



PLANNING BOARD MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

July 17, 2017
4:00

Call to Order
Pledge of Allegiance
Roll Call

- 1. Changes to the Agenda** – Agenda items to be added, moved or deleted will be addressed at this time. Items added will be assigned agenda item numbers and items that are moved will retain the same item numbers. A 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. Approval of Minutes**
- 4. Agenda Items**
 - a. ORDINANCE 2017-12** – An Ordinance of the City of St. Pete Beach amending the Land Development Code and Appendix A of the code of Ordinances to provide for Mobile Food Establishment Permits and their performance standards, location and operation criteria and hours.
 - b. ORDINANCE 2017-13** – An Ordinance of the City of St. Pete Beach amending the Land Development Code to provide for changes to intensity of electronic message board signs.

c. Discussion of Density City Wide

5. Adjournment

APPEAL

APPEAL: Florida Statutes 286.0105 Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such 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: Florida Statutes 286.26. Accessibility of public meetings to the physically handicapped. In accordance with the Americans with Disabilities Act and Florida Statutes, persons needing special accommodations to participate in a meeting should contact City Hall at (727) 367-2735 no later than forty-eight (48) hours prior to the meeting for assistance.

Electronic media must be submitted a minimum of 24 hours in advance to cityclerk@stpetebeach.org

The public is cordially invited to attend.

All agenda material is available for review at City Hall.

PLANNING BOARD MINUTES

JUNE 27, 2017

4:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Tiffany Secka, Chairwoman
Marvin Shavlan, Vice Chairman
Jack Ohlhaber, Member
Kristin Bell, Member

ALSO PRESENT:

Andrew Dickman, City Attorney
Jennifer Bryla, Community Development Director
Mary Jo Murphy, Deputy City Clerk

1. Changes to the Agenda

Ms. Bryla, Community Development Director, informed the board that for Item No. 5.a. the applicant had requested a continuance for 90 days.

Member Ohlhaber made a motion to approve an extension to August 15, 2017. The motion was seconded by Member Shavlan and unanimously approved by a roll call vote (4 yeses – 0 nos).

2. Audience Comments

There were no audience comments.

3. Approval of minutes

a. Minutes for Acceptance: April 18, 2017

Member Shavlan made a motion to approve the April 18, 2017 meeting minutes. The motion was seconded by Member Ohlhaber and unanimously approved as amended by a roll call vote (4 yeses – 0 nos).

4. Election of Chair and Vice Chair

Member Shavlan made a motion to nominate Tiffany Secka as Chairwoman. The motion was seconded by Member Ohlhaber and unanimously approved by a roll call vote (4 yeases – 0 nos).

Member Shavlan nominated Member Ohlhaber as Vice Chairman, and Member Ohlhaber declined.

Member Ohlhaber made a motion to nominate Marvin Shavlan as Vice Chairman. The motion was seconded by Chairwoman Secka and unanimously approved by a roll call vote (4 yeases – 0 nos).

5. Agenda Items

- a. **Comprehensive Plan Amendment CPA 01-17** – An amendment to the City of St. Pete Beach Comprehensive Plan BR district by creating a BR-1 District with an increased density and amending the map accordingly.

Item No. 5 was continued until the August 15, 2017 agenda.

At 4:09 p.m. there was a five-minute recess.

There was board discussion in regard to character districts.

As a consensus of the Planning Board members, it was decided to compose a written message to the City Commission, as a discussion item, in regard to the following topic: The Planning Board would like authorization to review the Comprehensive Plan with an eye for stimulating economic development.

City Attorney Dickman further explained that the process will be as follows: the written message will be transmitted to the City Commission, from the Planning Board, through the City Clerk.

Chairwoman Secka instructed Ms. Bryla to put the aforementioned topic on the next agenda for Monday, July 17, 2017.

6. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 4:56 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Tiffany Secka, Chairwoman

Minutes approved on: _____

	St. Pete Beach Planning Board 155 Corey Avenue St. Pete Beach, FL 33706 727-367-2735
7/17/2016	
Item Number Ordinance #2017-12 Type of Application Amendment to Land Development Code Division 2 - Definitions, and Division 6 – Supplemental Regulations, providing for Mobile Food Establishment Permits. Applicant City of St. Pete Beach Location City wide Project Planner(s) Jennifer Bryla, AICP, Requested Action Recommendation of Approval of Ordinance 2017-12 to the City Commission Staff Recommendation Approval Planning Board Hearing 7/17 City Commission	ITEM SUMMARY: During the June 13th City Commission workshop, Staff was directed to draft an Ordinance that would provide for Class I Mobile Food Establishments. Staff has incorporated all of the talking points from the workshop into the draft ordinance. These points included: location, number, frequency, items to be sold, hours of operation, power, off-street parking, existing businesses, access considerations, insurance, signage, amplification, BTR's, fees, separation from others, restrooms, proximity to residential areas, garbage disposal, grease disposal, aesthetic concerns. These concerns are reflected in the ordinance. This Ordinance would be constructed under the supplemental regulations section of Land Development Code and added as a conditional use in the zoning districts that would permit them as a conditional use. These districts would be TC-1, CC-1, CC-2 and TC-2. The City presently has no specific regulation regarding Mobile Food Establishments. Ordinance 2017-12 specifically regulates Mobile Food Establishments on private property, the prohibition on public property is still in effect, unless in conjunction with a Special Event permit. This current lack of guidance from the City's code has resulted in Staff's regulating through a special event permit. Special Event permits do not typically anticipate the repetitive use of a Mobile Food 

First Reading anticipated
(8/8/2017)

Final Reading anticipated
(8/22/2017)

Findings

In its review of the proposed application, staff has determined:

1. The proposed application is consistent with Florida Statutes.
2. The proposed application is consistent with the Pinellas County Regional Policy Plan.
3. The proposed application is consistent with the St. Pete Beach Comprehensive Plan.
4. The proposed application is consistent with the intent of the LDC.

Establishments, but instead evaluate them for a one-time special occurrence. Ordinance 2017-12 will provide surety to businesses and citizens alike as to the City's expectation for business owners desiring to have a Mobile Food Establishment on their property.

PUBLIC NOTICE:

Notice of public hearing has been advertised as required by State Statutes. As of the date of this report, no oral or written comments have been received. Oral and written comments may be presented at the public hearing.

COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE:

The proposed Ordinance is consistent with the City of St. Pete Beach's Comprehensive Plan. Although the Comprehensive Plan does not regulate Mobile Food Establishments, it does say:

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.
- Maintaining the community's recreation, open space and beaches.

And

Community Redevelopment District general redevelopment guidelines, standards and initiatives

2. Ensure that a comprehensive redevelopment strategy can be and shall be implemented through land development regulations that maintain the City's heritage of quality residential living complemented by resort facilities and supported by a tourist-based economy that includes temporary lodging uses, local retail, restaurants and local pubs and bars;

The proposed Ordinance is also consistent with the intent of the Land Development Code and further augments the regulations for supporting the City's business community.

PLANNING BOARD:

The Planning Board will hear Ordinance 2017-12 on July 17th, 2017 and provided a recommendation to the City Commission.

STAFF RECOMMENDATION:

This draft Ordinance was taken primarily from the City of St Petersburg,

with changes being made that directly pertain to the City of St. Pete Beach. During the formulation of the Ordinance, Staff looked at specific aspects of the potential business to evaluate the possible impacts on the business, surrounding communities and the City as a whole. The issues listed below will typically be reviewed, but not limited to just those, during the Conditional Use process. The issues that are regulated through Ordinance 2017-12 are:

- a. What Zoning Districts the Mobile Food should be permitted:
Upon review of the Comprehensive Plan and the LDC the TC-1 & 2 and CC-1&2 were the only recommended districts in order to limit this activity to the Downtown District.
- b. How many should be permitted at one time and how frequently:
The Staff took direction from the City of St. Petersburg to allow no more than two trucks on the property at any one time. Also that no more than two trucks are permitted on the property per week.
- c. What can be sold in the vehicles:
Food prepared on-site, alcohol is prohibited, open flame cooking is prohibited.
- d. How are the vehicles, when stationary powered:
To reduce the impacts to our residents, if the trucks are proposed within 100' of a residential district, they shall not use a gas generator to power the mobile kitchen but use a power source from the host business.
- e. What surface do the vehicles site on:
Consistent with the Land Development Code all parking must be done on an improved surface.
- f. What off-street parking should be incorporated:
Consistent with the City of St Petersburg, the City of St. Pete Beach would require that the truck would generate the need for at least 25% of total off street parking spaces on the business site.
- g. What are the hours of operation:
Consistent with the City of St Petersburg, Staff is recommending 7 am to 10 pm.
- h. What insurance should the vehicles hold separate from the business:
Consistent with the City of St Petersburg, Staff is recommending duplication of the St Petersburg language.
- i. What are the access/egress accommodations:
Consistent with the Objectives of the City's Mutli-modal Transportation Element, a truck shall not block pedestrian nor vehicular ingress or egress.
- j. What signage considerations should they have:
Division 26 outlines the permitted maximum signage per each zoning district. Staff would consider the addition of a painted mobile food truck as a component of the allowable business signage, which cannot be exceeded
- k. Can amplified music and speakers be incorporated:
Consistent with the City of St Petersburg, Staff is recommending duplication of the St Petersburg language. In any case noise as a result of the Mobile Food Truck may not exceed the City's noise ordinance.
- l. Permitting process, including BTR's and Site Plan approval:

Staff is recommending a permitting process that is specific to the City of St. Pete Beach in relation to BTR's

m. Restroom availability:

Consistent with the City of St Petersburg, Staff is recommending duplication of the St Petersburg language.

n. Proximity to residential areas

This will specifically be addressed during the Conditional Use application process, however in no case shall a mobile food establishment be located closer than 200' to a residential area.

o. Garbage disposal:

Consistent with the City of St Petersburg, Staff is recommending duplication of the St Petersburg language.

p. Restroom facilities

Consistent with the City of St Petersburg, Staff is recommending duplication of the St Petersburg language.

