



Notice of Public Meeting Planning Board

Commission Chambers
155 Corey Avenue, St. Pete Beach, Florida 33706
2/17/2015
4:00 p.m.

**Call to Order
Pledge of Allegiance
Roll Call**

Regular Meeting Agenda

1. **Changes to the Agenda** - Agenda items to be added, moved or deleted will be addressed at this time. Added items will be assigned agenda item numbers and moved items should remain with the same item numbers. Notation will be made that those items will be taken out of order.
2. **Audience Comments** - Comments shall be limited to three minutes per person to issues not on the agenda.
3. **Review and Approval of January 20, 2015 Meeting Minutes**
4. **Public Hearings (Legislative)**
 - A. Proposed Outdoor Dining Ordinance
 - B. Proposed Alcoholic Beverage Ordinance
5. **Discussion/Workshop Items**

None
6. **March Meeting / Agenda**
7. **Board and Staff Reports**

8. Adjournment

APPEAL

If a person decides to appeal any decision made at this meeting, he or she will need a record of the proceeding and, for such purpose, may need to ensure that a verbatim record of the meeting is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105). The City does not furnish verbatim transcripts; interested parties should make the necessary arrangements for verbatim transcripts.

AMERICANS WITH DISABILITIES ACT

In Accordance with the Americans with Disabilities Act and F.S. 286.26, persons with disabilities needing special accommodations to participate in this meeting should contact City Hall at (727) 367-2735 no later than four days prior to the meeting for assistance.

The public is cordially invited to attend. All agenda material is available for review at City Hall.



MEMORANDUM

To: Chair and Members of the Planning Board

From: Matt McLachlan, AICP, Calvin, Giordano & Associates

Meeting Date: February 17, 2015

Subject: Ordinance No. 2015-02 Relating to Outdoor Dining and Drinking Areas; Definitions and Use Permissions for Eating and Drinking Establishments

At your last meeting, the Board recommended approval of Ordinance No. 2015-02 with amendments which have been incorporated into the final draft. Since that time, Staff has received additional public input that has resulted in substantial changes to the ordinance that warrant further review and recommendation by the Planning Board.

Below is a summary of the proposed changes:

- Section 1 of the Ordinance amends Sec. 2.1 of the Code to add a definition for “outdoor drinking”.
- Section 2 of the Ordinance amends Sec. 6.24 of the Code to provide for outdoor drinking areas in connection with a bar/lounge on private property; require a conditional use permit when an outdoor dining area or outdoor drinking area is in a yard that adjoins a property occupied by a residential use; and prohibit outdoor drinking areas within public rights-of-way except for special occasions (refer to Ordinance No. 2015-06, Alcoholic Beverages).
- Section 2 of the Ordinance amends the proposed general requirements under Sec. 6.24(a)(1) of the Code to require a landscape buffer or opaque wall or fence at the maximum height allowed by Code when the lot line of any yard containing an outdoor dining or outdoor drinking area 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. Furthermore, a new provision has been added to reinforce that outside food and beverage consumption shall be confined to the permitted area.

- Section 2 of the Ordinance amends Sec. 6.24(a)(2) to require City Commission approval for public consumption of alcoholic beverages within a public right-of-way in connection with an outdoor dining area (refer to Ordinance No. 2015-06, Alcoholic Beverages).
- Section 17 of the Ordinance amends Sec. 35.3 of the Code to specify commercial kitchens and take-out restaurant only are classified as secondary conditional uses to clarify that they cannot be established as a primary use.

Staff recommends that the Planning Board hold a public hearing and make a recommendation to the City Commission on whether to approve, deny, or approve with changes Ordinance 2015-02 as presented.

PERMITTED AND CONDITIONAL USES FOR EATING AND DRINKING ESTABLISHMENTS BY ZONING DISTRICT

USE CLASSIFICATIONS	ZONING DISTRICTS										
	ROR	RFM	CG-1	CG-2	TC-1	CC1	CC2	LR*	TC-2	AC	CRD-EA
EXISTING											
BAR (COCTAIL LOUNGE, SALOON)	C	P	P	C							
NIGHTCLUB			C	C							
BEACH BAR		C									
SIT DOWN RESTAURANT	P	P	P	P							
FAST FOOD RESTAURANT		C	C	C							
OUTDOOR RESTAURANT	C	C	C	C							
EATING AND DRINKING ESTABLISHMENTS WITH OUTDOOR SEATING										C	
EATING AND DRINKING ESTABLISHMENTS WITHOUT OUTDOOR SEATING										P	
EATING OR DRINKING ESTABLISHMENT WITH OR WITHOUT OUTDOOR SEATING					P	P	P		P		
EATING OR DRINKING ESTABLISHMENTS INCLUDING BARS AND COCKTAIL LOUNGES WITH OR WITHOUT OUTDOOR SEATING								P			
SPECIALTY FOOD SUCH AS GOURMET TAKE-OUT, CATERING, COFFEE SHOPS, ETC.											P
SIDEWALK CAFÉ				C							
PROPOSED											
BAR/LOUNGE	C	P	P	C	P	P	P	P	P	P	C
RESTAURANT, FULL-SERVICE	P	P	P	P	P	P	P	P	P	P	P
RESTAURANT, LIMITED-SERVICE	P	P	P	P	P	P	P	P	P	P	P
RESTAURANT, TAKE-OUT ONLY	P	C	C	C	P	P	P	C	C	C	C
RESTAURANT, WITH DRIVE-THROUGH SERVICE		C	C	C						C	
COMMERCIAL KITCHEN	P	P	C	P	P	C	C	C	C	C	P

