



**Village of North Palm Beach
Planning, Zoning and Adjustment Board
AGENDA
Tuesday, February 6, 2024 at 6:30 pm
Village Hall Council Chambers**

1. Roll Call

Donald Solodar, Chair
Cory Cross, Vice-Chair
Thomas Hogarth, Member
Jonathan Haigh, Member
Kathryn DeWitt, Member
Scott Hicks, Member
Nathan Kennedy, Member
Village Staff, Attorney, and Councilmember

2. Deletions, Additions or Modifications to the Agenda

3. Public Comment for Non-Agenda Items

4. Approval of Minutes

a. December 5, 2023

b. January 2, 2024

5. Declaration of Ex-parte Communications

6. Quasi-judicial Matters / Public Hearing

The Village Attorney is to swear in all persons speaking.

a. Site Plan and Appearance Review

i. New Business

1. [324 Southwind Drive \(Exterior Building Color\)](#)

Application by Larry Rowe, from LB Rowe Inc., on behalf of the property owner, Marina Place of North Palm Beach, LLC, for Site Plan and Appearance approval to change the exterior building color scheme for the building located at 324 Southwind Drive.

2. [Mobile Food Truck Zoning Text Amendment](#)

Request by Village Staff to amend Article II, “District Regulations” of Appendix C (Chapter 45), and “Zoning” of the Village Code of Ordinances.

3. [Outdoor Seating Zoning Text Amendment](#)

Request by Village Staff to amend Article II, “District Regulations” of Appendix C (Chapter 45), and “Zoning” of the Village Code of Ordinances.

4. [Special Events Zoning Text Amendment](#)

Request by Village Staff to amend the Village’s Zoning Code to adopt regulations in reference to Special Events.

ii. Old Business

1. [PZAB year meeting schedule](#)

7. Staff Updates

- a. March meeting – March 5, 2024

8. Adjournment

All members of the public are invited to appear at the public hearing, which may be continued from time to time, and be heard with respect to this matter.

If a person decides to appeal any decision made with respect to any matter considered at the subject meeting, he or she will need to ensure that a verbatim record of the proceedings is made, which shall include the testimony and evidence upon which the appeal is to be based (F.S. 286.0105). In accordance with the Americans with Disabilities Act, any person who may require special accommodation to participate in this meeting should contact the Village Clerk’s Office at 841-3355 at least 72 hours prior to the meeting date.

This agenda represents the tentative agenda for the scheduled meeting of the Planning Commission. Due to the nature of governmental duties and responsibilities, the Planning Commission reserves the right to make additions to, or deletions from, the items contained in this agenda.



**THE VILLAGE OF NORTH PALM BEACH
PLANNING, ZONING AND ADJUSTMENT BOARD
REGULAR MEETING MINUTES
TUESDAY, DECEMBER 5, 2023 at 6:30 PM**

Present

Cory Cross, Vice Chair
Kathryn DeWitt, Member
Nathan Kennedy, Member
Scott Hicks, Member
Thomas Hogarth, Member

Absent

Donald Solodar, Chair
Jonathan Haigh, Member

Village Staff

Len Rubin, Village Attorney
Caryn Gardner-Young, Community Development Director
Kacy Morrone, Functional Manager

1. CALL TO ORDER

Vice-Chair Cross called the meeting to order at 6:33 p.m.

a. ROLL CALL

Roll was called, and it was determined a quorum was present.

2. DELETIONS, ADDITIONS, OR MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

3. PUBLIC COMMENT FOR NON-AGENDA ITEMS

There were no public comments.

4. APPROVAL OF MINUTES

There were no minutes to approve.

5. DECLARATION OF EX-PARTE COMMUNICATIONS

No ex-parte communications were reported or disclosed.

6. QUASI-JUDICIAL MATTERS/PUBLIC HEARING

The Village Attorney Rubin swore in those wishing to provide testimony.

a. SITE PLAN AND APPEARANCE REVIEW

i. OLD BUSINESS

1. 730 U.S. HIGHWAY 1 (BUILDING COLOR)

The applicant requested to table this matter to the January 2024 meeting.

ii. NEW BUSINESS

1. 613 NORTHLAKE BLVD (BUILDING WALL SIGN)

John Boyd from Bergen Signs presented a wall sign proposal on behalf of the property owner. He remarked that all specifications meet the code.

Member comments

Mr. Kennedy liked the sign and had no further comments.

Mr. Hoggarth inquired if the building was single or multi-tenant. Ms. Gardner-Young responded that it used to be a multi-tenant, but it was converted to a single tenant occupied by ABDCE Animal Hospital.

Ms. DeWitt liked the sign and had no further comments.

Mr. Hicks liked the nighttime lighting and the sign overall, and he had no further comments.

Ms. Gardner-Young shared the staff report with recommendations for approval.

Mr. Hogarth motioned to approve the petition as presented, seconded by Mr. Hicks. The **motion passed** unanimously (5-0).

7. BOARD MEMBER COMMENTS

Mr. DeWitt inquired if the other board meetings and agendas are broadcast live and posted. Mr. Rubin responded that the other boards or committees are not published live, and Agendas with Minutes are posted on the Village's website.

8. STAFF UPDATES

The proposed joint meeting date with the Town of Lake Park is January 8, 2024, at 6:00 p.m. Their Planning and Zoning Board has a quorum for this date. Ms. Gardner-Young explained the purpose of the joint meeting would be to discuss the Village Place Master Plan and to offer recommendations to the Village Council.

Mr. Cross recommended proposing another date to the Town of Lake Park, such as January 16 and January 22, 2024, since Board member Ms. DeWitt stated she could not attend the January 8, 2024 meeting. Also, to receive all the documentation of the Village Place with enough anticipation to review.

Ms. Gardner-Young reminded the Planning, Zoning and Adjustment Board that some of the members' terms are coming up in April 2024 and to contact the Village Clerk's office for more information.

The next meeting will be January 2, 2024.

9. ADJOURNMENT

With no further business before the Board, Mr. Cross adjourned the meeting at 6:56 p.m.



**THE VILLAGE OF NORTH PALM BEACH
PLANNING, ZONING AND ADJUSTMENT BOARD
REGULAR MEETING MINUTES
TUESDAY, JANUARY 2, 2024 at 6:30 PM**

Present

Donald Solodar, Chair
Cory Cross, Vice Chair
Kathryn DeWitt, Member
Jonathan Haigh, Member
Scott Hicks, Member
Thomas Hogarth, Member
Nathan Kennedy, Member

Village Staff

Len Rubin, Village Attorney
Caryn Gardner-Young, Community Development Director
Estefany Camargo, Executive Assistant

1. CALL TO ORDER

Chair Solodar called the meeting to order at 6:32 p.m.

a. ROLL CALL

Roll was called, and it was determined a quorum was present.

2. DELETIONS, ADDITIONS, OR MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

3. PUBLIC COMMENT FOR NON-AGENDA ITEMS

Lisa Jensen, 606 Shore Road, spoke regarding the Twin Cities Mall project. She stated she largely favors the project, but it is denser and taller than she expected.

4. APPROVAL OF MINUTES

a. NOVEMBER 14, 2023

Chair Solodar highlighted a typographical error.

Mr. Haigh motioned to approve the November 14, 2023 minutes as amended, seconded by Mr. Hicks. The **motion passed** unanimously (7-0).

b. DECEMBER 5, 2023

The December 5, 2023 minutes will be presented for approval at the next meeting.

5. DECLARATION OF EX-PARTE COMMUNICATIONS

No ex-parte communications were reported or disclosed.

6. QUASI-JUDICIAL MATTERS/PUBLIC HEARING

Village Attorney Len Rubin swore in those wishing to provide testimony.

a. SITE PLAN AND APPEARANCE REVIEW

i. NEW BUSINESS

1. 613 NORTHLAKE BLVD – ABCDE ANIMAL CLINIC (MONUMENT SIGN)

John Boyd, Bergen Signs, presented a monument sign proposal on behalf of the property owner. He remarked that all specifications meet the Code.

Member comments

Mr. Hicks asked about the geometry of the parking lot and the ability to get around the sign and planter proposed. Mr. Boyd advised there are currently dumpsters in the back which garbage trucks can access. He stated they had paced off the space and did not foresee any problems. Ms. Gardner-Young noted she would send the plan to Public Works for further review.

Ms. DeWitt commented that the sign looked nice and asked if there would be any protective barrier around the landscaping. Mr. Boyd stated nothing was planned at this stage. He discussed irrigation briefly.

Mr. Cross noted the numbers on top of the sign were a beautiful way to ensure the address could be seen. He asked what part of the sign would be illuminated at night. Mr. Boyd clarified.

Mr. Haigh added that he would like to see the island curbed to protect the landscaping and sign. He suggested reconsidering some of the species in the landscape plan due to heights and asked about the stone utilized for the sign. Mr. Boyd noted the stone was selected to match in color, if not stone type.

Mr. Hogarth asked whether the Code mentions a minimum height for the pedestal. Ms. Gardner-Young stated the sign meets Code. Mr. Rubin advised there was not a minimum.

Dr. Kennedy inquired regarding the staff condition related to the minimum height of plants. Ms. Gardner-Young clarified the requirement was Code. Discussion continued regarding pruning to keep the sign visible.

Chair Solodar had no further comments.

Ms. DeWitt liked the sign and had no further comments.

Ms. Gardner-Young shared the staff report with recommendations for approval with conditions. She noted the addition of three (3) conditions by the Board, including that the material color be similar to that of the building, the addition of curbing, and clearance for trucks.

Ms. DeWitt motioned to approve the petition with added conditions, seconded by Mr. Hogarth. The **motion passed** unanimously (7-0).

2. 635 U.S. HIGHWAY 1 – DESANO PIZZERIA (NORTH BUILDING WALL SIGN)

Zach Ciciera, Planner with Cotleur & Hearing presented a monument sign proposal on behalf of the property owner. He explained the application

required a waiver to the existing Commercial Planned Unit Development (PUD).

Member comments

Dr. Kennedy stated the sign was tasteful and would add to the site.

Mr. Hogarth commented that other businesses would take issue with not being able to have a similar sign outside of the PUD. Mr. Rubin provided clarification on the process.

Mr. Hicks did not have an issue with the sign and believed it would help a new business along the corridor.

Mr. Cross stated he understood Mr. Hogarth's concern but liked it in this case. He noted the sign was not very large.

Ms. DeWitt liked the sign and had no further comments.

Mr. Haigh asked whether the color scheme was black and white. Mr. Ciciera confirmed.

Chair Solodar noted there had been a lot of discussion about getting traffic to the location and the sign would be a helpful addition.

Ms. Gardner-Young shared the staff report with recommendations for approval.

Mr. Kennedy motioned to recommend approval of the petition as presented, seconded by Mr. Cross. The **motion passed** (6-1). Mr. Hogarth voted no.

3. 529 NORTHLAKE BLVD – SUSHI JO & BISTRO

John Samadi, 512 Marlin Road, expressed concern with a drainage catch basin proposed near the dumpster, lack of a grease trap in the drainage plan, a reduction in access without a public benefit, and with the inclusion of the easement in the pervious area calculations.

Applicant Presentation

Zach Ciciera, Planner with Cotleur & Hearing presented a proposal on behalf of the property owner for a site plan amendment with two (2) waivers for expansion of the existing building by 1,334 square feet, including modification and reduction of parking on the east boundary and a variance in width of the drive aisle.

Member comments

Chair Solodar asked Mr. Ciciera to respond to Mr. Samadi's concerns regarding the catch basin and grease trap. Mr. Ciciera explained.

Mr. Hicks asked staff what review had been done of the drive aisle for consistency with vehicle access. Ms. Gardner-Young outlined the review process followed and alternate plans explored to find the best remedy.

