

ORDINANCE NO. 2026-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, BY AMENDING CHAPTER 18, LAND DEVELOPMENT CODE, PERTAINING TO ACCESSORY USE AND SUPPLEMENTARY DISTRICT REGULATIONS; AMENDING SECTION 18-1530.14 “TEMPORARY USES” TO UPDATE REGULATIONS REGARDING TEMPORARY USES. PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE CODE OF THE CITY OF PINELLAS PARK, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (LDC-0925-00021, CITY OF PINELLAS PARK)

WHEREAS, the City of Pinellas Park requests to amend sections and tables of the Land Development Code to update the Temporary Use regulations; and

WHEREAS, tents are subject to the standard zoning setbacks for the applicable zoning district in which it is located; and

WHEREAS, tents are subject to the regulations contained within the latest edition of the Florida Building Code; and

WHEREAS, the City wishes to add references to existing Land Development Code regulations and Florida Building Code regulations in Section 18-1530.14 “Temporary Uses”; and

WHEREAS, the City requests to codify the requirements for event security that have historically been enforced by City Staff to ensure safety; and

WHEREAS, the City desires to describe in greater detail the existing requirements for the application of a Temporary Use; and

WHEREAS, the City wishes to consolidate and reorganize Section 18-1530.14 so that applicants better understand the process for obtaining a Temporary Use permit; and

WHEREAS, the City requires non-permanent structures to be removed daily; and

WHEREAS, the Planning and Zoning Commission, sitting as the Local Planning Agency, has reviewed and held at least one public hearing on said proposed ordinance.

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

SECTION 1: That Section 18-1530, of Chapter 18, of the Land Development Code of the City of Pinellas Park, Florida is hereby amended to read as follows:

Sec. 18-1530.14. TEMPORARY USES.

- (A) **PURPOSE.** Administrative temporary use permits are intended to provide orderly and effective management of temporary land uses which may or may not be permitted in the

zoning district where the proposed use is located. Such uses are found to be necessary and desirable for limited periods of time, while they might not be in keeping with the intent and purpose of this Article if allowed on a long-term basis. These provisions allow administrative review of these special types of land uses and offer a method of limiting them to their individual specifications. These provisions are designed to allow certain reasonable temporary uses while minimizing adverse impact upon the public health, safety and welfare.

(B) ADMINISTRATION.

1. Application and fee for a temporary use permit shall be made to the Planning and Development Division and shall contain the following information:

(a) A detailed ~~plot~~ site plan of the property to be used, rented or leased for the temporary use, including all information necessary to show existing conditions such as buildings, parking spaces, driveways, etc. and, showing the location of all proposed activities, any tents or other temporary structures or sales area, off-street parking areas and traffic circulation, temporary signage, and location of sanitary facilities. Such plan shall be reviewed by the Zoning Planning and Development Services and Building Development Divisions for compliance with all applicable Code requirements.

(b) A project narrative with a description of the proposed temporary use, hours of operation, anticipated number of attendees, and the type and quantity of vendors.

(c) The proposed dates and hours of operation, including set-up and take-down.

(d) A notarized Affidavit of Ownership ~~written statement of permission~~ from the property owner to conduct such use during the time period and in the location requested.

(e) All proposed use of loudspeakers and noisy equipment such as generators. Such noise sources shall be strategically placed and oriented to minimize off-site noise in adjacent residential zoning districts. Additional mitigation shall be identified if the noise levels will exceed the standards for acceptability set forth in Section 16-105, "Noise," of the Code of Ordinances. Sufficient information and assurances to determine the suitability of the proposed use, including all information required for the particular temporary use set forth below.

2. Application for a temporary use permit for all uses should be filed at least thirty (30) ~~fifteen (15)~~ days prior to the beginning date for which the permit is requested, in order to allot sufficient time for City review and approval. Applicants not submitting a complete application at least thirty (30) ~~fifteen (15)~~ days in advance risk not receiving approval in time for the planned starting date, ~~unless the event is periodic in nature, and the location, event character, plans, operating hours, and other conditions do not change from event to event. For such periodic events, the application shall be submitted no fewer than seven (7) working days prior to the starting date of the proposed event.~~ Applications requiring resubmittals or revisions may warrant additional review time.

