

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 10, 2021

To: Mayor and Town Council

From: Wayne Bergman, Director of Planning, Zoning & Building



Cc: Kirk Blouin, Town Manager & James Murphy, Asst. Director of PZB

Re: Permitted Uses vs. Special Exception Uses

Date: January 27, 2021

DISCUSSION:

The Town zoning code describes and recognizes two types of principal uses – permitted and special exception. A permitted use is one which is allowed by right under the code in a specific zoning district. A special exception use is a use that must be approved by the Town Council and only if the applicant meets or agrees to comply with a number of defined conditions.

Permitted uses are allowed by right and are easily approved by staff. Each Town zoning district includes the list of permitted uses, which are always the main and foremost uses within a district. There is generally no time or trouble involved in reviewing or approving permitted uses. There is no requirement to notice neighbors of new permitted uses or legal changes to permitted uses.

Special exception uses, however, can be time consuming and must start with an application to the Town Council. Every special exception use must comply with the Town regulations for special exceptions, which help minimize impacts to neighbors, to traffic flow and to parking, along with complying with other similar items. The regulations also demand compliance with the Comprehensive Plan and with other Town Codes. All special exception uses require notice to neighbors and must be approved at a public meeting.

This brief review of the two main types of uses is prompted by the recent opening of a new bar at 380 S. County Road. This new bar is located in the C-TS zoning district and is just under 3,000 sq ft in size. As such, the use is a permitted use (permitted by right), based upon today's code. If the floor area of this bar was above 3,000 sq ft in size, the use would be a special exception, subject to Town Council review approval, which would also include notice to neighbors.

I have heard comments from Commissions and Council Members questioning how the bar received approval since the Town Council did not review and approve it. The answer is it did

not require Town Council approval, nor did the bar require notice to neighbors, as it is permitted by right.

Staff was recently questioned as to how this new bar worked its way through staff review. Here is the basic timeline of 380 S. County Road project, to date, with backup attached:

9/11/19	Architect Dan Kahan approaches the Town with a “pop up” Wine Bar at 380 S. County Rd.
9/18/19	Josh Martin approves the use of the Wine Bar, as it is permitted by right under the code.
12/18/19	Permit application is made for interior and exterior renovations to the building.
1/6/20	Arcom staff approval granted by Josh Martin for first floor to be converted to a Wine Bar.
1/22/20	Permit B-19-82652 is issued. Seven revisions follow the issuance of this permit, all of which are approved.
1/23/20	Arcom staff approval granted by Josh Martin for a patio on the north side of the building.
2/5/20	Request made for Administrative Outdoor Seating and Administrative Site Plan Review.
2/7/20	Arcom staff approval granted by Josh Martin for outdoor seating on the new patio.
10/1/20	Business Tax Receipt is issued for the Wine Bar.
11/19/20	Kimley Horn approaches Paul Castro – the use will become a restaurant.
12/18/20	Arcom staff approval granted by Laura Groves Van Onna for small door signs.

I have also attached the zoning code text for the permitted and special exception uses for the Town’s commercial districts. The Town Council at any time can review the various uses and determine if the opening of a bar or restaurant should be a permitted use or a special exception use in any district in the future.

Attached: Backup to the 380 S. County Road bar approvals
Zoning text for the C-TS & C-WA

Wayne Bergman

From: Daniel Kahan <DanielKahan@smithmoorearchitects.com>
Sent: Wednesday, September 11, 2019 11:17 AM
To: Joshua Martin; Wayne Bergman
Subject: 380 South County Rd

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Josh and Wayne,

When Josh is back, I'd like to setup a meeting at 380 South County to discuss the possible pop-up wine bar function we discussed with Josh at the last meeting. There are some existing conditions relating to building and life safety that we'll need interpretations on, and I think being there will be the most efficient way of determining what is needed.

We'd like to do this as soon as possible, so please let me know your availability next week.

Thanks,
Dan

Daniel Kahan

Wayne Bergman

From: Joshua Martin
Sent: Wednesday, September 18, 2019 1:36 PM
To: Daniel Kahan
Cc: Wayne Bergman; Joshua Martin
Subject: RE: 380 S. County

Also, I confirmed your zoning Dan—APPROVED!

**Josh Martin, AICP, CNU-A
Director**

Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6401
Mobile: 843-247-2057
www.townofpalmbeach.com

From: Joshua Martin <jmartin@TownOfPalmBeach.com>
Sent: Wednesday, September 18, 2019 1:23 PM
To: Daniel Kahan <DanielKahan@smithmoorearchitects.com>
Cc: Wayne Bergman <wbergman@TownOfPalmBeach.com>; Joshua Martin <jmartin@TownOfPalmBeach.com>
Subject: RE: 380 S. County

Dan:

Thanks again for your time today.

Wayne: Do you have any thoughts on below—I am not well versed in the Florida code on when a kitchen becomes a kitchen for a wine bar---can you help us out?

Thanks so much.

Respectfully,
Josh

**Josh Martin, AICP, CNU-A
Director**

Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6401
Mobile: 843-247-2057
www.townofpalmbeach.com

From: Daniel Kahan <DanielKahan@smithmoorearchitects.com>
Sent: Wednesday, September 18, 2019 10:16 AM
To: Joshua Martin <jmartin@TownOfPalmBeach.com>
Subject: 380 S. County

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity. *****

Josh,

Thanks for the time yesterday. I think it was really productive. We're going to move forward with initial ideas for the building and the build-out. I wanted to get a general idea on where the line is between needing grease trap and kitchen exhaust. Who do you suggest I reach out to, and what do you think the best method of approach would be?

Thanks again,
Dan

Daniel Kahan
Principal Architect and Designer
Partner

SMITH AND MOORE ARCHITECTS, INC.
1500 South Olive Avenue,
West Palm Beach, FL 33401

t: 561.835.1888, ext: 112
f: 561.832.7015
www.smithmoorearchitects.com

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TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 S. County Rd.
Palm Beach, FL 33480
permits@townofpalmbeach.com

RECEIVED
JAN 23 2020
TOWN OF PALM BEACH
PZB DEPARTMENT

APPLICATION FOR STAFF APPROVAL

The Architectural Review Commission (ARCOM) and the Landmark Preservation Commission (LPC) have granted Staff the ability to administratively approve certain minor projects, eliminating the need of a more formal hearing process involving the Commissions, thus saving time and money.

Payment of the Staff Approval fee is due upon application submittal. Payment may be made by Check payable to the Town of Palm Beach or by cash or credit card in Town Hall during business hours of 8:30am and 4:30pm Monday thru Friday. If the subject property is a Landmark the fee is \$150.00, all others are \$200.00.

