

Ordinance 2016-09

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ST PETE BEACH, FLORIDA, AMENDING DIVISION 2, SECTION 2.1- WORDS, TERMS AND PHRASES DEFINED OF THE ST. PETE BEACH LAND DEVELOPMENT CODE; AMENDING CHAPTER 6, ALCOHOLIC BEVERAGES, ARTICLE I, IN GENERAL OF THE CITY OF ST PETE BEACH CODE OF ORDINANCES BY AMENDING SECTION 6.5, PUBLIC CONSUMPTION OR POSSESSION RELATING TO RESTRICTIONS AND PERMITTING OF PUBLIC ALCOHOL CONSUMPTION ON SAND BEACH AREAS; PROVIDING FOR PUBLICATION IN ACCORDANCE WITH THE REQUIREMENTS OF LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City currently prohibits the sale and consumption of alcoholic beverages on public and private sandy beach areas; and

WHEREAS, the City Commission of the City of St. Pete Beach believes that it is in the best interest of the City to amend its code regarding the sale and consumption of alcohol at specifically designated areas on the sandy beach; and

WHEREAS, the City Commission believes careful permitting of the sale and consumption of alcoholic beverages on the sandy beach at private transient lodging facilities is the appropriate manner to control the location and manner of such alcohol service; and

WHEREAS, the City Commission deems this ordinance is in the best interest, health, safety and welfare of the citizens and visitors of the City.

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 2.1 - Definitions of the St Pete Beach Land Development Code is hereby amended as follows:

* * *

Cabana Service Area is the area where alcohol can be legally served on the sand beach and is limited to 10 feet beyond the physical placement of the cabana.

Cabana means a lightweight fabric structure containing an open side. Not to exceed 30 square feet.

* * *

SECTION 3. Chapter 6, Article I, Section 6-5 of the City of St. Pete Beach Code of Ordinances is hereby amended as follows:

(d) *Permits.* Permits allowing for the consumption of alcohol for special events, outdoor dining or outdoor drinking areas, or special occasions may be issued as follows:

* * * *

(4) Administrative approval on private lands: Upon receipt of an accepted site plan application, the Technical Review Committee may approve the sale of alcoholic beverages in conjunction with the rental of beach cabanas on private transient lodging property if all of the following requirements are met through the site plan review and approval process, as outlined in Division 5 of the Land Development Code.

- a. Each transient lodging facility that desires an alcohol Cabana Service Area Permit must complete the permitting process and have an active BTR (Business Tax Receipt) for cabana rental associated with the lodging facility.
- b. The Cabana Service Area must be delineated by sketch on COP liquor license, as well as a component of the Site Plan review. The sketch shall be available for viewing at the transient lodging facility at all times.
- c. The Cabana Service Area can be no closer than 75 feet to a property line abutting an existing residential use located outside of the CRD (Community Redevelopment District).
- d. All occupants of the Cabana Service Area must wear an identifiable and unique wrist band that is exclusive to the upland transient lodging facility. The wrist band shall indicate that alcohol must remain in the Cabana Service Area at all times.
- e. The Cabana Service Area shall be no closer than 50 feet to the wet sand.
- f. The Cabana Service Area's hours of operation shall be 10:00 am to 10:00 pm.
- g. The Cabana Service Area's patron(s) shall only be served by identifiable transient lodging facility employees, in person and all service-ware shall have clearly identifiable transient lodging facility markings.
- h. Glass and plastic straws are prohibited at all times on the sand beach.
- i. Only patrons or registered members of the transient lodging facility that have current room rental as well as a cabana rental in the Cabana Service Area may be served alcohol. Invited guests of the facility patron that desire to be served alcohol shall register with the hotel to secure a wrist band. Patrons and/or guests are prohibited from bringing alcohol into the Cabana Service Area.
- j. Service of alcohol shall only be provided within a beach Cabana Service

Area, as delineated by boundary markers consistent with the on-site COP map.

- k. Penalty – Violation of the above criteria will result in:
 - i. First violation – written warning to the transient lodging facility.
 - ii. Second violation – written warning to the transient lodging with the stipulation that the permit will be revoked if additional violation occurs within 6 months.
 - iii. Third violation – revocation of the Cabana Service Area Permit. The transient lodging facility will not be able to re-apply for a Cabana Service Area Permit for one year. For every continual violation an additional 6 months will be added to this requirement.
- l. Cabana Service Area Permits shall be issued on an annual basis, and subject to all ordinance amendments at the time of renewal.

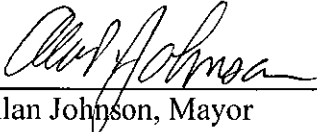
SECTION 4. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

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

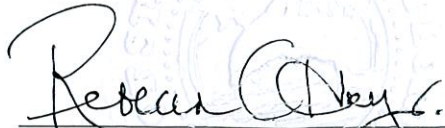
SECTION 7. Effective Date. This Ordinance shall become effective immediately upon final passage and adoption.

