

# **PLANNING AND ZONING BOARD MEETING**

## **CITY OF LAKE CITY**

**December 07, 2021 at 5:30 PM**

**Venue: City Hall**

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## **AGENDA**

The meeting will be held in the City Council Chambers on the second floor of City Hall located at 205 North Marion Avenue, Lake City, FL 32055. Members of the public may also view the meeting live on our YouTube channel. YouTube channel information is located at the end of this agenda.

### **INVOCATION**

### **ROLL CALL**

### **MINUTES - None**

### **OLD BUSINESS - None**

### **NEW BUSINESS**

- i.** Resolution No. PZ/LPA LDR 21-05 - A resolution of the Planning and Zoning Board of the City of Lake City, Florida, serving also as the local Planning Agency of the City of Lake City, Florida, recommending to the City Council of the City of Lake City, Florida, approval of an amendment to the text of the City of Lake City Land Development Regulations, as amended, pursuant to an application by the City Council; providing for amending Section 4.14.3 entitled permitted accessory uses and structures by revising regulations pertaining to the use of public rights-of-way for outdoor seating by restaurants and other businesses within the "C-CBD" Commercial, Central Business District; repealing all resolutions in conflict; and providing an effective date.

### **ADJOURNMENT**

#### **YouTube Channel Information**

Members of the public may also view the meeting live on our YouTube channel at: <https://www.youtube.com/c/CityofLakeCity>

**Pursuant to 286.0105, Florida Statutes, the City hereby advises the public if a person decides to appeal any decision made by the City Council with respect to any matter considered at its meeting or hearings, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a**

**verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.**

**Pursuant to 286.26, Florida Statutes, persons needing special accommodations to participate in this meeting should contact the City Manager's Office at (386) 719-5768.**

**File Attachments for Item:**

i. Resolution No. PZ/LPA LDR 21-05 - A resolution of the Planning and Zoning Board of the City of Lake City, Florida, serving also as the local Planning Agency of the City of Lake City, Florida, recommending to the City Council of the City of Lake City, Florida, approval of an amendment to the text of the City of Lake City Land Development Regulations, as amended, pursuant to an application by the City Council; providing for amending Section 4.14.3 entitled permitted accessory uses and structures by revising regulations pertaining to the use of public rights-of-way for outdoor seating by restaurants and other businesses within the "C-CBD" Commercial, Central Business District; repealing all resolutions in conflict; and providing an effective date.

RESOLUTION NO. PZ/LPA LDR 21-05

A RESOLUTION OF THE PLANNING AND ZONING BOARD OF THE CITY OF LAKE CITY, FLORIDA, SERVING ALSO AS THE LOCAL PLANNING AGENCY OF THE CITY OF LAKE CITY, FLORIDA, RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, APPROVAL OF AN AMENDMENT TO THE TEXT OF THE CITY OF LAKE CITY LAND DEVELOPMENT REGULATIONS, AS AMENDED, PURSUANT TO AN APPLICATION BY THE CITY COUNCIL; PROVIDING FOR AMENDING SECTION 4.14.3, ENTITLED PERMITTED ACCESSORY USES AND STRUCTURES BY REVISING REGULATIONS PERTAINING TO THE USE OF PUBLIC RIGHTS-OF-WAY FOR OUTDOOR SEATING BY RESTAURANTS AND OTHER BUSINESSES WITHIN THE "C-CBD" COMMERCIAL, CENTRAL BUSINESS DISTRICT; REPEALING ALL RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Lake City Land Development Regulations, hereinafter referred to as the Land Development Regulations, empowers the Planning and Zoning Board of the City of Lake City, Florida, hereinafter referred to as the Planning and Zoning Board, to recommend to the City Council of the City of Lake City, Florida, hereinafter referred to as the City Council, approval or denial of amendments to the Land Development Regulations;

WHEREAS, Sections 163.3161 through 163.3248, Florida Statutes, as amended, the Community Planning Act, empower the Local Planning Agency of the City of Lake City, Florida, hereinafter referred to as the Local Planning Agency, to recommend to the City Council, approval or denial of amendments to the Land Development Regulations, in accordance with said statute;

WHEREAS, an application, for an amendment, as described below, has been filed with the City;

WHEREAS, the Planning and Zoning Board has been designated as the Local Planning Agency;

WHEREAS, pursuant to the Land Development Regulations and Section 163.3174, Florida Statutes, as amended, the Planning and Zoning Board, serving also as the Local Planning Agency, held the required public hearing, with public notice, on said application for amendment, as described below, and considered all comments received during said public hearing concerning said application for an amendment, as described below;

WHEREAS, the Planning and Zoning Board, serving also as the Local Planning Agency, has determined and found that a need and justification exists for the approval of said application for an amendment, as described below;

WHEREAS, the Planning and Zoning Board, serving also as the Local Planning Agency, has determined and found that approval of said application for an amendment, as described below, is consistent with the purposes and objectives of the comprehensive planning program and the Comprehensive Plan;

