

## Ordinance 2020-12

**AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE AS IT RELATES TO THE LICENSING AND PERMITTING OF MOBILE FOOD ESTABLISHMENTS; AMENDING DIVISION 6 – SUPPLEMENTAL REGULATIONS, SECTION 6.25 – MOBILE FOOD ESTABLISHMENTS, DIVISION 30 – TC-1 TOWN CENTER CORE DISTRICT SECTION 30.2 – PERMITTED USES AND SECTION 30.4 – ALLOWABLE CONDITIONAL USES, DIVISION 32 – CC1 COMMERCIAL CORRIDOR BLIND PASS ROAD DISTRICT, SECTION 32.2 – PERMITTED USES AND SECTION 32.4 ALLOWABLE CONDITIONAL USES, DIVISION 33 – CC2 COMMERCIAL CORRIDOR GULF BLVD DISTRICT, SECTION 33.2 – PERMITTED USES AND SECTION 33.4 CONDITIONAL USES, DIVISION 37 – TC-2 TOWN CENTER COREY CIRCLE AND COQUINA WEST DISTRICTS, SECTION 37.2 – PERMITTED USES AND SECTION 37.5 ALLOWABLE CONDITIONAL USES; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, notice of this ordinance has been provided in accordance with applicable law;

**WHEREAS**, this Ordinance incorporates Florida Statute 509.102, as amended; and

**WHEREAS**, the City Commission of the City of St. Pete Beach has determined that the specified amendments to the Land Development Code are necessary to ensure consistency with Florida Statutes.

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

**Division 6, Sec. 6.25 (Mobile food establishment) shall be amended as follows:**

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.

- (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) *Special event permits.* Mobile food trucks may be permitted in public rights-of-way, or on public property, in conjunction with a special event permit as regulated in this section. Operation of mobile food trucks on public property or within public rights-of-way for special events is permitted, subject to approval of the special event by the City Commission.
- (c) *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 special event 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.
- (d) *Open flame cooking.* Open flame cooking is prohibited; except that such activity may take place if permitted by the city fire marshal.
- (e) *Noise limitations.* Amplified music shall be prohibited; any other sounds from any mobile food truck shall comply with the noise requirements of the city.
- (f) *Waste collection.* The operator shall provide a waste receptacle for public use within 100 feet of the truck. The area shall be kept neat and orderly at all times and garbage or trash shall be removed daily.
- (g) *Improved surface.* Food trucks shall only operate from and be located on an improved surface at least 5 feet off the public right-of-way.
- (h) *Signage.* All signage must comply with the sign section of the Land Development Code. In no case shall "A-frame" signs be permitted.

- (i) *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.
- (j) *Business tax receipt.* A business tax receipt (BTR) shall be required as provided in Article IV, Chapter 78.
- (j) *Restroom facility.* 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.* 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 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 mobile food truck on private lands shall be subject to the following conditions:
  - (1) *Private property.* The vending of products from a mobile food truck on private property, in conjunction with an established business, is permitted only in zoning districts of the city as outlined herein.
  - (2) *Vacant property.* Operation of a mobile food truck is prohibited on vacant and unimproved property.
  - (3) *Permission.* A mobile food truck shall have the written permission of the owner of the property on which it is located, available upon request by the city.
  - (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 three (3) days per calendar week. 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 be required to provide additional parking on the principal business site. If a mobile food truck parks in a principal business required off-street provided space(s), then the principal business shall provide evidence, in the form of a site plan indicating that on-street parking exists within 800 feet of the establishment, available upon request from the city.
  - (7) *Access.* A mobile food truck shall not be placed in any location that impedes the ingress or egress or building entrances or emergency exits.
  - (8) *Hours of operation.* mobile food trucks shall be permitted to operate after 7:00 a.m. and before 10 p.m. The request for extended hours must be reviewed and approved by the city

- (9) *Power*. In no case shall a generator be used within 200 feet of a residential district.

**Division 30, Sec. 30.2 (Permitted uses) shall be amended as follows:**

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

- (a) Financial institutions without drive-through service.
- (b) Government buildings and other public or civic facilities, including parks and recreation facilities and transit stations and stops.
- (c) Office uses.
- (d) Personal service businesses such as barbershops, beauty shops, day spas, tailoring, garment alteration and repair, shoe repair, pet grooming, dry cleaning pick-up and drop-off and other personal service uses similar in character and impact. Body art, bail-bond, check-cashing, and other similar services are prohibited.
- (e) Printing and copying.
- (f) Residential uses as a component of mixed-use development only. Residential uses shall not be allowed on the ground floor level of any structure.
- (g) Eating and drinking establishments - full-service restaurant, limited-service restaurant, take-out only restaurant, bar/lounge, subject to Section 6.24 of this Code as may be applicable.
- (h) Retail uses except automotive sales lots, pawn shops, liquor stores, and tobacco shops.
- (i) Theaters, cinemas and other indoor commercial entertainment facilities.
- (j) Artist studios and art galleries.
- (k) Grocery stores and pharmacies without drive-through service.
- (l) Commercial kitchen.
- (m) Sales, rentals, and/or service of bicycles, mopeds, motorcycles, segways, and scooters;
- (n) Mobile food trucks, subject to the criteria found in Division 6, herein;
- (o) Other commercial uses similar in character, nature and impact to permitted uses listed above.