3. The review criteria for temporary use applications are as follows:

(a) Compliance with the requirements of this Section.

(b) Compatibility with adjacent uses and existing permanent uses on the premises, including but not limited to, noise levels, access considerations, traffic volumes, and outdoor lighting.

(c) Adequacy of directory signage.

(d) Compliance with all requirements for licenses, including but not limited to, Business Tax Receipts (BTRs), state licenses for alcoholic beverage sales and food preparation and sale.

4. The City Manager is authorized to issue temporary use permits after finding that the above review criteria have been satisfactorily addressed.

5. At the discretion of the City Manager, a temporary use permit may be submitted to City Council for review ~~and approval~~, based on the nature of the use, proposed location, surrounding uses, hours or days proposed, or other appropriate factors.

6. In issuing a temporary use permit, conditions of approval may be attached to such issuance, including, but not limited to, dates of operation, hours of operation, location, parking and circulation, traffic access, sanitary facilities, date by which temporary structure and trash shall be removed—which shall be no later than three (3) days unless otherwise provided—traffic and/or crowd control, permanent on-site safety requirements and any other conditions as will protect the health, safety, and welfare of the public and which will protect surrounding properties from any adverse effects of the activity.

7. Before business can be conducted at the temporary use site, all temporary structures, including but not limited to tents and trailers, shall be issued a Building Permit where required by the Florida Building Code, and shall be approved by the Fire Department before setup, and inspected and approved after setup.

8. Denial of the permit shall be in writing and provided to the applicant within fourteen (14) ~~seven (7)~~ working days of a complete application and any required resubmission(s) ~~receipt of a complete application~~. Reasons for the denial shall be included.

9. The City Manager, upon finding that the terms of any temporary use permit are being violated, may revoke the permit and order the immediate cessation of the use activity.

~~10. Property owners (and tenants of property owners) may conduct an event/sale of goods that is similar to the temporary uses outlined in Paragraph (D) following if the event/sale of goods is directly related to the owner/tenant's business, and does not include outside agencies/businesses. However, said event/sale of goods is still subject to the requirements of the most similar listed temporary use herein. The City Manager may waive one (1) or more application requirements where not applicable to a given application.~~

(C) GENERAL PROVISIONS.

1. Tents. Tents erected in any zoning district for the purpose of special promotions, entertainment, educational, religious, ~~evangelistic~~ or similar special events, shall be subject to the following requirements. A tent shall not be acceptable as a permanent structure.

(a) The use of the tent shall be limited to an authorized use of the property in the zoning district where located or as provided by this Section.

(b) ~~The tent~~ Tents shall comply with all setback requirements.

(c) Tents shall maintain a ten (10) foot setback from other tents or structures in accordance with the Florida Building Code.

~~(e)~~(d) A tent permit shall be obtained from the Building Development Division for tents larger than 10'x10' in accordance with the Florida Building Code.

(e) Tents that require a building permit will be authorized for the duration of the event pending permit approval.

(f) Tents up to 10'x10' that do not require a building permit shall be removed daily unless otherwise authorized by the City Manager.

2. Adequate on-site sanitary facilities shall be provided, as determined by the Building Development Division. Said sanitary facilities may be provided by an established business on the site, if the business remains open during the proposed hours of operation of the temporary use. ~~A letter must be provided stating that sanitary facilities are available to the patrons of the temporary use. The use of outdoor privies is also allowed unless otherwise indicated.~~

3. Dumpsters, or other appropriate waste disposal containers, ~~as approved by the City Manager,~~ shall be provided on the site.

4. Temporary signage shall be in conformance with ~~Chapter~~ Article 6, "Signs".

5. Adequate off-street parking shall be provided, as determined by the City Manager based upon the requirements of Section 18-1532, "Parking and Loading Regulations", professionally accepted standards, and the adequacy of parking that was provided for past, similar events.

