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Rationale Statement for "Restaurant-Bar Hybrid" Text Amendment Application

Tin Roof Acquisition Company, LLC, through undersigned counsel, is pleased to submit the enclosed text amendment application to the City of Delray Beach. The text amendment aims to acknowledge and support the existence and success of restaurants with entertainment and nightlife components in the City while creating thoughtful regulations to manage them safely and in a manner that ensures their long-term compatibility with the larger community. In short, the goal of this text amendment is to allow for a responsible number of high-quality, social restaurants.

Over the past few years, the City has enjoyed remarkable growth with its restaurants and nightlife. However, there have been growing pains associated with these positive changes, including overcrowding at some establishments during evening hours. While these issues cannot be ignored, flatly prohibiting all restaurants from transitioning to more of an entertainment-focus during after dinner hours would be inconsistent with modern trends and discouraging to business owners. On the other hand, simply permitting restaurants to flagrantly ignore occupancy limits and safety issues is untenable from good governance and liability perspectives. This text amendment offers a sensible middle ground.

Currently, the City's Land Development Code does not have effective requirements to concurrently allow for and regulate quality entertainment-minded restaurant operators. Specifically, the Code mandates restaurants must have a chair for every occupant permitted by their life safety plan, which has the unintended consequence of constructively prohibiting typical ancillary areas such as bar areas without barstools or dancing areas, or safe relocation of chairs and tables.

The text amendment proposes creating a new type of use to be named "Restaurant-Bar Hybrid," which describes a restaurant at all times except for after 9:00pm when it transitions in part to a bar/entertainment establishment. This use would only be permitted in the Central Core Sub-District of the Central Business District and Old School Square Historic Arts District with the Central Business District Overlay. In addition, the text amendment only allows for one Restaurant-Bar Hybrid within any one block face, and subjects them to a thorough conditional use approval process prior to permitting. If approved, Restaurant-Bar Hybrids would be authorized to have two life safety plans and associated occupancy limits – one for all hours of operation when food is served and one for after 9:00pm when tables and chairs can be relocated to accommodate a dance floor or similar bar/lounge assembly area.

The other portions of the text amendment are updates to other Code sections for consistency with the above, such as updating the permitted use tables and sidewalk café section. Lastly, the text amendment amends the definition of "Restaurant (Bona Fide)" to base the occupancy limit for restaurants on the Florida Building Code, which is consistent with how the vast majority of municipalities measure occupancy.

Thank you in advance for your consideration of this application.

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