

ORDINANCE NO. 2016-15

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING DIVISION 6 SUPPLEMENTAL REGULATIONS; PROVIDING FOR SECTION 6.12 (h) BEACH CONCESSION STANDARDS AS OUTLINED IN "EXHIBIT A"; AMENDING SECTION 25.6(a) OF DIVISION 25 – COASTAL PROTECTION AND CONSERVATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission recognizes the need to regulate the standards for beach concession stands and their accessory equipment; 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;

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

Section 1. Division 6.12(h), of the Land Development Code of the City of St. Pete Beach is hereby created as outlined in Exhibit "A" – Regulating Beach Concession Huts.

Section 2. Division 25 – Coastal Protection and Conservation is hereby amended:

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Section 25.6 – Tiki huts.

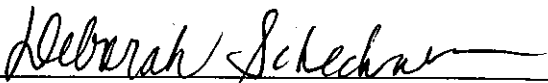
(a) The city may permit the location of a tiki hut on the beach in accordance with the following:

- (1) Tiki huts shall be allowed only in conjunction with the approval of the owner of the property upon which the tiki hut will be located. No tiki hut shall have utility services, shall serve food or drinks, or shall be used for any other service beyond the sales of services for an approved commercial water sports operation.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict with this ordinance.

Section 4. If any portion or part of this Ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

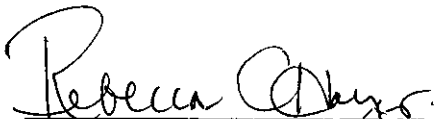
Section 5. This ordinance shall become effective immediately.



Deborah Schechner, Mayor

First Reading: 09/13/2016
Published: 10/14/2016
Second Reading: 10/25/2016
Public Hearing: 10/25/2016

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 25th day of October, 2016.



Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:



Andrew Dickman, City Attorney

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“Exhibit A”

6.12 – Commercial accessory and temporary equipment, structures, portable buildings and trailers, dumpsters and commercial tents.

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h) BEACH CONCESSION STANDARDS

Minor Structures that currently exist as of the date of the adoption of this ordinance may be maintained by a transient lodging business that has beach frontage along the Gulf of Mexico, in accordance with the following, after approval by the Technical Review Committee (TRC), otherwise a conditional use permit must be obtained in accordance with Division 4 of the Land Development Code in addition to a Department of Environmental Protection permit for minor structures.

1. Concession Huts

- i. Concession Huts shall be for the rental of beach equipment, and/or watersports.
- ii. One Concession Hut structure is permitted per transient lodging facility or one for every 200 linear feet of sand beach as measured along the property line adjacent to the sand beach. Huts may be arranged on the sand beach as desired by the property owner.
- iii. Concession Huts shall maintain a minimum side setback of 20' or 10% of the lot width whichever is less.
- iv. Concession Huts shall have a maximum floor area of one-hundred (100) square feet, excluding any platform, with exterior dimensions not to exceed nine feet (9'-0") in height from the sand to the eave line (i.e., the intersection of the roof and the exterior walls).
- v. Any architectural projections above the eave line may not exceed twelve feet (12'-0") in height from the sand (i.e., roof and roof related architectural elements). All roofing elements shall be appropriate to and consistent with the unique beach environment and/or evocative of the upland architecture, and shall be subject to the review and approval of TRC staff. All building construction materials and finishes shall be appropriate to and consistent with the unique beach environment, subject to the administrative review and approval. Accessory electrical apparatuses may extend above the roof line up to 36" additionally.

- vi. All Concession Huts shall be designed to preserve vistas and shall be fully open from forty-six (46") inches above the grade to a minimum eight feet (8'-0") above the sand, with the exception of structural columns or posts. One side of a concession hut may be completely solid to accommodate battery operated equipment and life saving devices and apparatuses. Electrical service is prohibited within a Concession Hut.
- vii. Any security side panels that may be used as shade devices and shall be fully supported from the structure itself and shall not contain independent vertical support columns that extend directly to the sand or perimeter platform walkway.
- viii. A detached perimeter platform shall be prohibited as an addition to surround the concession hut.
- ix. All Concession Huts shall be designed so as to facilitate their immediate removal from the beach upon demand by the City or in the event of an emergency condition.
- x. Huts shall be located a minimum of 100' landward from the mean high water.
- xi. Signage shall be limited to a total of 60 sf for all signage attached to the Huts. Signage maybe divided between all sides with no one sign exceeding 20 sf. All pamphlets or advertisement shall be secured within the hut to prevent litter on the beach.
- xii. Exterior surface colors and finishes shall be appropriate to the design of the structure. The review and approval of design of the Hut is considered an administrative approval.
- xiii. Towel bins, not to exceed 42" in height, may be permitted adjacent to the Concession Huts for the containment of disposed towels. Such bins shall be of a durable material and be able to be removed from the beach to the upland business if necessary.