6. No temporary use shall encroach into any required parking space, driveway or drive aisle necessary for the operation of existing businesses or the temporary use, or within required landscaped areas.

(7) All Temporary Uses shall be limited to a maximum of seven (7) consecutive days per event, with the exception of seasonal sales which are limited to thirty (30) consecutive days, unless otherwise authorized by the City Manager. Reoccurring events (such as weekly markets) that do not change will require one Temporary Use Permit per calendar year.

(D) AUTHORIZED TEMPORARY USES. The following temporary uses are hereby authorized: Bazaars, Bicycle Races, Block Parties, Car Shows, Carnivals, Celebrations, Concerts, Construction Staging Yards, Circuses, Community Special Events, Cookouts, Concerts, Food Truck Rallies, Fund-Raising Events, New or Used Retail Sales, Roadside Vendors, Seasonal Sales, Traveling Shows, or other similar events as approved by the City Manager.

Requirements below must be met and maintained for all temporary events:

1. Any temporary tents, structures, stands, displays, or carts shall be removed daily. No permanent structures shall be allowed unless otherwise authorized by the City Manager. See Subsection (C)1. above for "tent" requirements and exceptions.

2. All event structures and materials shall meet all required Zoning District setbacks.

3. The event shall conform to visibility triangle requirements as defined in Section 18-1503.11.

4. Off-street parking shall be provided based upon the requirements of Section 18-1532, "Parking and Loading Regulations" or one (1) parking space for each two hundred (200) square feet of display and sales area, or fraction thereof, with a minimum of one (1) parking spaces provided for each vendor or as determined by the City Manager.

5. Adequate on-site sanitary facilities shall be provided, as determined by the

Building Development Division. Said sanitary facilities may be provided by an established business on the site, if the business remains open during the proposed hours of operation of the temporary use.

6. All food and beverage vendors must be licensed.

7. Alcoholic beverage license must be provided if applicable.

8. All Business Tax Receipt (BTR) requirements shall be complied with.

9. Adequate crowd control measures and security requirements approved city staff.

10. Hours of operation to be approved by City staff.

11. For any requested road closures, the applicant must provide letters of no objection from affected/adjacent property owners.

1. Construction Offices, Construction Storage Buildings, and Construction Staging Yards:

~~(a) Such uses shall be located within the lot or subdivision involved in the construction project, or immediately adjacent thereto, but not upon public easements or public property. This restriction shall not apply to such uses in conjunction with Federal, State, County, or local government construction projects for rights of way, drainage and utility installations.~~

~~(b) Building Permits shall be obtained for such uses.~~

~~(c) Temporary buildings for construction purposes are permitted for a period not to exceed the duration of such construction while an active Building Permit is in effect.~~

~~2. Model Homes and Temporary Real Estate Sales Offices:~~

~~(a) In a residential development for new dwellings (single family detached, single family attached, duplex, multifamily, mobile or manufactured home), developers or their agents may operate one (1) or more model homes and one (1) temporary real estate sales office which may be in the model home, but if not in the model home, it shall be less than seven hundred fifty (750) square feet in area.~~

~~(b) The temporary real estate sales office shall not be used except for the purpose of developing and marketing the property or subdivision in which such office is located.~~

~~(c) The temporary real estate sales office not in a model home shall not be used as an office for more than eighteen (18) months, after which time such office shall immediately be removed.~~

~~(d) Model homes and temporary real estate sales offices shall not be used for any business activity later than 9:00 p.m.~~

~~3. Seasonal Sales:~~

~~(a) Outdoor seasonal sales may be permitted in any commercial, mixed use, and industrial zoning district where retail sales is allowed. Seasonal sales are also permitted in other zoning districts if located on the site of an existing civic organization (i.e., place of worship, Boy Scouts, school, fraternal organization or similar activity).~~