Application Type: _____ LPC Staff Approval \$150.00**
*If LPC, is this a tax abatement project? Yes or No
X ARCOM Staff Approval \$200.00

DATE: 01/22/2020

MASTER PERMIT#: _____

STAFF APPROVAL PERMIT#: A 20 00859

- I. PROJECT ADDRESS: 380 South County Road
- II. DESCRIPTION OF REQUEST Please include a comprehensive summarized description of the proposed project (attach a separate sheet, if needed):
In conjunction with the conversion of the first floor of the existing building to a wine bar, we are requesting that the small landscaped area at the northeast corner of the building be converted to hardscape with 6 outdoor seats. These seats will be deducted from the proposed interior seating count. Additional landscaped open space will be added in other areas of the property to offset the loss.
- III. BUSINESS NAME/TENANT INFORMATION (For commercial properties only): _____
Phone number: _____ Email address: _____
- IV. DESIGN PROFESSIONAL NAME AND CONTACT INFORMATION:
Name of Professional: Daniel Kahan - Smith and Moore Architects License #: AR94757
Phone number: 561-835-1888 Email address: dan@smithmoorearchitects.com
- V. CONTRACTOR NAME AND CONTACT INFORMATION:
Construction Company: _____
Phone number: _____ Email address: _____
- VI. PROPERTY OWNER/AGENT NAME AND CONTACT INFORMATION:
Property Owner's Name: _____
Owner's Address (if different from Subject Address): _____
Phone number: _____ Email address: _____
- VII. Applicant Signature: [Signature] Date: 01/22/2020
(Printed name) Daniel Kahan Title: _____

**STAFF
APPROVAL**

ZONING APPLICATION # _____
APPROVAL DATE 22 JANUARY 2020
CONDITIONS OF APPROVAL: _____
None
SIGNATURE [Signature]

Wayne Bergman

From: Michelle Sentmanat
Sent: Thursday, January 23, 2020 12:45 PM
To: Wayne Bergman; msandtheman@gmail.com; Joshua Martin; robertcastellano93@gmail.com; Daniel Kahan; Buck Evans; JOE HUGHES
Cc: Andres Quintana; Brian Thomas; Martin Deloach
Subject: RE: 380 S County Rd Bar

Good afternoon,

I have a new staff approval which has been approved by Josh Martin on 1/22/2020 that I have processed under A-20-00859. This approval is for the following:

STAFF APPROVAL - IN CONJUNCTION WITH THE CONVERSION OF THE FIRST FLOOR OF THE EXISTING BUILDING TO A WINE BAR, WE ARE REQUESTING THAT THE SMALL LANDSCAPED AREA AT THE NORTHEAST CORNER OF THE BUILDING BE CONVERTED TO HARDSCAPE WITH 6 OUTDOOR SEATS. THESE SEATS WILL BE DEDUCTED FROM THE PROPOSED INTERIOR SEATING COUNT. ADDITIONAL LANDSCAPED OPEN SPACE WILL BE ADDED IN OTHER AREAS OF THE PROPERTY TO OFFSET THE LOSS.

At this time there is a fee due of \$200.00.

Thank you.

Michelle Sentmanat
Senior Development Permit Technician

Town of Palm Beach
Planning, Zoning & Building Department
360 S. County Road
Palm Beach, FL 33480
Phone: 561-227-6413
www.townofpalmbeach.com

From: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Sent: Monday, January 13, 2020 3:08 PM
To: msandtheman@gmail.com; Joshua Martin <jmartin@TownOfPalmBeach.com>; robertcastellano93@gmail.com; Daniel Kahan <DanielKahan@smithmoorearchitects.com>; Buck Evans <buckevanscbo@gmail.com>; JOE HUGHES <joeh@evanshughesinspections.com>
Cc: Andres Quintana <AQuintana@TownofPalmBeach.com>; Brian Thomas <BThomas@TownofPalmBeach.com>; Michelle Sentmanat <MSentmanat@TownofPalmBeach.com>; Martin Deloach <MDeLoach@TownofPalmBeach.com>
Subject: RE: 380 S County Rd Bar

The permit and revised plans are back in. The outdoor seating has been removed and the window and door changes have been approved. The revised plan pages have not been reviewed or stamped by the private provider. I do not see handicapped accessibility called out at the bar or at tables. Then Fire Marshal has reviewed the revisions and has conditionally approved the plans with the need for shop drawings on the sprinkler and fire alarm system.

Please pick up the revisions and have the private provider stamp the pages. Thank you.

Wayne Bergman, MCP, LEED-AP
Asst. Director

Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6426
Mobile: 561-232-7406
www.townofpalmbeach.com

From: Wayne Bergman

Sent: Thursday, January 02, 2020 3:20 PM

To: 'msandtheman@gmail.com' <msandtheman@gmail.com>; Joshua Martin <jmartin@TownOfPalmBeach.com>; 'robertcastellano93@gmail.com' <robertcastellano93@gmail.com>; 'Daniel Kahan' <DanielKahan@smithmoorearchitects.com>

Cc: Andres Quintana <AQuintana@TownofPalmBeach.com>; Brian Thomas <BThomas@TownofPalmBeach.com>; Michelle Sentmanat <MSentmanat@TownofPalmBeach.com>; Martin Deloach <MDeLoach@TownofPalmBeach.com>

Subject: RE: 380 S County Rd Bar

Today's comments and the comments before Christmas.

Wayne Bergman, MCP, LEED-AP
Asst. Director

Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6426
Mobile: 561-232-7406
www.townofpalmbeach.com

From: Wayne Bergman

Sent: Thursday, January 02, 2020 3:06 PM

To: 'msandtheman@gmail.com' <msandtheman@gmail.com>; Joshua Martin <jmartin@TownOfPalmBeach.com>; 'robertcastellano93@gmail.com' <robertcastellano93@gmail.com>; 'Daniel Kahan' <DanielKahan@smithmoorearchitects.com>

Cc: Andres Quintana <AQuintana@TownofPalmBeach.com>; Brian Thomas <BThomas@TownofPalmBeach.com>; Michelle Sentmanat <MSentmanat@TownofPalmBeach.com>; Martin Deloach <MDeLoach@TownofPalmBeach.com>

Subject: 380 S County Rd Bar

All - The plans were resubmitted today with nothing different from the last submittal. They plans and permit application are once again being returned. The permit currently is on hold.

- There should be an Arcom approval, in the form of a staff approval, for changing the north window to a double door. Also for the front entry door, sidelites and transom change out. These alterations do affect the view of the building. No staff approval application was made. If Josh Martin decides a staff approval is not required, he will let us know.
- The outdoor seating is still listed on the two plan sets. I have not seen a revised plan that was submitted to Debbie and Paul. If such a plan exists, it needs to be part of the permit application set.

- Not one of the Fire Marshal's numerous comments were addressed.

Please resolve these issues and resubmit. Thank you.

Wayne Bergman, MCP, LEED-AP
Asst. Director

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TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 S. County Rd.
Palm Beach, FL 33480
permits@townofpalmbeach.com

RECEIVED

FEB 07 2020

**TOWN OF PALM BEACH
PZB DEPARTMENT**

APPLICATION FOR STAFF APPROVAL

The Architectural Review Commission (ARCOM) and the Landmark Preservation Commission (LPC) have granted Staff the ability to administratively approve certain minor projects, eliminating the need of a more formal hearing process involving the Commissions, thus saving time and money.

Payment of the Staff Approval fee is due upon application submittal. Payment may be made by Check payable to the Town of Palm Beach or by cash or credit card in Town Hall during business hours of 8:30am and 4:30pm Monday thru Friday. If the subject property is a Landmark the fee is \$150.00, all others are \$200.00.

