



**TOWN OF PALM BEACH**  
Planning, Zoning & Building Department  
360 South County Road  
Palm Beach, FL 33480  
(561) 838-5431 • [www.townofpalmbeach.com](http://www.townofpalmbeach.com)

PLANNING, ZONING, & BUILDING DEPARTMENT  
PZ&B Staff Memorandum: Town Council Development Review

TO: Town of Palm Beach Mayor and Council

FROM: Wayne Bergman, MCP, LEED-AP  
Director PZ&B

SUBJECT: ZON-23-006 139 N COUNTY RD—PARAMOUNT THEATRE

MEETING: JANUARY 11, 2023

**ZON-23-006 139 N COUNTY RD THE PARAMOUNT THEATRE—SPECIAL EXCEPTION WITH SITE PLAN REVIEW.** The applicant, WEG Paramount LLC (Lester Woerner), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for Outdoor Promotional Events in the open-air courtyard of the Paramount Theatre, an existing three-story commercial building.

Applicant: WEG Paramount LLC (Lester Woerner)  
Professional: Stantec Architecture  
Representative: James Crowley, Esq.

**HISTORY:**

See attached 'Exhibit A'

A major project is currently under review for consideration for substantial interior alterations and renovations to the existing Paramount Theater and development of the southern parking lot with a mixed use residential project with subterranean parking (COA-23-003 and ZON-23-020) which will eventually be reviewed by the LPC and Town Council

**THE PROJECT:**

The applicant has submitted plans, entitled " FINAL SUBMITTAL -EVENTS SPACE PERMIT SET APPLICATION # ZON-23-006", as prepared by **Stantec Architecture** dated November 04, 2022, requesting approval by the Town Council for outdoor promotional events at the Paramount Theatre's existing open air courtyard.

**Sec. 134-2115. - Requirements for outdoor promotional events**

Outdoor promotional events shall only be allowed in the C-TS, C-WA and C-PC Zoning Districts by special exception approval. It shall be unlawful for any person to have an outdoor promotional activity without approval by the town council of a special exception application and a Declaration of Use Agreement which identifies any conditions of approval and remedies for violation of those conditions as provided under sections 134-226 through 134-230 of the Code. Said events are subject to the additional requirements set forth below:

1. A special exception application for outdoor promotional events shall only be allowed to be filed by the property owner where outdoor promotional events are to be held.