~~(b) The sale shall be limited to a maximum forty five 45 days per event and shall be limited to two (2) events per calendar year, per site. This two event limit per site shall also include any "General Retail Sales" outlined in Subsection (D)4. following.~~

~~(c) The sales area shall include any areas used for display outside the confines of the temporary structure.~~

- ~~(d) One (1) recreational vehicle may be allowed for security purposes only.~~
- ~~(e) Storage or parking of semi-tractor cabs and/or trailers, or similar type vehicles, is prohibited. This does not include vehicles actually engaged in a business activity which requires their presence for a limited time to perform the delivery of goods and services. This provision shall not apply to properties located within the "M-1" Light Industrial and "IH" Industrial Heavy zoning districts.~~
- ~~(f) See also Subsection (C)1. above for "tent" requirements.~~
- ~~4. General Retail Sales.~~
- ~~(a) General retail sales may be permitted outdoors in any commercial, mixed use, or industrial zoning district where retail sales is allowed.~~
- ~~(b) The sale shall be limited to a maximum fourteen day period only and shall be limited to two (2) events per calendar year per site. This two event limit per site shall also include any "Seasonal Sales" outlined in Subsection (D)3. above.~~
- ~~(c) The sales area shall include any areas used for display outside the confines of a temporary structure.~~
- ~~(d) Such use shall meet required setbacks for the zoning district in which it is proposed to be located.~~
- ~~(e) One (1) recreational vehicle may be allowed for security purposes only.~~
- ~~(f) Storage or parking of semi-tractor cabs and/or trailers, or similar type vehicles, is prohibited. This does not include vehicles actually engaged in a business activity which requires their presence for a limited time to perform the delivery of goods and services. This provision shall not apply to properties located within the "M-1" Light Industrial and "IH" Industrial Heavy zoning districts.~~
- ~~(g) See also Subsection (C)1., above for tent requirements.~~
- ~~5. Carnival, Circus or Community Special Event.~~
- ~~(a) A temporary use permit may be issued for a carnival, circus, or a community special event of public interest, including but not limited to, outdoor concerts, auctions, automobile, bicycle or foot races, or other events as approved by the Zoning Division.~~
- ~~(b) A temporary use permit may be issued for a time period for a maximum of twenty (20) days and shall be limited to one (1) event per calendar year per site.~~
- ~~(c) The applicant shall provide the anticipated number of persons to attend such use.~~
- ~~(d) Adequate crowd control shall be provided, as approved by the Police Department.~~
- ~~(e) See also Subsection (C)1. above for "tent" requirements.~~
- ~~6. New or Used Car, Boat or Recreational Vehicle Promotional Sales.~~
- ~~(a) Promotional sales of new or used cars, boats or recreational vehicles on lots not part of such an established business may be issued a temporary use permit for no more than ten (10) consecutive days in any two month period. All applicable Land Development Code requirements shall be met for any lot where such promotional sales are desired more often than allowed herein.~~
- ~~(b) Such temporary, promotional sales shall only occur on lots where such~~

~~permanent use is allowed, as a Permitted or Conditional Use, under the zoning district for the subject lot.~~

~~(c) No temporary use permit shall be issued for a lot for the time period of Thanksgiving through January 1 where other existing businesses are in operation.~~

~~(d) No existing streetscape, perimeter or interior green space area shall be used for display.~~

~~(e) No portion of the display or parking areas shall be on publicly owned property or rights of way.~~

~~(f) No loudspeaker or public address system shall be allowed.~~

~~7. Roadside Vendors. (A non-permanent fixture on a lot used for retail sale display of merchandise or food. Primary source of customers generated from passing traffic).~~

~~(a) Any temporary structures or carts shall be removed daily. No permanent structures shall be allowed.~~

~~(b) A roadside vendor and all items displayed or for sale shall be located on a lot and shall not be located on publicly owned property or rights of way.~~

~~(c) Off-street parking shall be provided at the rate of one (1) parking space for each two hundred (200) square feet of display and sales area, or fraction thereof, with a minimum of three (3) parking spaces provided for the roadside vendor.~~

