

TAB 2

**Zoning Code Revision
Point Paper-Workshop
July 20, 2009**

Problem:

Based on several inquiries recently, it has been determined that indoor amusement businesses are currently not permitted by the City Zoning Code.

Background:

During the past few weeks, the City staff has been approached by two business owners interested in opening an indoor amusement business within the City. Based on our review of the current land development regulations, it does not appear that *Section 4.2 Schedule of Permitted and Conditional Uses by District* chart permits this use. The Zoning Code does, however, contain a definition for Recreation and Amusement, which states:

“Recreation and amusement services: A commercial facility providing recreational activities, including but not limited to, public swimming pools, public tennis clubs, public gymnasiums, amusement arcades, discotheques, bowling alleys, shuffleboard courts, baseball hitting ranges, miniature golf, golf driving ranges, billiards or pool halls, dance schools or classes, skating rinks, zoos, and indoor movie theaters.”

If the City wishes to permit such uses, adding the category to the schedule in an appropriate location would resolve the matter.

After consideration, staff recommends that the use be added to the GCOM category as a “conditional use” and to the CHI category as a “permitted use”.

The reason for the distinction is there may be some locations where the City Commission may wish to regulate hours of operation, parking, or the like within General Commercial (GCOM) district, classifying the use as “conditional” would allow the Commission to consider these uses on a case-by-case basis as a means to incur compatibility with surrounding uses.

Alternatives:

1. Make no changes to the Zoning Code at this time.
2. Authorize City staff and City attorney to amend the Zoning Code.

Recommendation:

Instruct the City staff and City attorney to propose an ordinance revision for City Commission consideration.

Budget Impact:

The only budget impact would be the costs related to the Ordinance. It is likely that the new provision would result in two existing vacant commercial structures being renovated and two new businesses being located within the City.