P = PERMITTED USE; C = CONDITIONAL USE

**Allowable secondary uses*

ORDINANCE NO. 2015-02

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ST PETE BEACH, FLORIDA, AMENDING THE CITY OF ST PETE BEACH LAND DEVELOPMENT CODE BY AMENDING SECTION 2.1 OF DIVISION 2, DEFINITIONS, RELATING TO COMMERCIAL KITCHEN, EATING AND DRINKING ESTABLISHMENTS, OUTDOOR DINING AND OUTDOOR DRINKING; AMENDING SECTION 6.24 OF DIVISION 6, SUPPLEMENTAL REGULATIONS, RELATING TO GENERAL, OPERATIONAL, AND PERMITTING REQUIREMENTS AND CITY AUTHORITY FOR OUTDOOR DINING AREAS AND OUTDOOR DRINKING AREAS; AMENDING SECTION 13.2 OF DIVISION 13, ROR, RESIDENTIAL/OFFICE/RETAIL DISTRICT, ADDING COMMERCIAL KITCHEN, FULL-SERVICE RESTAURANT, LIMITED-SERVICE RESTAURANT, AND TAKE-OUT ONLY RESTAURANT AS PERMITTED USES AND DELETING SIT-DOWN RESTAURANT ONLY AS A PERMITTED USE; AMENDING SECTION 13.4 OF DIVISION 13, ROR, RESIDENTIAL/OFFICE/RETAIL DISTRICT, ADDING BAR/LOUNGE AS A CONDITIONAL USE AND DELETING BAR (COCKTAIL LOUNGE, SALOON), RESTAURANT, OUTDOOR AS CONDITIONAL USES; AMENDING SECTION 14.2 OF DIVISION 14, RFM, RESORT FACILITIES MEDIUM DISTRICT, ADDING COMMERCIAL KITCHEN, FULL-SERVICE RESTAURANT, LIMITED-SERVICE RESTAURANT, BAR/LOUNGE AS PERMITTED USES AND DELETING BAR (COCKTAIL LOUNGE, SALOON) OR SIT DOWN RESTAURANT AS PERMITTED USES; AMENDING SECTION 14.4 OF DIVISION 14, RFM, RESORT FACILITIES MEDIUM DISTRICT, ADDING TAKE-OUT ONLY RESTAURANT AND RESTAURANT WITH DRIVE-THROUGH SERVICE AS CONDITIONAL USES AND DELETING FAST FOOD, BEACH BAR AND OUTDOOR RESTAURANT AS CONDITIONAL USES; AMENDING SECTION 15.2 OF DIVISION 15, CG-1, COMMERCIAL DISTRICT, ADDING FULL-SERVICE RESTAURANT, LIMITED SERVICE RESTAURANT, BAR/LOUNGE AS PERMITTED USES AND DELETING BAR (COCKTAIL LOUNGE, SALOON) AND SIT DOWN RESTAURANT AS PERMITTED USES; AMENDING SECTION 15.4 OF DIVISION 15, CG-1, COMMERCIAL DISTRICT, ADDING COMMERCIAL KITCHEN, TAKE-OUT ONLY RESTAURANT AND RESTAURANT WITH DRIVE-THROUGH SERVICE AS CONDITIONAL USES AND DELETING FAST FOOD RESTAURANT, NIGHTCLUB OR OUTDOOR RESTAURANT AS CONDITIONAL USES; AMENDING SECTION 16.2 OF DIVISION 16, CG-2, COMMERCIAL DISTRICT, ADDING COMMERCIAL KITCHEN, FULL-SERVICE RESTAURANT, LIMITED SERVICE RESTAURANT AS PERMITTED USES AND DELETING SIT

DOWN RESTAURANTS AS A PERMITTED USE; AMENDING SECTION 16.4 OF DIVISION 16, CG-2, COMMERCIAL DISTRICT, ADDING RESTAURANT WITH DRIVE-THROUGH SERVICE, TAKE-OUT ONLY RESTAURANT, BAR/LOUNGE AS CONDITIONAL USES AND DELETING BAR (COCKTAIL LOUNGES, SALOONS), NIGHT-CLUBS, FAST-FOOD RESTAURANTS, OUTDOOR RESTAURANTS, AND SIDEWALK CAFÉ AS CONDITIONAL USES; AMENDING SECTION 23.5 OF DIVISION 23, OFF-STREET PARKING AND LOADING RELATING TO REQUIRED PARKING FOR OUTDOOR DINING AREAS; AMENDING SECTION 30.2 OF DIVISION 30, TC-1, TOWN CENTER CORE DISTRICT, ADDING FULL-SERVICE RESTAURANT, LIMITED-SERVICE RESTAURANT, TAKE-OUT ONLY RESTAURANT, BAR/LOUNGE, AND COMMERCIAL KITCHEN AS PERMITTED USES AND DELETING EATING AND DRINKING ESTABLISHMENTS WITH OR WITHOUT OUTDOOR SEATING AS A PERMITTED USE; AMENDING SECTION 32.2 OF DIVISION 32, CC1, COMMERCIAL CORRIDOR BLIND PASS ROAD, ADDING COMMERCIAL KITCHEN, FULL-SERVICE RESTAURANT, LIMITED-SERVICE RESTAURANT, TAKE-OUT ONLY RESTAURANT, BAR/LOUNGE AS PERMITTED USES AND DELETING EATING AND DRINKING ESTABLISHMENTS WITH OR WITHOUT OUTDOOR SEATING AS A PERMITTED USE; AMENDING SECTION 32.4 OF DIVISION 32, CC1, COMMERCIAL CORRIDOR BLIND PASS ROAD, ADDING COMMERCIAL KITCHEN AS A CONDITIONAL USE; AMENDING SECTION 33.2 OF DIVISION 33, CC2, COMMERCIAL CORRIDOR GULF BOULEVARD REDEVELOPMENT DISTRICT, ADDING COMMERCIAL KITCHEN, FULL-SERVICE RESTAURANT, LIMITED-SERVICE RESTAURANT, TAKE-OUT ONLY RESTAURANT, BAR/LOUNGE AS PERMITTED USES AND DELETING EATING AND DRINKING ESTABLISHMENTS WITH OR WITHOUT OUTDOOR SEATING AS A PERMITTED USE; AMENDING SECTION 33.4 OF DIVISION 33, COMMERCIAL CORRIDOR GULF BOULEVARD REDEVELOPMENT DISTRICT ADDING COMMERCIAL KITCHEN AS A CONDITIONAL USE; AMENDING SECTION 35.3 OF DIVISION 35, (LR) LARGE RESORT DISTRICT, ADDING FULL-SERVICE RESTAURANT, LIMITED-SERVICE RESTAURANT, BAR/LOUNGE AS PERMITTED SECONDARY USES AND COMMERCIAL KITCHEN AND TAKE-OUT RESTAURANT ONLY AS PERMITTED SECONDARY USES SUBJECT TO CONDITIONAL USE APPROVAL PURSUANT TO DIVISION 4 OF THIS CODE AND DELETING EATING AND DRINKING ESTABLISHMENTS INCLUDING BARS AND COCKTAIL LOUNGES WITH OR WITHOUT OUTDOOR SEATING AS A PERMITTED SECONDARY USE; AMENDING SECTION 37.2 OF DIVISION 37, TC-2 TOWN CENTER COREY CIRCLE AND COQUINA WEST DISTRICTS,

