ORDINANCE NO. 2020-24

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA
AMENDING THE LAND DEVELOPMENT CODE, DIVISION 2 –
DEFINITIONS, SECTION 2.1 WORDS, TERMS, AND PHRASES
DEFINED; DIVISION 6 – SUPPLEMENTAL REGULATIONS, SECTION
6.24 OUTDOOR DINING AND OUTDOOR DRINKING AREAS; DIVISION
13 – ROR RESIDENTIAL/ OFFICE/ RETAIL DISTRICT, SECTION 13.2
PERMITTED PRINCIPAL USES AND STRUCTURES AND SECTION 13.4
ALLOWABLE CONDITIONAL USES; DIVISION 14 – RFM RESORT
FACILITIES MEDIUM DISTRICT, SECTION 14.2 PERMITTED
PRINCIPAL USES AND STRUCTURES AND SECTION 14.4
ALLOWABLE CONDITIONAL USES; DIVISION 15 – CG-1
COMMERCIAL DISTRICT, SECTIONS 15.2 PERMITTED PRINCIPAL
USES AND STRUCTURES AND 15.4 ALLOWABLE CONDITIONAL
USES; DIVISION 16 – CG-2 COMMERCIAL DISTRICT, SECTION 16.2
PERMITTED PRINCIPAL USES AND STRUCTURES AND 16.4
ALLOWABLE CONDITIONAL USES; 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 34 – DOWNTOWN
CORE RESIDENTIAL DISTRICT, SECTION 34.4 ALLOWABLE
CONDITIONAL USES; DIVISION 35 – (LR) LARGE RESORT DISTRICT,
SECTION 35.3 PERMITTED PRINCIPAL AND SECONDARY USES AND
STRUCTURES AND SECTION 35.4 PERMITTED ACCESSORY USES
AND STRUCTURES; DIVISION 37 – TC-2 TOWN CENTER COREY
CIRCLE AND COQUINA WEST DISTRICTS, SECTION 37.2 PERMITTED
USES AND SECTION 37.5 ALLOWABLE CONDITIONAL USES;
DIVISION 38 - AC ACTIVITY CENTER DISTRICT, SECTION 38.2
PERMITTED USES AND SECTION 38.4 ALLOWABLE CONDITIONAL
USES; DIVISION 39 – COMMUNITY REDEVELOPMENT DISTRICT
GENERAL STANDARDS, SECTION 39.6 TEMPORARY LODGING USE
OPERATIONAL AND OCCUPANCY RESTRICTIONS, LIMITATIONS,
AND PROHIBITIONS; DIVISION 40 – COMMUNITY REDEVELOPMENT
DISTRICT – EIGHTH AVENUE (CRD-EA), SECTION 40.4 PERMITTED
CONDITIONAL USES AND STRUCTURES; DIVISION 42 – BR BAYOU
RESIDENTIAL DISTRICT, SECTION 42.2 PERMITTED PRIMARY AND
SECONDARY USES AND SECTION 42.4 ALLOWABLE CONDITIONAL
USES; DIVISION 46 – B/HC BOUTIQUE HOTEL/CONDO DISTRICT,
SECTION 46.2 PERMITTED USES AND SECTION 46.4 ALLOWABLE
CONDITIONAL USES; PROVIDING FOR CONFLICTS, SEVERABILITY,
CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE
WHEREAS, the City Commission supports the economic sustainability of its local businesses, hotels and resorts; and

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

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

WHEREAS, the City Commission has found this ordinance to be consistent with the Future Land Use Element of the Comprehensive Plan.

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

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

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

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

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

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

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

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

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

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

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

Outdoor dining means a delineated area, including patios and similar areas, affiliated with a restaurant unenclosed by walls where tables, seating and other furnishings are provided for patrons of the restaurant for eating and drinking. An outdoor dining area located above the first habitable floor of the structure to which it is accessory shall be classified as a roof dining area. These areas shall be further classified within the district divisions of this code by whether they contain equipment, permanent or temporary, that is dedicated to the playing of amplified music and/or are permitted to host the playing of musical instruments.

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

Fast food restaurant. See “Eating and drinking establishment - Fast-food restaurantRestaurant with drive-through service.”

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

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

(b) Required Permit. A Conditional use permit application shall be made to the city.
All applicants for the establishment of an outdoor dining and/or drinking area
associated with an eating and drinking establishment shall submit the following
information to the City. If a conditional use permit is required for the establishment
of the outdoor dining and/or drinking area as outlined in the district divisions
herein, and for all new and expanded roof dining and/or drinking areas, a
conditional use permit shall also be required in accordance with Division 4 of this
Code. The permit application, in addition to the conditional use application
requirements provided under Division 4 of this Code, shall specifically include the
following information: The permit application shall include the following
information:

(6) For eating and drinking establishments providing for outdoor music, the
following shall be provided:
   a. The product specifications of any permanent speakers, amplifiers and
      other support equipment to be installed outdoors.
   b. An explanation of the hours of operation of the outdoor dining and/or
      drinking area, including any special provisions or intentions for live music.
   c. A description of how music will be regulated in accordance with the City's
      noise ordinance as found in Chapter 46, Article IV of the Code of Ordinances.

