



PLANNING BOARD MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, October 19, 2020
4:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

- 1. Changes to the Agenda**
- 2. Audience Comments - Comments shall be limited to 3 minutes per person**
- 3. Approval of Minutes**
 - a. 08/17/2020**
- 4. Action Items**
 - a. Ordinance No. 2020-24 - Amendments to the LDC Defining, Regulating, and Adding Review Criteria For Outdoor Eating and Drinking Areas** Due to the effects of the novel coronavirus, the City has permitted citywide temporary outdoor seating to allow restaurants and bars to continue operating since March 2020. City Staff have found the reaction from both the business and residential community to be positive, with no complaints about the operation of these outdoor seating areas. Under this Ordinance, Staff are proposing that outdoor dining be permitted on private property in almost all commercial districts of the city as a permitted use, provided that no permanent or temporary amplified equipment for outdoor music is provided. Operation of permanent outdoor seating in the right-of-way, or provisions for outdoor music or rooftop dining or drinking, are proposed in most cases to remain subject to City Commission approval. Staff are further proposing additional regulations for outdoor music, and amending definitions as required.
- 5. Discussion Items**
 - a. Fiscal Year 2020 Year End Review**
 - b. Fiscal Year 2021 Projects**

6. Adjournment - Next Meeting 11/16/2020

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

PLANNING BOARD MINUTES

August 17, 2020

4:00 P.M. – Virtual via Zoom

MEMBERS PRESENT:

Tiffany Secka, Chairwoman
Bev Jackson, Member
Tom DeYampert, Member
Marvin Shavlan, Vice Chair

MEMBERS ABSENT: Mark Grill, Member

STAFF PRESENT:

Matthew McConnell, Dickman Law Firm
Ginny Keeter-Bodkin, Deputy City Clerk
Wesley Wright, Community Development Director
Lynn Rosetti, Senior Planner
Brandon Berry, Planner II

1. Changes to the Agenda

There were no changes to the agenda.

2. Audience Comments

There were no audience comments.

3. Approval of Minutes

a. 7/08/2020

Member DeYampert made a motion to approve the 7/08/2020 minutes as presented. The motion was seconded by Member Jackson and approved by a unanimous roll call vote.

4. Action Items

Chair Secka called the committee to order sitting as the Local Planning Agency.

a. Land Development Code – Residential Accessory Structures

The discussion continued from the July 8th meeting regarding the regulation of ornamental landscape features. Community Development Director Wesley Wright reviewed staff's recommended changes to the proposed ordinance, included in the meeting packet, that would update the Land Development Code.

Discussion followed on three-dimensional yard art, inclusive wording in the ordinance, pre-existing ornamental features, definitions, and effective dates. Attorney Matthew McConnell noted for the record that this is a city-initiated city-wide ordinance, not pertaining to any specific property. Elements of the ordinance, including required yards, are for public safety. Mr. McConnell suggested the addition of a paragraph on sunset provisions that he would craft with Mr. Wright.

The consensus of the board was for staff to make revisions as discussed today and bring to the City Commission for first reading and consideration.

Member Jackson moved to recommend approval of Ordinance 2020-XX providing for amendments to the Land Development Code (LDC) Division 6, Section 6.13, Residential Accessory Structures, to allow for ornamental features such three dimensional works of art on private property with specific conditions; also the definition change in Section 2.1 and the addition of a Sunset Provision. The motion was seconded by Member DeYampert and approved by a unanimous roll call vote.

Chair Secka adjourned the meeting as the Local Planning Agency and convened as the Planning Board.

5. Discussion Items

At member DeYampert's request, Mr. Wright provided an update of ongoing development discussions. Mr. Wright's report included Howard Johnson's at 6100 Gulf Blvd., the Hotel Zamora, Miramar, and development at the west end of Corey Avenue.

7. Adjournment – Next Meeting: 09/21/2020

There being no further business to come before the Board, the meeting was adjourned at 5:00 p.m.

Minutes for approval at September 21, 2020 meeting.

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Ordinance No. 2020-24 - Amendments to the LDC Defining, Regulating, and Adding Review Criteria For Outdoor Eating and Drinking Areas

Date: October 19, 2020

Prepared By: Brandon Berry, Planner II

Through: Wesley Wright, Community Development Director

Summary of Issue:

Funding:

Requested Motion: Staff recommend the Planning Board, sitting as the Local Planning Agency, recommend approval of Ordinance 2020-24 to the City Commission as submitted.

Attachments:

1. 2020-24 Staff Report
2. Ordinance 2020-24 Outdoor Seating Amendments

CITY OF ST. PETE BEACH PLANNING BOARD STAFF REPORT

TO: Planning Board

FROM: Wesley Wright, Community Development Director

DATE: June 15, 2020

SUBJECT: Ordinance 2020-24, amending the Land Development Code to provide language in district divisions and temporary lodging regulations to permit outdoor eating and drinking areas without outdoor music, establishing regulations for outdoor dining and drinking areas with outdoor music as well as roof dining and drinking areas, establishing additional review criteria for outdoor dining and drinking areas with outdoor music, amending definitions for “outdoor dining” and “outdoor drinking”, and adding a definition for “roof dining or drinking area”.

BACKGROUND:

Due to the effects of the novel coronavirus, the City has permitted citywide temporary outdoor seating to allow restaurants and bars to continue operating since March 2020. City Staff have found the reaction from both the business and residential community to be positive, with no complaints about the operation of these outdoor seating areas. Under this Ordinance, Staff are proposing that outdoor dining be permitted on private property in almost all commercial districts of the city as a permitted use, provided that no permanent or temporary amplified equipment for outdoor music is provided. Operation of permanent outdoor seating in the right-of-way, or provisions for outdoor music or rooftop dining or drinking, are proposed in most cases to remain subject to City Commission approval. Staff are further proposing additional regulations for outdoor music, and amending definitions as required.

PLANNING BOARD:

The Planning Board, sitting as the LPA, will review proposed Ordinance 2020-A on October 19, 2020 for consistency with St. Pete Beach’s Comprehensive Plan.