ADDING FULL-SERVICE RESTAURANT, LIMITED SERVICE RESTAURANT, BAR/LOUNGE AS PERMITTED USES AND DELETING EATING AND DRINKING ESTABLISHMENTS WITH OR WITHOUT OUTDOOR SEATING AS PERMITTED USES; AMENDING SECTION 37.5 OF DIVISION 37, TC-2 TOWN CENTER COREY CIRCLE AND COQUINA WEST DISTRICTS ADDING TAKE-OUT ONLY RESTAURANT AS A CONDITIONAL USE, AMENDING SECTION 38.2 OF DIVISION 38, AC, ACTIVITY CENTER DISTRICT, ADDING FULL-SERVICE RESTAURANT, LIMITED-SERVICE RESTAURANT, BAR/LOUNGE AS PERMITTED USES AND DELETING EATING ESTABLISHMENTS WITHOUT OUTDOOR SEATING AS A PERMITTED USE; AMENDING SECTION 38.4 OF DIVISION 38, AC, ACTIVITY CENTER, ADDING COMMERCIAL KITCHEN, TAKE-OUT ONLY RESTAURANT AND RESTAURANT WITH DRIVE THROUGH SERVICE AS ALLOWABLE CONDITIONAL USES AND DELETING EATING AND DRINKING ESTABLISHMENTS WITH OUTDOOR SEATING AS A CONDITIONAL USE; AMENDING SECTION 40.2 OF DIVISION 40, COMMUNITY REDEVELOPMENT DISTRICT – EIGHTH AVENUE (CRD-EA), ADDING COMMERCIAL KITCHEN, FULL-SERVICE RESTAURANT, LIMITED-SERVICE RESTAURANT, BAR/LOUNGE AS PERMITTED USES AND DELETING SPECIALTY FOOD SUCH AS GOURMET TAKE-OUT, CATERING, COFFEE SHOPS, ETC. AND SIT DOWN RESTAURANTS AS PERMITTED USES; AMENDING SECTION 40.4 OF DIVISION 40, COMMUNITY REDEVELOPMENT DISTRICT – EIGHTH AVENUE (CRD-EA), ADDING COMMERCIAL KITCHEN, TAKE-OUT ONLY RESTAURANT AND BAR/LOUNGE AS ALLOWABLE CONDITIONAL USES; PROVIDING FOR PUBLICATION IN ACCORDANCE WITH THE REQUIREMENTS OF LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3202, Florida Statutes, requires each local government in the State of Florida to adopt or amend and enforce land development code regulations that are consistent with and implement the adopted Comprehensive Plan; and

WHEREAS, the City of St. Pete Beach has previously adopted a land development code; and

WHEREAS, periodic updates and clarifications are necessary for successful implementation of a land development code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ST PETE BEACH, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

SECTION 1. Section 2.1 of Division 2, Definitions, of the City of St. Pete Beach Land Development Code is hereby amended to provide as follows:

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

Commercial Kitchen means an establishment where food and beverages are prepared for off-site consumption. Typical uses include catering facilities. This classification does not include businesses involved in the processing or manufacturing of food products.

