



# PINELLAS PARK CITY COUNCIL

## WORKSHOP MEMORANDUM

**FROM:** Daniel Hubbard, Civil Engineering Designer

**DATE:** April 6, 2010

**SUBJECT:** PERFORMING ARTS CENTER PARKING LOT EXPANSION

**BACKGROUND:** The Public Works Administrator and Civil Engineering Designer will be present to discuss the proposed expansion of the Performing Arts Center Parking Lot.

### Attached Backup May Be Required:

- Attorney Approval
- Purchasing Approval
- OMB Approval
- Finance Approval
- Minutes from Board or Commission
- Document required for Council action

- Workshop Agenda
- Council Agenda

Department Head Approval 

City Manager Approval \_\_\_\_\_



# PINELLAS PARK CITY COUNCIL

## AGENDA MEMORANDUM

**FROM:** Dean R. Neal, Zoning Director

**DATE:** April 6, 2010

**SUBJECT:** Proposed Amendment of Code of Ordinances, Chapter 4, Alcoholic Beverages

**BACKGROUND:** The Zoning Division Director will be present to discuss the proposed amendment of the Code of Ordinances, Chapter 4, Alcoholic Beverages.

### Attached Backup May Be Required:

- Attorney Approval
- Purchasing Approval
- OMB Approval
- Finance Approval
- Minutes from Board or Commission
- Document required for Council action

- Workshop Agenda
- Council Agenda

Department Head Approval 

City Manager Approval \_\_\_\_\_

# Memorandum

**To:** City Council

**Thru:** Thomas L. Shevlin  
Assistant City Manager

**From:** Dean R. Neal  
Zoning Director

**Subject:** Proposed Amendment of Code of Ordinances, Chapter 4, Alcoholic Beverages

**Date:** April 6, 2010 Workshop

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## Present Situation:

The existing regulations, Chapter 4 of the Code of Ordinances, requires a separation of alcoholic beverage establishments from protected facilities such as churches, schools and playgrounds of 500 feet from property line to property line. In the community redevelopment district the number of churches has proliferated to the point where it is difficult to permit alcoholic beverage establishments because of the separation requirement.

## Proposal:

Staff has drafted an amendment to the Code of Ordinances that will allow the Community Redevelopment Agency to grant an exemption from the 500 foot separation requirement for fraternal lodges and clubs that dispense alcoholic beverages.

## Advantages:

The amendment will reduce conflicts between churches and fraternal lodges/clubs in an area of the City that is locationally attractive to both uses.

## Disadvantages:

Since the operating hours of the two uses rarely coincide no disadvantages are perceived by Zoning staff.

AN ORDINANCE AMENDING CHAPTER 4 "ALCOHOLIC BEVERAGES" OF THE CODE OF ORDINANCES OF THE CITY OF PINELLAS PARK, FLORIDA, BY AMENDING SECTION 4-108 "PROXIMITY OF BUSINESS ESTABLISHMENTS DEALING IN ALCOHOLIC BEVERAGES TO EDUCATIONAL INSTITUTIONS (ELEMENTARY, MIDDLE AND SENIOR), YOUTH OR PUBLIC RECREATION CENTERS, PLAYGROUNDS, CHURCHES, TEMPLES AND SIMILAR RELIGIOUS INSTITUTIONS, HOSPITALS, AND CHILD CARE CENTERS; METHOD OF MEASUREMENT; EXCEPTIONS" BY ADDING CLUBS AND LODGES THAT MEET CERTAIN CRITERIA TO THE LIST OF EXEMPT ESTABLISHMENTS; ESTABLISHING THE COMMUNITY REDEVELOPMENT AGENCY (CRA) AS THE PERMITTING AUTHORITY FOR THE EXEMPTION AND ELIMINATING CERTAIN LANGUAGE QUALIFYING DRUGSTORES AND PRESCRIPTION SHOPS; RENUMBERING CHAPTER 4 AS APPROPRIATE; PROVIDING FOR CERTIFICATION BY THE CITY COUNCIL THAT THIS ORDINANCE IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN; PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE CODE OF ORDINANCES; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

