

ORDINANCE NO. 2019-01

AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITIONS OF TERMS AND WORDS, OF THE CITY OF ORMOND BEACH *LAND DEVELOPMENT CODE*; BY AMENDING THE DEFINITION OF RESTAURANTS TYPE "A" AND TYPE "B"; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, this is an administrative request to amend the *Land Development Code* ("the *LDC*"), of the City of Ormond Beach, by amending the definitions of the following terms (1) Restaurants, type "A", and (2) Restaurants type "B", and

WHEREAS, the Planning Board of the City of Ormond Beach, as the local planning agency, has conducted a public hearing on December 13, 2018, on the requested amendment and has made recommendations thereon to the City Commission, and

WHEREAS, all applicable notice requirements of Section 166.041(3)(a), *Florida Statutes*, have been complied with, and

WHEREAS, the City Commission finds the amendment to be consistent with the provisions of the *Comprehensive Plan* of the City of Ormond Beach, and in the overall best interest of the public health, safety and welfare, now therefore,

BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:

SECTION ONE. Section 1-22, Definition of terms and words, of Chapter 1, General Administration, Article III, Definitions and Acronyms, of the City of Ormond Beach *Land Development Code* is hereby amended to read as follows:

Restaurant.

- (1) The term "restaurant" means a building or room, not operated as a dining room in connection with a hotel or motel, where meals or prepared foods, including beverages and confections, are served to customers. Restaurants are hereby classified as follows:
 - a. *Type A* means restaurants that have minimum requirements of 2,500 square feet of service area and equipped to serve at least one hundred-fifty (150) persons ~~full-course~~ meals at ~~tables~~ at one time, and derives at least fifty-one percent (51%) of its gross food and beverage revenue from the sale of food and nonalcoholic beverages. Any type A restaurant may apply for a special ~~restaurant~~ food service establishment license to serve alcohol.
 - b. *Type B* means restaurants that have less than ~~one hundred-fifty (150) seats~~ 2,500 square feet of service area that serve customers attracted from their immediate area and not generally dependent on exposure to heavy automotive traffic. Type B establishments are permitted to offer beer and wine only, provided that the restaurant derives fifty-one percent (51%) of its gross food and beverage revenue from the sale of food and nonalcoholic beverages.
 - c. *Type C* means restaurants that are specializing in short-order foods and beverages to be consumed on or off the premises, or providing service at walk-up windows or drive-up windows. Characteristically, such establishments are heavily dependent on high levels of automotive traffic to attract customers. Such establishments are the only types permitted to have a drive-through window. Type C establishments are permitted to offer beer and wine only, provided that the restaurant derives fifty-one percent (51%) of its gross revenue from the sale of food and nonalcoholic beverages.
 - d. *Type D* means restaurants that have a minimum requirement of one hundred (100) seats; are limited to 4COP alcohol licenses; and derive at least twenty-five

percent (25%) of its gross revenue from the sale of food and nonalcoholic beverages.

...(No change in balance of existing text)...

SECTION TWO. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION THREE. In the event any word, phrase, clause, sentence, paragraph, term, or provision of this Ordinance shall be held to be invalid by a court of competent jurisdiction, such judicial determination shall not affect any other word, clause, phrase, sentence, paragraph, term or provision, of this Ordinance, and the remainder of this Ordinance shall remain in full force and effect.

SECTION FIVE. This Ordinance shall take effect immediately upon its adoption.

PASSED UPON at the first reading of the City Commission, this 23rd day of January, 2019.

PASSED UPON at the second and final reading of the City Commission, this 5th day of February, 2019.



Bill Partington

BILL PARTINGTON
Mayor

ATTEST:

Lisa Dahme
LISA DAHME
City Clerk