



TOWN OF PALM BEACH

Minutes of the Local Planning

Agency Meeting

Held on July 14, 2021

I. CALL TO ORDER AND ROLL CALL

The Local Planning Agency was called to order July 14, 2021 at 9:31 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Administrative Specialist Churney gave the invocation. Council President Zeidman led the Pledge of Allegiance.

Council President Zeidman announced Council Member Araskog would not be present in person would not vote; however, she could participate in the discussions via Zoom.

III. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE

Council President Zeidman announced she would call for communications from citizens after staff presentations.

IV. ORDINANCES

1. **First Reading**

1. **ORDINANCE 16-2021** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article I, In General, Section 134-2, Creating A Definition For Outdoor Café Seating; At Article VI, District Regulations, Sections 134-791, 134-841, 134-891, 134-946, 134-1001 And 134-1053, Accessory Structures, In The R-AA, R-A, R-B, R-C, R-D(1) And R-D(2) Residential Districts By Allowing Only One Dock On A Property And Cross Referencing The Setback And Other Dimensional Requirements For A Dock In Sections 62-74, 62-75 And 134-1697 Of The Code; At Section 134-1053, Accessory

Uses, By Eliminating As An Accessory Use Administrative Approval Of Outdoor Seating In The R-D(2) Residential District; Section 134-1055, Special Exception Uses, By Changing From Outdoor Seating To Outdoor Cafe Seating Related To Hotels, Condo Hotels And Dining Rooms And Cross Referencing Sections 134-2104 Through 134-2108 Related To Requirements And Conditions Allowing Said Seating; Section 134- 1056, Stands, Seated Dining Areas And Open Counters For Eating And Drinking, By Eliminating Said Section In The R-D(2) District And Renumbering Subsequent Sections Of The Code; Section 134-1057, Accessory Structures, And 134-1057, Accessory Structures, In The R-D(2) Residential Districts By Allowing Only One Dock On A Property And Cross Referencing The Setback And Other Dimensional Requirements For A Dock In Sections 62-74, 62-75 And 134-1697 Of The Code; Sections 134-1108, 134-1158, 134-1208 And 134-1303, Accessory Uses, By Eliminating As An Accessory Use Administrative Approval Of Outdoor Seating In The C-TS, C-WA, C-OPI And C-B Commercial Zoning Districts; Sections 134-1109, 134-1159 And 134- 1259 Special Exception Uses In The C-TS, C-WA And C-PC Commercial Zoning Districts, By Changing Outdoor Seating To Outdoor Café Seating Only For Restaurants, Retail Specialty Food Including The Sale Of Prepared Food For Takeout Only And Private, Social, Swimming, Golf, Tennis And Yacht Clubs And Cross Referencing Sections 134-2104 Through 134-2108 Related To Requirements And Conditions Allowing Said Seating; Sections 134- 1111, 134-1161, 134-1210, 134-1260 And 134-1305, Stands, Seated Dining Areas And Open Counters For Eating And Drinking, By Eliminating Those Sections In The C-TS, C-WA, C-OPI, C-PC And C-B Commercial Zoning Districts And Renumbering Subsequent Sections Of The Code; Section 134-1304, Special Exception Uses, In The C-B Commercial Zoning District By Changing Outdoor Seating To Outdoor Café Seating For Only Hotels, Condo-Hotels And Dining Rooms And Cross Referencing Sections 134-2104 Through 134- 2108 Related To Requirements And Conditions Allowing Said Seating; Section 134-1209, Special Exception Uses In The C-OPI Commercial District By Changing Outdoor Seating To Outdoor Café Seating For Only Restaurants, Excluding Formula Restaurants As Defined In Section 134-2 And Dining Rooms And Cross Referencing Sections 124-2104 Through 134-2108 Related To Requirements And Conditions Allowing Said Seating; At Article VIII, Supplementary District Regulations, Section 134-1697, Buildings And Structures Over Lake Worth, By Clarifying That There Is An Exception For Town- Owned Landing Docks And Piers On Municipal Property, Providing For Only One Pier Or Landing Dock And Cross Referencing The Requirements For A Pier Of Landing Dock In Sections 62-74 And 62- 75 Of The Code; By Eliminating Division 14, Administrative Approval Of Outdoor Seating In Its Entirety And Creating A New Division 14, Section 134-2104 Through 134-2109,

Conditional Approval Of A Special Exception For Sidewalk And/Or Private Property Outdoor Café Seating Only For Restaurants, Excluding Formula Restaurants As Defined In Section 134-2, Dining Rooms, Retail Specialty Food Including The Sale Of Prepared Food For Takeout Only, And Private, Social, Swimming, Tennis, And Yacht Clubs, Providing Conditions And Requirements; Fees And Security Deposit; Application Requirements; Standards And Criteria For Special Exception And Outdoor Café Permit And Review; Requirements For Liability And Insurance, Providing That Retail Specialty Food Uses Including The Sale Of Prepared Food For Takeout Only That Is Under 2,000 Square Feet Gross Leasable Area Can Request An Additional Eight Seats Over The Inside Capacity; Provisions For Denial, Revocation And/Or Suspension Of Approval Of An Outdoor Café Seating Permit And Appeal Procedure For Denial, Suspension Or Revocation; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Director of Planning, Zoning and Building Wayne Bergman asked Zoning Manager Castro to provide an overview of Ordinance 16-2021, major changes to outdoor seating zoning regulations, and Ordinance 17-2021, marginal docks.