Upon review of the above guiding documents, staff recommends approval of Ordinance 2017-12 as presented.

Attachments

(1) Ordinance 2017-12

(2) Downtown Redevelopment Area Zoning Districts map

(3) City of St. Petersburg Ordinance

Ordinance 2017-12

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR MOBILE FOOD ESTABLISHMENT PERMITS; REGULATING PERFORMANCE STANDARDS AND HOURS AND LOCATION OF OPERATION OF MOBILE FOOD TRUCKS; AMENDING DIVISION 2 – DEFINITIONS; DIVISION 6 – SUPPLEMENTAL REGULATIONS; CREATING SEC. 6.25; AMENDING DIVISION 30, SEC. 30.4 TC-1- TOWN CENTER CORE DISTRICT ALLOWABLE CONDITIONAL USES; AMENDING DIVISION 32, SEC. 32.4, CC1 - COMMERCIAL CORRIDOR BLIND PASS ROAD DISTRICT ALLOWABLE CONDITIONAL USES; AMENDING DIVISION 33, SEC 33.4, CC2 – COMMERCIAL CORRIDOR GULF BOULEVARD DISTRICT CONDITIONAL USES; AMENDING DIVISION 37, SEC. 37.5- TC-2- TOWN CENTER COREY CIRCLE AND COQUINA WEST DISTRICTS ALLOWABLE CONDITIONAL USES; AMENDING APPENDIX “A” OF THE CODE OF ORDINANCES TO PROVIDE FOR MOBILE FOOD PERMITTING FEES, PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach recognizes that mobile food vending units have existed in various forms over several centuries; and

WHEREAS, the City Commission recognizes that mobile food vending is a specialized use with a specialized market; and

WHEREAS, the City periodically finds sections of its Land Development Code which require updating and/or amending to address the desires of the citizens and businesses of the City; and

WHEREAS, on June 13, 2017 the City Commission conducted a duly noticed public meeting to discuss the issues proposed and provide staff direction; and

WHEREAS, after due public notice, the Planning Board held a public hearing on July 17, 2017, to consider the proposed Land Development Code changes and provided recommendations to the City Commission as the Local Planning Agency.

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

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

Sec. 2.1. – Definitions. (General Definitions for LDC) shall be amended as follows:

Mobile Food Truck Rally means any gathering of more than two (2) Class I, Class II or Class III mobile food trucks in one (1) location on a date certain and shall require a Food Truck Permit. Applications shall be made to the City in accordance with the procedures contained herein.

Mobile food truck means a vehicle which is used to vend food and beverage products and is classified as one of the following:

Class I- Mobile Kitchens. In addition to the vending of products allowed for Class II and Class III mobile food trucks, these vehicles may cook, prepare and assemble food items on or in the unit and serve a full menu. Customers may be notified of the vehicle's location by social media or other forms of advertising.

Class II – Canteen trucks. These vehicles vend fruits, vegetables, hot dogs, pre-cooked foods, pre-packaged foods and pre-packaged drinks. No preparation or assembly of foods or beverages may take place on or in the vehicle, however, the heating of pre-cooked foods is allowed. A cooking apparatus or grill top for the heating of pre-cooked foods is permitted so long as it complies with state regulations. These vehicles are limited to providing catering services to employees at a specific location.

Class III – Ice Cream Trucks. These vehicles vend only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand-dipped frozen dairy products or frozen water-based food products and pre-packaged beverages.

Mobile service base means a place for food storage, the cleaning of the equipment, the filling of water tanks and proper disposal of waste water and grease and does not include the use of a private home as a mobile service base.

Vend means a motorized vehicle, including a trailer or other portable unit, which is attached to a motorized vehicle that is intended for use in vending.

Sec. 6.25 – Mobile Food Establishment

This section shall not apply to pushcart vending, roadside vending markets, vending on city park property, or vending if associated with a special event permit. It is a violation to vend any product from a mobile food truck at any location except in compliance with the requirements of this section or in conjunction with a valid special event permit.

a) *Vehicle Requirements.* A mobile food truck shall not be used for vending a product unless the vehicle has been designed and constructed specifically for such purpose. The mobile food truck shall be licensed in accordance with the rules and regulations of any local, state and federal agency having jurisdiction over the mobile food truck or products sold therein.

b) *Insurance Requirements.*

1) **Operating in rights-of-way.** The permittee, owner or operator shall at all times maintain any insurance which the City determines to be necessary, which may include but is not limited to, General Liability Insurance, Commercial Automobile Liability Insurance, Worker's Compensation Insurance, and Environmental Liability Insurance, issued by an insurance company licensed to do business in the State of Florida, in the amounts established by the City which shall be reasonable, based on industry standards and the risk determined to exist. The insurance policy shall be in occurrence form and the City of St. Pete Beach shall be named as an additional insured on the certificate of insurance. The permittee, owner or operator shall furnish the City with a certificate of insurance which shall be accepted by the City only after approval by the City Commission. The permittee, owner or operator shall notify the City within three (3) business days of any changes in the insurance coverage. Upon the cancellation or lapse of any policy of insurance as required by this section, the permit shall be immediately revoked unless, prior to the expiration or cancellation date of the insurance policy, another insurance policy meeting all the requirements of the City is obtained and a new certificate of insurance is provided to the City.

2) **Operating in all other locations, not in rights-of-way.** A mobile food truck shall obtain at a minimum, the insurance as required by any local, state or federal laws and regulations.

3) **City issued permit (as defined herein).** In addition to the insurance requirements set forth in this section, a mobile food truck shall obtain any additional insurance which may be required to obtain a city issued permit (as defined herein).

c) **Open Flame Cooking.** Open flame cooking is prohibited; except that such activity may take place if permitted by the City Fire Marshall.

d) **Noise Limitations.** Amplified music shall be prohibited; any other sounds from any mobile food truck shall comply with the noise requirements of the City.

- e) **Waste Collection.** The operator shall provide a waste receptacle for public use within 100 ft. of the truck. The area shall be kept neat and orderly at all times and garbage or trash shall be removed daily.
- f) **Improved Surface.** Food trucks shall only operate from and be located on an improved surface at least 5' off the public right of way.
- g) **Signage.** All signage must comply with the sign section of the Land Development Code. In no case shall "A-frame" signs be permitted.
- h) **Alcohol sales.** Mobile food trucks are prohibited from selling alcoholic beverages, except as may be specifically allowed by a City issued permit in conjunction with a special event.
- i) **Business Tax Receipt.** A Mobile Food Establishment Permit is issued concurrent with the business tax receipt (BTR) confirmation. If an applicant is a resident of the City of St. Pete Beach, they will be required to obtain a BTR from the City. A Mobile Food Establishment Permit is not required when participating in an event governed by a city issued special event permit (as defined herein).
- j) **Restroom facility.** Class I mobile food trucks operating at a site for a duration of more than three (3) hours shall have a written agreement, available upon request by the City, which confirms that employees have access to a flushable restroom within 150 feet of the vending location during the hours of operation.
- k) **Grease disposal.** Class I mobile food trucks shall have a current written agreement for the proper disposal of grease, available upon request by the City.
- l) **Location.** The vending of products from a Class I mobile food truck on public rights-of-way shall be prohibited unless in conjunction with a special event permit. The vending of products from a Class I mobile food truck on private lands shall be subject to the following conditions:
1. **Private property.** The vending of products from a Class I mobile food truck on private property, in conjunction with an established business is permitted in zoning districts of the City as outlined herein.
 2. **Vacant property** Operation of a Class I mobile food truck is prohibited on vacant and undeveloped property.
 3. **Permission.** A Class I mobile food truck shall have the written permission of the owner of the property on which it is located. Such written permission shall accompany application for the Mobile Food Truck Permit.
 4. **Frequency.** Except as may be allowed as part of a special event permit, mobile food trucks are permitted on each property, a maximum of no more than two (2) days per calendar week. Class I mobile food trucks may operate at different locations as allowed herein.
 5. **Maximum Number of Mobile Food Trucks.** No more than two (2) mobile food trucks shall operate on any property at any one (1) time, except as may be allowed by a special event permit.
 6. **Parking.** Mobile food trucks shall not require use of more than twenty-five percent (25%) of the existing parking spaces. Should the existing business have less than 10% of the code minimum for parking, the food truck must be a component of a variance request as outlined herein.