Eating and drinking establishment means a business that is licensed to prepare and/or serves food or beverages for consumption by the public 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 (cocktail lounge, saloon) means any establishment which is devoted primarily to the retailing and on premises drinking of malt, vinous, or other alcoholic beverages and which is licensed by the State of Florida to dispense or sell alcoholic beverages.~~

~~Beach bar means any building, structure or facility whether temporary or permanent, which is built, erected or provided as a location for the purpose of making retail sales of alcoholic or intoxicating beverages, or malt or vinous beverages, as an accessory use to a hotel or motel.~~

~~Fast food restaurant means a retail food service establishment without table service (order placement and delivery) provided to patrons; walk up counter and carryout trade is a primary portion of the facility; includes fast food, drive through service, food delivery, carryout, public snack bar/automats, and delicatessens.~~

~~Nightclub means any restaurant, dining room, bar or similar establishment providing food or refreshments, which holds a 4 COP liquor license from the State of Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco. Provided, however, any restaurant, dining room or similar establishment which holds a 4-COP liquor license with the "S," "SR" or "SRX" designation, shall be deemed an accessory use to the principal use and not a nightclub.~~

~~Outdoor restaurant means a portion of a restaurant, of any type, located outside which functions as an extension of the principal use of the private property of the restaurant. An outdoor restaurant is not located in a completely enclosed building and is open to the sky except that it may have awnings, umbrellas, or building overhang and shall be used exclusively for dining, drinking and circulation therein. An outdoor restaurant may provide either wait staff service or self service. (See also "Sidewalk cafe.")~~

~~Sidewalk cafe means a street level portion of a restaurant, of any type, located within the sidewalk area of the public right of way, which is normally adjacent to a street, which~~

~~functions as an extension of the principal use of the private property of the restaurant. A sidewalk cafe is open to the sky except that it may have awnings or umbrellas, and shall be used for dining, drinking and circulation therein pursuant to the approved conditional use permit. A sidewalk cafe may provide either wait staff service or self service. (See also "Outdoor restaurant.")~~

~~Sit down restaurant means a retail food service establishment with indoor seating only in which the principal use is the preparation, cooking, consumption, and sale of food and beverages.~~

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-sale 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, located outside of and adjacent to a restaurant unenclosed by walls where tables, seating and other furnishings are provided for patrons of the restaurant for eating and drinking.

Outdoor Drinking means a means a delineated area within a parcel, including patios and similar areas, located outside of and adjacent to a bar/lounge unenclosed by walls where tables, seating and other furnishings are provided for patrons of the bar/lounge for consuming beverages.

SECTION 2. Section 6.24 of Division 6, Supplemental Regulations, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 6.24. - ~~Outdoor seating for existing restaurants.~~ 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; provided, however, when an outdoor dining area or an outdoor drinking area is in a yard that adjoins a property occupied by a residential use, a conditional use permit subject to the review and approval procedures established under Division 4 of this Code shall be required. Furthermore, outdoor drinking areas shall not be permitted within public rights-of-way except for special occasions as provided under Sec. 6.5(f) of the City of St. Pete Beach Code of Ordinances.

~~Existing sit down restaurants as of July 1, 2003, without outdoor seating areas may be permitted by the city manager to have one outdoor seating area as follows:~~

- ~~(a) Five hundred square feet or less in area, with no encroachment into the required setback;~~
- ~~(b) No increase in restaurant seating;~~
- ~~(c) There shall be no diminishment of existing parking on the site;~~
- ~~(d) When the seating area will be adjacent to a vehicle use area, protective barriers shall be installed between the seating area and the vehicle use area;~~
- ~~(e) All lighting shall be directed inward and shall not spill on to adjacent property;~~
- ~~(f) Said outdoor seating shall not be located adjacent to a residentially zoned property in any manner.~~

(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.
- 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 used for outdoor dining shall be securely stored inside.

(2) In addition to the above requirements, the following requirements shall be met for outdoor dining areas located within public right(s)-of-way:

- a. Outdoor dining areas shall only be authorized when the adjoining sidewalk has a continuous minimum width of eight feet unless the Technical Review Committee determines that the outdoor dining 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 area.
- c. The outdoor dining 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. No furnishing shall be chained or attached to any tree, post, sign or other fixture.
- f. The perimeter around the outdoor dining 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.
- g. Smoking is prohibited.
- h. 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. Permit application shall be made to the City and reviewed by the Technical Review Committee. The appropriate fee as established by Appendix "A" of the City of St. Pete Beach Code of Ordinances shall be paid. The permit application shall 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.
- 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. 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.
- (c). Insurance and Indemnification. For outdoor dining areas using public right(s)-of-way, the following is required:
- (1) By the use of any permit granted under this Section, the outdoor dining operator agrees to indemnify, defend, save and hold harmless the City, its officers, agents and employees from any and all claims, liability, lawsuits, damages and causes of action which may arise out of the use of the public right(s)-of-way. The outdoor dining operator shall enter into a written agreement with the City to evidence this indemnification. Such agreement must have the written approval of the City Attorney prior to issuance of a permit.
 - (2) The outdoor dining operator shall show evidence of:
 - a. Comprehensive general liability insurance on an "occurrence" basis in an amount not less than \$1,000,000 combined single limit bodily injury liability and property damage liability. The City is to be specifically included as additional insured on the policy.
 - b. Workers Compensation insurance applicable to its employees, if any, for statutory coverage limits in compliance with Florida laws, including employers' liability which meets all state and federal laws.
 - (3) The outdoor dining operator shall provide the City with the certificate(s) of insurance evidencing required coverages. Current certified copies of such required coverages shall be provided to the City when specifically requested in writing.
 - (4) All policies of insurance must be endorsed to provide the City with 30 days of notice of cancellation or restriction.
- (d). Revocation of permit. The City may revoke a permit for any outdoor dining area if it is found that:
- (1) Any necessary business or health permit has been suspended or revoked; or
 - (2) Changing conditions of pedestrian or vehicular traffic cause congestion necessitating removal of the outdoor dining area when located within public right(s)-of-way. Such decision shall be based on the findings of the Technical Review Committee that the existing conditions represent a danger to the health, safety or general welfare of the public and cannot be resolved through modification to the outdoor dining layout; or