Mr. Hicks inquired regarding the pervious area. Donaldson Hearing, Coteleur & Hearing, stated there was a slight increase in impervious area. He noted the application met all water management requirements.

Ms. DeWitt asked about the monument sign. Mr. Hearing advised it would be painted and enhanced, but not changed.

Ms. DeWitt stated she appreciated the context in relation to parking. She inquired about the stucco on the building. Mr. Ciciera explained the stucco would be redone and painted.

Ms. DeWitt commented that she was excited to see tenants in the space.

Mr. Cross stated he liked the site plan and was not concerned with the parking, drive aisle, or impervious space, but did not like the elevation.

Mr. Haigh recused himself from the item, as his firm is a part of the applicant's team.

Mr. Hogarth expressed concern with proximity to the canal bank. Mr. Ciciera provided additional clarification. Mr. Hearing noted the team's civil engineer was reviewing adding bollards for additional vehicle protection.

Mr. Hogarth highlighted a discrepancy between the number of restaurant seats contemplated in the parking analysis and on the floor plan. Ms. Gardner-Young stated the total number of seats indoors and outdoors was to be 54. Mr. Hearing discussed the need for flexibility in how to operate within the limit. Scott Gareri, Co-owner, confirmed the commitment to maintaining no more than 54 seats. Discussion continued regarding seating and consensus was to request a seating management plan.

Mr. Hicks asked for clarification regarding proximity to the canal bank. Mr. Hearing advised that the applicant team would work with the Village Engineer to address the concerns.

Mr. Hogarth inquired as to how glare would be controlled from the lighting. Mr. Hearing explained.

Dr. Kennedy stated he appreciated the efforts of the applicant to work with staff and make compromises, and advised he was comfortable with the waivers presented.

Chair Solodar asked the applicant to respond to Mr. Cross' concerns regarding the elevations. Mr. Hearing responded briefly.

Ms. Gardner-Young shared the staff report with recommendations for approval. She noted the addition of conditions based on the Board discussion, including submittal of a seating management plan showing a maximum of 54 seats prior to Certificate of Occupancy, shielding on parking lot lighting, confirmation the line of sight is in compliance, and review by a professional engineer to determine whether protection measures are necessary in the rear of the site plan.

Discussion continued regarding the elevations. Mr. Cross reviewed ideas to improve the design.

Mr. Hogarth suggested the Board approve the site plan and revisit the architectural design with the signage package. Mr. Hearing agreed.

Mr. Hogarth motioned to approve the site plan including waivers as requested with conditions as outlined, with the understanding that the applicant will return for approval of the architectural appearance and signage, seconded by Ms. DeWitt. The **motion passed** unanimously (6-0). Mr. Haigh did not vote.

4. RE-ADOPTION OF MASSING PROVISIONS

Mr. Ruben provided a brief history, explaining the provisions were adopted in October 2022 and amended due to legislation which later was amended to exclude Palm Beach County.

Ms. Gardner-Young reviewed the recommended changes to the provisions and recommended approval.

Member comments

Mr. Hicks asked for clarification on the articulation setbacks. Ms. Gardner-Young and Mr. Ruben explained.

Ms. DeWitt stated she had liked the five (5) foot setback and asked for examples of the improvements proposed for blank walls. Ms. Gardner-Young responded.

Dr. Kennedy expressed concern there was still an outcome under the proposed provisions that could result in boxy houses. Discussion continued.

Mr. Cross stated he would like to see this adopted as soon as possible.

Lisa Jensen, 606 Shore Road, provided additional insight into the discussion of articulation in the ad-hoc committee.

John Samadi, 512 Marlin Road, commented on the expense associated with making updates to an existing house and advised there should be exceptions.

Mr. Cross discussed options for existing homes undergoing remodel. He suggested striking criterion 10.

Dr. Kennedy suggested the addition of the word “permanent” before “architectural element” in criterion 14.

Mr. Hogarth expressed concern with enforcement. Ms. Gardner-Young responded briefly.

Discussion ensued as to the requirement for four (4) features to avoid blank walls. Chair Solodar suggested a percentage rather than a number of features. Ms. Gardner-Young highlighted potential issues with the calculation.

Mr. Cross suggested reconvening the ad-hoc committee. Discussion continued as to timing constraints.

Ms. DeWitt reviewed the language and made suggestions for staff changes. Ms. Gardner-Young and Mr. Ruben agreed to revise section E.2.

Mr. Hogarth supported reconvening the ad-hoc committee rather than rushing into an option that may not be better.

Mr. Cross motioned to recommend Council readopt the original massing motion with revisions as discussed, seconded by Dr. Kennedy. The **motion passed** (5-2). Mr. Haigh and Mr. Hogarth voted no.

7. BOARD MEMBER COMMENTS

Mr. Cross commented that Prosperity Village has a little park that is supposed to be accessible to the public, but there is a six (6) foot high fence and eight (8) foot plantings between the park and the sidewalk. He asked staff to look into whether those elements were reflected on the site plan and landscape plan.

Chair Solodar thanked the Board for stepping up while he was out ill.

Mr. Haigh followed up on a question he asked at the October meeting regarding lighting in the Faith Lutheran Church parking lot. Ms. Gardner-Young advised that the review by the PZAB prior to building permits was overlooked by staff. She noted they have been advised of the need to file a revision and that application would come before the Board.

8. STAFF UPDATES

Ms. Gardner-Young advised that the Village Clerk's office would be sending notifications this month of expired terms on the Board. She stated a Community Development meet and greet was scheduled for January 23 at 8 a.m. at the Country Club and asked that the Board assist in sharing the information with the community.

Ms. Gardner-Young reminded the Board that the joint meeting with the Town of Lake Park Planning and Zoning Board to discuss the Village Place Master Plan is scheduled for January 8, 2024, at 6 p.m. Discussion ensued regarding the procedures and recommendations.

Mr. Hogarth noted a meeting on election day was listed on the Board's calendar, but the room was used as a voting precinct, so an update was needed.

Ms. Gardner-Young commented that two (2) new Code Enforcement officers had been hired and are now working weekends. She noted electronic permitting would be online shortly.

9. ADJOURNMENT

With no further business before the Board, Chair Solodar adjourned the meeting at 8:27 p.m.

SP-2024-001

Date: January 8, 2024

Revised:



COMMUNITY DEVELOPMENT DEPARTMENT REPORT AND RECOMMENDATION

Subject/Agenda Item:

SP-2024-001 324 Southwind Drive

Consideration of Approval: A request from Larry Rowe, from LB Rowe Inc., on behalf of the property owner, Marina Place of North Palm Beach, LLC, for Site Plan and Appearance approval to change the exterior building color scheme for the building located at 324 Southwind Drive.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☒ Quasi-Judicial

☐ Legislative

☐ Public Hearing

Originating Department: Planning & Zoning Project Manager _____ Caryn Gardner-Young, AICP	Reviewed By: Community Development Director _____ Caryn Gardner-Young, AICP
Attachments: <ul style="list-style-type: none">• Color Rendering• Paint Chips	Public Notice: <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Dates: Paper: Mailing <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Notice Distance:

I. Executive Summary

The applicant is proposing to change the exterior building color scheme to blue and white tones for the building located at 324 Southwind Drive. The properties surrounding the subject property are painted in light colors, particularly in yellow tones.

II. Site Data

Existing Use:

Rental Apartments

Parcel Control Numbers:

68-43-42-16-05-055-0070

Parcel Size: .63 acres
Existing Future Land Use Designation: High Density Residential
Existing Zoning District: Apartment Dwelling (R-3)

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	Existing Land Use	Future Land Use	Zoning District
North	Apts.	High Density Residential	Apartment Dwelling (R-3)
South	Marina Place of North Palm Beach	High Density Residential	Apartment Dwelling (R-3)
East	Shore Club Apts. B & C Condo	High Density Residential	Apartment Dwelling (R-3)
West	Southwind Circle Condominium	High Density Residential	Apartment Dwelling (R-3)

III. Annexation/Zoning History

The subject parcel site is located on the east side of Southwind Drive. The subject site has a future land use designation of High Density Residential and a zoning designation of Apartment Dwelling District (R-3).

IV. Applicable Code Provisions:

Section IV Criteria for Appearance D. Building Design

V. Summary of Proposed Site Plan and Appearance Details:

The petitioner's site plan and appearance documents consists of:

1. Exterior Building Scheme
2. Picture of Existing Exterior Building Scheme
3. Color Chips

VI. Staff Analysis:

Background:

The petition is for Site Plan and Appearance approval for the following:

1. New building colors for the following:
 - a. Base - Sherwin-Williams Extra White SW 7006
 - b. Trim - Sherwin-Williams Extra White SW 7006
 - c. Railings – Sherwin-Williams Extra White SW 7006
 - d. Body – Sherwin-Williams Extra White SW 7006
 - e. Caps - Sherwin-Williams Atmospheric SW 6505

- f. Fascia - Sherwin-Williams Atmospheric SW 6505
- g. Fence - Sherwin-Williams Atmospheric SW 6505

Standards and Staff Findings:

1. Building Design:

Building colors shall be harmonious, with bright or brilliant colors used only for accent. **The color proposed for the body of the building is white. The trim accent is a light blue which can be used as an accent. The colors are harmonious and reflect a clean look for the building.**

2. Building Design:

Materials shall be selected for suitability to the type of buildings and have the same materials, or those which are architecturally harmonious, used for all building walls and other exteriors building components wholly or partly visible from the public ways and adjoining properties. **The materials used are suitable for their use and the applicant is proposing to use the same materials for all building walls and exteriors visible from the public ways and adjoining properties, which makes them architecturally harmonious.**

VII. Staff Recommendation:

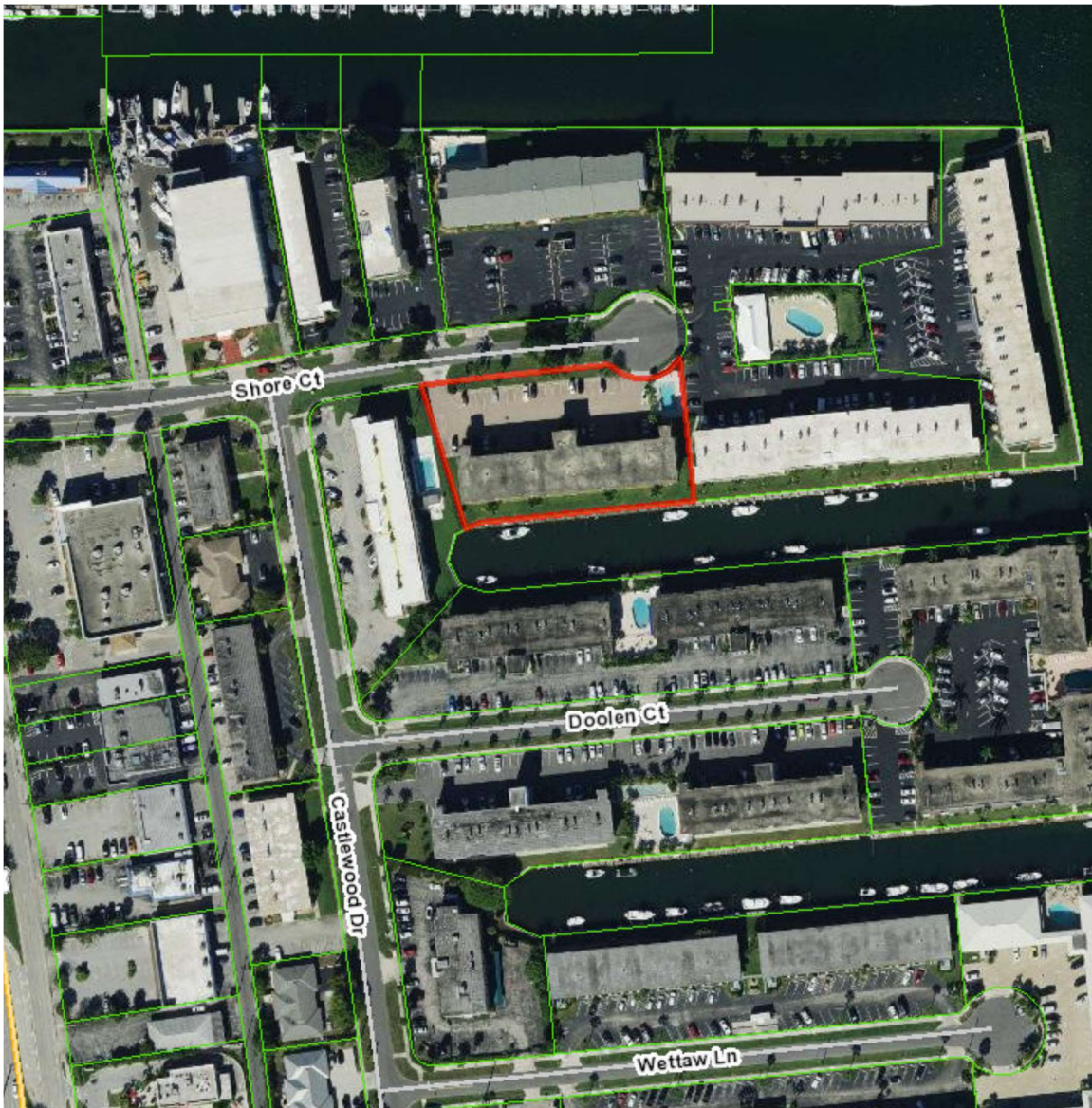
Approval of SP-2024-001 with the following conditions:

