

**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**

**UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS**

**TITLE: ART. 4, USE REGULATIONS [RELATED TO COCKTAIL LOUNGE] - FIRST READING AND REQUEST TO ADVERTISE FOR ADOPTION HEARING**

**Staff Recommendation:** Staff recommends approval of First Reading of ULDC Amendment Art. 4, Use Regulations [Related to Cocktail Lounge] and to advertise for Adoption Hearing on September 28, 2017.

**LDRAB/LDRC:** Land Development Regulation Advisory Board (LDRAB) Recommendation and Land Development Regulations Commission (LDRC) Determination: Recommended approval of the proposed amendments on July 26, 2017. All proposed ULDC amendments were found to be consistent with the Comprehensive Plan.

**BCC Public Hearings:** July 27, 2017, Request for Permission to Advertise for First Reading on August 24, 2017: Approved (5-0).

**MOTION:** To approve the Request for Permission to Advertise for First Reading of ULDC Amendment Art. 4, Use Regulations [Related to Cocktail Lounge] on August 24, 2017: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS: **ARTICLE 4, USE REGULATIONS:** CHAPTER B, USE CLASSIFICATION [RELATED TO COCKTAIL LOUNGE]; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE

**EXHIBIT A – Article 1, General Provisions**

Part	Article	Reasons
1.	<b>ULDC Art. 4.B.2.C.6, Cocktail Lounge</b>	<p>Clarify that a Cocktail Lounge located within 250 feet from residential and 750 feet from another Cocktail Lounge and in Commercial General (CG) Zoning District, or Commercial High (CH) Future Land Use (FLU) designation in Traditional Development Districts (TDD) or Planned Development Districts (PDD), is subject to Class A Conditional Use approval as identified in the Commercial Use Matrix.</p> <p>This amendment serves to address a glitch created inadvertently through the Use Regulations Project (URP). A supplementary Use Standard shows the use Permitted by Right in the mentioned zoning districts when in compliance with the separation requirements, meaning outside of 250' from residential or 750 feet from another Cocktail Lounge but it did not clarify when the Class A Conditional Use approval is applicable.</p> <p>Clarify provision that indicates how to measure the separation distance of a Cocktail Lounge from residential. Measurement is intended to be made from the closest point of the perimeter of the exterior wall regardless of what side of the building it is instead of just the rear of the building.</p>

ORDINANCE 2017 - \_\_\_\_\_

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS: **ARTICLE 4, USE REGULATIONS:** CHAPTER B, USE CLASSIFICATION [RELATED TO COCKTAIL LOUNGE]; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE

**WHEREAS,** Section 163.3202, Florida Statutes, mandates the County compile Land Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and

**WHEREAS,** pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-067, as amended from time to time; and

**WHEREAS,** the BCC has determined that the proposed amendments further a legitimate public purpose; and

**WHEREAS,** the Land Development Regulation Commission has found these amendments to the ULDC to be consistent with the Palm Beach County Comprehensive Plan; and

**WHEREAS,** the BCC hereby elects to conduct its public hearings on this Ordinance at 9:30 a.m.; and

**WHEREAS,** the BCC has conducted public hearings to consider these amendments to the ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida Statutes.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:**

**Section 1. Adoption**

The amendments set forth in the Exhibit listed below, attached hereto and made a part hereof, are hereby adopted.

- Exhibit A - Art. 4.B.2.C.6, Cocktail Lounge

**Section 2. Interpretation of Captions**

All headings of articles, sections, paragraphs, and sub-paragraphs used in this Ordinance are intended for the convenience of usage only and have no effect on interpretation.

**Section 3. Repeal of Laws in Conflict**

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

1           **Section 4. Severability**

2           If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other  
3 item contained in this Ordinance is for any reason held by the Court to be unconstitutional,  
4 inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this  
5 Ordinance.

