



## Cover Memorandum/Staff Report

File #: 22-338

Agenda Date: 6/14/2022

Item #: 8.A.

**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Department  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** June 14, 2022

ORDINANCE NO. 08-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," TABLE 4.4.13(A), "ALLOWABLE USES AND STRUCTURES IN THE CBD SUB-DISTRICTS," TO ADD OUTDOOR USE AREAS AT STAND ALONE BARS AS A CONDITIONAL USE AND ACCESSORY USE; AMENDING ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.6, "COMMERCIAL AND INDUSTRIAL USES TO OPERATE WITHIN A BUILDING," SUBSECTION (B), "ALLOWABLE OUTSIDE USAGE," TO INCLUDE PERMANENT SEATING AT STAND ALONE BARS AS AN ALLOWABLE OUTSIDE USE, AND SUBSECTION (C), "RESTRICTIONS ON OUTSIDE USAGE," TO ESTABLISH REGULATIONS GOVERNING OUTSIDE USAGE AT STAND ALONE BARS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING/PUBLIC HEARING)

### **Recommended Action:**

Review and consider Ordinance No. 08-22, a privately initiated amendment to Section 4.4.13, Table 4.4.13(A), "Allowable Uses and Structures in the CBD Sub-Districts" and Section 4.6.6, "Commercial and industrial uses to operate within a building," of the Land Development Regulations (LDR) to allow outdoor consumption of alcohol at stand alone bars serving only beer and wine north of Lake Ida Road within the Central Core Sub-District of the Central Business District, and to provide regulations that support the health, safety, and general welfare of the public.

### **Background:**

Hopportunities Taproom, Inc. (the "Applicant") has requested an amendment to the LDR to allow outdoor consumption of alcohol at stand alone bars, subject to the requirements and specifications. The proposed amendments are summarized as follows:

Section 4.6.6(B), Commercial and Industrial Uses to Operate Within a Building, Allowable Outside Usage: Modification to existing language to add permanent seating areas at standalone bars as an allowable outdoor use.

Section 4.6.6(C), Commercial and Industrial Uses to Operate Within a Building, Restrictions on Outside Usage: Establishes location criteria, licensing requirements, operational restrictions, and site design standards.

Section 4.4.13, "Central Business (CBD) District," Table 4.4.13(A), "Allowable Uses and Structures in the CBD Sub-districts": Adding outdoor use areas at stand alone bars serving only beer and wine, as a conditional and accessory use, subject to the regulations in Section 4.3.3 and Section 4.6.6(B).

The **Pineapple Grove Main Street Board** reviewed the proposed amendment (as Ordinance No. 35-21) at its meeting on September 22, 2021, with a split consensus on the recommendation. Those in favor of the amendment felt it provides an avenue for businesses to provide a service option that has grown in popularity; others felt that allowing limited outdoor consumption of alcohol would eventually lead to an expansion of the regulations, which would result in a bar culture that would encroach on residential dwelling units and be out of character with the city.

The **Downtown Development Authority (DDA)** reviewed the proposed LDR amendment (as Ordinance No. 35-21) at the January 10, 2022, meeting and voted unanimously to recommend approval of the proposed amendment with the recommendation that the distance separation requirement be removed, and the recommendation that bars serving alcohol be allowed to provide outdoor seating areas (rather than those serving only beer or wine).

On January 24, 2022, the **Planning and Zoning Board** voted 4-1 (Joy Howell, Allen Zeller, Max Weinberg, and Julen Blankenship in favor of recommending denial; Christina Morrison voted against recommending denial) to recommend denial of the proposed amendment.

At first reading on March 1, 2022, the City Commission voted 3-2 to approve the proposed Ordinance No. 08-22, with the understanding that staff will work with the applicant to add additional restrictions to govern outdoor use areas at standalone bars and to narrow the application of the provisions. The current draft includes amendments to the uses allowed in the Central Business District zoning district by amending table Table 4.4.13(A). This change would only allow outdoor uses at stand alone bars in this district, rather than citywide. Additionally, the proposed prohibitions and restrictions on outdoor use areas at stand alone bars was relocated from LDR Section 4.3.3(V) to LDR Section 4.6.6. Because the proposed changes now amend a permitted use table in a zoning district that was not included in the draft considered at first reading, the proposed amendment must be heard again as a first reading prior to scheduling of second reading.

NOTE: The subject request is the last amendment submitted to the City prior to the adoption of the new local rules that require Commissioner sponsorship of a request to amend the LDR and limit presentations at first reading.

**City Attorney Review:**

Ordinance No. 08-22 has been reviewed as to form and legal sufficiency.

**Funding Source/Financial Impact:**

Not applicable.

**Timing of Request:**

If approved at second reading on July 12, 2022, Ordinance No. 08-22 will become effective immediately.