~~(d) Adequate permanent on-site sanitary facilities shall be provided, as determined by the Building Development Division. Said sanitary facilities may be provided by an established business on the site, if the business remains open during the proposed hours of operation of the temporary use. A letter must be provided stating that sanitary facilities are available to the patrons of the temporary use. The use of outdoor privies shall not be allowed.~~

~~(e) No food or drink may be displayed or sold except in accordance with the standards and prior written approval of the Pinellas County Health Department.~~

~~(f) All requirements of the Sign Code shall be met.~~

~~(g) All business tax receipt requirements shall be complied with.~~

~~(h) Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m.~~

~~(i) No temporary structure or cart, or items displayed or for sale, shall be located within the visibility triangle, as defined in Section 18-1503.11.~~

~~(j) The maximum timeframe a lot or parcel may be issued temporary use permits for the same or different roadside vendors shall be ninety (90) days combined within any calendar year.~~

~~8. Vendors. A use/service offered by the property owner as a integral part of the primary business.~~

~~(a) No permanent structures shall be allowed.~~

~~(b) The vendor and all items displayed or for sale shall be located at or near the primary structure to serve customers entering and exiting the business, and within the area designated for outdoor display of goods. Picnic tables with benches shall be allowed for the customers of food vendors.~~

~~(c) Adequate permanent on-site sanitary facilities shall be provided, as determined by the Building Development Division. Said sanitary facilities~~

~~may be provided by an established business on the site, if the business remains open during the proposed hours of operation of the temporary use. A letter must be provided stating that sanitary facilities are available to the patrons of the temporary use. The use of outdoor privies shall not be allowed.~~

~~(d) No food or drink may be displayed or sold except in accordance with the standards and prior written approval of the Pinellas County Health Department.~~

~~(e) All business tax receipt requirements shall be complied with.~~

~~(f) Hours of operation shall be the same, or less, as the primary business located on the site.~~

SECTION 2: All other provisions of Chapter 18, Land Development Code, of the Code of the City of Pinellas Park not hereby amended shall remain in full force and effect.

SECTION 3: The provisions of this Ordinance shall become and be made a part of the Land Development Code 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 4: That all Ordinances, or parts of Ordinances, in conflict with the provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 5: If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal, or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

SECTION 6: 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 _____, 2026.

FIRST READING _____, DAY OF _____, 2026.

FIRST PUBLIC HEARING THE _____, DAY OF _____, 2026.

SECOND PUBLIC HEARING THE _____, DAY OF _____, 2026.

PASSED THIS _____, DAY OF _____, 2026.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED THIS _____, DAY OF _____, 2026.

Sandra L. Bradbury
MAYOR

ATTEST:

Jennifer R. Carfagno, MMC
CITY CLERK

Business Impact Estimate

This form must be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: **Ordinance 2026-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, BY AMENDING CHAPTER 18, LAND DEVELOPMENT CODE, PERTAINING TO ACCESSORY USE AND SUPPLEMENTARY DISTRICT REGULATIONS; AMENDING SECTION 18-1530.14 "TEMPORARY USES" TO UPDATE REGULATIONS REGARDING TEMPORARY USES. PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE CODE OF THE CITY OF PINELLAS PARK, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes.

If one or more boxes are checked below, this means the City is of the view that a business impact estimate is ***not*** required by state law¹ for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits, as those terms are defined in Florida Statutes § 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under Florida Statutes § 163.3220-163.3243;
 - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the City;
 - c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;

¹ See Section 166.041(4)(c), Florida Statutes.

- d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): Ordinance is to simplify and update the temporary use code. Reduce duplicate uses and add missing uses as well as update requirements and event duration.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur;
N/A

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
N/A

(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.
N/A

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: Any business that were to apply for a temporary use permit. In 2024 a total of 19 Temporary Use event applications and a total of 16 applications so far. This is not anticipated to adversely effect future Temporary Use Events.

4. Additional information the governing body deems useful (if any):
N/A