

# TOWN OF PALM BEACH

Information for the Town Council Meeting on: June 9, 2021

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To: Town Council

Via Wayne Bergman, Planning, Zoning and Building Director

From: Paul Castro, Zoning Manager

Re: Proposed Code Changes to Regulations Related to Outdoor Seating for Food and Beverage Service in the Commercial Zoning Districts

Date: June 1, 2021

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## **STAFF RECOMMENDATION**

Staff is requesting a preliminary recommendation of proposed outdoor seating regulations as proposed in the zoning text amendments in Exhibit A .

## **BACKGROUND**

The Town Council, at its February 10, 2021 meeting, discussed the Town's outdoor seating regulations and the temporary Covid seating that is currently being allowed. That temporary outdoor seating has been embraced by the restaurant owners and so far has been well received by the community. As such, the Town has seen the requests for outdoor seating grow over the last year and does not see that trend changing once we get past the pandemic. As such, staff expects to see more requests for permanent outdoor seating for restaurants in the future. Staff requested, and the Council agreed, to allow staff to work with the Planning and Zoning Commission to re-evaluate the existing regulations and recommend modifications that might allow for a more controlled outdoor seating concept with more definitive conditions. The intent would be to allow more restaurant outdoor seating so long as it fits into the surrounding residential areas and the businesses continue to be good neighbors.

The Planning and Zoning Commission discussed this topic at its March 16, 2021 and May 21, 2021 meetings. Because of a legal notice requirement, the Commission's Record and Report on these proposed zoning text amendments and proposed first reading of a proposed ordinance will be considered in a public hearing at the July 14, 2021 Local Planning Agency and Town Council meetings. In the interim, staff is seeking direction on the drafted proposed Code changes so that major changes do not have to occur at first reading of the proposed ordinance. The staff proposal eliminates the existing outdoor seating regulations and replaces them with new outdoor café seating provisions. The staff proposal would conditionally allow outdoor café seating for only restaurants, dining rooms, specialty food uses and private social, swimming, golf, tennis and yacht clubs where they are allowed by special exception. Bars/lounges and night clubs would

not be allowed outdoor café seating. This proposed outdoor café seating would be allowed on sidewalks and private vias and courtyards where the associated special exception use it is intended to serve is allowed in the R-D(2) residential and the C-TS, C-WA, C-B, C-OPI and C-PC Commercial zoning districts. The conditions of approval and requirements would allow outdoor café seating provided the conditions and regulations are met by an applicant. The conditions include, but are not limited to, not allowing outdoor café seating over the capacity of the use it is intended to serve; controls for buffering between the outdoor café seating areas and residential uses; the type of outdoor furniture and how it is approved; pedestrian walkway clearances; lighting and outdoor music controls; hours of operation and the requirement for insurance and indemnification if the seating is within public rights-of-way. The proposal also includes creating an outdoor café seating permitting process with an annual permit review and fee. Staff's recommend proposal for your consideration is in the attached Exhibit A.

If you have any questions please contact me at your convenience at 227-6406.

cc: Mayor and Town Council  
Kirk Blouin, Town Manager  
Jay Boodheshwar, Deputy Town Manager  
John C. Randolph, Town Attorney  
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