



DATE: February 22, 2021

TO: Members of the Planning & Zoning and Historic Resources Preservation Boards

FROM: William Waters, Director Community Sustainability

MEETING: March 3, 2021 & March 10, 2021

SUBJECT: **PZB/HRPB 21-03100001 (Ordinance 2021-01)**: Consideration of an ordinance to Chapter 23 “Land Development Regulations” regarding changes to allow for takeout establishments by zoning district and to clarify that only one (1) continuance is permitted for all affected parties to ensure that the City does not run afoul of development review time limitations for local governments as set forth in Florida law, and several minor amendments related to definitions and use review processes.

---

**BACKGROUND/ PROPOSAL:**

The subject amendments to the City’s Land Development Regulations (LDR) were drafted to respond to changing market conditions related to an increased demand for take-out services during the Covid-19 emergency and to address several minor amendments to definitions and use review processes. The amendments also include changes related to a new continuance for affected parties that was adopted in 2020 to allow an affected party time to hire legal counsel or a professional services consultant, and as related to neighborhood concerns and new evidence. Per Florida Statute 166.033, local governments have 180 days to actively process applications for development. Therefore, the subject amendments clarify that the intent of Ordinance 2020-14 was to allow only one (1) continuance for all affected parties as consistent with time limitations set forth in Florida law and not one (1) continuance per each affected party.

A summary of each component in the draft ordinance is also provided.

The proposed amendments for and the following sections of the LDR in Chapter 23 of the City’s Code of Ordinances:

- Article 1, Section 23.1-12 - Definitions
- Article 2, Section 23.2-16 Quasi-judicial Procedures
- Article 3, Section 23-3.6 – Use Tables
- Article 4, [NEW SECTION] Section 23.4-23 – Take Out Establishments

**Take-out Establishment Use:** The proposed amendments will create new definitions and development standards related to take-out uses and to identify where such uses are allowed by zoning district in the use table.

**Quasi-judicial Procedures (Continuances):** The proposed amendments will provide clarity on the maximum number of continuances for affected parties as consistent with time limitations set forth in Florida law.

**Minor Amendments:** The proposed amendment are related to the modification and addition of new and existing definitions for heavy equipment rental, truck rental and medical office uses for clarity, and to update review processes for uses in the use table related to museums, art schools, and art and photography galleries, and to clarify in the use table that residential uses over 7,500 sf are conditional uses.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt PZB/HRPB 21-03100001 (Ordinance 2021-01).

**POTENTIAL MOTION:**

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in PZB/HRPB 21-03100001 (Ordinance 2021-01)

**Attachments**

- A. Draft Ordinance 2021-01