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NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, AS FOLLOWS:

**SECTION ONE:** That Chapter 4 (Alcoholic Beverages), of the Code of Ordinances of the City of Pinellas Park, Florida, is hereby amended by amending Section 4-108(B) so that said section shall be and read as follows:

(B) *Exceptions.* The following are exceptions to this Section:

1. If a protected facility subsequently locates within five hundred (500) feet of an existing establishment holding a valid alcoholic beverage license, the establishment holding said license shall be treated, for so long as it continues to hold a valid alcoholic

beverage license, as if said protected facility were not within the before mentioned five-hundred-foot distance.

However, if such valid alcoholic beverage license shall expire and not be renewed or replaced with another valid alcoholic beverage license, or otherwise cease to remain in effect, for a period of twelve (12) consecutive months, then such establishment shall thereafter be subject to the limitations of this Section. The method of measuring the five-hundred-foot distance shall be as hereinabove described.

2. This Section shall not apply to any establishment dealing in alcoholic beverages which sells beer and malt beverages containing alcohol of five-tenths (0.5) percent or more by volume only for consumption off-premises and which does not otherwise sell or dispense alcoholic beverages or permit on-premises consumption of alcoholic beverages.
3. This Section shall not apply to drugstores and prescription shops ~~dealing only in medicines and drugs dispensed for medical purposes~~, restaurants, hotels, motels, fraternal clubs and lodges subject to 4. below, supermarkets, grocery stores, convenience stores, automobile service stations, theaters, bowling alleys, and like establishments which derive less than fifty (50) percent of their gross revenue from the sale of alcoholic beverages.
4. ~~If: 1) A subordinate lodge or club of a national fraternal or benevolent association; or 2) a nonprofit club devoted to promoting community, municipal, or County development, or any phase of community, municipal, or County development; or 3) a club assisting, promoting, and developing subordinate lodges or clubs of national fraternal or benevolent associations; or 4) a club promoting, developing, and maintaining cultural relations of people of the same nationality not holding a valid alcoholic beverage license lawfully existed at its location prior to the establishment of a protected facility within five hundred (500) feet thereof, such club may be conditionally authorized by City Council to obtain the necessary alcoholic beverage license to sell,~~

~~dispense, or allow the consumption on premise of alcoholic beverages upon the following conditions: is exempt from this section under the following conditions:~~

- (a) ~~The club or lodge shall submit a fully completed application on an approved form to the City Manager.~~

~~The club or lodge shall also provide such additional information as may be required by City Council.~~

~~The exemption is only applicable within the downtown area. For the purposes of this ordinance "the downtown area" shall be the same as the community redevelopment area or that area designated on the City's Future Land Use Map as CRD.~~

- (b) ~~The initial authorization shall be for a specific period of time not to exceed one (1) year. The club or lodge shall thereafter be allowed to apply to City Council for renewal of the authorization for like periods of time. If City Council does not extend such authorization, the club or lodge shall cease selling or dispensing or allowing the on premise consumption of alcoholic beverages immediately upon expiration of the authorized period. The club or lodge shall submit a fully completed application on an approved form to the City Manager. Zoning Division. The club or lodge shall also provide such additional information as may be required by City Council. the Zoning Division. The Zoning Division will schedule the application for consideration by the Community Redevelopment Agency (CRA). The CRA will render its decision in writing to the applicant.~~

- (c) ~~City Council~~ The CRA may place such other lawful conditions and restrictions upon the a written authorization as it deems appropriate due to existing conditions to maintain compatibility with the neighborhood.