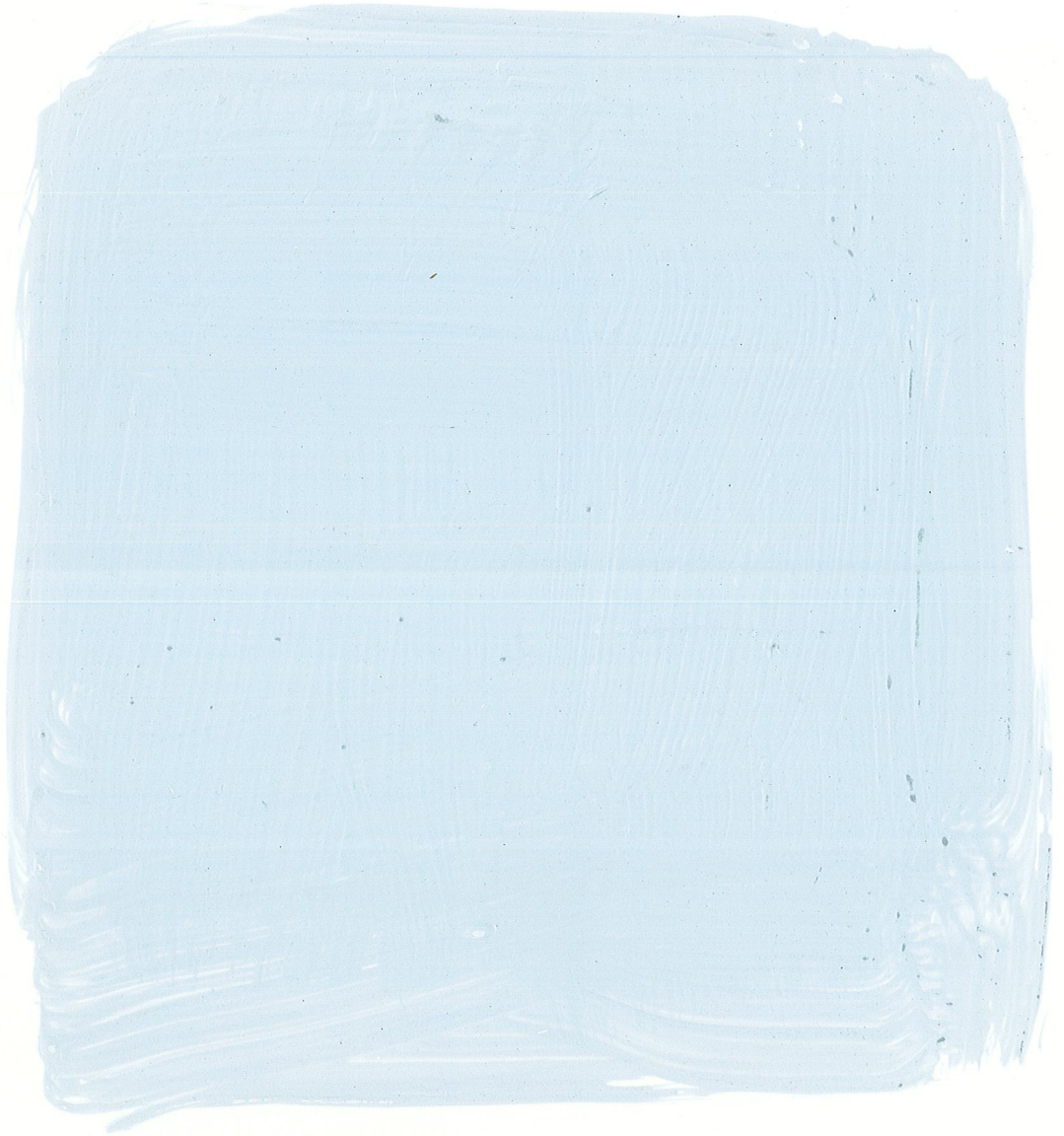
1. The most stringent requirements of Exhibit “A” Community Development Department Report and Recommendation dated January 8, 2024, and strict compliance with the Exhibits listed below, which are attached hereto and made part hereof as Exhibit “B”
 - a. Exterior Building Color Scheme
 - b. Pictures of Existing Exterior Building Color Scheme
 - c. Paint Chips
2. The site plan shall be revised as necessary to reflect all conditions of approval and re-submitted prior to the issuance of building permits. (Planning and Zoning)

3. Non-compliance with any of the conditions of approval will result in withholding of the issuance of building permits or a Certificate of Completion. (Planning and Building)
4. All advertisements and legal addresses on insurance policies and business correspondence shall clearly state that the project is located within the “Village of North Palm Beach”. (Planning and Zoning)

PLANNING , ZONING AND ADJUSTMENT BOARD ACTION – February 6, 2024

Exhibit B
Location Map





6505
TRIM

7006 BASE



VILLAGE OF NORTH PALM BEACH, FLORIDA

ORDER GRANTING SITE PLAN AND APPEARANCE APPROVAL

Applicant: Marina Place of North Palm Beach LLC (property owner)

Property Location: 324 Southwind, North Palm Beach, FL 33408 ("Property")

Legal Description: Lot 7, Block 55, Village of North Palm Beach Plat No. 5

Request: Approval for color change to building elevation

THIS MATTER came before the Planning, Zoning and Adjustment Board for hearing on February 6, 2024. After considering the testimony and other evidence presented by the Applicant and Village Staff, the Planning Commission hereby makes the following findings of fact:

1. Applicant's request meets the requirements for Site Plan and Appearance approval as set forth in Article II of Chapter 6 of the Village Code of Ordinances and Appendix A ("Appearance Plan").

Based on the foregoing findings of fact, it is ORDERED by the Planning Commission that the Applicants' request for Site Plan and Appearance approval is hereby **APPROVED** subject to the following conditions:

- A. The most stringent requirements of Exhibit "A" Community Development Department Report and Recommendation dated January 8, 2024, and strict compliance with the Exhibits listed below, which are attached hereto and made part hereof as Exhibit "B":
 - a. Exterior Building Color Scheme
 - b. Picture of Existing Exterior Building Color Scheme
 - c. Paint Chips
- B. The site plan shall be revised as necessary to reflect all conditions of approval and re-submitted prior to the issuance of building permits. (Planning and Zoning)
- C. Non-compliance with any of the conditions of approval will result in withholding of the issuance of building permits or a Certificate of Completion. (Planning and Building)
- D. All advertisements and legal addresses on insurance policies and business correspondence shall clearly state that the project is located within the "Village of North Palm Beach". (Planning and Zoning)

DONE AND ORDERED this _____ day of _____, 2024.

VILLAGE OF NORTH PALM BEACH

By: _____
Donald Solodar, Chair

ATTEST:

Caryn Gardner-Young, Community Development Director

Copies to:
Larry Rowe, petitioner agent
Caryn Gardner-Young, Community Development Director
Leonard G. Rubin, Village Attorney



COMMUNITY DEVELOPMENT DEPARTMENT REPORT AND RECOMMENDATION

Subject/Agenda Item:

ZTA-2023-004 Ordinance for Food Truck Text Amendment

Consideration of Approval: An Ordinance of the Village Council of the Village of North Palm Beach, Florida, amending Article II, "District Regulations" of Appendix C (Chapter 45), "Zoning" of the Village Code of Ordinances by amending Section 45-36 "General Provisions" to develop mobile food truck regulations and to create permitting regulations.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☐ Legislative

☒ Public Hearing

Originating Department: Planning & Zoning Project Manager _____ Caryn Gardner-Young, AICP	Reviewed By: Community Development Director _____ Caryn Gardner-Young, AICP
Village Council Action: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approve with conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____	Public Notice: <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Dates: Paper: Sun Sentinel Mailing <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Notice Distance:
Attachments: <ul style="list-style-type: none">• Mobile Food Truck Ordinance	

I. Executive Summary

Village of North Palm Beach (Village) Staff is proposing a change to Section 45-36 to develop regulations to allow mobile food trucks on public and private properties and to create permitting regulations.

II. Proposed Code Provision Modifications:

Please see the attached Ordinance.

III. Staff Analysis:

Mobile Food Truck Overview

Mobile food vendors, commonly referred to as food trucks, use a vehicle to sell or distribute food from a parked vehicle that is typically self-contained. A mobile vendor can either be flagged down by a customer and park for a few minutes to complete the transaction, such as an ice cream vendor, or park for several hours so customers can walk up to the vendor. Mobile food vendors have become increasingly popular and prevalent as part of the food and beverage industry over the past decade. Food trucks are popular with consumers due to the convenience and novelty of being located in different places at different times (often at festivals or special food truck events), the creativity and liveliness associated with food trucks, and the unique types of cuisine served. Food trucks can also be beneficial for local economic development as they can provide low-cost and low-barrier business opportunities for food entrepreneurs, bring diverse dining options to areas that may have few or no brick-and-mortar restaurants, and generate foot traffic and customers who may also support other nearby local businesses. While historically seen as competing with brick-and-mortar restaurants, food trucks are often seen now as complementary with such restaurants. The Village has not received complaints from existing restaurants regarding food trucks.

Existing Mobile food truck regulations

The Village Code does not address mobile food vendors operating on public property and only lists it as a permitted use in the Light Industrial Zoning District. Although the Village has not been inundated with food truck requests, its popularity has increased, and Village Staff feels it is only a matter of time before such requests will be received by the Village. The State of Florida has superseded home rule and stated that municipalities cannot require a license or permit for mobile food trucks to operate. However, the Village still has the ability to regulate food trucks without prohibiting them completely from the municipal limits.

In general, staff supports increasing opportunities for mobile food vendors on private property and at appropriate locations on public property as a way to further attract residents and visitors to the community. However, staff has identified several key policy and regulatory issues for the operation of mobile vendors on both private and public property as discussed below.

