

Village of Royal Palm Beach
Village Council
Agenda Item Summary

Agenda Item:

PUBLIC HEARING FOR SECOND READING AND ADOPTION OF ORDINANCE NO. 1050, AMENDING VILLAGE CODE CHAPTER 22. SUBDIVISION OF LAND. AT VARIOUS SECTIONS WITHIN ARTICLES I THROUGH III TO COMPLY WITH SECTION 177.073, FLORIDA STATUTES (“EXPEDITED APPROVAL OF RESIDENTIAL BUILDING PERMITS BEFORE A FINAL PLAT IS RECORDED”); BY CHRIS MARSH, VILLAGE ENGINEER.

Issue:

The intent of the Text Amendment is to amend Village Code at Chapter 22. Subdivision of Land at Articles I through III to comply with Section 177.073, Florida Statutes. Senate Bill 812 was approved by the Governor on May 29, 2024 to be adopted as Section 177.073, Florida Statutes, with an effective date of October 1, 2024. The new law requires an expedited process, creating certain processes for purposes of the expedited program, and requires the Village to issue a specified number or percentage of building permits requested in an application prior to final plat approval.

In response to the new state law, Village Staff is proposing to:

- Amend Sec. 22-3. - *Definitions*. to add definitions for “Applicant,” “Plans,” “Plat, final,” and to insert those new definitions alphabetically into the existing list of definitions, and amend the definition for “Plat, preliminary,” in order to ensure consistency with Chapter 177.073, Florida Statutes, and eliminate references to outdated standards;
- Amend Sec. 22-22. – *Preliminary plat requirements*. to add ownership verification, indemnification, construction agreement and bond requirements to the preliminary plat application process;
- Amend Sec. 22-23. – *Preliminary plat – Application, public hearing and post approval permitting*. to create an expedited process by which applicants may apply for an Expedited Residential Site Development Permit for residential building permits not to exceed fifty percent (50%) of the residential subdivision or planned community, provided the following requirements are met:

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Engineering	Approval	11-21-2024	Action

- Expedited Residential Site Development Permit Application - identify the percentage of planned homes, not to exceed 50% of the residential subdivision or planned community, or the number of building permits to be issued by the Village prior to recording of the final plat for the subdivision or planned community.
- Approved Preliminary Plat - provide a copy of the approved preliminary plat, along with the approved Site Plan and Engineering Plan to the relevant electric, gas, water, and wastewater utilities servicing the property.
- Application Fee - pay the application fee as set by resolution of the Village Council.
- Addressing - lots requesting must be pre-addressed after the approval of the preliminary plat by the Village Council and prior to submission of an Expedited Residential Site Development Permit application.
- Bond - must hold a valid performance bond for 130% of the necessary improvements, as defined in s. 177.031(9), Florida Statutes

Establishes criteria for approval, which include:

- Preliminary plat must be approved;
- Plot plans provided for each lot;
- Proof that preliminary plat was provided to the applicable electric, gas, water, and wastewater utilities servicing the property;
- All proposed structures meet the requirements for an approved master building permit or the most recently adopted Florida Building Code requirements;
- Emergency access and water supply plan must be approved by the Fire Marshall in accordance with NFPA 1;
- Adequate addressing and installation of street signs completed;
- Proof of valid performance bond for 130% of the uncompleted necessary improvements, as defined above; and
- Execution of an indemnification and hold harmless agreement.

The following restrictions and limitations are also created in part:

- Applicants may not:
 - Transfer ownership of lots until the final plat is approved and recorded;
 - Obtain a temporary or final CO until the final plat has been recorded and such subdivision is accurately depicted on the Palm Beach County Property Appraiser's website; and in a bonded subdivision, no CO or CC shall be issued on any building in any subdivision where the Tier I public improvements are not approved and accepted; and
 - Occupy or allow occupation of any structure prior to issuance of a CO.
- Preliminary Plat approval shall be valid for a period of three (3) years from the date of its approval by Council. Should the final plat not be approved by the Village Council within three (3) years from the date of Village Council approval of the preliminary plat, it shall be deemed null and void;

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- Amend Sec. 22-24. – Final plat requirements. to remove those requirements that will now be part of preliminary plat application (bond, ownership, hold harmless, etc.);
- Amend Sec. 22-26. – Recording of plats requirements. to remove the requirements that will now be part of preliminary plat application (bond, ownership, hold harmless, etc.); and
- Amend Sec. 22-41. – Minimum design standards and improvements. to remove outdate cross references.

The Local Planning Agency considered Ordinance No. 1050 on October 22, 2024 and recommended Approval by a vote of 5-0.

The Village Council considered Ordinance No. 1050 on first reading on October 17, 2024 and Approved by a vote of 4-0.

Recommended Action:

Staff is recommending approval of Ordinance No. 1050 on second reading.

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ORDINANCE NO. 1050

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 22. SUBDIVISION OF LAND. OF THE CODE OF ORDINANCES OF THE VILLAGE OF ROYAL PALM BEACH AT VARIOUS SECTIONS WITHIN ARTICLES I THROUGH III TO COMPLY WITH SECTION 177.073, FLORIDA STATUTES (“EXPEDITED APPROVAL OF RESIDENTIAL BUILDING PERMITS BEFORE A FINAL PLAT IS RECORDED”); PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Senate Bill 812 (“SB 812”) created Section 177.073, Florida Statutes, which requires municipalities with 10,000 residents or more and 25 acres or more of contiguous land that the local government has designated in the local government’s comprehensive plan and future land use map as land that is agricultural or to be developed for residential purposes to establish a program to expedite the process for issuing building permits for residential subdivisions and planned communities before a final plat is recorded; and

WHEREAS, SB 812 was approved by the Governor on May 29, 2024 to be adopted as Section 177.073, Florida Statutes, with an effective date of October 1, 2024; and

WHEREAS, the new law requires an expedited process, creating certain processes for purposes of the expedited program, and requires the Village of Royal Palm Beach (“Village”) to issue a specified number or percentage of building permits requested in an application prior to final plat approval; and

WHEREAS, the subdivision and platting process in the Village is set forth in Chapter 22. Subdivision of Land.; and

WHEREAS, Village staff has determined that the Code of Ordinances of the Village of Royal Palm Beach requires revision to align the Village’s regulations with the newly enacted statute; and

WHEREAS, the Village Council of the Village of Royal Palm Beach has determined that the proposed revisions to Chapter 22 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 22. Subdivision of Land. of the Code of Ordinances of the Village

of Royal Palm Beach is hereby amended at Article I. In General. at Sec. 22-3. Definitions. in order to add definitions for “Applicant,” “Plans,” “Plat, final,” and to insert those new definitions alphabetically into the existing list of definitions, and amend the definition for “Plat, preliminary,” in order to ensure consistency with Chapter 177.073, Florida Statutes, and eliminate references to outdated standards; and at Sec. 22-4. Application of regulations. in order to clarify when building permits and certificates of occupancy can be obtained relating to the platting process; providing that Article I. In General. shall hereafter read as follows:

ARTICLE I. - IN GENERAL

Sec. 22-1. - Short title.

[Shall remain the same as previously adopted.]

Sec. 22-2. - Purpose.

[Shall remain the same as previously adopted.]

Sec. 22-3. - Definitions.

For the purposes of this chapter, certain words or phrases used herein shall be interpreted as follows:

Applicant shall mean a homebuilder or developer who files an application with the village to identify the percentage of planned homes, or the number of building permits, that the village must issue for a residential subdivision or planned community.

Expedited Residential Site Development Permit. A type of permit that a developer may apply for, concurrently with the preliminary plat application, to request that a percentage of building permits be issued prior to final plat approval for a residential subdivision or planned community.

Plans shall mean any building plans, construction plans, engineering plans, or site plans, or their functional equivalent, submitted by an applicant for a building permit.

Plat, final shall mean the final tracing, map, or site plan presented by the subdivider to the village for final approval, and, upon approval by the village, is submitted to the clerk of the circuit

~~court for recording a subdivision plan of real property which has been subdivided into lots, blocks, plots or parcels.~~

~~*Plat, preliminary* shall mean a map or delineated representation of the subdivision of lands that is a complete and exact representation of the residential subdivision or planned community and contains any additional information needed to be in compliance with the requirements of this chapter be a copy of the proposed plat for review and discussion purposes in sufficient form to readily compare the proposed plat with the master land use plan and construction plans.~~

[All other definitions shall remain the same as previously adopted.]

Sec. 22-4. - Application of regulations.

Within the jurisdiction of these regulations, except as hereinafter provided, no subdivision shall be platted or recorded, nor shall any building permit be issued unless such subdivision meets all the requirements of section 22-22. – Preliminary plat requirements, ~~these regulations~~ and has been approved in accordance with the requirements as hereinafter provided. No Certificate of Occupancy shall be issued until such subdivision meets all the requirements of section 22-24. – Final plat requirements. and has been approved in accordance with the requirements as hereinafter provided and recorded in the public records of Palm Beach County. To the extent applicable, the engineering standards set forth herein shall apply to all site plans approved by the village.

New developments which may or may not include a subdivision of land as defined in this article and which are required to obtain development approval from advisory or regulatory bodies may be required to record a boundary plat through procedures established in this article at the discretion of the village engineer. Such a boundary plat may be considered concurrent with other required approval processes if information and procedures established herein are followed.

Secs. 22-5 —22-20. - Reserved.

Section 2: Chapter 22. Subdivision of Land. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article II. Application Procedure. at Secs. 22-21 through 22-26 in order to update the application and approval procedures for preliminary and final

plat in response to newly enacted Section 177.073, Florida Statutes; providing that Article II. Application Procedure. shall hereafter read as follows:

ARTICLE II. - APPLICATION PROCEDURE

Sec. 22-21. - Preapplication procedure.

[Shall remain the same as previously adopted.]

Sec. 22-22. – Preliminary plat requirements.

The preliminary plat shall conform to the following requirements:

- (1) *Sheet sizes.* All map sheets shall be 24" × 34" (overall dimensions) reserving three (3) inches on the left margin and a one-half inch margin on all remaining sides. All maps will be drawn at a scale sufficiently large to show all details clearly.
- (2) *Information.* The preliminary plat which may consist of one (1) or more sheets shall show the following information:
 - a. A vicinity sketch or key map at a scale of not more than one thousand (1,000) feet to the inch shall be shown on or accompany the preliminary plat. The map shall show the position of the subdivision with relation to the surrounding streets and properties.
 - b. The description of the boundary survey of the property shall have a maximum error of closure of 1:5,000;
 - c. Name of subdivision, name of owner and agent, name of engineer, name of surveyor and names of streets;
 - d. Scale;
 - e. North point, with north being at the top of map or right side of map or within the 90° quadrant;
 - f. Boundary line of the proposed subdivision, including the limit lines of any phases thereof, the lot lines, parcels of land to be dedicated to public use, easements, street right-of-way lines and other property lines drawn to scale and with tentative dimensions;
 - g. List of summary information:
 1. Total acres;
 2. Number of lots;

3. Lineal feet in streets;
4. Approximate lot dimensions;
5. Approximate lot size;
- h. Other important features such as railroads and corporate limits of the village;
- i. A preliminary drainage plan showing the location of bridges, drainage structures and typical sections of canals. Submit this plan with the preliminary plat as a reference drawing.

(3) Ownership Verification. Title insurance policy or attorney's opinion of title, showing good and merchantable title with no unpaid taxes. For purposes of this section, the title opinion or property information report shall be updated within three (3) months of preliminary plat approval and certified no earlier than thirty (30) days prior to the date on which the application is submitted.

(4) Indemnification. A hold harmless and indemnification agreement by the developer/applicant/landowner in favor of the village of royal palm beach, florida, its governing body, its employees, and its agents, in a form and manner acceptable to the village and the village attorney holding the village harmless from and indemnifying the village against liability or damages, including attorney's fees and costs incurred by the village resulting from the issuance of a building permit or construction, reconstruction, or improvement or repair or a residential building or structure, including an associated utilities, located in the residential subdivision or planned community that is the subject of the preliminary plat. Additionally, an applicant must indemnify and hold harmless the village from liability or disputes resulting from the issuance of a certificate of occupancy or its functional equivalent, if applicable, for a residential building or structure that is constructed, reconstructed, improved, or repaired before the approval and recordation of the final plat for the residential subdivision or planned community that is the subject of the preliminary plat. The indemnification shall also include, but is not limited to, any liability and damage resulting from wind, fire, flood, construction effects, bodily injury, and any actions, issues, or disputes arising out of a contract or other agreement between the developer and a utility operating in the residential subdivision or planned community that is the subject of the preliminary plat.

(5) Construction Agreement. Agreement for construction and maintenance of streets, alleys

and other rights-of-way, etc., in a form and manner acceptable to the village and the village attorney.

(6) Bond. The applicant must hold a valid performance bond for 130 percent (130%) of the necessary improvements, as defined in s. 177.031(9), Florida Statutes, as amended, that have not been completed upon submission of the application. For purposes of a master planned community as defined in s. 163.3202(5)(b)(2), Florida Statutes, as amended, a valid performance bond is required on a phase-by-phase basis.

Sec. 22-23. - Preliminary plat—Application, ~~and~~ public hearings and post approval permitting.

- (a) Application for the preliminary plat of a proposed subdivision shall be submitted to the planning and zoning department on forms prepared by that department and shall be placed on the agenda of the technical staff review meeting for comments at their next available meeting.
- (b) After approval by the village engineer and technical staff review certification, the preliminary plat shall be submitted to the planning and zoning department. The format of the submittal and number of copies required shall be determined by the planning and zoning director. Then the proposed preliminary plat shall be placed on the agenda of the planning and zoning commission for consideration and recommendation to the village council.
- (c) Upon recommendation by the planning and zoning commission, the preliminary plat shall be submitted to the village council for denial of the application, approval of the application, approval of the application with conditions, or for a return of the application to the technical staff or the planning and zoning commission for further deliberations and recommendations, as is appropriate for that application.
- (d) At the time of application for a preliminary plat, the subdivider shall pay a fee to the village, the amount of which fee shall be set by resolution of the village council and shall be on file in the office of the village clerk.
- (e) The subdivider or his representative may attend the planning and zoning commission meetings and the village council meetings on the dates upon which such subdivision will be reviewed. The planning and zoning commission and the village council shall review the

preliminary plat and supporting data and may request the alterations be made in the final plat.

~~(f) The subdivider may then begin the necessary steps required for final approval of the subdivision.~~

~~(fg)~~ The scheduling of technical staff review meetings, the scheduling of planning and zoning commission and village council public hearings, and due public notice of the public hearings shall be as set forth in section 26-32(d).

(g) If approved by village council, a preliminary plat shall allow the applicant to apply for an Expedited Residential Site Development Permit, for residential building permits not to exceed fifty percent (50%) of the residential subdivision or planned community, provided the following requirements are met:

1. Expedited Residential Site Development Permit Application. The applicant must identify the percentage of planned homes, not to exceed fifty percent (50%) of the residential subdivision or planned community, or the number of building permits to be issued by the village prior to recording of the final plat for the residential subdivision or planned community.
2. Approved Preliminary Plat. The applicant must provide a copy of the approved preliminary plat, along with the approved Site Plan and Engineering Plan to the relevant stormwater, electric, gas, water, and wastewater utilities servicing the property.
3. Application Fee. The applicant shall pay the application fee as set by resolution of the village council.
4. Addressing. The lots requesting Expedited Residential Site Development Permits must be pre-addressed after the approval of the Preliminary Plat by the village council and prior to submission of an Expedited Residential Site Development Permit application. This can be accomplished by making a request to the GIS Division, with the approved preliminary plat, at least ten (10) business days prior to the submission of the Expedited Residential Site Development Permit application. Plans required by the GIS Division must include the approved street names, adjacent road names, entrance locations, lot numbers, all possible lot division lines, and north arrow. Assigned addresses are subject to change until the plat has been recorded. The GIS Division or designee shall have the authority to deviate from these standards as necessary to ensure the safety of the general

public.

5. Bond. The applicant must hold a valid performance bond for 130 percent (130%) of the necessary improvements, as defined in s. 177.031(9), Florida Statutes, as amended, that have not been completed upon submission of the application. For purposes of a master planned community as defined in s. 163.3202(5)(b)(2), Florida Statutes, as amended, a valid performance bond is required on a phase-by-phase basis.

In lieu of such bonds, the subdivider may construct on the land subject to the preliminary plat or any phased portion thereof, all roads, utility and drainage improvements prior to approval of preliminary plat, provided the complete set of paving and drainage plans have been approved by the council and the village engineer; and approved permits have been obtained from all applicable regulatory agencies and service providers; provided however, that the subdivider shall at any time during the development tender a bond with a company having a Best's rating of AAA to assure completion of the remaining portion of the project in the recorded plat in the amount of one hundred thirty percent (130%) of: the engineer's estimate of all remaining costs; or the contract bid prices for all remaining work elements, as approved by the village engineer. The certified performance bond or the developer's cash completion bond shall be considered as accepted by the village upon the issuance of certificates of approval thereof by the village attorney and the village engineer, and that upon completion of all work elements, other than Tier II public improvements, as certified to the village, by the subdivider's registered engineer, and approved by the village engineer, the subdivider, in lieu of the foregoing, may submit a certified performance bond or a developer's cash completion bond with regard to remaining work to be done on the Tier II public improvements. Such bond shall be obtained with a company having a Best's rating of AAA to assure completion of the remaining portion of the project in the preliminary plat in the amount of one hundred thirty percent (130%) of the engineer's estimate of all remaining costs; or the contract bid prices for all remaining work elements, as provided by the village engineer. The certified performance bond or the developer's cash completion bond shall be considered as acceptable by the village upon the issuance of certificates of approval thereof by the village attorney and the village

engineer and thereupon, such application, nonrestrictive building permits can be issued upon compliance with all other applicable Code provisions;

6. Permits. Approved permits from all applicable regulatory agencies and service providers.

e. Criteria for approval. The following criteria are required to be met for approval and issuance of Expedited Residential Site Development Permits:

1. The preliminary plat must be approved and in compliance with this Subdivision Code, the Florida Building Code, the Fire Code and Section 177.031, Florida Statutes;

2. Plot plans, meaning a scaled plan showing the existing and proposed improvements within the boundary of a lot, including but not limited to structures, infrastructure, utilities, boundary lines of the lot in relation to each other, for each individual lot requested an Expedited Residential Site Development Permit must be submitted to the village engineer.

3. Proof that the applicant provided the preliminary plat to the applicable stormwater, electric, gas, water, and wastewater utilities servicing the property;

4. All proposed structures seeking an expedited building permit must meet the requirements for an approved master building permit or the most recently adopted Florida Building Code requirements;

5. The emergency access and water supply plan must be approved by the Fire Marshall in accordance with NFPA 1;

6. Adequate addressing and installation of street signs in accordance with the requirements outlined in this Chapter of the Code of Ordinances must be completed;

7. Proof that the applicant holds a valid performance bond, approved by the village, for 130 percent (130%) of the uncompleted necessary improvements, as defined above; and

8. Execution of an indemnification and hold harmless agreement in favor of the village, pursuant to Section 177.031(10), Florida Statutes.

(f) Restrictions. Applicants may not:

1. Transfer ownership of lots until the final plat is approved and recorded in the Public

Records of Palm Beach County, Florida.

2. Obtain a temporary or final certificate of occupancy until the final plat has been recorded and such subdivision is 1) assigned required Parcel Control Numbers by the Palm Beach County Property Appraiser, 2) accurately depicted on the Palm Beach County Property Appraiser's website, or 3) confirmed in writing by the Palm Beach County Property Appraiser that the recorded final plat has been accepted by the Palm Beach County Property Appraiser's office and will be updated on the mapping software accordingly. In a bonded subdivision, no certificate of occupancy or compliance shall be issued on any building in any subdivision where the Tier I public improvements are not approved and accepted in accordance with the ordinances of the village. Any conditional building permit in a bonded subdivision shall state the conditions under which it is issued including but not limited to the waiver of certificate of occupancy or compliance in the event the Tier I public improvements are not installed and/or accepted by the village.
 3. Occupy or allow occupation of any structure prior to issuance of a certificate of occupancy.
- (g) Validity of Preliminary Plat. Preliminary Plat approval shall be valid for a period of three (3) years from the date of its approval by the village council. Should the final plat not be approved by the village council within three (3) years from the date of village council approval of the preliminary plat, the preliminary plat shall be deemed null and void.
- (h) Limit of approval. An applicant has a vested right in an approved preliminary plat for the above-referenced three-year period if the following conditions are met:
1. The applicant relies in good faith on the approved preliminary plat or any amendments thereto; and
 2. The applicant incurs obligations and expenses, commences construction of the residential subdivision or planned community, and is continuing in good faith with the development of the property.

