

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2021

To: Mayor and Town Council

From: Wayne Bergman, Planning, Zoning & Building Director

Re: Consideration of Proposed Zoning Text Amendments that Make Restaurants, Bars/Lounges, Dining Rooms and Other Food and Beverage Uses a Special Exception Use and Eliminates the “Drinking Places” Use in Commercial Districts Where it is a Permitted Use
Ordinance No. 12-2021

Date: April 26, 2021

STAFF RECOMMENDATION

Staff recommends the Local Planning Agency recommend approval and the Town Council approve attached Ordinance No. 12-2021 on first reading.

RECORD AND REPORT OF THE PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission, at its March 16, 2021 meeting considered and unanimously recommended (7-0) approval of the proposed Zoning Code modifications as outlined in Ordinance No. 0-2021. The proposed modifications change restaurants, bars, lounges, dining rooms and other food and drinking establishments from a permitted use to a special exception use where allowed in the C-TS, C-WA, C-OPI C-B and C-PC commercial zoning district. The Commission also recommended eliminating the existing “drinking place” use in the Code as both the Commission and staff did not understand what that use is intended to be.

BACKGROUND

The Town Council, at its February 10, 2021 meeting, considered a background staff report regarding permitted and special exception uses related to a new wine bar that opened at 380 South County Road. The Council was surprised to find out that this type use (bar/lounge) are a permitted use in the Town’s largest commercial zoning district (C-TS district). The Council expressed concern that a bar use, as well as other types of food and beverage uses, are permitted by right. The Council’s concern is that these types of uses could negatively impact neighboring residential areas and streets if not vetted through the quasi-judicial, special exception zoning process. The Council believes that each of these uses should be carefully scrutinized in the future with required notice to the surrounding neighbors.

At that time, the Council initiated Zoning in Progress for restaurants and bars/lounges in the C-TS zoning district so that in the interim time of making possible changes to those types of uses, no other restaurant or bar/lounge could be located in that District as a permitted use. At the same time, Council directed staff to bring a proposed change to the Planning and Zoning Commission that would make these uses a special exception use in the C-TS District.

While staff was drafting Code changes for the Commission's consideration, it was realized that there are other similar permitted uses in the other commercial zoning districts that the Planning and Zoning Commission and Town Council might want to make special exception uses because type of businesses can be similar to a restaurant or bar/lounge. In the C-WA, C-PC and C-B zoning districts, retail specialty foods, including incidental sale of prepared foods for takeout is a permitted use and is similar to a restaurant. In addition, the same is true for dining rooms and "drinking places" that are permitted uses in the C-OPI, C-PC and C-B commercial zoning districts. For that reason, staff's proposed changes that were presented to the Planning and Zoning Commission were broader in scope than originally contemplated. Those changes include changing those uses from permitted to special exception uses and eliminating the "drinking place" permitted use there is no definition of that use in Chapter 134, Zoning and is unclear what that use is in the Code,

On March 16, 2021, the Planning and Zoning Commission considered staff's proposed Code changes and recommended to the Council that staff's proposed changes making restaurants, bars/lounges, dining rooms and other food and drinking establishments, a special exception use throughout all Commercial Zoning Districts within the Town. In addition, they also recommended the elimination of the "drinking place" use based on the same reasoning as staff. The proposed Commission recommended Code changes are in add/delete format in attached Ordinance No. 12-2021 for your consideration. If you have any questions please contact me at your convenience at 227-6406.

TOWN ATTORNEY REVIEW

Ordinance No. 12-2021 has been approved by Town Attorney John C. Randolph for legal form and sufficiency.

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney
Planning and Zoning Commission
Paul Castro, Zoning Manager