Village Staff is proposing the following regulations:

1. All mobile food vendors are required to obtain valid and relevant permits from the Palm Beach County Health Department and obtain a fire inspection by the Village.
2. All mobile vendors are required to have property owner authorization as part of the permit application and shall have a minimum of one employee at all times (i.e., cannot be unattended)
3. Food trucks selling items other than packaged or pre-packaged food items shall be licensed as mobile food dispensing vehicles by the Florida Department of Business and

Professional Regulation, Division of Hotels and Restaurants and shall comply with all rules and regulations promulgated by the Division, including, but not limited to, those pertaining to potable water and waste disposal. Food trucks selling packaged and pre-packaged food items shall only be licensed by the Florida Department of Agriculture and Consumer Services.

4. The food truck would be restricted to a certain time of operation on private property. If the intent is for the use to be temporary, then the number of days in any one location could be limited to a few days per week. However, this would not necessarily preclude the mobile vendor from operating in another location on different days. Staff is recommending that a food truck not be parked at one location for longer than a maximum of four (4) days per week for no more than three (3) consecutive days.
5. Food trucks would not be allowed on vacant properties. There are few vacant or undeveloped lots in the Village's commercial and industrial zoning districts. Staff believes it would be best if mobile food vendors operated on developed lots that have paved parking lots as opposed to dirt lots that can create dust issues.
6. Staff is proposing one food truck per parcel but there is a possibility that multiple mobile food vendors may want to park on the same property. Staff would regulate this through the issuance of a Special Events/Temporary Use Permit to the property owner due to potential impacts.
7. Mobile vendors are commercial businesses that may attract customers ranging from a few customers every hour to many customers in a short time period, such as during lunch or dinner time. The most appropriate locations to operate would be within commercial and industrial zones rather than in residential zones since mobile vendors would be parked in a stationary location typically during normal business operations. Therefore, Staff is recommending that food trucks be permitted not only in the Light Industrial Zoning District but also the US-1 Mixed Use Zoning District (C-MU) and all Commercial Zoning Districts (CS, C-G, and C-3), except the Commercial Transitional (C-T) Zoning District.
8. Mobile food trucks would be required to provide support for their operations, including tables, chairs, and bathrooms

Recommendation:

Based on the increased interest in mobile food vendors, as well as the Village's outdated Code, Village Staff believes it is timely to update the Code of Ordinances to better address mobile vendors on both private and public property.

Analysis: Consistency with the Comprehensive Plan

Future Land Use Element

Objective 6 states that the Village shall encourage infill development and redevelopment along the Northlake Blvd and U.S. Highway No. 1 corridor. By allowing the outdoor seating process to be approved through a streamlined permitting process, developers may be more willing to consider redevelopment within the Village's municipal boundaries.

Consistency with the Code of Ordinances

The Department of Community Development Planning Division is responsible for updating the Village's land development regulations and to assist Village administration with development or redevelopment planning concepts. The proposed text amendment is to promote the economic health of the village and ensure the Department's operations are efficient and effective and to streamline the outdoor seating approval procedures. Thus, the proposed text amendments and their effects are consistent with the overall Code of Ordinances, insofar as no proposed amendment directly conflicts with or otherwise hinders the implementation or enforcement of other standards currently embedded in the Code of Ordinances that are not subject to this amendment. The proposed amendments further the goals of the Village Council.

IV. Staff Recommendation:

Adoption of Ordinance.

BUSINESS ADVISORY BOARD ACTION – December 19, 2023

On a Motion by Board Member Lantz and seconded by Board Member Jones, the Business Advisory Board approved unanimously (5-0) the language as presented by staff with two (2) modifications which are add a definition of public restroom and exempt a food truck vendor from the regulations if they received approval through the Site Plan process.

PLANNING AND ZONING ADJUSTMENT BOARD ACTION – February 6, 2024

[illegible]

Commercial District (C-G); and the Regional Business District (C-3). Mobile food vendors are not permitted in the Commercial Transitional District (C-T) due to its proximity to residential dwelling units. All mobile food vendors operating as an accessory use shall be subject to the requirements and limitations set forth in this subsection.

(2) Definitions. When used in this subsection, the following terms and phrases shall have the meanings ascribed to them below, except when the context clearly indicates a different meaning:

a. Ice cream truck means a motorized vehicle or vehicle-mounted trailer from which only prepackaged, individually portioned frozen novelties or desserts, such as ice cream sandwiches, frozen yogurt bars, popsicles, or other frozen dessert products defined in F.S. §502.012, are sold.

b. Mobile food vendor means the operator of a motorized vehicle or vehicle-mounted trailer used for the operation of food service activities or for the operation of an ice cream truck.

c. Public Restroom means a room or small building with toilets (or urinals) and sinks for public use.

(3) Applicability. It is a violation of this code for a mobile food vendor to sell any product at any location or in any manner that is not in compliance with the requirements of this subsection and the requirements of state law. The provisions of this subsection shall not apply to a mobile food vendor who has voluntarily executed an agreement with the village for operation in a public area incidental to a village-sponsored special event, with the terms and conditions of the agreement governing the operation of the mobile food vendor, or a mobile food vendor who received approval of its location through site plan approval by the village.

(4) Operation in rights-of-way. Mobile food vendors shall not operate within a public or private right-of-way.

(5) Consent and employee requirements. Mobile food vendors shall have the written consent of the property owner or owners prior to operating on private property and shall have a minimum of one employee at all times. The vehicle or trailer cannot be left unattended.

(6) Location requirements. A mobile food vendor shall operate from a stationary location; however, the mobile food vendor may operate from multiple locations throughout the day in accordance with the requirements of this subsection. An ice cream truck may operate as a moving vendor but only along a roadway defined as a local road in the transportation element of the village's comprehensive plan.

1 (7) Operation.
2

- 3 a. Hours. A mobile food vendor may only operate during the posted
4 operating or business hours of the park or on-site office, business, or
5 construction site, or between the hours of 9:00 a.m. and 10:00 p.m. if
6 no such activity is occurring on-site. Operating hours include time
7 required for setup and breakdown of the food truck operations. A
8 mobile food vendor shall not be permitted to remain at the operating
9 location overnight or otherwise outside of the permitted operating
10 hours.
- 11
12 b. Number of mobile food vendors. Only one mobile food vendor shall
13 operate per parcel, including any property consisting of multiple
14 parcels joined under a unity of title or governed by a single, village-
15 approved site plan, except as may otherwise be permitted by a special
16 event or temporary use permit obtained by the property owner and
17 issued by the village.
- 18
19 c. Number of days. A mobile food vendor may operate at a single location
20 up to a maximum of four (4) days per week but for no more than three
21 (3) consecutive days.
- 22
23 d. Health license. Mobile food vendors selling items other than packaged
24 or pre-packaged food items shall be licensed as mobile food dispensing
25 vehicles by the Florida Department of Business and Professional
26 Regulation, Division of Hotels and Restaurants and shall comply with
27 all rules and regulations promulgated by the Division, including, but
28 not limited to, those pertaining to potable water and waste disposal.
29 Mobile food vendors selling packaged and pre-packaged food items
30 only shall be licensed by the Florida Department of Agriculture and
31 Consumer Services.
- 32
33 e. Items authorized for sale. A mobile food vendor is only permitted to
34 sell food and beverages.
- 35
36 f. Noise requirements. Amplified music or other sounds from
37 mobile food vendors are prohibited, and mobile food vendors shall
38 comply with the noise control regulations set forth in article vi of
39 chapter 19 of this code.
- 40
41 g. State license. At any time during operation, upon request, a mobile
42 food vendor shall provide the village with a valid state license issued
43 pursuant to F.S. § 509.241.
- 44
45 h. Fire Inspection. Prior to operating within the village, all mobile food
46 vendors shall receive an annual village fire rescue department safety
47 inspection at a location determined by the village. Failure to obtain a
48 safety inspection prior to operating within the village may result in an

1 irreparable or irreversible code compliance violation and a fine of up
2 to five thousand (\$5,000) per violation.

3
4 i. Electrical service. Electrical service may be provided by either an on-
5 board generator or through a temporary electrical connection, subject
6 to compliance with all applicable codes and any permitting
7 requirements. Permanent connections for electrical service shall be
8 prohibited.

9
10 j. Removal from property. Mobile food vendors shall be removed from
11 the property when not in operation. The property where the mobile
12 food truck is located shall be thoroughly cleaned at the time of removal
13 and all waste related to the food truck operation shall be promptly
14 removed from the property.

15
16 k. Restrooms. Public restrooms shall be available on the property for
17 customers of the mobile food vendor.

18
19 l. Waste receptacles. Mobile food vendors are prohibited from utilizing
20 village-owned receptacles for collection or disposal of waste.

21
22 m. Placement of items. Except as provided herein, the placement or
23 storage of any item related to a mobile food vendor's business is
24 prohibited from being located on the street, sidewalk, or ground
25 immediately surrounding an operating mobile food vendor. The
26 following items may be placed in the immediate area of operation if
27 they do not impede, endanger, or interfere with pedestrian or vehicular
28 traffic:

29
30 i. Two trash receptacles;

31
32 ii. One recycling receptacle; and

33
34 iii. Outdoor tables or seating provided that they are set back a
35 minimum of five (5) feet from any sidewalk, ten (10) feet from
36 any driveway and above ground utilities, fifteen (15) feet from
37 any fire hydrant, two hundred (200) feet from any brick-and-
38 mortar restaurant or outdoor dining area, and fifty (50) feet from
39 any residentially-zoned property.

40
41 (8) Limitations on sales.

42
43 a. The sale of alcoholic beverages is prohibited unless authorized by a
44 special event or temporary use permit issued by the village.

45
46 b. The sale or display of items that are obscene, offensive, or are otherwise
47 deemed inappropriate by the village is prohibited.
48

- 1 c. Mobile food vendors shall not post or utilize any advertising, except
2 that the prices, product descriptions and name of the food truck may be
3 posted on the vehicle. Mobile food vendors shall not post or utilize any
4 freestanding advertisements, flags, balloons, streamers, flashing lights,
5 banners or other similar attraction devices or utilize person(s) to
6 advertise the food truck.