- 127 **7. Access.** A Class I mobile food truck shall not be placed in any location
128 that impedes the ingress or egress or building entrances or emergency
129 exits.
- 130 **8. Hours of Operation.** Class I mobile food trucks shall be permitted to
131 operate after 7:00 a.m. and before 10 p.m. The request for extended hours
132 must be reviewed and approved by the City subject to the criteria
133 contained in the Application.
- 134 **9. Power** Power for for all Class I mobile food trucks will be evaluated on a
135 case by case basis during the Conditional Use process but in no case shall
136 a generator be used within 200 feet of a residential district.

137
138 Sec. 30.4. – Allowable conditional uses

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

- 141 (a) Automotive retail stores and automotive service stations with related services.
142 Such uses shall only be allowed on lots which front directly on 75th Avenue.
- 143 (b) Car washes.
- 144 (c) Convenience stores without the sale of gasoline or other fuels.
- 145 (d) Cigar shops and cigar bars
- 146 (e) Financial institutions with drive –through service.
- 147 (f) Pharmacies with drive-through service.
- 148 (g) Public or private parking structures.
- 149 (h) Bed and breakfast inns, subject to the following:
- 150 i. In addition to any density and intensity which may be allowed, the city
151 shall also establish a reserve of units, not to exceed 50 total temporary
152 lodging units for the entire Town Center Core District, which shall be
153 allocated by ordinance of the city commission upon request of an
154 individual property owner on a first come, first serve basis. Such
155 allocation shall not exceed ten units per acre, or a total of ten units per
156 redevelopment project. The remaining number of available reserve
157 temporary lodging units shall be specified in each city commission
158 ordinance allocating such units and each such ordinance shall provide
159 that no units beyond those remaining available shall be allocated to any
160 subsequent project. This limitation shall be absolute and shall apply
161 regardless of the proposed size or density of the project requesting such
162 allocation
- 163 (i) Class I Mobile Food Trucks, subject to the criteria found in Division 6, herein.

164
165 Sec. 32.4. – Allowable conditional uses

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

- 169 (a) Automotive rental agencies;

- (b) Automobile services-repair;
- (c) Automotive service stations, with or without a carwash and/or a convenience store;
- (d) Communication facilities;
- (e) Parking lots, commercial and/or off-premise;
- (f) Class I Mobile Food Trucks, subject to the criteria found in Division 6, herein.

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) Communication facilities;
- (e) Parking lots, commercial and/or off-premise;
- (f) Class I Mobile Food Trucks, subject to the criteria found in Division 6, herein.

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
- (c) Commercial docks-Class A, B, C and D.
- (d) Eating and drinking establishment – take-out only restaurant.
- (e) Vessel for hire (water taxis).
- (f) Class I Mobile Food Trucks, subject to the criteria found in Division 6, herein.

SECTION 3. “Appendix A” of the Code of Ordinances is hereby amended as illustrated in “Exhibit A,” which is attached and made a part of this Ordinance.

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 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.

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

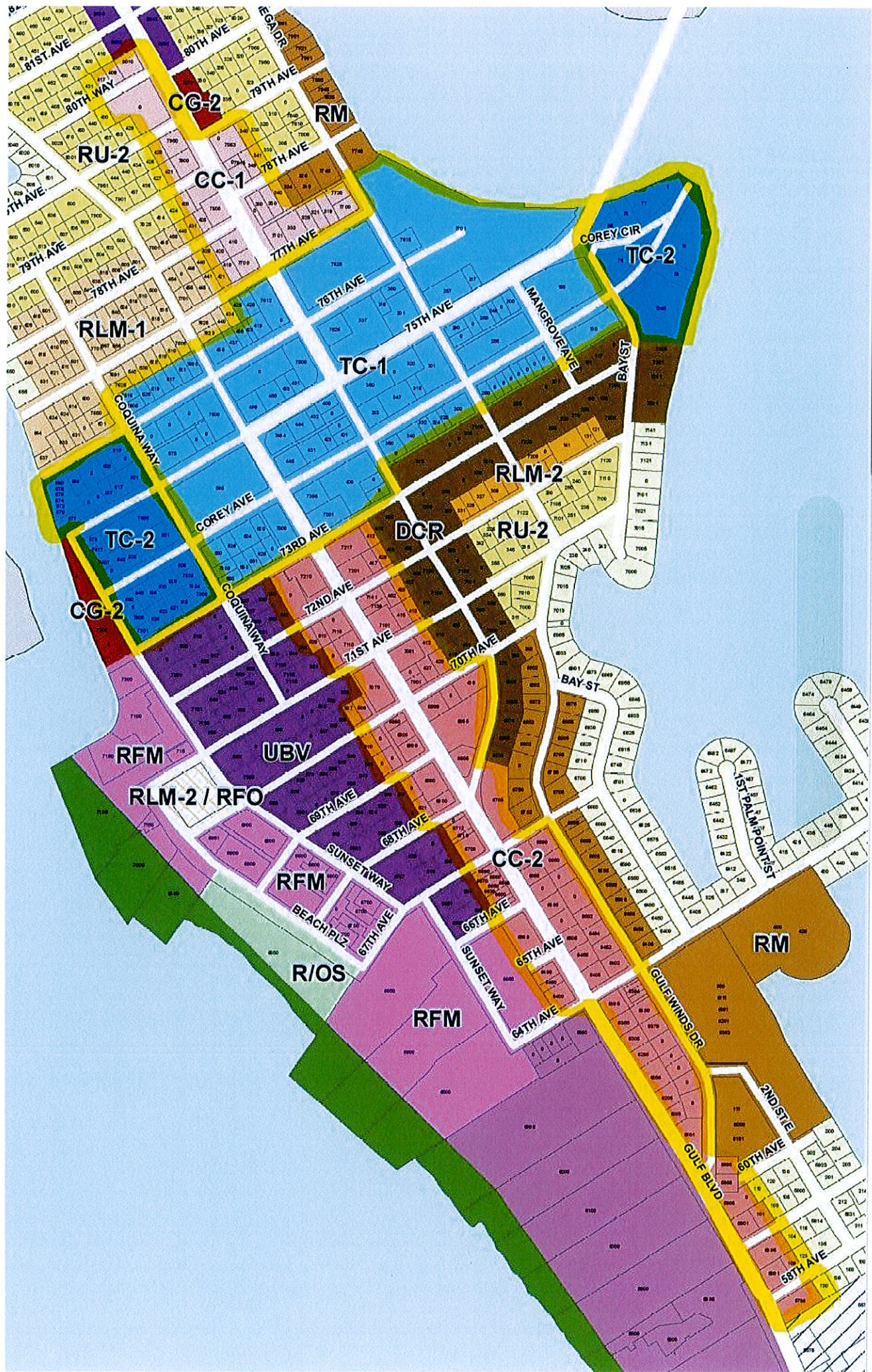
Alan Johnson, Mayor

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 _____, 2017.

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

City Attorney
Andrew Dickman, Esq.



“EXHIBIT A”

APPENDIX A - FEE SCHEDULE

This appendix includes fees and charges that do not appear in other sections of the Code of Ordinances.

	Description	Amount
	Chapter 2. Administration	
	Miscellaneous fees	
	Photocopy charges:	
	Per side of page	0.15
	Per two-sided duplicated page	0.20
	Reprint of color photos up to 5" x 7"	3.00
	Reprint of color photos larger than 5"x 7"	Actual cost of duplication
	DVD or CD of meetings	5.00
	Administrative fees:	
	Returned Check fee	25.00
	Credit Card Processing Fee	2.50%
	Notarization of documents, per document	No charge
	Preparation of declaration and notarization of domicile, per preparation	7.00
	Temporary street banners permitted by chapter 122 pertaining to signs:	
	Erection by city employees	184.00
	City civic associations or charitable special events, no fee	
	Certification of city records by city clerk's office (F.S. § 119.07.1(a)), per document	1.00
	Fees for off-duty fire department personnel special detail work per person (minimum three hours)	50.00
	Special event fire vehicle charge per hour per vehicle (minimum three hours)	25.00

	Chapter 10. Amusements and Entertainment	
	Article II. Adult Entertainment Establishments	
	Permit fee for employee of licensed adult entertainment establishment	25.00
	Permit renewal fee for employee of licensed adult entertainment establishment	25.00
	Replacement of lost permit for employee of licensed adult entertainment establishment	25.00
	Adult use business fees:	
	Adult use establishment license; fee for zoning review	375.00
	Adult use establishment nonrefundable license fee	25.00
	Annual licensing regulatory fees for adult entertainment establishments:	
	Adult theater:	
	Having only adult booths, for each booth	450.00
	Having only a hall or auditorium, for each seat	450.00
	Having only an area outdoors designed to permit viewing by customers seated in vehicles, for each parking space	450.00
	Having a combination of two or more of the items listed in subsections (a)(1)a—(1)c of this section, the cumulative license fee applicable to each under subsections (a)(1)a—(1)c of this section	
	Special adult cabaret	450.00
	Adult photographic studio	450.00
	Physical culture establishment	450.00
	Adult bookstore/video store	450.00
	Change of name of adult use establishment	5.00
	Appeal of denial, suspension or revocation of adult entertainment license or permit	25.00
	Plus, deposit for costs of administrative hearing officer	250.00
	Certified mail/postage/handling	
	Per certified letter (depending on the weight of letter)	Time & Material
	Per noncertified letter (depending on the weight of letter)	Time & Material

