

City of Cocoa Beach Commission Agenda Item Summary

1. **DEPARTMENT MAKING REQUEST/NAME:** TANJA MCCOY, DIRECTOR OF DEVELOPMENT SERVICES

2. **MEETING DATE:** NOVEMBER 16, 2023

3. **REQUESTED MOTION/ACTION (SUMMARY THAT WILL APPEAR ON THE AGENDA):**
Discussion and Approval

4. **AGENDA**

STAFF PRESENTATION
CONSENT
SITE PLAN CONSENT
UNFINISHED BUSINESS
NEW BUSINESS

5. **IS THIS ITEM BUDGETED (IF APPLICABLE)?:** YES NO **IF NO, CITY ACTION REQUIRED** N/A
DETAILED ANALYSIS ATTACHED?: YES NO

BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT ACTION WILL BE ACCOMPLISHED, (WHO, WHERE, WHEN & HOW))

The City has determined that proper regulation of the Ocean Beach Park is important to maintain the quality of life, safety, and health of the City. Based on the Staff review of the current beach business vendors survey results and identified city concerns, staff recommends a review, update, and clarification of the current ordinance, Sec. 15-39. - Certain sales and leases along the Ocean Beach Park are prohibited, except pursuant to a license agreement, regarding the operations of a beach business in the Cities Ocean Beach Park.

Recommended changes summarized:

1. Section 15-39 A-B (1-8)-1 Changes

(4) Upland property owner is no longer required to give consent if the business is conducted solely on public property and the vendor does not need to cross any private property to easily access the business location.

2. Section 15-39 C (1-16)- 4 Changes

(6) Limits the agreements to three types:

1. Large equipment rental (chairs, umbrellas, and surf boards)
2. Food and beverages, and
3. Physical instruction (beach lessons, yoga, surfing, and swimming).

(8) New record-keeping process for approved employees which will allow city staff to access an accurate list of approved employees. Anyone not on the list will be asked to leave until the list is updated by the beach business.

(9) Removes FDEP requirement and limits the location of storage containers. The size, location and number of containers will be determined during the licensing agreement process.

All equipment storage and containers must be located off sea dune area and behind the lifeguard station.
(See attached)

(16) Conditions of renewal must be negotiated with the City for each term, and ownership disclosures will be required.

3. Section 15-39 D (1-7)- 2 Changes

(2) Ownership will be considered at time of application whether new or renewal, due to the limited nature of beach business locations and availability of agreements. The city does not intend for any business or individual to monopolize the beach business license agreements. It is the desire of the city to not allow one applicant to hold more than one license if there are other applicants for the same location who do not have a license.

(5) An applicant can be denied if they already have a license agreement in place.

4. Section 15-39 I

(1) Prohibits the use of signage for commercial businesses operating by exception for physical instructions/lessons.

5. Section 15-39 K (1-7)

(1) Limits the sale or assignment of agreements for individuals who already have an agreement.

Included in this discussion will be the ability to move about the beach with an ice cream or food cart.

If this is allowed, questions include:

1. How many vendors allowed?
2. Type of foods and beverages allowed?
3. Distance from restaurants?
4. Trash control?
5. Contract fees?

Review attached ordinance and proposed changes.