

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Ordinance No 2016-15 – Beach Concession Huts

Date: October 11th, 2016

Prepared By: Jennifer Bryla – Community Development Director

Through: Wayne Saunders, City Manager

Summary of Issue: Proposed for your consideration is City-initiated amendment to Division 6 – Supplemental Regulations. Providing for 6.12(h) Beach Concession Huts. The existing code language located in Division 25 – Coastal Protection and Conservation, specifically 25.6(a) requires that every “tiki hut” must secure a conditional use approval for each hut. The City Commission recognized that this would be an unnecessary exercise if appropriate code language existed. At that time the City Commission directed staff to develop language for “tiki huts” or Beach Concession Huts that would allow for administrative approval if certain criteria were adhered to.

The draft language herein has been reviewed by the vendors and hoteliers for comment and their input has been incorporated. Staff received additional comments from the hoteliers, as well as comments from the Department of Environmental Protection that have also been incorporated into the Ordinance. The Ordinance proposes to regulate the number, look and accessory elements associated with Beach Concession Huts; it will also remove the conflicting language in Division 25 of the Land Development Code.

Requested Motion: I move to approve Ordinance No. 2016-15 on first reading (read title).

Attachments

- (1) Staff Report**
- (2) Ordinance 2016-15**
- (3) Exhibit A**
- (4) Division 25.6 (a) with changes in ~~underline~~ strikethrough**

**Reviewed by the
City Manager**

WS



St. Pete Beach City Commission

155 Corey Avenue
St. Pete Beach, FL 33706
727-367-2735

10/11/2016

Item Number
Ordinance #2016-15

Type of Application
Amendment to Land
Development Code
Division 6, Section 6.12 –
Commercial accessory and
temporary equipment,
structures, portable
buildings, and trailers,
dumpsters and
commercial tents and
Division 25, Section
25.6(a) Tiki Huts

Applicant
City of St. Pete Beach

Location
City wide

Project Planner
Jennifer Bryla, AICP,

Requested Action
Approval of Ordinance
2016-15

**Staff
Recommendation**
Approval

City Commission
First Reading (9/20/2016)

Final Reading (10/11/2016)

ITEM SUMMARY:

The City Commission in the Fall of 2015 directed staff to review the existing code requirements to ensure that the codes were being properly enforced with regard to the sand beach activities. Staff found that several of the hoteliers and beach concession vendors had not secured, or the City did not have evidence of, the required Conditional Use permits as the code requires. As this information came to light, and the vendors were contacted, several who had existing huts on the sand beach were happy to comply and submitted applications for Conditional Use approval.

Recognizing that the number of huts that would require the CU approval would exceed 20, Commission directed staff to adjust the language that regulates the huts. The intent of the Ordinance is to allow the vendors to apply for administrative approval for the huts if they could comply with the criteria outlined. If the vendor could not comply, the applicant could still seek a Conditional Use approval through the City Commission. This step by the City Commission would save the applicant from the expense and time for the Conditional Use process and would ensure that the City would have structures in place that are consistent with the directives of the City. Ordinance 2016-15 would regulate the number, look and accessory elements associated with Beach Concession Huts; it will also remove the conflicting language in Division 25.



Findings

In its review of the proposed application, staff has determined:

1. The proposed Ordinance is consistent with Florida Statutes, including Chapter 161.053.
2. The proposed Ordinance is consistent with DEP 2012 Rules and Procedures for coastal construction and excavation 62B-33.
3. The proposed Ordinance is consistent with the Pinellas County Regional Policy Plan.
4. The proposed Ordinance is consistent with the St. Pete Beach Comprehensive Plan.
5. The proposed Ordinance is consistent with the intent of the LDC.

CONTEXT

Staff has completed research from vendors, other coastal jurisdictions, Florida Department of Environmental Protection and Florida Fish and Wildlife in order to develop the code language. The original language that regulated “Tiki” huts was adopted via Ordinance 2003-07. This Ordinance was included in the creation of the City’s Land Development Code. Division 25 – Coastal and Conservation was just one small component of the 172 page document. With the passage of the proposed Ordinance 2016-15, the City will receive surety that the activities occurring on the sand beach are in harmony with the goals and initiatives that are represented in the Comprehensive Plan. This initiative strives to balance the robust tourist industry that is present alongside the established residential communities.

