



Agenda Item # R - 4

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

Agenda Item:

FIRST READING AND APPROVAL OF ORDINANCE NUMBER 828 AMENDING CHAPTER 26. ZONING AT ARTICLE II, ARTICLE IV, AND ARTICLE V TO PROVIDE FOR A NEW DEFINITION OF “GREEN MARKET”, CREATE A NEW SPECIAL EXCEPTION USE OF “GREEN MARKET” IN VARIOUS ZONING DISTRICTS, AND ADD SUPPLEMENTAL REGULATIONS CONCERNING THIS USE; IN ADDITION THE ORDINANCE PROVIDES FOR A NEW PERMITTED USE OF “LASER THERAPY-AESTHETIC AND/OR THERAPUTIC” IN VARIOUS ZONING DISTRICTS. SECOND READING AND ADOPTION IS SCHEDULED ON NOVEMBER 19, 2009: BY BRADFORD O’BRIEN, SENIOR PLANNER.

Issue:

The purpose of this Ordinance is to establish a new Special Exception Use of “Green Market” which will be permitted in the Neighborhood Commercial (CN), General Commercial (CG), Public Ownership (PO), and Mixed Use Development Zoning Districts.

The Ordinance provides for a definition of a “Green Market” in Section 26-22 as a temporary, outdoor gathering of vendors for the purpose of selling fresh, unprocessed fruit, vegetables, flowers along with the sale of consumable items such as coffee, bread and prepared food on a retail basis.

The Ordinance also repeals Section 26-70 Airports, landing strips and heliports in its entirety and readopts and replaces it with Section 26-70 Green Market Use and Regulations.

Additionally, the Ordinance creates a new permitted use entitled “Laser therapy – aesthetic and therapeutic” in the Commercial Office (CO) and General Commercial Zoning Districts.

This item was considered by the Planning and Zoning Commission at its regular meeting on October 27, 2009 and received a recommendation for approval by a vote of 4-0.

Recommended Action:

Recommend approval of Ordinance 828.

Initiator:	Village Manager Approval	Agenda Date	Village Council Action
Senior Planner		11-5-09	

ORDINANCE NO. 828

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 26. ZONING. TO PROVIDE FOR VARIOUS AMENDMENTS TO THE PREVIOUSLY ADOPTED ZONING CODE; AMENDING ARTICLE II. CONSTRUCTION OF LANGUAGE AND DEFINITIONS. AT SECTION 26-22. DEFINITIONS. BY REPEALING THE DEFINITION “AIRPORTS, LANDING STRIPS AND HELIPORTS”; AMENDING ARTICLE IV. SUPPLEMENTAL REGULATIONS. BY REPEALING SEC. 26-70. IN ITS ENTIRETY ALONG WITH THE TITLE AND READOPTING IT ALONG WITH AN ENTIRELY NEW TITLE, “GREEN MARKET USE AND REGULATIONS”, TO PROVIDE FOR NEW REGULATIONS CONCERNING THIS TYPE OUTDOOR RETAIL SALES; AMENDING ARTICLE V. ZONING DISTRICTS. BY ADOPTING AN ENTIRELY NEW PERMITTED USE ENTITLED “LASER THERAPY- AESTHETIC AND/OR THERAPEUTIC” AT SUB-SECTION (2) IN SECTIONS 26-86 AND 26-88; FURTHER AMENDING ARTICLE V. ZONING DISTRICTS. BY ADOPTING AN ENTIRELY NEW SPECIAL EXCEPTION USE ENTITLED “GREEN MARKET” AT SUB-SECTION (3) IN SECTIONS 26-87., 26-88, 26-90 AND 26-93 AND INCLUDING A REFERENCE TO SUPPLEMENTAL REGULATIONS FOR THIS USE FOUND AT SECTION 26-70; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUB-SECTION OF CHAPTER 26. ZONING. 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 provide for regulations concerning Green Market vendor sales and to make the use of a Green market a new special exception use category in various zoning districts; and

WHEREAS, the Village Council desires to adopt a new permitted use category in the “CO Office Commercial District” and the “CG General Commercial District” to provide for a new use category allowing therapeutic and/or aesthetic laser treatments in these two zoning districts; and

WHEREAS, the Village Planning and Zoning Commission sitting as the Village’s Local Planning Agency has reviewed these proposed revisions to Chapter 26. and has recommended that these amendments to the Code be adopted by the Village Council; 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 desires to update its Zoning Code in order to provide for clarification and for more orderly development and redevelopment of all lands within the Village of

Royal Palm Beach and has determined that the proposed revisions to Chapter 26. are consistent with the Comprehensive Land Use Plan of the Village of Royal Palm Beach; and has further determined that the proposed revisions to Chapter 26. are in the best interests of the general welfare of the Village of Royal Palm Beach.