Application Type: LPC Staff Approval \$150.00**

**If LPC, is this a tax abatement project? Yes or No

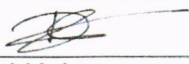
 ARCOM Staff Approval \$200.00

DATE: 02/04/2020

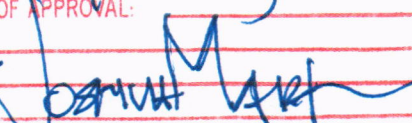
MASTER PERMIT#: - -

STAFF APPROVAL PERMIT#:

A 20 00889

- I. PROJECT ADDRESS: 380 South County Road
- II. DESCRIPTION OF REQUEST Please include a comprehensive summarized description of the proposed project (attach a separate sheet, if needed):
In conjunction with the conversion of the first floor of the existing building to a wine bar, we are requesting that the small landscaped area at the northeast corner of the building be converted to hardscape with 6 outdoor seats. These seats will be deducted from the proposed interior seating count. Additional landscaped open space will be added in other areas of the property to offset the loss.
- III. BUSINESS NAME/TENANT INFORMATION (For commercial properties only):
Phone number: Email address:
- IV. DESIGN PROFESSIONAL NAME AND CONTACT INFORMATION:
Name of Professional: Daniel Kahan - Smith and Moore Architects License #: AR94757
Phone number: 561-835-1888 Email address: dan@smithmoorearchitects.com
- V. CONTRACTOR NAME AND CONTACT INFORMATION:
Construction Company:
Phone number: Email address:
- VI. PROPERTY OWNER/AGENT NAME AND CONTACT INFORMATION:
Property Owner's Name:
Owner's Address (if different from Subject Address):
Phone number: Email address:
- VII. Applicant Signature:  Date: 02/04/2020
(Printed name) Daniel Kahan Title:

**STAFF
APPROVAL**

ZONING APPLICATION #
APPROVAL DATE 6 February 2020
CONDITIONS OF APPROVAL:
None
SIGNATURE 

RECEIVED

FEB 05 2020

Town of Palm Beach
PZB Dept



Town of Palm Beach
ZONING DIVISION
360 South County Road
Palm Beach, FL 33480
561-227-6406

APPLICATION FOR ADMINISTRATIVE APPROVAL OF OUTDOOR SEATING

Section A. Required Application Information

1. Provide scaled, detailed and dimensioned floor plan and site plan (both inside and outside).
2. Provide a filing fee of \$200.00. There is an annual renewal fee of \$50 due at the time of the renewal of the business tax receipt.
3. Attach a detailed description of the outdoor seating as Exhibit A. Please note that the detailed description should address and meet all requirements in Section B or the application will be denied.

Applicant: 380 S County LLC Property Owner: 380 S County LLC
 Name of Business: Le Bar a Vin AED Liquors LLC
 Address: 380 S County LLC Zoning District: _____
 Number of seats requested: 6
 Signature of Applicant or Duly Authorized Representative _____
 Signature of Applicant or Duly Authorized Representative _____
214 264 1826 214 264 1826
 Type Name and Phone Number Type Name and Phone Number

Section B. Conditions of Administrative Approval for Outdoor Seating (To be completed by Staff)

The following standards and criteria shall be part of the application which shall be used by the Director in reviewing and approving an outdoor seating application. The applicant shall meet all of the following criteria in order to be granted administrative approval:

Meets Code	Does Not Meet Code	
_____	_____	(a) Outdoor seating is restricted to the area abutting the boundary lines of the property on which the business owned by the applicant is located.
_____	_____	(b) Outdoor seating shall not be allowed where the tables and chairs would be placed within five (5) feet of bus stops, taxi stands, sight triangles or other structures or areas determined by the Director to require clearance for the public.
_____	_____	(c) No tables or chairs shall be allowed within five (5) feet of a pedestrian crosswalk.
_____	_____	(d) Outdoor seating shall be located in such a manner that a minimum five (5) foot wide unobstructed pedestrian path is maintained at all times.
_____	_____	(e) No objects shall be permitted around the perimeter of an outdoor seating area occupied by tables and chairs which would have the effect of forming a physical or visual barrier discouraging the use of the pedestrian path.
_____	_____	(f) Establishments with outdoor seating adjacent to or abutting a residential use shall close outdoor seating service at 12:00 midnight.
_____	_____	(g) All outdoor seating shall have a minimum thirty (30) foot setback from a residential use's property line and shall be properly buffered and screened by a six foot high wall between the outdoor seating and an abutting residential use to avoid noise, litter, light and odor impacts. When there is a street between the residential use and the outdoor use, said screening shall not be required.
_____	_____	(h) No establishment shall play or cause to be played any music in the open air, nor shall any singing be allowed.
_____	_____	(i) All kitchen equipment used to service the outdoor seating shall be located within the kitchen of the primary dining facility.
_____	_____	(j) Outdoor seating shall comply with any regulation relating to noise and lighting.
_____	_____	(k) Areas associated with the outdoor seating portion of the restaurant shall not count toward any maximum square footage limitation.
_____	_____	(l) Outdoor seating able to be seen from the public right-of-way shall be taken inside after close of business.
_____	_____	(m) Outdoor seating shall be counted toward the inside seating capacity of a restaurant or dining room.

Wayne Bergman

From: Paul Castro
Sent: Tuesday, August 18, 2020 9:21 AM
To: Debby Moody
Cc: Wayne Bergman
Subject: RE: Town of Palm Beach Business Tax Receipt AED Liquor LLC LE BAR A VIN

Debby,

Preliminary. This license is for a restaurant on the second floor and they are on the first floor and first floor only. In addition, they were to be a wine bar and not a restaurant. I need a further discussion with Wayne before we get back to the applicant.

Thank you,

Paul Castro, AICP

Zoning Manager

360 South County Road
Palm Beach, FL 33480
(561)227-6406
pcastro@townofpalmbeach.com

From: Debby Moody <DMoody@TownofPalmBeach.com>
Sent: Tuesday, August 18, 2020 8:56 AM
To: Paul Castro <PCastro@TownofPalmBeach.com>
Subject: FW: Town of Palm Beach Business Tax Receipt AED Liquor LLC LE BAR A VIN

Paul
Attached is an APP for BTR for seating at Le Bar A Vin.
You had already signed off on the 400sf merchant selling wine, apparel, etc. Now they want to have 53 seats for food service and alcohol service.

Are you OK with this?

Debby Moody, MBTO
Business Services Supervisor

Town of Palm Beach
Planning, Zoning & Building Department
360 S County Rd., PO Box 2029
Palm Beach, FL 33480
Phone: 561-227-6411
Fax: 561-835-4621

From: Amanda Hessein <Amanda@rutledge-ecenia.com>
Sent: Friday, August 14, 2020 11:42 AM
To: Debby Moody <DMoody@TownofPalmBeach.com>
Cc: Maggie Schultz <Maggie@rutledge-ecenia.com>
Subject: RE: Town of Palm Beach Business Tax Receipt AED Liquor LLC

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Good morning Debby,

As a follow-up to our previous communications below for AED Liquor LLC's business tax receipts with the Town of Palm Beach, please find attached the second Business Tax Receipt Application for AED Liquor LLC d/b/a Le Bar A Vin for their on-site dining. The number of seats for their food service license are 53 seats. I have also attached the DBPR licenses for the food service and alcoholic beverage license for the subject property to accompany the business tax receipt application, as well as the seating diagram for the restaurant/bar.

