



Agenda Item # R - 1

**Village of Royal Palm Beach  
Village Council  
Agenda Item Summary**

**AGENDA ITEM:**

**PUBLIC HEARING FOR FIRST READING AND APPROVAL OF ORDINANCE NO. 998, AMENDING CHAPTER 16. BUSINESS TAX AND REGISTRATION; OTHER BUSINESS REGULATIONS. AT ARTICLE I. IN GENERAL. AT SECTION 16-12. SPECIAL EVENT PERMITS; SEASONAL VENDOR'S PERMITS. TO MODIFY THE PROCESS FOR SPECIAL EVENT PERMITS AND SEASONAL VENDOR PERMITS.**

**ISSUE:**

Ordinance 998 proposes to amend the Village Code of Ordinances at Chapter 16-12. Special Event Permits. to modify the process for special event permits and seasonal vendor permits. The amendment requires applications for special event permits to be submitted no later than 45 days before the event is to occur (rather than the current 30 days), and allows applications for seasonal vendor permits (pumpkin and Christmas tree sale type applications) to be processed by the Planning and Zoning Department like minor site plan modifications. These seasonal vendor permits will no longer go to TSR or to Village Council.

**RECOMMENDED ACTION:**

Staff recommends Approval of Ordinance 998 on first reading.

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Initiator:	Village Manager	Agenda Date	Village Council
Legal	Approval	1-16-2020	Action

**ORDINANCE NO. 998**

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 16. BUSINESS TAX AND REGISTRATION; OTHER BUSINESS REGULATIONS. OF THE CODE OF ORDINANCES OF THE VILLAGE OF ROYAL PALM BEACH AT ARTICLE I. IN GENERAL. AT SEC. 16-12. SPECIAL-EVENT PERMITS; SEASONAL VENDOR'S PERMITS. IN ORDER TO MODIFY THE PROCESS FOR SPECIAL EVENT PERMITS AND SEASONAL VENDOR PERMITS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUB-SECTION OF CHAPTER 16. BUSINESS TAX AND REGISTRATION; OTHER BUSINESS REGULATIONS. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Village Council desires to amend Chapter 16. Business Tax and Registration; Other Business Regulations. of the Village's Code of Ordinances in order to update the Village's process for special event permits and seasonal vendor permits; and

WHEREAS, the Village of Royal Palm Beach has held all required public hearings and has provided public notice in accordance with applicable State statutes and Village ordinances; and

WHEREAS, the Village Council of the Village of Royal Palm Beach has determined that the proposed revisions to Chapter 16 of the Village Code of Ordinances are in the best interests of the general welfare of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

**Section 1:** Chapter 16. Business Tax and Registration; Other Business Regulations. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article I. In General. at Sec.16-12. Business Tax and Registration; Other Business Regulations. in order to modify the process for special event permits and seasonal vendor permits; providing that Sec. 16-12. shall hereafter read as follows:

**Sec. 16-12. - Special-events permits; seasonal vendor's permits.**

(a) *Special-events permits.*

(1) [Shall remain the same as previously adopted.]

(2) *Written application.* Written application must be submitted to the village clerk at

least ~~thirty (30)~~ forty-five (45) days prior to the date for which the special event is proposed, unless a shorter time frame is approved by the village council. A fully completed application shall be timely submitted and shall contain the following information (Note: failure to submit a complete application may result in rejection of the application):

a.—1. [Shall remain the same as previously adopted.]

(3)—(6) [Shall remain the same as previously adopted.]

(b) *Seasonal vendor's permits.*

(1) *Definitions.*

a.—b. [Shall remain the same as previously adopted.]

(2) *Permit required.* Any person, corporation or other entity of any kind, whatsoever, desiring to conduct any type of temporary seasonal sale which is not specifically allowed under the regular licenses and business regulations sections set forth herein must make application for a permit from ~~the village council~~ the planning and zoning department, in order that the village may adequately provide for the potential impacts created by the temporary seasonal sales, if approved. The fee and refund procedure for such permit shall be the same as that required for a special event. See subsection (a)(1). The fee for permits shall be set by resolution of the village council and may be amended from time to time. The required fee shall be submitted with the application for the permit. Should the application be voluntarily withdrawn prior to the first review by the planning and zoning director, or designee, one hundred (100) percent of the fee shall be refunded; if withdrawn after the first review by the director, or designee, but before final determination, fifty (50) percent of the fee shall be refunded. Should the application receive final determination by the director, or designee, no portion of the fee is refundable, regardless of the outcome.

(3) *Written application.* Written application must be submitted to the village clerk at least thirty (30) days prior to the date ~~for which the temporary seasonal sales are proposed to commence~~ special event is proposed, unless a shorter time frame is approved by the village council. A fully completed application shall be timely submitted and shall contain the following information (Note: failure to submit a complete application may result in rejection of the application):

a.—k. [Shall remain the same as previously adopted.]

(4) *Limitations.* Permits for temporary seasonal vendors are limited as follows:

a.—d. [Shall remain the same as previously adopted.]

e. Applicant must pay for additional police officers to patrol the area, if deemed necessary by the ~~village council~~ planning and zoning director, or designee;

f.—h. [Shall remain the same as previously adopted.]

- (5) *Process.* Applications for seasonal vendor permits shall be ~~processed in the same manner and in accordance with the same standards as special events permits. See subsection (a)(3).~~ submitted to the village clerk on forms approved by the planning and zoning director. Once the village clerk has determined that the application submittal is complete, a decision on the seasonal vendor permit shall be rendered by the planning and zoning director, or designee, within ten (10) working days). The director, or designee, may approve or deny the application, in whole or in part, and may place conditions of approval upon the application, which, in the sole discretion of the director, or designee, are necessary to mitigate the impacts created by the proposed temporary seasonal sales event. In order to approve an application for a seasonal vendor permit, the director, or designee, must find that:
- a. The proposed temporary seasonal sale will have no adverse vehicular or pedestrian traffic impacts which cannot be prevented by the imposition of conditions;
  - b. The proposed temporary seasonal sale will have no adverse impacts on adjacent properties and will not be detrimental to their use and peaceful enjoyment of their property;
  - c. The proposed temporary seasonal sale will not cause objectionable noise, vibrations, fumes, odors, dust, glare or physical activity which cannot be prevented by the imposition of conditions; and
  - d. The proposed temporary seasonal sale is compatible with the character of the location for which it is proposed.
- (6) *Appeal.* All village decisions concerning the approval, approval with conditions or denial of a seasonal vendor permit shall be stated in a written official notice to the permit applicant. Any administrative decision may be appealed to the village council; however, such appeal must be in writing and filed with the village clerk no later than thirty (30) days from the issuance of the official written notice.

(7 6) *Minimum impact.* See subsection (a)(5).

**Section 2:** Each and every other Section and Sub-section of Chapter 16. Business Tax and Registration; Other Business Regulations. shall remain in full force and effect as previously enacted.

**Section 3:** All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

**Section 4:** Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

**Section 5:** Specific authority is hereby granted to codify this Ordinance.

FIRST READING this \_\_\_\_ day of \_\_\_\_\_, 2020.

SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_, 2020.

VILLAGE OF ROYAL PALM BEACH

\_\_\_\_\_  
MAYOR FRED PINTO

ATTEST:

(Seal)

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DIANE DISANTO, VILLAGE CLERK