

ORDINANCE 2024-03

AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, AMENDING SECTION 3-4 “PROXIMITY OF ESTABLISHMENTS TO CHURCH OR SCHOOL—EXCEPTION” BY REMOVING THE 50 ROOM REQUIREMENT FOR HOTELS FROM THE EXCEPTION; AMENDING SECTION 68-302 “USES PERMITTED” TO CORRECT A CODIFICATION ERROR; AMENDING SECTION 68-484 “ACCESSORY USES IN MOTELS OR HOTELS” TO RETITLE THE SECTION, REMOVING THE 50 ROOM REQUIREMENT FROM THE INCIDENTAL SERVICES, AMENDING THE TEN PERCENT FLOOR AREA REQUIREMENT, CLARIFYING ALCOHOLIC BEVERAGE ESTABLISHMENTS, AND DISTINGUISHING BETWEEN ACCESSORY USE AND INCIDENTAL SERVICES IN HOTELS AND MOTELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the language in Chapter 68, Section 68-484 has been codified in the City of Treasure Island Ordinances since 1961; and

WHEREAS, Section 68-484 states that incidental services used in connection with either motels or hotels, including cigar and candy stands, restaurants and lounges, personal service shops and similar uses, may be permitted by special exception of the planning and zoning board provided at least 50 hotel/motel units shall be contained within the building; and

WHEREAS, the City has evaluated the requirement for 50 hotel/motel rooms for certain accessory uses and determined that the 50-room requirement is associated with Section 561.20, Florida Statutes “Limitation of number of licenses issued” which dates back to at least 1949 and limited the number of liquor licenses per city or town based on the number of residents; and

WHEREAS, between 1959 and 1960 Section 561.20(2), Florida Statutes was amended and increased the room requirement for the issuance of a special license to a hotel or motel; and

WHEREAS, Section 561.20(2), Florida Statutes currently states that the limitation on the number of licenses does not prohibit the issuance of a special license to a hotel or motel with greater than 100 rooms in a county with a population of 50,000 residents or more; and

WHEREAS, Section 561.20 governs the number and type of licenses issued; and

WHEREAS, the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages, and Tobacco (DABT), is the agency charged with issuing alcohol

beverage licenses and regulating state alcohol beverage laws pursuant to Sections 561.02 and 561.08, Florida Statutes; and

WHEREAS, also Chapter 79-554, Laws of Florida, provided a limitation on alcohol licenses to hotels in Pinellas County; and

WHEREAS, through research and consultation with the Pinellas County Attorney's office, it was determined that Chapter 79-554, Laws of Florida, is no longer in effect; and

WHEREAS, the City has determined that the 50-room requirement is outdated and that liquor licenses for hotels/motels are regulated by other governmental agencies; and

WHEREAS, the City has also determined that the requirement limits accessory uses in hotels of less than 50 rooms that may otherwise be permitted by special exception; and

WHEREAS, the City has determined it to be in the public interest to identify alcoholic beverage establishments as a special exception, incidental use which is limited to 10% of the total floor area of the principal building; and

WHEREAS the City desires to correct the codification in Section 68-302; and

WHEREAS, the Local Planning Agency met on May 30, 2024, and recommended approval of the following revisions to the Land Development Regulations; and

WHEREAS, the City Commission has reviewed the relevant current Code provisions of the City of Treasure Island and finds that certain modifications are necessary and desirable; and

WHEREAS, the City Commission determines that the adoption of this Ordinance is in the interest of the public health, safety and welfare of the City and its residents.

NOW, THEREFORE, THE CITY OF TREASURE ISLAND DOES ORDAIN:

SECTION 1. The above recitals are true, correct, and incorporated by reference.

SECTION 2. That Section 3-4 of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 3-4 - Proximity of establishments to church or school—Exception.

No license shall be granted for any location which is closer than 300 feet from any public school building. This provision shall not apply to licenses for retail liquor or package stores when located within a hotel of 50 rooms or more.

SECTION 3. That Section 68-302 of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Section 68-302 – Uses Permitted.