	Copies, per copy per letter	0.15																														
	Administrative costs for letters of violation/notices of hearing/hearing agenda/hearing minutes per hour for preparation of each of the following documents: Notice of violation letter, notice of hearing letter, agenda, findings of fact letter, minutes, notary fee, lien filing fee, courier service	15.00																														
	Chapter 26. Businesses																															
	Regulatory fee for unlicensed businesses	15.00																														
	Special Event Administrative Regulations and Fees																															
	Event fees																															
	Type IA Event: St. Pete Beach Resident/Business event that does not require site plan review, on-site inspections, other city services, permits from other governmental agencies and are limited to three consecutive days.																															
	Type IB Event: Non-Resident/Business event that does not require site plan review, on-site inspections, other city services, permits from other governmental agencies and are limited to three consecutive days																															
	Type IIA Event: St. Pete Beach Resident/Business event that requires any of the following: site plan review, on-site inspections, other city services or additional permits from other governmental agencies																															
	Type IIB Event: Non-Resident/Business event that requires any of the following: site plan review, on-site inspections, other city services or additional permits from other governmental agencies. Type III Event: Any event that the City Manager or his/her designee determines cannot be permitted as a Type IA, IB, IIA, or IIB due to complexity of event or other impacts of the event. The fee shall be determined following review of the event impact.																															
	Special event fees:																															
	<table><tr><td>Attendance</td><td>Type IA</td><td>TypeIB</td><td>Type IIA</td><td>Type IIB</td><td>Type III</td></tr><tr><td>Up to 249</td><td>\$25.00</td><td>\$50.00</td><td>\$75.00</td><td>\$100.00</td><td>TBD</td></tr><tr><td>250-500</td><td>\$50.00</td><td>\$100.00</td><td>\$250.00</td><td>\$350.00</td><td>TBD</td></tr><tr><td>501-999</td><td>\$75.00</td><td>\$150.00</td><td>\$500.00</td><td>\$650.00</td><td>TBD</td></tr><tr><td>1,000+</td><td>\$100.00</td><td>\$200.00</td><td>\$750.00</td><td>\$1,000.00</td><td>TBD</td></tr></table> Non-Permitted Event Fee - 3 times event fee plus cost incurred by City	Attendance	Type IA	TypeIB	Type IIA	Type IIB	Type III	Up to 249	\$25.00	\$50.00	\$75.00	\$100.00	TBD	250-500	\$50.00	\$100.00	\$250.00	\$350.00	TBD	501-999	\$75.00	\$150.00	\$500.00	\$650.00	TBD	1,000+	\$100.00	\$200.00	\$750.00	\$1,000.00	TBD	
Attendance	Type IA	TypeIB	Type IIA	Type IIB	Type III																											
Up to 249	\$25.00	\$50.00	\$75.00	\$100.00	TBD																											
250-500	\$50.00	\$100.00	\$250.00	\$350.00	TBD																											
501-999	\$75.00	\$150.00	\$500.00	\$650.00	TBD																											
1,000+	\$100.00	\$200.00	\$750.00	\$1,000.00	TBD																											

	Beach Wedding:	
	St. Pete Beach Resident	\$100.00
	Non-Resident	\$250.00
	Beach Wedding with no Commercial support (i.e. no equipment, chairs, etc.) limited to 20 people:	
	St. Pete Beach Resident	\$50.00
	Non-Resident	\$75.00
	Business permit for fire and other altered goods sale or going out of business sale	
	First 60 days	20.00
	Additional 15 days	5.00
	Chapter 38. Elections	
	Candidate guidebook administrative costs	10.00
	Qualifying fee for position of mayor-commissioner or city commissioner	40.00
	Chapter 42. Emergency Services	
	Article II. Alarm Systems	
	Response to fourth or succeeding false alarm	150.00
	Chapter 46. Environment	
	Article II. Nuisances	
	Lot clearing or mowing by city:	
	Administrative fee	200.00
	Lot mowing charges for vacant or improved lots in an amount equal to the city cost for mowing, in addition to administrative fee in subsection (1) of this section	
	Tree trimming in an amount equal to the city cost for trimming, in addition to administrative fee in subsection (1) of this section	
	Clerical work, secretarial services and all other notification costs at rate equivalent to actual city cost. Attorney's fees equal to actual charge to the city	
	Article III. Junked, Wrecked, Abandoned Property	

	Storage of abandoned or unclaimed property, per day	10.00
	Chapter 50. Library	
	Special, temporary "tourist" card for visitors from outside the Tampa Bay Area	
	Up to 90 days	25.00
	90—180 days	50.00
	Over 180 days	100.00
	Books returned in such condition that they cannot be returned to circulation.	replacement value
	50-3 becomes 50-3-2 50-3 becomes 50-3-3 50-3 becomes 50-3-4	
	Copies from the self-service photocopy machine	0.20
	Print-outs from the public computers, per page	0.20
	Chapter 58. Parks and Recreation	
	Fees and Memberships:	
	Resident daily use (visitor) fees for multi-facilities (gym, arts studio, fitness room)	1.00
	Non-resident daily use (visitor) fees for multi-facilities (gym arts studio, fitness room)	2.00
	Warren Webster	60.00
	Park/pool pavilion	25.00
	All Don Vista Rooms: Mary Nabors, Mary Tracy, Don Vista "A", "B" and "C"	25.00
	Gymnasium	75.00
	Raymond Room	75.00
	Boca Ciega Room (entire floor)	200.00
	½ Boca Ciega Room	100.00
	Balcony Room and Board Room	20.00
	Under the CC Building and Courtyard	60.00
	Friday/Saturday/Sunday rental of Community Center	
	4 hours	

	Standard (Friday & Sunday)	1,000.00
	Premium (Saturday)	1,500.00
	6 hours	
	Standard (Friday & Sunday)	1,500.00
	Premium (Saturday)	2,000.00
	8 hours	
	Standard (Friday & Sunday)	2,000.00
	Premium (Saturday)	2,500.00
	10 or more	
	Standard (Friday & Sunday)	2,500.00
	Premium (Saturday)	3,000.00
	Additional Rental Charges:	
	Pool umbrella—Party rental	25.00
	Staff Cost:	
	Staff (min. two hours)	20.00
	Staff holiday pay (min. two hours)	45.00
	Rental of park property based on the number of anticipated attendees:	
	Residents:	
	50—100	150.00
	101—250	250.00
	251—500	350.00
	Nonresidents:	
	50—100	250.00
	101—250	350.00
	251—500	400.00
	Deposit	50.00—500.00
	Rental deposit for facilities:	
	Under 50 people	100.00
	Over 50 people	500.00
	The resident hourly and time block room rental fees will be ten percent less than the standard fee schedule.	

	Pool (151—180 guest)	200.00
	Additional Rental Charges:	
	Pool Umbrella - Party Rental	25.00
	Staff Cost:	
	Staff (Min. 2 hrs)	20.00
	Staff Holiday pay (Min. 2 hrs)	45.00
	Chapter 62. Peddlers and Solicitors	
	Article II. Commercial Solicitations	
	Solicitation permit fee, per individual, yearly	100.00
	Chapter 78. Taxation	
	Article IV. Business License Tax	
	Business tax license application fee	10.00
	Transfer of business tax license to another person:	
	Transfer of business tax license from one location to another:	
	Not less than	3.00
	Not more than	25.00
	Chapter 82. Traffic and Vehicles	
	Parking decals:	
	Employees of businesses operated on premises only in Pass-a-Grille area and south of 31st Avenue, employees of businesses operated on premises having frontage on Beach Plaza.	25.00
	City resident or nonresident owning property within city	20.00
	Parking permits:	
	Gulf Way and Eighth Avenue area:	Below
	Houses and apartments having street addresses on Gulf Way from First Avenue to 22nd Avenue and Eighth Avenue:	Below

