

ORDINANCE NO. 2025-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 18-1502.2 TO CONFORM THE DEFINITION OF “PUBLIC FOOD SERVICE ESTABLISHMENT” WITH SECTION 509.013, FLORIDA STATUTES; AMENDING SECTION 18-1530 TO ADD A SUBSECTION 18-1530.31 PERTAINING TO DOGS IN DESIGNATED OUTDOOR DINING AREAS, DUE TO A SCRIVENER’S ERROR IN 2024 ORDINANCES AMENDING THE LAND DEVELOPMENT CODE; TO ESTABLISH AN OUTDOOR DOG DINING PERMIT APPLICATION FEE IN THE CITY’S ADMINISTRATIVE FEE SCHEDULE; PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE CODE OF THE CITY OF PINELLAS PARK, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (LDC-0825-00015)

WHEREAS, the City Council of the City of Pinellas Park adopted Ordinance 4234 in January 2024 adding a new subsection 18-1530.30 to the Land Development Code to include dogs in designated outdoor dining areas and providing for permit application and fee; and

WHEREAS, inadvertently, in June 2024, the City Council of the City of Pinellas Park adopted Ordinance 4258 which also created a new subsection 18-1530.30 to the Land Development Code providing for regulations for Erosion and Sediment Control, and it is believed that this was a scrivener’s error in Ordinance 4258 which should have numbered the new subsection “18-1530.31” for Erosion and Sediment Control; and

WHEREAS, to correct the scrivener’s error and reinstate and formally codify regulations for dogs in designated outdoor dining areas, the City of Pinellas Park amends Section 1530 of Article 18 of the Land Development Code pertaining to Accessory Use and Supplemental District Regulations, by conforming the existing definition of “public food service establishment” to the definition in Florida Statutes and by adding subsection 18-1530.31 pertaining to dogs in designated “outdoor dining areas”; and

WHEREAS, the Planning and Zoning Commission, sitting as the Local Planning Agency, and the City Council for the City of Pinellas Park, Florida have reviewed and held public hearings on said proposed ordinance.

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

SECTION 1. That Section 18-1502.2 “DEFINITIONS”, of Chapter 18 of the Land Development Code of the City of Pinellas Park, Florida is hereby amended to amend the following definition to conform with Sec. 509.013, Florida Statutes:

Sec. 18-1502.2. DEFINITIONS.

PUBLIC FOOD SERVICE ESTABLISHMENT. Subject to exemptions provided in Section 509.013, Florida Statutes, any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption. The term includes a culinary education program, as defined in s. 381.0072(2), which offers, prepares, serves, or sells food to the general public, regardless of whether it is inspected by another state agency for compliance with sanitation standards. “Public Food Service Establishment”, includes A a restaurant, tavern/lounge, brewery, microbrewery, micro-winery, or micro-distillery as defined in this section.

SECTION 2: That Section 18-1530, of Chapter 18, of the Land Development Code of the City of Pinellas Park, Florida is hereby amended by creating subsection 18-1530.31, “Dogs in Designated Outdoor Dining Areas”, which subsection shall read as follows:

Sec. 18-1530.31. DOGS IN DESIGNATED OUTDOOR DINING AREAS

(A) PURPOSE. Section 509.233, Florida Statutes grants the City the authority to provide exemptions from the Food and Drug Administration Food Code, as adopted and incorporated by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation in the Florida Administrative Code. The purpose of this section is to allow patrons’ dogs within certain designated outdoor portions of public food service establishments, as that term is defined in Chapter 509, Florida Statutes. The procedure adopted pursuant to this section provides an exemption, for those public food service establishments which have received a permit, to those sections of the Food and Drug Administration Food Code that prohibit live animals in public food service establishments.

(B) PERMIT REQUIRED. No dog shall be allowed in a public food service establishment unless allowed by State law. In addition, the public food service establishment must maintain an unexpired permit issued by the City pursuant to this section. Dogs shall only be authorized in a designated outdoor dining area. It shall be unlawful to fail to comply with any of the requirements of this section.

(C) PERMITTED ZONING DISTRICTS. Designated Outdoor Dog Dining Areas will be permitted to operate as an accessory use in any zoning district that allows one of the following uses: restaurant, tavern/lounge, brewery, microbrewery, micro-winery, and/or micro-distillery.

(D) APPLICATION REQUIREMENTS. Public food service establishments must apply for and receive a permit from the City before patrons' dogs are allowed on the premises.

A fee, which shall be set by Resolution of the City Council, must be paid by the applicant to cover the cost of processing the application. The application for a permit shall require such information from the applicant as is deemed reasonably necessary to enforce the provisions of this section, but shall require, at a minimum, the following information:

1. Name, location, mailing address and State-issued license number of the public food service establishment; and
2. Name, mailing address, and telephone contact information of the permit applicant and name, mailing address and telephone contact information of the owner of the public food service establishment (if different from the permit applicant). The permit applicant shall provide authorization from the business owner and the property owner, if they are not the same as the permit applicant; and
3. A diagram and description of the outdoor area which is requested to be designated as available to patrons' dogs, including dimensions of the designated area (the diagram must be accurate and to scale); a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of any other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information as is deemed necessary by the City; and
4. A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.

(E) REGULATIONS. Public food service establishments that receive a permit for a designated outdoor dog dining area pursuant to this section shall require that:

1. Employees shall wash their hands promptly after touching, petting, or otherwise handling any dog(s); and
2. Employees are prohibited from touching, petting or otherwise handling any dog while serving or carrying food or beverages or while handling or carrying tableware or before entering other parts of the public food service establishment; and

3. Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area; and
4. Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control; and
5. Employees and patrons shall be instructed that they are not to allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved with food service operations; and
6. Employees and patrons shall not allow any part of a dog to be on chairs, tables, or other furnishings; and
7. Employees shall clean and sanitize all table and chair surfaces with an approved product between seating of patrons; and
8. Employees shall remove all dropped food and spilled drink from the floor or ground as soon as possible but in no event less frequently than between seating of patrons at the nearest table; and
9. Employees and patrons shall remove all dog waste immediately and the floor or ground shall be immediately cleaned and sanitized with an approved product. Employees shall keep a kit with the appropriate materials for this purpose near the designated outdoor area; and
10. Employees and patrons shall not permit dogs to be in, or to travel through, indoor or non-designated outdoor portions of the public food service establishment; and
11. A sign or signs notifying the public that the designated outdoor area is available for the use of patrons and patrons' dogs shall be posted in a conspicuous manner that places the public on notice; and
12. A sign or signs informing patrons of these laws shall be posted on the premises in a manner and place as determined by the City; and
13. A sign or signs informing employees of these laws shall be posted on the premises in a manner and place as determined by the City; and

14. Ingress and egress to the designated outdoor area shall not require or allow entrance into or passage through any indoor area or non-designated outdoor portions of the public food service establishment; and
15. The public food service establishment and designated outdoor area shall comply with all permit conditions and the approved diagram; and
16. Employees and patrons shall not allow any dog to be in the public food service establishment if the public food service establishment is in violation of any of the requirements of this section; and
17. Permits shall be conspicuously displayed in the designated outdoor area.

(F) EXPIRATION AND REVOCATION OF PERMITS.

The following shall apply to permits issued under this section:

- A. A permit issued pursuant to this section shall expire automatically upon the sale of the public food service establishment and cannot be transferred to a subsequent owner. The subsequent owner may apply for a permit pursuant to this section if they wish to continue to allow patrons' dogs in a designated outdoor area of the public food service establishment; and
- B. A permit may be revoked if, after notice, the public food service establishment fails to comply with any condition of approval, fails to comply with the approved diagram, fails to maintain any required state or local license, or is found to be in violation of any provision of this section.

(G) COMPLAINTS AND REPORTING.

The following shall apply to the handling of complaints of violations of this section:

- A. Complaints of violations of this section may be made to the Community Compliance Division of the Pinellas Park Police Department; and
- B. The Community Compliance Division shall accept, document, and respond to complaints and shall report such complaints to the Community Development Department.

SECTION 3. That a \$100.00 fee be established in the City's Administrative Fee schedule (Resolution 2025-03) to cover the cost of processing the Outdoor Dog Dining permit application.

SECTION 4: All other provisions of Chapter 18 of the Code of the City of Pinellas Park not hereby amended shall remain in full force and effect.

SECTION 5: 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 6: 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 7: 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 _____, 2025.

FIRST READING THE _____ DAY OF _____, 2025.

1ST PUBLIC HEARING THE _____ DAY OF _____, 2025.

2ND PUBLIC HEARING THE _____ DAY OF _____, 2025.

PASSED THIS _____ DAY OF _____, 2025.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED THIS _____ DAY OF _____, 2025.

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 resolution's title/reference: **Ordinance 2025-XX**

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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;

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

- ☐ 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;
 - 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):

This ordinance allows for restaurants and other public food service establishments to allow dogs to dine with patrons in designated outdoor dining areas after issuance of a permit from the City. Pursuant to Sec. 509.233, Fla. Stats., in order to protect the health, safety, and general welfare of the public, the local procedures shall require participating public food service establishments to apply for and receive a permit from the governing body of the local government before allowing patrons' dogs on their premises.

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;

None, unless businesses voluntarily apply for a permit to allow outdoor dining with dogs at the cost of \$100 for the permit.

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

None, unless businesses voluntarily apply for a permit to allow outdoor dining with dogs at the cost of \$100 for the permit.

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

Depends on how many businesses apply for these voluntary permits to have dogs dining with patrons in designated outdoor areas. The City expects to generate less than \$1,000.00 annually from these permits.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: *Approximately 100*

4. Additional information the governing body deems useful (if any): *NONE.*