Please advise next steps for the issuance of the business tax receipt for the property. Thank you!

Sincerely,

Amanda Hessein, Esq.
Rutledge Ecenia, P.A.
119 S. Monroe Street, Suite 202
Tallahassee, FL 32301
850-681-6788
amanda@rutledge-ecenia.com

Rutledge | Ecenia

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From: Debby Moody <DMoody@TownofPalmBeach.com>
Sent: Monday, July 27, 2020 11:40 AM
To: Amanda Hessein <Amanda@rutledge-ecenia.com>
Cc: Maggie Schultz <Maggie@rutledge-ecenia.com>
Subject: RE: Town of Palm Beach Business Tax Receipt AED Liquor LLC

Please include number of seats along with seating diagram. Once I know the number of seats and date of opening I will be able to calculate the fees due.

Debby Moody, MBTO
Business Services Supervisor

Town of Palm Beach
Planning, Zoning & Building Department

360 S County Rd., PO Box 2029
Palm Beach, FL 33480
Phone: 561-227-6411
Fax: 561

From: Amanda Hessein [<mailto:Amanda@rutledge-ecenia.com>]
Sent: Monday, July 27, 2020 11:27 AM
To: Debby Moody <DMoody@TownofPalmBeach.com>
Cc: Maggie Schultz <Maggie@rutledge-ecenia.com>
Subject: RE: Town of Palm Beach Business Tax Receipt AED Liquor LLC

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Hi Debby,

May you please send us another Business Tax Receipt application for the Town of Palm Beach as the location does offer onsite dining; we will indicate the number of seats on the application as reflected on the property's state license.

Thank you,

Amanda Hessein, Esq.
Rutledge Ecenia, P.A.
119 S. Monroe Street, Suite 202
Tallahassee, FL 32301
850-681-6788
amanda@rutledge-ecenia.com

Rutledge | Ecenia

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From: Debby Moody <DMoody@TownofPalmBeach.com>
Sent: Monday, July 27, 2020 10:27 AM
To: Amanda Hessein <Amanda@rutledge-ecenia.com>
Cc: Maggie Schultz <Maggie@rutledge-ecenia.com>
Subject: RE: Town of Palm Beach Business Tax Receipt AED Liquor LLC

Attached is the business tax receipt for AED Liquor LLC. It is for a nightclub. If there operation includes dining then a separate application must be submitted indicating the number of seats.

Debby Moody, MBTO

Business Services Supervisor

Town of Palm Beach
Planning, Zoning & Building Department
360 S County Rd., PO Box 2029
Palm Beach, FL 33480
Phone: 561-227-6411
Fax: 561

From: Amanda Hessein [<mailto:Amanda@rutledge-ecenia.com>]
Sent: Monday, July 27, 2020 9:37 AM
To: Debby Moody <DMoody@TownofPalmBeach.com>
Cc: Maggie Schultz <Maggie@rutledge-ecenia.com>
Subject: Fwd: Town of Palm Beach Business Tax Receipt

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity. *****

Good morning Ms. Moody,

Please see below the alcoholic beverage license and permanent food service license issued to AED Liquor LLC for the subject property address 380 South County Road, Palm Beach, FL 33480 to complete the business tax license processing and issuance of the Town of Palm Beach Business Tax Receipt:

Retail Beverage	<u>AED LIQUOR LLC</u>	Primary	BEV6000268 4COP	Current, Active 03/31/2021
-----------------	------------------------------	---------	--------------------	-------------------------------

License Location Address*: 380 SOUTH COUNTY ROAD PALM BEACH, FL 33480
Main Address*: 380 SOUTH COUNTY ROAD PALM BEACH, FL 33480

Permanent Food Service	<u>AED LIQUOR LLC</u>	Primary	SEA6022323 Seating	Current, Active 12/01/2020
---------------------------	------------------------------	---------	-----------------------	-------------------------------

License Location Address*: 380 S COUNTY RD PALM BEACH, FL 33480
Main Address*: 380 S COUNTY RD PALM BEACH, FL 33480
Mailing Address*: 380 S COUNTY RD PALM BEACH, FL 33480

Please kindly confirm receipt and advise if you are able to provide a scanned copy of the issued business tax receipt for the business.

Thank you,

Amanda Hessein, Esq.
Rutledge Ecenia, P.A.
119 S. Monroe Street, Suite 202
Tallahassee, FL 32301
850-681-6788
amanda@rutledge-ecenia.com

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From: Debby Moody <DMoody@TownofPalmBeach.com>
Sent: Monday, July 27, 2020 8:33:45 AM
To: Amanda Hessein <Amanda@rutledge-ecenia.com>
Cc: Maggie Schultz <Maggie@rutledge-ecenia.com>
Subject: RE: Town of Palm Beach Business Tax Receipt

The application form and payment for the 2020 fiscal year have been received. Please provide a copy of the State licenses from the DBPR.

Debby Moody, MBTO
Business Services Supervisor

Town of Palm Beach
Planning, Zoning & Building Department
360 S County Rd., PO Box 2029
Palm Beach, FL 33480
Phone: 561-227-6411
Fax: 561

From: Amanda Hessein [<mailto:Amanda@rutledge-ecenia.com>]
Sent: Friday, July 24, 2020 5:12 PM
To: Debby Moody <DMoody@TownofPalmBeach.com>
Cc: Maggie Schultz <Maggie@rutledge-ecenia.com>
Subject: Town of Palm Beach Business Tax Receipt

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Good evening Ms. Moody,

Our client is a new restaurant located in your jurisdiction and is in need of obtaining the requisite Town of Palm Beach Business Tax Receipt(s). Our client's business is a restaurant located at 380 South County Road, Palm Beach, FL 33480; the business has received the appropriate permanent food service license and permanent alcoholic beverage license from the Department of Business and Professional Regulation.

In anticipation of the opening of the property, please advise the application required to be submitted as well as the fee and any required supporting documentation for issuance of the local business tax receipt for the subject property.

Thank you for your assistance. Please contact me with any questions.

Sincerely,

Amanda Hessein, Esq.
Rutledge Ecenia, P.A.
119 S. Monroe Street, Suite 202
Tallahassee, FL 32301
850-681-6788
amanda@rutledge-ecenia.com

Rutledge | Ecenia

This email is intended only for the named recipient(s) and may contain information that is privileged, confidential or both. Nothing in this email is intended to constitute a waiver of any privilege or the confidentiality of this message. If you have received this message in error, please notify me immediately and delete this message.

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.