	"A" Permit purchase by record title owner of each unit.	20.00
	On-premises businesses in Pass-a-Grille:	Below
	One-day permits for operators of commercial watersports businesses at Merry Pier, for resale at same price to legitimate customers	4.00
	Gulfwinds Condominium, Friendly Native Condominium and Ramar Apartments and Starlight Towers Condominium:	Below
	"E" Permit Purchase by record title owner of unit, each	20.00
	Hanging meter permits for Pass-a-Grille business owners to be used by customers	35.00 per yr.
	Parking meter rates for coin operated parking meters per hour	2.00
	Parking meter rates for parking pay stations.	2.25 per hour
	Parking meter rates County Park Beach Access parking pay stations.	2.25 per hour
	"C" and "D" Controlled parking residential parking annual permit,	5.00
	"C" and "D" Controlled parking residential temporary parking permit	3.00 per mo.
	Daily parking permits	
	Daily B permit for city metered parking spaces and non-metered city streets requiring, parks and lots requiring B permit (other than County Park)	\$27.00 per day
	Temporary non metered B permit—Must provide proof of owning or residing at an address fronting a city non metered B Permit only zone.	\$3.00 per month
	Temporary one-day non-metered B permit—Must provide proof of owning or residing at an address fronting a city non metered B permit only zone. Cannot be consecutive days.	Up to 20 one-day permits \$3.00
	Storage charge for impounded motor vehicle, per day	35.00
	Chapter 86. Utilities	
	Identification or location of sanitary sewer tap-in	25.00
	Fats Oils and Grease annual inspection fee	100.00
	Fats Oils and Grease re-inspection fee	50.00
	Chapter 90. Vehicles for Hire	
	Permit fees for taxicabs and public conveyances:	

	Each vehicle	50.00
	Each driver	10.00
	Driver's permit fee	10.00
	Chapter 94. Waterways	
	Article IV. Water Taxis	
	Fee for water taxi permit, per year	100.00
	Renewal fee, per year	100.00
	Chapter 98. Buildings and Building Regulations	
	General site development/Site plan review-Fire:	
	Plan review (developments less than 15,000 sq. ft. and no higher than three stories in height)	250.00
	Plan review for buildings greater than 15,000 sq. ft. or three stories in height.	350.00
	Re-submittals	100.00
	Building construction:	
	Plan review (developments less than 15,000 sq. ft. and no higher than three stories in height)	250.00
	Plan review for buildings greater than 15,000 sq. ft. or greater than three stories in height.	350.00
	Building four stories or higher add additional fee per floor.	50.00
	Re-submittals	100.00
	Fire protection/Life safety systems:	
	Plan review, inspections and acceptance test	250.00
	Re-submittals	100.00
	Re-inspections and Red tag	50.00

	Fire prevention inspections:	
	Certificate of occupancy inspection	No charge
	Periodic-inspection	50.00
	Business tax inspection (For fire inspection of new occupancy)	50.00
	Hotels	
	- Small (< 15,000 sq. ft.)	100.00
	- Large (> 15,000 sq. ft.)	150.00
	Restaurants (each restaurant within a hotel or business will be charged individually in addition to hotel or business inspection fee)	75.00 (Less than 50) 150.00 (More than 50)
	Apartments, condominiums and transient occupancies buildings	50.00 per floor
	Apartments, condominiums hotels and transient occupancies building four stories or higher add additional fee per floor.	25.00
	Assisted living facilities—Per floor	50.00
	Foster homes	50.00
	Daycares	50.00
	Other (Specialty facilities: [Marina], boat repair, auto repair type facilities and other facilities/business types not covered)	150.00
	Special events—Fire-Permits and inspections:	
	Temporary structure permit	25.00
	Beach fire permit	25.00
	Outdoor cooking permit	25.00
	Fireworks permit—Application fee and site inspection	150.00
	Special events/Temporary use	100.00
	Chapter 106. Flood Control	
	Planning and Zoning Fees	
	<u>Mobile Food Establishment Permit</u>	<u>170.00</u>
	<u>Renewal of Mobile Food Permit</u>	<u>85.00</u>
	Site Plan Review (initial and one revision)	
	Not located In CRD Lot less than 5,000 sq. ft.	\$500.00

	Lot greater than 5,000 sq. ft.	\$1,000.00 plus \$100 for each additional 5,000 sq. ft. or portion thereof
	Each re-submittal review	250.00
	Within CRD:	
	Lot less than 5,000 sq. ft.	\$1,200.00
	Lot greater than 5,000 sq. ft.	\$1,200.00 plus \$125 for each additional 5,000 sq. ft. or portion thereof
	Each re-submittal review	\$350.00
	Zoning Review (where no building permit is required)	\$50.00
	Preliminary Plat	\$500.00 plus direct costs for review
	Final Plat	\$300.00 plus any direct costs and recording fees
	Required Mailing	\$.20 per piece plus associated mailing costs
	Planned Development Review	\$1000.00
	Each re-submittal review	\$125.00
	Temporary Use approval	\$100.00 plus direct mailing costs
	Vacation of Easement/ROW request	\$375.00 plus direct mailing costs

	Conditional Use Permit	\$500.00 plus direct mailing costs
	Conditional Use Permit with Variance Request	\$700.00 plus direct mailing costs
	Conditional Use Permit with Planning Board Review	\$1000.00 plus direct mailing costs
	Administrative Appeal to City Manager	\$250.00
	Administrative Appeal to Special Magistrate	\$500.00
	Concurrency Review	\$75.00 plus Direct costs (includes consulting engineer charges for review of utility capacity, transportation analysis and other required concurrency issues)
	Variance Request	\$500.00 plus direct mailing cost
	Certificate of Appropriateness	\$50.00
	With FEMA Variance	\$100.00 plus direct mailing costs
	Land Development Code Text change	\$800.00 plus direct mailing costs
	Land Development Code Map change	\$2000 plus direct mailing costs
	Comprehensive Plan Amendment (not in CRD)	\$2,500.00 plus direct mailing costs
	Comprehensive Plan Amendment (in CRD)	\$3,000.00 plus direct mailing costs
	Sign Permit	\$25.00 plus building permit fee

	Building Permit Fees	
	Plan Review	½ of Building Permit Fee
	Building Permit Base fee	\$50.00 plus \$16.00 per \$1,000 of project valuation
	Plan Revisions	\$15.00 per sheet
	Certificate of Occupancy	\$100.00
	Conditional Certificate of Occupancy	\$100.00 for each 30 days of portion thereof
	Certificate of Completion	\$100.00
	Permit placard replacement	\$15.00
	Penalty fee for failure to post permit card	\$50.00
	Re-inspection fee	\$50.00
	Stop Work Order	\$100.00
	Permit Extension	\$50.00
	Permit Reinstatement	50% of original permit fee applied to remaining work to be completed
	Transfer of Permit	\$15.00 or 10% of original permit fee whichever is greater
	Commencement of work without permit	3 times permit fee
	Chapter 130. Vegetation	
	Tree removal permit application filing fee	25.00
	Tree removal permit appeal fee	20.00

WASTEWATER CONNECTION FEES

Residential: Single-family, single condominium or single apartment \$2,668

Commercial: Fee for commercial structures (other than units) will be based on water meter size.

5/8" or ¾"	\$2,668
1"	\$6,670
1½"	\$13,340
2"	\$21,344
3"	\$42,688
4"	\$66,700
6"	\$133,400
8"	\$213,440

WASTEWATER USER FEES

Monthly wastewater (sewer) rates shall be charged to all customers using the wastewater (sewer) utility system of the city. The rate is based on a base component, flow component (3,000 gallons), rate for usage (1,000 gallons) over flow component, purchased wastewater (sewer) treatment pass-through, and annual index adjustment. Each wastewater (sewer) customer shall be billed as follows:

Residential base rate: \$31.33 for the first 3,000 gallons, or fraction thereof, of potable water used per residential unit.

Residential excess rate: \$10.34 for each 1,000 gallons, or fraction thereof, of potable water used by the customer in excess of the residential base rate.

Commercial base rate: \$31.33 for the first 3,000 gallons, or fraction thereof, of potable water used by the customer.

Commercial excess rate: \$10.34 for each 1,000 gallons, or fraction thereof, of potable water used by the customer in excess of the commercial base rate.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA AMENDING THE CITY CODE TO REPEAL THE CURRENT SECTION 16.50.440.; ADOPTING A NEW SECTION 16.50.440.; AMENDING 16.70. TO CREATE NEW REGULATIONS FOR MOBILE FOOD ESTABLISHMENT PERMITS; LIMITING HOURS AND LOCATIONS OF OPERATION OF MOBILE FOOD TRUCKS; PROVIDING FOR SUSPENSIONS AND APPEALS; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG, FLORIDA, DOES ORDAIN:

SECTION ONE. The St. Petersburg City Code is hereby amended by repealing the current Section 16.50.440. and adopting a new Section 16.50.440. titled “Vending, Mobile Food Trucks” to read as follows:

Section 16.50.440. – Vending, Mobile Food Trucks

Sections:

- 16.50.440.1. Purpose
- 16.50.440.2. Applicability
- 16.50.440.3. Standards and Criteria
- 16.50.440.4. Class I - Mobile Kitchens
- 16.50.440.5. Class II - Canteen Trucks
- 16.50.440.6. Class III - Ice Cream Trucks

16.50.440.1. PURPOSE

Mobile food vending units have existed in various forms over several centuries, distinguished as much by their physical characteristics as their operational requirements. The purpose of this section is to: 1) recognize this specialized market segment; 2) classify the types of permitted mobile food trucks; and 3) establish appropriate standards allowing for the typical range of activities while mitigating any associated, undesirable impacts.