7
8 (9) Operational restrictions on private property.
9

- 10 a. Mobile food vendors shall not operate in a manner that would restrict
11 or interfere with the ingress or egress of the abutting property owner or
12 tenant; create or become a public nuisance; increase traffic congestion
13 or delay or constitute a hazard to traffic; constitute a hazard to life or
14 property; or obstruct adequate access by a fire rescue, police, or
15 sanitation truck.
16
17 b. Onsite parking requirements shall be maintained for the principal use
18 of the property, as well as for customers of the mobile food vendor.
19 The mobile food vendor shall not be parked in a fire lane or blocking
20 fire hydrants; in American with Disabilities Act (ADA) accessible
21 parking spaces and/or accessible ramps; on an unimproved surface or
22 in any driveway aisles; or in “no parking” zones or loading only areas.
23

24 (10) Enforcement.
25

- 26 a. All mobile food vendors shall make the vehicle available for routine
27 inspections by the village fire marshal, building official, or code
28 enforcement officer at any time requested and at any frequency deemed
29 appropriate, while at a location or in operation, to ensure compliance
30 with all applicable federal, state, and local fire safety statutes,
31 regulations and codes, and the requirements and regulations of this
32 subsection.
33
34 b. All mobile food vendors shall comply with all requirements of the most
35 current edition of the Florida Fire Prevention Code (FFPC), including
36 the National Fire Protection Association (NFPA) 1 Fire Prevention
37 Code and the NFPA Life Safety Code. Upon inspection, if the fire
38 marshal or his or her designee determines any violations of the FFPC
39 or NFPA codes exist, the mobile food vendor shall be required to cease
40 operations immediately.
41
42 c. If at any time evidence is provided that a mobile food vendor is being
43 operated in a way that does not comply with the regulations of this
44 subsection, a notice of violation shall be issued to the lot owner and the
45 mobile food vendor and the violation shall be referred to the special
46 magistrate for a hearing and disposition in accordance with the
47 provisions of this code.
48

1 Section 3. The Village Council hereby amends Article III, "District Regulations," of Appendix
2 C (Chapter 45), "Zoning," of the Village Code of Ordinances by amending Section 45-38 to read as
3 follows (additional language is underlined and deleted language is ~~stricken through~~):
4

5 **Sec. 45-38. I-1 light industrial district.**
6

7 * * *

8 D. *Supplemental use regulations for select permitted or special exception uses.*
9 Permitting or special exception uses in the I-1 district shall be subject to the
10 following regulations:
11

12 * * *

13
14 14. Food trucks: Food trucks shall be subject to the regulations applicable
15 to mobile food vendors as set forth in section 45-36(W) of this code.
16

17 a. ~~Food trucks shall only be permitted as an accessory use to a~~
18 ~~primary, approved use.~~
19

20 b. ~~Food trucks selling items other than packaged or pre-packaged~~
21 ~~food items shall be licensed as mobile food dispensing vehicles~~
22 ~~by the Florida Department of Business and Professional~~
23 ~~Regulation, Division of Hotels and Restaurants and shall~~
24 ~~comply with all rules and regulations promulgated by the~~
25 ~~Division, including, but not limited to, those pertaining to~~
26 ~~potable water and waste disposal. Food trucks selling packaged~~
27 ~~and pre-packaged food items only shall be licensed by the~~
28 ~~Florida Department of Agriculture and Consumer Services.~~
29

30 * * *

31
32 Section 4. The provisions of this Ordinance shall become and be made a part of the Code of the
33 Village of North Palm Beach, Florida.
34

35 Section 5. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for
36 any reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such
37 holding shall not affect the remainder of the Ordinance.
38

39 Section 6. All ordinances or parts of ordinances in conflict with this Ordinance are hereby
40 repealed to the extent of such conflict.
41

42 Section 7. This Ordinance shall become effective immediately upon adoption.
43
44

45 [Remainder of page intentionally blank]
46
47

1 PLACED ON FIRST READING THIS ____ DAY OF _____, 2024.

2
3 PLACED ON SECOND, FINAL READING AND PASSED THIS ____ DAY OF _____,
4 2024.

5
6
7 (Village Seal)

MAYOR

8
9
10 ATTEST:

11
12 _____
13 VILLAGE CLERK

14
15
16 APPROVED AS TO FORM AND
17 LEGAL SUFFICIENCY:

18
19 _____
20 VILLAGE ATTORNEY



COMMUNITY DEVELOPMENT DEPARTMENT REPORT AND RECOMMENDATION

Subject/Agenda Item:

ZTA-2023-002 Ordinance for Outdoor Seating Zoning Text Amendment

Consideration of Approval: An Ordinance of the Village Council of the Village of North Palm Beach, Florida, amending Article II, "District Regulations" of Appendix C (Chapter 45), "Zoning" of the Village Code of Ordinances by amending Section 45-36 "General Provisions" to modify the outdoor seating regulations and create an outdoor seating permit process.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☐ Legislative

☒ Public Hearing

Originating Department: Planning & Zoning Project Manager _____ Caryn Gardner-Young, AICP	Reviewed By: Community Development Director _____ Caryn Gardner-Young, AICP
Village Council Action: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approve with conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____	Public Notice: <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Dates: Paper: Sun Sentinel Mailing <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Notice Distance:
Attachments: <ul style="list-style-type: none">• Outdoor Seating Ordinance	

I. Executive Summary

Village of North Palm Beach (Village) Staff is proposing a change to Section 45-36 to allow outdoor seating through a one-time permit application process rather than a Site Plan and Appearance Amendment process.

II. Proposed Code Provision Modifications:

Please see the attached Ordinance.

III. Staff Analysis:

In response to COVID-19 impacts, most municipalities, including the Village, began to allow restaurant outdoor seating to enable patrons to support the business without people being in close proximity to each other. The pandemic has subsided, but the desire of residents to eat outdoors has continued.

The current process for approving outdoor seating is through the Site Plan and Appearance process. This process requires the restaurant operator and/or property owner to file an application and receive Planning and Zoning Adjustment Board (PZAB) approval. This process delays the operation of the outdoor seating for at least several months. Since 2016, there are two Site Plan or PUD Amendments to allow outdoor seating which were approved - Cucina Cabana, and PA BBQ.

Village Staff recommends changing the approval process from a Site Plan and Appearance review by the PZAB to a one-time permit application review by Village Staff. The proposed process would be more business-friendly by eliminating the need of a public hearing and providing the Village more control over the impacts of the outdoor seating by allowing the Village to revoke the permit to stop the offensive activity rather than the only remedy of a code enforcement action.

The existing outdoor seating regulations will continue with Village Staff proposing several changes, which are as follows:

1. Adding that calculations of the existing building's square footage and number of existing seats, number of employees working during peak employment hours, and the proposed square footage and number of seats in the outdoor seating area is to be provided by the applicant.
2. Requiring a copy of a valid and current state alcoholic beverage license to serve alcohol in the proposed outdoor seating area and any other license or approval required by the village, including, but not limited to, a business tax receipt is to be provided by the applicant.
3. Clarifying that any increase in total occupancy resulting from the addition of outdoor seating shall require approval of all appropriate agencies, including but not limited to, the fire rescue department, utility providers, and the state Department of Business and Professional Regulation.
4. Requiring that all outdoor seating and furniture be stored securely when not in use. If seatings and furnishings are stored outside, they shall be covered by solid tarps.

When not in use, heaters and other seasonal equipment shall not be visible from the public right-of-way. If a hurricane or tropical storm watch or warning is issued for any part of the village, all unaffixed outdoor seating and furnishings shall be stored inside a secure building or structure.

5. Outlining the one-time permit process.

Analysis:

Consistency with the Comprehensive Plan

Future Land Use Element

Objective 6 states that the Village shall encourage infill development and redevelopment along the Northlake Blvd and U.S. Highway No. 1 corridor. By allowing the outdoor seating process to be approved through a streamlined permitting process, developers may be more willing to consider redevelopment within the Village's municipal boundaries.

Consistency with the Code of Ordinances

The Department of Community Development Planning Division is responsible for updating the Village's land development regulations and assisting Village administration with development or redevelopment planning concepts. The proposed text amendment is to promote the economic health of the village, ensure the Department's operations are efficient and effective, and streamline the outdoor seating approval procedures. Thus, the proposed text amendments and their effects are consistent with the overall Code of Ordinances, insofar as no proposed amendment directly conflicts with or otherwise hinders the implementation or enforcement of other standards currently embedded in the Code of Ordinances that are not subject to this amendment. The proposed amendments further the goals of the Village Council.

IV. Staff Recommendation:

Adoption of Ordinance.

BUSINESS ADVISORY BOARD ACTION–October 17, 2023

On a Motion by Board Member Lantz and a second by Board Member Jones, the Business Advisory Board unanimously recommended approval (6-0) of the Ordinance as presented by staff.

PLANNING AND ZONING ADJUSTMENT BOARD ACTION– February 6, 2024

- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9

Page 1 of 8

- a. The outdoor seating area is adjacent to that portion of the food service establishment which is inside the building.
- b. The outdoor seating is located on property which is either owned or leased by the adjacent food service establishment or the landlord of such food service establishment. (See exceptions in subsection (6))
- c. The outdoor seating can be accommodated without impeding the access of the general public, including persons with disabilities, to the portion of the food service establishment which is located inside the building, or to any other commercial business or other use.
- d. The outdoor seating can be accommodated without creating a need for additional parking spaces which could not be provided on the same site as the building for which the outdoor seating would be an accessory use or would create a non-conforming status for existing parking provided for such building. (See exceptions in subsection (6))
- e. No outdoor seating shall be permitted for adult entertainment establishments.

(2) *Permitting process.* An applicant for approval of outdoor seating shall include the proposed outdoor seating as part of an overall application for a building permit and/or site plan and appearance approval or shall seek amendment of an existing building permit and/or site plan and appearance approval to allow for outdoor seating, pursuant to the applicable provisions of this Code. However, effective January 1, 2024, applications for outdoor seating shall be established through the issuance of an outdoor seating permit in accordance with subsection (7) below. Every application involving outdoor seating shall include the following, in addition to and not in place of anything else which may otherwise be required by any other provision of this Code:

- a. A site plan, drawn to scale, which shows at least the building for which outdoor seating will be an accessory use; the location of the food service establishment which will use the outdoor seating; the location of the outdoor seating and all related fencing screening, or dividing materials; the location of any sidewalks or other pedestrian walkways or passageways which are adjacent to or will be affected by the outdoor seating; the location of any indoor seating area that is being restricted or replaced by an outdoor seating area; and the location of all existing or additional parking for such building.
- b. A copy of the written consent of any person or business who other than the applicant owns or leases any property, including

any sidewalk or other public passageway, upon which
the outdoor seating would be located.

c. Photographs, renderings, or samples showing the style and color of all furnishings, fencing, screening, or dividing material to be used for or in conjunction with the outdoor seating.

d. Calculations of the existing building's square footage and number of existing seats, number of employees working during peak employment hours, and the proposed square footage and number of seats in the outdoor seating area.

e. If applicable, a copy of a valid and current state alcoholic beverage license to serve alcohol in the proposed outdoor seating area and any other license or approval required by the village, including, but not limited to, a business tax receipt.

(3) *Conditions of outdoor seating.* Outdoor seating shall comply at all times with the following conditions:

a. Outdoor seating shall be arranged, when in use, in a manner that allows a pedestrian walkway in compliance with applicable accessibility, building, and fire codes.

b. Outdoor seating located on a pedestrian walkway which provides access to more than one (1) occupant of a building, as in a shopping center, shall be arranged, when in use, in a manner that maintains a passage of not less than five (5) feet in width.

c. Outdoor seating of an applicant shall not be located on any sidewalk, passageway, or other property adjacent to any other business.

d. Outdoor seating shall not occupy any area designated for parking. (See exceptions in subsection (6))

e. Outdoor seating which is used for the service and sale of food or beverages of any kind within the outdoor seating area, shall be physically separated and visually distinct from any immediately adjacent public passageway or walkway by means of approved fencing or screening material which is not less than two (2) feet in height, by means of one (1) or more planter boxes and other plant container, by means of some other approved divider, or any combination of such means, but not including tables, chairs or other seating.

f. Outdoor seating areas may only contain tables, chairs, umbrellas and/or awnings and required fencing or screening materials. All such equipment shall be compatible in color and

style with the exterior of the building and shall not contain or have affixed to it any sign, lettering, or advertising of any kind. Only furniture that is designed as outdoor furniture to withstand the elements (rain and sun) shall be utilized in the outdoor seating area.

g. Outdoor seating shall be maintained in a secure manner, whenever the food service establishment is closed to the public.

h. Establishments with outdoor seating with food and beverage service shall meet all health code and other applicable code requirements of restaurants.

i. Any permanent or temporary structures associated with outdoor seating, including, but not limited to, awnings and covered roofs shall not encroach into the required building setback areas. Tables, chairs, umbrellas, fencing, screening, and dividing materials shall not be located closer to the property line than two-thirds ($\frac{2}{3}$) of the required front, side, or rear building setback. (See exceptions in subsection (6))

j. Any increase in total occupancy resulting from the addition of outdoor seating shall require approval of all appropriate agencies, including but not limited to, the fire rescue department, utility providers and the state department of business and professional regulation.

k. Outdoor seating and furniture shall be stored in a secure manner when not in use. If seatings and furnishings are stored outside, they shall be covered by solid tarps. Heaters and other seasonal equipment shall not be visible from the public right-of-way when not in use. If a hurricane or tropical storm watch or warning is issued for any part of the village, all unaffixed outdoor seating and furnishings shall be stored inside a secure building or structure.

