

**REGULAR
CITY COMMISSION MEETING**

TUESDAY, DECEMBER 8, 2020

@ 7:00 P.M.



City of Indian Rocks Beach

1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785
www.indian-rocks-beach.com

Administrative
727/595-2517
727/596-4759 (Fax)

Library
727/596-1822

Public Services
727/595-6889
727/593-5137(Fax)

**CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING AGENDA
TUESDAY, DECEMBER 8, 2020 @ 7:00 P.M.
CITY COMMISSION CHAMBERS
1507 BAY PALM BOULEVARD
INDIAN ROCKS BEACH, FLORIDA 33785**

**CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL**

1. PRESENTATIONS.

- A. REPORT OF Pinellas County Sheriff's Office.
- B. REPORT OF Pinellas Suncoast Fire & Rescue District.

2. PUBLIC COMMENTS. [3-minute time limit per speaker.]

(Any member of the audience may come forward, give his/her name and address, and state any comment or concern that he/she may have regarding any matter over which the City Commission has control, **EXCLUDING AGENDA ITEMS**. All statements made to the City Commission shall be made to the City Commission as a whole, not directed to any individual City Commission Member, and no personal, impertinent or slanderous remarks shall be permitted. No speaker shall be interrupted and no debate shall take place between the speaker and the City Commission.)

3. REPORTS OF:

- A. City Attorney.
- B. City Manager.
- C. City Commission.

[3-minute time limit per City Commission Member.]

4. ADDITIONS/DELETIONS.

5. CONSENT AGENDA: None.

6. PUBLIC HEARINGS:

A. ABT 13-2020 — QUASI-JUDICIAL PROCEEDING

213 GULF BOULEVARD— VIP MEXICAN AMERICAN CUISINE IRB

Considering a 4COP-SRS Alcoholic Beverage Use Designation (*Beer, wine; liquor. By the drink or in sealed containers for consumption on or off the premises where sold*) to NickrapcoIRB, LLC, D/B/A VIP Mexican American Cuisine IRB, which establishment is located at 213 Gulf Boulevard, Indian Rocks Beach, Florida, and legally described as Indian Rocks Beach, Block 5, Lots 5 thru 11 and 12.

B. ORDINANCE NO. 2020-09— PUBLIC HEARING/SECOND AND FINAL READING.

An Ordinance of the City of Indian Rocks Beach, Florida, amending Chapter 74 – Waterways, creating Article IV, to be entitled ‘Leave No Trace’, creating Section 74-100 – Purpose and Title; creating Section 74-101 – Definitions; creating Section 74-102 – Digging holes on beach; creating Section 74-103 – Obstructions on the beach and beach access areas prohibited; creating Section 74-104 - Exceptions; creating Section 74-105 – Permits; creating Section 74-106 – Fires prohibited; repealing Chapter 26 – Environment, Article V - Junked, Wrecked or Abandoned Property, Division 1 – Generally, Section 26-131 – Confiscation of abandoned property; repealing Chapter 74 – Waterways, Article III – Beaches, Division 1 – Generally, Section 74-65 Tents, canopies, and volleyball nets; creating a leave no trace ordinance prohibiting the leaving or abandonment of personal property on the city’s beaches; prohibiting unfilled holes on the city’s beaches; prohibiting the obstruction of the beach and beach access; providing for exceptions; providing for a permitting process; prohibiting fires on the beach; providing for legislative findings; and providing for an effective date thereof.

C. ORDINANCE NO. 2020-10— PUBLIC HEARING/SECOND AND FINAL READING.

An Ordinance of the City of Indian Rocks Beach, Florida, amending Chapter 38 – Parks and Recreation, Article II – Parks, Section 38-31 – Park hours; special events; amending Article III – Skate facility, Section 38-51 – Hours of operation; Amending Article IV – Nature Preserve, Division 1 – Generally, Section 38-100 – General; amending Division 2 – Boardwalk, Section 38-116 – Usage regulations; amending Article V – Keegan Clair Boat Docks, Section 38-140 – Hours of operation; amending the hours of operation of parks throughout the City; reserving repealed sections; providing for legislative findings; correcting scrivener’s errors and providing for an effective date thereof.

7. OTHER LEGISLATIVE MATTERS:

A. ORDINANCE NO. 2020-08— FIRST READING.

An ordinance of the City of Indian Rocks Beach, Florida, amending Chapter 62 – Traffic and Vehicles, Article II – Stopping, Standing and Parking; increasing the fee for parking violations; restricting the hours of parking on the City’s beach accesses, amending the requirements for securing a resident parking permit decal; specifying permissible uses of a resident decal; repealing the provision for temporary guest parking permits; amending the fee for replacing a city-issued parking permit; providing for severability and an effective date.

8. WORK SESSION ITEMS [DISCUSSION ONLY]: None.

9. OTHER BUSINESS.

10. ADJOURNMENT.

APPEALS: Any person who decides to appeal any decision made, with respect to any matter considered at such hearing, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per s. 286.0105, F.S. Verbatim transcripts are not furnished by the City of Indian Rocks Beach and should one be desired, arrangements should be made in advance by the interested party (i.e. Court Reporter).

In accordance with the Americans with Disability Act and s. 286.26, F.S., any person with a disability requiring reasonable accommodation in order to participate in this meeting should contact the City Clerk's Office with your request, telephone 727/595-2517 or doreilly@irbcity.com, no later than four (4) days prior to the proceeding for assistance.

POSTED: December 4, 2020

MEETING ALSO AVAILABLE THROUGH ZOOM:

Join Zoom Meeting

<https://zoom.us/j/95534948658?pwd=TW5kRyt1d2dFbDNqb0taZVZiQ2t5Zz09>

Meeting ID: 955 3494 8658

Passcode: 883838

One tap mobile

+13017158592,,95534948658#,,,,,0#,,883838# US (Washington D.C)

+13126266799,,95534948658#,,,,,0#,,883838# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington D.C)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 955 3494 8658

Passcode: 883838

Find your local number: <https://zoom.us/j/abkIMc6wMK>

**NEXT REGULAR CITY COMMISSION MEETING
TUESDAY, JANUARY 12, 2021**

AGENDA ITEM NO. 1A

**REPORT OF
Pinellas County Sheriff's Office**

AGENDA ITEM NO. 1B

**REPORT OF
Pinellas Suncoast Fire & Rescue
District**

November 2020 Report from the Pinellas Suncoast Fire & Rescue District

David Ardman, IRB Commissioner – For Dec. 8, 2020 City Commission Meeting

1. COVID - Staffing levels related to COVID continue but to a lesser degree. Two employees are out for a non-duty related exposure but both are doing well and are expected back soon.

2. OPTIMA - A joint study between the Pinellas County Fire & EMS Administration and the PSFRD that evaluated future fire station needs based upon response times was presented to the PSFRD Commission at the November meeting and was adopted. While the study recommended three entirely different locations, it is not a Facilities study that would focus on current building code, ingress and egress of apparatus, storm hardening, public meeting space, etc. Chief Burton will begin meeting with Pinellas County staff and with district municipalities to identify next steps.

3. APPARATUS – The Fire Commission authorized the fire chief to move forward with the acquisition of a new front-line fire apparatus that replaces one that is 19 years old and still on the front line. The new unit has an approximate 12-month build time and will be assigned to our Indian Shores station upon delivery.

4. November was a more typical EMS month in IRB with 38 calls for service. The EMS calls included:

COVID Related – 5	Trauma - 2
Unconscious Person – 5	Trauma - 2
Motor Vehicle Crash - 3	Person down - 6
Other EMS calls - 4	Cardiac - 3
Sick Person or Other EMS – 7	
Water Rescue – 3	
Respiratory - 2	

All EMS emergency responses except for two were within our target of 7 min. 30 sec. One instance over the average was due to the call being handled by a Largo unit, as the Indian Rocks Beach unit was not available. Average EMS response time for the above was 4 min. 06 sec.

5. November was a busier than average month for fire responses within IRB with a total of 20 incidents, however eight of those were related to tropical storm Eta on the evening of November 11. The balance of the incidents included one elevator rescue, five fire alarms, three gas leaks or odors, and two citizen assists. All emergency responses were within the 7 min. 30 sec. target.

7. All are reminded to follow safe practices as we move through our holiday season. The US Fire Administration has some great holiday fire safety materials that can be found at <https://www.usfa.fema.gov/prevention/outreach/holiday.html>



Pinellas Suncoast Fire & Rescue

304 FIRST STREET
INDIAN ROCKS BEACH, FLORIDA 33785-2587

(727) 595-1117 FAX: (727) 595-5879
www.psfrd.org

FIRE CHIEF
T. MICHAEL BURTON

November 25, 2020

Ms. Betty J. Maloney
344 12th Avenue
Indian Rocks Beach, FL 33785

Dear Ms. Maloney,

Thank you so much for your incredibly generous donation of \$1,000 to the Pinellas Suncoast Fire & Rescue District (EIN 59-6015306). Your support helps us further our mission and begin work on long-deferred projects. These funds will be used to purchase protective storage bags for each of our firefighters' safety and the bags will provide the needed protection.

Again, we can't thank you enough for your donation and your invaluable support of the District and the community we serve. Your kindness is very much appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Burton".

Mike Burton
Fire Chief

AGENDA ITEM NO. 2
PUBLIC COMMENTS.

AGENDA ITEM NO. 3A
REPORTS OF City Attorney

AGENDA ITEM NO. 3B
REPORTS OF City Manager

AGENDA ITEM NO. 3C
REPORTS OF City Commission

AGENDA ITEM NO. 4
ADDITIONS/DELETIONS

**AGENDA ITEM NO. 5A
CONSENT AGENDA**

NONE

**AGENDA ITEM NO. 6A
QUASI-JUDICIAL PROCEEDING**

**VIP IRB MEXICAN AMERICAN CUISINE
213 GULF BOULEVARD
4COP-SFS ALCOHOLIC BEVERAGE USE
DESIGNATION REQUEST**

**CITY OF INDIAN ROCKS BEACH
CITY COMMISSION AGENDA MEMORANDUM**

FOR MEETING OF: December 8, 2020

AGENDA ITEM: 6A

SUBMITTED BY: Deanne B. O'Reilly, City Clerk, MMC *dor*

APPROVED BY: Brently Gregg Mims, City Manager *BGM*

SUBJECT: **ABT CASE NO. 13-2020** — Nick Rapisardi, registered agent, of NickrapcoIRB, LLC requested a 4COP-SFS Alcoholic Beverage Use Designation (*Beer; wine; liquor. By the drink or in sealed containers for consumption on or off premises where sold*) for the establishment VIP IRB Mexican American Cuisine, located at 213 Gulf Boulevard, Indian Rocks, Beach, Florida, and legally described as Block 5, Lots 5 thru 8 and Lots 11 and 12. Parcel #12-30-14-42858-005-0050.

BACKGROUND:

Alcoholic Beverage Use Designations are governed by Chapter 6, Alcoholic Beverages.

All alcoholic beverage licenses are under the control of the State of Florida, Division of Alcohol Beverages and Tobacco. However, municipalities do have the right to enact ordinances regulating the hours of business and location of place of business, and prescribing sanitary regulations thereof, of any license under the State Beverage Law within the county or corporate limits of such municipality. [F.S. 562.45(2)(a)]

On November 10, 2020, Nicholas Rapisardi submitted an Alcoholic Beverage Designation Application for a 4COP-SFS Alcoholic Beverage Use Designation (Beer, wine; liquor. By the drink or in sealed containers for consumption on or off premises where sold) for the establishment VIP IRB Mexican American Cuisine, located at 213 Gulf Boulevard, Indian Rocks Beach, Florida, pursuant to Code Section 6-32(e).

NickrapcoIRB, LLC has entered into a commercial lease with Aqua Prime Real Estate, LLC, on November 3, 2020, to lease the property located at 213 Gulf Boulevard, and received permission from Aqua Prime Real Estate, LLC to serve beer, wine, and liquor at that location.

Code Section 6-32 Alcoholic Beverage Use Designations are approved for a specific property location and a specific application. Any change in ownership of the establishment will require filing a new application and approval by the City Commission.

ANALYSIS:

The surrounding zoning is B-Business on the east side of Gulf Boulevard with CT-Commercial Tourist on the west side of Gulf Boulevard.

There is a single-story masonry building on the property, including an outside bar and patio area. The property is located within the Business District Triangle Overlay Zone (Code Section 110-135).

VIP IRB Mexican American Cuisine will have 110 interior seats and 40 exterior seats, and 52 parking spaces.

It has been determined by the Planning Consultant that the Alcoholic Beverage Application for VIP IRB Mexican American Cuisine complies with Chapter 6, Alcoholic Beverages, Chapter 110, Zoning, and parking is shared with the other tenants in this commercial plaza.

A review of the application by the Pinellas County Sheriff's Office, per records maintained within the PCSO records management system for Nicholas Rapisardi is attached for the City Commission's review. This is not a comprehensive background check and only references the Pinellas County Sheriff's Office records management system.

Section 6-33, Authority of City Commission to designate locations, empowers the City Commission to designate the location and classification and to place reasonable restrictions which are deemed appropriate such as: Repeated or intermittent nuisance activity and/or unlawful noise levels originating from the establishment or the parking area may result in the revocation of the alcoholic beverage designation.

PUBLIC NOTIFICATION: A public meeting notice was mailed by first-class mail to the property owners within 150 feet in any direction of the subject property and posted on the property on November 23, 2020, per Code Section 2-149.

A legal notice was published in the November 25, 2020-edition, of the St. Pete Times Section of the Tampa Bay Times, for a public hearing that has been scheduled on December 8, 2020, for ABT Case No. 13-2020.

MOTION:

I move to **APPROVE/DENY** a request for an Alcoholic Beverage Use Designation of 4COP-SFS, (*Beer, wine; liquor. By the drink or in sealed containers for consumption on or off premises where sold*) to NickrapcoIRB, LLC, D/B/A VIP IRB Mexican American Cuisine, which establishment is located at 213 Gulf Boulevard, Indian Rocks Beach, Florida, and legally described as Block 5, Lots 5 thru 8, and 11 and 12 **with the following stipulation: Repeated or intermittent nuisance activity and/or unlawful noise levels originating from the establishment or the parking area may result in the revocation of the alcoholic beverage designation.**

/DOR

**IRB
ALCOHOLIC BEVERAGE
DESIGNATION
APPLICATION**



CITY OF INDIAN ROCKS BEACH
ALCOHOLIC BEVERAGE DESIGNATION APPLICATION

DATE: 11/04/2020

APPLICANT'S NAME: NICHOLAS J. RAPISARDI

ADDRESS: 8225 140th St Seminole, FL 33776

PHONE NO.: 727-641-6395

CELL PHONE: Same

E-MAIL: viptacosirb@yahoo.com

DATE OF BIRTH: 07/01/1979 DRIVER'S LICENSE NO.:

ESTABLISHMENT NAME: VIP MEXICAN AMERICAN CUISINE IRB

ADDRESS: 213 GULF BLVD INDIAN ROCKS BEACH FL 33785

PHONE NO.: 727 641 6395

WEBSITE: _____

LEGAL DESCRIPTION: INDIAN ROCKS BEACH BLK 5, LOTS 5 thru 8
and Lots 11 and 12

PARCEL ID#: 12-30-14-42858-005-0050

BEVERAGE DESIGNATION REQUESTED: 4COP - SFS

SEATING: Interior # 116 Exterior # 40 Parking Spaces # 52 Floor Area 3000 sqft +

AFFIDAVIT

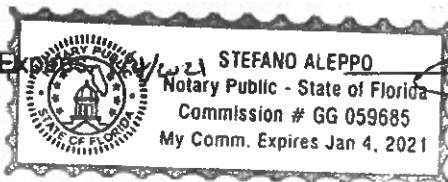
I, NICHOLAS RAPISARDI, hereby swear and affirm that the above information is true and correct.

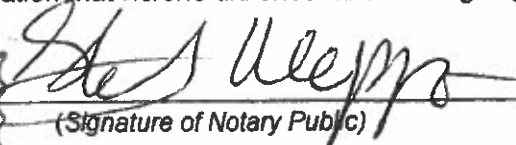

Affiant

State of Florida
County of Pinellas

SWORN TO AND SUBSCRIBED before me on this 4 day of November, 2020, by Nicholas Rapisardi (applicant), who is personally known to me or who produced FLDL as identification that he/she did execute the foregoing Affidavit.

My Commission Expires

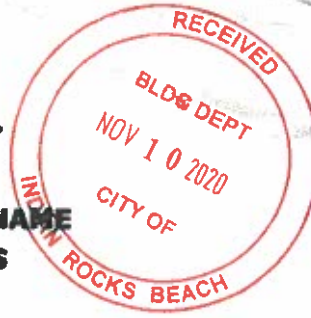



(Signature of Notary Public)

Attachments: Chapter 6, Alcoholic Beverages
Alcoholic Beverages Checklist

ABT # 13-2020
BDMS # _____

ALCOHOLIC BEVERAGE APPLICATION CHECKLIST



VIP MEXICAN AMERICAN CUISINE IRB ESTABLISHMENT NAME
213 GULF BLVD IRB, FL 33785 ADDRESS
4 COP - SFS DESIGNATION

- City Application.
 - Name and address, telephone number, date of birth, and Florida Driver's License Number of applicant.
 - The physical street address of the property.
 - The alcoholic beverage classification requested.
 - Notarized statement by the owner consenting to the application, if applicant is the lessee or tenant.
 - Legal description of property where the business is located, including a survey which clearly sets out the location of the building(s).
 - Parcel ID#
 - State of Florida DBPR ABT Completed Application.
 - Neatly drawn floor plan of the premises including sidewalks and other outside areas which are contiguous to the premises, walls, doors, counters, sales areas, storage areas, restrooms, bar locations and other specific areas which are part of the premises sought to be licenses. A multi-story building where the entire building is to be licensed must show each floor plan. Seating survey of inside and outside. Must include seating both inside and outside.
- Signed, date, and completed Checklist.
- \$250 application fee.
- \$100 deposit for legal advertisement and public notices.

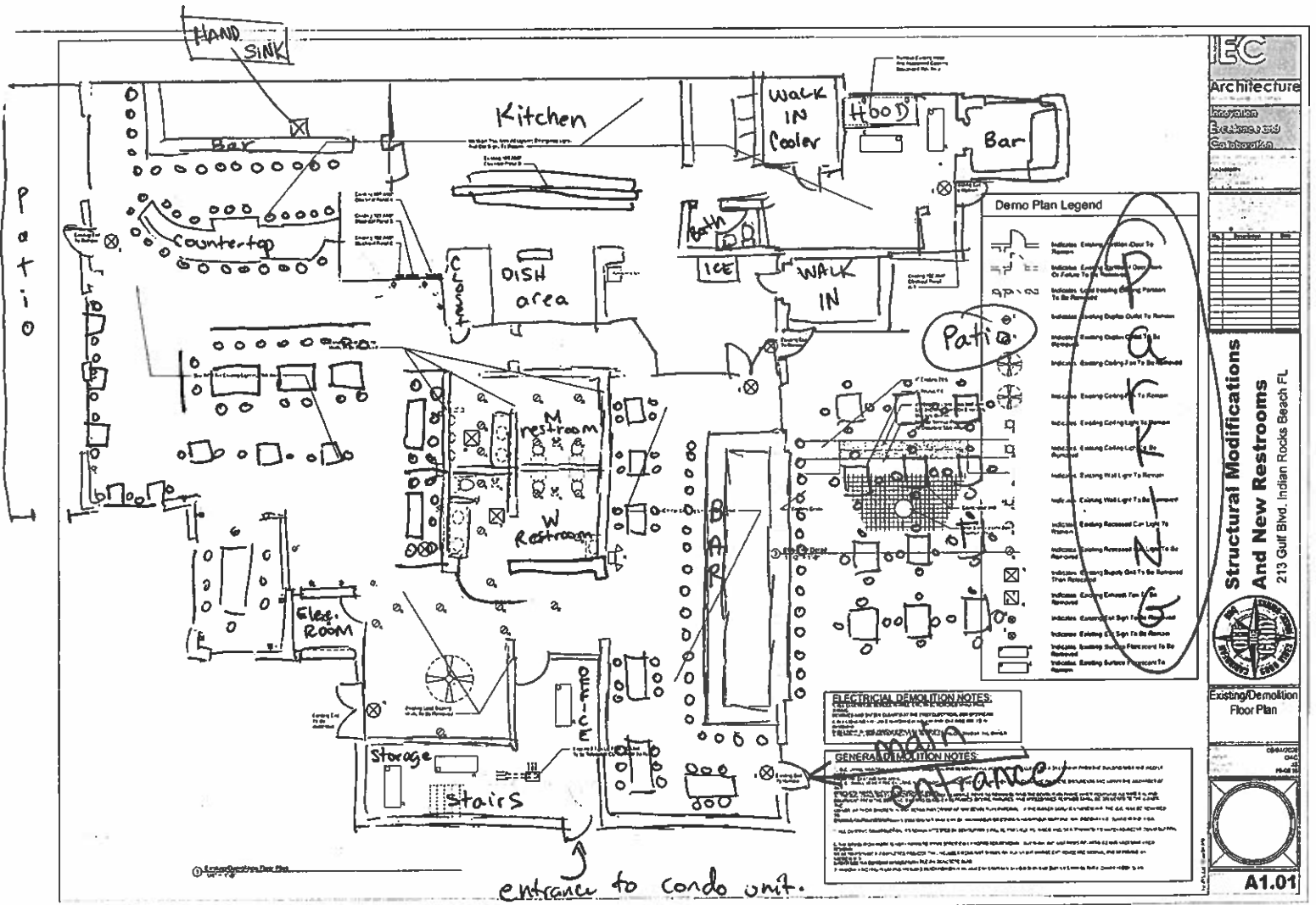
[Signature]
Signature of Applicant

11/05/2020
Date

CITY USE

- Pinellas County Sheriff's Office background check. Names of applicants on State of Florida DBPR ABT Application.
- Code Enforcement: 500 feet from elementary, secondary, & high schools.
- Planning Consultant compliance with R2002-95, Restaurant Seating & Parking Chart, Chapter 110, Zoning, Chapter 6, Alcoholic Beverages, and general parking.
- Check Florida DBPR for Alcoholic Beverage License.
- Check Sunbiz for LLC or Corporation.
- Approval/denial letter to applicant.

ABT 13 2020



LEC
Architecture
Interior
Exterior
Construction

**Structural Modifications
And New Restrooms**
213 Gulf Blvd. Indian Rocks Beach, FL

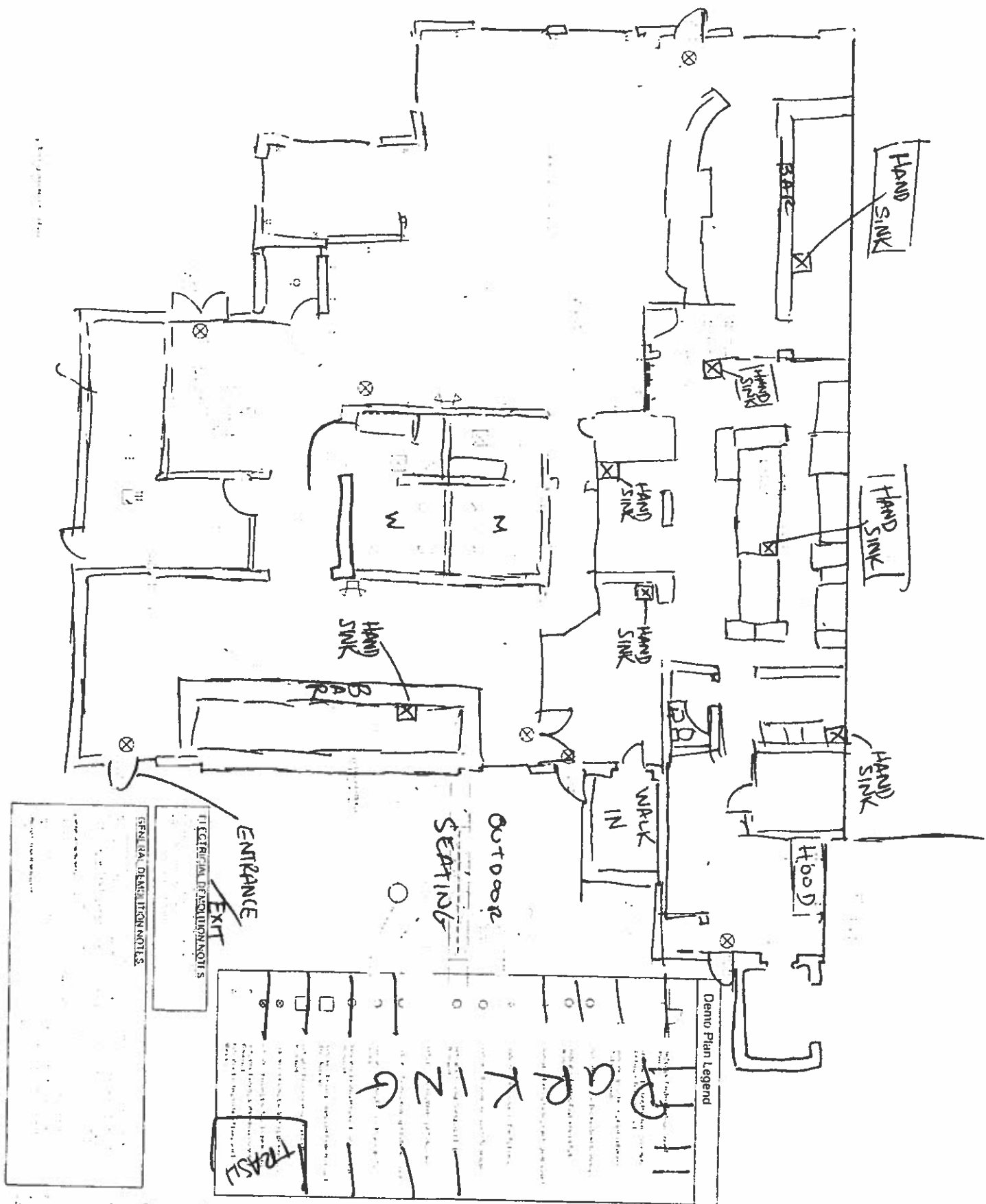
Existing/Demolition
Floor Plan

A1.01

Parking

GULF BLVD

PARKING



GENERAL DEMOLITION NOTES

ELECTRICAL DEMOLITION NOTES

ENTRANCE

EXIT

OUTDOOR SEATING

WALK IN

Hood

HAND SINK

HAND SINK

HAND SINK

HAND SINK

HAND SINK

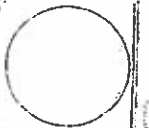
HAND SINK

TRASH

Demu Plan Legend

PARKING

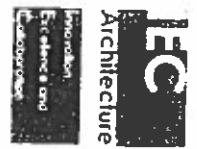
A1.01

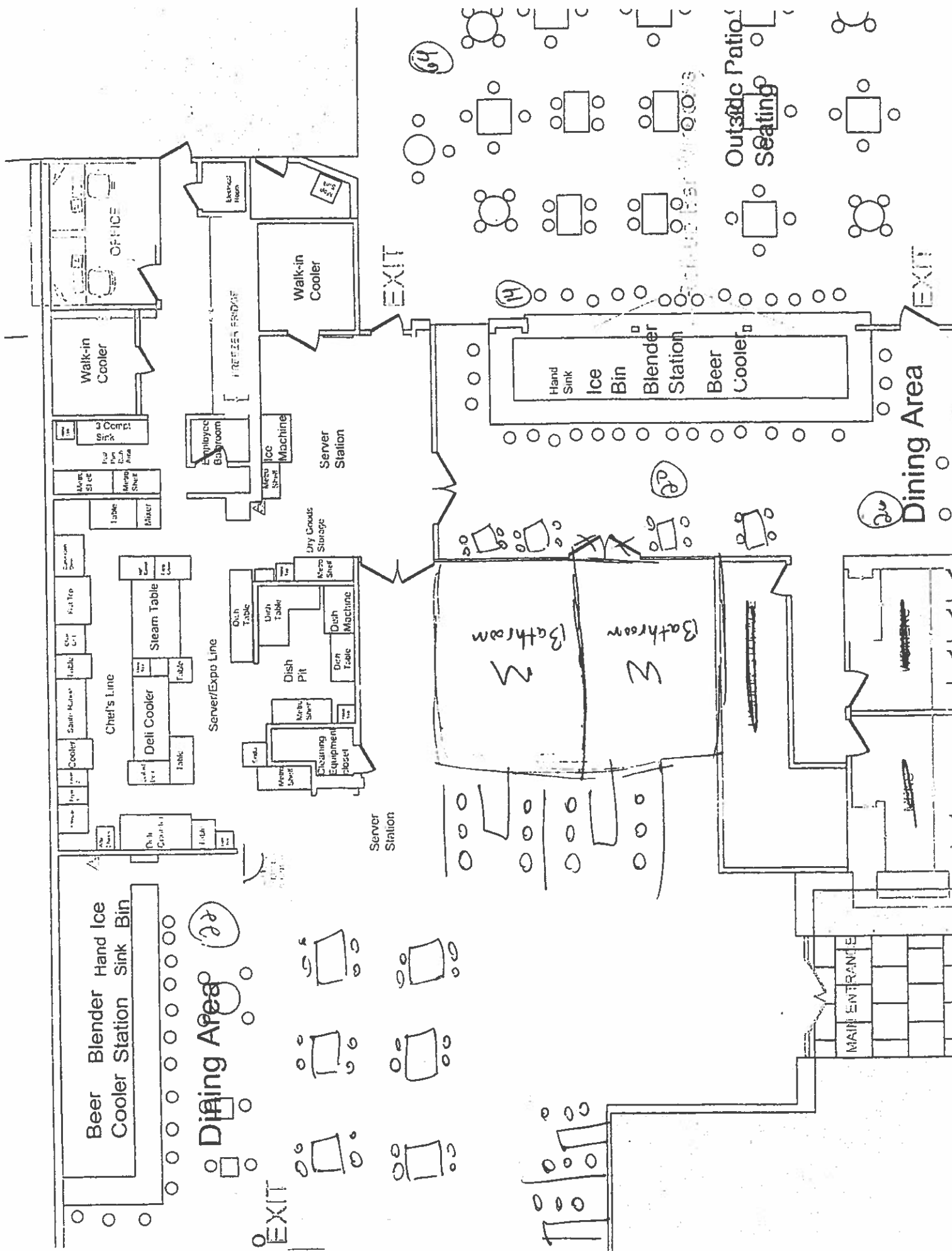


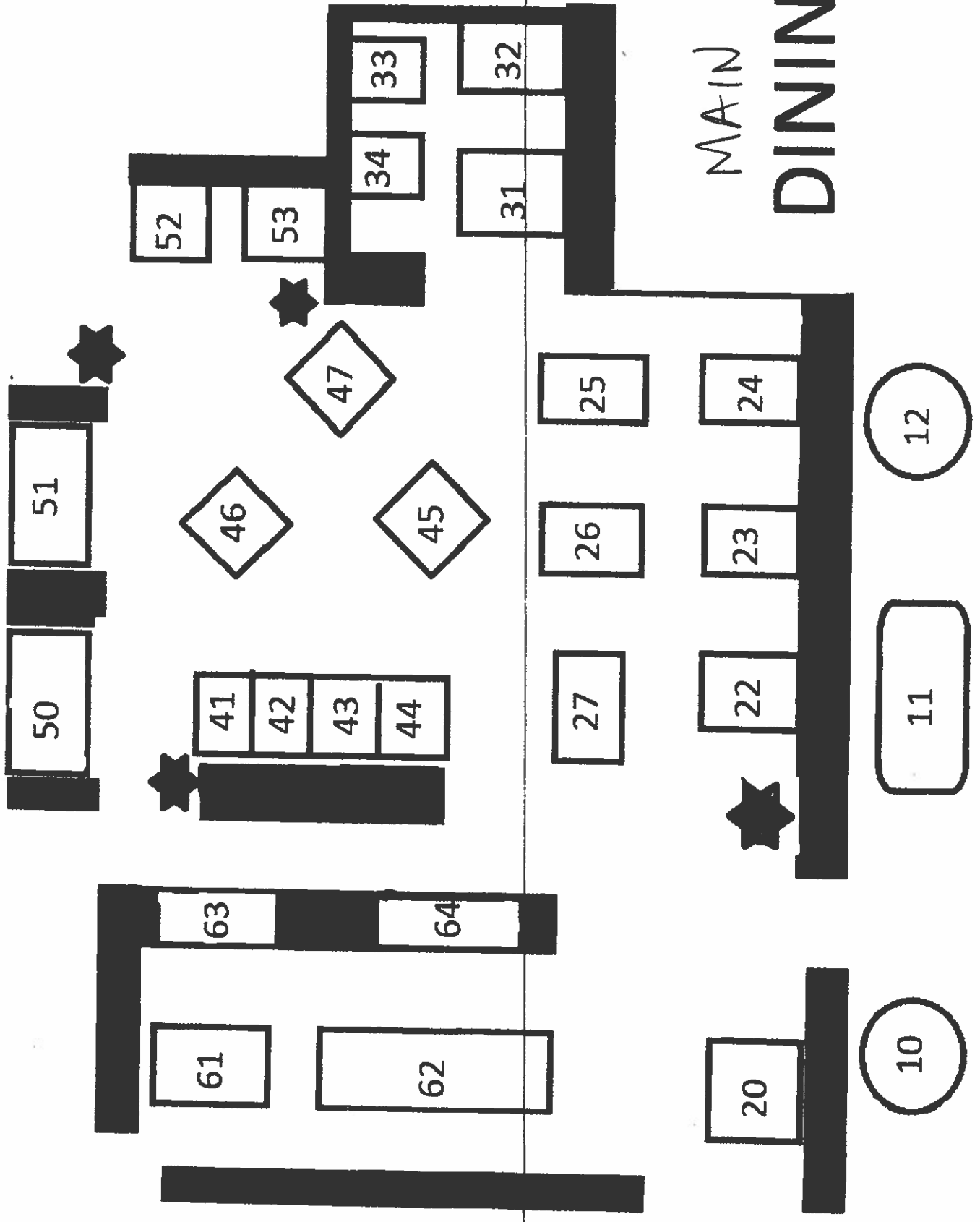
Existing/Demolition Floor Plan



Structural Modifications And New Restrooms
213 Gulf Blvd. Indian Rocks Beach FL







MAIN
DINING

Aqua Prime Real Estate, LLC
13600 ICOT Blvd., Bldg. A
Clearwater, FL. 33760

December 2, 2020

City of Indian Rocks Beach
1507 Bay Palm Blvd.
Indian Rocks Beach, FL. 33785

RE: Commercial Lease between Aqua Prime Real Estate, LLC and NickrapcoIRB, LLC for 213 Gulf Blvd.

To Whom It May Concern:

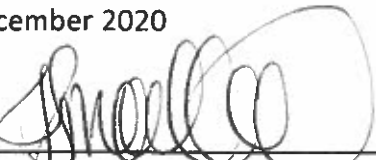
Please be advised that Aqua Prime Real Estate LLC ("APRE"), a Florida limited liability company, is the Landlord of that certain Commercial Lease between NickrapcoIRB, LLC, a Florida limited liability company, and APRE. Landlord hereby confirms that it granted permission to NickrapcoIRB, LLC to serve beer, wine, and liquor on the premises located at 213 Gulf Blvd.

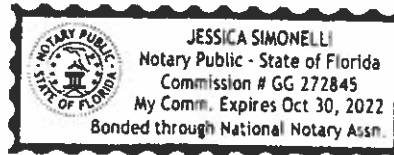
Aqua Prime Real Estate, LLC

By 
Dale F. Schmidt
Chief Executive Officer

STATE OF FLORIDA)
COUNTY OF PINELLAS)

Sworn to and subscribed before me by Dale F. Schmidt, personally known, this 2nd day of December 2020

By 
Notary Public



(SEAL)

November 15, 2020

Deanne B. O'Reilly, MMC, City Clerk
City of Indian Rocks Beach
1507 Bay Blvd.
Indian Rocks Beach, FL 33785

**RE: VUP Mexican American Cuisine IRB
213 Gulf Boulevard
2 COP-CMBP Alcoholic Beverage License Designation**

Dear Deanne,

I have reviewed the application for 321 Gulf Blvd for a 2-COP-CMBP Alcoholic Beverage License Designation and found the application is in compliance with Chapter 6 Alcoholic Beverages and Chapter 110-131 (6) b. Permitted uses of the Indian Rocks Beach Code of Ordinances.

The overall commercial uses and parking for the building at 213 Gulf Blvd were reviewed for compliance with the parking provided for this site. There is adequate parking on site for this use.

Sincerely,



Hetty C. Harmon, AICP
Senior Planner





Sheriff Bob Gualtieri

Pinellas County Sheriff's Office

"Leading The Way For A Safer Pinellas"

Date: 11/19/2020

Reference: NICHOLAS JEROME RAPISARDI DOB: 07/01/1979

To Whom It May Concern:

On this date, a records check was conducted by the Records Division of the Pinellas County Sheriff's Office in reference to the above named individual. The attached documents pertain to records maintained by the Pinellas County Sheriff's Office records management system only and should only be used for information and guidance. This is **NOT** a comprehensive background check for the above named individual.

For records checks maintained by other local law enforcement agencies, please contact those agencies individually.

To obtain a Pinellas County records search, please contact the Pinellas County Clerk of the Circuit Court and Comptroller via email at cocrcert@mypinellasclerk.org or by phone at (727) 464-7000, or <https://public.co.pinellas.fl.us/login/loginx.jsp>. Fees may apply.

To obtain a Florida criminal history, please contact the Florida Department of Law Enforcement at (850) 410-8109 or <http://www.fdle.state.fl.us/Criminal-History-Records/Obtaining-Criminal-History-Information.aspx>. Fees may apply.

To obtain a national criminal history check, please contact the Federal Bureau of Investigation at www.fbi.gov. Fees may apply.

If you have questions after reviewing this information, please call the Records Division at (727)582-6281 between 8:00 a.m. to 5:00 p.m., Monday through Friday, and we will assist you.

Sincerely,

Sheriff Bob Gualtieri

By: Natalie Gegan
Administrative Assistant

Payroll #: 55346

CASES							
RELATIONSHIP	CASE NUMBER	TYPE	DATE INITIATED	DESCRIPTION	LEAD LEO	CASE STATUS	AS OF REPORT
I. OTHER	96-261893	INCIDENT	11/22/1996	CRASH REPORT - (687684) (/ PINELLAS SO / 499 / SRO17)	BATES, RICHARD C DET	CLOSED	96-261893

CASES							
RELATIONSHIP	CASE NUMBER	TYPE	DATE INITIATED	DESCRIPTION	LEAD LEO	CASE STATUS	AS OF REPORT
2. ARRESTEE	SO08-10334	OFFENSE	01/13/2008	DRIVING UND THE INFLUENCE - 300 BLK 150TH AVE MADEIRA BEACH FL (Central / MADEIRA BCH / 593 / SQ3 / S33)	---	CLOSED	SO08-10334/1

CASES							
RELATIONSHIP	CASE NUMBER	TYPE	DATE INITIATED	DESCRIPTION	LEAD LEO	CASE STATUS	AS OF REPORT
3 OTHER	SO15-398249	OFFENSE	09/14/2015	ARREST FOR DUI	TEMPLE, ELIZABETH R DEP	CLOSED	SO15-398249/1



Administrative
727/595-2517
727/596-4759 (Fax)

Library
727/596-1822

Public Services
727/595-6889
727/593-5137(Fax)

**NOTICE OF PUBLIC HEARING
ALCOHOLIC BEVERAGE DESIGNATION USE REQUEST**

YOU ARE HEREBY NOTIFIED, as a property owner of land within one hundred and fifty feet (150') of the property located at **213 GULF BOULEVARD, INDIAN ROCKS BEACH, FLORIDA, 33785**, of the following Alcoholic Beverage Use Designation request:

A 4COP-SFS Alcoholic Beverage Use Designation (Beer, wine; liquor. By the drink or in sealed containers for consumption on or off the premises where sold) has been requested by NickrapcoIRB, LLC, D/B/A VIP Mexican American Cuisine IRB, which establishment is located at 213 Gulf Boulevard, Indian Rocks Beach, Florida, and legally described as Indian Rocks Beach, Block 5, Lots 5 thru 8 and 11 and 12.

A PUBLIC HEARING on ABT CASE NO. 13-2020 has been scheduled for 7:00 p.m., or as soon thereafter, on **TUESDAY, DECEMBER 8, 2020**, in the Indian Rocks Beach City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

If you desire to either support or object to the referenced Alcoholic Beverage Use Designation request, you may appear at the Indian Rocks Beach City Commission Meeting on said date, submit your support or objections in writing to the City Clerk's Office, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, 33785 or e-mail doreilly@irbcity.com. Letter(s) must be received by the City Clerk's Office no later than **TUESDAY, DECEMBER 8, 2020**, by 3:00 p.m. The City will make such records available during normal business hours, Monday through Friday, 7:30 a.m. - 4:00 p.m. to any interested person.

If any person desires to appeal a decision made with respect to this request, such person will need a record of the proceedings and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per Section 286.0105, Florida Statutes. Verbatim transcripts are not furnished by the City of Indian Rocks Beach and should one be desired, arrangements (i.e. court reporter) should be made in advance by the interested party.

In accordance with Section 286.26, Florida Statutes, persons with a disability requiring reasonable accommodations in order to participate in this meeting should contact Deanne B. O'Reilly, City Clerk, with request by telephone (727)595-2517 or e-mail doreilly@irbcity.com, no later than four business days prior to the proceeding.

Notice was mailed by first class mail to the property owners within one hundred and fifty feet in any direction of the subject property and posted on the subject property on November 23, 2020. (Sec. 2-149 of the Code of Ordinances.)



MIKE TWITTY, MAI, CFA
Pinellas County Property Appraiser
www.pcpao.org mike@pcpao.org

Run Date: 16 Nov 2020

Subject Parcel: 12-30-14-42858-005-0050

Radius: 150 feet

Parcel Count: 48

Note: Parcels with protected address status are not included in this report.

Total pages: 7

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☒ MAIN OFFICE – COUNTY COURTHOUSE

315 Court St - 2nd Floor
Clearwater, FL 33756
Office: (727) 464-3207
Fax: (727) 464-3448
Hearing Impaired:
Office: (727) 464-3370
Commercial Appraisals:
Office: (727) 464-3284

Exemptions:
Office: (727) 464-3294
Fax: (727) 464-3408
Residential Appraisals:
Office: (727) 464-3643
Tangible Personal Property:
Office: (727) 464-8484
Fax: (727) 464-8488

☐ NORTH COUNTY

29269 US Highway 19 N
Clearwater, FL 33761
Office: (727) 464-8780
Fax: (727) 464-8794

☐ MID COUNTY

13025 Starkey Road
Co-Located with Tax Collector
Largo, FL 33773
Office: (727) 464-3207
Fax: (727) 464-3448

☐ SOUTH COUNTY

1800 66th Street N
St. Petersburg, FL 33710
Office: (727) 582-7652
Fax: (727) 582-7610

ALL MAIL: PO Box 1957 – Clearwater, FL 33757

12-30-14-42858-004-0040

LESS RD R/W ON SW
BLK 4, LOTS 4, 5, 6 & 7
INDIAN ROCKS BEACH

GALLACE FAMILY TRUST
GALLACE, POMPEO TRE
14583 102ND AVE
LARGO FL 33774-5050

12-30-14-42858-005-0130

14)
BLK 5, LOT 13 (SEC 13-30-
INDIAN ROCKS BEACH

AQUA PRIME REAL ESTATE LLC
13600 ICOT BLVD
CLEARWATER FL 33760-3703

12-30-14-42858-010-0042

& PT BAY ST NOT VAC
BLK 10, N 60FT OF LOT 4
INDIAN ROCKS BEACH

PYLE, RICHARD TRE
122 CRESTWOOD LN
LARGO FL 33770-2633

13-30-14-27937-001-0020

BLDG 1, UNIT 2
FISHERMAN'S BEACH CONDO

FISHERMAN'S BEACH INC
PO BOX 803
INDIAN ROCKS BEACH FL 33785-0803

13-30-14-78629-000-0001

BEACH DR (GULF DR) TO ECL
(COMMON ELEMENTS) INCL VAC
SAND ISLES CONDO

SAND ISLES CONDO ASSN INC
C/O SILCOX, FRANK
201 E KENNEDY BLVD STE 1111
TAMPA FL 33602-5827

13-30-14-78632-000-0001

COMMON ELEMENTS
RESIDENCE
SAND ISLES II CONDO

SAND ISLES II CONDO ASSN INC
206 GULF BLVD
INDIAN ROCKS BEACH FL 33785-2679

13-30-14-78632-000-3010

UNIT 301
RESIDENCE
SAND ISLES II CONDO

SHELTON INVESTMENTS II LLC
46 SHELTON LN
MONTGOMERY CITY MO 63361-5410

13-30-14-78632-000-2010

UNIT 201
RESIDENCE
SAND ISLES II CONDO

SHELTON INVESTMENTS II LLC
46 SHELTON LN
MONTGOMERY CITY MO 63361-5410

12-30-14-42858-021-0260

BLK 2A, LOT 26
INDIAN ROCKS BEACH

THOMPSON, ROBERT C
THOMPSON, GEORGEANN H
200 GULF BLVD
INDIAN ROCKS BEACH FL 33785-2536

12-30-14-42858-021-0250

BLK 2A, LOT 25
INDIAN ROCKS BEACH

THOMPSON, ROBERT C
THOMPSON, GEORGE ANN
200 GULF BLVD
INDIAN ROCKS BEACH FL 33785-2536

13-30-14-23570-000-0001
(COMMON ELEMENTS)
DUNES POINTE CONDO

DUNES POINT CONDO ASSN
1229 17TH ST
GREELEY CO 80631-5425

13-30-14-23570-000-0030
UNIT C
DUNES POINTE CONDO

EDICK, KEVIN
EDICK, DONALD G
100 BRANCH ST
UTICA NY 13502-1104

12-30-14-42858-005-0010
BLK 5, LOTS 1 AND 2
INDIAN ROCKS BEACH

AQUA PRIME REAL ESTATE LLC
13600 ICOT BLVD
CLEARWATER FL 33760-3703

13-30-14-22401-000-0010
LOT 1
DOWNING PARK

J D'S RSTRNT & LOUNGE INC
125 GULF BLVD
INDIAN ROCKS BEACH FL 33785-2529

13-30-14-00000-120-0100
POINT ON SEAWALL TH RUN
SUB TH E'LY 44.46FT TO A
10 OF INDIAN ROCKS BEACH
BEG AT S'LY COR LOT 4 BLK

J D'S RESTAURANT & LOUNGE
125 GULF BLVD
INDIAN ROCKS BEACH FL 33785-2529

12-30-14-42858-021-0080
ON W
BEACH DR (GULF DR) ADJ
BLK 2A, LOT 8 & PT VAC
INDIAN ROCKS BEACH

TROBAUGH 2012 I R B LLC
3300 N A ST BLDG 4-102
MIDLAND TX 79705-5406

12-30-14-42858-010-0040
ST NOT VAC
143.2FT OF LOT 4 & PT BAY
BLK 10, S 41.6FT OF N
INDIAN ROCKS BEACH

FINGER, DEREK
FINGER, JENIFER
10917 BROOKSNEST CT
LITHIA FL 33547-3001

13-30-14-27937-003-0050
BLDG 3, UNIT 5
FISHERMAN'S BEACH CONDO

FISHERMANS BEACH INC
209 3RD AVE
INDIAN ROCKS BEACH FL 33785-2515

13-30-14-78632-000-2020

UNIT 202
RESIDENCE
SAND ISLES II CONDO

SHELTON INVESTMENTS II LLC
46 SHELTON LN
MONTGOMERY CITY MO 63361-5410

13-30-14-23570-000-0040

UNIT D
DUNES POINTE CONDO

NEW DREAM INVESTMENTS LLC
10065 BAYOU GRAND AVE
SEMINOLE FL 33772-6002

12-30-14-42858-005-0150

BLK 5, LOTS 15 AND 16
INDIAN ROCKS BEACH

AQUA PRIME REAL ESTATE LLC
13600 ICOT BLVD BLDG A
CLEARWATER FL 33760-3703

12-30-14-42858-021-0070

ON W
BEACH DR (GULF DR) ADJ
BLK 2A, LOT 7 & PT VAC
INDIAN ROCKS BEACH

MORGAN, ERIC L
202 BEACH TRL
INDIAN ROCKS BEACH FL 33785-2524

12-30-14-42858-021-0060

PT VAC BEACH DR (GULF DR)
VAC ALLEY ADJ ON E AND
BLK 2A, LOT 6 & W 1/2 OF
INDIAN ROCKS BEACH

SENSEMAN, KARL E
PO BOX 295
LINWOOD NJ 08221-0295

13-30-14-78632-000-4020

UNIT 402
RESIDENCE
SAND ISLES II CONDO

SHELTON INVESTMENTS II LLC
46 SHELTON LN
MONTGOMERY CITY MO 63361-5410

12-30-14-42858-021-0310

BLK 2A, LOT 31
INDIAN ROCKS BEACH

GULF CAPITAL PARTNERS LLC
3711 W MCKAY AVE APT 7B
TAMPA FL 33609-4538

12-30-14-42858-021-0270

1/2 VAC ALLEY ON W
BLK 2A, LOT 27 LESS RD &
INDIAN ROCKS BEACH

DMIB PROPERTIES LLC
600 BLUE COVE TER
LAKE SAINT LOUIS MO 63367

12-30-14-42858-010-0041

ST (NOT VAC)
101.6FT OF LOT 4 & PT BAY
BLK 10, S 41.6FT OF N
INDIAN ROCKS BEACH

CASH, CHRISTI
3 MYSTIC LN
SARATOGA SPRINGS NY 12866-9703

13-30-14-27937-002-0070

BLDG 2, UNIT 7
FISHERMAN'S BEACH CONDO

LEWARNE, MARY LOUISE REV TRUST
LEWARNE, MARY LOUISE TRE
209 3RD AVE
INDIAN ROCKS BEACH FL 33785-2515

12-30-14-42858-021-0040
DR) ADJ ON W AND 1/2 VAC
& PT VAC BEACH DR (GULF
BLK 2A, LOT 4 & RIP RTS
INDIAN ROCKS BEACH

ARBORS GULFFRONT COTTAGES LLC
2007 W FRANKLIN ST # A
EVANSVILLE IN 47712-5112

13-30-14-78632-000-4010
UNIT 401
RESIDENCE
SAND ISLES II CONDO

SHELTON INVESTMENTS II LLC
46 SHELTON LN
MONTGOMERY CITY MO 63361-5410

13-30-14-42860-002-0220
BLK 2, LOT 22
REPLAT LOTS 11 & 22 BLK 2
INDIAN ROCKS BEACH SUB

BLACKWELL, JAMES L
BLACKWELL, JENNIFER J
110 GULF BLVD
INDIAN ROCKS BEACH FL 33785-2534

12-30-14-42858-005-0040
BLK 5, LOT 4
INDIAN ROCKS BEACH

COMAR FAMILY REVOCABLE TRUST
COMAR, FRANCES MARIE TRE
209 GULF BLVD
INDIAN ROCKS BEACH FL 33785-2535

13-30-14-27937-001-0010
BLDG 1, UNIT 1
FISHERMAN'S BEACH CONDO

FISHERMAN'S BEACH INC
PO BOX 803
INDIAN ROCKS BEACH FL 33785-0803

13-30-14-27937-001-0030
BLDG 1, UNIT 3
FISHERMAN'S BEACH CONDO

FISHERMANS BEACH INC
209 3RD AVE
INDIAN ROCKS BEACH FL 33785-2515

13-30-14-78629-002-0060
BLDG 2, UNIT F
PHASE II
SAND ISLES CONDO

RAE, CHRISTINA
RODRIGUEZ, DEBRA M
46 EAST SHORE RD
DENVER NJ 07834-2040

13-30-14-78629-002-0070
BLDG 2, UNIT G
PHASE II
SAND ISLES CONDO

I R B BREAKWAY LLC
11710 N ARMENIA AVE
TAMPA FL 33612-5030

13-30-14-78632-000-3020

UNIT 302
RESIDENCE
SAND ISLES II CONDO

SHELTON INVESTMENTS II LLC
46 SHELTON LN
MONTGOMERY CITY MO 63361-5410

13-30-14-23570-000-0010

UNIT A
DUNES POINTE CONDO

NUNEZ, DOMINGO ORLANDO REV TRUST
NUNEZ, DOMINGO ORLANDO TRE
4730 MAHOGANY CT
LAND O LAKES FL 34639-5616

13-30-14-27937-001-0040

BLDG 1, UNIT 4
FISHERMAN'S BEACH CONDO

FISHERMAN'S BEACH INC
PO BOX 803
INDIAN ROCKS BEACH FL 33785-0803

13-30-14-27937-000-0001

(COMMON ELEMENTS)
FISHERMAN'S BEACH CONDO

FISHERMAN'S BEACH CONDO ASSN INC
209 3RD AVE
INDIAN ROCKS BEACH FL 33785-2515

13-30-14-78629-002-0050

BLDG 2, UNIT E
PHASE II
SAND ISLES CONDO

MILLER, STEPHEN W
DICKINSON, LINDA J
8 GRANITE APARTMENTS
30 RIVER GARDENS WALK
LONDON SE10 0GA

13-30-14-78632-000-2030

UNIT 203
RESIDENCE
SAND ISLES II CONDO

SHELTON INVESTMENTS II LLC
46 SHELTON LN
MONTGOMERY CITY MO 63361-5410

12-30-14-42858-021-0290

AND 1/2 VAC ALLEY ON W
BLK 2A, LOT 29 LESS RD
INDIAN ROCKS BEACH

ARBORS GULFFRONT COTTAGES LLC
2007 W FRANKLIN ST # A
EVANSVILLE IN 47712-5112

13-30-14-23570-000-0020

UNIT B
DUNES POINTE CONDO

KOLLROS, STEFAN
KOLLROS, VERONIKA
606 FOREST ST
WINDERMERE FL 34786-3563

12-30-14-42858-005-0030

BLK 5, LOT 3
INDIAN ROCKS BEACH

CHOUNDAS, PETER P
CHOUNDAS, ADIS B
221 GULF BLVD
INDIAN ROCKS BEACH FL 33785-2528

12-30-14-42858-004-0010

BLK 4, LOTS 1,2 AND 3
INDIAN ROCKS BEACH

DOWNING, JAY
DOWNING, KIP
125 GULF BLVD
INDIAN ROCKS BEACH FL 33785-2529

12-30-14-42858-005-0140

BLK 5, LOT 14
INDIAN ROCKS BEACH

FITTON, LONNY A
PO BOX 538
INDIAN ROCKS BEACH FL 33785-0538

13-30-14-27937-003-0060

BLDG 3, UNIT 6
FISHERMAN'S BEACH CONDO

FISHERMANS BEACH INC
209 3RD AVE
INDIAN ROCKS BEACH FL 33785-2515

**AGENDA ITEM NO. 6B
PUBLIC HEARING
SECOND AND FINAL HEARING**

**ORDINANCE NO. 2020-09
Amending Chapter 74, by creating
Article IV, to be entitled "Leave
No Trace".**

**CITY OF INDIAN ROCKS BEACH
CITY COMMISSION AGENDA MEMORANDUM**

FOR MEETING OF: December 8, 2020 **AGENDA ITEM:** 6B

SUBMITTED BY: Randy D. Mora, City Attorney

APPROVED BY: Brently Gregg Mims, City Manager



SUBJECT: "Leave No Trace" (Ordinance # 2020-09)

Executive Summary

Following the Commission's previous work session on the matter, this Ordinance was drafted to prevent the City's residents and visitors from leaving their tangible personal property on the beach overnight.

Background Information

The City's ordinances currently prevent individuals from leaving items such as tents, canopies and volleyball nets on the beach overnight. With limited exceptions, this ordinance expands the scope to all tangible personal property left on the beach for any amount of time between 10:00 p.m. and 6:00 a.m., daily. This proposed amendment also enhances a handful of other safety measures, such as explicitly prohibiting fires and requiring people to fill any unattended holes that they dig on the beach.

November 10, 2020 City Commission Meeting Amendments

Sec. 74-103. Obstructions on the beach and beach access areas prohibited.

~~(d) From 10:00 p.m. until 6:00 a.m. daily on the beach, items of personal property that are relocated as close to, but not on, the toe of the dune or native vegetation, or where there are no dunes or native vegetation, are relocated as close as practicable to an existing permanent structure or the line of buildings, will not be considered discarded by the owner, abandoned or a violation of this article, provided: The dry sand area of the beach is defined as the zone of unconsolidated material that extends landward from the mean high-water line to the place where there is marked change in material or physiographic form, or to the line permanent vegetation, usually the effective limit of storm waves, whichever is more seaward.~~

Amended the definition of beach access area to be consistent with the City's customary use ordinance.

~~(g) This section shall not affect or in any way restrict the riparian rights of property owners.~~

Section 74-103(g) was previous in repealed Section 74-65, Tents, canopies, and volleyball nets.

ORDINANCE NO. 2020-09

AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, AMENDING CHAPTER 74 – WATERWAYS, CREATING ARTICLE IV, TO BE ENTITLED ‘LEAVE NO TRACE’, CREATING SECTION 74-100 – PURPOSE AND TITLE; CREATING SECTION 74-101 – DEFINITIONS; CREATING SECTION 74-102 – DIGGING HOLES ON BEACH; CREATING SECTION 74-103 – OBSTRUCTIONS ON THE BEACH AND BEACH ACCESS AREAS PROHIBITED; CREATING SECTION 74-104 - EXCEPTIONS; CREATING SECTION 74-105 – PERMITS; CREATING SECTION 74-106 – FIRES PROHIBITED; REPEALING CHAPTER 26 – ENVIROMENT, ARTICLE V - JUNKED, WRECKED OR ABANDONED PROPERTY, DIVISION 1 – GENERALLY, SECTION 26-131 – CONFISCATION OF ABANDONED PROPERTY; REPEALING CHAPTER 74 – WATERWAYS, ARTICLE III – BEACHES, DIVISION 1 – GENERALLY, SECTION 74-65 TENTS, CANOPIES, AND VOLLEYBALL NETS; CREATING A LEAVE NO TRACE ORDINANCE PROHIBITING THE LEAVING OR ABANDONMENT OF PERSONAL PROPERTY ON THE CITY’S BEACHES; PROHIBITING UNFILLED HOLES ON THE CITY’S BEACHES; PROHIBITING THE OBSTRUCTION OF THE BEACH AND BEACH ACCESS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR A PERMITTING PROCESS; PROHIBITING FIRES ON THE BEACH; PROVIDING FOR LEGISLATIVE FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, the City Commission of the City of Indian Rocks Beach desires to ensure the public beach and beach access areas of the City are free from any obstruction by any item of personal property in order to protect public ingress, egress, use of the public beach, the natural environment, the beauty and aesthetics of the City, and promote the public safety; and

WHEREAS, the City Commission of the City of Indian Rocks Beach desires to protect endangered sea turtles which nest on public beaches where abandoned property and unfilled holes can pose a serious hazard and risk of endangerment to wildlife; and

WHEREAS, prohibiting persons from leaving or abandoning personal property on the City’s beaches and beach access areas, and prohibiting unfilled holes, effectuates that desire; and

WHEREAS, Section 705.103, Florida Statutes, contemplates the procedures to be used when dealing with lost or abandoned property on public property; and

WHEREAS, the City currently regulates certain abandoned property left on the beach in Sections 74-65 and 26-131 of the Code of Ordinances of the City, which the Leave No Trace ordinance makes moot; and

WHEREAS, repealing Sections 74-65 and 26-131 of the City Code and replacing it with the Leave No Trace ordinance better effectuates the City's ability to regulate abandoned property left on the beach; and

WHEREAS, the City Commission finds this Ordinance benefits public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, THAT:

SECTION 1. Chapter 74 (Waterways) of the City of Indian Rocks Beach Code of

Ordinances is hereby amended as follows:

ARTICLE IV. – LEAVE NO TRACE

Sec. 74-100. – Purpose, title, and enforcement.

The purpose of this article is to ensure the public beach and beach access areas are free from any obstruction by any item of personal property in order to protect public ingress, egress and use of the public beach, promote public safety, and to protect wildlife, including endangered sea turtles. This article may be referred to as the "Leave No Trace Ordinance." A violation of any of the sections of this Article may result in the imposition of a fine consistent with Section 1-14 of the City's Code of Ordinances.

Sec. 74-101. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Beach means the zone of unconsolidated material that extends landward from the mean low water line to either the place where there is a marked change in material or physiographic form; the line of permanent vegetation, which is usually the effective limit of storm waves; or constructed bulkheads or other coastal protection structures.

Beach access areas means those public beach access points in the City, identified by appropriate signage, including associated boardwalks, walkways, and dedicated parking areas, and the area on the public beach beginning at the entrance of the beach access point perpendicular with the applicable road right-of-way to the water's edge.

Dune means a mound, bluff or ridge of loose sediment, usually sand-sized sediment, lying landward of the beach and deposited by any natural or artificial mechanism, which may be bare or covered with vegetation, and is subject to fluctuations in configuration and location. In the

absence of a discernible dune, the seaward boundary of a dune will be deemed to be the line of native vegetation.

Person includes a natural person and all artificial entities, such as, but not limited to, corporations, limited liability companies, partnerships, limited partnerships, associations, trustees, receivers, legal representatives, and organizations.

Personal property means all types of personal property, including by way of example and not limitation, tents (including tent frames), canopies, cabanas, umbrellas and other shading devices, picnic tables, tiki huts, volleyball nets, hammocks, beach chairs and other furniture, kayaks, canoes, catamarans, floats, sailboards, surfboards, kites, jet skis, sailboats, water cycles and other watercraft.

Public beach means any beach area, whether publicly or privately owned, extending inland from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico to which the public has acquired the right of use or easement to or over the area by prescription, dedication, presumption, or has retained a right by virtue of continuous right in the public since time immemorial, as recognized in law and custom.

Sec. 74-102. - Digging holes on beach.

Holes dug on the beach are required to be attended and shall be filled prior to leaving the public beach.

Sec. 74-103. - Obstructions on the beach and beach access areas prohibited.

- (a) It shall be unlawful for any person to leave an item of personal property unattended on any portion of the public beach located in the City for any amount of time from 10:00 p.m. until 6:00 a.m. daily, except as otherwise permitted in this article.
- (b) It shall be unlawful for any person to leave an item of personal property unattended at any time within any public beach access area located in the City.
- (c) Any items of personal property that remain on the beach in violation of this article shall be deemed a nuisance and abandoned by the owner and shall be removed by a deputy of the Pinellas County Sheriff's Office, public service staff, code enforcement officer, or other authorized designee of the City Manager. Any personal property so removed shall be stored in an area designated by the City. After 90 days of impoundment, as required by F.S. § 705.103, the City may dispose of any item(s) removed pursuant to this section. The City may, by resolution, enact an impoundment fee to be collected at the time any item(s) are retrieved from impoundment by the party claiming the item(s).
- (d) ~~From 10:00 p.m. until 6:00 a.m. daily on the beach, items of personal property that are relocated as close to, but not on, the toe of the dune or native vegetation, or where there are no dunes or native vegetation, are relocated as close as practicable to an existing permanent structure or the line of buildings, will not be considered discarded by the owner, abandoned or a violation of this article, provided:-~~ The dry sand area of the beach is defined as the zone of unconsolidated material that extends landward from the mean high-water line to the place

where there is marked change in material or physiographic form, or to the line permanent vegetation, usually the effective limit of storm waves, whichever is more seaward. (11-10-2020 CCM)

- (1) Such items shall not be placed on the dune or on native vegetation.
 - (2) Such items shall be stored in a neat and orderly manner.
 - (3) Such items shall not inhibit access to the public beach from the nearest public access areas, nor obstruct access on the public beach, nor impact native vegetation, nor significantly affect sea turtles.
 - (4) Items shall not be placed on any public beach access point or within 20 feet of any public trash receptacle.
- (e) Unattended items of personal property in violation of this article shall be removed from the public beach by any deputy of the Pinellas County Sheriff's Office, code enforcement officer, or City public service staff.
- (f) Unattended or abandoned items of personal property, and unattended, unfilled holes on the beach, are in violation of this article and are a public nuisance.
- (g) This section shall not affect or in any way restrict the riparian rights of property owners. (11-10-2020 CCM amended)

Sec. 74-104. - Exceptions.

The prohibitions contained herein do not apply to:

- (a) Trash containers;
- (b) Signs placed by the City or a governmental agency;
- (c) Items placed by persons acting under authority of city manager or other governmental agency;
- (d) Structures, including without limitation boardwalks, decks, and dune walkovers constructed and permitted by the City, county or the State;
- (e) Items placed on the beach by persons who have authorization or a permit to engage in marine turtle nesting research issued by the United States Fish and Wildlife Service or the State.

Sec. 74-105. - Permits.

- (a) Permits may be issued by the city manager, or his or her authorized designee for activities otherwise prohibited by this article for such periods of time and under such conditions as the city manager deems reasonably appropriate under the circumstances that are found to be necessary for:
 - (1) Reasonable accommodation of persons with disabilities;
 - (2) Adjunct to a lawfully existing activity;

- (3) For the conduct of a governmental, civic or educational activity;
- (4) For the conduct of scientific research; or
- (5) For special events approved by the City Commission or City Manager, as otherwise required by the City's Code of Ordinances.

(b) There shall be no fee for obtaining this permit. Such permit shall include the following:

- (1) Name and contact information of the owner or person in possession and control of the item;
- (2) Description of the item;
- (3) Location of the item;
- (4) Duration of time the item will remain in such location; and
- (5) Acknowledgement that the owner or person in possession and control of the item will be liable for any impacts to federally protected species.

(c) This article is not intended to authorize any violation of F.S. § 379.2431, or any of the provisions of the Endangered Species Act. The City will not be liable for any impacts to federally protected species resulting from persons leaving items of personal property on the beach and such liability will rest with the owner of such item.

Sec. 74-106. - Fires prohibited.

It shall be unlawful to start, maintain, or otherwise ignite an open fire on the beach or sand within the City.

SECTION 2. Chapter 26 (Environment), Article V (Junked, Wrecked or Abandoned Property), Division 1 (Generally) Section 26-131 (Confiscation of abandoned property) of the City of Indian Rocks Beach Code of Ordinances is hereby amended and repealed as follows:

Sec. 26-131. — Confiscation of abandoned property.

~~The designated law enforcement agency is hereby authorized and directed to confiscate any and all abandoned personal property within the city, subject to the following terms and conditions:~~

- ~~(1) Such abandoned personal property, unless perishable, shall remain in the possession and custody of the designated law enforcement agency for a period of two weeks before being thus confiscated, and during such period of time a representative of the designated law enforcement agency shall use reasonable diligence in an effort to locate the owner of the property. If the owner is located he shall be given five days' notice requesting that he pay all charges, fees, fines, damages and expenses due to the city, and stating that, upon his failure to pay such amounts, such personal property shall be forthwith confiscated.~~

~~(2) In the confiscation of any personal property a representative of the designated law enforcement agency is hereby authorized and directed to forthwith dispose of the property in accordance with directions of the city manager.~~

SECTION 3. Chapter 74 (Waterways), Article III (Beaches), Division 1 (Generally)

Section 74-65 (Tents, canopies, and volleyball nets) of the City of Indian Rocks Beach Code of Ordinances is hereby amended and repealed as follows:

~~Sec. 74-65. Tents, canopies, and volleyball nets.~~

~~*Intent.* It is the intent of the city commission to preserve and protect the beauty of the city's beaches, parks, and other public property for use by residents and tourists. In furtherance of such purpose, the city commission makes the following findings of fact:~~

~~(1) The city has a significant tourist and county resident day use visitor population that utilizes its beaches, parks, and other public property.~~

~~(2) Being a largely recreational and tourist community, the city's beaches, parks, and other public property are a very valuable asset.~~

~~(3) The city has a significant occurrence of structures left on the beaches, parks, and other public property and the city has incurred significant cost in removing the structures.~~

~~(4) Permitting the structures to remain on the beaches, parks and other public property overnight has a negative effect on the appearance of the beach areas and upon the city's tourism industry.~~

~~(5) Leaving unattended tents, canopies, or volleyball nets on the beach, exposes a risk of harm to others and the natural beauty of the beach.~~

~~(6) Prohibiting tents, canopies, or volleyball nets to remain on the beaches, parks, and other public property overnight will promote the public health, safety, and welfare.~~

~~a. *Prohibition.* It shall be unlawful for any person to place upon the public beach any tent, canopy, or volleyball net between the seawall and the west edge of the dune area, and west of the dune area between 10:00 p.m. and 6:00 a.m.~~

~~b. It shall be unlawful for any person placing or causing to be placed any tent, canopy, or volleyball net or equipment upon the public beach to allow such to remain upon such public beaches, parks, and other public property between 10:00 p.m. and 6:00 a.m.~~

~~c. *Penalty.* Any tent, canopy, or volleyball net left on the beaches, parks, and other public property overnight will be considered abandoned property and will be subject the provisions under section 26-131.~~

~~d. This section shall not effect or in any way restrict the riparian rights of property owners.~~

SECTION 4. For purposes of codification of any existing section of the Indian Rocks Beach

Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

SECTION 5. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the City Commission would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

SECTION 6. The Codifier shall codify the substantive amendments to the Indian Rocks Beach City Code contained in Sections 1 through 3 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

SECTION 5. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon its adoption.

ADOPTED ON FIRST READING on the 10th day of November 2020, by the City Commission of the City of Indian Rocks Beach, Florida.

PUBLISHED IN the Tampa Bay Times on the 25th day of November 2020.

ADOPTED ON SECOND AND FINAL READING on the ____ day of _____, 2020, by the City Commission of the City of Indian Rocks Beach, Florida.

Joanne Moston Kennedy
Mayor-Commissioner

Approved as to form:

Attest:

Randy Mora, City Attorney

Deanne B. O'Reilly, MMC
City Clerk

**AGENDA ITEM NO. 6C
PUBLIC HEARING
SECOND AND FINAL HEARING**

**ORDINANCE NO. 2020-10
Amending Park Hours.**

**CITY OF INDIAN ROCKS BEACH
CITY COMMISSION AGENDA MEMORANDUM**

FOR MEETING OF: December 8, 2020 **AGENDA ITEM:**6C

SUBMITTED BY: Randy D. Mora, City Attorney

APPROVED BY: Brently Gregg Mims, City Manager



SUBJECT: Park Hours Amendment (Ordinance # 2020-10)

Executive Summary

This ordinance amendment is advanced in order to streamline and clarify the operative park hours, and limit park access to protect the City's residents, visitors, and infrastructure within the City.

Background Information

This ordinance consolidates the specified park hours to a single section. Going forward the parks shall be open as follows:

- 10th Avenue Park, Brown Park & Nature Preserve: 7:00 a.m. to dusk
- Boardwalk: 7:00 a.m. to dusk
- ~~Keegan Clair Park: 7:00 a.m. to 9:00 p.m.~~
- Keegan Clair Parks and Boat Docks: 7:00 a.m. to 11:00 p.m.
- Kolb Park: 7:00 a.m. to 9:00 p.m.
- Skate Facility: 10:00 a.m. to 9:00 p.m.

Section 38-100, General.

(a) Fines and fireworks are prohibited. ~~Grills for cooking may be used in designated areas.~~

*** Language in red indicates changes made by the City Commission during the November 10, 2020 City Commission Meeting.

**CITY OF INDIAN ROCKS BEACH
ORDINANCE NO. 2020-10**

AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, AMENDING CHAPTER 38 – PARKS AND RECREATION, ARTICLE II – PARKS, SECTION 38-31 – PARK HOURS; SPECIAL EVENTS; AMENDING ARTICLE III – SKATE FACILITY, SECTION 38-51 – HOURS OF OPERATION; AMENDING ARTICLE IV – NATURE PRESERVE, DIVISION 1 – GENERALLY, SECTION 38-100 – GENERAL; AMENDING DIVISION 2 – BOARDWALK, SECTION 38-116 – USAGE REGULATIONS; AMENDING ARTICLE V – KEEGAN CLAIR BOAT DOCKS, SECTION 38-140 – HOURS OF OPERATION; AMENDING THE HOURS OF OPERATION OF PARKS THROUGHOUT THE CITY; RESERVING REPEALED SECTIONS; PROVIDING FOR LEGISLATIVE FINDINGS; CORRECTING SCRIVENER’S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, the hours of operation for the City of Indian Rocks Beach's parks are found in Chapter 38 of the Code of Ordinances of the City of Indian Rocks Beach; and

WHEREAS, the City Commission desires to amend the park hours to be more consistent throughout the City; and

WHEREAS, amending certain the park hours to close earlier and open later will have positive impacts for the safety of citizens, patrons, and visitors to the City’s parks; and

WHEREAS, the City Commission finds this Ordinance benefits public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, THAT:

Section 1. Section 38-31 of Article II (Parks) of Chapter 38 (Parks and Recreation) of the City of Indian Rocks Beach Code of Ordinances is hereby amended as follows:

Sec. 38-31. Park hours, special events, and signage.

(a) ~~All parks in the city, with the exception of the Indian Rocks Beach Nature Preserve and the Indian Rocks Beach Skate Facility, but including Kolb Park, Keegan Clair Park and Brown Park, shall be closed from the hours 11:00 p.m. to 6:00 a.m. daily. The city will erect appropriate signs that will provide the hours of park usage. For the purpose of this subsection, "park" shall mean all parks and athletic fields, and all grounds used by the city for park or playground purposes. The operating hours for special uses facilities may vary, as further described in this chapter.~~

(a) Parks Hours Generally. All parks in the City, including Kolb Park shall be closed from the hours 9:00 p.m. to 7:00 a.m. daily, with the exception of the Indian Rocks Beach Nature Preserve, the Indian Rocks Beach Skate Facility, 10th Avenue Park, and Brown Park. (AMENDED @ 11-10-2020 CCM; first paragraph reworded)

(b) Brown Park, 10th Avenue Park, and Nature Preserve & Boardwalk. Brown Park, 10th Avenue, and the Indian Rocks Beach Nature Preserve & Boardwalk shall be closed from dusk until 7:00 a.m. (AMENDED @ 11-10-2020 CCM)

(c) Keegan Clair Park and Keegan Clair Boat Docks. The Keegan Clair Park and Boat Docks shall be open for use by authorized vehicles Sunday through Saturday 7:00 a.m. through 11:00 p.m. (AMENDED @ 11-10-2020 CCM)

(d) Skate Facility. The skate facility at Kolb Park shall be open Sunday through Saturday from 10:00 a.m. to 9:00 p.m.

(e) The Ceity will erect appropriate signs that will provide the applicable hours of park usage. For the purpose of this subsection, "park" shall mean all parks and athletic fields, and all grounds used by the Ceity for park or playground purposes. The operating hours for special uses facilities may vary.

(f) The Ceity may authorize an extension of park hours in any of the City's parks or portions thereof for special events for which a permit has been issued and approved by the city manager, or his or her authorized designee.

Secs. 38-32-38-5051. - Reserved

Section 2. Section 38-51 of Article II (Parks) of Chapter 38 (Parks and Recreation) of the City of Indian Rocks Beach Code of Ordinances is hereby amended as follows:

Sec. 38-51. Hours of operation:

~~The skate facility at Kolb Park shall be open in accordance with the following schedule:~~

Monday through Saturday	10:00 a.m. to 9:00 p.m.
Sunday	1:00 p.m. to 9:00 p.m.

~~The city may authorize an extension of hours for special events for which a permit has been issued and approved by the city manager.~~

Section 3. Section 38-100 of Article IV (Nature Preserve) of Chapter 38 (Parks and Recreation) of the City of Indian Rocks Beach Code of Ordinances is hereby amended as follows:

Sec. 38-100. General.

~~(a) The Indian Rocks Beach Nature Preserve shall be closed from the hours of 10:00 p.m. dusk to 7:00 a.m. daily.~~

~~(b) The city may authorize an extension of the nature preserve hours for special events for which a permit has been issued and approved by the city manager.~~

(c) (a) Fires and fireworks are prohibited. **Grills for cooking may be used in designated areas: (AMENDED @ 11-10-2020 CCM)**

Section 4. Section 38-116 of Article IV (Nature Preserve) of Chapter 38 (Parks and Recreation) of the City of Indian Rocks Beach Code of Ordinances is hereby amended as follows:

Sec. 38-116. Usage regulations.

~~(a) The boardwalk shall be open during all park operating hours. The following are prohibited on the boardwalk:~~

- (1) Bicycles.
- (2) Skateboards, roller blades, skates or scooters.
- (3) Pets.
- (4) Leaving the boardwalk to enter the wetlands or Intracoastal Waterway.
- (5) Tying up, entering, or leaving watercraft.
- (6) Littering.

Section 5. Section 38-140 of Article V (Keegan Clair Boat Docks) of Chapter 38 (Parks and Recreation) of the City of Indian Rocks Beach Code of Ordinances is hereby amended as follows:

~~**Sec. 38-140. Hours of operation.**~~

~~The Keegan Clair Boat Docks shall be open for use Sunday through Saturday 7:00 a.m. through 9:00 11:00 p.m.~~

Sec. 38-140. Reserved.

Section 6. For purposes of codification of any existing section of the Indian Rocks Beach Code herein amended, words **underlined** represent additions to original text,

words **stricken** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 7. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the City Commission would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 8. The Codifier shall codify the substantive amendments to the Indian Rocks Beach City Code contained in Sections 1 through 5 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 9. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon its adoption.

ADOPTED ON FIRST READING on the 10th day of November 2020, by the City Commission of the City of Indian Rocks Beach, Florida.

PUBLISHED on this 25th day of November 2020 in the Tampa Bay Times.

ADOPTED ON SECOND AND FINAL READING on the ___ day of _____ 2020, by the City Commission of the City of Indian Rocks Beach, Florida.

Joanne Moston Kennedy, Mayor-Commissioner

Attest: _____
Deanne B. O'Reilly, MMC, City Clerk

Approved as to form:

Randy Mora, City Attorney

**AGENDA ITEM NO. 7A
FIRST READING**

**ORDINANCE NO. 2020-08
Amending Chapter 62 by
increasing the fee for parking
violations; restricting the hours of
parking on the City's beach
accesses, amending the
requirements for securing a
resident parking decal; specifying
permissible uses of a resident
decal; repealing the provision for
temporary guest parking permits;
amending the fee for replacing a
city-issued parking permit.**

**CITY OF INDIAN ROCKS BEACH
CITY COMMISSION AGENDA MEMORANDUM**

FOR MEETING OF: December 8, 2020 **Agenda Item: 7A**

SUBMITTED BY: Randy D. Mora, City Attorney

APPROVED BY: Brently Gregg Mims, City Manager

SUBJECT: “Parking Fines and Beach Accesses” (Ordinance # 2020-08)

Executive Summary

Following the Commission’s previous work session on the matter, this Ordinance was drafted as a proposed means for addressing parking violations, with added restrictions relating to the beach accesses.

Specifically, this proposed ordinance increases the fine for parking violations from \$40 to \$75. The proposed ordinance eliminates the use of “temporary guest parking permits.” Also, while those with a valid resident parking permit may park in “resident-only” spots at the beach accesses, all persons are barred from parking on the beach accesses between 11 p.m. and 6 a.m. unless issued a temporary parking permit.

Background Information

In recent years, most especially in the early months of the global health pandemic and consequent quarantining restrictions, the City has observed intensified attendance to its parks and beaches. Paired with the City’s finite amount of public parking spaces at or near its beach accesses, this increase in vehicular traffic has led to increased parking violations. If adopted, this ordinance would codify a proposed increase to the fine for parking violations, would eliminate a category of temporary permits, and clarify the restrictions concerning the use of resident spots at beach accesses.

ORDINANCE NO. 2020-08

AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, AMENDING CHAPTER 62 – TRAFFIC AND VEHICLES, ARTICLE II – STOPPING, STANDING AND PARKING; INCREASING THE FEE FOR PARKING VIOLATIONS; RESTRICTING THE HOURS OF PARKING ON THE CITY’S BEACH ACCESSES, AMENDING THE REQUIREMENTS FOR SECURING A RESIDENT PARKING PERMIT DECAL; SPECIFYING PERMISSIBLE USES OF A RESIDENT DECAL; REPEALING THE PROVISION FOR TEMPORARY GUEST PARKING PERMITS; AMENDING THE FEE FOR REPLACING A CITY-ISSUED PARKING PERMIT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Indian Rocks beach currently regulates parking and the issuance of permits to preserve the safety of the City of Indian Rocks Beach’s residents and visitors;

WHEREAS, the City Commission desires to amend its Ordinances to remedy the effects of unpermitted parking in its residential districts and unregulated congestion;

WHEREAS, the City Commission finds this Ordinance benefits public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, THAT:

SECTION 1. Chapter 62, Article II – “Stopping, Standing and Parking,” of the City of Indian Rocks Beach’s Code of Ordinances is amended as follows:

Sec. 62-31. - Parking violation fines.

Any person who violates any parking laws, ordinances, or regulations within the city shall be subject to a fine for each such violation of not less than ~~\$40.00~~**\$75.00**. ~~If the fine is not paid within 15 days of the day of the violation, the fine shall be \$55.00.~~ Any unpaid parking fines shall be subject to any and all penalties, whether civil or criminal, provided for in Florida’s Statutes.

Sec. 62-32. - Obedience to signs.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the direction of a law enforcement agency official or traffic control device, no person shall stop, stand or park a motor vehicle, as defined under F.S. ch. 316, at any place where official signs prohibit stopping, standing or parking of motor vehicles.

Sec. 62-33. - Parking for certain purposes prohibited.

No person shall park a vehicle or boat upon any public street or public right-of-way or upon any area which is customarily used for the operation of a motor vehicle other than private property for the principal purpose of:

- (1) Displaying the vehicle or the boat for sale.
- (2) Washing, greasing or repairing the vehicle or boat, except repairs necessitated by an emergency.
- (3) Displaying advertising.
- (4) Selling merchandise from the vehicle or boat, except in a duly established marketplace or when so authorized or licensed under this Code or other city ordinances.
- (5) Storage or as junk or dead storage for more than 72 hours.

Sec. 62-34. - Stopping, standing or parking prohibited on Gulf Boulevard.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a representative of the designated law enforcement agency or official traffic control device, no person shall stop, stand or park a motor vehicle, as defined under F.S. ch. 316, along the entire length of Gulf Boulevard lying within the corporate boundaries of the city.

Sec. 62-35. - Parking on beach accesses and 15th Avenue boat ramp.

- (a) *Purpose and intent.* The purpose and intent of this section is to regulate public parking, not to regulate the use of the public beach facilities in the city.
- (b) *Findings of fact.* The city commission, based on studies and reports conducted and completed by the city administration and upon the general knowledge of the operating costs connected with the maintenance of beach accesses within the corporate limits of the city, makes the following findings of fact:
 - (1) The city is approximately 2½ miles long fronting on the west on the Gulf of Mexico with approximately 28 beach accesses which are in fact dedicated as accesses to the residents of the subdivision in which the access is located.
 - (2) Although the city commission recognizes that the beaches may be used by the general public subject to limitations of private property rights and restrictions of record contained in deeds and plats, all costs of maintenance and patrolling the beach accesses are borne by citizens of the city through the collection of taxes.

- (3) Cost of maintaining the beach accesses is significant and includes road maintenance, law enforcement, garbage and trash collection, and general upkeep and beautification.

(c) Entitlement to Non-transferable "Parking by Permit Only" Decals

- (1) Any parcel with a separate tax parcel ID assigned by the Pinellas County Property Appraiser that is located within a designated "parking by permit only" zone established in this section and used as a primary residence by the owner or a lessee, with a lease term of at least one year, shall be entitled to the issuance of a parking decal for each registered vehicle, including low speed vehicles, owned or leased by the owner and family members living at the residence provided that the vehicles are registered to the property address correlating to the same tax parcel ID.
- (2) It shall be unlawful for any person to represent that he or she is entitled to a residential parking permit when he or she is not entitled, or to hold or display such a permit at any time when he or she is not entitled to do so. A violation of this provision may result in a fine.
- (3) It shall be unlawful to sell, assign, or otherwise transfer a City-issued parking decal to another person or legal entity. A violation of this provision may result in a fine.
- (4) In addition to assessing a fine, the City retains the right to suspend or revoke a parking decal if it is shown that the holder of such decal has violated any of the restrictions of this Section. The procedure for such determination shall be established by the City Manager or the City Manager's designee.

(d) Application for Parking Permits.

- (1) Property owners must apply to the City on a form provided by the City, and where applicable pay the designated fee in order to receive a valid decal. The application shall be submitted under oath and accompanied by two or more of the following as proof of residence or real property tax assessment:
 - i. State of Florida driver's license identifying the driver's address within the City for which the permit is sought;
 - ii. A valid automobile registration reflecting the address within the City for which the permit is sought;
 - iii. The applicant or a member of the immediate family being listed on the current real property tax rolls at the address within the City for which the permit is sought;
 - iv. A copy of one utility bill, bearing the address within the City for which the permit is sought;

(2) The City shall not process an application until an applicant submits a complete copy of the City's designated form, accompanied by the requisite proof of residence. A \$10.00 fee will be charged for the replacement of resident parking permit decals in cases where the permit was lost, stolen, damaged or a new permit is required as a result of the sale or transfer of a vehicle or real property interest.

(3) The City Manager shall establish an application process for the issuance of parking decals within ninety (90) days of the effective date of this Ordinance.

~~(e)~~(e) Permit parking on beach accesses. Permits for parking on beach accesses in the city shall be as follows:

~~(1) All residents of the city shall, upon application and proof of be issued one resident permit per vehicle. Any vehicle with a properly displayed parking decal may park in any space designated for parking on at or near the city's beach accesses, and including those spaces reserved for resident parking-only. no fee shall be charged for such permit. Proof of residency within the corporate limits of the city shall be required for such permit. The city shall may provide parking places on accesses designated for residents only where deemed feasible by the city manager. The resident parking permit decal must be permanently attached affixed to the exterior rear of the vehicle in a visible location.~~

~~(2) The city manager may, upon request, issue temporary guest parking permits to motels/motor lodges, businesses or residences on the condition that business tax receipts, if applicable, are paid. No fee shall be charged for this permit. These temporary guest parking permits may not be used in the spaces designated for residents only. The parking permits used must be visible from the rear of the vehicle.~~

~~(3)~~(2) Temporary parking permits are available for all other situations, requiring parking between the hours of 11:00 p.m. and 6:00 a.m., at or near the City's beach accesses. A fee of \$5.00 per night for each parking permit will be required, . The fee shall be \$3.00 per night for each parking permit and the permit shall not exceed a three-day maximum. Temporary parking permits may not be used in the spaces designated for residents only. All parking permits must be visible from the rear of the vehicle.

~~(4)~~(3) Parking on the beach accesses, including spaces reserved for residents, between the hours of 11:00 p.m. and 6:00 a.m. shall be limited to motor vehicles with temporary parking permits as set forth in (e) of this subsection.

~~(5)~~(4) Replacement parking permits, in all categories, are \$10.00 each. A parking decal shall not authorize the holder of the decal to park in spaces or areas designated by law as restricted or prohibited parking such as loading zones, fire hydrants, disabled, or other such regulated areas, nor shall it exempt the holder from the observance of any traffic regulations or compliance with an official traffic control device, sign or signal.

- (d) *General authority of city manager.* Nothing in this section shall prohibit the city manager from otherwise regulating parking on any public street, public right-of-way or public property in order to ensure public health, safety and welfare.
- (e) *Parking at 15th Avenue boat ramp.* Parking and use of the boat ramp at 15th Avenue shall be limited to city residents or property owners. Any watercraft using the 15th Avenue boat ramp shall have an authorized city resident decal permit, as set forth in this Section, affixed to the vehicle launching the watercraft. No resident shall be allowed to park or use the boat ramp for longer than 30 minutes at one time and parking shall be limited to the hours of 8:00 a.m. to 9:00 p.m. There shall be no parking on 15th Avenue or the surrounding streets of the 15th Avenue boat ramp, including Bayshore Boulevard, for any trailers or vehicles with trailers. Any vehicle that violates the provisions of this subsection shall be subject to penalties as prescribed in this Code and Florida Statutes. Any vehicle, including trailers, that violates the provisions of this subsection shall be subject to a fine of ~~\$25.00~~ **\$75.00** per axle. ~~If the fine is not paid within 30 days of the day of the violation, the fine shall be doubled.~~

Sec. 62-36. - Parking of house trailers.

- (a) *Definitions.* For the purposes of this section, the words "house trailer" and "house car" shall mean any structure intended for usable human habitation, mounted on or susceptible of being mounted on wheels and which can be moved from place to place, either by its own power or power supplied by some vehicle attached thereto.
- (b) *Prohibited and permitted parking.* No house trailer, house car or similar structure shall be used for living, sleeping or business purposes anywhere within the city, except in a duly licensed and regulated trailer park or trailer camp or where it shall be used for tools, equipment or materials actually being used in connection with construction of a permanent building. In such case, permission shall be included in the building permit for the project, and the trailer shall not be kept on the project site for more than six months, with the requirement that it shall be immediately removed from the premises on substantial completion of the permanent structure.

Sec. 62-37. - Public and private parking spaces for disabled persons.

- (a) Parking spaces for the exclusive use of those severely physically disabled individuals who have permanent mobility problems that substantially impair their ability to ambulate shall be specially designed and marked in accordance with the provisions of F.S. § 316.1955.
- (b) It is a violation of this section to stop, stand, or park a vehicle within any such specially designated and marked parking space pursuant to subsection (a) of this section unless such vehicle displays a parking permit issued pursuant to F.S. § 320.0848 (exemption entitlement parking permit issued to handicapped persons by the state department of highway safety and motor vehicles) or F.S. § 316.1958 (special license plate or parking permit issued to a handicapped person by any other state, provided such state grants reciprocal recognition for handicapped residents of Florida), and such vehicle is transporting a person eligible for the parking permit, except that momentary parking in such a space for the purpose of unloading a disabled person is permitted.

- (c) The civil penalty for a noncriminal traffic infraction pursuant to a violation of F.S. § 316.1955 or for parking in violation of subsection (b) of this section shall be \$250.00.
- (d) All territory within the corporate limits of the city shall be embraced by the provisions of this section.

Sec. 62-38. - Enforcement.

Citations in a form approved by the designated law enforcement agency for violations of this article may be issued by both law enforcement officers and properly qualified parking enforcement officers designated by the city manager.

Sec. 62-39. - Reserved.

SECTION 2. For purposes of codification of any existing section of the Indian Rocks Beach Code herein amended, words **underlined** represent additions to original text, words **stricken** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

SECTION 3. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the City Commission would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

SECTION 4. The Codifier shall codify the substantive amendments to the Indian Rocks Beach City Code contained in Section 1 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

SECTION 5. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon its adoption.

ADOPTED ON FIRST READING on the ___ day of _____, 2020, by the City Commission of the City of Indian Rocks Beach, Florida.

ADOPTED ON SECOND AND FINAL READING on the ___ day of _____, 2020, by the City Commission of the City of Indian Rocks Beach, Florida.

Joanne Moston Kennedy
Mayor-Commissioner

Approved as to form:

Attest:

Randy Mora, City Attorney

Deanne B. O'Reilly, MMC
City Clerk

**CORRESPONDENCE
RECEIVED**

O'Reilly, Deanne

From: Katherine Keeney <irbsparty@gmail.com>
Sent: Wednesday, December 02, 2020 7:19 AM
To: Kennedy, C; Hanna, Phil; Flagg, Diane; Hoofnagle, Edward; jmcall@irbcity.com; Mims, Gregg; irbsparty@gmail.com
Subject: Parking Ordinance 2020-08 Beach Access Parking concerns

Dear Indian Rocks City Commission:

We are writing to you again and wanted to again express our concerns regarding proposed IRB Ordinance 2020-08. As we mentioned previously, we find the section within the ordinance regarding "Permit Parking on the Beach Accesses" to be disappointing and we were hoping to hear from you as to your thoughts and why you are considering this ordinance. But since none of you responded, we emailed our City Manager, Mr. Mims and he kindly emailed back with some (but not all) of the information that we were seeking. We still would appreciate hearing from each of you as well as hope that our additional concerns below will also be considered.

As we mentioned previously and as long-time IRB residents (17 and 20 years) who directly overlook the 23rd Beach Access, we are well aware of how popular parking on the Beach Accesses can be here—during the day. But overnight parking on the Beach Accesses is very, very limited. We surveyed the Northernmost 7 Beach Accesses in October and very few resident-decaled cars are actually parked overnight—3-4 resident decaled cars parked after 11 pm. And, from what little we were able to gather from others as to the reasoning for this proposed Ordinance (from the comments made at the summer work sessions and recent City Commission Meeting), those few cars parked (sometimes parked for "weeks", per comments), seem to be the reason for proposing the ban for overnight parking. Is this true? Do 3-4 cars parked overnight in an area--where dozens of total parking spots lay empty— a reason to completely ban overnight parking for all of the residents in this very densely populated area? We ask--is this truly a problem somehow, or simply an irritation for some to see?

Residents west of Gulf Blvd. have no street parking available to them whatsoever. If you ban overnight parking for these residents, where do you suggest the residents park an additional overnight car, particularly in a Pandemic year? College students may be sent home unexpectedly as Universities may close, caregivers may need to be engaged for a sick/elderly/handicapped relative for some time, or family isolation/quarantine may need to begin immediately for 14 days after Covid exposure. Obtaining temporary extra parking in all of these cases cannot always be done—safely--and in advance with such a proposed ordinance. The limited weekday-only hours that the city has open to apply—in person--with a maximum of just 3 nights seems restrictive to all of these residents, especially in the year of a Pandemic.

The City Commission recently denied IRB Ordinance 2020-07 regarding On-Street Parking east of Gulf Blvd because of the same expressed concerns faced by residents living east of Gulf Blvd. And this was regarding daytime parking only. Residents living west of Gulf Blvd have already learned to navigate these parking restrictions daily. We constantly juggle parking daily to accommodate each contractor working on our condos, every delivery we receive, and every visitor who enters our homes. With so very few cars parked overnight on the Beach Accesses, why is it necessary to go to such extreme then to also require us to juggle parking overnight, as well? Can you imagine the uproar the City would face if IRB banned overnight on-street parking on the east side of Gulf Blvd? Residents in this area line the city streets at night—many more cars are parked per block-- than those parked on the Beach Accesses currently. And most of these residents have carports, garages and driveways to park their extra vehicles.

Surely, other alternative parking remedies--at least initially--should be considered if this overnight parking is truly a problem and certainly before the Commission completely bans overnight parking for so many residents at once. Have any preventative measures been taken yet? We asked but have not received an answer. Shouldn't these be considered first? If there is a perception that these few unmoved parked cars are somehow a problem, have the owners of these

vehicles been contacted and asked why they remain unmoved/need additional parking? Is it possible that condo renovation is going on, within a unit or the building and a dumpster blocks assigned parking? Or, is there perhaps an overnight caregiver living temporarily with an elderly resident or two that has been taken out of assisted living? Was an au pair possibly hired to care for young children not currently attending school, due to the Pandemic? Are working college students home studying remotely now? It would be nice to know why overflow parking is needed by these few, wouldn't it?

Another helpful measure could be for contact to be made with the neighboring condo associations, located nearby the Beach Accesses where the few overnight Beach Access parked vehicles are located. We wonder—has anyone contacted the Board or Management's assistance in gently reminding residents that the Beach Accesses are not to be used for permanent parking? We hope you will consider trying to do this. And finally, are the owners of these few cars even aware that their overnight parking or unmoved vehicles may cause all residents living west of Gulf Blvd. to lose their only overnight parking? Do you know? We posed many of these questions but have not been able to obtain answers to these questions. Please let us know, if you know. Such initial attempts to understand and explain may be met surprisingly with neighborly appreciation and positive results, negating any proposed ban needed.

As neighbors to those who may be parking overnight, please know that if we are needed to help communicate the City's Beach Access parking concerns with these residents, neighbor to neighbor as well, we are more than willing to help. As members of our own condominium Board, we have found talking to neighbors first, explaining the problem and understanding their concerns to be much more neighborly than banning, taking any legal action, fining those who may or may not be aware they are causing an issue for others.

Mr. Mimms offered to meet you at the Beach Accesses to discuss concerns about the parking during the last City Commission Meeting. We understand none of you have taken him up on that offer. We hope you will still consider meeting him before making any decision regarding this part of the ordinance and view the Beach Access parking yourselves late at night. We also would encourage you to visit the Beach Accesses after 11 pm randomly over the next few weeks and count the cars yourself parked overnight. In doing so, we ask you to consider if those few cars are truly a problem at night or simply possibly just an annoyance. And finally, we also ask you to truly consider what the City could be doing more proactively to curb this longer-term Beach Access parking IF such is truly the reason for considering adopting this part of the ordinance. If these few "permanent" parkers are indeed the reason for banning overnight parking on the Beach Accesses, we ask that you at least attempt other measures first, before completely banning overnight parking to all residents in this area.

Sincerely,

Katherine Keeney
2206 Beach Trail #4

Doug MacCaffrey
1 23rd Avenue #2

O'Reilly, Deanne

From: larmes@tampabay.rr.com
Sent: Saturday, November 21, 2020 1:27 PM
To: Kennedy, C; Hanna, Phil
Subject: street parking

Hello Mayor and Vice Mayor,

This week I read an article in the local neighborhood newspaper about the commission meeting where the street parking was addressed. There was a quote from my neighbor who lives on La Hacienda Drive about how her mailbox and driveway have been blocked by beach goers and how her peace has been disturbed from people parking to use our beaches. I would like to let you know that I live right across the street from this neighbor and I have lived in this house for 12 years now. I have NEVER had my mailbox or driveway blocked from beach goers. The people going to the beach do not EVER park on La Hacienda Drive unless it's at the very beginning of the street close to East Gulf Blvd. I do not want this neighbors' perceived assessment of this issue to be that of a lot of us on La Hacienda Drive. My peace has never been disturbed from beach parking people and I think this is a silly and untrue claim.

I realize that beach parking on some of the streets are a problem for some IRB residents but this is not a one size fits all problem or solution. I saw the "no parking" signs on some of these streets already and I think this is a good solution for this problem. I do not want our beach to become what Belleair has been becoming with ridiculous rules that not many residents agree with. The general public should be able to use the beaches - the beaches are here for everyone. Especially this year, people have needed these beaches more than ever as an outlet.

As you can see, I am NOT for requiring permits for parking on the streets in IRB.

Thanks for listening,
Lisa Armes
727-656-6030

AGENDA ITEM NO. 8
WORK SESSION ITEMS
NONE

AGENDA ITEM NO. 9

OTHER BUSINESS:

AGENDA ITEM NO. 10
ADJOURNMENT.