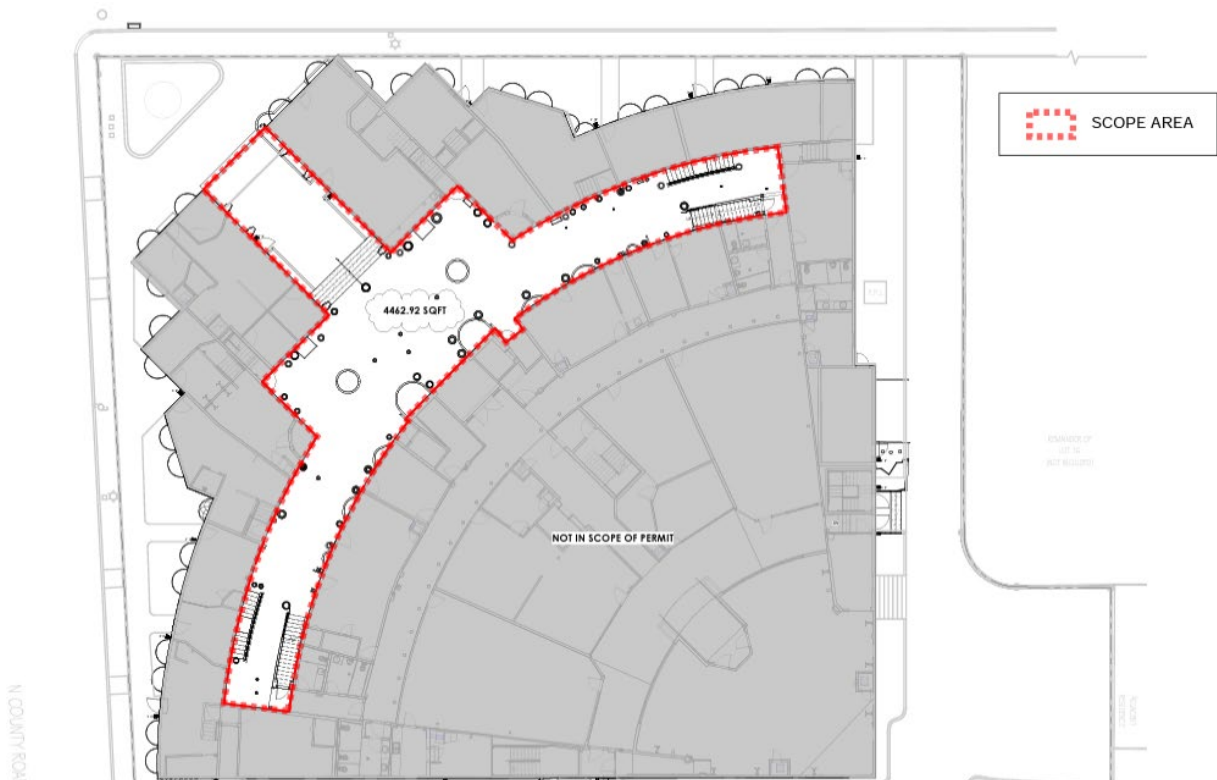
2. The property owner shall be responsible for sponsoring and managing any outdoor promotional event on a property.
3. The number of outdoor promotional events per year shall be determined by the town council and provided in the required Declaration of Use Agreement.
4. The hours and days in which outdoor promotional events may occur shall be determined by the town council and provided in the Declaration of Use Agreement.
5. Amplified music or sound shall only be allowed if said event is held 200 feet or more from any residential use. Such event shall meet the town's noise regulations as provided in sections 42-196 through 42-229 of the Code.
6. There shall be no outdoor sales of alcoholic beverages other than the sales related to town approved outdoor seating for the licensed businesses on the property.
7. Any approval of a special exception to allow outdoor promotional events shall be required to be reviewed by the town council one year following approval and recordation of the Declaration of Use Agreement. Said approval may be amended or revoked by the town council at that time should it be determined that said use has a negative impact on surrounding properties.
8. Approval of outdoor promotional events may be revoked or modified by the town council at any time should it be determined that said use has a negative impact on surrounding properties.

Below is a summary of the subject application with regards to permissions from **Sec. 134-2115:** Outdoor Promotional Events. The applicant is proposing up to 8 outdoor promotional events per month to accommodate up to 150 people within the outdoor courtyard of the Paramount. The applicant desires the flexibility to serve alcohol with a movable outdoor bar counter and also have augmented exterior lighting within the space. The applicant also seeks the ability to have amplified music, via a live DJ, sound system or live performers on a stage or with sound system speakers. According to the LOI, the proposed hours of operation are 6pm to 11pm, 7 days a week. A Declaration of Use with binding operational conditions to be listed in Development Order limiting the uses, to hours, days, events, music, etc, has yet to be supplied or reviewed.

Site Data			
<b>Zoning District</b>	C-TS	<b>Lot Size (SF)</b>	<u>58,098 SF</u> 34,001 SF (theater site) 24,097 SF (parking lot)
<b>Future Land Use</b>	COMMERCIAL	<b>Courtyard Area</b>	4,460 SF (ground floor)
<b>Total Building Size</b>	24,233 SF	<b>Finished Floor Elev.</b>	12' NAVD (theater) 8.5' NAVD (retail liner)
<b>Crown of Road</b>	7.37' NAVD	<b>FEMA FLOOD ZONE</b>	X
Surrounding Properties / Zoning			
<b>North</b>	One-story commercial (C-TS and R-C)		
<b>South</b>	Three-story residential w/ ground floor retail (C-TS and R-C)		
<b>East</b>	1950 Six-story condominium-SUN & SURF (R-C)		
<b>West</b>	One-story commercial (C-TS)		

**STAFF ANALYSIS:**

The existing parcel is 1.45-acre corner parcel on the northeast intersection of Sunrise Ave and N. County Road, a prominent location in the Commercial Town Serving District. The site is improved with an existing three-story Landmarked structure—the Paramount Theater—which was designated a landmark in 1982. The theater occupies the northern portion of the site and a surface 46 car parking lot occupies the southern portion. The application is for Town Council review and approval for up to eight (8) outdoor promotional events per month for up to 150 people; specifically for the interior ground floor courtyard, as identified below which contains approximately 4,460 SF of outdoor area surrounded mostly by the existing building. The entry breezeway at the corner provides an unobstructed vista into and out of the courtyard area and provides a glimpse of the theater historic entrance.