PUBLIC NOTICE:

Notice of public hearing has been advertised as required by State Statutes. As of the date of this report, no oral or written comments have been received. Oral and written comments may be presented at the public hearing.

COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE:

The proposed Ordinance is consistent with the City of St. Pete Beach’s Comprehensive Plan, specifically Objective 1.9 of the Coastal and Conservation Element which states:

In accordance with this Comprehensive Plan, the City of St. Pete Beach shall protect and restore its beaches, dunes and natural system, protect its recreational and commercial working waterfronts, and establish construction standards which minimize the impacts of man-made structures on these systems through the land development regulations.

The proposed Ordinance is also consistent with the intent of the Land Development Code and further augments the regulation for accessory commercial structures.

DEPARTMENT OF ENVIRONMENTAL REGULATIONS:

The proposed Ordinance is consistent with the DEP regulations found in the Rules and Procedures for Coastal Construction and Excavation publication #62B-33 which states:

(c) Minor activities which do not cause an adverse impact on the coastal system and do not cause a disturbance to any significant or primary dune are exempt from the permitting requirements of this chapter.

STAFF RECOMMENDATION:

Upon review of the above guiding documents, staff recommends approval of Ordinance 2016-15 as presented.

Attachments

- (1) Staff Report**
- (2) Ordinance 2016-15**
- (3) Exhibit A**

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”; PROVIDING FOR SEVERABILITY; AMENDING SECTION 25.6(a) OF DIVISION 25 – COASTAL PROTECTION AND CONSERVATION; 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, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

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:

* * *

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. ~~and as part of a conditional use approved under the provisions [Division 4](#) of this Code. Tiki huts shall be further regulated as follows:~~

- ~~a. Only one tiki hut for each approved conditional use on a zoning lot;~~
- ~~b. Such tiki huts shall be located in accordance with an approved site plan;~~
- ~~c. Tiki huts shall be no larger than [36](#) square feet in area with sides that are at least 50 percent open and may have a roof;~~
- d. 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 re 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.

PASSED ON FIRST READING: _____, a.d. 2016

PASSED ON SECOND AND FINAL READING _____, a.d. 2016

MAYOR

FIRST READING: _____

PUBLISHED: _____

SECOND READING: _____

PUBLISHED: _____

“Exhibit A”

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

* * *

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. 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 and shall match the upland facility they serve to the maximum extent practical. 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 or known nest locations 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 shall not be used if the Storage Boxes are to be towed.
- 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 500 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. A letter of authorization is required from each of the private property owner affected.
- ii. All vehicles must remain at least ten feet (10') at all times from people, vegetation, dunes and wildlife nesting areas.
- iii. A 10 mph speed limit must be adhered to all times.
- iv. No driving shall be done on the beach 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).

- v. 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.

4. 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 shall be concealed to the greatest extent possible and not exposed or remain on vehicular trailer.
- 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.

Sec. 25.6. - Tiki huts.

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 and as part of a conditional use approved under the provisions [Division 4](#) of this Code. Tiki huts shall be further regulated as follows:~~

- ~~a. Only one tiki hut for each approved conditional use on a zoning lot;~~
- ~~b. Such tiki huts shall be located in accordance with an approved site plan;~~
- ~~c. Tiki huts shall be no larger than [36](#) square feet in area with sides that are at least 50 percent open and may have a roof;~~
- ~~d. 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.~~

~~(12) Tiki huts shall be removed from the beach in the event of the issuance of a warning for a storm that, in the opinion of the city, is expected to be of sufficient strength to warrant such removal.~~

~~(23) Any tiki hut or other similar structure placed or erected on the beach after the adoption of this Code without a permit from the city shall in violation of this Code and all remedies shall be sought in accordance with the provisions of [section 3.16](#) of this Code.~~