- (3) The outdoor dining operator fails to comply with one or more requirements of the permit.
- (e). Removal or relocation of outdoor dining area and all related furnishings for right(s)-of-way repairs, emergency situations, or matters of public safety.
- (1) As necessitated by right(s)-of-way repairs, the City may require the temporary removal of outdoor dining area and all related furnishings. The outdoor dining operator shall be responsible for removing all furnishings at least 24 hours prior to the date identified in writing by the City. The City shall not be responsible for any costs associated with the removal or the return and installation of such furnishings.
- (2) The City may cause the immediate removal or relocation of all or any part of the outdoor dining area occupying public right(s)-of-way in emergency situations. The City, its officers, agents and employees shall not be responsible for any damages or loss of furnishings used in association with an outdoor dining area relocated during emergency situations and shall not be responsible for any costs associated with the removal or the return and installation of any such furnishings.
- (3) The City shall have the authority to secure or remove any furnishing(s) associated with the outdoor dining area occupying public right(s)-of-way if necessary in the interest of public safety.

SECTION 3. Section 13.2 of Division 13, ROR, Residential/Office/Retail District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

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) Commercial kitchen
- (~~b~~c) Eating and drinking establishments—~~Sit-down restaurant only~~ full-service restaurant, limited-service restaurant, take-out only restaurant.
- (~~e~~d) Financial institutions without drive-through service.
- (~~d~~e) Laundries, self-service.
- (~~f~~e) Offices.
- (~~f~~g) Printing and copying services.
- (~~g~~h) Residential dwellings—Attached single-family, detached single-family, multifamily and two-family.
- (~~h~~i) Retail sales.
- (~~i~~j) Social service agencies.

SECTION 4. Section 13.4 of Division 13, ROR, Residential/Office/Retail District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

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) Communications facilities.
- (d) Daycare centers/kindergartens.
- (e) Docks, commercial—Class C only.
- (f) Eating and drinking establishment—~~Bar (cocktail lounge, saloon); restaurant, outdoor bar/lounge.~~
- (g) Laundries, dry cleaning.
- (h) Parking lots, off-premise.
- (i) 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.

SECTION 5. Section 14.2 of Division 14, RFM, Resort Facilities Medium District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 14.2. - 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 RFM Resort Facilities Medium District are as follows:

- (a) Clinics.
- (b) Clubs, community service.
- (c) Clubs, private.
- (d) Commercial kitchen
- (~~d~~e) Eating and drinking establishments—~~Bar (cocktail lounge, saloon) or sit-down restaurant~~ full-service restaurant, limited-service restaurant, bar/lounge.
- (~~e~~f) Financial institutions without drive-through service.
- (~~f~~g) Kennels without outdoor runs.
- (~~g~~h) Laundries, self-service.
- (~~h~~i) Offices.

- (ij) Printing and copying services.
- (jk) Residential dwellings—Multifamily only.
- (kl) Retail sales.
- (lm) Services, personal/business.
- (mn) Social service agencies.
- (no) Transient accommodations—Bed and breakfast inn, hotel or motel, or resort condominium.
- (op) Veterinarians.

SECTION 6. Section 14.4 of Division 14, RFM, Resort Facilities Medium District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

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 water sports, non-motorized vessels of 16 feet or less in length only.
- (d) Communications facilities.
- (e) Daycare centers/kindergartens.
- (f) Docks, commercial—Classes A, B and C.
- (g) Eating and drinking establishments—Fast food take-out only restaurant, restaurant with drive-through service, beach bar and outdoor restaurant.
- (h) Financial institutions with drive-through service.
- (i) Laundry, dry cleaning.
- (j) Parking lots, commercial and/or off-premise.
- (k) Recreational—Commercial recreation; public parks and/or recreational facilities.
- (l) Recycling centers.
- (m) Schools—Public, private and/or commercial.
- (n) Utility substations and/or rights-of-way.
- (o) Vessel for hire businesses.

SECTION 7. Section 15.2 of Division 15, CG-1, Commercial District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

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) Commercial kitchen.
- (ef) Eating and drinking establishments—~~Bar (cocktail lounge, saloon) and sit-down restaurant~~ full-service restaurant, limited-service restaurant, bar/lounge.
- (fg) Financial institutions without drive-through service.
- (gh) Kennels without outdoor runs.
- (hi) Laundries, self-service.
- (ij) Mortuaries.
- (jk) Offices.
- (kl) Printing and copying services.
- (lm) Retail sales.
- (mn) Services, personal/business.
- (no) Social service agencies.
- (op) Transient accommodations—Hotels, motels and resort condominiums only.
- (pq) Veterinarians.

SECTION 8. Section 15.4 of Division 15, CG-1, Commercial District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

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 kitchen.
- (jk) Commercial water sports, non-motorized vessels of 16 feet or less in length only.
- (kl) Communication facilities.
- (lm) Docks, commercial—Classes A, B, C, and D.
- (mn) Eating and drinking establishment—~~Fast food restaurant, nightclub or outdoor restaurant~~ take-out only restaurant, restaurant with drive-through service.
- (no) Financial institutions with drive-through services.
- (op) Kennels with outdoor runs.
- (pq) Laundries, dry cleaning.

- (~~qr~~) Marinas.
- (~~rs~~) Parking lots, commercial and/or off-premise.
- (~~st~~) Printing, general.
- (~~tu~~) Recreational—Commercial recreation; public parks and/or recreational facilities.
- (~~uv~~) Recycling centers.
- (~~wv~~) Schools, public or private and/or commercial.
- (~~wx~~) Services, commercial/business.
- (~~xy~~) Storage facilities with outdoor storage.
- (~~yz~~) Storage, self-service.
- (~~z~~aa) Theatres.
- (~~ab~~b) Utility substations and/or rights-of-way.
- (~~b~~cc) Vehicle for hire businesses.
- (~~ee~~dd) Vessel for hire businesses.

