

TOWN OF PALM BEACH

Information for Town Council Meeting on:

July 12, 2023

To: Mayor and Town Council Members, Serving as the Local Planning Agency & Town Council

Via: Kirk W. Blouin, Town Manager

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



Re: Amendment to the Special Exception Clause in the Commercial Districts Related to Business Tax Receipts (BTRs) and Non-Conforming Permitted Uses
Ordinance No. 009-2023

Date: July 12, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the ordinance on first reading accepting the preliminary findings of the proposed Code language related the Special Exception clause in the commercial districts related to Business Tax Receipts (BTRs) and non-conforming permitted uses.

BOARD OR COMMISSION RECOMMENDATION

On April 27, 2023, the Planning and Zoning Commission recommended Ordinance No. 009-2023, attached as Exhibit A, move forward to first and second reading with the addition of a maximum square footage cap for like for like uses that would not be required to obtain a Special Exception approval in order to obtain a Business Tax Receipt (BTR). The proposed Code language does not apply to restaurants, nightclubs, bar/lounges, cafés, dining rooms or outdoor cafés.

GENERAL INFORMATION

Currently, in order to obtain a BTR for a new business where that use has already been approved as a Special Exception in that zoning district, requires the new tenant to repeat the public hearing process for Special Exception Approval by the Town Council. This requirement is repetitive and cumbersome. Data was conducted into current square footage of retail businesses in determining a maximum square footage limitation. In addition, for informational purposes, research traced the background of the adopting ordinances which established the commercial zoning districts and provided for Special Exception Approval for all new businesses in order to obtain a new occupational license (See Exhibit B).

Staff is proposing to streamline the procedure from the affected commercial districts within the Zoning Code for retail, personal services, office, professional and business services, banks, and other financial institutions by removing the requirement that the tenant apply for a new Special

Exception. The proposed language does not apply to any space that is in excess of 6,000 square feet of gross leasable area (GLA) in the C-TS, C-PC, and C-B districts; and any space that is in excess of 8,000 square feet of GLA in the C-WA district. This allowance will not be granted to restaurants, bars, nightclubs, bar/lounges, cafés, dining rooms or outdoor cafés. Should a new restaurant, nightclub, bar/lounge, café, dining room or outdoor café application be submitted, Town Council review and approval will remain required.

TOWN ATTORNEY REVIEW

The subject code amendment has been reviewed and approved for legal form and sufficiency.

Attachment: Proposed Ordinance No. 009-2023
Research Backup

cc: James Murphy, Assistant Planning Director
Jennifer Hofmeister-Drew, Planner III, AICP