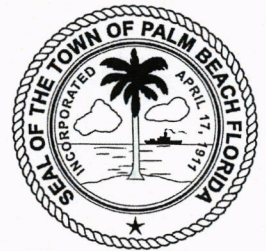
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Town of Palm Beach

Planning, Zoning & Building Department



BUSINESS TAX RECEIPT

Attached hereto is your Town of Palm Beach Business Tax Receipt
for the business tax year: 2020/2021

PLEASE NOTE THAT THIS BUSINESS TAX RECEIPT WILL EXPIRE ON
September 30, 2021

Pursuant to the Town of Palm Beach Code of Ordinances, Section 114-40, "All business tax receipts shall be posted at the designated place of business so that they may be visible to patrons of such place of business"

Town of Palm Beach, P.O. Box 2029, Palm Beach, FL 33480 Business Tax Office (561) 227-6411

10% PENALTY DUE OCTOBER 1
15% PENALTY DUE NOVEMBER 1
20% PENALTY DUE DECEMBER 1
25% PENALTY DUE JANUARY 1

Town of Palm Beach

BUSINESS TAX RECEIPT
FISCAL YEAR: 2020/2021
RECEIPT EXPIRES SEPTEMBER 30, 2021

FOR BUSINESS LOCATED AT: 380 S COUNTY RD
CLASSIFICATION: NightClub - Without Dance Floor
SQ.FT. OCCUPIED: 2150 # UNITS:
CONDITION:

UNIT TYPE:

BUSINESS TAX PAYER: ANN DESRUJISSEAU
BUSINESS NAME: LE BAR A VIN
CORPORATE NAME: AED LIQUOR LLC
MAILING ADDRESS: 380 S COUNTY RD
PALM BEACH, FL 33480

TOWN RECEIPTS #: 00960157

BUSINESS TAX: \$ 837.00

ISSUE DATE : 10/1/20

COMMENTS: WINE BAR ONLY

108 TOTAL SEATS MAXIMUM.
CLASSIFIED AS NIGHTCLUB FOR
FEE PURPOSES ONLY. WINE
BAR ONLY
CANNOT BE RESTAURANT
BECAUSE NO HOOD

THIS RECEIPT MUST BE CONSPICUOUSLY DISPLAYED AT BUSINESS LOCATION
Business Tax Payer is required to comply with all applicable laws of the Town or other government agencies



Town of Palm Beach
PO Box 2029
360 South County Road
Palm Beach, FL 33480
Email: btr@townofpalmbeach.com
(561) 227 - 6411

RECEIVED
SEP 24 2020 VIA email.
TOWN OF PALM BEACH
PZB DEPARTMENT

APPLICATION FOR PALM BEACH LOCAL BUSINESS TAX RECEIPT

PLEASE LEAVE NO SPACES BLANK Effective 1/1/2007, in the State of Florida, the term "Occupational License" was replaced with "Business Tax Receipt"

EVIDENCE OF REGISTRATION WITH THE STATE OF FLORIDA, DIVISION OF CORPORATIONS OF YOUR LEGAL BUSINESS NAME AND FICTITIOUS NAME REGISTRATIONS MUST ACCOMPANY THIS APPLICATION. If you are doing business in a name other than your Legal Corporate name OR if your legal first AND last name are not included in your business name, then you must file a fictitious name registration with the Department of State. (www.sunbiz.org)

NOTE: NEW BUSINESSES OR CHANGE OF LOCATION ADDRESS MUST PROVIDE A DETAILED FLOOR PLAN AND COMPLETE PARKING STATEMENT

WHEN DO YOU PLAN TO OPEN: October 1, 2020

LEGAL BUSINESS NAME: AED Liquor LLC

Must provide evidence of registration with State of Florida, Division of Corporations (www.sunbiz.org)

BUSINESS TYPE: Inc. Corp., LLC, PA, Other ☒ Sole Proprietor

DBA NAME: Le Bar A Vin

Must provide evidence of registration of Fictitious Name with State of Florida, Division of Corporations (www.sunbiz.org)

NATURE OF BUSINESS: Restaurant with onsite food service seating and alcoholic beverage service.

BUSINESS DESCRIPTION/DESCRIBE ALL ACTIVITIES THAT WILL TAKE PLACE AT THIS LOCATION. Alcoholic beverage license and food service license.
Attach separate sheet if necessary. If you are a retail business, tell us what you sell, if you are an office use, tell us what you do

BUSINESS ADDRESS: 380 South County Road, Palm Beach, FL 33480

SUITE #:

MAILING ADDRESS (IF DIFFERENT) Same as business address.

BUSINESS PHONE () TBD

BUSINESS FAX ()

CELL PHONE # ()

EMAIL ADDRESS: anndesr@yahoo.com [or Maggie Schultz: Maggie@rutledge-ccenia.com re: BTR application]

WEBSITE:

*FEDERAL TAX ID# 84-3181768

FL SALES TAX #

60-8017935613-9

SQUARE FOOTAGE OCCUPIED (Gross Leasable Space): 2,150 sq. ft.

WHAT FLOOR? 1 FL ☒ 2ND FL ☐ 3RD FL ☐ other ☐

PROPERTY OWNER / LANDLORD'S NAME & PHONE #: 380 South County, LLC (561) 515-3003

PREVIOUS TENANT: TD Bank

PROPERTY CONTROL NUMBER: 50-43- 43 - 23 - 05 - 010 - 0280

APPLICANT NAME: AED Liquor, LLC

FIRST NAME

FULL MIDDLE NAME

LAST NAME

DATE OF BIRTH (MM/DD/YY): N/A

HOME ADDRESS: N/A - see business address above.

CITY, ST, ZIP

PHONE: () 214-264-1826

POSITION WITH THE BUSINESS: (Owner, Officer, Licensee, etc) Owner

DATE OF HIRE N/A

EMAIL ADDRESS: anndesr@yahoo.com

CERTIFICATION/LICENSE # Food Service: SEA6022323

CERTIFICATION EXP. DATE 12/01/2020

(Please include a copy of your certification/license: i.e. Brokers/RE Sales License, CRD#, Cosmetologist license #, etc)

LIST ALL CORPORATE OFFICERS / DIRECTORS & REGISTERED AGENT: USE SEPARATE SHEET IF NECESSARY.

1.	FIRST NAME	MIDDLE INITIAL	LAST NAME	DATE OF BIRTH	ADDRESS
1.	Ann	Des	Ruisseaux	12/27/1970	1090 N. Ocean Blvd., Palm Beach, FL 33480
2.	FIRST NAME	MIDDLE INITIAL	LAST NAME	DATE OF BIRTH	ADDRESS
3.	FIRST NAME	MIDDLE INITIAL	LAST NAME	DATE OF BIRTH	ADDRESS

INCOMPLETE OR MISLEADING APPLICATIONS WILL BE REJECTED. ALL LINES MUST BE COMPLETE. IF NOT APPLICABLE, PLEASE INDICATE WITH N/A
* Required by State Statute FS205.

I CERTIFY THAT THE INFORMATION GIVEN IN THIS APPLICATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I AGREE TO COMPLY WITH ALL TOWN ORDINANCES COVERING THE OCCUPATION/PROFESSION/BUSINESS DESCRIBED HEREIN:

DATE: 08/13/20 SIGNATURE OF APPLICANT:

OFFICE USE ONLY: APPROVALS:

PERTINENT DATA TO JUSTIFY BUSINESS CLASSIFICATION:

BUSINESS CATEGORY: BAR

CODE:

FEE:

BUSINESS TAX RECEIPT #

CUSTOMER #:

PAID BY:

ACTIVITY #

NOTES:

Rev. 04/20/2017 DM

Unclassified - wine bar

Cannot be HIGH CLUB / cannot be restaurant (alcohol)



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 S. County Rd.
Palm Beach, FL 33480
permits@townofpalmbeach.com

RECEIVED

DEC 18 2020

**TOWN OF PALM BEACH
PZB DEPARTMENT**

APPLICATION FOR STAFF APPROVAL

The Architectural Review Commission (ARCOM) and the Landmark Preservation Commission (LPC) have granted Staff the ability to administratively approve certain minor projects, eliminating the need of a more formal hearing process involving the Commissions, thus saving time and money.