16.50.440.2. APPLICABILITY

16.50.440.2.1. Definitions

City issued permit in this section is limited to mean a permit issued by the city for special events, city co-sponsored events or an approved food truck rally.

Mobile food truck means a vehicle which is used to vend food and beverage products and is classified as one of the following:

Class I - Mobile Kitchens. In addition to the vending of products allowed for Class II and Class III mobile food trucks, these vehicles may cook, prepare and assemble food items on or in the unit and serve a full menu. Customers may be notified of the vehicle’s location by social media or other forms of advertising.

Class II - Canteen Trucks. These vehicles vend fruits, vegetables, hot dogs, pre-cooked foods, pre-packaged foods and pre-packaged drinks. No preparation or assembly of foods or beverages may take place on or in the vehicle, however, the heating of pre-cooked foods is allowed. A cooking apparatus or grill top for the heating of pre-cooked foods is permitted so long as it complies with state regulations. These vehicles are limited to providing catering services to employees at a specific location and do not advertise for customers, except as may be allowed by a city issued permit (as defined herein).

Class III - Ice Cream Trucks. These vehicles vend only pre- packaged frozen dairy or frozen water-based food products, soft serve or hand-dipped frozen dairy products or frozen water-based food products and pre-packaged beverages.

Mobile service base is a place for food storage, the cleaning of the equipment, the filling of water tanks and proper disposal of waste water and grease and does not include the use of a private home as a mobile service base.

Vehicle means a motorized vehicle, including a trailer or other portable unit, which is attached to a motorized vehicle that is intended for use in vending.

Vend means to sell or offer to sell products from a mobile food truck.

16.50.440.2.2. Generally

- A. This section shall not apply to pushcart vending, roadside vending markets, or vending on city park property which is subject to other regulations.
- B. It is a violation to vend any product from a mobile food truck at any location except in compliance with the requirements of this section.
- C. This section excludes a contractual or other private arrangement between a mobile food truck and an individual or group that wishes to have food catered to a specific location and which is not open to the public.

16.50.440.3. STANDARDS AND CRITERIA

16.50.440.3.1 Permit Requirements

Food Truck Rally Permit. Food truck rallies/festivals are gatherings of more than two (2) Class I, Class II or Class III mobile food trucks in one (1) location on a date certain and shall require a Food Truck Rally Permit. Applications for a Food Truck Rally Permit shall be made to the POD in accordance with the applications and procedures section. The POD shall impose reasonable conditions to ensure that any impacts are mitigated to a reasonable degree.

16.50.440.3.2. Generally

- A. *Business Tax Receipt Requirements.* A mobile food truck shall comply with all state and local business tax regulation.
- B. *Vehicle Requirements.* A mobile food truck shall not be used for vending a product unless the vehicle has been designed and constructed specifically for such purpose. The mobile food truck shall be licensed in accordance with the rules and regulations of any local, state and federal agency having jurisdiction over the mobile food truck or products sold therein.

C. *Insurance Requirements.*

1. *Operating in rights-of-way.* The permittee, owner or operator shall at all times maintain any insurance which the POD (currently the Risk Management Department) determines to be necessary, which may include but is not limited to, General Liability Insurance, Commercial Automobile Liability Insurance, Worker's Compensation Insurance, and Environmental Liability Insurance, issued by an insurance company licensed to do business in the State of Florida, in the amounts established by the POD which shall be reasonably based on industry standards and the risk determined to exist. The insurance policy shall be in occurrence form and the City of St. Petersburg shall be named as an additional insured on the certificate of insurance. The permittee, owner or operator shall furnish the City with a certificate of insurance which shall be accepted by the City only after approval by the POD. The permittee, owner or operator shall notify the City within three (3) business days of any changes in the insurance coverage. Upon the cancellation or lapse of any policy of insurance as required by this section, the permit shall be immediately revoked unless, prior to the expiration or cancellation date of the insurance policy, another insurance policy meeting all the requirements of the POD is obtained and a new certificate of insurance is provided to the POD.
2. *Operating in all other locations, not in rights-of-way.* A mobile food truck shall obtain at a minimum, the insurance as required by any local, state or federal laws and regulations.
3. *City issued permit (as defined herein).* In addition to the insurance requirements set forth in this section, a mobile food truck shall obtain any additional insurance which may be required to obtain a city issued permit (as defined herein).

- D. *Open Flame Cooking.* Open flame cooking is prohibited; except that such activity may take place if permitted by the fire department.
- E. *Noise Limitations.* Amplified music or other sounds from any mobile food truck shall comply with the noise requirements in Chapter 11.
- F. *Waste Collection.* The operator shall provide a waste receptacle for public use. The area shall be kept neat and orderly at all times and garbage or trash shall be removed daily.
- G. *Signage.* All signage must comply with the sign section, except that A-frame signs are not allowed.
- H. *Alcohol sales.* Mobile food trucks shall not sell alcoholic beverages, except as may be specifically allowed by a city issued permit (as defined herein).
- I. *Special Events.* Mobile food trucks may participate in special events, subject to the requirements and conditions of the applicable permit.

16.50.440.4. CLASS I - MOBILE KITCHENS

16.50.440.4.1. Permit Requirements.

- A. A Mobile Food Establishment Permit is required. The Mobile Food Establishment Permit is issued concurrent with the business tax receipt. A Mobile Food Establishment Permit is not required when participating in an event governed by a city issued permit (as defined herein).
1. *Customer sales in rights-of-way.* Regardless of an operator's status as an independent contractor, self-employed, employer or employee of a business, any operator of a Class I mobile food truck selling product in the public rights-of-way shall have individually registered as a peddler pursuant to Chapter 17 and obtained a certificate or permit of such registration. This requirement shall apply notwithstanding the exceptions in Section 17-152.

16.50.440.4.2. Generally.

- A. *Restroom Facility.* Class I mobile food trucks operating at a site for a duration of more than three (3) hours shall have a written agreement, available upon request by the POD (Person Officially Designated), which confirms that employees have access to a flushable restroom within 150 feet of the vending location during the hours of operation.
- B. *Disposal.* Class I mobile food trucks shall have a current written agreement, with a state licensed facility, for the proper disposal of grease, available upon request by the POD.

16.50.440.4.3. Locations.

- A. *Rights-of-way.* The vending of products from a Class I mobile food truck on rights-of-way shall be subject to the following conditions:
1. *Locations.*
- a. *Downtown Center Zoning Districts.* For property zoned Downtown Center, the vending of products from a Class I mobile food truck on rights-of-way is prohibited except as allowed by a city issued permit (as defined herein).
- b. *Other Areas, Not Including Downtown Center Zoning Districts.* The vending of products from a Class I mobile food truck on rights-of-way is allowed subject to the conditions of this section.
2. *Parking.* At locations where Class I mobile food trucks are allowed to operate, a Class I mobile food truck may stop, stand or park in any area of the right-of-way not provided for vehicular travel (e.g. parking areas) subject to the conditions of this section.
- B. *Private property.* The vending of products from a Class I mobile food truck on private property within all zoning districts allowing retail uses or restaurants and bars shall be allowed subject to the following conditions:
1. *Vacant Properties.* Operation of a Class I mobile food truck is prohibited on vacant and undeveloped property, except:
- a. When allowed by a city issued permit (as defined herein); or
- b. When located in a CCT-2 district.
2. *District Prohibition.* Operation of a Class I mobile food truck shall be prohibited within the DC-C (Downtown Center – Core), DC-3 (Downtown Center – 3) and DC-P (Downtown

Center - Park) zoning districts, except in conjunction with a city issued permit (as defined herein).

3. *Permission.* A Class I mobile food truck shall have the written permission of the owner of the property on which it is located. Such written permission shall be available upon request by the POD.
4. *Frequency.* Except as may be allowed as part of a city issued permit (as defined herein), mobile food trucks are permitted on each property, a maximum of no more than two (2) days per calendar week. Class I mobile food trucks may operate at different locations throughout the city subject to the conditions of this section.
5. *Maximum Number of Mobile Food Trucks.* No more than two (2) mobile food trucks shall operate on any property at any one (1) time, except as may be allowed by a city issued permit (as defined herein).
6. *Existing Parking Spaces.* Mobile food trucks shall not require use of more than twenty-five percent (25 %) of existing parking spaces.
7. *Access.* A Class I mobile food truck shall not be placed in any location that impedes the ingress or egress of other businesses or building entrances or emergency exits.

16.50.440.4.4. Hours of Operation.

- A. *Downtown Center Districts.* Class I mobile food trucks shall be allowed to operate after 7:00 a.m. and before 9:00 p.m. in the Downtown Center Districts unless allowed by a city issued permit (as defined herein).
 1. *Extended hours.* At locations where mobile food trucks are allowed to operate, an owner of a valid Mobile Food Establishment Permit may request to extend the hours of operation from 9:00 p.m. until 1:00 a.m. The request for extended hours shall be reviewed by the POD, subject to the criteria contained in the Applications and Procedures section.
- B. *Other Areas, Not Including Downtown Center Districts.* Class I mobile food trucks shall be allowed to operate after 7:00 a.m. and before 9:00 p.m.

16.50.440.5. CLASS II - CANTEEN TRUCKS

16.50.440.5.1. Permit Requirements.

A Mobile Food Establishment Permit is required. The Mobile Food Establishment Permit is issued concurrent with the business tax receipt. A Mobile Food Establishment Permit is not required when participating in an event governed by a city issued permit (as defined herein).

16.50.440.5.2. Locations.

- A. *Rights-of-way.* The vending of products from a Class II mobile food truck on rights-of- way shall be subject to the following conditions:
 1. *Locations.* The vending of products from a Class II mobile food truck on rights-of- way is prohibited except to provide catering to employees on-site at locations within the clearly

delineated boundaries of the site. Boundaries shall be delineated through the use of fencing or other materials enclosing a construction site, where there is a currently valid construction permit, and for a limited period of time.

2. *Parking.* At locations where Class II mobile food trucks are allowed to operate, a Class II mobile food truck may stop, stand or park in any area of the rights-of-way provided for vehicular travel subject to the conditions of this section.

- B. *Private property.* Operation of a Class II mobile food truck is prohibited on private property except to provide catering to employees on-site at locations within the clearly delineated boundaries of the site. Boundaries shall be delineated through the use of fencing or other materials enclosing a construction site, where there is a currently valid construction permit, and for a limited period of time.

16.50.440.5.3. Hours of Operation.

Class II mobile food trucks shall be allowed to operate after 7:00 a.m. and before 9:00 p.m. in all areas.

16.50.440.6. CLASS III - ICE CREAM TRUCKS

16.50.440.6.1. Permit Requirements.

- A. *Customer sales in rights-of-way.* Regardless of an operator's status as an independent contractor, self-employed, employer or employee of a business, any operator of a Class III mobile food truck shall have individually registered as a peddler pursuant to Chapter 17 and obtained a certificate or permit of such registration. This requirement shall apply notwithstanding the exceptions in Section 17-152. Registration is required regardless of participation in an event governed by a city issued permit (as defined herein).
- B. *Customer sales in all other locations, not in rights-of-way.* A Mobile Food Establishment Permit is required. The Mobile Food Establishment Permit is issued concurrent with the business tax receipt. A Mobile Food Establishment Permit is not required when participating in an event governed by a city issued permit (as defined herein).

16.50.440.6.2. Locations.

- A. *Rights-of-way.* The vending of products from a Class III mobile food truck on rights-of-way shall be subject to the following conditions:
 1. *Locations.*
 - a. *Downtown Center Districts.* The vending of products in rights-of-way shall be prohibited within the Downtown Center zoning districts, except as may be allowed by a city issued permit (as defined herein).
 - b. *Other Areas, Not Including Downtown Center Districts.* The vending of products on rights-of-way is allowed subject to the conditions of this section.
 2. *Parking.* At locations where Class III mobile food trucks are allowed to operate, Class III mobile food truck which is stopped, standing or parked in the right-of-way shall be responsible for complying with all parking regulations. No Class III mobile food truck shall stop, stand or park for more than 10 minutes, unless there are customers waiting in line to buy products.

- B. *Private property.* The vending of products from a Class III mobile food truck on private property shall be allowed subject to the following conditions:
1. *Locations.* Vending from a Class III mobile food truck is a permitted accessory use on private property within all zoning districts allowing retail uses or restaurants and bars, except:
 - a. In the Downtown Center Districts;
 - b. On vacant or undeveloped property, except when located in a CCT-2 district or when allowed by a city issued permit (as defined herein).
 2. *Permission.* The Class III mobile food truck shall have the written permission of the owner of the property on which it is located. Such written permission shall be available upon request by the representative of any regulating agency.
 3. *Frequency.* Except as may be allowed as part of a city issued permit (as defined herein), mobile food trucks are permitted, on each property, a maximum of no more than two (2) days per calendar week. Class III mobile food trucks may operate at different locations throughout the city as allowed in this section.
 4. *Maximum Number of Mobile Food Trucks.* No more than two (2) mobile food trucks shall operate on each property at any one (1) time, except as may be allowed by a city issued permit (as defined herein).
 5. *Existing Parking Spaces.* Mobile food trucks shall not require use of more than twenty-five percent (25 %) of existing parking spaces.
 6. *Access.* A Class III mobile food truck shall not be placed in any location that impedes the ingress or egress of other businesses or building entrances or emergency exits.

16.50.440.6.3. Hours of Operation.

All Class III mobile food trucks shall be allowed to operate after 7:00 a.m. and before 9:00 p.m. in all areas except Downtown Center Districts where they are prohibited.

SECTION TWO. A new ‘Mobile Food Establishment Permit’ is hereby added in Section 16.70.030.1 of the St. Petersburg City Code to read as follows:

16.70.030.1.14 Mobile Food Establishment Permit

- A. Applicability. A permit shall be required for the vending of products from mobile food trucks.
- B. Application. An application shall include the following information in addition to the information that the POD may generally require for a zoning permit application:
1. A certificate of insurance showing the required insurance;
 2. Two photographs of the mobile food truck;

3. A copy of the state or county health department license / permit for the mobile food truck.
- C. Scope of Approval. A Mobile Food Establishment Permit authorizes the applicant to engage in the vending of products from mobile food trucks in compliance with city code and as specified on the permit.
- D. Expiration. A Mobile Food Establishment Permit shall expire on September 30 but may be renewed on an annual basis.
- E. Suspension or Revocation. In addition to the grounds for suspension or revocation of a zoning permit generally, a permit issued under this section may be suspended or revoked by the POD for any of the following reasons:
1. Permits issued under this section may be suspended or revoked by the POD for any reason and without penalty upon the giving of 30 days written notice.
 2. The POD may also deny, revoke or suspend a permit if it is found that:
 - a. Any required business or health permit or business tax receipt for the mobile food truck has expired or been suspended, revoked or canceled;
 - b. The permittee does not have insurance in effect which complies with the minimum amounts and requirements described in this section;
 - c. Conducting business as a permittee under this section in an unlawful manner or in such a manner as to constitute a breach of the peace or to interfere with the normal use of the right-of-way or to constitute a menace to the health, safety or general welfare of the public.
 3. Upon denial, suspension or revocation of the permit, the POD shall give notice of such action to the permittee in writing. In the event the denial, suspension or revocation is based on subsection a, b or c of this section, the action shall be effective immediately upon receipt of such notice by the permittee. Otherwise, such notice shall become effective 15 days from the date of such notice. If the revocation or suspension of the permit is caused by the permittee, there shall be no refund of the annual permit fee or any other fees paid to the City for operation of a mobile food truck. Any revocation or suspension without cause shall entitle the permittee to a refund of the annual permit fee prorated on a per month basis from the date of notice of such action.
- F. Variances. Requests for variances shall be reviewed by the Community Preservation Commission.
- G. Transferability. Ownership of a Mobile Food Establishment Permit shall not be transferred except as part of the sale of a majority of the stock in a corporation holding such permit, as part of the sale of a majority of the membership interests of a limited liability company holding such permit, or as part of the sale of a business or substantially all of its assets.
- H. Identification. Each mobile food truck shall display the appropriate business tax receipt, state license and county health certificate, and, if applicable, the Mobile Food Establishment Permit. The VIN number of the mobile food truck shall match the VIN number on the approved Mobile Food Establishment Permit application and business tax receipt.

SECTION THREE. A new 'Food Truck Rally Permit' is hereby added in Section 16.70.030.1 of the St. Petersburg City Code to read as follows:

16.70.030.1.15. Food Truck Rally Permit.

- A. *Applicability.* Food truck rallies are gatherings of more than two (2) Class I, Class II or Class III mobile food trucks in one (1) location on a date certain and shall require a Food Truck Rally Permit.
- B. *Application.* An application shall include the following information in addition to the information that the POD may generally require for a zoning permit application:
 - 1. A site plan of the subject property;
 - 2. Written description of the temporary use and anticipated hours of operation;
 - 3. In order to secure sufficient information and assurances to determine the suitability of the proposed temporary use, the City may require the following:
 - a. Documentation from the county health department regarding arrangement for temporary sanitary facilities and such assurances as the City may require concerning compliance.
 - b. Information concerning length of operation.
 - c. Provision for adequate parking.
 - d. A financial guarantee in an amount determined by the POD and in a form approved by the City Attorney to ensure that the premises will be cleared of all debris during and after the event.
 - e. A financial guarantee in an amount determined by the POD and in a form approved by the City Attorney guaranteeing the repair of public rights-of-way of any damage resulting to the rights-of-way as a result of the event.
- C. *Procedure.*
 - 1. The application shall be filed at least 30 days prior to the date on which the permit is to take effect. The POD may approve a lesser time period.
 - 2. Upon receipt of the application, the POD shall determine whether the application conforms to all applicable requirements contained in the Land Development Regulations.
 - a. If the POD determines that there will be substantial adverse effects upon property, public notice to property owners within 200 feet of the proposed location shall be required. The decision to require public notice shall be made within five days of receipt of the completed application. The applicant shall be responsible for all required notice to property owners. Notice shall be provided a minimum of 15 days in advance of the event or use.
 - 3. If the POD determines that the application sufficiently complies with the standards for a food truck rally and that appropriate measures have been taken to protect the public health, safety and welfare, the food truck rally permit shall be issued. If the POD determines that the application is not in compliance, the POD shall identify the application's deficiencies and deny the application. If the POD denies the application, such denial shall be in writing and provided to the applicant within 15 working days of receipt of a complete application.

4. In order to protect the health, safety, and welfare of the general public, or to obtain compliance with local, state or federal laws, the POD may add special conditions and restrictions, which shall be binding upon the applicant, to any permit or other form of approval that may be issued. Such conditions and restrictions may include, but are not limited to, hours of operation, locations, parking, traffic access and safety requirements. All food truck rally permits shall comply with the following conditions:
 - a. No permanent or temporary lighting shall be installed without an electrical permit and an inspection;
 - b. No structures shall be erected without a building permit and required inspections;
 - c. The site shall be cleared of all debris at the end of the use and cleared of all temporary structures within five days after closing of the use. The site shall be restored to its previous condition within 14 days after closing of the use;
 - d. Traffic control and pedestrian safety arrangements in the vicinity of the use shall be arranged by the operators of the event with the applicable city departments.
- D. *Expiration.* A food truck rally permit may be issued for a maximum of seven (7) days.
- E. *Variances.* Requests for variances shall be reviewed by the Community Preservation Commission.
- F. *Appeal.* Decisions of the POD to approve, extend, or deny a permit or to impose conditions or restrictions upon a food truck rally permit may be appealed to the DRC, whose decision shall be deemed the final decision of the City.

SECTION FOUR. A new 'Food Truck Rally Permit' and 'Mobile Food Establishment Permit' fee is hereby added in Section 12-6 (8) of the St. Petersburg City Code to read as follows

FEMA - Historic flood info and letter:

First hour of research60.00

Additional time billed in one-hour increments50.00
per hour

Lot line adjustment:

Administrative review200.00

Commission review300.00

Food truck rally permit

Letter prepared by zoning official (no bldg. permit) 40.00

Approved over zoning counter (with bldg. permit) 10.00

Lot refacing:

Administrative review300.00

Commission review500.00

Mobile food establishment permit

New application \$170.00

Renewal \$85.00

Property card interpretations (PCI):

First hour of research60.00

Additional time billed in one-hour increments50.00
per hour

SECTION FIVE. Severability. The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is judicially determined to be unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provision of this ordinance.

SECTION SIX. Effective Date. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

City Attorney (designee)



St. Pete Beach Planning Board

155 Corey Avenue
St. Pete Beach, FL 33706
727-367-2735

7/17/17

Item Number Ordinance #2017-13

Type of Application
Amendment to the Land
Development Code

Applicant
City of St. Pete Beach

Location
City wide

Project Planner
Jennifer Bryla, AICP

Requested Action
Approval of "Ordinance
2017-17"

**Staff
Recommendation**
Approval

Planning Board
July 17, 2017

City Commission
First Reading August 8,
2017 anticipated

ITEM SUMMARY:

This City-initiated amendment to the Land Development Code is in response to scrivener's errors and consistent citizen requests for deviations from the code. These requested changes are consistent with the City's Comprehensive Plan as required by FS 163.3201.

PUBLIC NOTICE:

Notice of public hearing has been advertised as required by State Statutes. As of the date of this report, no written comments have been received. Oral and written comments may be presented at the public hearing.

COMPREHENSIVE PLAN and LAND DEVELOPMENT CODE:

The proposed amendment is consistent with the City of St. Pete Beach's Comprehensive Plan.

Objective 2.4

Consistent with this comprehensive plan, as amended, the City of St. Pete Beach shall enhance and protect the City's character through the encouragement of redevelopment which ensures an orderly and aesthetic mixture of land uses.

Policy 2.13.3

The City shall adopt provisions in its LDC which are designed to ensure the continued operation of all temporary lodging/ temporary lodging uses with mandated operational characteristics as temporary lodging facilities



Findings

In its review of the proposed amendments, staff has determined:

1. The proposed amendments are consistent with Florida Statutes.
2. The proposed amendments are consistent with the Pinellas County Regional Policy Plan.
3. The proposed amendments are consistent with the St. Pete Beach Comprehensive Plan.
4. The proposed amendments are consistent with the intent of the LDC.

principally serving tourists and business travelers, and providing for guest amenities, without regard to ownership scheme as in accordance with State law. Such operational provisions shall include limitations on the continuous duration of guest stays, and if owned as a resort condominium, an additional limitation on the annual cumulative duration of owner stays.

The proposed amendment serves to respond to business owners initiatives and remedy outdated development patterns consistent with the Comprehensive Plan directive.

JUSTIFICATION / TECHNICAL REVIEW:

The Community Development Department has researched the industry standards for Electronic Message Boards as published in the “*Night-time Brightness Level Recommendations for On-Premise Electronic Message Centers*” updated August 2016 by the International Sign Association, Staff also conducted night-time evaluation of existing conditions for various signs within the City. Through these sources, along with an understanding of the City Commission’s expectation for night lighting that is associated with Commercial Electronic Message Boards, Staff is recommending the levels that are represented in Ordinance 2017-13.

PLANNING BOARD:

The Planning Board will hear the code changes at their public hearing on July, 17th, 2017 .

STAFF RECOMMENDATION:

Upon review of the above guiding documents for the City of St. Pete Beach, Staff recommends approval of Ordinance 2017-13.

Ordinance 2017-13

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, AMENDING THE ST. PETE BEACH LAND DEVELOPMENT CODE AS FOLLOWS: SECTION 26.23 – ILLUMINATED AND ELECTRONIC MESSAGE BOARD SIGNS - TO CLARIFY INTENSITY LEVEL MEASUREMENTS AND REQUIREMENTS; TO REDUCE SETBACK FROM FRONT PROPERTY LINE; TO DEFINE IN WHICH ZONES SAID SIGNS ARE ALLOWED; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach recognizes the need to regulate electronic message board signs throughout the city; and

WHEREAS, the City periodically finds sections of its Land Development Code which require updating and/or amending to address the desires of the citizens and businesses of the City; and

WHEREAS, the City's Planning Board, acting as the City's Local Planning Agency, has reviewed this ordinance amending Section 26.23 of the Land Development Code on July 17, 2017 and found it to be consistent with the City's adopted comprehensive plan; and

WHEREAS, the City Commission has found this ordinance to be in the best interest of the health, safety and welfare of the citizens of the city; and

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

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

SECTION 2. Section 26.23 of the City of St. Pete Beach, Florida, Land Development Code is hereby amended as follows:

Sec. 26.23 Illuminated and electronic message board signs

The following conditions and restrictions shall apply to illuminated signs.

Except as hereinafter provided in this section, illuminated signs, or illumination in show windows, display windows, in or upon any building shall have the source of light concealed from view from the exterior of the building or structure, except that where channel letters or figures are used for any sign the illumination thereof may be visible if recessed within the depth of the channel.

Electronic message board ~~Illuminated~~ signs are subject to the following maximum

illumination intensity levels when measured at a distance of 50 linear feet from base of sign:

Maximum Illumination Intensity Level for electronic message board signs

Type of Illumination	Located Within 500 Feet and Visible from a Residential District	Not Visible From a Residential District or Located Beyond 500 Feet of a Residential District
Direct, internal or back lighted	28.65 <u>0.3</u> foot-candles <u>over ambient light</u>	47.75 <u>0.3</u> foot-candles <u>over ambient light</u>
Indirect or reflected sign	10 <u>0.3</u> foot-candles <u>over ambient light</u>	25 <u>0.3</u> foot-candles <u>over ambient light</u>

Internally illuminated signs or portions of a sign that are internally illuminated shall not be larger than 50 square feet in area.

No more than 32 square feet of the total allowable signage square footage may be an electronic message board sign. ~~Electronic message board signs or portions of a sign that are electronic message boards shall not be larger than 32 square feet in area.~~ Electronic message board signs shall only be located in a front yard or on a building front façade, and in no case shall be closer than ~~have a minimum setback of 20~~ 10 feet from the front yard property line. Electronic message board signs are only permitted on properties adjacent to Gulf Boulevard from 37th Avenue to 75th Avenue.

Internally illuminated signs shall be prohibited in all districts which do not expressly permit them in the following sections, except menu display boards may be internally illuminated when associated with a permitted drive thru restaurant.

Electronic message board signs, including LED-type, shall only be permitted as defined above. All other existing nonconforming electronic message board signs shall be subject to the amortization schedule set forth in Section 26.5.

No animated or flashing illumination shall be permitted.

SECTION 3. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 4. 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 remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 6. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 7. Effective Date. This ordinance shall take effect immediately upon adoption.

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

Alan Johnson, Mayor

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 _____, 2017.

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

City Attorney
Andrew Dickman, Esq.