2. Storage Boxes

- i. Storage boxes are considered "beach furniture" and are exempt from permitting criteria if they comply with the following:
- ii. Placement of storage boxes are constructed as to not disturb marked marine turtle nests, known nest locations or any other marine nesting habitat or endangered species that is officially designated as such and should generally be located as to not impede pedestrian mobility along the beach.

- iii. Storage Boxes shall be equipped to be fully mobile via trailer or other towing mechanism incorporated internally, for immediate removal from the beach upon demand by the City, or in cases of mandatory emergency evacuation. Skids are prohibited from use with all Beach Concession Huts.
- iv. Plans for Concession Huts and Storage Boxes shall include accurate dimensions and scale.
- v. Storage Boxes shall be designed for the horizontal storage of chaise lounge pads, umbrellas, sun canopies, daybeds, and similar items and shall not exceed a maximum size of 250 cubic feet, not to exceed 6' in height above the sand.
- vi. Storage Boxes shall be simply designed, free of adornment and embellishment, and detailed in a manner appropriate to the unique beach environment inclusive of construction materials and finishes and shall be painted to match the concession hut without an accent trim color, and shall be subject to the review and approval of the Technical Review Committee.
- vii. No signage shall be permitted on storage facilities, except a discreetly displayed plaque measuring a maximum four inches by six inches (4" x 6"), identifying the Concessionaire's name, address and telephone number.
- viii. A maximum of two storage boxes shall be permitted per Concession Hut and must be located to the east of the Hut.

3. Driving on the Beach

Any concessionaire that requires the ability to drive on the sandy beach in conjunction with the operation of the business on the sand beach shall be required to obtain a driving on the beach permit annually and required to adhere to the following:

- i. All recipients of a driving on the beach permit will receive a decal to display on the vehicle at all times while on the beach.
- ii. A letter of authorization is required from each of the private property owner affected.
- iii. All vehicles must remain at least ten feet (10') at all times from people, vegetation, dunes and any marine wildlife areas that have been officially designated as such by a boundary marker.

- iv. A 10 mph speed limit must be adhered to all times.
- v. Driving on the beach shall be prohibited during the marine turtle nesting season until after daily marine turtle nest survey, protection, and monitoring program is conducted throughout the driving area. The marine turtle survey, protection, and monitoring program shall be conducted only by individuals possessing appropriate expertise in the protocol being followed and a valid F.A.C. Rule 68E-1 Permit issued by the Florida Fish & Wildlife Conservation Commission (FWC).
- vi. A liability bond is required to insure that no damage is done to the beach area involved, the amount of which is to be determined according to the activities involved. Proof of insurance is required by the City Manager in the amount of One Million Dollars (\$1,000,000) Bodily Injury and Five-Hundred Thousand Dollars (\$500,000) Property Damage from the sponsoring organization.

3. General Restrictions

- i. Signage on Umbrellas or Cabanas shall be prohibited, excluding the transient lodging logo or the like.
- ii. Children's sand play areas may be incorporated into the overall beach concession hut area and shall have a maximum area of 36' square feet and shall have no elements that are taller than 30" above the sand beach, with the exception of shade umbrellas.
- iii. In no instance shall serving trays, coolers, boxes, or other devices or objects remain stacked or stored outside of a storage facility and visible from any vantage point on the beach, at any time.
- iv. All mechanical equipment used to prepare watersports gear shall be concealed to the greatest extent possible in accordance with the guidelines for shielding located in Division 22 of the LDC and not exposed or remain on vehicular trailers.
- v. The State of Florida Department of Environmental Protection reserves the right to review and permit all structures, including Concession Huts and Storage Boxes, pursuant to Section 161.56 of the Florida Statutes.