Payment of the Staff Approval fee is due upon application submittal. Payment may be made by Check payable to the Town of Palm Beach or by cash or credit card in Town Hall during business hours of 8:30am and 4:30pm Monday thru Friday. If the subject property is a Landmark the fee is \$150.00, all others are \$200.00.

Application Type: _____ LPC Staff Approval \$150.00** X ARCOM Staff Approval \$200.00
**If LPC, is this a tax abatement project? Yes or No

DATE: 12/14/20

MASTER PERMIT#: _____ - _____ - _____ STAFF APPROVAL PERMIT#: A-20-01386

I. PROJECT ADDRESS: 380 S County Rd Palm Beach, FL 33480

II. DESCRIPTION OF REQUEST Please include a comprehensive summarized description of the proposed project (attach a separate sheet, if needed):
Gold Foil Logo on Entry Doors (North, East, South) 12" x 12" Dimensions. 6 sq ft. total
total of 6 Logo on each door.

III. BUSINESS NAME/TENANT INFORMATION (For commercial properties only): AED Liquors, LLC. Le BAR
Phone number: 610 657 7122 Email address: Christopher@Lebarpalmbeach.com

IV. DESIGN PROFESSIONAL NAME AND CONTACT INFORMATION:
Name of Professional: _____ License #: _____
Phone number: _____ Email address: _____

V. CONTRACTOR NAME AND CONTACT INFORMATION:
Construction Company: _____
Phone number: _____ Email address: _____

VI. PROPERTY OWNER/AGENT NAME AND CONTACT INFORMATION:
Property Owner's Name: 380 S County LLC
Owner's Address (if different from Subject Address): _____
Phone number: _____ Email address: _____

VII. Applicant Signature: [Signature] Date: 12/14/20
(Printed name) Christopher Werkey Title: manager

Footnotes:

--- (4) ---

Cross reference— *Businesses, ch. 22.*

Sec. 134-1106. - Purpose and limitations.

The purposes of the C-TS town-serving commercial district are to:

- (1) Create, preserve and enhance areas of attractive, small-scale, retail, personal and professional/business services to be developed either as a unit or in individual parcels, providing for the frequently recurring needs of townpersons.
- (2) Enhance the general character of the district and its compatibility with its residential surroundings, and, therefore, signs are limited to those accessory to businesses conducted on the premises, including the number, area and types; retail drive-in facilities are not permitted, and, in order to maintain the town-serving nature of the district, limitations on gross leasable floor (GLA) area are imposed.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-1107. - Permitted uses.

(a) *Enumeration; maximum gross leasable area.* The permitted uses in the C-TS town-serving commercial district, with a maximum of 3,000 square feet gross leasable area (GLA), are as follows:

- (1) Retail and service establishments, such as restaurants, excluding formula restaurants as defined in section 134-2 and bars/lounges, hardware stores, food stores, clothing stores, drugstores, barbershops beauty salons and jewelry stores.
- (2) Offices, executive office suites, professional services, business services, excluding veterinarian offices, and securities and financial brokerage and trust companies above the first floor.
- (3) Offices, professional services, business services and securities and financial brokerage and trust companies in the 200 block of Peruvian Avenue and Bradley Place.
- (4) Nonprofit cultural centers.
- (5) Professional and studio type schools.
- (6) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.
- (7) Essential services.
- (8) Public parks.
- (9) Residence(s) above the first floor.

(b) *Regulation of existing nonconforming commercial uses.* Any existing uses contained on the list of permitted uses shown in subsection (a) of this section which contain more than 3,000 square feet of gross leasable area (GLA)

shall be classified as existing nonconforming uses under article VI of this chapter pertaining to nonconforming uses. However, all future changes of use shall be limited to those uses listed as permitted uses on the list contained in this section with a maximum gross leasable area of 3,000 square feet, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, wherein the new use will involve a gross leasable area exceeding 3,000 square feet, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 3,000 square feet, in a district with a 3,000 square footage limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. For example, if a ladies apparel store of 8,000 square feet exists in the C-TS district and the owner wishes to change to an antique store of the same size or subdivide into two 4,000-square-foot offices, the owner would need to apply for and obtain approval of a special exception from the town council. No existing commercial use which is subject to the 3,000 square feet maximum gross leasable area (GLA) regulation may occupy additional space within 1,500 feet of the existing businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total gross leasable area (GLA) to more than 3,000 square feet.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-96, § 4, 2-5-96; Ord. No. 1-98, § 5, 2-9-98; Ord. No. 1-02, § 9, 3-12-02; Ord. No. 1-04, §§ 17, 22, 3-9-04; Ord. No. 1-05, § 2, 3-8-05; Ord. No. 4-08, § 8, 4-7-08; Ord. No. 5-2011, § 3, 3-9-11; Ord. No. 2-2011, § 3, 7-13-11; Ord. No. 7-2014, § 5, 5-14-14; Ord. No. 13-2015, § 1, 5-13-15; Ord. No. 8-2017, § 1, 4-12-17; Ord. No. 17-2019, § 5, 6-12-19)

Editor's note— Ord. No. 7-2014, § 5, adopted May 14, 2014, set out provisions amending subsection 134-1108(a)(2). To correct a scrivener's error, and at the editor's discretion, these provisions have been included as amending subsection 134-1107(a)(2).

Sec. 134-1108. - Accessory uses.

The accessory uses in the C-TS town-serving commercial district are as follows:

- (1) Off-street parking and loading.
- (2) Signs.
- (3) Accessory uses customarily incident to the permitted or approved special exception uses.
- (4) Administrative approval of outdoor seating for dining purposes, subject to the standards and criteria contained in sections 134-2104 through 134-2108, supplemental district regulations.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 5-09, § 5, 4-15-09)

Sec. 134-1109. - Special exception uses.

- (a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-TS town-serving commercial district are as follows:
- (1) Public or private parking lots or storage garages.
 - (2) Auto rental lots.
 - (3) Private social, swimming, golf, tennis and yacht clubs.
 - (4) Service stations.
 - (5) Public structures/uses.
 - (6) Essential services related to town-owned municipal buildings and structures.
 - (7) Supplemental parking.
 - (8) Public or private academic schools.
 - (9) Drive-in business service facilities.
 - (10) Churches, synagogues or other houses of worship.
 - (11) Permitted uses, or uses not specifically enumerated under permitted uses in section 134-1107 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein, which are greater than 3,000 square feet gross leasable area.
 - (12) Banks and financial institutions, excluding securities or financial brokerage and trust companies.
 - (13) Roof-deck automobile parking.
 - (14) Outdoor seating in conjunction with permitted restaurants where administrative approval is not being requested. See section 134-1111 for additional conditions.
 - (15) Veterinarian offices above the first floor.
 - (16) Museums occupying building of unique value as designated historical landmarks, as determined by the landmarks preservation commission and the town council.
 - (17) Nightclubs.
 - (18) Except as provided for in subsection 134-1107(3), offices (excluding executive office suites), professional services, business services and securities or financial brokerage and trust companies on the first floor provided that there are at least 50 percent existing office uses on all floors of the building in which the office use is proposed and more than 50 percent existing office uses on the first floor within 300 feet of the proposed office use within the same zoning district.
 - (19) Private parks.
 - (20) Medical marijuana treatment centers and medical marijuana dispensaries are prohibited, however, should state law preempt said prohibition, said uses shall be permitted subject to the requirements in sections 134-2113 through 134-2114 of this chapter.
 - (21) Outdoor promotional events. See section 134-2115 for additional conditions and criteria.
- (b) An owner or tenant of a property, located within the C-TS district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord.

