



**PLANNING & ZONING
STAFF REPORT**

I. DESCRIPTION

- Petition: Ordinance No. 2019-03: Amendments to Article 3 (Definitions); Article 6, Tables 6.4-1, 6.8-2 and Table C of the EOZD (Use Regulation Schedules) and Article 6, Section 6.4.4 (Supplementary Use Standards) of the Wellington Land Development Regulations (LDR).
- Applicant: Village of Wellington (Planning, Zoning and Building Department)
- Project Manager: Robert E. Basehart, AICP
- Request: Approval of Ordinance No 2019-03 to create definitions and criteria for determination of nightclub uses, to establish operational standards for such uses and to require Conditional Use approval for new nightclub businesses.

II. BACKGROUND

Over the past decade there have been approximately a half dozen alcohol related deaths in Wellington that involved persons that were on our roadways after having left establishments that function as nightclub type businesses. In some of these cases the persons involved were below the legal drinking age. Increased risk of instances of on and off site injury and property damage accidents, vandalism, assaults and various neighborhood disturbances have also been associated with these businesses. This experience is not unique to Wellington. Palm Beach County and some municipalities within the County have recently adopted ordinances to address and mitigate the potential negative impacts of these types of land uses. The ordinances generally create operational standards and are centered on establishing security requirements to implement the provisions. The Sheriff's Office provided staff with a copy of the County ordinance and has requested that Wellington consider the adoption of that ordinance or an ordinance of our own that is similar.

After reviewing the County ordinance staff determined that adoption of our own ordinance tailored to our own LDR is the preferential approach. We found that many of the provisions in the County Ordinance (and other municipal nightclub ordinances, such as Royal Palm Beach) are already covered by existing provisions in our LDR. The intent of this Ordinance is to create operational and locational standards in the LDR to supplement the Village's continuing efforts to prevent/deter the adverse impacts on surrounding neighborhoods and business that sometimes occur in association with these businesses; and to prevent/deter

occurrences of underage drinking and patron intoxication, that can contribute to accidents causing injury, death and property damage.

III. SUMMARY AND ANALYSIS

Currently, the Wellington LDR does not include any provision to treat nightclubs as a distinctive land use. Therefore nightclubs are regulated as restaurants, which have no regulation related to security or operational limitations.

The proposed Ordinance includes the following:

- Article 3 (Definitions) - Modifies the current definitions of Cocktail Lounge and Restaurant, General to clarify distinctions from other similar uses and creates new definitions for “Nightclub” and “Live Entertainment” (which is a determining factor for whether an establishment functions as a nightclub).
- Article 6, Section 6.4.4 - Creates new Subsection 78(A), adopting criteria that determines whether a business is a nightclub, establishes security requirements, establishes patron age restrictions (and exemptions), provides exemption for nightclub activities at permitted equestrian events (but only allows exempted activities to operate during actual competition), establishes enforcement, and provides that all nightclub businesses existing at the time of the adoption of this ordinance are deemed to be conforming land uses (but they are still required to comply with the operational requirements of this ordinance).
- Use Tables 6.4-01, 6.8-2 and Sec. 6.10, Table C - The LDR have 3 Use Tables; Straight Zoning Use Matrix, Planned Development Use Matrix and EOZD Use Matrix. All 3 are amended by this Ordinance to add “Nightclub” as a use type and require Conditional Use approval in the appropriate Zoning Districts or Future Land Use designations.

IV. PUBLIC HEARINGS

- Equestrian Preserve Committee - February 6, 2019
- PZAB - March 13, 2019
- Village Council First Reading - April 9, 2019
- Village Council second reading - May 13, 2019

V. STAFF RECOMMENDATION

Staff recommends approval of Ordinance No. 2019-03 to establish locational and operational standards for nightclub businesses.