(4) *Limitations on use.* Except for outdoor seating located in an inner court:

a. All sales and service of food and beverages in an outdoor seating area are prohibited between the hours of 10:30 p.m. and 7:00 a.m., Sunday through Thursday, and between the hours of 11:00 p.m. and 7:00 a.m., Friday through Saturday.

b. Outdoor seating areas shall ~~be in compliance~~ comply with the village's noise regulations.

b. Alcoholic beverages may be consumed within an outdoor seating area provided that the business is licensed to serve alcoholic beverages.

(5) *General requirements.* Outdoor seating which increases the total number of seats available at a food service establishment shall be considered an expansion of use. Such outdoor seating shall be included in any calculation of the total number of seats provided by the food service establishment, but not limited to, parking, restroom facilities and business taxes.

(6) *Special requirements for C-MU and C-3 zoning districts.* In the C-MU and C-3 zoning districts only, the preceding requirements for outdoor seating are modified as follows:

a. Outdoor seating may be provided on sidewalks that have been constructed on sidewalk easements that were required by this code as long as this seating does not unduly restrict pedestrian movement. Outdoor seating may not be provided on sidewalks within the right-of-way of US Highway 1, Yacht Club Drive, Anchorage Drive, Lighthouse Drive, Ebbside Drive, or Northlake Boulevard.

b. Outdoor seating may be provided within build-to zones required by this Code.

c. Outdoor seating may be provided on an area designated for parking and/or loading without providing additional parking spaces. However, permission for such outdoor seating would be on a provisional basis and would be subject to revocation as follows:

i. Permission may be revoked by the community development director if there is evidence that the permission is contributing to spillover parking on nearby properties.

ii. Permission would be automatically revoked if the code enforcement special magistrate issues an order confirming a violation of a parking-related provision of this Code.

(7) *Permit and fees.* Commencing January 1, 2024, it shall be unlawful for any person to establish outdoor seating unless a valid permit has been obtained from the village pursuant to this section. The provisions of this section shall not apply to properties with approved outdoor seating areas as of January 1, 2024. The outdoor seating permit shall be on a form provided by the village. No permit shall be issued until all the requirements of this section have been met and all required fees paid.

Permits shall not be transferable. All permits shall comply with the following:

- a. The initial outdoor seating application fee, along with the permit fee, shall be based upon the square footage of the outdoor seating area and both shall be established as part of the village's master fee schedule. Should the outdoor seating permit be cancelled for any reason, a new application fee shall be required for any subsequent permit issued.
- b. Any property with an outdoor seating area established prior to January 1, 2024, shall be permitted to continue such use in accordance with the approved plan without obtaining an outdoor seating permit. Should the outdoor seating area be discontinued or abandoned for a period of (30) days or more, the owner or operator shall be required to apply for and obtain an outdoor seating permit in accordance with the requirements of this subsection or shall be required to remove all outdoor seating elements.

(8) Denial, revocation, or suspension of permit; removal and storage fees; jurisdiction of the Code Enforcement Board or civil violations; emergencies.

- a. In addition to the initiation of code enforcement proceedings to enforce the provisions of this code, the village manager or his/her designee may deny, revoke, or suspend an outdoor seating permit if he/she determines that:
 1. Any necessary permit has lapsed or has been suspended, revoked, or canceled.
 2. Changing conditions of pedestrian or vehicular traffic cause congestion necessitating the removal or modification of the outdoor seating area to avoid danger to the public health, safety, or general welfare.
 3. The permittee has failed to correct violations of this code or conditions of permitting within three (3) days of receipt of written notice of same.
 4. If the permittee receives more than three (3) code enforcement violations within any twelve (12) month period for non-compliance with the applicable outdoor seating regulations, the permit shall be terminated and no refunds of the permit application fee shall be granted. The permittee may not receive a new permit for six (6) months.

- 1 b. Should the permittee fail to remove said items within thirty-six
2 (36) hours of receipt of the written notice from the village
3 manager or his/her designee ordering removal or relocation of
4 the outdoor seating area, the village may remove or relocate or
5 order the removal or relocation of tables and chairs and other
6 vestiges of the outdoor seating area and charge a reasonable fee
7 for labor, transportation, and storage. However, in the event of
8 an emergency, no written notice of relocation or removal shall
9 be given and relocation and/or removal shall commence
10 immediately.
- 11
- 12 c. The permittee may appeal the order of the village manager as
13 noted below.
- 14
- 15 d. The village may immediately remove or relocate all or parts of
16 the outdoor seating area or order said removal or relocation in
17 emergency situations, without written notice. In an emergency
18 or upon the issuance of a hurricane or tropical storm warning
19 for any part of the village, the permittee shall place indoors all
20 tables, chairs, and other equipment located in the outdoor
21 seating area. Failure to comply shall result in violation of this
22 subsection which shall result in the issuance of a fine not to
23 exceed \$500.00.

24

25 (9) Appeals.

26

- 27 a. Appeals of the decision of the village manager or his/her
28 designee shall be initiated within ten (10) days of a permit
29 denial, revocation, or suspension, or of an order of removal or
30 relocation, by filing a written notice of appeal with the village
31 manager.
- 32
- 33 b. The village manager shall place the appeal on the first available
34 code enforcement special magistrate agenda. At the hearing on
35 appeal, the magistrate shall hear and determine the appeal, and
36 the decision of the magistrate shall be final and effective
37 immediately. The magistrate shall apply the standards set forth
38 above.
- 39
- 40 c. The filing of a notice of appeal by a permittee shall not stay an
41 order of the village manager or his/her designee regarding the
42 suspension, revocation or denial of the permit, or the relocation
43 or removal of the vestiges of the outdoor seating area. Vestiges
44 of the outdoor seating shall be removed as set forth in this
45 section, pending disposition of the appeal and the final decision
46 of the magistrate.
- 47
- 48 d. Appeals from the decision of the special magistrate shall be to
49 the circuit court. Such an appeal shall not be a hearing de novo,

1 but shall be limited to appellate review of the record created
2 before the magistrate.
3

4 Section 3. The provisions of this Ordinance shall become and be made a part of the Code of the
5 Village of North Palm Beach, Florida.
6

7 Section 4. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for
8 any reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such
9 holding shall not affect the remainder of this Ordinance.
10

11 Section 5. All ordinances or parts of ordinances and resolutions or parts of resolutions in conflict
12 herewith are hereby repealed to the extent of such conflict.
13

14 Section 6. This Ordinance shall take effect immediately upon adoption.
15

16 PLACED ON FIRST READING THIS ____ DAY OF _____, 2023.
17

18 PLACED ON SECOND, FINAL READING AND PASSED THIS ____ DAY OF _____,
19 2023.
20

21
22 (Village Seal)

MAYOR

23
24
25 ATTEST:
26

27 _____
28 VILLAGE CLERK
29

30 APPROVED AS TO FORM AND
31 LEGAL SUFFICIENCY:
32

33 _____
34 VILLAGE ATTORNEY

Chapter 21 – PLANNING AND ZONING

Article VII - SPECIAL EVENTS

Sec. 21.108. - Findings and intent.

(a) The village council finds that special events open to the general public or a substantial segment of the public often attract a large gathering of people which may cause adverse public health and safety conditions requiring municipal regulation to ensure adequate sanitation and sewage disposal facilities, police services, fire rescue personnel and equipment, parking, traffic control and crowd control, and other regulations in the interest of public health, safety, and welfare.

(b) It is the intent of the village council that this article be enacted to protect and promote the health, welfare and safety of the residents and visitors of the Village of North Palm Beach. It is the further intent of the village council that this article be construed liberally in favor of protecting and promoting the health, welfare and safety of the residents and visitors of the Village of North Palm Beach.

Sec. 21-109. - Definitions, exceptions.

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverages mean all beverages containing more than one percent of alcohol by weight.

Applicant means any person or organization desiring to hold a special event who has made timely application for a special event permit.

Application means a written request on forms supplied by the department of community development which set forth the information required to be provided by this article.

Application fee means the nonrefundable fee paid in connection with an application made pursuant to this article.

Village manager is the North Palm Beach Village Manager or his/her designee. Unless specified otherwise by the Village Manager, the Manager's designee shall be the Director of the Community Development Department.

Firework means and includes any combustible or explosive composition, or any substance or combination of substances, or, except as hereinafter provided, any article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges and toy cannons in which explosives are used, the type of balloons which require fire beneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, and any fireworks containing any explosive or flammable compound or any tables or other device containing any explosive substance.

Parade means any procession, march or assembly wherein the participants travel by foot, vehicle or otherwise in or upon any street, sidewalk, public right-of-way, bicycle path, public property, or public parking facility within the village; provided, however, that the term "parade" shall not include a peaceful procession or peaceful picketing that is conducted off the street or roadway in conformance with all traffic laws, village ordinances and state statutes and not in a manner as to obstruct vehicular or pedestrian traffic.

Public use means any lawful utilization of village-owned parks, grounds, or other facilities which is not prohibited by any applicable regulation, ordinance, or law and which does not in fact interfere with, or tend to interfere with, or obstruct the use of the park grounds or facilities by the general public or by any other person or person previously authorized to utilize the same.

Special event means any sale, grand opening, photo shoot, party, holiday celebration, bazaar, concert or other performance, fair, carnival, tent revival, fundraising event, art festival, race, tour, rally, parade, bicycle run, demonstration, contest, exhibition, block party, outdoor display or similar event or occurrence, including the use of tents, or other devices or structures to conduct, advertise or promote any such event occurring on public or non-public lands or in a public right-of-way such as a public or non-public street, shared-use path, alley or other public place or building, park, beach, parking lot, vacant lot, where the event would substantially inhibit the usual flow of pedestrian or vehicular travel or which occupies any public area or building so as to preempt use of said area by the general public for its intended use or which deviates from the established use of said area or building, but such term does not include the following:

- (1) Any usual and customary noncommercial accessory use of a residential dwelling unit; or
- (2) Any use or activity specifically approved by a development permit issued by the village or specifically permitted by this Code; or
- (3) Events on private property that make no use of public property other than for lawful parking and where the event would not substantially inhibit the usual flow of pedestrian or vehicular travel; or
- (4) Any garage sale conducted in compliance with the requirements of this Chapter 17 of the Code of Ordinance or
- (5) Any usual or customary use of village parks pursuant to the village's rental policy where such use does not require the assistance of village or public safety personnel; or
- (6) An event or function held at a private home or residence by the homeowner, and which event or function is of a private and nonprofit nature.

Special sales event means a special event held for the principal purpose of selling products or services or promoting a business. A special sales event is conducted entirely in private commercially zoned property which contains retail and service establishments whose goods and services are the subject of the special event, and which is not otherwise permitted by the village's zoning regulations.

(b) *Exceptions.* This article shall not apply to the following:

- (1) Funeral processions;

- (2) Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities;
- (3) A governmental agency acting within the scope of its functions;
- (4) Public gatherings occasioned by news or affairs coming into public knowledge within two days of such public gathering, provided that the organizer thereof gives written notice to the village at least 24 hours prior to such public gathering;
- (5) Political or public issue events, which are events of a political nature or public concern, including, but not limited to, speech making, picketing, protesting, marching, demonstrating, or debating public issues on a public place or public places;
- (6) A motor vehicle or motor vehicles operating in compliance with all applicable traffic laws, ordinances and regulations;
- (7) A pedestrian or pedestrians merely crossing a street, or traversing a sidewalk, while obeying all applicable traffic and pedestrian laws, ordinances and regulations, and which crossing or traversing does not obstruct other pedestrian traffic on a sidewalk;
- (8) Individual residential garage sales, however, no more than two sales shall occur per calendar year, per residence.
- (9) Village events in Village Parks which are not listed here – Arbor Day, Hot Cars/Chili Cook Off, Easter Egg Hunt, Heritage Day, July 4th, Touch a Truck, Links 5K, Haunted House, Tree Lighting and Santa's Trolley Rides.