No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-96, § 3, 2-5-96; Ord. No. 1-98, § 5, 2-9-98; Ord. No. 1-02, § 8, 3-12-02; Ord. No. 1-03, § 2, 3-11-03; Ord. No. 1-04, § 28, 3-9-04; Ord. No. 1-07, § 3, 4-10-07; Ord. No. 5-09, § 6, 4-15-09; Ord. No. 5-2011, § 4, 3-9-11; Ord. No. 2-2011, § 4, 7-13-11; Ord. No. 3-2012, § 4, 4-11-12; Ord. No. 7-2014, § 5, 5-14-14; Ord. No. 13-2015, § 2, 5-13-15; Ord. No. 24-2016, § 2, 1-11-17; Ord. No. 30-2017, § 2, 1-10-18; Ord. No. 02-2019, § 9, 3-19-19; Ord. No. 17-2019, § 6, 6-12-19)

Editor's note— Ord. No. 13-2015, § 2, adopted May 13, 2015, set out provisions intended for use as subsection 134-1109(a) (15). To maintain the current subsection 134-1109(a)(15) as added by Ord. No. 7-2014, § 5, adopted May 14, 2014, and at the editor's discretion, these provisions have been included herein as subsection 134-1109(a)(19).

Sec. 134-1110. - Accessory structures.

- (a) *Generally*. Enclosed accessory structures in the C-TS town-serving commercial district shall comply with front and side yard requirements for the principal structure to which they are accessory and shall be not closer to any rear property line than ten feet.
- (b) *Dish antennas*. A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on each building. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed 12 feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. Each residential unit or commercial tenant space shall not be limited as to the number of dish antennas of one meter or less in diameter and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed 12 feet in height above the average grade; shall be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in this commercial zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.

(Ord. No. 2-74, § 5.51, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-79, § 11, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(i), (k), 3-31-82; Ord. No. 1-84, § 3(h), 3-1-84; Ord. No. 1-85, § 3(e), 2-11-85; Ord. No. 1-86, § 3(d), 2-10-86; Ord. No. 1-87, § 3(e), 2-9-87; Ord. No. 1-90, § 3(g), 2-5-90; Ord. No. 1-92, § 3(e), 2-3-92; Ord. No. 1-93, § 3(g), 2-8-93; Ord. No. 1-94, § 3(c), 2-7-94; Ord. No. 1-95, § 1(b), 1-23-95; Ord. No. 1-97, § 5, 2-17-97; Ord. No. 1-99, § 10, 4-5-99)

Sec. 134-1111. - Special exception for stands, seated dining areas and open counters for eating and drinking.

- (a) No stands or open counters and no open seating arrangement (except as otherwise provided in article VIII, division 14), whether or not at tables, intended for feeding or the dispensing of food or drink whether or not for profit or for any other similar purposes for the sale of commodities to the public shall be erected or permitted anywhere in the town unless they are contained within a building. However, in the C-TS town-serving commercial district, the town council may permit, as a special exception, the serving of food and beverages to seated patrons

in outdoor open air areas which are operated as a part of a restaurant contained within a building, provided approval of such special exception does not increase the allowable capacity. The following are conditions to the approval of any such special exception:

- (1) Open air dining areas must be properly buffered to avoid noise, litter, light and odor impacts upon neighboring properties, especially nearby residential uses.
- (2) Area associated with the outdoor portion of the restaurant will not count toward any maximum square footage limitations associated with the town-serving aspects of this chapter.
- (b) In the C-TS town-serving commercial district, the town council may permit, as a special exception, extra outdoor patron seating, over and above the inside seating capacity, as part of a take-out food business contained within a building provided the following conditions are met:
 - (1) The take-out food business inside tenant space does not exceed 2,000 square feet.
 - (2) Open air dining areas are properly buffered to avoid noise, litter, light and odor impacts upon neighboring properties, especially nearby residential uses.
 - (3) The area associated with the outdoor seating of the take-out food business will not count toward any maximum square footage limitations associated with the town-serving aspects of this chapter.
 - (4) Area associated with the outdoor seating cannot encroach into the required ten-foot unobstructed, pedestrian sidewalk.
 - (5) The amount of outdoor seating can not exceed eight seats, nor can it extend beyond any property line of the take-out business tenant space.

(Ord. No. 2-74, § 6.61, 3-26-74; Ord. No. 3-77, § 14, 3-29-77; Ord. No. 1-89, 4(f), 2-6-89; Ord. No. 1-04, § 15, 3-9-04; Ord. No. 5-09, § 7, 4-15-09)

Sec. 134-1112. - Commercial uses; site plan approval for new buildings, new building additions or changes in permitted uses over certain floor area.

All applications for new buildings or for new building additions or for changes in a permitted use in section 134-1107 which involve more than 2,000 square feet of building floor area of buildings in the C-TS town-serving commercial district shall require a site plan approval in accordance with article III of this chapter. No certificate of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith. The maximum dimension of any structure or group of attached structures shall not exceed 150 feet.

(Ord. No. 2-74, § 6.55, 3-26-74; Ord. No. 5-78, § 12, 3-31-78; Ord. No. 7-79, § 14, 3-30-79; Ord. No. 4-80, § 6, 3-31-80; Ord. No. 7-82, § 5(d), 3-31-82; Ord. No. 1-85, § 4(h), 2-11-85)

Sec. 134-1113. - Lot, yard and area requirements—Generally.

In the C-TS town-serving commercial district, the schedule of lot, yard and area requirements is as given in this section:

- (1) *Lot area.* The minimum lot area is 4,000 square feet.
- (2) *Lot width.* The minimum lot width is 30 feet.
- (3) *Lot depth.* The minimum lot depth is 90 feet.
- (4) *Density.* A single dwelling unit, or multiple dwelling units not to exceed six dwelling units per gross acre. See article III of this chapter for site plan review requirements.
- (5) *Front yard.*

Partial Code

DIVISION 9. - C-WA WORTH AVENUE DISTRICT

Footnotes:

-- (5) --

Cross reference— *Businesses, ch. 22.*

Sec. 134-1156. - Purpose.

