



## INFORMATION ON THE CONDITIONAL USE

*What is a Conditional Use?* A conditional use is a use that has operational, physical and other characteristics that may be different from those of the predominant permitted uses in a zoning district, but which is a use that compliments or may otherwise be compatible with the intended overall development within a district, provided the specified standards are met.

*How do I apply for a Conditional Use?* An applicant for conditional use must submit the following documents to the Community Development Department:

- A complete and signed application. Incomplete applications will not be processed and will be returned. As such, all applicants are **STRONGLY ENCOURAGED** to meet with Community Development staff prior to submission deadlines to discuss plan submissions and the review process. Appointments can be made by calling 727.363.9266.
- A completed and signed agent authorization form if someone else will be representing the property owner at the public hearing.
- An accurate, legible, and appropriately scaled survey of the property including all existing and proposed improvements. The survey shall have been performed not more than one (1) year prior to the date of application and not less than two (2) 11”x17” copies of the survey are required for submittal.
- Scaled drawings depicting the request. The drawings can be sized from 8.5”x11” to a maximum of 24”x36” in size. These drawings are necessary to assist staff and the BOA or City Commission in the review of the request. Seven (7) copies of the drawings must be submitted if larger than 11”x17”. Two (2) are acceptable for 11”x17” or under.
- Cash or check made payable to the City of St. Pete Beach for the amount of the application plus mailing fees. The application fee is \$500. The mailing fee can be calculated for you when you turn in your application, or you can calculate it yourself by searching for your property on the Pinellas County Property Appraiser’s office website ([www.pcpao.org](http://www.pcpao.org)), clicking on radius search at the top of the page, typing in 500 feet for the radius, and multiplying the number of properties times 0.68. For example, if 40 properties are within 500 feet of you, then the mailing fee would be \$27.20. The City is not equipped to accept Debit or Credit card transactions at this time.
- A completed Sign Posting Affidavit.
- Staff may request additional information, if necessary.

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***Can I ask for Variance with my Conditional Use application?*** It is not uncommon for projects that require conditional use approval to also seek variance approvals. The City Commission is authorized to hear both types of request at the same time. Accordingly, variance requests may be included as part of the Conditional Use request. An additional application form is included in this packet for this purpose.

***Who decides if the Conditional Use should be granted?*** The City Commission is authorized to hear and make final determinations on all conditional use requests. Conditional use applications may also include variance requests as part of a conditional use application. In those cases, the City Commission also makes the final determination.

***What is the City Commission and when do they meet?*** The City Commission is the elected body of officials who have overall responsibility for establishing policies and procedures for the operations of the City of St. Pete Beach. The Commission meetings are normally held two times a month on the second and fourth Tuesday at 6:00pm, in the City Commission Chambers at 155 Corey Avenue (City Hall).

***What do I do after my Conditional Use is granted?*** You will receive a notice from the City immediately following your hearing. This notice is called a Development Order (DO) and it will summarize the results of the hearing including the decision to deny, approve, or approve with conditions. If approved, the owner/applicant will have one (1) year from the date the development order is signed to obtain a building permit for the proposed work. The permit must remain active during the life of the project. If a permit is not obtained within a year or if a permit does not remain active, the conditional use will expire.

***What happens if my approved Conditional Use is appealed?*** Although rare, sometimes a neighbor or other affected party will appeal the Commission decision to the Circuit Court. Any such appeal must be taken within 30-days from the date of the decision. Should this occur, the City is normally removed from the appeal process and has no control over the timeframe or decision of the Court. The one-year timeframe for permit issuance noted above would begin from the Court's final decision date provided the applicant has properly advised the City of said appeal.

***What can I do if my Conditional Use is not granted?*** You may correct your plans to meet current code requirements or you may file an appeal to the Pinellas County Circuit Court with 30-days of the final decision.

***How are my application fees used?*** The application fee is primarily used to cover staff review costs. A conditional use application will typically involve reviews from multiple City agencies and may include County, State, or even Federal reviews depending on the nature of the request. All conditional use applications are required to be properly advertised and require notification to adjacent property owners. The mailing fees are used offset the cost incurred in meeting these requirements including the preparation of a legal ad and mailing costs associated to adjacent property owner notice. The City shall re-advertise a request, at no expense to the applicant, if a scheduled application is not heard due to an error by the City (i.e. lack of a quorum). Otherwise, the applicant will be responsible for any additional costs incurred as a result of his or her own (in)action.

## Technical Review Committee Deadlines

The TRC meets the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month at 10:00am in the Community Development Department conference room. The following applications must be reviewed by the TRC:

- (1) Site Plans
- (2) Subdivisions
- (3) Conditional Uses
- (4) Amendments to the Zoning Map
- (5) Amendments to the Future Land Use Map
- (6) Variances on property being used for other than single-family detached residential purpose
- (7) Vacations of Streets, Plats or other property
- (8) Temporary Uses
- (9) All other applications assigned by the City Manager

Application Due Date By 12:00pm	Meeting Date
December 28, 2020	January 20, 2021
January 11, 2021	February 3, 2021
January 25, 2021	February 17, 2021
February 8, 2021	March 3, 2021
February 22, 2021	March 17, 2021
March 15, 2021	April 7, 2021
March 29, 2021	April 21, 2021
April 12, 2021	May 5, 2021
April 26, 2021	May 19, 2021
May 10, 2021	June 2, 2021
May 24, 2021	June 16, 2021
June 14, 2021	July 7, 2021
June 28, 2021	July 21, 2021
July 12, 2021	August 4, 2021
July 26, 2021	August 18, 2021
August 9, 2021	September 1, 2021
August 23, 2021	September 15, 2021
September 13, 2021	October 6, 2021
September 27, 2021	October 20, 2021
October 11, 2021	November 3, 2021
October 25, 2021	November 17, 2021
November 8, 2021	December 1, 2021
November 22, 2021	December 15, 2021
December 13, 2021	January 5, 2022

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## CONDITIONAL USE APPLICATION

Applicants must acknowledge understanding of the following. Initial each of the statements below. If you do not understand any of these, staff will explain them to you.

\_\_\_\_\_ I understand that the City will not accept or process an incomplete application.

\_\_\_\_\_ I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a conditional use. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a conditional use.

\_\_\_\_\_ On all conditional uses, a majority vote is required. Action on this application by the City Commission may be continued to a later meeting.

\_\_\_\_\_ I understand that if a conditional use is approved by the City Commission, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval from the City Commission becomes voided.

\_\_\_\_\_ I understand that any person aggrieved by the final decision has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.

\_\_\_\_\_ I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application.

**After acknowledgement of these conditions, complete the application form on the following pages**

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date



**CONDITIONAL USE APPLICATION**

Case Number: \_\_\_\_\_

**PROPERTY OWNER:** \_\_\_\_\_

**APPLICANT/AGENT** (Attach agent authorization form)

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Zip: \_\_\_\_\_ Telephone: \_\_\_\_\_

Zip: \_\_\_\_\_ Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

**SUBJECT PROPERTY:**

Address: \_\_\_\_\_ Current Name of Business: \_\_\_\_\_

Parcel ID: \_\_\_\_\_ Name of Project: \_\_\_\_\_

DETAILS OF THE REQUEST, INCLUDING APPLICABLE CODE SECTIONS AND ANY ASSOCIATED CASES (Add additional sheets if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant/Agent

\_\_\_\_\_  
Date

In order for an application for a conditional use to be approved or approved with conditions, the City Commission must make a positive finding with regard to each of the provisions below, pursuant to Division 4 of the City's Land Development (LDC). The applicant has the burden of proof demonstrating that the application for the conditional use complies with each of the requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

1. LDC Sec 4.4(a)(1) Whether the conditional use is consistent with the goals, objectives, and policies of the Comprehensive Plan and any adopted special area plan.
  
2. LDC Sec 4.4(a)(2)a-d Whether the proposed use will be compatible with the character of the existing area, including existing structures and structures under construction, existing public facilities and public facilities under construction, and residential commercial and/or service facilities available within the existing area. More specifically:
  - a. Whether the overall appearance and function of the area will be significantly affected. consideration shall be given to the existence of other uses in the area, based on the number, size, and location of the uses and the intensity and scale of the proposed and existing uses in the area;
  
  - b. Whether the application will preserve any city, state, or federally designated historic, scenic, archaeological, or cultural resources (check with Community Development to determine historic resource status);

- c. Whether the application will be compatible with adjacent development, if any, based on characteristics such as size, building style and scale, or whether such incompatibilities are mitigated through such means as screening, landscaping, setbacks, and other design features;
  
  - d. Whether the application will have significant adverse impacts on the livability and usability of nearby land due to noise, dust, fumes, smoke, glare from lights, late-night operations, odors, vehicular traffic, truck and other delivery trips, the amount, location, and nature of any outside activities, potential for increased litter, or privacy and safety issues;
3. Whether the transportation system is capable of adequately supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, if any, site access requirements, neighborhood impacts, and pedestrian safety (a traffic study may be required);
  
  4. Whether the minimum off-street parking area required and the amount of space needed for the loading and unloading of trucks, if applicable, will be provided and will function properly and safely (please provide current and proposed number of parking and loading spaces);

5. Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made;
  
6. Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to guarantee the provision of such improvements and mitigation; and,
  
7. The proposed use complies with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the regulations of the City of St. Pete Beach.

**Sec. 4.12** of the Land Development Code additionally requires conditional use applications within the community redevelopment district to be evaluated upon the extent to which the applicant can demonstrate that the following issues are addressed in a manner consistent with the policies established in the community redevelopment plan for the district and that no unreasonable or disproportionately negative impacts are imposed upon adjacent or nearby properties:

1. Utility infrastructure, including sanitary sewer, reclaimed water, potable water, electric and natural gas services, and data transmission and telecommunication services.
  
2. Transportation infrastructure, including ingress and egress from public right-of-way, traffic control devices and signalization, internal vehicle circulation of the site, design and function of parking areas, loading and unloading areas, pedestrian transit infrastructure and amenities, and public sidewalks and roadways.
  
3. Hydrological features and storm water management infrastructure.
  
4. Aesthetic and architectural features of the development, including site layout, physical dimensions of structures such as height and massing, design and appearance of building facades, exterior building materials, advertising and directional signage and the provision and maintenance of Gulf and Bay views and vistas.
  
5. Site landscaping, open space provision and impervious surface limitations.

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6. Operational and functional requirements of facilities, including hours of operation, provision of required services or amenities, lighting requirements, noise abatement requirements, residency limitations and facilities maintenance.
7. Fire suppression and facility security.
8. Emergency management and hurricane evacuation provisions.
9. For temporary lodging uses taller than 50 feet in height or a density greater than 30 units per acre, the following additional issues shall be considered:
  - a. The amount of separation provided between the proposed temporary lodging use and any existing buildings on adjoining properties and resulting impact on sunlight and views; and
  - b. The proximity of any adjacent residential building to the Florida Coastal Construction Control Line and the degree to which the proposed temporary lodging use and/or any accessory use or structure maintains an open view of the waterfront from neighboring properties.



**Owner's Authorization for Agent**

I/WE \_\_\_\_\_  
(print name of property owner)

hereby authorize \_\_\_\_\_  
(print name of agent)

to represent me/us in an application for \_\_\_\_\_  
(type of application: variance, conditional use, zoning, etc.)

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Print Name of Owner

\_\_\_\_\_  
Print Name of Owner

The forgoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_, by \_\_\_\_\_  
\_\_\_\_\_ who is personally known \_\_\_\_\_ or produced  
\_\_\_\_\_ as identification.

\_\_\_\_\_  
(Notary Signature) (Date)

My Commission Expires \_\_\_\_\_

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**PUBLIC HEARING SIGN POSTING AFFIDAVIT**

Applicant, \_\_\_\_\_, agrees to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the Public Hearing and remain in place until the requested action has been heard and decided. Multiple sign postings shall not be more than three hundred (300) feet apart. If the subject parcel(s) abut more than one (1) street, notices shall be posted along each street. When the subject parcel(s) does not front a public road, the sign shall be posted at the point on a public road by which the property is, or can be, reached.

The sign shall be maintained in good readable condition by the applicant. If the said sign is destroyed, lost, or becomes unreadable, the applicant or applicant's representative shall obtain a replacement sign. Any sign posted in accordance with these requirements shall be removed from the property and disposed of by the applicant or applicant's agent not later than 24 hours following the final decision.

**Applicant/Agent (must fill out agent authorization form):**

Name(print): \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

STATE OF FLORIDA        )  
                                  ) SS:  
PINELLAS COUNTY        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_20 \_\_\_\_ by \_\_\_\_\_, who appeared before me, and is personally known to me, or has produced \_\_\_\_\_ as identification, and did take an oath.

My commission expires: \_\_\_\_\_

NOTARY:  
Print Name: \_\_\_\_\_  
Notary Public, State of Florida  
(Notarial Seal)

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DEAR APPLICANT:

PLEASE COMPLETE THE ATTACHED AFFIDAVIT WHEN PUBLIC HEARING DATES HAVE BEEN DETERMINED FOR YOUR APPLICATION. PRESENT THE COMPLETED NOTARIZED AFFIDAVIT TO COMMUNITY DEVELOPMENT AND YOU WILL BE GIVEN THE SIGN(S) TO POST ON THE SUBJECT PROPERTY.

It is your responsibility to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the public hearing. The sign(s) must remain in place until the requested action has been heard and decided by the City Commission, Planning Board, Board of Adjustment, Historic Preservation Board or withdrawn. Multiple sign postings cannot be more than three hundred (300) feet apart. If the subject parcel(s) abut more than one (1) street, notices shall be posted along each street. When the subject parcel(s) does not front a public road, the sign shall be posted at the point on a public road by which the property is, or can be, reached.

You must maintain the sign(s) in good readable condition. If the said sign is destroyed, lost, or becomes unreadable, you or your representative shall obtain a replacement sign. Any sign posted in accordance with these requirements shall be removed from the property and disposed of by the applicant or applicant's representative not later than 24 hours following the final decision by the City Commission, Planning Board, or Board of Adjustment, Historic Preservation Board.

A Notary Public is available in City Hall; 155 Corey Avenue.