



DowntownDelrayBeach.com

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MEMO TO: Planning & Zoning Board of Directors

DATE: January 10, 2022

ITEM – Outdoor consumption of alcohol - Ordinance No. 35-21 - Amendment to the LDR

Dear Board Members:

This concerns the Planning & Zoning item, Outdoor consumption of alcohol - Ordinance No. 35-21 - Amendment to the LDR, which came before the Delray Beach Downtown Development Authority at the January 10, 2022 board meeting.

There was discussion regarding the importance of expanding this ordinance to include all Standalone Bars (not only those ones selling beer and wine). The discussion also included the debate on whether the 300 ft minimum requirement for distance between a property line and the closest residential area is a proper (too big) distance limitation.

ACTION – Motion to approve the Outdoor consumption of alcohol - Ordinance No. 35-21 - Amendment to the LDR Application with the following recommendations:

- To allow ALL Standalone bars to have the same opportunity for applying for this Conditional Use
- To consider the possibility for the distance limitation between a property line and the closest residential area, set, currently, at 300 ft, to be waved (on a case-to-case basis)

Motion: A. Costilo 2nd: F. Frione. **Motion carried 6-0. (Mark Denkler not present).**

Please take the DDA's review into consideration on final review and trust that we send this information to assist you in making your decisions as they affect the DDA District of Downtown Delray Beach.

Sincerely,

Peter Arts, Chairman

Mayor and City Commission
DDA Board of Directors, Laura Simon, Executive Director



CITY OF DELRAY BEACH
DEPARTMENT OF DEVELOPMENT SERVICES
100 N.W. 1ST AVENUE • DELRAY BEACH • FLORIDA 33444 • (561) 243-7040



BOARD MEMO

Request:

Provide a recommendation to the City Commission regarding Ordinance No. 35-21, a privately initiated amendment to Sections 4.3.3(V), "Special Requirements for Specific Uses" and Section 4.6.6, "Commercial and industrial uses to operate within a building" of the Land Development Regulations (LDRs) to allow outdoor consumption of alcohol at standalone bars and to provide regulations to support the health, safety, and general welfare of the public.

Background:

Under the current Land Development Regulations (LDR), outdoor consumption of alcohol is not allowed at standalone bars. The proposed amendment will allow patrons at standalone bars serving only beer and wine to use an accessory outdoor space with permanent seating, when approved as a conditional use. Hoppotunities Taproom has requested the proposed amendment. The proposed amendments are summarized as follows:

Section 4.3.3(V), Special Requirements for Specific Uses, Uses Involving Alcoholic Beverages: Modification to the existing section adding that outdoor consumption of alcohol is allowed at standalone bars that have a license limited to service of beer and wine and an approved accessory outdoor use area with permanent seating, subject to additional requirements and specifications regarding approval as a conditional use. Outdoor use areas are subject to regulations governing amplified music, screening of the outdoor use area, parking, and proximity to a residentially zoned district.

Section 4.6.6(B), Commercial and Industrial Uses to Operate Within a Building, Allowable Outside Usage: Modification to existing language to add "stand alone bars with permanent seating that have a license limited to service of beer and wine, subject to the restrictions in Section 4.3.3(V)(5)" as an allowable use.

The City Commission directed staff to develop generally applicable regulations governing outdoor alcohol consumption, in response to a privately-initiated request to amend the LDR, submitted by Hoppotunities Taproom in August 2020 to allow a food truck to provide service in an outdoor use area at its location within the CBD. The City updated the Code of Ordinances on December 8, 2020 to allow food trucks at this location. However, staff determined that an update to the LDR related to the outdoor consumption of alcohol is necessary if the applicant desires to allow consumption of alcohol in the outdoor use area, because it is not currently allowed at standalone bars. The Commission desired a more comprehensive approach to regulating outdoor alcohol uses, than the regulation proposed by the private applicant; the proposed ordinances provides these general regulations as a result of staff coordination with the applicant.

Application Type:

Amendment to the LDR

Address/Location:

NA. Citywide LDR Amendment

Zoning District/ Overlay:

NA

Land Use Map Designation:

NA

Applicant:

Hoppotunities Taproom

Agent:

Andrea Keiser, Keiser Legal LLLP
andrea@keiserlegal.com

Project Planner:

Rebekah Dasari
dasarir@mydelraybeach.com

Advisory Board Review(s):

PGMS: September 22, 2021

DDA: January 10, 2022

P & Z: January 24, 2022

CC: TBD

Attachments:

Proposed Ordinance