FIRST READING: 08/08/2017
PUBLISHED: 08/11/2017
SECOND READING: 08/22/2017
PUBLIC HEARING: 08/22/2017



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 22nd day of August, 2017.

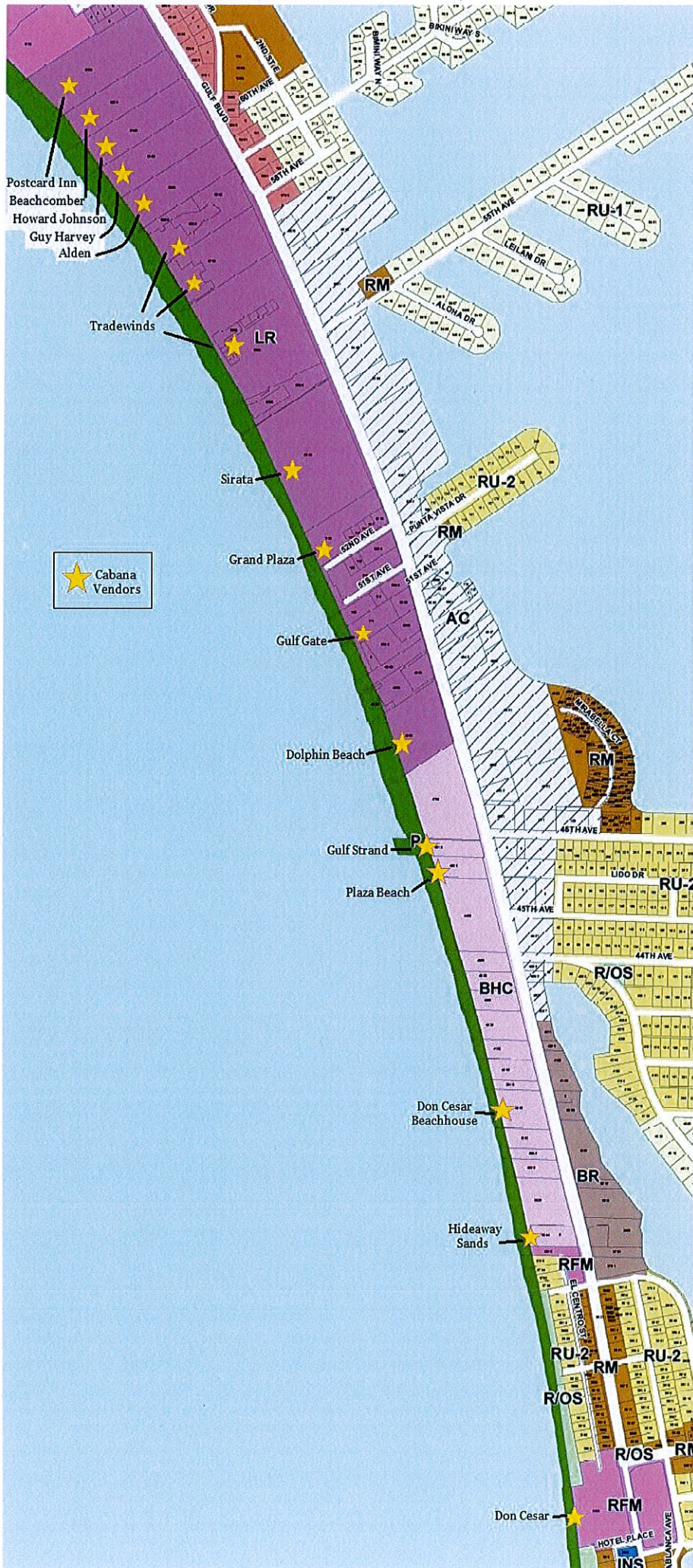


Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:



Andrew Dickman, City Attorney



Postcard Inn
 Beachcomber
 Howard Johnson
 Guy Harvey
 Alden

★ Cabana Vendors

Tradewinds

Sirata

Grand Plaza

Gulf Gate

Dolphin Beach

Gulf Strand

Plaza Beach

Don Cesar Beachhouse

Hideaway Sands

Don Cesar

LR

RM

RU-1

RU-2

RM

AC

RM

BHC

R/OS

R/OS

BR

RFM

RU-2

RM

RU-2

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2ND ST

GULF BLVD

60TH AVE

59TH AVE

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BRINIWAY S

LEILAN DR

ALONA DR

PUNTA VISTA DR

LIDO DR

45TH AVE

44TH AVE

43TH AVE

42TH AVE

41TH AVE

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