



Cover Memorandum/Staff Report

File #: 26-0677

Agenda Date: 6/2/2026

Item #: WS.4.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: June 2, 2026

DISCUSSION REGARDING THE EXPANSION OF THE ENTERTAINMENT DISTRICT

Recommended Action:

Receive a presentation and provide direction regarding the potential expansion of the Entertainment District.

Background:

The Entertainment District is an area defined in the City's Noise Ordinance that provides for slightly louder decibel levels and longer "Active Hours". Please note, while the ordinance was adopted, the on-line "Municode" library has not yet updated the Code of Ordinances. A copy of Ordinance No. 35-25 is attached.

The official boundary of the Entertainment District is "*the portion of the City bounded by NE 2nd Street on the north, SE 2nd Street on the south, Northbound Federal Highway/6th Avenue on the east, and Swinton Avenue on the west.*"

The maximum sound levels in the Noise Ordinance are shown in the table below.

Table 99.05 A Maximum Permissible Noise Level Limits		
Sound Generating Uses	Active Hours Max. Decibels	Quiet Hours Max Decibels
Residential	60 dBA or 65 dBC	55 dBA or 60 dBC
Commercial	65 dBA or 70 dBC	55 dBA or 60 dBC
All uses within the Entertainment	70 dBA or 80 dBC	65 dBA or 75 dBC
Community Facilities	65 dBA or 70 dBC	55 dBA or 60 dBC
Industrial	75 dBA or 80 dBC	65 dBA or 70 dBC

Within the Entertainment District, activity is anticipated in later hours of the day and night. In the rest of the City, Quiet Hours begin at 10:01 p.m. and extend until 6:59 a.m. the next morning. In the Entertainment District, Quiet Hours generally begin at midnight on weekdays and are extended on Friday and Saturday nights until 1:00 a.m. in the morning the next day.

It is important to note, location within the Entertainment District does not automatically allow for Late Night Businesses in every location.

Appendix A-Definitions of the Land Development Regulations (LDR)

24-HOUR OR LATE NIGHT BUSINESSES. Any restaurant, bar, lounge, nightclub, music hall, club, gasoline station, convenience store, convenience business, retail store, grocery store, laundromat or similar use which is or will, at any time during a calendar year, be open for business at any time between the hours of 12 midnight and 5 a.m. A 24-Hour or late night business shall not mean a hotel or motel unless any of the aforementioned uses are operated or will be operated between the hours of 12 midnight and 5 a.m. on the same property as, or otherwise in conjunction with, a hotel or motel use

LDR Section 4.3.4(VV) provides the parameters for approving business anywhere in the City (including within the Entertainment District). The LDR requires *"24-Hour or late night business located or proposed to be located within a 300-foot straight line route from any residentially-zoned property shall obtain a conditional use permit from the City for the operation of such use."*

For example, some properties located at the southern edge of the current district are within 300 feet of residentially zoned property; a late night business in this location would require conditional use approval.

Expanding the boundaries of the district west was a topic raised in The Set master plan update and during public comment at City Commission meetings. Noise complaints were also raised when outside activities at 404 West Atlantic Avenue, across from Atlantic Grove disturbed residents.

The City Commission should consider:

1. The West Atlantic Neighborhood Sub-district transitions to residentially zoned properties within the block, raising potential impacts to residents. The current Entertainment District boundaries are generally surrounded by other commercially zoned property forming a buffer.
2. SW and NW 5th Avenue is the historic main street of The Set and was originally lively, active area with a movie theater and restaurants.
3. Conditional Use approvals would likely be required, which provide a measure of control if incompatibilities occur.
4. Conditional Use applications require public notice.
5. Conditional Use applications cost \$3,465, which could be cost prohibitive for some new businesses. If encouraging new Late Night Businesses in this area is desired, should a less expensive, administrative Conditional Use process be created to approve businesses without outside uses?