CONSISTENCY WITH THE COMPREHENSIVE PLAN – STAFF REVIEW

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

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

GOAL 2:

The City shall ensure that the residential character of the City of St. Pete Beach is maintained and protected while:

- Maximizing the potential for economic benefit resulting from the tourist trade and the enjoyment of natural and man-made resources by residents and visitors alike.
- Minimizing the threat to health, safety, and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation.

Objective 2.3

New commercial development shall be required to be compatible with environmental and economic resources through the enforcement of the land development regulations.

Policy 2.3.2

Neighborhood commercial facilities shall be located so as to serve residential areas without disrupting the residential quality of the area.

FUTURE LAND USE ELEMENT – Special Designation – Community Redevelopment District (CRD) – C. Gulf Boulevard Redevelopment District – Goals, Objectives and Policies for the Downtown Redevelopment District

GOAL 3:

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

Objective 3.3

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

FUTURE LAND USE ELEMENT – Special Designation – Community Redevelopment District (CRD) – D. Downtown Redevelopment District – Goals, Objectives and Policies for the Downtown Redevelopment District

GOAL 1:

The downtown commercial core of the District shall be a community gathering place that attracts people to the area with living, working, shopping, entertainment and recreational opportunities. The City shall encourage revitalization through redevelopment that is designed to attract residents and visitors to Downtown core community destination. The downtown residential neighborhoods surrounding and within walking distance of the Downtown core area, are encouraged to redevelop in a manner that enhances pedestrian and non-vehicular mobility.

Objective 1.10

Public or private small-scale marina facilities with transient boat slips to encourage alternative non-vehicular modes of transportation and attract visitors to the core main street shopping, restaurant and entertainment district shall be encouraged and pursued, where appropriate.

STAFF RECOMMENDATION:

Staff recommends the Planning Board, sitting as the LPA, recommend approval of Ordinance No. 2020-24 and find it consistent with the city's Comprehensive Plan as stated in the staff report.

ORDINANCE NO. 2020-24

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE, DIVISION 2 – DEFINITIONS, SECTION 2.1; DIVISION 6 – SUPPLEMENTAL REGULATIONS, SECTION 6.24 – OUTDOOR DINING AND OUTDOOR DRINKING AREAS; DIVISION 13 – ROR RESIDENTIAL/ OFFICE/ RETAIL DISTRICT, SECTION 13.2 AND 13.4; DIVISION 14 – RFM RESORT FACILITIES MEDIUM DISTRICT, SECTION 14.2 AND 14.4; DIVISION 15 – CG-1 COMMERCIAL DISTRICT, SECTIONS 15.2 AND 15.4; DIVISION 16 – CG-2 COMMERCIAL DISTRICT, SECTION 16.2 AND 16.4; DIVISION 30 – TC-1 TOWN CENTER CORE DISTRICT, SECTION 30.2 AND 30.4; DIVISION 32 – CC1 COMMERCIAL CORRIDOR BLIND PASS ROAD DISTRICT, SECTION 32.2 AND 32.4; DIVISION 33 – CC2 COMMERCIAL COORIDOR GULF BLVD DISTRICT, SECTION 33.2 AND 33.4; DIVISION 34 – DOWNTOWN CORE RESIDENTIAL DISTRICT, SECTION 34.4; DIVISION 35 – (LR) LARGE RESORT DISTRICT, SECTION 35.3 AND 35.4; DIVISION 37 – TC-2 TOWN CENTER COREY CIRCLE AND COQUINA WEST DISTRICTS, SECTION 37.2 AND 37.5; DIVISION 38 - AC ACTIVITY CENTER DISTRICT, SECTION 38.2 AND 38.4; DIVISION 39 – COMMUNITY REDEVELOPMENT DISTRICT GENERAL STANDARDS, SECTION 39.6; DIVISION 40 – COMMUNITY REDEVELOPMENT DISTRICT – EIGHTH AVENUE (CRD-EA), SECTION 40.4; DIVISION 46 – B/HC BOUTIQUE HOTEL/CONDO DISTRICT, SECTION 46.2 AND 46.4; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission supports the economic sustainability of its local businesses, hotels and resorts; and

WHEREAS, the City Commission finds that certain uses should be conditional rather than permitted by-right due to the impact they may have on the desired character of an area or the nuisances they may create, among other considerations; and,

WHEREAS, the City Commission has found this ordinance in the best interest of the health, safety and welfare of the residents and business community; and,

WHEREAS, the City Commission has found this ordinance to be consistent with the Future Land Use Element of the 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) hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The provisions in this Section pertaining to the City's Land Development Code are amended as follows:

Sec. 2.1. - Words, terms and phrases defined.

[***]

Eating and drinking establishment means a business primarily engaged in serving prepared food and/or beverages for consumption on or off the premises. Such uses are regulated by type as follows:

Bar/lounge means a business serving beverages for consumption on the premises as a primary use or as an accessory use to a hotel or motel and including on-site service of alcohol, including beer, wine, and mixed drinks.

Restaurant, full-service means a restaurant providing food and beverage services to patrons who order and are served while seated and pay after eating. Takeout service may also be provided.

Restaurant, limited-service means an establishment where food and beverages may be consumed on the premises, taken out, or delivered, but where limited table service is provided. This classification includes cafes, cafeterias, coffee shops, delicatessens, fast-food restaurants, sandwich shops, limited-service pizza parlors, self-service restaurants, and snack bars with indoor or outdoor seating for customers. This classification includes bakeries that have tables for on-site consumption of products. It excludes catering services that do not sell food or beverages for on-site consumption (See "commercial kitchen").

Restaurant, take-out only means a restaurant where food and beverages are prepared on a customer-demand basis and may be taken out or delivered, but are not consumed on the premises. No seating or other facilities for on-premises dining are provided.

Restaurant with drive-through service means any eating or drinking establishment which has direct window service allowing customers in motor vehicles to pick up food or drink for off-premise consumption.