The following uses shall be allowed within an RFH-50 zoning district as permitted, special exception or accessory uses as set forth herein:

- (1) Permitted uses. The following permitted uses shall be allowed within an RFH-50 zoning district:
 - a. Hotel and motel;
 - b. Dwelling, tourist;
 - c. Dwelling, residential;
 - d. Essential services;
 - e. Public park and recreational areas;
 - f. Public administrative facilities;
 - g. Home occupation as set forth in section 68-493;
 - h. Telecommunication antennas attached to existing structures which comply with section 68-465 are prohibited;
 - i. Group homes;
 - j. Community residential homes;
 - k. Parking, special event and temporary (per section 68-486);
 - l. Parking lot, off-street, and shared (per section 68-486).

- (2) Special exception uses. Upon application and after a favorable determination by the planning and zoning board that all conditions and provisions of special exception uses have been complied with and that the proposed use is consistent with sound zoning practices, the following special exception uses may be permitted in an RFH-50 zoning district:
 - a. Retail store;
 - b. Personal service store;
 - c. Business and professional office;
 - d. Commercial recreational use;
 - e. Automobile, boat and vehicle rental agency;
 - f. Alcoholic beverage establishments;
 - g. Convenience store;
 - h. Restaurant;
 - i. Religious institution use;
 - j. Parking, temporary (per section 68-486);
 - k. Parking lot, off-site, and remote (per section 68-486).

- (3) Accessory uses. The following accessory uses shall be allowed in an RFH-50 zoning district:
 - a. Private swimming pool and/or beach shelter;
 - b. Private recreational areas for the exclusive use of occupants and guests of a permitted or approved special exception use;
 - c. Off-street parking and loading area;
 - d. Private parking structure or parking lot;
 - e. Commercial uses accessory to a permitted use or approved special exception use as provided for within article VII (see section ~~68-493~~ 68-484);

f. Other accessory uses customarily incident to a permitted use or approved special exception use, not including the conduct of business and as limited by article VII.

SECTION 4. That Section 68-484 of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 68-484. - Accessory uses and Incidental Services in motels or hotels.

(a) ~~Incidental services used in connection with either motels or hotels,~~ Accessory uses which include cigar and candy stands, restaurants, and lounges, alcoholic beverage establishments ~~personal service stores shops~~ and similar uses, may be permitted as allowed in the zoning district, by special exception of the planning and zoning board, provided the following conditions are fulfilled:

~~(1) At least 50 hotel/motel units shall be contained within the building group.~~

~~(21) Alcoholic beverage establishments shall not exceed more than ten percent of the total floor area within the of the principal buildings. shall be so used.~~

~~(32) All such incidental services~~ accessory uses shall be situated within the principal building.

(b) Incidental services used in conjunction with either small hotels or motels ~~of less than 50 units~~ are permitted ~~as an accessory use~~, provided the following conditions are fulfilled:

(1) Such incidental services shall be related to the needs of motel or hotel guests and may include tobacco products, snack and candy items, newsstand, pool and beach supplies and similar items.

(2) Not more than 200 square feet of the total floor area of the principal building shall be so used.

SECTION 5. SEVERABILITY.

It is the intention of the City Commission that each provision hereof be considered severable, and, if any section, subsection, sentence, or provision of this ordinance is held invalid, the remainder of the ordinance shall not be affected.

SECTION 6. CONFLICT.

All ordinance or portions of ordinances in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 7. CODIFICATION.

Sections 2 - 4 of this ordinance shall be codified in the Code of Ordinances for the City of Treasure Island, Florida. The codifier is authorized to renumber or reclassify such other provision of the Code of Ordinance to accomplish such intention. The codifier is also authorized to make editorial changes not affecting the substance of this Ordinance in the substitution of article, ordinance, section, paragraph, or such other appropriate word or phrase in order to accomplish such intention.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its final passage.

FIRST READING and PUBLIC HEARING on the 16th day of July, 2024.

SECOND READING and PUBLIC HEARING on the __ day of ____, 202_.

**PUBLISHED in the Tampa Bay Times on the 3rd day of July, 2024 and the __ day of ____,
202_.**

The foregoing ordinance was offered during the meeting of the City Commission of the City of Treasure Island, Florida, sitting on the __ day of ____, 202_ by Commissioner _____ who moved its adoption; was seconded by Commissioner _____ and upon roll call, the vote was:

YEAS:

NAYS:

ABSENT OR ABSTAINING:

Tyler Payne, Mayor

ATTEST:

Celine Kidwell, City Clerk

Approved as to form:

Jennifer R. Cowan, City Attorney