

ORDINANCE NO. 2021-2196

AN ORDINANCE OF THE CITY OF LAKE CITY, FLORIDA, AMENDING THE TEXT OF THE CITY OF LAKE CITY LAND DEVELOPMENT REGULATIONS, AS AMENDED, PURSUANT TO AN APPLICATION, LDR 21-05, BY THE CITY COUNCIL; PROVIDING FOR AMENDING SECTION 4.14.3, ENTITLED PERMITTED ACCESSORY USES AND STRUCTURES BY REVISING REGULATIONS PERTAINING TO THE USE OF PUBLIC RIGHTS-OF-WAY FOR OUTDOOR SEATING BY RESTAURANTS AND OTHER BUSINESSES WITHIN THE “C-CBD” COMMERCIAL, CENTRAL BUSINESS DISTRICT; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, as amended, empowers the City Council of the City of Lake City, Florida, hereinafter referred to as the City Council, to prepare, adopt and enforce land development regulations;

WHEREAS, Sections 163.3161 through 163.3248, Florida Statutes, as amended, the Community Planning Act, requires the City Council to prepare and adopt regulations concerning the use of land and water to implement the comprehensive plan;

WHEREAS, an application for an amendment, as described below, has been filed with the City;

WHEREAS, the Planning and Zoning Board of City of Lake City, Florida, hereinafter referred to as the Planning and Zoning Board, has been designated as the Local Planning Agency of the City of Lake City, Florida, hereinafter referred to as the Local Planning Agency;

WHEREAS, pursuant to Section 163.3174, Florida Statutes, as amended, and the Land Development Regulations, the Planning and Zoning Board, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the Planning and Zoning Board, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for an amendment, as described below, and recommended to the City Council approval of said application for an amendment, as described below;

WHEREAS, pursuant to Section 166.041, Florida Statutes, as amended, the City Council held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the City Council reviewed and considered all comments received during said public hearing, including the recommendation of the Planning and Zoning Board, serving also as the Local Planning Agency, of said application for an amendment, as described below; and

WHEREAS, the City Council has determined and found that a need and justification exists for the approval of said application for an amendment, as described below;

WHEREAS, the City Council has determined and found that approval of said application for an amendment, as described below, is consistent with the purposes and objectives of the comprehensive planning program and the Comprehensive Plan;

WHEREAS, the City Council has determined and found that approval of said application for an amendment, as described below, will further the purposes of the Land Development Regulations and other ordinances, regulations and actions designed to implement the Comprehensive Plan; and

WHEREAS, the City Council has determined and found that approval of said application for an amendment, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:

Section 1. Pursuant to an application, LDR 21-05, by the City Council, to amend the text of the Land Development Regulations, Section 4.14.3, entitled “C-CBD” Commercial, Central Business District, Permitted Accessory Uses and Structures, is hereby amended to read, as follows:

SECTION 4.14 "C-CBD" COMMERCIAL, CENTRAL BUSINESS DISTRICT

4.14.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
 - b. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.
 - c. Do not involve operations or structures not in keeping with the character of the district.
2. On-site signs (see also Section 4.2)
3. Restaurants may have seating outside which shall be included as seating for regulatory purposes; outside seating shall be included in State license from the Florida Department of Business and Professional Regulations; outside seating shall in no way impede ingress/egress for the business; access along sidewalk right-of-way shall not be less than ~~four (4)~~ ~~six (6)~~ feet at any time; as required by Florida Accessibility Code for Building Construction and Americans with Disabilities Act; seating shall in no way interfere with visibility at curb breaks. Outside seating requires application approval. Application requires a one (1) time fee of seventy-five dollars and no cents (\$75.00); however, if revoked, it is revoked for the remainder of the calendar year. An applicant may reapply after January 1 and shall be subject to another fee.
 - (a) ~~Tables and chairs shall be brought inside when the sidewalk cafe is not in operation.~~
 - (b) ~~a~~ Tables, and chairs, and substantial barriers provided with sidewalk cafe restaurants or bars located on public rights-of-way shall be of quality, design, materials, size, elevation, and workmanship both to ensure the safety and convenience of users and to enhance the visual quality of the urban environment. Design, materials and colors shall be approved by the City Council based upon a recommendation by the Downtown Action Corporation Board of Directors Historical Preservation Board and the issuance of a Certificate of Appropriateness prior to the issuance of the sidewalk cafe outdoor seating on public right-of-way permit.
 - (c) ~~Alcohol shall not be permitted on public property may be permitted on public rights-of-way with prior approval by the City Manager and proof that the Florida beer, wine and/or liquor license and the restaurant license includes this area and number of patrons located on public rights-of-way on their licenses and the area is separated from the rest of the public right-of-way by a substantial barrier. Alcohol may be consumed within this barricaded area and the establishment owner is responsible to ensure that no containers containing beverages are removed from this barricaded area. The restaurant or bar shall only serve beverages in the outdoor seating area in plastic containers with a maximum of sixteen (16) ounces in size. Each plastic container shall be imprinted with the restaurant or bar logo or name.~~
 - (c) Barriers are defined as any method of separating the seating area from the remainder of the public right-of-way as approved by the City Manager and the Growth Management Director.

- (e-d) On-site, outside seating shall have distinguishable barriers from other uses and provide required egress functions and shall be approved by the City Manager and the Growth Management Director.
- (f-e) The City Manager may close the use of public rights-of-way during City sponsored events.
- (g-f) Tables and chairs located on the public rights-of-way without barriers shall be available for the general public to utilize and not exclusively for patrons of the restaurant or bar when not enclosed by an approved barrier.
- (h-g) Restaurants and bars placing tables and chairs on public rights-of-way shall provide a minimum of three million dollars and no cents (\$3,000,000.00) liability insurance policy issued by a Florida licensed insurance company with the City listed as an additional insured.

4. Other businesses may have a maximum of two (2) one (1) seat chairs displayed outside for seating purposes based on the width of the storefront. One (1) chair is allowed per fifteen (15) feet of storefront. Chairs shall in no way impede ingress/egress for the business; access along sidewalk right-of-way shall not be less than four (4)six (6) feet at any time; seating shall in no way interfere with visibility at curb breaks. If two (2) chairs are allowed, one (1), two (2) seat bench may be substituted. Outside seating requires application approval. Application requires a one (1) time fee of twenty-five dollars and no cents (\$25.00); however if revoked, it is revoked for the remainder of the calendar year. An applicant may reapply after January 1 and shall be subject to another fee.

- (a) Chairs shall be brought inside when business is not in operation.
- (b) The City Manager, at his/her discretion, may close the use of public rights-of-way during City sponsored events.
- (b-c) Chairs shall be of quality, design, materials, size, elevation and workmanship both to ensure the safety of users and to enhance the visual quality of the urban environment. Design, materials and colors shall be approved by the ~~City Council based upon a recommendation by the Downtown Action Corporation Board of Directors~~ Historical Preservation Board and the issuance of a Certificate of Appropriateness prior to the issuance of the outdoor seating on public right-of-way permit.
- (d) Tables and chairs located on public rights-of-way shall be available for general public to utilize and not exclusively for patrons of the business.
- (e) Businesses placing tables and chairs on public rights-of-way shall provide a minimum three million dollars and no cents (\$3,000,000.00) liability insurance policy issued by a Florida licensed insurance company with the City listed as an additional insured.

5. On-site, outside sales and displays may be allowed in accordance with the following: On Marion Avenue one (1) display not to exceed twelve (12) square feet (ie: two (2) foot x six (6) foot table, display shelf or mannequin), not to exceed six (6) feet tall. On all other streets within the Commercial, Central Business District (C-CBD), on-site outside sales and display areas shall be limited to twenty-five percent (25%) of the lineal footage of the building front, from the building to the street right-of-way. For buildings on a corner lot, both street frontages may be considered if there is privately owned property between the building frontage and the street right-of-way. If the building abuts the street right-of-way, it cannot be considered for allowable display area.

- (a) On-site display areas shall not detract from required off-street parking nor shall they impede access along a sidewalk.
- (b) Any and all outdoor displays shall not contain offensive language or gestures, shall not expose breasts, buttocks or genitals of mannequins.
- (c) All displays of merchandise shall not be located in a manner that prevents free ingress or egress from any door, window or fire escape.
- (d) All display racks shall be maintained in good condition, shall be capable of supporting merchandise placed upon such display rack, and shall be stable and not easily tipped over. Display racks shall not include sharp edges, protrusions or other features which may be hazardous to the public.
- (e) All merchandise and the fixtures or devices on which the merchandise is displayed shall be moved inside the building or structure wherein the business is located during hours the business is not operated and during inclement weather, including, but not limited to, heavy rain or wind.
- (f) At no time shall displays of merchandise, for sale or not for sale, be placed on the street right-of-way unless in conjunction with a City Council approved event in which streets are closed.
- (g) On-site shall mean on the business premises as established by deed or lease agreement.

6. Flower planters by doorways are acceptable. Additional hanging plants or additional pots shall not be placed so as to cause the width of the sidewalk to be reduced below four (4) feet in width, nor shall they be erected or maintained in a manner that prevents free ingress or egress from any door, window, or fire escape, nor shall they interfere with visibility at intersections. The bottom of any hanging plant shall be at least eight (8) feet above the sidewalk and the top of container shall not extend above the level of the sills of the second-floor windows. Exceptions may be approved by the Land Development Regulation Administrator if the planters are not in the normal path of foot traffic. All flower planters shall be maintained in good repair and dead plants or flowers shall be removed promptly by the owner of the planter.

Section 2. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 3. Conflict. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4. Codifier. All text shown in ~~bold and strike through~~ is to be deleted. All text shown in **bold and underline** is adopted.

Section 5. Effective Date. This ordinance shall become effective upon adoption.

Section 6. Authority. This ordinance is adopted pursuant to the authority granted by Section 166.021, Florida Statutes, as amended, and Sections 163.3161, through 163.3215, Florida Statutes, as amended.

PASSED upon first reading this 3rd day of January 2022.

PASSED AND DULY ADOPTED, upon second and final reading, in regular session with a quorum present and voting, by the City Council this 7th day of February 2022.

Attest:

CITY COUNCIL
CITY OF LAKE CITY, FLORIDA

Audrey Sikes, City Clerk

Stephen M. Witt, Mayor

APPROVED AS TO FORM AND LEGALITY:

Frederick L. Koberlein Jr., City Attorney