Outdoor dining means a delineated area, including patios and similar areas, affiliated with a restaurant unenclosed by walls where tables, seating and other furnishings are provided for patrons of the restaurant for eating and drinking. An outdoor dining area located above the first habitable floor of the structure to which it

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is accessory shall be classified as a roof dining area. These areas shall be further classified by whether they contain equipment, permanent or temporary, that is dedicated to the playing of amplified music and/or are permitted to host the playing of musical instruments.

Outdoor drinking means a delineated area, including patios and similar areas, affiliated with a bar/lounge unenclosed by walls where tables, seating and other furnishings may be provided for patrons of the bar/lounge for consuming beverages. For temporary lodging uses, the outdoor drinking area may occupy a portion of a private sand beach affiliated with an accessory hotel or motel bar reserved for the exclusive use of overnight guests. An outdoor drinking area located above the first habitable floor of the structure to which it is accessory shall be classified as a roof drinking area. These areas shall be further classified by whether they contain equipment, permanent or temporary, that is dedicated to the playing of amplified music and/or are permitted to host the playing of musical instruments.

Roof dining or drinking area means an area located above the first habitable floor of the restaurant or bar to which it is accessory, including elevated patios, decks and similar areas, which is unenclosed by walls or open to the sky.

[***]

Sec. 6.24. - Outdoor dining and outdoor drinking areas.

A full or limited service restaurant may establish an outdoor dining area and a bar/lounge may establish an outdoor drinking area pursuant to the requirements of this section or as outlined within each zoning district. If an outdoor drinking and/or dining area is required to obtain conditional use approval as outlined in the zoning districts herein, it shall be pursuant to the review and approval procedures provided under Division 4 of this Code. If public consumption of alcohol is proposed to occur on any public street, sidewalk or private sand beach area in connection with the outdoor dining or outdoor drinking area, approval by the city commission is required pursuant to Chapter 6 of the City Code of Ordinances. Provided, however, that the regulations below shall not apply to outdoor dining or drinking approved in tandem with a City parklet program permit, nor shall specified regulations apply when temporarily waived by the City Commission while the City is under a state of emergency.

(a) General requirements.

- (1) All outdoor dining and outdoor drinking areas located on private property shall comply with the following requirements:
 - a. A landscape buffer and opaque wall or fence constructed at the maximum height allowed by this Code shall be required along the lot line of any yard containing an outdoor dining or outdoor drinking area when the lot line of said yard adjoins a property that is occupied by a residential use to effectively screen and mitigate external impacts as determined through the conditional use permitting process.

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- b. Outside food and beverage consumption shall not extend beyond the permitted area.
 - c. No outdoor food preparation is permitted.
 - d. Suitable protective barriers shall be installed when an outdoor dining area or outdoor drinking area is located adjacent to a vehicular use area as determined by the building official.
 - e. Upon the issuance of a tropical storm or hurricane warning, all tables, chairs and other equipment shall be securely stored inside.
- (2) In addition to the above requirements, the following requirements shall be met for outdoor dining or outdoor drinking areas located within city-owned public right(s)-of-way:
- a. Outdoor dining or outdoor drinking areas shall only be authorized when adjoining sidewalk has a continuous minimum width of eight feet unless the Technical Review Committee determines that the area can be reasonably accommodated by a narrower sidewalk width.
 - b. A minimum four feet of contiguous and unobstructed corridor space must be maintained at all times to ensure a clear pedestrian passageway. The pedestrian passageway shall be a straight line, parallel to the building face and curb line, for the entire length of the outdoor dining or outdoor drinking area.
 - c. The outdoor dining or drinking area shall not extend beyond the sidewalk frontage of the associated business establishment unless otherwise approved by the city commission.
 - d. All furnishings shall be of good design and made of quality materials and be maintained in a clean and attractive appearance and shall be in good repair at all times.
 - e. In addition to suitable protective barriers being installed, the interior perimeter around the outdoor dining or outdoor drinking area may be delineated using nonpermanent fixtures such as planters, decorative chains or other fixtures no less than thirty (30) inches and no greater than forty-two (42) inches in height as may be approved by the building official.
 - f. City commission approval is required for public consumption of alcoholic beverages within public rights-of-way pursuant to Chapter 6 of the City Code of Ordinances.
- (b) ~~Required Permit. A Conditional use permit application shall be made to the city.~~ All applicants for the establishment of an outdoor seating area associated with an eating and drinking establishment shall submit the following information to the City. If a conditional use permit is required for the establishment of the outdoor seating area as outlined in the district divisions herein, and for all new and expanded roof dining and drinking areas, a conditional use permit shall also be required in accordance with Division 4 of this Code. ~~The permit application, in~~

Words stricken through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

~~addition to the conditional use application requirements provided under Division 4 of this Code, shall specifically include the following information:~~

- (1) Survey.
- (2) Site plan depicting the proposed outdoor dining area or outdoor drinking area drawn to scale. The plan shall include the following information:
 - a. Total square footage of the proposed outdoor dining area or outdoor drinking area.
 - b. Number and placement of all seating/table arrangements and other elements.
 - c. Distances between each seating/table arrangement, providing pedestrian clearance as required by the Florida Building Code and Florida Life Safety Code.
 - d. All points of egress.
 - e. Locations of signs prohibiting the removal of alcohol from the premises.
 - f. For tenants as applicants, a letter of authorization from the property owner.
- (3) Occupant load of principal business.
- (4) Number of existing men's and women's bathrooms and fixtures.
- (5) Copy of applicant's liquor license(s).
- (6) For restaurants, bars and lounges providing for outdoor music, the following shall be provided:
 - a. The product specifications of any permanent speakers, amplifiers and other support equipment to be installed outdoors.
 - b. An explanation of the hours of operation of the outdoor seating area, including any special provisions or intentions for live music.
 - c. A description of how music will be regulated in accordance with the City's noise ordinance as found in Chapter 46, Article IV of the Code of Ordinances.

[***]

Sec. 13.2. - Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the ROR Residential/Office/Retail District are as follows:

- (a) Clubs, community service.
- (b) Eating and drinking establishments—Sit-down restaurant only, outdoor seating that does not provide for outdoor music, subject to section 6.24 of this Code as may be applicable.