The purpose of the C-WA Worth Avenue district is to preserve and enhance an area of unique quality and character oriented to pedestrian comparison shopping and providing a wide range of retail and service establishments, to be developed whether as a unit or as individual parcels, serving the shortterm and longterm needs of townpersons. Drive-in retail facilities are not permitted. Further it shall be the intent of this district to enhance the town-serving character of the area through use of limitations on maximum gross leasable area (GLA), thereby reducing the problems of parking and traffic congestion determined to result from establishments of a region-serving scale.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-05, § 1, 3-8-05)

Sec. 134-1157. - Permitted uses.

(a) *Enumeration; maximum gross leasable area.* The permitted uses in the C-WA Worth Avenue commercial district, with a maximum of 4,000 square feet of gross leasable area (GLA), are as follows:

- (1) Antiques.
- (2) Apparel and accessories.
- (3) Art galleries.
- (4) Art services.
- (5) Bed and bath boutiques.
- (6) Cards/gifts.
- (7) Crafts.
- (8) Drugstore/pharmacy.
- (9) Fabrics.
- (10) Flowers/florist.
- (11) Furniture.
- (12) Hair styling/beauty salon.
- (13) Interior decorating sales/services.
- (14) Jewelry.
- (15) Kitchenwares.

- (16) Luggage/leather goods.
 - (17) News/books.
 - (18) Optical goods.
 - (19) Perfumery.
 - (20) Photographic services/studios.
 - (21) Shoes.
 - (22) Retail specialty foods, including incidental sale of prepared foods for takeout.
 - (23) Stationery.
 - (24) Essential services.
 - (25) Tobacconist.
 - (26) Toys.
 - (27) TV and electronic items.
 - (28) Offices and professional and business services, including banks and financial institutions, and executive offices above the first floor, excluding veterinarian offices.
 - (29) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.
 - (30) Residence(s) above the first floor.
 - (31) Combinations of the uses in subsections (a)(1) through (28) of this section.
- (b) *Regulation of existing nonconforming commercial uses.* Any existing uses contained on the list of permitted uses shown in subsection (a) of this section which contain more than 4,000 square feet of gross leasable area (GLA) shall be classified as existing nonconforming uses under article VI of this chapter pertaining to nonconforming uses. However, all future changes of use shall be limited to those uses listed as permitted uses on the list contained in this section with a maximum gross leasable area of 4,000 square feet, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, wherein the new use will involve a gross leasable area exceeding 4,000 square feet, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 4,000 square feet, in a district with a 4,000 square footage limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. For example, if a ladies apparel store of 10,000 square feet exists in the C-WA district and the owner wishes to change to an antique store of the same size or subdivide into two 5,000 square-foot offices, the owner would need to apply for and obtain approval of a special exception from the town council. No existing commercial use which is subject to the 4,000 square feet maximum gross leasable area (GLA) regulation may occupy additional space within 1,500 feet of the existing businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total gross leasable area (GLA) to more than 4,000 square feet.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No.

1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-02, § 11, 3-12-02; Ord. No. 1-04, §§ 18, 23, 3-9-04; Ord. No. 1-05, § 3, 3-8-05; Ord. No. 2-2011, § 5, 7-13-11; Ord. No. 7-2014, § 6, 5-14-14; Ord. No. 8-2017, § 2, 4-12-17; Ord. No. 17-2019, § 7, 6-12-19)

Sec. 134-1158. - Accessory uses.

The accessory uses in the C-WA Worth Avenue district are as follows:

- (1) Off-street parking and loading.
- (2) Signs.
- (3) Accessory uses customarily incident to the permitted or approved special exception uses.
- (4) Administrative approval of outdoor seating for dining purposes, subject to the standards and criteria contained in sections 134-2104 through 134-2108, supplemental district regulations.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 5-09, § 8, 4-15-09)

Sec. 134-1159. - Special exception uses.

- (a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-WA Worth Avenue district are as follows:

- (1) Pay parking.
- (2) Public or private parking or storage garages.
- (3) Private social, swimming, tennis or yacht clubs.
- (4) Public structures/uses.
- (5) Essential services related to town-owned municipal buildings and structures.
- (6) Supplemental parking.
- (7) Restaurants, nightclubs, lounges/bars, excluding formula restaurants as defined in section 134-2.
- (8) Museums and nonprofit cultural centers.
- (9) Permitted uses cited under permitted uses in section 134-1157 which contain greater than 4,000 square feet GLA gross leasable area.
- (10) Uses not specifically enumerated under permitted uses in section 134-1157 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein.
- (11) Outdoor promotional events. See section 134-2115 for additional conditions and criteria.
- (12) Roof deck automobile parking.
- (13) Outdoor seating in conjunction with permitted restaurants where administrative approval is not being requested. See section 134-1161 for additional conditions.

- (b) An owner or tenant of a property, located within the C-WA district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(5), 2-7-94; Ord. No. 1-96, § 17, 2-5-96; Ord. No. 2-98, § 3, 2-27-98; Ord. No. 1-02, § 10, 3-12-02; Ord. No. 1-03, § 3, 3-11-03; Ord. No. 1-04, § 29, 3-9-04; Ord. No. 4-08, § 9, 4-7-08; Ord. No. 5-09, § 9, 4-15-09; Ord. No. 2-2011, § 6, 7-13-11; Ord. No. 3-2012, § 5, 4-11-12; Ord. No. 10-2012, § 4, 9-11-12; Ord. No. 30-2017, § 3, 1-10-18; Ord. No. 02-2019, § 10, 3-19-19; Ord. No. 17-2019, § 8, 6-12-19)

Sec. 134-1160. - Accessory structures.

- (a) *Generally.* Enclosed accessory structures in the C-WA Worth Avenue district shall comply with front and side yard requirements for the principal structure to which they are accessory and shall be not closer to any rear property line than ten feet.
- (b) *Dish antennas.* A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on each building. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed 12 feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. Each residential unit or commercial tenant space shall not be limited as to the number of dish antennas of one meter or less in diameter and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed 12 feet in height above the average grade; shall be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in this commercial zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.

(Ord. No. 2-74, § 5.51, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-79, § 11, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(i), (k), 3-31-82; Ord. No. 1-84, § 3(h), 3-1-84; Ord. No. 1-85, § 3(e), 2-11-85; Ord. No. 1-86, § 3(d), 2-10-86; Ord. No. 1-87, § 3(e), 2-9-87; Ord. No. 1-90, § 3(g), 2-5-90; Ord. No. 1-92, § 3(e), 2-3-92; Ord. No. 1-93, § 3(g), 2-8-93; Ord. No. 1-94, § 3(c), 2-7-94; Ord. No. 1-95, § 1(b), 1-23-95; Ord. No. 1-97, § 5, 2-17-97; Ord. No. 1-99, § 10, 4-5-99)

Sec. 134-1161. - Stands, seated dining areas and open counters for eating and drinking.

- (a) No stands or open counters and no open seating arrangement (except as provided for in article VIII, division 14), whether or not at tables, intended for feeding or the dispensing of food or drink whether or not for profit or for any other similar purposes for the sale of commodities to the public shall be erected or permitted anywhere in the town unless they are contained within a building. However, in the C-WA Worth Avenue zoning district, the town council may permit, as a special exception, the serving of food and beverages to seated patrons in outdoor open air areas which are operated as a part of a restaurant contained within a building, provided approval of such special exception shall not increase the allowable capacity. The following are conditions to the approval of any such special exception: