

# EXECUTIVE BRIEF REGULAR MEETING

**AGENDA DATE:** April 20, 2021

**DEPARTMENT:** Community Sustainability

**TITLE:**

Ordinance 2021-01 - Second Reading - 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

**SUMMARY:**

Consideration of Ordinance 2021-01 amending Chapter 23 “Land Development Regulations” of the City's Code of Ordinances as follows:

- 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

**BACKGROUND AND JUSTIFICATION:**

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 20202-14 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. The amendments are summarized below by topic:

**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 amendments 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.

At the March 3, 2021 advisory board meeting, the Planning & Zoning Board discussed the amendments and recommended unanimously for the City Commission to approve the proposed amendments. At the March 10, 2021 advisory board meeting, the Historic Resources Preservation Board discussed the amendments and also recommended unanimously for the City Commission to approve the proposed amendments.

At the April 6, 2021 City Commission meeting, the City Commission voted unanimously (5-0 vote) to approve the subject ordinance on first reading with the request to clarify language regarding continuances in quasi-judicial proceedings, including that one affected party continuance is by-right. These requested changes are reflected in the attached ordinance.

**MOTION:**

Move to approve/disapprove Ordinance No. 2021-01 on second reading.

**ATTACHMENT(S):**

Ordinance 2021-01  
Use Table Exhibit  
PZB/HRPB Staff Report