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- (c) Financial institutions without drive-through service.
- (d) Laundries, self-service.
- (e) Offices.
- (f) Printing and copying services.
- (g) Residential dwellings—Attached single-family, detached single-family, multifamily and two-family.
- (h) Retail sales.
- (i) Social service agencies.

Sec. 13.4. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the ROR Residential/Office/Retail District are as follows:

- (a) Assisted living facilities.
- (b) Places of worship.
- (c) Commercial developments with a gross square footage of greater than 25,000.
- (d) Communications facilities.
- (e) Daycare centers/kindergartens.
- (f) Docks, commercial—Class C only.
- (g) Eating and drinking establishment—Bar (cocktail lounge, saloon); ~~restaurant,~~ outdoor seating that provides for outdoor music, roof dining or drinking areas, subject to section 6.24 of this Code as may be applicable.
- (h) Laundries, dry cleaning.
- (i) Parking lots, off-premises.
- (j) Recreational—Public parks and/or recreational facilities.
- (k) Schools, public or private.
- (l) Schools, commercial.
- (m) Services, personal/business.
- (n) Transient accommodations—Bed and breakfast inns and motels only.
- (o) Utility substations and/or rights-of-way.
- (p) Veterinarians.

Sec. 14.2. - Permitted principal uses and structures.

Words ~~stricken~~ through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the RFM Resort Facilities Medium District are as follows:

- (a) Clinics.
- (b) Clubs, community service.
- (c) Clubs, private.
- (d) Eating and drinking establishments—Bar (cocktail lounge, saloon), ~~or sit-down restaurant, or outdoor seating that does not provide for outdoor music, subject to section 6.24 of this Code as may be applicable.~~
- (e) Financial institutions without drive-through service.
- (f) Kennels without outdoor runs.
- (g) Laundries, self-service.
- (h) Offices.
- (i) Printing and copying services.
- (j) Residential dwellings—Multifamily only.
- (k) Retail sales.
- (l) Services, personal/business.
- (m) Social service agencies.
- (n) Transient accommodations—Bed and breakfast inn, hotel or motel, or resort condominium.
- (o) Veterinarians.

Sec. 14.4. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the RFM Resort Facilities Medium District are as follows:

- (a) Assisted living facilities.
- (b) Places of worship.
- (c) Commercial developments with a gross square footage of greater than 25,000.
- (d) Commercial water sports, non-motorized vessels of 16 feet or less in length only.
- (e) Communications facilities.
- (f) Daycare centers/kindergartens.
- (g) Docks, commercial—Classes A, B and C.

Words ~~stricken through~~ shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

- (h) Eating and drinking establishment—fast food, beach bar and outdoor ~~restaurant seating that provides for outdoor music, roof dining or drinking areas, subject to section 6.24 of this Code as may be applicable.~~
- (i) Financial institutions with drive-through service.
- (j) Laundry, dry cleaning.
- (k) Parking lots, commercial and/or off-premises.
- (l) Recreational—Commercial recreation; public parks and/or recreational facilities.
- (m) Recycling centers.
- (n) Schools—Public, private and/or commercial.
- (o) Utility substations and/or rights-of-way.
- (p) Vessel for hire businesses.

Sec. 15.2. - Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the CG-1 Commercial District are as follows:

- (a) Automotive retail services.
- (b) Clinics.
- (c) Clubs, community service.
- (d) Clubs, private.
- (e) Eating and drinking establishments—Bar (cocktail lounge, saloon) ~~and sit-down restaurant that does not provide for outdoor music, subject to section 6.24 of this Code as may be applicable.~~
- (f) Financial institutions without drive-through service.
- (g) Kennels without outdoor runs.
- (h) Laundries, self-service.
- (i) Mortuaries.
- (j) Offices.
- (k) Printing and copying services.
- (l) Retail sales.
- (m) Services, personal/business.
- (n) Social service agencies.
- (o) Transient accommodations—Hotels, motels and resort condominiums only.
- (p) Veterinarians.

Words ~~stricken~~ through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

Sec. 15.4. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the CG-1 Commercial District are as follows:

- (a) Assisted living facilities.
- (b) Adult entertainment establishments—See also Chapter 10, St. Pete Beach Code of Ordinances.
- (c) Automotive rental agencies.
- (d) Automotive sales lots.
- (e) Automotive services and repairs.
- (f) Automotive service stations.
- (g) Boat sales and repair facilities.
- (h) Car wash facilities.
- (i) Commercial boat docking facilities.
- (j) Commercial developments with a gross square footage of greater than 25,000.
- (k) Commercial water sports, non-motorized vessels of 16 feet or less in length only.
- (l) Communication facilities.
- (m) Docks, commercial—Classes A, B, C, and D.
- (n) Eating and drinking establishment—fast food restaurant, nightclub, or outdoor restaurant seating that provides for outdoor music, roof dining or drinking areas, subject to section 6.24 of this Code as may be applicable.
- (o) Financial institutions with drive-through services.
- (p) Kennels with outdoor runs.
- (q) Laundries, dry cleaning.
- (r) Marinas.
- (s) Parking lots, commercial and/or off-premises.
- (t) Printing, general.
- (u) Recreational—Commercial recreation; public parks and/or recreational facilities.
- (v) Recycling centers.
- (w) Schools, public or private and/or commercial.
- (x) Services, commercial/business.
- (y) Storage facilities with outdoor storage.
- (z) Storage, self-service.

Words ~~stricken~~ through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

- (aa) Theatres.
- (bb) Utility substations and/or rights-of-way.
- (cc) Vehicle for hire businesses.
- (dd) Vessel for hire businesses.

Sec. 16.2. - Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the CG-2 Commercial District are as follows:

- (a) Commercial kitchen.
- (b) Eating and drinking establishments, limited-service restaurant, outdoor eating and drinking areas that do not provide for outdoor music, subject to Section 6.24 of this Code as may be applicable.
- (c) Financial institutions without drive-through service.
- (d) Offices.
- (e) Printing and copying services.
- (f) Retail sales.
- (g) Services, personal/business.