Sec. 13.2. - Permitted principal uses and structures.
Subject to the provisions or restrictions contained in this section and elsewhere in
this Code, permitted uses and structures in the ROR Residential/Office/Retail District
are as follows:

(b) Eating and drinking establishments—Sit-down restaurant onlyFull-service
restaurant, limited-service restaurant, or outdoor dining and/or drinking areas that
do not provide for outdoor music, subject to section 6.24 of this Code as may be
applicable.

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constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain
unchanged.
Sec. 13.4. - Allowable conditional uses.
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the ROR Residential/Office/Retail District are as follows:

(g) Eating and drinking establishment—Bar/lounge (cocktail lounge, saloon), restaurant, outdoor dining and/or drinking areas that provide for outdoor music, or roof dining and/or drinking areas, subject to section 6.24 of this Code as may be applicable.

Sec. 14.2. - Permitted principal uses and structures.
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the RFM Resort Facilities Medium District are as follows:

(d) Eating and drinking establishments—Bar/lounge (cocktail lounge, saloon), sit-down full-service restaurant, limited-service restaurant, or outdoor dining and/or drinking areas that do not provide for outdoor music, subject to section 6.24 of this Code as may be applicable.

Sec. 14.4. - Allowable conditional uses.
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the RFM Resort Facilities Medium District are as follows:

(h) Eating and drinking establishment—fast food, beach bar, and outdoor restaurant dining and/or drinking areas that provide for outdoor music, or roof dining and/or drinking areas, subject to section 6.24 of this Code as may be applicable.

Sec. 15.2. - Permitted principal uses and structures.
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the CG-1 Commercial District are as follows:

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(e) Eating and drinking establishments—Bar/lounge (cocktail lounge, saloon) and, sit-down full-service restaurant, limited-service restaurant, or outdoor dining and/or drinking areas that do not provide for outdoor music, subject to section 6.24 of this Code as may be applicable.

Sec. 15.4. - Allowable conditional uses.
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the CG-1 Commercial District are as follows:

(n) Eating and drinking establishment—fast food restaurant, nightclub, or outdoor restaurant dining and/or drinking areas that provide for outdoor music, or roof dining and/or drinking areas, subject to section 6.24 of this Code as may be applicable.

Sec. 16.2. - Permitted principal uses and structures.
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the CG-2 Commercial District are as follows:

(b) Eating and drinking establishments, limited-service restaurant, or outdoor dining and/or drinking areas that do not provide for outdoor music, subject to Section 6.24 of this Code as may be applicable.

Sec. 16.4. - Allowable conditional uses.
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the CG-2 Commercial District are as follows:

(h) Eating and drinking establishments—Restaurant with drive-through service, take-out only restaurant, bar/lounge, outdoor dining and/or drinking areas that provide for outdoor music, or roof dining and/or drinking areas, subject to section 6.24 of this Code as may be applicable.

Sec. 30.2. - Permitted uses.
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses in the TC-1 Town Center Core District are as follows:

(g) Eating and drinking establishments—full-service restaurant, limited-service restaurant, take-out only restaurant, bar/lounge, or outdoor dining and/or drinking

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areas that do not provide for outdoor music, subject to Section 6.24 of this Code as may be applicable.

Sec. 30.4. - Allowable conditional uses.
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the TC-1 Town Center Core District are as follows:

(i) Outdoor dining and/or drinking areas that provide for outdoor music, or roof dining and/or drinking areas, subject to Section 6.24 of this Code as may be applicable.

Sec. 32.2. - Permitted uses.
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the CC1 Commercial Corridor Blind Pass Road are as follows:

(d) Eating and drinking establishments—with or without outdoor seating dining and/or drinking areas that do not provide for outdoor music, subject to Section 6.24 of this Code as may be applicable;

Sec. 32.4. - Allowable conditional uses.
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the CC1 Commercial Corridor Blind Pass Road Districts are as follows:

(f) Outdoor dining and/or drinking areas that provide for outdoor music, roof dining and/or drinking areas, subject to Section 6.24 of this Code as may be applicable;

(fg) Parking lots, commercial and/or off-premises;

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Sec. 33.2. - Permitted uses.
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the CC2 Commercial Corridor Gulf Blvd are as follows:

(b) Eating and drinking establishments with or without outdoor seating, dining and/or drinking areas that do not provide for outdoor music, subject to Section 6.24 of this Code as may be applicable.

Sec. 33.4. - Conditional uses.
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the CC2 Commercial Corridor Gulf Boulevard District are as follows:

(g) Outdoor dining and/or drinking areas that provide for outdoor music, roof dining and/or drinking areas, subject to Section 6.24 of this Code as may be applicable.

Sec. 34.4. - Allowable conditional uses.
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the DCR Downtown Core Residential District are as follows:

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

Sec. 35.3. - Permitted principal and secondary uses and structures.
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the LR District are as follows:

(b) Primary uses requiring conditional use approval. Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable primary uses requiring conditional use approval in the LR District are as follows:

(2) Eating and drinking establishments, full-service restaurant only, outdoor dining and/or drinking areas that may provide for outdoor music, roof dining and/or drinking areas, subject to section 6.24 of this Code as may be applicable.