WHEREAS, the Planning and Zoning Board, serving also as the Local Planning Agency, has determined and found that approval of said application for an amendment, as described below, will further the purposes of the Land Development Regulations and other ordinances, regulations and actions designed to implement the Comprehensive Plan; and

WHEREAS, the Planning and Zoning Board, serving also as the Local Planning Agency, has determined and found that approval of said application for an amendment, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING BOARD OF THE CITY OF LAKE CITY, FLORIDA, SERVING ALSO AS THE LOCAL PLANNING AGENCY OF THE CITY OF LAKE CITY, FLORIDA, THAT:

Section 1. All text shown in ~~bold and strike through~~ is recommended for deletion. All text shown in **bold and underline** is recommended for adoption.

Section 2. Pursuant to an application, LDR 21-05, by the City Council, to amend the text of the Land Development Regulations, the Planning and Zoning Board, serving also as the Local Planning Agency, recommends to the City Council that Section 4.14.3, entitled "C-CBD" Commercial, Central Business District, Permitted Accessory Uses and Structures, be amended to read, as follows:

#### SECTION 4.14 "C-CBD" COMMERCIAL, CENTRAL BUSINESS DISTRICT

##### 4.14.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which:
  - a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
  - b. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.
  - c. Do not involve operations or structures not in keeping with the character of the district.
2. On-site signs (see also Section 4.2)
3. Restaurants may have seating outside which shall be included as seating for regulatory purposes; outside seating shall be included in State license from the Florida Department of Business and Professional Regulations; outside seating shall in no way impede ingress/egress for the business; access along sidewalk right-of-way shall not be less than ~~four (4)~~ **six (6)** feet at any time; **as required by Florida Accessibility Code for Building Construction and Americans with Disabilities Act**; seating shall in no way interfere with visibility at curb breaks. Outside seating requires application approval. Application requires a one (1) time fee **of seventy-five dollars and no cents (\$75.00)**; however, if revoked, it is revoked for the remainder of the calendar year. An applicant may reapply after January 1 and shall be subject to another fee.
  - (a) Tables and chairs **located on public rights-of-way** shall be brought inside when the ~~sidewalk-café restaurant or bar~~ is not in operation.
  - (b) Tables, and chairs, **and substantial barriers** provided with ~~sidewalk-café restaurants or bars located on public rights-of-way~~ shall be of quality, design, materials, size, elevation, and workmanship both to ensure the safety and convenience of users and to enhance the visual quality of the urban environment. Design, materials and colors shall be approved by the ~~City Council based upon a recommendation by the Downtown Action Corporation Board of Directors~~ **Historical Preservation Board and the issuance of a Certificate of Appropriateness** prior to the issuance of the ~~sidewalk-café outdoor seating on public right-of-way~~ permit.

- (c) ~~Alcohol shall not be permitted on public property~~ may be permitted on public rights-of-way with prior approval by the City Manager and proof that the Florida beer, wine and/or liquor license and the restaurant license includes this area and number of patrons located on public rights-of-way on their licenses and the area is separated from the rest of the public right-of-way by a substantial barrier. Alcohol may be consumed within this barricaded area and the establishment owner is responsible to ensure that no containers containing beverages are removed from this barricaded area. The restaurant or bar shall only serve beverages in the outdoor seating area in plastic containers with a maximum of sixteen (16) ounces in size. Each plastic container shall be imprinted with the restaurant or bar logo or name.
  - (d) Barriers are defined as any method of separating the seating area from the remainder of the public right-of-way as approved by the City Manager and the Growth Management Director.
  - ~~(de)~~ On-site, outside seating shall have distinguishable barriers from other uses and provide required egress functions and shall be approved by the City Manager and the Growth Management Director.
  - (f) The City Manager may close the use of public rights-of-way during City sponsored events.
  - (g) Tables and chairs located on the public rights-of-way without barriers shall be available for the general public to utilize and not exclusively for patrons of the restaurant or bar when not enclosed by an approved barrier.
  - (h) Restaurants and bars placing tables and chairs on public rights-of-way shall provide a minimum of three million dollars and no cents (\$3,000,000.00) liability insurance policy issued by a Florida licensed insurance company with the City listed as an additional insured.
4. Other businesses may have a maximum of two (2) one (1) seat chairs displayed outside for seating purposes based on the width of the storefront. One (1) chair is allowed per fifteen (15) feet of storefront. Chairs shall in no way impede ingress/egress for the business; access along sidewalk right-of-way shall not be less than ~~four (4)~~ six (6) feet at any time; seating shall in no way interfere with visibility at curb breaks. If two (2) chairs are allowed, one (1), two (2) seat bench may be substituted. Outside seating requires application approval. Application requires a one (1) time fee of twenty-five dollars and no cents (\$25.00); however if revoked, it is revoked for the remainder of the calendar year. An applicant may reapply after January 1 and shall be subject to another fee.
- (a) Chairs shall be brought inside when business is not in operation.
  - (b) The City Manager, at his/her discretion, may close the use of public rights-of-way during City sponsored events.
  - ~~(bc)~~ Chairs shall be of quality, design, materials, size, elevation and workmanship both to ensure the safety of users and to enhance the visual quality of the urban environment. Design, materials and colors shall be approved by the ~~City Council based upon a recommendation by the Downtown Action Corporation Board of Directors~~ Historical Preservation Board and the issuance of a Certificate of Appropriateness prior to the issuance of the outdoor seating on public right-of-way permit.