Sec. 21-110. - Permit required for special events.

- (a) No person, organization, firm or corporation shall conduct, participate in, advertise for or in any way promote, organize, control, manage, solicit or induce participation in a special event unless a special event permit has first been obtained from the village as provided in this article.
- (b) The fees for special event permits shall be established by resolution of the village council; provided that, unless otherwise determined by the village council, all applicants shall be responsible to bear the costs of any special event.
- (c) Any requested waiver of the special event application permit fees or any fees associated with the rental or use of village equipment or property for a special event shall be made in writing at least forty-five (45) days prior to the event start date and requires approval of the Village Manager.
- (d) The application for a special events permit shall include the following information:
 - (1) The name, address and telephone number of the person or persons seeking to conduct the special event. If the special event is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization;
 - (2) The purpose of the special event, along with a site plan;

- (3) The ultimate use of net proceeds from the special event;
- (4) The name, address and telephone number of the person or persons who will be responsible for conducting the special event;
- (5) The dates and hours when the special event is to be conducted and the location of such event;
- (6) The estimated number of participants or those otherwise attending and the estimated number of vehicles participating or parking near the event. If the event is a parade, the estimated number of units in each category, such as band, marching units, floats, cars, etc.
- (7) The number, type, location and provision for toilet facilities during the event;
- (8) A statement describing what portion of any street, right-of-way or parking area will be occupied by the event;
- (9) Whether any music will be provided, the hours of duration and location of such bands or loudspeakers, along with the numbers and types of such amplifiers or other such devices;
- (10) Location of assembly and disband areas for the event and proposed time of assembly and disband;
- (11) The location and size of any area designated for parking;
- (12) Applicant's provisions for cleanup after the conclusion of the special event;
- (13) Applicant's provisions for security, traffic control and crowd control;
- (14) Applicant's intent to have food and drinks and whether or not such food or drinks will be sold or otherwise dispensed; who will be supplying such food or drinks and who will receive the funds obtained from the sale of such food and drinks and the names and addresses of all vendors, as soon as available;
- (15) Applicant's intent to serve alcoholic beverages;
- (16) What provisions have been made for any needed electric power; and
- (17) Whether admission fees will be charged or prizes given and the dollar amounts involved;
- (18) Proof of general liability insurance with the village named as an additional insured if the event is held on public or village owner property;
- (19) Copies of all fliers, handbills, newspaper advertisements and other advertising that the event organizer anticipates using to promote or advertise the special event;
- (20) A list of all concessionaires and vendors in addition to the event organizer, if any;
- (21) Copies of all required federal, state and local business or regulatory licenses required to be held by the event organizer;

(22) The number, type, size and location of tents to be used during the event; and

(23) Whether any generators will be used during the event

(e) Application submittal deadlines. The special events permit application deadline is as follows:

Chart 21.1

Special Event Type	Deadline (Prior to Event)
Special event held on public property or on public right-of-way, except for high-impact events	6 weeks
High-impact event on public property or on public right-of-way	4 months
Special event held on private property	4 months
Neighborhood block party special event	6 weeks

Sec. 21-111. - Standards and criteria for approval of application.

(a) The Community Development Director shall review all special event applications, along with the Development Review Committee where applicable. Each application shall be uniformly considered upon its merits and the village shall not discriminate in granting or denying permits based upon political, religious, ethnic, race, disability, sexual orientation or gender related grounds. The village shall approve a permit application as provided for herein when, based on the application and such other information as may otherwise be obtained, it is determined that each of the following criteria is met:

(1) A completed application must be filed with the village in accordance by Chart 21.1, unless said time period is waived by the Village Manager.

(2) The conduct of the special event will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;

(3) The conduct of the special event will not require the diversion of so great a number of law enforcement officers to prevent normal police protection of the village;

(4) The concentration of persons, animals and vehicles for any special event will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such special event;

(5) The conduct of the special event is not reasonably likely to cause injury to persons or property;

(6) The special event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(7) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;

(8) There are sufficient parking places near the site of the special event to accommodate the number of vehicles reasonably expected;

- (9) The applicant has secured the necessary police and fire protection at its sole cost and expense;
- (10) The event will not overburden village facilities or the village's public safety (fire and police) services or other necessary public services of the village;
- (11) The application for permit does not contain any material falsehood or misrepresentation;
- (12) The applicant is legally competent to contract or to sue and be sued;
- (13) The application for permit is fully complete and executed;
- (14) The applicant, or person on whose behalf the application for permit was made, has never damaged or failed to pay for damage to village property;
- (15) The applicant is devoting sufficient personnel and resources to the event commensurate with the scope of the event; and
- (16) If alcohol is to be sold, consumed and/or possessed at the special event, the application at a minimum shall include a detailed proposal for such sale, indicating among other things, who is expected to be the vendor or vendors, whether such vendors presently hold any type of license for the sale and/or consumption of alcoholic beverages and the exact locations and times for such sales. Village Manager approval is required for the sale and consumption of alcoholic beverages on village property. Should the sale and consumption of alcoholic beverages be approved, the applicant must obtain the proper sales license; and liability insurance described in Chapter 3 of the Code of Ordinances.
- (17) If the event requires the use of a village, county or state roadway, written permission must be obtained from the applicable government agency. The applicant shall be responsible to furnish, place and remove all barricades, traffic cones, flashers and other traffic control devices as may be required for traffic control. The village may set forth a list of roadways requiring such approval. Village Manager approval is required for the closure of any county/state roadway with the proper Florida Department of Transportation and/or Palm Beach County Temporary Road Closure permit(s).
- (18) Required permits or approvals from any other agency with jurisdiction, including the Army Corps of Engineers for events on waterways, must be obtained a minimum of thirty (30) days prior to the event.
- (b) No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a village street, sidewalk, or right-of-way unless advance approval for the erection or placement of the structure is obtained from the village manager.
- (c) No permit shall be granted if a special event permit has already been granted for the same or similar time period but a different location if the police and fire resources required for that prior special event are so great that in combination with the subsequent proposed application, the resulting deployment of police or fire services or other necessary services for the proposed special event would have an immediate and adverse effect upon the welfare and safety of persons and property.

(d) In making a determination on a special event permit application, the Community Development Director may consider any other approved or proposed special event(s) scheduled to take place at the same time, or times of normally heightened activity. In cases of two or more special event applications that, because of their locations, times, expected attendance or other relevant factors, the Community Development Director determines cannot reasonably be accommodated at the same time, priority shall be given, first, to annual events that have occurred for at least three consecutive years and, second, to applications in the order received.

(e) Such permits shall set forth conditions reasonably necessary for the protection of the rights, property and personal safety of all parties based on the criteria set forth herein. Failure to substantially fulfill the conditions set forth in such permit shall render such permit null and void.

Sec. 21-112. - Conditions for permit.

The village shall issue a permit with all conditions, limitations and other requirements. It shall be the responsibility of the applicant to ensure that all supervisors on site have possession of the permit, or an accurate copy thereof, at all times and have the authority over the persons working at the event to enforce the conditions of the permit. It shall be the obligation of the applicant to specifically list the supervisors that shall be at the site and have said authority to assure that at all times at least one such supervisor is in attendance at the event and available to village personnel. All special event permit applications approved pursuant to this article shall be subject to the following conditions:

(a) The public area utilized shall be cleaned immediately following any special event and in all respects restored to its former condition within twenty-four (24) hours after the event, or such other period as fixed by written agreement or the special event permit. A refundable security bond, cash or similar financial pledge may be required, in an amount to be determined by the Community Development Director, to ensure that any damage is repaired and the premises returned to its previous condition.

(b) Special event permit holders shall comply with the village's noise control Chapter 19, Article VI.

(c) The use or construction of structures, booths, platforms, chairs or other equipment or facilities may be prohibited or restricted by the Community Development Director if such would result in permanent damage to village property or constitute a hazard to public safety.

(d) All rules or regulations promulgated by the village council applicable to the use of the village property on which the special event will occur shall be obeyed, unless previously and specifically waived by the village.

(e) A special event permit holder shall indemnify and hold the village harmless from any and all claims, suits, actions, damages or causes of action arising as a result of the special event or of the condition of the premises on which the special event is held, including those arising during the event itself, and those arising during its preparation and removal before and after the event, for any personal injury or loss of life, or damage to or loss of property, and from and against any orders, judgments, or decrees which may be entered thereon, and from and against any costs and attorneys' fees incurred in and about the defense of any such claims, and the investigation thereof. A special event permit holder shall also provide comprehensive general liability insurance in an

amount determined by the village; however, in no event shall the amount be less than one million dollars (\$1,000,000). Proof of such insurance, naming the village as an additional insured, shall be delivered to the village at least 30 calendar days prior to the issuance of a special event permit.

(f) When requested, a contract containing the terms and conditions for permitting the event shall be signed by the parties prior to the issuance of the special event permit.

(g) Alcohol may be sold, consumed and possessed at special events only in accordance with the terms and conditions of the special event permit which at a minimum shall include the vendor or vendors authorized to sell alcoholic beverage and the time and place of such sales. Should the permit holder be conducting the alcohol sales themselves, the comprehensive general liability insurance mentioned in subsection (e) above, must include liquor liability coverage in an amount determined by the village. The permit holder must obtain the proper sales license from the Division of Alcoholic Beverages and Tobacco. All vendors authorized to sell alcoholic beverages must provide proof of liquor liability coverage in an amount determined by the village. Servers must be trained and the applicant and all personnel selling alcoholic beverages shall impose a limit of two (2) alcoholic beverages per person per sale. The sale of alcoholic beverages shall be stopped one (1) hour prior to the end time of the special event.

(h) If the sponsor of the event is other than the actual owner of the property as indicated by the Palm Beach County tax rolls, a notarized letter of permission from the owner must be included giving the property owner's authorization to use the property for the event.

(i) Such other conditions as deemed necessary by the Community Development Director to protect the public health and safety.

Sec. 21-113. - Permit denial and reasons.

(a) The permit for the special event shall be granted, unless one or more of the following conditions is found to exist:

(1) The application is incomplete in a material respect;

(2) The application has been fraudulently completed;

(3) A prior permit has already been issued for the same area requested, within the same calendar month;

(4) An adjacent public area already has been scheduled for use at the same time and simultaneous uses cannot be accommodated;

(6) The estimate of the anticipated attendance is in excess of the maximum designated as allowable for the area;

(7) The Police Chief or his or her designee has factual knowledge that the applicant or sponsoring group specifically intends to cause or create imminent lawless actions in connection with the special event. Anticipated violence on the part of persons unassociated with the applicant or sponsoring group shall not be considered.

(b) Nothing contained in this article shall permit the Community Development Director or his/her designee to deny a permit based upon political or religious grounds.

Sec. 21-114. - Law enforcement services.

No special event application shall be approved without a review for the necessity of law enforcement services. The Police Chief or his or her designee shall determine whether and to what extent additional police protection is reasonably necessary for the special event for traffic control and public safety. The Police Chief shall base this decision on the size, location, duration, time and date of the event; the expected sale or service of alcoholic beverages; the number of streets and intersections blocked; and the need to detour or preempt citizen travel and use of the streets and sidewalks. If possible, without disruption of ordinary police services or compromise of public safety, regularly scheduled on-duty personnel will police the event. If additional police protection is deemed necessary by Police Chief or his or her designee, the applicant shall be required to provide such protection at the applicant's sole cost and expense. If the applicant wishes to proceed at the date or time requested and the adequate police services can be provided as an additional expense, then the applicant may request that the permit be issued upon agreement by the applicant to pay the cost of the additional police services. The decision of the Police Chief shall be final. No special event shall be permitted which does not comply with the requirements for police protection as determined by the Police Chief or his or her designee.

Sec. 21-115. - Fire and fire rescue services/emergency medical services.

(a) No special event application shall be approved without a review for fire and life safety. The Fire Chief or his or her designee shall approve or deny all applications for special events and any firework displays based on the criteria contained herein. The Fire Chief will determine whether and to what extent additional fire and life safety is reasonably necessary for the special event, parade, public assembly or fireworks display. The Fire Chief shall base this decision on the requirements of the Florida Fire Prevention Code, crowd size, location, duration, time and date of the event, the expected sale or service of alcoholic beverages, and the number of streets and intersections blocked. If additional fire protection, inspection or fire watch is deemed necessary by the Fire Chief, the applicant shall be required to provide such protection at the applicant's sole cost and expense. The decision of the Fire Chief shall be final. No permission shall be granted for the use of fireworks without the execution of a hold harmless/indemnification agreement and the provision of a certificate of insurance naming the village as an additional insured, both acceptable to the village.

Sec. 21-116. - Regulation of temporary holiday sales.

(a) Purpose and intent. The purpose and intent of these regulations is to establish minimum requirements for temporary holiday sales, in order to discourage the exterior display and placement of Christmas trees, pumpkins, fireworks and similar items that are principally sold during the holidays, in an unsightly, distracting, cluttered or hazardous manner. As used in this section, "temporary holiday sales" shall be defined as the sale of the specific merchandise listed below from nonpermanent buildings or structures or outside of any structure during the allowable timeframe.

(b) *Districts.* Temporary holiday sales may only be sold at locations within any non-residential zoning district or from areas immediately adjacent and utilized in conjunction with the commercially zoned property or from any property owned by a non-profit organization or institution.

(c) *Approval required.* It shall be unlawful for any establishment or organization to display the sale of the items described in subsection (d) outside a principal building in conjunction with a temporary holiday sales event without first having secured Special Events Permit approval as required by these regulations.

(d) *Display.* Temporary holiday sales shall be permitted, subject to the regulations contained in this section, only for the following categories listed:

(1) Independence Day and New Year's Eve for state approved pyrotechnical items;

(2) Halloween for pumpkins and related items such as, but not limited to, Native American corn and gourds; and

(3) Christmas for Christmas trees and related items such as, but not limited to, stands, bags, bows and wreaths.

(e) *Duration.* Temporary holiday sales shall be permitted under this section only for a temporary period of time, as prescribed below:

(1) *Fourth of July:* A maximum of ten days preceding the holiday.

(2) *New Year's Eve:* A maximum of ten days preceding the holiday.

(3) *Pumpkins:* Halloween: October 20 through November 1.

(4) *Christmas trees:* The day after Thanksgiving through December 26.

(f) *On-site location.* All sales activity, including but not limited to any display or merchandise shall be completely contained within the boundaries of the subject property or leased parcel and subject to the following requirements:

(1) Pyrotechnical items may only be sold at locations within a nonresidential zoning district. Such sales shall not be permitted to be made from areas located within 1,000 feet from:

a. Any fuel storage facility of any kind or any area where hazardous or inflammatory materials are stored.

b. Pyrotechnical items may be sold only if each sales location has been approved by the fire department.

(2) All setup activities may begin ten days before the sale date and all evidence of the sales activity must be removed within five days.

(3) At any given location approved for temporary holiday sales under this section, there shall be a maximum of one temporary holiday sales vendor.

(4) All sales activity, including but not limited to any display, structures, equipment or merchandise, shall be at least fifteen (15) feet from the property line.

(5) No signs, equipment, vehicles, storage containers, inventory, display cases or table or objects related to the intended sales activity may be placed on the subject property prior to the date set for set-up activity. All signs, equipment, vehicles, storage containers, inventory, display cases, tables or other objects related to the sales activity must be removed by the date set for removal and the property must be returned to its former condition. It is the intent of this section, and it is the obligation of the applicant and the owner, to assure that no evidence of the intended sales activity will be seen prior to the set-up date and that all evidence of the sales activity is removed by the date for removal. Failure to strictly comply with these requirements shall be a violation of this section.

(6) No truck or trailers longer than thirty (30) feet in length shall be permitted to remain at the site and only one truck or trailer less than thirty (30) feet in length may remain at the site.

(7) Storage of Inventory shall be permitted only for that specific site.

(g) The sale of the items described in subsection (d) shall only be permitted after the application for such sale has been submitted, reviewed, and approved by the Community Development Director or his/her designee. At a minimum, the form shall require:

(1) A site plan which reasonably depicts:

a. The area in which the sales are to occur;

b. The ingress and egress to the sales area;

c. Any barriers, structures, barricades, or other buildings that will be used for the sale of the items or to segregate the sale of the items from other uses in the area;

d. The area in which parking will occur (temporary parking maybe located within pervious and impervious areas);

e. Location of signs, equipment, trailers, and storage area; and

f. Life safety plan

(2) Provisions for insurance information; and

(3) Such other information as the village deems appropriate.

(4) No sales shall occur until such time as the application has been reviewed for conformity with the requirements contained in this section and the applicant acknowledges approval of the application with conditions by signing the application, which the application shall be in a form prescribed by staff and may contain any conditions which staff deems necessary to comply with the spirit and intent of this section and which he deems necessary to protect the public health, safety and welfare.

(h) No temporary holiday sales shall be permitted and no application approved if it is determined that the manner in which the sales are to occur could pose a traffic hazard, a pedestrian hazard, an eyesore negatively affecting the aesthetics of the surrounding community or cause undue traffic congestion in the area in which the sales are to occur. All locations must be chosen so that there is safe and adequate access to the sales area and that such access and any sales can be conducted so as not to interfere with neighboring businesses, residences or the free flow of both pedestrian and vehicular traffic. No objects shall encroach upon drive ways, drive isles of developed property, or encroach public right-of-way.

(i) No sales may be permitted pursuant to this section unless an insurance policy providing full liability coverage to the village and includes the village as an additional named insured. The minimum limits for this liability coverage must be \$1,000,000.00 per occurrence and \$2,000,000.00 in general aggregate. Vendors who are applying to sell fireworks must also demonstrate that the general liability limits above include products liability coverage without a sublimit lower than \$1,000,000.00 per occurrence and \$2,000,000.00 general aggregate. Certificates of insurance with the village as an additional named insured shall be provided to the village with the application.

(j) No sale shall be permitted pursuant to this section on public property or rights-of-way. Further, any person desiring to seek a permit pursuant to this section must provide adequate evidence that the owner of the property or the owner's agent has authorized the application or has joined in the application.

(k) The owner of the property upon which the sales are to occur shall be held responsible for all actions which occur on the property and for returning the property to the condition it was in prior to the sales permitted pursuant to this section.

(l) Applicants for the sale of fireworks must demonstrate compliance with F.S. § 791.015(1) prior to receiving an approved application.

(m) *Temporary holiday sales signs.* In connection with the temporary holiday sale that has been permitted in accordance with this chapter, temporary holiday sales signs, banners and directional signs are allowed as follows: **INCLUDE IN SIGN CODE**

(1) Temporary holiday sales sign. One sign or banner, directing the attention of the public to a temporary holiday sale, may be permitted on the premises of the sale. A temporary holiday sale sign or banner shall not exceed twenty-five (25) square feet per sign face and a sign area of fifty (50) square feet, and its height shall not exceed six (6) feet. A banner shall not exceed fifty (50) square feet in area;

(2) Temporary holiday sale directional sign. Temporary holiday sale directional signs shall be located at points specified by the application. The sign shall not exceed four (4) square feet per sign face and an aggregate area of eight (8) square feet, shall not exceed four (4) feet in height, if freestanding;

(3) Such signs, banners and directional signs may be displayed ten (10) days before the sale date and must be removed within five (5) days;

(4) The sign must be located on the same private property where the event being advertised is being conducted;

Table 21.1						
Temporary Event and Use Permit Matrix		Permit	DRC Review	Review Dept.	Duration ¹	Permits/Year ²
Private Property	Temp. Retail Sales (fireworks, X-mas trees, pumpkins, furniture, rugs, hot dogs, etc.) ³	Y	Y	DRC	30 Days	2/year/use
	Special events, Carnivals, Fairs, Fireworks/Laser show, Garden show, Flea Market	Y	Y	DRC	7 Days ⁴	2/year/use
	Community Events (block party, garage sales	Y	Y	CDD	5 days	2/year/use
	Grand Opening	Y	N	CDD	21 days	N/A
Village Property	Private Party/Picnic ^{5,6}	N	N	Leisure Services	1-Day	N/A
	Parades, Privately Sponsored Events	Y	Y	DRC	1-Day	N/A
	Village-sponsored Events ⁶	Y	Y	DRC	3 Days	N/A
Temporary Facilities: (Outdoor Storage, Construction, and Sales Trailers)		Y	Y	DRC	30 Days ⁷	1 extension
Temporary Signs/Banners/Balloons ⁹		Y	N	CDD	See Note 9	See Note 9
Notes:						
1. Duration is defined as consecutive calendar days.						
2. Each permit or extension requires a separate payment.						
3. Does not include car sales. Permanent, continuing vehicle sales are allowed only on properties possessing valid zoning and site plan approval.						
4. Special events for approved tourist attractions may have a duration determined by the scale of the event.						

5. Bounce houses and similar devices may be permitted as part of a birthday party/picnic so long as the applicant rents the pavilion for that day, and provides Leisure Services with proof of insurance (\$1,000,000 minimum) prior to event. Maximum occupancy for these events is limited to no more than two hundred (200) people.
6. No alcohol shall be allowed within any village park without the express permission of the village manager. No vehicles shall be allowed on grassed areas and no animals are allowed within any village park unless part of a village co-sponsored event.
7. Construction and sales trailers may be permitted for the duration of construction activities. Seasonal outdoor storage in enclosed containers located in appropriately designated areas may be approved for a duration of no more than one hundred twenty (120) days with no extensions.
8. Temporary signs/banners/balloons must be in compliance with the Villages' Sign and Outdoor Display regulations located in Chapter 6, Article V



2024 PLANNING, ZONING AND ADJUSTMENT BOARD MEETING AGENDA SCHEDULE

MONTH	PZAB MEETING DATE	AGENDA ITEMS	AGENDA PACKET PUBLISHED
	1st Tuesday	3 weeks before must be complete	1 week before
JANUARY 2024	2-Jan-24	12-Dec-23	26-Dec-23
FEBRUARY 2024	6-Feb-24	16-Jan-24	30-Jan-24
MARCH 2024	5-Mar-24	13-Feb-24	27-Feb-24
APRIL 2024	2-Apr-24	12-Mar-24	26-Mar-24
MAY 2024	7-May-24	16-Apr-24	30-Apr-24
JUNE 2024	4-Jun-24	14-May-24	28-May-24
JULY 2024	2-Jul-24	11-Jun-24	25-Jun-24
AUGUST 2024	6-Aug-24	16-Jul-24	30-Jul-24
SEPTEMBER 2024	3-Sep-24	13-Aug-24	27-Aug-24
OCTOBER 2024	1-Oct-24	10-Sep-24	24-Sep-24
NOVEMBER 2024	5-Nov-24	15-Oct-24	29-Oct-24
DECEMBER 2024	3-Dec-24	12-Nov-24	26-Nov-24