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(c) **Secondary uses.** Secondary commercial uses may be developed as an additional nonresidential use bonus floor area that is not located within the principal building, provided that the secondary commercial development is constructed with a minimum of 200 temporary lodging units. Secondary commercial uses located within one-hundred and fifty (150) feet of the westerly right-of-way line of Gulf Boulevard may be under separate ownership from the primary use when approved by the city as part of an overall site plan incorporating the primary and secondary uses as an integrated project. Secondary commercial uses include:

[***]

(2) Eating and drinking establishments, full-service restaurant, limited-service restaurant, bar/lounge, outdoor dining and/or drinking areas that do not provide for outdoor music, subject to section 6.24 of this Code as may be applicable;

[***]

(d) **Secondary uses requiring conditional use approval.** Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable secondary uses requiring conditional use approval in the LR District are as follows.

[***]

(3) Eating and drinking establishment - take-out restaurant-only, outdoor dining and/or drinking areas that provide for outdoor music except as permitted under Section 35.4(b), roof dining and/or drinking areas, subject to section 6.24 of this Code as may be applicable;

[***]

Sec. 35.4. - Permitted accessory uses and structures.

[***]

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

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Sec. 37.2. - Permitted uses.

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

(d) Eating and drinking establishments - full-service restaurant, limited-service restaurant, bar/lounge, outdoor dining and/or drinking areas that do not provide for outdoor music, subject to Section 6.24 of this Code as may be applicable;

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:

(e) Eating and drinking establishment—Take-out only restaurant, outdoor dining and/or drinking areas that provide for outdoor music, roof dining and/or drinking areas, subject to Section 6.24 of this Code as may be applicable.

Sec. 38.2. - Permitted uses.

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

(i) Eating and drinking establishments without outdoor seating with or without outdoor dining and/or drinking areas that do not provide for outdoor music, subject to section 6.24 of this Code as may be applicable;

Sec. 38.4. - Allowable conditional uses.

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

(f) Eating and drinking establishments with outdoor seating with outdoor dining and/or drinking areas that provide for outdoor music, roof dining and/or drinking areas, subject to section 6.24 of this Code as may be applicable.

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Sec. 39.6. - Temporary lodging use operational and occupancy restrictions, limitations and prohibitions.
To ensure that temporary lodging use development authorized and approved within the Community Redevelopment District are built, function, operate, and are occupied exclusively as temporary lodging and adhere to mandatory closure and evacuation procedures, the following restrictions shall apply to temporary lodging use:

(f) A temporary lodging use may include accessory uses, such as recreational facilities, restaurants, bars, personal service uses, retail uses, meeting space, fitness centers, spa facilities, parking structures, affordable housing or other workforce living accommodations, and other uses commonly associated with temporary lodging uses. New outdoor dining and/or drinking areas associated with accessory restaurants and bars shall be permitted to provide for outdoor music, provided that the area meets all of the yard requirements for the property and the property does not abut a single- or two-family residential development or a residential development outside of the Community Redevelopment District, in which case any new outdoor dining and/or drinking area shall require a conditional use permit subject to Division 4 of this Code. Any new or expanded roof dining and/or drinking area shall also require a conditional use permit subject to Division 4 of this Code.

Sec. 40.4. - Permitted Allowable conditional uses and structures:
The purpose of this section is to allow for single family and two-family residential uses and structures for only saving and/or moving locally designated historic structures, as well as address rooftop uses. In no case shall a new construction single family home be allowed in the 8th Avenue CRD.

(b) Roof dining and/or drinking areas, subject to section 6.24 of this Code as may be applicable;

Sec. 42.2. - Permitted primary and secondary uses.
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted primary and secondary uses and structures in the Bayou Residential District are as follows:

Secondary Uses:
(a) Commercial uses as a mixed-use component with multi-family residential. Eating and drinking establishments may include outdoor dining and/or drinking areas provided they do not provide for outdoor music, subject to section 6.24 of this Code as may be applicable.
Sec. 42.4. - Allowable conditional uses.

(h) Outdoor dining and/or drinking areas that provide for outdoor music, or roof dining and/or drinking areas, except as permitted in section 39.6(f) of this Code, subject to section 6.24 of this Code as may be applicable.

Sec. 46.2. - Permitted uses.

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

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

Sec. 46.4. - Allowable conditional uses.

(a) Eating and drinking establishments - full-service restaurant, limited service restaurant, take-out only restaurant, bar/lounge, outdoor dining and/or drinking areas that may provide for outdoor music except as otherwise permitted under Section 46.2(c), roof dining and/or drinking areas, subject to section 6.24 of this Code as may be applicable.

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: 10/28/2020
FIRST READING: 11/10/2020
PUBLISHED:
SECOND READING:
PUBLIC HEARING:

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

 Alan Johnson, Mayor

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

Amber La Rowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Andrew Dickman, City Attorney

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