- (d) Tables and chairs located on public rights-of-way shall be available for general public to utilize and not exclusively for patrons of the business.**
- (e) Businesses placing tables and chairs on public rights-of-way shall provide a minimum three million dollars and no cents (\$3,000,000.00) liability insurance policy issued by a Florida licensed insurance company with the City listed as an additional insured.**
5. On-site, outside sales and displays may be allowed in accordance with the following: On Marion Avenue one (1) display not to exceed twelve (12) square feet (ie: two (2) foot x six (6) foot table, display shelf or mannequin), not to exceed six (6) feet tall. On all other streets within the Commercial, Central Business District (C-CBD), on-site outside sales and display areas shall be limited to twenty-five percent (25%) of the lineal footage of the building front, from the building to the street right-of-way. For buildings on a corner lot, both street frontages may be considered if there is privately owned property between the building frontage and the street right-of-way. If the building abuts the street right-of-way, it cannot be considered for allowable display area.
- (a) On-site display areas shall not detract from required off-street parking nor shall they impede access along a sidewalk.
  - (b) Any and all outdoor displays shall not contain offensive language or gestures, shall not expose breasts, buttocks or genitals of mannequins.
  - (c) All displays of merchandise shall not be located in a manner that prevents free ingress or egress from any door, window or fire escape.
  - (d) All display racks shall be maintained in good condition, shall be capable of supporting merchandise placed upon such display rack, and shall be stable and not easily tipped over. Display racks shall not include sharp edges, protrusions or other features which may be hazardous to the public.
  - (e) All merchandise and the fixtures or devices on which the merchandise is displayed shall be moved inside the building or structure wherein the business is located during hours the business is not operated and during inclement weather, including, but not limited to, heavy rain or wind.
  - (f) At no time shall displays of merchandise, for sale or not for sale, be placed on the street right-of-way unless in conjunction with a City Council approved event in which streets are closed.
  - (g) On-site shall mean on the business premises as established by deed or lease agreement.
6. Flower planters by doorways are acceptable. Additional hanging plants or additional pots shall not be placed so as to cause the width of the sidewalk to be reduced below four (4) feet in width, nor shall they be erected or maintained in a manner that prevents free ingress or egress from any door, window, or fire escape, nor shall they interfere with visibility at intersections. The bottom of any hanging plant shall be at least eight (8) feet above the sidewalk and the top of container shall not extend above the level of the sills of the second-floor windows. Exceptions may be approved by the Land Development Regulation Administrator if the planters are not in the normal path of foot traffic. All flower planters shall be maintained in good repair and dead plants or flowers shall be removed promptly by the owner of the planter.

Section 3. All resolutions or portions of resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.

Section 4. This resolution shall become effective upon adoption.

PASSED AND DULY ADOPTED, in regular session with a quorum present and voting, by the Planning and Zoning Board, serving also as the Local Planning Agency, this 7th day of December 2021.

Attest:

PLANNING AND ZONING BOARD OF THE  
CITY OF LAKE CITY, FLORIDA,  
SERVING ALSO AS THE  
LOCAL PLANNING AGENCY OF THE  
CITY OF LAKE CITY, FLORIDA

\_\_\_\_\_  
Michael Williams, Interim Secretary

\_\_\_\_\_  
Mavis Georgalis, Chair





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2009 NW 67th Place, Gainesville, FL 32653-1603 • 352.955.2200

November 24, 2021

Mr. Michael Williams  
Interim City Manager  
City of Lake City  
205 North Marion Avenue  
Lake City, FL 32055-3918

TRANSMITTED VIA ELECTRONIC MAIL ONLY

RE: Application No. LDR 21-05 (City Council)

Resolution  
Concerning an Amendment to the  
Text of the Land Development Regulations

Dear Mike:

Please find enclosed the above referenced resolution.

The City Attorney should review the resolution as to legal form and sufficiency.

Subsequent to adoption of the resolution, please send a copy of the signed resolution to me.

If you have any questions concerning this matter, please do not hesitate to contact Sandra Joseph, Senior Planner, at 352.955.2200, ext. 111.

Sincerely,

Scott R. Koons, AICP  
Executive Director

Enclosure

SRK/cf

xc: Joyce Bruner, Executive Assistant  
Frederick Koberlein Jr., City Attorney  
Audrey Sikes, City Clerk

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