- ~~(d) The club or lodge shall enter into a written~~

~~agreement with the City acceptable to the City Attorney incorporating the conditions and restrictions of the authorization granted by City Council.~~

(e) ~~In determining whether to grant an initial authorization hereunder, and any extension thereof, City Council~~ The CRA shall consider the following factors with their decision:

- (1) Conditions of the club or lodge site, including amount of available off-street parking, size and location of improvements, and buffering from abutting properties.
- (2) Development and characteristics of surrounding properties and location relative to protected facilities.
- (3) ~~Maintenance of the club or lodge site, including parking lots, grounds, and structures.~~
- (4) Hours of operation of the club or lodge.
- (5) ~~Noise generated by operation of the club or lodge.~~
- (6) ~~Frequency and character of complaints.~~
- (7) Seating capacity and anticipated number of patrons.
- (8) All other relevant factors.

5. The CRA shall be empowered to revoke a conditional authorization for an exempt Club or Lodge if the following conditions are substantiated by the CRA at a public hearing:

(a) The Club or Lodge is creating a sanitation or litter nuisance.

(b) The Club or Lodge or its patrons create(s) conditions that interfere with the conduct of other nearby businesses such as, but not limited to, loitering or excessive noise.

- (c) The Club or Lodge becomes the subject of citizen complaints.
- (d) The Club or Lodge becomes the subject of peace disturbances as demonstrated by police reporting.
- (e) The Club or Lodge exceeds parking capacity to the detriment of other businesses in the neighborhood or loading capacities based upon the Florida Building Code and/or the Florida Fire Prevention Code as they may be amended from time to time.
- (f) Any nuisance or undesirable condition that negatively impacts the health, welfare or safety of either patrons or the neighborhood.

**SECTION TWO:** It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the "Code of Ordinances" of the City of Pinellas Park, Florida, and the publisher of the Code of Ordinances may renumber, reclassify or otherwise insert this ordinance in an appropriate place to accomplish such intention.

**SECTION THREE:** That all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are, and they are hereby repealed insofar as the same affect this Ordinance.

**SECTION FOUR:** That this Ordinance shall be in full force and effect immediately after its passage and approval in the manner provided by law.

PUBLISHED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.  
FIRST READING \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.  
PUBLIC HEARING THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.  
ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010

AYES:

NAYES:

ABSENT:

ABSTAIN:

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.

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William F. Mischler  
MAYOR

ATTEST:

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Diane M. Corna, MMC  
CITY CLERK

City of Pinellas Park  
Community Redevelopment Agency

A Look at Alcoholic Beverage Regulations  
Other Communities

Community	Protected Facilities	Distance Requirement	Method of Measurement
St. Pete <sup>1</sup>	Church, school	400 feet	Wall to property line.
Dunedin <sup>2</sup>	Church, school	300 feet for all but restaurants only 175 feet.	Door to property line.
Largo <sup>3</sup>	Church, school, residential	Church, school 750 feet; residential, 100 feet	Wall to property line.
Seminole <sup>4</sup>	Church, school; residential	750 feet to church school; 100 feet from residential	Wall to property line.
Tarpon Springs <sup>5</sup>	Church, school	500 feet; Restaurants, 200 feet	Shortest route of pedestrian travel.
Unincorporated County <sup>6</sup>	Church, school, Residential	750 feet churches and schools; 150 feet to residential	Building to property line.
Treasure Island	Church, school	300 feet, Exempt if within Hotel	Entrance to entrance at centerline of road.

1. May apply for special exception if distance not achievable. If proposed use and protected facility are in same bldg then no separation required.
2. No exemptions except residential.
3. Drugstores only dealing with prescriptions and Vendors are exempt. Restaurants are exempt but must be located at least 150 feet from another AB license holder and is only 50 feet apart in CRD.
4. No separation requirements for Clubs/Lodges. Permitted as conditional use in any district.
5. Distance is 150 feet from residential if live entertainment is provided.
6. Clubs/Lodges exempt. Permitted as conditional use in any district.