Staff notes that Town Council has the authority to review the approval of outdoor promotional events one year after granting said approval, and at that time has the authority to modify or revoke the approval if it is determined that said use is negatively impacting the surrounding properties. However, staff maintains that the applicant should be granted a more limited approval in as much as waiting to see how the operator handles the special events and as to what impacts, if any, the outdoor promotional events may have on the immediate area as it pertains to noise, traffic or other disturbance. The applicant is proposing 8 promotional events per month, which roughly translates to twice a week, or every weekend. Staff would recommend a provisional approval of 3 promotional events per month in order to ascertain the impact of the promotional events on the surrounding area and condition appropriately.

As for the request for amplified music, Section 134-2115 5. *Amplified music or sound shall only be allowed if said event is held 200 feet or more from any residential use;* Based on the non-surveyed

measurement from the aerial below, there are at least two residential units within 200'. The property to the east is approximately 143' away and the property to the south is 190'.



In this regard, the operational plan, if approved, cannot include any outdoor amplified music/DJ/live music/speaker or stage system to be performed or staged in the courtyard.

And finally, as it pertains to the hours of operation, due to the proximity to residential uses, staff recommends that the applicant's request of 6pm to 11pm seven days a week may have negative impacts to the abutting uses and therefore would suggest the following modifications that would seem a more reasonable extension of the promotional events times to minimize disturbance:

- 6pm to 10pm Sun-Thurs
- 6pm to 11pm Fri + Sat

Should the Town Council find merit in the application and that the proposal is consistent with the granting of a Special Exception, the applicant will need to submit a Declaration of Use with binding operational conditions to be listed in Development Order limiting the uses, to hours, days, events, music, etc, at a future meeting date.

WRB:JGM



**PARAMOUNT SITE HISTORY** EXHIBIT A

The Paramount Theatre building was originally designed by prominent New York architect Joseph Urban. Construction of the building was completed in 1927, and was designated a landmark structure in the Town of Palm Beach on September 14, 1982. The following is the recent history of the zoning and certificate of appropriateness requests for the property.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
August 18, 1982 and July 13, 1983	Certificate of Appropriateness for exterior alterations; partial approval granted on August 18, 1982, and final approval granted on July 13, 1983.	COA#: 11-82	Approved by Landmarks Preservation Commission. Extension granted by LPC on May 22, 1985.
November 9, 1983	Certificate of Appropriateness for exterior alterations, which modifies COA# 11-82.	COA#: 10-83	Approved by Landmarks Preservation Commission. Extension granted by LPC on May 22, 1985.
June 14, 1983	A request for revised site plan showing parking structure.	Special Exception#: 12-83 with Variances and Site Plan Review  Moratorium Waiver#: 15-83M	Matter was postponed at June 14, 1983 Town Council meeting. No evidence found in files that this matter was taken up again.
December 21, 1983	Certificate of Appropriateness for exterior modifications and landscaping.	COA#: 13-83	Approved by Landmarks Preservation Commission. Extension granted by LPC on May 22, 1985.
November 14, 1984	Certificate of Appropriateness for a sign for Christina Boutique in lettering not to exceed 5 inches in height.	COA#: 24-84	Approved by Landmarks Preservation Commission.
November 14, 1984	Certificate of Appropriateness for a sign for Pearl and Dan Braswell Antique & Precious Jewellery in lettering not to exceed 5 inches in height.	COA#: 25-84	Approved by Landmarks Preservation Commission.
November 14, 1984	Certificate of Appropriateness for a sign for the Red Pony in lettering not to exceed 5 inches in height.	COA#: 26-84	Approved by Landmarks Preservation Commission.
November 14, 1984	Certificate of Appropriateness for a sign for Gartner Hand Made Belgium Chocolates in lettering not to exceed 5 inches in height.	COA#: 27-84	Approved by Landmarks Preservation Commission.
January 9, 1985	Certificate of Appropriateness for exterior light fixtures.	COA#: 1-85	Landmarks Preservation Commission determined that

