or other public agency shall develop or cause any development or construct any seawall, revetment, or similar structure incidental thereto within the submerged lands of the Boca Ciega Bay and adjacent waters without a permit from any and all governmental agencies having jurisdiction over the submerged land.

(d)

Except as otherwise provided in this section, the following shall be prohibited:

(1)

The removal or disturbance of vegetation of a dune;

(2)

Planting of vegetation except for native, salt-resistant species suitable for beach and dune stabilization;

(3)

The crossing, passing over or passing through any dune by any person or vehicle, except in where such crossing is marked for access pursuant to this section; or

(4)

Blocking or causing to be blocked by any means whatsoever any pathway leading to or from a public beach.

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 and as part of a conditional use approved under the provisions Division 4 of this Code. Tiki huts shall be further regulated as follows:

a.

Only one tiki hut for each approved conditional use on a zoning lot;

- b. Such tiki huts shall be located in accordance with an approved site plan;
- c. Tiki huts shall be no larger than 36 square feet in area with sides that are at least 50 percent open and may have a roof;
- d. No tiki hut shall have utility services, 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.

(2)

Tiki 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.

(3)

Any tiki 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.

Sec. 25.7. - 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 with the city shall be protected, and such dunes will be enhanced under the provisions herein.

Sec. 25.8. - 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. 25.9. - 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.

Sec. 25.10. - 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. 25.11. - Variances.

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

Division 35 Large Resort District

Sec. 35.9

a. Setbacks

(4)

Rear yards. The rear yard setback for all development abutting the Gulf beaches shall be the Florida Coastal Construction Control Line ~~or St. Pete Beach Coastal Construction Excavation Setback Line, whichever is more restrictive.~~ Buildable sites that do not abut the Gulf beaches shall provide a minimum rear setback of 20 feet.

(5)

Secondary front yards. All development that has parcel boundaries abutting a side street shall provide a minimum secondary front yard setback of 30 feet.