

RESOLUTION NO. 150-2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, FLORIDA, AMENDING RESOLUTION 069-2024 WHICH DECLARED ZONING IN PROGRESS IN REGARD TO THE REGULATION OF THE LOCATION AND LIMITATION OF THE NUMBER OF RESTAURANTS, BARS, NIGHT CLUBS, LOUNGES AND FOR-PROFIT PRIVATE CLUBS IN ALL COMMERCIAL ZONING DISTRICTS OF THE TOWN IN WHICH SAID USES ARE SPECIAL EXCEPTION USES TO EXTEND THE ZONING IN PROGRESS TO APRIL 8, 2025 AND TO EXPAND THE ZONING IN PROGRESS TO ENCOMPASS ALL ZONING DISTRICTS OF THE TOWN AND TO INCLUDE ALL PRIVATE CLUBS, WHETHER FOR-PROFIT OR NOT-FOR-PROFIT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the Florida Constitution and Chapter 166, Florida Statutes, the Town Council of the Town of Palm Beach (Town) has the home rule powers and authority to govern development within the Town; and

WHEREAS, with the adoption of resolution 069-2024 on June 12, 2024, the Town Council declared a zoning in progress to be in effect and directed the Planning and Zoning Commission, to consider, study and prepare regulations addressing the number and location of restaurants, bars, night clubs, lounges and for-profit private clubs within all commercial zoning districts of the Town in which such uses are special exception uses; and

WHEREAS, Resolution 069-2024 provided that zoning in progress would expire in six months or on December 10, 2024; and

WHEREAS, the Town's Planning and Zoning Commission has worked diligently to review the food and beverage uses in the commercial areas as well as the traffic and parking issues related to said uses, including by soliciting and receiving input and data from Town Staff, the Town's traffic engineering consultants at The Corradino Group, and the Town's zoning consultants at ZoneCo; and

WHEREAS, the Planning and Zoning Commission has determined, in consultation with The Corradino Group and ZoneCo, that several key pieces of data are still needed to resolve the zoning in progress, including traffic and study counts best obtained during the peak season months of December 2024 and/or January 2025; and

WHEREAS, at its public meeting on November 5, 2024, the Planning and Zoning Commission voted to recommend to the Town Council that the time period for the zoning in progress be extended to allow the additional data to be gathered and further recommended that the zoning in progress be expanded to encompass all zoning districts in the Town and to include all private clubs, whether for-profit or not-for-profit; and

WHEREAS, the Town Council agrees with the recommendations of the Planning and Zoning Commission and has determined that an additional four months' time is needed to complete the zoning in progress;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH, FLORIDA AS FOLLOWS:

SECTION 1. The whereas clauses are incorporated herein, and represent the Town Commission's legislative findings and intent regarding the necessity of extending zoning in progress.

SECTION 2. Section 1 of Resolution 69-2024 is hereby amended and replaced with the following text:

Section 1. Zoning in progress is hereby declared in all zoning districts of the Town.

SECTION 3. Section 2 of Resolution 69-2024 is hereby amended and replaced with the following text:

Section 2. This declaration of zoning in progress provides that no permits for new restaurants, bars, nightclubs, lounges or private clubs (whether for-profit or not-for-profit) shall be processed or granted during the period that this matter is under consideration and study by the Town, with the exception of any applications pending with the Town prior to the date of this resolution.

SECTION 4. Section 3 of Resolution 69-2024 is hereby amended and replaced with the following text:

Section 3. Zoning in progress shall remain in effect for the duration of this matter being under consideration by the Town through its Planning and Zoning Commission and the Town Council and until an ordinance relating to this matter is adopted which period of consideration and adoption is intended to be concluded by April 8, 2025. Nothing shall preclude the Town Council from extending the period of zoning in progress in consideration of this matter if determined necessary by the Town. This declaration of zoning in progress is of a temporary nature so as to allow a careful but expeditious study of this matter and may be concluded prior to the April 8, 2025, date if an ordinance relating to this matter is adopted prior to said date.

SECTION 5. This resolution hereby incorporates all other whereas and sections contained in Resolution 69-2024 attached hereto as Exhibit A.

SECTION 6. This Resolution shall take effect immediately upon its execution.

PASSED AND ADOPTED in a regular adjourned session of the Town Council of the Town of Palm Beach this 13th day of November, 2024.

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Bridget Moran, Town Council Member