Zoning Manager Castro explained grammatical changes and other language changes that had been made since last month.

Council President Zeidman stated she did not want to walk down the street and hear different background music coming from restaurants and wanted to keep things as quiet as possible.

Discussion ensued regarding removing low level background music so that it would be dealt with on a case-by-case basis.

Zoning Manager Castro explained the Special Exception process and the town-serving provision in response to questions from Council Member Crampton.

Council President Pro Tem Lindsay agreed with Council President Zeidman regarding background music coming from restaurants. She felt outdoor seating was good for Palm Beach but should not become annoying to residents. She felt the outdoor music language should be removed.

Town Attorney Randolph cautioned not to strike the language but to replace with language making outdoor music prohibitive.

Council Member Cooney felt some provisions such as loading zones next to outdoor seating should be revisited but was good with moving forward.

Council Member Araskog suggested language to indicate background music was not allowed unless approved by Council, and the same for the loading zone issue. Town Attorney Randolph advised it should be stated as such if it was to be prohibited. Council Member Araskog agreed to prohibition in public spaces. She also indicated the comprehensive plan was clear about town serving and expressed concern that this requirement had not been made of new businesses.

Mayor Moore hated to see something prohibited and felt the final determination should come from the Town Council.

Zoning Manager Castro suggested to prohibit outdoor music on private property, unless approved by Council, and to prohibit it on public property. Council President Zeidman agreed.

Council Member Crampton pointed out an inconsistency in the language regarding the placement of placing furniture, which Zoning Manager Castro explained one was on public sidewalks and the other was on private property. He asked what was being required of new restaurants under town serving. Council President Zeidman stated the issue of town serving would be placed on an agenda for discussion in the near future. Zoning Manager Castro clarified the meaning of the proposed language and it was required in this ordinance.

Council Member Araskog felt new businesses should be demonstrating that they were town serving.

Council Member Cooney asked about distances from residences to restaurants. Zoning Manager Castro stated that language had been stricken.

Council President Zeidman asked about portable heaters and misters.

Council Members Crampton and Cooney felt they were necessary. Council President Zeidman stated those items must be taken in at night.

Motion by Council Member Crampton and seconded by Council President Zeidman, to recommend approval on first reading of Ordinance 16-2021 as amended so that number 8 shall state outdoor music shall be prohibited and subsection 6 shall state outdoor music shall be prohibited unless approved by Town Council, and with the addition all outdoor café seating furniture shall be stored inside after business hours, including all associated appurtenances. Motion carried unanimously, 4-0.

2. **ORDINANCE 17-2021** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 62, Marine Structures As Follows: At Article III, Bulkheads, And Pierheads On Lake Worth, Section 62-74, Bulkheads, Landing Docks And Piers To Accord With Plat; Waivers And Variances, To Allow One Pier Or Landing Dock And To Provide A Maximum Width Of A Pier Or Landing Dock; At Section 62-75, Construction Specification To Identify That One Pier Or Landing Dock Is Permitted And That The Maximum Width Of A Pier Or Landing Dock Is 30% Of The Lot Width, Six Feet From The Mean High Water Line Or Bulkhead Line, Whichever Is Furthest East, And Not More Than 10 Feet In Width When Past Said Six Feet; At Section 62-74.2, Exemptions By Correcting The Exemption For Town Owned And Operated Docks Is Exempt From The Chapter And Not The Section Of The Code; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Zoning Manager Castro pointed out an inconsistency in lot width, which he had corrected. He also stated he would correct language regarding extending more than 6 feet from the bulkhead. He explained the purpose of the ordinance.

Council President Pro Tem Lindsay had not found any language related to runoff and it being directed back onto the land. Zoning Manager Castro explained that had not been included because it would be taken care of administratively through the permit process. Town Attorney felt it was fine to leave that to staff administratively.

Mayor Moore asked if there were any pending applications that would be affected. Zoning Manager Castro explained that a couple of applications had come in before Zoning in Progress was initiated.

Council President Zeidman called for public comment on either Ordinance.

Motion made by Council Member Crampton and seconded

by Council President Zeidman recommending Council approval of Ordinance 17-2021, as amended. Motion carried unanimously, 4-0.

V. ADJOURNMENT

The meeting was adjourned at 10:15 a.m. without benefit of motion or roll call.

APPROVED:

Margaret Zeidman, Town Council President

ATTEST:

Kelly Churney, Administrative Specialist