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

Section 1: Chapter 26. Zoning. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article II. Construction of Language and Definitions. at Sec. 26-22. Definitions. by repealing the definition of “Airports, landing strips and heliports” and including a new definition of “Green Market” to be included in alphabetic order; providing that all the remaining definitions shall read as previously adopted:

Sec. 26-22. Definitions.

~~*Airports, landing strips and heliports.* Public aviation facilities owned by the village, Palm Beach County, the State of Florida or a hospital (see also section 26-70)~~

Green Market. A temporary, outdoor gathering of vendors for the purpose of selling fresh, unprocessed fruit, vegetables, flowers along with the sale of consumable items such as coffee, bread and prepared food on a retail basis.

(All remaining definitions shall remain as previously adopted.)

Section 2 Chapter 26. Zoning. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article IV. Supplemental Regulations. at Sec. 26-70. ~~*Airports, landing strips and heliports.*~~ by repealing this section in its entirety along with its title and adopting an entirely new Sec. 26-70. to be entitled “*Green Market Use and Regulations*”; providing that Sec. 26-70. shall hereafter read as follows:

Sec. 26-70. ~~Airports, landing strips and heliports~~ Green Market Use and Regulations.

(Previously adopted text at 26-70 shall be repealed and deleted in its entirety.)

A “Green Market” as defined at Sec 26-22 hereinabove, which has received approval as a special exception use in the applicable zoning district is also subject to the following requirements and regulations.

(a) *Minimum parcel size:* A minimum of one (1) acre of available, contiguous property,

either pervious or impervious, is required in order to host this special exception use. The exact location upon this parcel for the “Green Market” shall be determined as part of the approval granted for the special exception use on the property.

(b) *Duration and Approval:* Such use may only take place on Saturdays and Sundays and is subject to having received previous special exception use approval for a specific location by the host of such event with consent of the owner of the property if different individuals or entities. This use shall be managed by a single operator or entity who leases the space and/or stalls to the vendors involved in such use and the special exception approval shall be applicable only for this operator. Additionally, should the property owner rescind consent for this use on the property, the special exception use approval shall then automatically become null and void upon receipt by the Village of written revocation of such consent. The Village Council may also rescind its special exception use approval should operator or entity fail to conform to any of the listed requirements set forth in this section at anytime after approval has been granted.

(c) *Site operation requirements.* The following requirements must be met:

(1) The vendor stalls or areas shall be located on the site so as not to utilize the required parking spaces of the property nor to obstruct any access or parking lot aisles except in the case where the required parking spaces were allowed to be utilized as part of the special exception approval process. In order for the parking spaces to be allowed to be utilized for a use other than parking, it must be clearly established by the applicant that two (2) or more separate uses will primarily utilize such spaces at different times and that they are not needed due to the timing. If such can be established, the other requirements of Sec.23-49(a)(10) for “shared usage” shall not be required to be met;

(2) Each vendor “stall” or area shall not exceed 150 square feet and if constructed or erected, it must be capable of being readily relocated or transported off site. Motor vehicles such as vans or small trucks may be permitted to be used as a “stall” provided the vehicle is removed from the site at the close of the market each weekend; and

(3) No secondhand goods, and no arts and crafts may be sold on site as part of the Green Market use.

(d) Signage. A maximum of two (2), temporary special event signs with a maximum sign face area of thirty-two (32) square feet per side, not to exceed seven (7) feet in height, may be displayed for the duration of the weekend’s Green Market activities. Such signage must be set back a minimum of ten (10) feet from the front or side property lines and be separated by at least one hundred (100) feet if two signs are utilized.

(e) Business Tax Receipt Required. The operator of the Green Market must obtain a business tax receipt for the category of “Unclassified” for each, separate location of a Green Market to be held within the Village of Royal Palm Beach.

Section 3: Chapter 26. Zoning. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article V. Zoning Districts. at Sec. 26-86. CO Office Commercial District. by repealing Sub-section (2). Uses Permitted. and readopting it with a new permitted use of “Laser therapy- aesthetic and/or therapeutic”; providing that Sec. 26-86. shall hereafter read as follows:

Sec. 26-86. CO Office Commercial District.

- (1) [Shall remain the same as previously adopted.]
- (2) *Uses permitted.* All uses are prohibited unless specifically listed herein as a permitted use in this district.

[All previously adopted permitted uses shall remain the same as previously adopted except for the following use which shall be inserted alphabetically herein and read as follows:]

“Laser therapy – aesthetic and/or therapeutic”

- (3)– (5) [Shall remain the same as previously adopted.]

Section 4: Chapter 26. Zoning. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article V. Zoning Districts. at Sec. 26-87. CN Neighborhood Commercial District. by repealing Sub-section (3) Special Exception Uses. and readopting it in order to add a new Special Exception use of “Green Market” ; providing that a portion of existing Sub-Section 26-87(3) shall be re-lettered; providing that Sec. 26-87. shall hereafter read as follows:

Sec. 26-87. CN Neighborhood Commercial District.

- (1) - (2) (Shall remain the same as previously adopted.)
- (3) Special exception uses.
 - (a)–(d) (Shall remain the same as previously adopted.)
 - (e) Green Market (see additional requirements at Section 26-70)
 - ~~(e)~~(f) Living quarters for a residential employee or caretaker in conjunction with permitted principle use.
 - ~~(f)~~(g) Planned commercial development.
 - ~~(g)~~(h) Restaurants, with drive-through.
 - ~~(h)~~(i) Restaurant, with live entertainment.
 - ~~(i)~~(j) State licensed massage therapist establishment.
- (4) - (5) (Shall remain the same as previously adopted.)

Section 5: Chapter 26. Zoning. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article V. Zoning Districts. at Sec. 26-88. CG General Commercial District. by repealing Sub-Section (2). Uses Permitted. and readopting it with a new permitted use of “Laser therapy – aesthetic and/or therapeutic”; and by repealing Sub-section (3). Special Exception Uses. and readopting it with a new special exception use of “Green Market”; providing that Sec. 26-88. shall hereafter read as follows:

Sec. 26-88. CG General Commercial District.

- (1) [Shall remain the same as previously adopted.]
- (2) *Uses permitted.* All uses are prohibited unless specifically listed herein as a permitted use in this district.

[All previously adopted permitted uses shall remain the same as previously adopted except for the following use which shall be inserted alphabetically herein and read as follows:]

“Laser therapy – aesthetic and/or therapeutic”

- (3) *Special exception uses*
[All previously adopted special exception uses shall remain the same as previously adopted]

except for the following use which shall be inserted alphabetically herein and read as follows:]

Green Market (see additional requirements at Section 26-70).

(4) — (5) [Shall remain the same as previously adopted.]

Section 6: Chapter 26. Zoning. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article V. Zoning Districts. at Sec. 26-90. PO Public Ownership District. by repealing Sub-section (3) and readopting it in order to add a new Special Exception use of “Green Market” ; providing that portion of existing Sub-Section 26-90(3) shall be re-lettered; providing that Sec. 26-90. shall hereafter read as follows:

Sec. 26-90. PO Public Ownership District.

(1) - (2) (Shall remain the same as previously adopted.)

(3) Special exception uses.

(a)—(b) (Shall remain the same as previously adopted.)

(c) Green Market (see additional requirements at Section 26-70)

~~(e)~~(d) Law enforcement training facilities.

~~(d)~~(e) Telecommunication towers; antenna (may exceed district height limitations if approved by special exception).

(4)— (5) (Shall remain the same as previously adopted.)

Section 7: Chapter 26. Zoning. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article V. Zoning Districts. at Sec. 26-93. MXD Mixed Use Development District. By adding sub-paragraph (3)(c)2. to provide for a new special exception use of “Green Market”; providing that Sec. 26-93. shall thereafter read as follows:

Sec. 26-93. MXD Mixed Use Development District.

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

(3) [1st paragraph shall remain the same as previously adopted.]

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

(c) Retail/personal service uses.

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

2. Green Market (see additional requirements at Section 26-70)

(4) — (9) [Shall remain the same as previously adopted.]

Section 8: Each and every other Section and Sub-section of Chapter 26. Zoning. shall remain in full force and effect as previously enacted.

Section 9: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 10: 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 11: Specific authority is hereby granted to codify this Ordinance.

Section 12: This Ordinance shall take effect immediately upon passage.

FIRST READING this ___ day of _____, 2009.

SECOND AND FINAL READING this __ day of _____, 2009.

VILLAGE OF ROYAL PALM BEACH

DAVID A. LODWICK, MAYOR
(Seal)

ATTEST:

DIANE DISANTO, VILLAGE CLERK

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