



Cover Memorandum/Staff Report

File #: 22-929

Agenda Date: 8/9/2022

Item #: 8.A.

TO: Mayor and Commissioners
FROM: Anthea Giannotes, Development Services Department
THROUGH: Terrence R. Moore, ICMA-CM
DATE: August 9, 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. (SECOND 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 new requirements and limitations. 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 to recommend denial of the proposed amendment. (Joy Howell, Allen Zeller, Max Weinberg, and Julen Blankenship in favor of recommending denial; Christina Morrison voted against recommending denial)

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 proposed amendment amends the permitted uses to the area north of Lake Ida Road in the Central Core Sub-district of the Central Business District zoning district by amending Table 4.4.13(A). This change would only allow outdoor uses at stand alone bars in this sub-district of the CBD, rather than citywide. Additionally, the amendment proposes changes to LDR Section 4.6.6 that add prohibitions and restrictions on outdoor use areas at stand alone bars with a 2COP license. The proposed amendment was heard again as a first reading on July 12, 2022, and the City Commission voted 4 to 1 to recommend approval.

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.

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 August 9, 2022, Ordinance No. 08-22 will become effective immediately.