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			the lighting, as proposed, was not appropriate, and deferred the project. The project was subsequently deferred three more times. No evidence was found that this matter was taken up again, nor was evidence found that the LPC approved this COA.
January 9, 1985	Certificate of Appropriateness for a painted sign on the front window in goldleaf for Gerald E. Marsh, Inc.	COA#: 3-85	Approved by Landmarks Preservation Commission.
September 24, 1986	Certificate of Appropriateness for sign subject to staff approval of style and size of letters.	COA#: 17-86	Approved by Landmarks Preservation Commission.
December 17, 1986	Certificate of Appropriateness for signage for "Chocolate 'N Chills" ice cream shop.	COA#: 19-86	Approved by Landmarks Preservation Commission.
January 28, 1987	Certificate of Appropriateness for four white window signs.	COA#: 3-87	Approved by Landmarks Preservation Commission.
January 28, 1987	Certificate of Appropriateness for white vinyl window signage.	COA#: 4-87	Approved by Landmarks Preservation Commission.
January 28, 1987	Certificate of Appropriateness for two window signs to read "Perspective Design" in goldleaf with the remainder of the lettering in black vinyl.	COA#: 5-87	Approved by Landmarks Preservation Commission.
October 28, 1987	Certificate of Appropriateness for identification signage on door and windows to read: Joey's Deli.	COA#: 24-87	Approval not found in files.
December 8, 1987	A variance to allow the applicant to occupy approximately 1,600 square feet of office space for the Palm Beach Broadcasting Company on the first floor in lieu of second floor as required.	Variance#: 60-87	Town Council APPROVED the request.
December 8, 1987	A variance to allow the applicant to occupy approximately 1,200 square feet of office space for Island Realty and Property Management, Inc. on the first floor in lieu of second floor as required.	Variance#: 61-87	Town Council APPROVED the request.
April 27, 1988	Certificate of Appropriateness for identification signage to be in goldleaf lettering on the bottom of	COA#: 5-88	Approved by Landmarks Preservation Commission.

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	the glass window to read "PALM BEACH TV – 19" on the first line with "EXECUTIVE OFFICE" centered below it.		
April 27, 1988	Certificate of Appropriateness for the on-the-ground installation of a 16' diameter satellite dish to be painted green with adjacent landscaping on the North County Road side, thorough landscape screening on the east and south sides of the parking lot, and restriping of the parking spaces.	COA#: 7-88	Approved by Landmarks Preservation Commission.
May 25, 1988	Certificate of Appropriateness for two signs hand-lettered onto the window.	COA#: 10-88	Approved by Landmarks Preservation Commission.
May 25, 1988	Certificate of Appropriateness for removal and replacement of existing balcony guardrails to match existing, and replacement of rotted elements.	COA#: 13-88	Approved by Landmarks Preservation Commission.
June 14, 1988	A variance from Section 4.20, schedule of Use Regulations, to allow the applicant to occupy approximately 1,100 square feet of office space on the first floor in lieu of second floor as required.	Variance#: 35-88	Town Council APPROVED the request.
August 14, 1988	Certificate of Appropriateness for white vinyl signage on glass doors for "S.W.A.K. SURF SHOP."	COA#: 21-88	Approved by Landmarks Preservation Commission.
January 10, 1989	A variance from Section 5.51(f) of the Town Zoning Ordinance to allow installation of a second Dish Antenna on the premises, and only one antenna is permitted by code.	Variance#: 72-88	Town Council DENIED the request.
January 20, 2010	Certificate of Appropriateness for railing replacement.	COA#: 016-09	Approved by Landmarks Preservation Commission.
July 14, 2010	Permit the operation of a real estate brokerage office on the first floor.	Variance#:12-2010	Variance for Unit 15 in the Paramount Building. Did not meet all of the Special Use requirements in Section 134-1109(18). Town Council APPROVED the request.
May 10, 2017	Permit the replacement of an existing non-conforming sign (Section 134-2437 – Size of Sign) with an exact replacement.	Sign Variance#: V-16-2017	Town Council APPROVED the request.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
May 17, 2017	Certificate of Appropriateness for exact replacement of Paramount sign.	COA-020-2017	Approved by Landmarks Preservation Commission.
April 11, 2018	Permit the operation of a real estate brokerage office on the first floor.	Z-18-00085	Variance for Unit 15 in the Paramount Building. Did not meet all of the Special Use requirements in Section 134-1109(18). Town Council APPROVED the request.