SECTION 9. Section 16.2 of Division 16, CG-2, Commercial District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

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.
- (~~ab~~) Eating and drinking establishments—~~Sit down—restaurants~~ full-service restaurant, limited-service restaurant.
- (~~bc~~) Financial institutions without drive-through service.
- (~~ed~~) Offices.
- (~~de~~) Printing and copying services.
- (~~ef~~) Retail sales.
- (~~fg~~) Services, personal/business.

SECTION 10. Section 16.4 of Division 16, CG-2, Commercial District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

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~~) ~~Bar (cocktail lounges, saloons).~~
- (~~d~~c) Commercial boat docking facilities.

- (~~e~~d) Commercial water sports, non-motorized vessels of 16 feet or less in length only.
- (~~f~~e) Communications facilities.
- (~~g~~f) Commercial docks—Classes A, B and C only.
- (~~h~~g) Eating and drinking establishments—~~Nightclubs, fast food restaurants, outdoor restaurants and sidewalk café~~ restaurant with drive-through service, take-out only restaurant, bar/lounge.
- (~~i~~h) Mortuaries.
- (~~j~~i) Parking lots—Commercial and/or off-premise.
- (~~k~~j) Recreational—Commercial recreation; public parks and/or recreational facilities.
- (~~l~~k) School, commercial.
- (~~m~~l) Theaters.
- (~~n~~m) Utility substations and/or rights-of-way.
- (~~o~~n) Vessel for hire businesses.

SECTION 11. Section 23.5 of Division 23, Off-Street Parking and Loading of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 23.5. - Number of parking spaces required.

Regardless of any other requirement of these regulations, each and every separate or individual store, office, or other business shall be provided with at least one off-street parking space, excluding required handicap parking, unless specific provision to the contrary is made herein.

The following minimum off-street parking requirements are applicable to all districts except as otherwise provided herein:

Use	Parking Requirement (spaces)
Automobile Service Station	1 space per bay plus 3 spaces
Any form of residential	2 per unit
Bar, Nightclub	1 per 50 SF floor area
Bed and Breakfast	1 space per guest room plus 1 space for owner or operator
Convenience Store	1 per 200 SF floor area
Grocery Store	1 per 100 SF floor area
Legitimate Theatre	1 per 3 seats

Marina or Commercial Docks	
Boat slips/live aboard	1.0 per boat slip
High and dry slips	1.0 per 4 boat slips or fraction thereof
Boat slips/non-live aboard	1.0 per 4 boat slips or fraction thereof
Office	1 per 300 SF floor area
Place of Worship	1 per 3 seats in auditorium or chapel area
Restaurant	1 per 100 SF floor area
Retail Sales and Service	1 per 200 SF floor area
Schools	3 spaces per 1,000 square feet of floor area, plus one for each teacher
Theater, Movie	1 per 3 seats
Transient Accommodations	1 per transient accommodation unit, plus 1 additional per 10 transient accommodation units, plus additional parking for accessory facilities in accordance with the following:
Office space	1 per 300 SF floor area
Retail and restaurant space	1 per 200 SF floor area
Ballrooms, lobby area, conference and meeting rooms, and fitness facilities	1 per 1,000 SF floor area
Vehicle Rental	1 per 200 SF floor area, must be marked as customer spaces plus one for each rental vehicle

- (a) In instances of new construction or facility expansion involving the establishment of ~~outdoor seating areas or other~~ accessory or supplemental uses, the number of required parking spaces shall be increased in accordance with the above table such that parking is adequate to accommodate the entire area of ~~seating or use~~, both internal and external to the structure; provided, however, outdoor dining areas shall not be required to provide additional parking when the outdoor dining area is less than 500

square feet. Any portion of the outdoor dining area greater than 500 square feet shall be included as gross floor area for the purposes of calculating off-street parking requirements at the rate set forth in the above table or as otherwise provided by this Code.

- (b) Parking spaces that are in excess of the number of spaces required by this division shall be constructed as grass parking, turf block or in a parking structure.
- (c) Where a project is intended to be developed in phases, the city manager may approve the development of a parking area intended to serve each phase as it is developed.
- (d) All projects shall be required to provide a minimum of five bicycle rack spaces, or a number of bicycle rack spaces equal to ten percent of the required number of vehicle parking spaces, whichever is greater.
- (e) For properties zoned CRD-EA~~Eighth Avenue~~, permitted non-residential and transient accommodation uses are exempt from the minimum parking standards above. Residential uses shall provide the required off-street parking in the table above.
- (f) For commercially zoned properties abutting Corey Avenue east of Gulf Boulevard, additional parking shall be required for a change of use only if there is an increase in the floor area of an existing building or construction of additional buildings.

SECTION 12. Section 30.2 of Division 30, TC-1, Town Center Core District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

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 with or without outdoor seating. Drive-through service is not permitted~~ Eating and drinking establishments - full-service restaurant, limited-service restaurant, take-out only restaurant, bar/lounge.
- (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

SECTION 13. Section 32.2 of Division 32, CC1, Commercial Corridor Blind Pass Road, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

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;
- (c) Clubs, private;
- (d) Commercial kitchen;
- (de) ~~Eating and drinking establishments—with or without outdoor seating~~ full-service restaurant, limited-service restaurant, take-out only restaurant, bar/lounge;
- (ef) Financial institutions with and without drive-through service;
- (fg) Laundries, self-service;
- (gh) Office uses;
- (hi) Printing and copying services;
- (ij) Retail uses;
- (jk) 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;
- (kl) Social service agencies;
- (lm) Veterinarians; dog grooming facilities;
- (mn) 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;
- (no) Single-family, detached residential uses (Only on parcels which do not directly abut Blind Pass Road);
- (op) Government buildings and other public facilities, including parks and recreation facilities;

- (~~p~~q) Artist studios with retail and/or wholesale distribution space for artist's original handmade works, excluding mass produced or manufactured products;
- (~~q~~r) Public facilities such as schools, public parks and/or recreational facilities;
- (~~r~~s) Other commercial uses similar in character, nature and impact to permitted uses listed above.

SECTION 14. Section 32.4 of Division 32, CC1, Commercial Corridor Blind Pass Road, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

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;
- (d) Commercial kitchen;
- (~~e~~) Communication facilities;
- (~~f~~) Parking lots, commercial and/or off-premise.

SECTION 15. Section 33.2 of Division 33, CC2, Commercial Corridor Gulf Boulevard District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

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) Commercial kitchen;
- (~~b~~c) Eating and drinking establishments—~~with or without outdoor seating—full-service restaurant, limited-service restaurant, take-out only restaurant, bar/lounge~~;
- (~~e~~d) Financial institutions with or without drive-through service;
- (~~e~~) Laundries, self-service;
- (~~f~~) Office uses;
- (~~g~~) Printing and copying services;
- (~~g~~h) Retail uses;

- (~~hi~~) 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;
- (~~ij~~) Veterinarians, dog grooming establishments;
- (~~jk~~) 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;
- (~~kl~~) Single-family, detached residential uses (Only on parcels which do not directly abut Gulf Boulevard);
- (~~lm~~) Artist studios and galleries with retail and/or wholesale distribution space for artist's original handmade works, excluding mass produced or manufactured products;
- (~~mn~~) Grocery stores, pharmacies, markets;
- (~~no~~) Commercial recreation, public parks and/or recreational facilities;
- (~~op~~) Sales, rentals, and/or service of bicycles, mopeds, motorcycles, segways, and scooters;
- (~~pq~~) Other commercial uses similar in character, nature and impact to permitted uses listed above.

SECTION 16. Section 33.4 of Division 33, CC2, Commercial Corridor Gulf Boulevard District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 33.4. - Conditional uses.

- (a) Automotive rental agencies;
- (b) Automobile services—repair;
- (c) Automotive service stations, with or without a carwash and/or a convenience store;
- (d) Commercial kitchen;
- (~~de~~) Communication facilities;
- (~~ef~~) Parking lots, commercial and/or off-premise.

SECTION 17. Section 35.3 of Division 35, (LR) Large Resort District of the City of St. Pete Beach Land Development Code is amended to provide as follows:

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;
- (2) Multi-family residential.

(b) *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 include:

- (1) Retail;
- (2) Eating and drinking establishments, ~~including bars and cocktail lounges, with or without outdoor seating~~ full-service restaurant, limited-service restaurant, bar/lounge.
- (3) Indoor commercial entertainment facilities;
- (4) Vehicles for hire.

(c) 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) Eating and drinking establishment – take-out restaurant only.

SECTION 18. Section 37.2 of Division 37, TC-2 Town Center Corey Circle and Coquina West Districts of the City of St. Pete Beach Land Development Code is amended to provide as follows:

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 - ~~with or without outdoor seating~~ full-service restaurant, limited-service restaurant, bar/lounge;
- (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) Multifamily 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;
- (k) Other uses similar in character, nature and impact to permitted uses listed above.

SECTION 19. Section 37.5 of Division 37, TC-2 Town Center Corey Circle and Coquina West Districts of the City of St. Pete Beach Land Development Code is amended to provide as follows:

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 kitchen.
- ~~(b)~~ (c) Commercial docks-Class A, B, C and D.
- (d) Eating and drinking establishment – take-out only restaurant.
- ~~(c)~~ (e) Vessel for hire (water taxis).
- ~~(d)~~ (f) Cigar shops and cigar bars.

SECTION 20. Section 38.2 of Division 38, AC Activity Center District of the City of St. Pete Beach Land Development Code is amended to provide as follows:

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~~ – full-service restaurant, limited-service restaurant, bar/lounge;
- (j) Financial institutions with or without drive-through service;
- (k) Kennels without outdoor runs;
- (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.

SECTION 21. Section 38.4 of Division 38, AC Activity Center District of the City of St. Pete Beach Land Development Code is amended to provide as follows:

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 kitchen;
- (~~e~~) Communication facilities;
- (e) Docks, commercial—Classes A, B, C, and D;
- (f) Eating and drinking establishments ~~with outdoor seating~~ – take-out only restaurant, restaurant with drive-through service;
- (~~g~~) Kennels with outdoor runs;

- (hg) Parking lots, commercial and/or off-premise;
- (ih) Theatres;
- (ji) Vessel for hire businesses; and
- (kj) 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.

SECTION 22. Section 40.2 of Division 40, Community Redevelopment District – Eighth Avenue (CRD-EA) of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 40.2. - Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses in the CRD-EA district are as follows:

- (a) Residential uses as a component of a vertically mixed-use development;
- (b) Temporary Lodging;
- (c) Commercial kitchen;
- (ed) Eating and drinking establishments - ~~specialty food such as gourmet take-out, catering, coffee shops, etc. and sit-down restaurants~~ full-service restaurant, limited-service restaurant;
- (de) Offices;
- (ef) Retail sales;
- (fg) Private, specialized instruction, such as computer training, real estate courses, self-improvement classes, career training or fitness instruction;
- (gh) Artist studios, art galleries, and museums;
- (hi) Personal service businesses such as barbershops, beauty shops, tailoring, garment alteration and repair, shoe repair, dry cleaning drop-off and pick-up and other personal service uses similar in character and impact;
- (ij) Vehicle for hire—limited to rental of bicycles and individual motorized vehicles such as segways, mopeds/scooters;
- (jk) On-site parking facilities;
- (kl) Other uses similar in character, nature and impact to permitted uses listed above.