Sec. 22-24. - Final plat requirements.

Upon receiving approval of the preliminary plat by the planning and zoning commission and the village council, the subdivider may prepare the final plat of the land subject to the preliminary

plat approval or of any portion thereof in excess of fifteen (15) acres to conform to the requirements as follows:

- (1) A final drawing of the subdivision of the proposed property shall be drawn in conformity with the preliminary plat and shall include the alterations required by the planning and zoning commission and the village council.
- (2) The final plat drawing shall be one (1) or more sheets showing all the information required on the preliminary plat, plus the following:
 - a. The sheets shall be of durable reproducible mylar or linen material and shall be 24 "x 34"(overall dimensions) reserving three (3) inches on the left margin for binding and one-half inch margin on all remaining sides. All maps will be drawn-at a scale sufficiently large to show all details clearly;
 - b. All drafting shall be done with black, waterproof India ink on linen or an acceptable plastic ink on mylar;
 - c. The scale of drawings for residential plats shall be no smaller than one (1) inch equals fifty (50) feet. All other plats shall be no smaller than one (1) inch equals sixty (60) feet. If more than one (1) sheet is used, an overall subdivision master plan shall be shown illustrating the various sheet numbers and sections or staging;
 - d. Final proposed locations, dimensions, bearings and/or angles, lines, curves, etc.;
 - e. Copies of the final protective covenants or articles of any home owners associations, as approved by the village attorney, shall be submitted as part of the final plat materials;
 - f. The final layout of all streets, including the length of all arc, radii, internal angles, points of curvature and length;
 - g. Permanent reference monuments shall be located in accordance with F.S. ch. 177, or other current state plat laws. Markers shall be installed prior to submission of and approval of the final plat;
 - h. Each lot shall be numbered, and each block lettered; parcels not included for platting shall be marked "not included";
 - i. Each plat shall have a name, but shall not duplicate a recorded subdivision name;
 - j. Adjacent properties, including those properties shown on the preliminary plat which are not included in the final plat in the event of phased development, shall

be marked "unplatted" or if subdivided, give the name of subdivision with plat book and page numbers, of public records of Palm Beach County.

- (3) The following items shall be shown on the face of the plat in accordance with the standard forms as required in section 22-28 of this chapter:
- a. Certificate of the surveyor;
 - b. Approval of the mayor, village clerk and village engineer;
 - c. Dedication by owners whether corporation or individual and acknowledgments;
 - d. Complete description of property;
 - e. North arrow, and scale;
 - f. Certificate of mortgage holder, if applicable;
 - g. Provide adequate space for recording information as required by the clerk of the circuit court.
- (4) In addition to the afore-listed items to be shown on the face of the final plat, the following certification forms shall be signed and filed with the council.
- a. *Reserved*;
 - b. ~~*Reserved.* Title insurance policy or attorney's opinion of title, showing good and merchantable title;~~
 - c. Certificate of cost estimate;
 - d. Joiner and consent to dedication;
 - e. ~~*Reserved.* Agreement for construction and maintenance of streets, alleys and other rights of way, etc.;~~
 - f. ~~*Reserved.* Certification of letter of credit, performance bond or developer's cash completion bond; such letter of credit or bonds shall be obtained only with regard to the land subject to the final plat or any phased portion thereof with a company having a Best's rating of AAA to assure completion of the project in the recorded plat in the amount of one hundred twenty-five (125) percent:~~
 1. ~~The engineer's estimate of all costs; or~~
 2. ~~The contract bid prices for all work elements. A certified copy of such bid prices shall be submitted to the village engineer;~~
 - g. ~~*Reserved.* Approved permits from all applicable regulatory agencies and service providers;~~