Sec. 16.4. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the CG-2 Commercial District are as follows:

- (a) Adult entertainment establishments—See also Chapter 10, St. Pete Beach Code of Ordinances.
- (b) Automotive service stations.
- (c) Commercial boat docking facilities.
- (d) Commercial developments with a gross square footage of greater than 25,000.
- (e) Commercial water sports, non-motorized vessels of 16 feet or less in length only.
- (f) Communications facilities.
- (g) Commercial docks—Classes A, B and C only.
- (h) Eating and drinking establishments restaurant with drive-through service, take-out only restaurant, bar/lounge, outdoor eating and drinking areas that provide for outdoor music, roof dining or drinking areas, subject to section 6.24 of this Code as may be applicable.
- (i) Mortuaries.

Words ~~stricken~~ through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

- (j) Parking lots—Commercial and/or off-premises.
- (k) Recreational—Commercial recreation; public parks and/or recreational facilities.
- (l) School, commercial.
- (m) Theaters.
- (n) Utility substations and/or rights-of-way.
- (o) Vessel for hire businesses.

Sec. 30.2. - Permitted uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses in the TC-1 Town Center Core District are as follows:

- (a) Financial institutions without drive-through service.
- (b) Government buildings and other public or civic facilities, including parks and recreation facilities and transit stations and stops.
- (c) Office uses.
- (d) Personal service businesses such as barbershops, beauty shops, day spas, tailoring, garment alteration and repair, shoe repair, pet grooming, dry cleaning pick-up and drop-off and other personal service uses similar in character and impact. Body art, bail-bond, check-cashing, and other similar services are prohibited.
- (e) Printing and copying.
- (f) Residential uses as a component of mixed-use development only. Residential uses shall not be allowed on the ground floor level of any structure.
- (g) Eating and drinking establishments - full-service restaurant, limited-service restaurant, take-out only restaurant, bar/lounge, outdoor eating and drinking areas that do not provide for outdoor music, subject to Section 6.24 of this Code as may be applicable.
- (h) Retail uses except automotive sales lots, pawn shops, liquor stores, and tobacco shops.
- (i) Theaters, cinemas and other indoor commercial entertainment facilities.
- (j) Artist studios and art galleries.
- (k) Grocery stores and pharmacies without drive-through service.
- (l) Commercial kitchen.
- (m) Sales, rentals, and/or service of bicycles, mopeds, motorcycles, segways, and scooters;
- (n) Other commercial uses similar in character, nature and impact to permitted uses listed above.

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Sec. 30.4. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the TC-1 Town Center Core District are as follows:

- (a) Automotive retail stores and automotive service stations with related services. Such uses shall only be allowed on lots which front directly on 75th Avenue.
- (b) Outdoor eating and drinking areas that provide for outdoor music, roof dining or drinking areas, subject to Section 6.24 of this Code as may be applicable.
- ~~(b)~~ Car washes.
- ~~(c)~~ Commercial developments with a gross square footage of greater than 25,000.
- ~~(d)~~ Convenience stores without the sale of gasoline or other fuels.
- ~~(e)~~ Cigar shops and cigar bars.
- ~~(f)~~ Financial institutions with drive-through service.
- ~~(g)~~ Pharmacies with drive-through service.
- ~~(h)~~ Public or private parking structures.
- (i) Bed and breakfast inns, subject to the following:
 - (1) In addition to any density and intensity which may be allowed, the city shall also establish a reserve of units, not to exceed 50 total temporary lodging units for the entire Town Center Core District, which shall be allocated by ordinance of the city commission upon request of an individual property owner on a first come, first serve basis. Such allocation shall not exceed ten units per acre, or a total of ten units per redevelopment project. The remaining number of available reserve temporary lodging units shall be specified in each city commission ordinance allocating such units and each such ordinance shall provide that no units beyond those remaining available shall be allocated to any subsequent project. This limitation shall be absolute and shall apply regardless of the proposed size or density of the project requesting such allocation.
- ~~(j)~~ Class I mobile food trucks, subject to the criteria found in Division 6, herein.

Sec. 32.2. - Permitted uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the CC1 Commercial Corridor Blind Pass Road are as follows.

- (a) Clinics;
- (b) Clubs, community service establishments;

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- (c) Clubs, private;
- (d) Eating and drinking establishments—with or without outdoor seating that does not provide for outdoor music, subject to Section 6.24 of this Code as may be applicable;
- (e) Financial institutions with and without drive-through service;
- (f) Laundries, self-service;
- (g) Office uses;
- (h) Printing and copying services;
- (i) Retail uses;
- (j) Personal service businesses such as barbershops, beauty shops and salons, day spas, gyms and fitness centers, tailoring, garment alteration and repair, shoe repair, dry cleaning pick-up and drop-off and other personal service uses similar in character and impact;
- (k) Social service agencies;
- (l) Veterinarians; dog grooming facilities;
- (m) Multi-family residential uses as a component of mixed-use development only. Multi-family residential uses shall not be allowed on the ground level of any structure;
- (n) Single-family, detached residential uses (Only on parcels which do not directly abut Blind Pass Road);
- (o) Government buildings and other public facilities, including parks and recreation facilities;
- (p) Artist studios with retail and/or wholesale distribution space for artist's original handmade works, excluding mass produced or manufactured products;
- (q) Public facilities such as schools, public parks and/or recreational facilities;
- (r) Other commercial uses similar in character, nature and impact to permitted uses listed above.

Sec. 32.4. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the CC1 Commercial Corridor Blind Pass Road Districts are as follows:

- (a) Automotive rental agencies;
- (b) Automobile services—Repair;
- (c) Automotive service stations, with or without a carwash and/or a convenience store;

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- (d) Commercial developments with a gross square footage of greater than 25,000;
- (e) Communication facilities;
- (f) Outdoor eating and drinking areas that provide for outdoor music, roof dining or drinking areas, subject to Section 6.24 of this Code as may be applicable;
- (fg) Parking lots, commercial and/or off-premises;
- (gh) Class I mobile food trucks, subject to the criteria found in Division 6, herein.