SECTION 23. Section 40.4 of Division 40, Community Redevelopment District – Eighth Avenue (CRD-EA) of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 40.4. - Permitted conditional uses and structures:

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the CRD-EA district are as follows:

(a). Commercial kitchen;

(b). Eating and drinking establishments – take-out only restaurant, bar/lounge;

~~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. In no case shall a new construction single family home be allowed in the 8th Avenue CRD.~~

~~(a)c~~ 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;

*The purpose of Section 40.4(b) of this Code is to allow for single family and two-family residential uses and structures for only saving and/or moving locally designated historic structures. In no case shall a new construction single family home be allowed in the 8th Avenue CRD.

SECTION 24. This Ordinance shall be published in accordance with the requirements of law.

SECTION 25. This Ordinance shall become effective immediately upon final passage and adoption.

PASSED ON FIRST READING _____, a.d. 2015

PASSED ON SECOND AND FINAL READING _____, a.d. 2015

Maria Lowe, MAYOR

FIRST READING: _____

PUBLISHED: _____

SECOND READING: _____

PUBLISHED: _____

I, Rebecca C. 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 _____ day of _____, 2015.

Rebecca C. Haynes, City Clerk



MEMORANDUM

To: Chair and Members of the Planning Board

From: Matt McLachlan, AICP, Calvin, Giordano & Associates

Meeting Date: February 17, 2015

Subject: Ordinance No. 2015-06, Amending the St. Pete Beach Code of Ordinances by amending Chapter 6, Alcoholic Beverages, Article I, In General, Section 6.5, Public Consumption or Possession Relating to the Permitting of Alcoholic Beverage Consumption on Public Property and Public Rights-of-Way

The proposed amendments contained in Ordinance No. 2015-06 amend Sec. 6.5 of the City Code of Ordinances to provide for City Commission authorization of alcoholic beverage consumption on public streets and sidewalks in connection with the approval of an outdoor dining area permit should Ordinance No. 2015-02 be approved. Currently, alcoholic beverage consumption within public streets and rights-of-way is limited to special occasions by special permit issued by the City Commission.

Staff recommends that the Planning Board hold a public hearing and make a recommendation to the City Commission on whether to approve, deny, or approve with changes Ordinance 2015-06 as presented.

ORDINANCE 2015-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ST PETE BEACH, FLORIDA, AMENDING THE CITY OF ST PETE BEACH CODE OF ORDINANCES BY AMENDING CHAPTER 6, ALCOHOLIC BEVERAGES, ARTICLE I, IN GENERAL, SECTION 6.5, PUBLIC CONSUMPTION OR POSSESSION RELATING TO THE PERMITTING OF ALCOHOLIC BEVERAGE CONSUMPTION ON PUBLIC PROPERTY AND PUBLIC RIGHTS-OF-WAY; PROVIDING FOR PUBLICATION IN ACCORDANCE WITH THE REQUIREMENTS OF LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ST PETE BEACH, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

SECTION 1. Section 6.5 of Article I, Chapter 6, of the City of St. Pete Beach Code of Ordinances is hereby amended as follows:

Sec. 6-5. - Public consumption or possession.

- (a) As used in this section, the term "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 physiographic form. ^[2]
- (b) Except as provided in subsection (f) 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]
 - (3) Any public sidewalk.
 - (4) Any city park.
 - (5) All sand beach areas upland of the Gulf of Mexico and adjacent to private property. ^[4]
- (c) For public beaches, notice of this section shall be posted in a prominent beach access location by the city. Where the upland property is used for some commercial use, notice shall be posted by the owner. Where the upland property is a multifamily residential use, the owner or condominium association shall be responsible for posting the notice. Where the upland property is less than three residential living units, the city shall post the notice at the closest public access to the beach.
- (d) 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 (b) of this section. This subsection shall not be applicable in those areas described in subsections (b)(1), (3), and (5) 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.

- (e) 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.
- (f) Permits for special ~~occasions~~ events, outdoor dining areas, and special occasions may be issued as follows:
 - (1) The city commission may ~~approve special permits for~~ authorize the consumption of alcoholic beverages in the areas described in subsections (b)(1), (2), (3), (4) and (5) of this section in connection with the approval of a special event permit.
 - (2) The city commission may authorize the consumption of alcoholic beverages in the areas described in subsections (b)(1) and (3) of this section in connection with the approval of an outdoor dining area permit.
 - (23) The City Manager or his or her designee may authorize the consumption of alcoholic beverages in the area described in subsection (b)(5) of this section in connection with a special permit for a special occasion upon the request of the owner of private property upland of the beach. Owners of private property upland of the beach may obtain special permits for the consumption of alcoholic beverages for special occasions. The permits shall be issued by the department of planning and development and The issuance of a special permit 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.

SECTION 2. This Ordinance shall be published in accordance with the requirements of law.

SECTION 3. This Ordinance shall become effective immediately upon final passage and adoption.

PASSED ON FIRST READING _____, a.d. 2015

PASSED ON SECOND AND FINAL READING _____, a.d. 2015

Maria Lowe, MAYOR

FIRST READING: _____

PUBLISHED: _____

SECOND READING: _____

PUBLISHED: _____

I, Rebecca C. 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 _____ day of _____, 2015.

Rebecca C. Haynes, City Clerk