- h. Reserved. ~~In lieu of such bonds, the subdivider may construct on the land subject to the final plat or any phased portion thereof, all roads, utility and drainage improvements prior to recording the final plat, provided the complete set of paving and drainage plans have been approved by the council and the village engineer; and approved permits have been obtained from all applicable regulatory agencies and service providers; provided however, that the subdivider shall at any time during the development tender a bond with a company having a Best's rating of AAA to assure completion of the remaining portion of the project in the recorded plat in the amount of one hundred twenty five (125) percent of: the engineer's estimate of all remaining costs; or the contract bid prices for all remaining work elements, as approved by the village engineer. The certified performance bond or the developer's cash completion bond shall be considered as accepted by the village upon the issuance of certificates of approval thereof by the village attorney and the village engineer, and that upon completion of all work elements, other than Tier II public improvements, as certified to the village, by the subdivider's registered engineer, and approved by the village engineer, the subdivider, in lieu of the foregoing, may submit a certified performance bond or a developer's cash completion bond with regard to remaining work to be done on the Tier II public improvements. Such bond shall be obtained with a company having a Best's rating of AAA to assure completion of the remaining portion of the project in the recorded plat in the amount of one hundred twenty five (125) percent of the engineer's estimate of all remaining costs; or the contract bid prices for all remaining work elements, as provided by the village engineer. The certified performance bond or the developer's cash completion bond shall be considered as acceptable by the village upon the issuance of certificates of approval thereof by the village attorney and the village engineer and thereupon, such application, nonrestrictive building permits can be issued upon compliance with all other applicable Code provisions;~~
- i. If the subdivider elects to utilize an improvement escrow agreement as provided in ~~paragraph g.~~ above and the recordation of a plat is required by the state prior to the improvement escrow agreement becoming effective; then and in such event, the village is authorized to approve the plat for recordation in the public records of

Palm Beach County, such approval to be based upon prior acceptance and approval of the form and provisions of the improvement escrow agreement and the written representation of the subdivider that the improvement escrow agreement will be filed with the village when approved by the state; provided, however, that in no event shall construction of any improvements begin until the improvement escrow agreement is filed and finally approved by the village. In the event the improvement escrow agreement is not filed within one hundred twenty (120) days from recordation of the plat, the village shall, by appropriate resolution of the village council, direct to the Palm Beach County Commission, to vacate or expunge the plat from the public records of Palm Beach County. All costs and expense in connection with vacating or expunging a plat as provided in this section shall be borne by the subdivider.

- ~~(5) In bonded subdivisions, the building official may issue a conditional building permit for model homes or homes built for speculation prior to the completion of the public improvements; provided a temporary access plan is approved by the village engineer, however, no certificate of occupancy or compliance shall be issued on any building in any subdivision where the Tier I public improvements are not approved and accepted in accordance with the ordinances of the village.~~
- ~~(6) The subdivider shall attach an affidavit to the application for conditional building permit in a bonded subdivision stating that he has notified any land purchaser from the land owner or subdivider of this section and that he will hold the village harmless and indemnify the village for any costs, including reasonable attorneys fees, incurred in defending any claim, or legal proceeding requiring the village to issue a certificate of occupancy or compliance on any building for which a conditional building permit has been issued.~~
- ~~(7) Any conditional building permit in a bonded subdivision shall state the conditions under which it is issued including but not limited to the waiver of certificate of occupancy or compliance in the event the Tier I public improvements are not installed and/or accepted by the village.~~

Sec. 22-25. – Approval of final plat.

[Shall remain the same as previously adopted.]

Sec. 22-26. - Recording of plats.

- (a) No plat of lands in the village, subject to this chapter, shall be recorded either as an independent instrument or by attachment to another instrument entitled to be recorded, unless and until such plat has been approved by the village council. Approval of the final plat shall be construed as sufficient authorization by the village council for the recordation of such plat with the clerk of the circuit court in and for Palm Beach County.
- (b) No plat of any land within the village shall be recorded unless such plat complies with the current plat laws of the state and of this chapter.
- (c) