



ITEM SUMMARY

MEETING DATE: December 5, 2022

FROM: Kara Irwin-Ferris, AICP, Planning Consultant

SUBJECT: **Ordinance 2022-23, ZTA-22-11**
Supplemental Regulations

BACKGROUND

The city has regulations relative to outdoor sales in different areas of the code but is pursuing these changes to centralize the regulations within Chapter 16, Article IV. Supplemental Regulations. Some of the changes are simple reactions to new types of businesses, such as storage pods, which drop the containers on lots and leave them there for a period of time for loading and unloading. Regulations managing timing and location were needed. In addition, retail stores were placing items on the sidewalk for sale, which is not permitted. The code amendment will further clarify that it is prohibited in all zoning districts.

Many changes have occurred in the past year in how business is conducted, and code changes are needed to address the impacts. Some restaurants in the city are closing their kitchens at 10:30 pm and bringing in live music, including DJs, to change the venue into a night club, which is not permitted in the zoning district. While live entertainment has been considered an accessory use within restaurants and bars, the changing of the nature of the business with the music is an issue that must be addressed. It has caused public safety issues for police and assembly issues for Fire Rescue. These businesses have not been inspected to do business in that manner, nor would it be permitted by Code. The safety of the customers is an area of concern for the city's public safety providers.

Finally, outdoor seating has become an issue after the pandemic. When restaurants were limited to 50% capacity, many reached out to the city to add outdoor areas for service. Under the State Governor's Emergency Order, the city allowed for temporary outdoor seating through a temporary use permit. In addition, there have been limited approvals for non-service outdoor seating through the site plan approval process, but some restaurants have put out chairs and seating without approval. While this has been addressed through code enforcement, it was determined that some regulations needed to be added to the code.

The Land Development Staff has reviewed these text amendments and is recommending approval. The Planning Commission reviewed this staff-initiated text amendment on July 14, 2022, and recommended approval by a vote of 5-0. The City Council voted three (3) to two (2) to recommend approval of Zoning Text Amendment ZTA-22-11 as presented by staff on November 7, 2022.

ANALYSIS

City staff initiated this code change to address the need for strengthening code regulations for issues that were occurring within the city relative to live entertainment and businesses acting outside of their definitions. After reviewing the City's current standards, staff determined that there was a need to add supplemental regulations to include live entertainment, outdoor storage, outdoor sales, and outdoor seating.

FINANCIAL INFORMATION

N/A

LEGAL

Ordinance 2022-23 was prepared in accordance with all applicable state statutes and City Code Requirements.

The Ordinance was advertised in accordance with Florida State Statutes 166.041(3)(c)1.

STAFF RECOMMENDATION

Approval of ZTA-22-11 through the adoption of Ordinance 2022-23.