Sec. 33.2. - Permitted uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the CC2 Commercial Corridor Gulf Blvd are as follows:

- (a) Clinics;
- (b) Eating and drinking establishments with or without outdoor seating that does not provide for outdoor music, subject to Section 6.24 of this Code as may be applicable;
- (c) Financial institutions with or without drive-through service;
- (d) Laundries, self-service;
- (e) Office uses;
- (f) Printing and copying services;
- (g) Retail uses;
- (h) Personal service businesses such as barbershops, beauty shops, tailoring, garment alteration and repair, shoe repair, dry cleaning pick-up and drop-off and other personal service uses similar in character and impact;
- (i) Veterinarians, dog grooming establishments;
- (j) Multi-family residential uses as a component of mixed-use development only. Multi-family residential uses shall not be allowed on the ground level of any structure;
- (k) Artist studios and galleries with retail and/or wholesale distribution space for artist's original handmade works, excluding mass produced or manufactured products;
- (l) Grocery stores, pharmacies, markets;
- (m) Commercial recreation, public parks and/or recreational facilities;
- (n) Sales, rentals, and/or service of bicycles, mopeds, motorcycles, Segways, and scooters;
- (o) Other commercial uses similar in character, nature and impact to permitted uses listed above.

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Sec. 33.4. - Conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the CC2 Commercial Corridor Gulf Boulevard District are as follows:

- (a) Automotive rental agencies;
- (b) Automobile services—Repair;
- (c) Automotive service stations, with or without a carwash and/or a convenience store;
- (d) Commercial developments with a gross square footage of greater than 25,000;
- (e) Communication facilities;
- (f) Outdoor eating and drinking areas that provide for outdoor music, roof dining or drinking areas, subject to Section 6.24 of this Code as may be applicable.
- (fg) Parking lots, commercial and/or off-premises;
- (gh) Class I mobile food trucks, subject to the criteria found in Division 6, herein.

Sec. 34.4. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the DCR Downtown Core Residential District are as follows:

Eating and drinking establishments, full-service restaurant, limited-service restaurant, bar/lounge, outdoor eating and drinking areas that may provide for outdoor music, roof dining or drinking areas, subject to Section 6.24 of this Code as may be applicable.

Sec. 35.3. - Permitted principal and secondary uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the LR District are as follows:

- (a) *Primary uses* .
 - (1) Temporary lodging uses, including hotels, motels, resort condominium hotels 50 feet or less in building height or a density of 30 temporary lodging units per acre or lower;
 - (2) Multi-family residential.
- (b) *Primary uses requiring conditional use approval.* Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable primary uses requiring conditional use approval in the LR District are as follows:

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- (1) Temporary lodging uses, including hotels, motels, resort condominium hotels greater than 50 feet in building height or a density above 30 temporary lodging units per acre.
 - (2) Eating and drinking establishments, full-service restaurant only, outdoor eating and drinking establishments that may provide for outdoor music, roof dining or drinking areas, subject to section 6.24 of this Code as may be applicable.
 - (3) Commercial parking lot/structure.
- (c) *Secondary uses* . Secondary commercial uses may be developed as an additional nonresidential use bonus floor area that is not located within the principal building, provided that the secondary commercial development is constructed with a minimum of 200 temporary lodging units. Secondary commercial uses located within one-hundred and fifty (150) feet of the westerly right-of-way line of Gulf Boulevard may be under separate ownership from the primary use when approved by the city as part of an overall site plan incorporating the primary and secondary uses as an integrated project. Secondary commercial uses include:
- (1) Retail;
 - (2) Eating and drinking establishments, full-service restaurant, limited-service restaurant, bar/lounge, outdoor eating and drinking areas that do not provide for outdoor music, subject to section 6.24 of this Code as may be applicable;
 - (3) Indoor commercial entertainment facilities;
 - (4) Vehicles for hire.
- (d) *Secondary uses requiring conditional use approval*. Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable secondary uses requiring conditional use approval in the LR District are as follows.
- (1) Commercial kitchen;
 - (2) Commercial parking structure;
 - (3) Eating and drinking establishment - take-out restaurant only, outdoor eating and drinking areas that provide for outdoor music except as permitted under Section 35.4(b), roof dining or drinking areas, subject to section 6.24 of this Code as may be applicable;
 - (4) Off-premise parking lot and/or structure.

Sec. 35.4. - Permitted accessory uses and structures.

- (a) Uses and structures, as regulated in sections 6.12 and 6.13, which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures and are not of a nature prohibited under section 35.5.
- (b) A temporary lodging use may include accessory uses such as management office space, housekeeping facilities, security and maintenance areas, recreational facilities, restaurants, bars, and other eating and drinking establishments, guest office

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centers, concierge services, personal service uses, retail uses, meeting rooms and conference areas, fitness centers, spa facilities, parking structures, and other uses commonly associated with temporary lodging uses, subject to the intensity limits established in section 35.7(d)(2). New outdoor eating and drinking areas associated with accessory restaurants and bars shall be permitted to provide for outdoor music, provided that the area meets all of the yard requirements for the property and the property does not abut a single- or two-family residential development or a residential development outside of the Community Redevelopment District, in which case any new outdoor eating and drinking area shall require a conditional use permit subject to Division 4 of this Code. Any new or expanded roof dining or drinking areas shall also require a conditional use permit subject to Division 4 of this Code.

- (c) Home occupations for residential uses only, subject to the conditions set forth in section 6.5 of this Code. Home occupational licensing shall be prohibited for any temporary lodging unit and any affordable workforce living accommodation.
- (d) Temporary structures under the provisions of section 6.11 of this Code.

Sec. 37.2. - Permitted uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses in the TC-2 Town Center Corey Circle and Coquina West Districts are as follows.

- (a) Retail uses except automotive sales lots, pawn shops, liquor stores, and tobacco shops;
- (b) Grocery stores, markets, pharmacies without drive-through service;
- (c) Personal service businesses such as barbershops, beauty shops, salons, day spas, gyms and fitness centers, tailoring, garment alteration and repair, shoe repair, dry cleaning pick-up and drop-off and other personal service uses similar in character and impact. Body art, bail-bond, check-cashing and other similar services are prohibited;
- (d) Eating and drinking establishments - full-service restaurant, limited-service restaurant, bar/lounge, outdoor eating and drinking areas that do not provide for outdoor music, subject to Section 6.24 of this Code as may be applicable;
- (e) Office uses;
- (f) Commercial recreation, public parks and/or recreational facilities;
- (g) Government buildings and other public facilities, including parks and recreation facilities;
- (h) Artist studios and art galleries;
- (i) Multi-family residential only as a component of mixed use. Residential uses are not permitted on the ground floor;
- (j) Vehicle for hire - Limited to rental of non-motorized (bicycles) and individual motorized vehicles such as Segways, mopeds/scooters;

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- (k) Other commercial uses similar in character, nature and impact to permitted uses listed above.

Sec. 37.5. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the TC-2 Town Center Corey Circle and Coquina West Districts are as follows:

- (a) Temporary lodging facilities hotel, motel and resort condominium, awarded on a first come, first serve basis, to come from the density pool established in the Comprehensive Plan.
- (b) Commercial developments with a gross square footage of greater than 25,000.
- (c) Commercial kitchen.
- (d) Commercial docks—Classes A, B, C and D.
- (e) Eating and drinking establishment—Take-out only restaurant, outdoor eating and drinking areas that provide for outdoor music, roof dining or drinking areas, subject to Section 6.24 of this Code as may be applicable.
- (f) Vessel for hire (water taxis).
- (g) Class I mobile food trucks, subject to the criteria found in Division 6, herein.

Sec. 38.2. - Permitted uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the AC Activity Center District are as follows.

- (a) Grocery stores, markets, pharmacies with or without drive through service;
- (b) Automotive rental agencies;
- (c) Automotive service stations;
- (d) Car wash facilities;
- (e) Clinics;
- (f) Clubs, community service;
- (g) Clubs, private;
- (h) Doctor's offices and medical clinics;
- (i) Eating and drinking establishments ~~without outdoor seating that do not provide~~ for outdoor music, subject to section 6.24 of this Code as may be applicable;
- (j) Financial institutions with or without drive-through service;
- (k) Kennels without outdoor runs;

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- (l) Laundries, self-service;
- (m) Office uses;
- (n) Printing and copying services;
- (o) Retail uses;
- (p) Government buildings and other public facilities, including parks and recreation facilities;
- (q) Personal service businesses such as barbershops, beauty shops and salons, day spas, gyms and fitness centers, tailoring, garment alteration and repair, shoe repair, dry cleaning drop-off and pick-up and other personal service uses similar in character and impact;
- (r) Private, specialized instruction, such as computer training, real estate courses, self-improvement classes, career training or fitness instruction;
- (s) Social service agencies;
- (t) Veterinarians and pet grooming facilities;
- (u) Multi-family residential only as a component of retail mixed-use development;
- (v) Artist studios and art galleries;
- (w) Vehicle for hire;
- (x) Marine electronics, sales, and service; and
- (y) Other commercial uses similar in character, nature and impact to permitted uses listed above.

Sec. 38.4. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the AC Activity Center District are as follows:

- (a) Assisted living facilities;
- (b) Charter and tour boat operations;
- (c) Commercial developments with a gross square footage of greater than 25,000;
- (d) Communication facilities;
- (e) Docks, commercial—Classes A, B, C, and D;
- (f) Eating and drinking establishments with outdoor seating that provide for outdoor music, roof dining or drinking areas, subject to section 6.24 of this Code as may be applicable;
- (g) Kennels with outdoor runs;
- (h) Off-premises parking lot and/or structure;
- (i) Commercial parking structure;

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- (j) Theatres;
- (k) Vessel for hire businesses; and
- (l) Subject to the provisions or restrictions contained in this section and elsewhere in this Code, temporary lodging units may be allocated from a density pool via a conditional use as follows:

40 temporary lodging uses per acre, not to exceed a total of either 50 units per project or the density pool allocated in the Comprehensive Plan (325 available units for potential use in the Town Center Core Corey Circle, Coquina West, Activity Center, and Bayou Residential Districts), with a maximum 1.0 floor area ratio on a minimum one (1) acre buildable site. To qualify for mixed use densities and intensities, a minimum of 10 temporary lodging units, mixed with a minimum of 0.35 floor area ratio for commercial or office uses, is required.

Sec. 39.6. - Temporary lodging use operational and occupancy restrictions, limitations and prohibitions.

To ensure that temporary lodging use development authorized and approved within the Community Redevelopment District are built, function, operate, and are occupied exclusively as temporary lodging and adhere to mandatory closure and evacuation procedures, the following restrictions shall apply to temporary lodging use:

- (a) No temporary lodging unit shall be occupied as a permanent residential dwelling unit.
- (b) All temporary lodging units must be offered, advertised and occupied on a temporary basis for 30 consecutive days or less for temporary lodging guests and no more than 30 days cumulatively on an annual basis for a resort condominium unit owner to ensure that any temporary lodging use does not function as a permanent residential use. The thirty days is measured beginning on the first day of any occupancy until 365 days from that date. The city may require affidavits of compliance with this requirement from each temporary lodging use and/or unit owner. Seller of temporary lodging unit shall be responsible for advising the purchaser of this requirement. Any seller of a resort condominium project or temporary lodging unit shall record a covenant in the public records of Pinellas County, Florida, agreeing to said restriction prior to conveyance.
- (c) Temporary lodging units shall not qualify or be used for homesteading purposes or home occupational licensing.
- (d) All temporary lodging units must be included in the inventory of units that are available within a temporary lodging use.
- (e) Conversion of a temporary lodging unit to permanent residential unit shall be prohibited unless the conversion is in compliance with the density and intensity standards and regulations applicable to the property and all other required city

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approvals are obtained prior to the conversion and provided said conversion does not violate any other legally enforceable agreement or restriction, law or local ordinance prohibiting such conversion.

- (f) A temporary lodging use may include accessory uses, such as recreational facilities, restaurants, bars, personal service uses, retail uses, meeting space, fitness centers, spa facilities, parking structures, affordable housing or other workforce living accommodations, and other uses commonly associated with temporary lodging uses. New outdoor eating and drinking areas associated with accessory restaurants and bars shall be permitted to provide for outdoor music, provided that the area meets all of the yard requirements for the property and the property does not abut a single- or two-family residential development or a residential development outside of the Community Redevelopment District, in which case any new outdoor eating and drinking area shall require a conditional use permit subject to Division 4 of this Code. Any new or expanded roof dining or drinking area shall also require a conditional use permit subject to Division 4 of this Code.
- (g) Proper licensing, including occupational licensing, by the state, county and local government and agencies, shall be required of all temporary lodging uses through all applicable agencies that license hotels and motels prior to any certificate of occupancy being issued. All licenses must be kept current.
- (h) Temporary lodging uses shall be subject to all applicable tourist development tax collections.
- (i) All temporary lodging uses shall include a reservation system and a lobby/front desk area that is necessary to operate the temporary lodging facility and service its guests.
- (j) Temporary lodging uses must have sufficient signage viewable by the public designating the use as a temporary lodging use that also complies with local codes.
- (k) The applicable local government may require affidavits of compliance with this section that includes reasonable supporting documentation that does not violate privacy laws for each temporary lodging use, guests and/or unit owners.
- (l) All temporary lodging uses shall comply with all county and local hurricane closure and evacuation procedures that will ensure orderly evacuation of guests and visitors prior to evacuation orders being issued for residents. The restrictions and procedures contained within the hurricane closure and evacuation plan shall apply to all on-site workforce living accommodations, as applicable.
- (m) The restrictions set forth above shall be made a condition of site plan approval.
- (n) The restrictions set forth in subsections (a), (b), and (d) relating to prohibitions on conversion or use of a temporary lodging unit as a permanent residential dwelling shall be contained in a covenant or other legally enforceable recordable instrument that shall be approved as to content, form and legality by the city and

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shall be recorded in the public records of Pinellas County at the time of building permit approval.

- (o) All large scale development and redevelopment projects approved under scenario 2 as defined under Permitted Uses & Standards for the Large Resort character district category may be required to provide an easement to the city for unimproved public access landward of the mean high water line to provide a continuous, uninterrupted pedestrian beach system along the Gulf of Mexico prior to a building permit being issued.
- (p) All new temporary lodging uses that exceed 50 feet in height or a density greater than 30 units per acre shall be required to obtain a conditional use permit pursuant to Division 4 of this Code.

Sec. 40.4. - Permitted conditional uses and structures:

The purpose of this section is to allow for single family and two-family residential uses and structures for only saving and/or moving locally designated historic structures, as well as address rooftop uses. In no case shall a new construction single family home be allowed in the 8th Avenue CRD.

- (a) Single-family residential, subject to the following conditions:
 - (1) The structure is eligible for local historic designation pursuant to Section 28.22 of the Land Development Code;
 - (2) The applicant applies for designation of the structure as historic and the Historic Preservation Board approves the request;
 - (3) The applicant applies for and is granted a certificate of appropriateness for any alterations to the exterior of the structure and moving the structure if a structure is proposed to be moved to the 8th Ave District, consistent with the Secretary of the Interior's Standards and Guidelines for Rehabilitation or Preservation of Historic Structures and Division 28 of the Land Development Code;
 - (4) The applicant applies for and is granted the conditional use pursuant to Section 4.4 of the Land Development Code;
- (b) Roof drinking and dining, subject to section 6.24 of this Code as may be applicable;

Sec. 46.2. - Permitted uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, permitted uses and structures in the B/HC Boutique Hotel/Condo District are as follows.

- (a) Residential uses—multifamily only.

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- (b) Transient accommodations—hotel, motel and resort condominium.
- (c) Non-residential uses that are accessory and subordinate to transient accommodation uses, such as recreational facilities, restaurants and bars, personal service uses, retail uses, meeting spaces/conference rooms, fitness centers, and spa facilities. New outdoor eating and drinking areas associated with accessory restaurants and bars shall be permitted to provide for outdoor music, provided that the area meets all of the yard requirements for the property and the property does not abut a single- or two-family residential development or a residential development outside of the Community Redevelopment District, in which case any new outdoor eating and drinking area shall require a conditional use permit subject to Division 4 of this Code. Any new or expanded roof dining or drinking area shall also require a conditional use permit subject to Division 4 of this Code.

Sec. 46.4. - Allowable conditional uses.

- (a) Eating and drinking establishments - full-service restaurant, limited service restaurant, take-out only restaurant, bar/lounge, outdoor eating and drinking establishments that may provide for outdoor music except as permitted under Section 46.2(c), roof dining or drinking areas, subject to section 6.24 of this Code as may be applicable;
- (b) Off-premise parking lot;
- (c) Subject to the provisions or restrictions contained in this section and elsewhere in this Code, additional temporary lodging units may be allocated from a density pool via a conditional use as follows:

In addition to any transient accommodation units which may be allowed on a per acre basis, there are hereby 125 total transient accommodation units for the entire Boutique Hotel/Condo district, which shall be allocated to individual projects by ordinance of the city commission upon request of an individual property owner. Such allocation shall not exceed an additional twenty (20) units per acre, nor a total of 60 units per redevelopment project, irrespective of total project acreage.

SECTION 3. Upon the adoption of this Ordinance, these provisions will be given a 60-day period of time to come into compliance before any action by the City will commence.

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

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall

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remain in effect. It being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

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

SECTION 7. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 8. Effective Date. This ordinance shall take effect immediately upon adoption.

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

Alan Johnson, Mayor

I, Amber LaRowe, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2020.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Andrew Dickman, City Attorney

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