

ORDINANCE NO. 2014-0010

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, AMENDING THE CITY'S LAND DEVELOPMENT CODE, DIVISION 2, SECTION 2.1, DEFINITIONS, PROVIDING FOR AN AMENDED DEFINITION OF TEMPORARY USE; DIVISION 6, SECTION 6.11, SUPPLEMENTAL REGULATIONS, TEMPORARY USES, PROVIDING FOR CLARIFICATION AND REVISION OF THE APPLICATION, REVIEW AND APPROVAL PROCESS AND THE REQUIREMENTS APPLICABLE THERETO; PROVIDING FOR FINDINGS; PROVISING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City's Land Development Code establishes the definition of, and requirements that apply to, temporary uses; and

WHEREAS, there is a need and desire to more clearly identify the provisions governing temporary uses; and

WHEREAS, this ordinance seeks to address this objective by clarifying the type of uses eligible to be considered as a temporary use, the standards and conditions that apply to such uses, and the procedures for application and approval of such uses.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA AS FOLLOWS:

SECTION 1. DEFINITION

The definition of Temporary Use as set forth in Division 2, DEFINITIONS, Sec. 2.1, is amended to read as follows:

"Temporary use means a use approved pursuant to the procedures and standards of this Code, consistent with the use characteristics of the zoning district in which it is located, for a limited and defined period of time, and which does not involve the construction or alteration of any permanent structure."

SECTION 2. TEMPORARY USES

The provisions governing Temporary Uses as set forth in Division 6, SUPPLEMENTAL REGULATIONS, Sec. 6.11 Temporary Uses is amended to read as follows:

Sec. 6.11. Temporary uses.

Temporary uses of zoning lots may be permitted under the provisions of this section in accordance with the procedures and standards set forth herein.

- (a) *Application submission requirements.* All applications shall be submitted to the city manager or the manager's designee in a form specified by the city, accompanied by the payment of the applicable fee set forth in Appendix A, St. Pete Beach Code of Ordinances, as follows;
- (1) All applications shall contain the following minimum information:
 - Property owner's name, address and phone number
 - Property address and parcel identification number
 - Future Land Use Plan category and Zoning district
 - Current use of the property
 - Proposed nature, size, and location of the proposed temporary use
 - Parcel map locating existing use and proposed temporary use
 - Length of time during which proposed temporary use will be in place
 - Hours of the day the use will be utilized, if applicable
 - (2) Applicants may be required to submit additional information after the initial submission commensurate with the type and characteristics of the proposed use and the issues it raises.
- (b) *Determination of completeness of application.* The city shall determine whether the application is complete within ten (10) days and the applicant notified. If the application is complete, the application shall be forwarded for review to the Technical Review Committee. If the application is not complete, the city shall take no further action on the application until the required information is submitted by the applicant.
- (1) If the applicant fails to respond to the specified request for information within fifteen (15) days of the date of notification of deficiency, the application shall be voided.
 - (2) If an applicant submits new data or information at any time after a determination of completeness has been made, the revised application may be subject to an additional application review fee and will be subject to the same stages of review as the initial application.
- (c) *Review guidelines.* The guidelines by which an application for temporary use will be reviewed shall include, as a minimum, the following:
- (1) The use shall be consistent with the purpose, location and use characteristics of the plan category and zoning district in which it is proposed to be established.
 - (2) The specific nature, size, location and hours of access or utilization shall be determined to be compatible with and not to interfere with the public right-of-way or adjoining properties.

- (3) The input and interest of any adjoining property owner that may be affected by the proposed temporary use.
 - (4) The provisions for access/egress to and from the public right-of-way, and for public safety vehicles, shall not be impeded.
 - (5) Any site alterations or improvements shall be consistent with the applicable provisions of the Code, and any required replacement or restoration of landscaping, fencing, paving, etc., upon termination of the use shall be identified and required.
 - (6) Due to unique circumstances of the proposed temporary use, the city may attach such additional conditions to a temporary use permit as are necessary to prevent or minimize adverse effects on the public interest, or upon other property in the neighborhood.
- (d) *Specific Conditions.* The following standards shall govern the establishment and renewal of any temporary use:
- (1) The time period for a temporary use permit shall be limited to a maximum period of ninety (90) days, subject to one (1) extension that may be authorized by the city manager up to an additional period of thirty (30) days.
 - (2) The period of time established for the temporary use permit may be issued and limited to less than ninety (90) days if determined to be warranted in the initial review and approval process.
 - (3) No temporary use permit shall be approved for the same property for any one or combination of multiple time periods that exceed ninety (90) days [plus any additional period of thirty (30) days that may have been approved] within any twelve (12) month period of time.
 - (4) The City shall retain the right to revoke the temporary use permit and require immediate removal of the temporary use if it fails to comply with any of the conditions of the permit, or creates a public safety hazard or nuisance.
- (e) *Permit Review and Issuance Process.* Upon submission of an application for a temporary use the following process shall be followed:
- (1) Upon determination that an application is complete, mailed notice of the application and the opportunity to provide input will be provided to the owners of property immediately adjoining the property that is the subject of the application.
 - (2) The City's Technical Review Committee will review the application within ten (10) days and make a recommendation to the City Manager to approve, approve with noted conditions, or deny the application.
 - (3) The City Manager shall, within five (5) days of receiving the Technical Review Committee's recommendation act to approve, approve with noted conditions, or deny the permit.
 - (4) The City Manager's decision shall be final. Any appeal shall be filed with a hearing officer designated by the City Commission in accordance with Sec. 3.14 (a) of the Land Development Code.

- (f) *Coordination with Other Sections of the Code.* Nothing in this section shall be construed to conflict with, duplicate, supersede, or eliminate the requirements to comply with the following sections of the City's Land Development Code or Code of Ordinances:
- (1) Land Development Code, Section 6.12 - Commercial accessory and temporary equipment, structures, portable buildings and trailers, dumpsters and commercial tents
 - (2) Code of Ordinances, Part II, Chapter 26, Article II - Special Event Permit and the corresponding Guide to Special Events

SECTION 3. SEVERABILITY

If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

SECTION 4. CONFLICT WITH OTHER ORDINANCES

All ordinances or parts of ordinances in conflict herewith, are hereby repealed, to the extent of such conflict.

SECTION 5. EFFECTIVE DATE

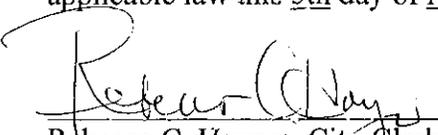
This ordinance shall take effect immediately upon adoption.



Maria Lowe, Mayor

FIRST READING: 10/28/2014
PUBLISHED: 10/10/2014
SECOND READING: 11/05/2014
PUBLISHED: 10/10/2014

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 5th day of November, 2014.



Rebecca C. Haynes, City Clerk

APPROVED AS TO FORM:



Andrew Dickman
City Attorney