6           **Section 5. Savings Clause**

7           All development orders, permits, enforcement orders, ongoing enforcement actions, and  
8 all other actions of the Board of County Commissioners, the Zoning Commission, the  
9 Development Review Officer, Enforcement Boards, all other County decision-making and  
10 advisory boards, Special Masters, Hearing Officers, and all other County officials, issued  
11 pursuant to the regulations and procedures established prior to the effective date of this  
12 Ordinance shall remain in full force and effect.

13           **Section 6. Inclusion in the Unified Land Development Code**

14           The provisions of this Ordinance shall be codified in the Unified Land Development Code  
15 and may be reorganized, renumbered or re-lettered to effectuate the codification of this  
16 Ordinance.

17           **Section 7. Providing for an Effective Date**

18           The provisions of this Ordinance shall become effective upon filing with the Department  
19 of State.

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21           **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach  
22 County, Florida, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

23  
SHARON R. BOCK, CLERK &  
COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY  
ITS BOARD OF COUNTY  
COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Paulette Burdick, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
County Attorney

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25           **EFFECTIVE DATE:** Filed with the Department of State on the \_\_\_\_\_ day of  
26 \_\_\_\_\_, 20\_\_\_\_.  
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# EXHIBIT A

## ART. 4.B.2.C.6, COCKTAIL LOUNGE SUMMARY OF AMENDMENTS (Updated 7/6/17)

- 1  
2 Part 1. ULDC Art. 4.B.2.C.6, Cocktail Lounge (pages 36 of 204), is hereby amended as follows:
- 3 CHAPTER B USE CLASSIFICATION
- 4 Section 2 Commercial Uses
- 5 C. Definitions and Supplementary Use Standards for Specific Uses
- 6 6. Cocktail Lounge
- 7 a. Definition
- 8 A use engaged in the preparation and retail sale of alcoholic beverages for consumption
- 9 on the premises.
- 10 b. Approval Process – CG and TDD or PDD with CH FLU
- 11 A Cocktail Lounge located in the CG Zoning District, or in a TDD or PDD with a CH FLU
- 12 designation, may be ~~Permitted by Right when in compliance with the separation distance~~
- 13 ~~below, subject to the following:~~
- 14 1) Permitted by Right when located outside the Separation Requirements; or,
- 15 2) the BCC may allow the use within the distances established in the Separation
- 16 Requirements, subject to Class A Conditional Use approval.
- 17 c. Typical Uses
- 18 A Cocktail Lounge may include but is not limited to taverns, bars, nightclubs, and similar
- 19 uses.
- 20 d. Zoning District - CN District
- 21 A Cocktail Lounge shall not exceed 3,000 square feet of GFA.
- 22 e. Accessory Use
- 23 An accessory Cocktail Lounge to an office, Hotel, or Motel shall not exceed ten percent of
- 24 the GFA.
- 25 f. Separation Requirements
- 26 A Cocktail Lounge, which includes outdoor areas, shall not be located within 250 feet of a
- 27 parcel of land with a residential FLU designation or use and shall be separated a minimum
- 28 of 750 feet from another Cocktail Lounge. The Zoning Director may ask for a signed/sealed
- 29 survey certifying that another lounge does not exist within 750 feet off the subject lounge,
- 30 a residential district is more than 250 feet from the subject lounge, or the subject lounge is
- 31 more than 500 feet from a school as required by the State of Florida, F.S. 562.45, as
- 32 amended. Measurement shall be taken from ~~the rear of~~ the structure to the property line
- 33 of a residential use or FLU designation.
- 34 ....

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### Notes:

- Underlined indicates **new** text.
- ~~Stricken~~ indicates text to be **deleted**. If being relocated, or partially relocated, destination is noted in bolded brackets **[Relocated to: ]** or **[Partially relocated to: ]**.
- *Italicized* indicates relocated text. Source is noted in bolded brackets **[Relocated from: ]**.
- .... A series of four bolded ellipses indicates language omitted to save space.