**Division 30, Sec. 30.4 (Allowable conditional uses) shall be amended as follows:**

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

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

**Division 32, Sec. 32.2 (Permitted uses) shall be amended as follows:**

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

- (a) Clinics;
- (b) Clubs, community service establishments;
- (c) Clubs, private;
- (d) Eating and drinking establishments—with or without outdoor seating;
- (e) Financial institutions with and without drive-through service;
- (f) Laundries, self-service;

- (g) Office uses;
- (h) Printing and copying services;
- (i) Retail uses;
- (j) Personal service businesses such as barbershops, beauty shops and salons, day spas, gyms and fitness centers, tailoring, garment alteration and repair, shoe repair, dry cleaning pick-up and drop-off and other personal service uses similar in character and impact;
- (k) Social service agencies;
- (l) Veterinarians; dog grooming facilities;
- (m) Multi-family residential uses as a component of mixed-use development only. Multi-family residential uses shall not be allowed on the ground level of any structure;
- (n) Single-family, detached residential uses (Only on parcels which do not directly abut Blind Pass Road);
- (o) Government buildings and other public facilities, including parks and recreation facilities;
- (p) Artist studios with retail and/or wholesale distribution space for artist's original handmade works, excluding mass produced or manufactured products;
- (q) Public facilities such as schools, public parks and/or recreational facilities;
- (r) Mobile food trucks, subject to the criteria found in Division 6, herein;
- (s) Other commercial uses similar in character, nature and impact to permitted uses listed above.

**Division 32, Sec. 32.4 (Allowable conditional uses) shall be amended as follows:** Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the CC1 Commercial Corridor Blind Pass Road Districts are as follows:

- (a) Automotive rental agencies;
- (b) Automobile services—Repair;
- (c) Automotive service stations, with or without a carwash and/or a convenience store;
- (d) Commercial developments with a gross square footage of greater than 25,000;
- (e) Communication facilities;
- (f) Parking lots, commercial and/or off-premises;

**Division 33, Sec. 33.2 (Permitted uses) shall be amended as follows:**

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

- (a) Clinics;
- (b) Eating and drinking establishments with or without outdoor seating;
- (c) Financial institutions with or without drive-through service;
- (d) Laundries, self-service;
- (e) Office uses;
- (f) Printing and copying services;
- (g) Retail uses;
- (h) Personal service businesses such as barbershops, beauty shops, tailoring, garment alteration and repair, shoe repair, dry cleaning pick-up and drop-off and other personal service uses similar in character and impact;
- (i) Veterinarians, dog grooming establishments;
- (j) Multi-family residential uses as a component of mixed-use development only. Multi-family residential uses shall not be allowed on the ground level of any structure;
- (k) Artist studios and galleries with retail and/or wholesale distribution space for artist's original handmade works, excluding mass produced or manufactured products;
- (l) Grocery stores, pharmacies, markets;
- (m) Commercial recreation, public parks and/or recreational facilities;
- (n) Sales, rentals, and/or service of bicycles, mopeds, motorcycles, Segways, and scooters;
- (o) Mobile food trucks, subject to the criteria found in Division 6, herein;
- (p) Other commercial uses similar in character, nature and impact to permitted uses listed above.

**Division 33, Sec. 33.4 (Conditional uses) shall be amended as follows:**

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

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

- (d) Commercial developments with a gross square footage of greater than 25,000;
- (e) Communication facilities;
- (f) Parking lots, commercial and/or off-premises

**Division 37, Sec. 37.2 (Permitted uses) shall be amended as follows:**

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

- (a) Retail uses except automotive sales lots, pawn shops, liquor stores, and tobacco shops;
- (b) Grocery stores, markets, pharmacies without drive-through service;
- (c) Personal service businesses such as barbershops, beauty shops, salons, day spas, gyms and fitness centers, tailoring, garment alteration and repair, shoe repair, dry cleaning pick-up and drop-off and other personal service uses similar in character and impact. Body art, bail-bond, check-cashing and other similar services are prohibited;
- (d) Eating and drinking establishments - full-service restaurant, limited-service restaurant, bar/lounge, subject to Section 6.24 of this Code as may be applicable;
- (e) Office uses;
- (f) Commercial recreation, public parks and/or recreational facilities;
- (g) Government buildings and other public facilities, including parks and recreation facilities;
- (h) Artist studios and art galleries;
- (i) Multi-family residential only as a component of mixed use. Residential uses are not permitted on the ground floor;
- (j) Vehicle for hire - Limited to rental of non-motorized (bicycles) and individual motorized vehicles such as Segways, mopeds/scooters;
- (k) Class I mobile food trucks, subject to the criteria found in Division 6, herein;
- (l) Other commercial uses similar in character, nature and impact to permitted uses listed above.

**Division 37, Sec. 37.5 (Allowable conditional uses) shall be amended as follows:**

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

- (a) Temporary lodging facilities hotel, motel and resort condominium, awarded on a first come, first serve basis, to come from the density pool established in the Comprehensive Plan.
- (b) Commercial developments with a gross square footage of greater than 25,000.
- (c) Commercial kitchen.
- (d) Commercial docks—Classes A, B, C and D.
- (e) Eating and drinking establishment—Take-out only restaurant.
- (f) Vessel for hire (water taxis).

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.

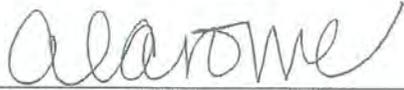
SECTION 7. Effective Date. This ordinance shall take effect immediately upon adoption.

PUBLISHED:	07/29/2020
FIRST READING:	08/11/2020
PUBLISHED:	08/19/2020
SECOND READING:	08/25/2020
PUBLIC HEARING:	08/25/2020

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

  
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Alan Johnson, Mayor

I, Amber M. LaRowe, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this 25 day of August, 2020.



Amber M. LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Andrew Dickman, City Attorney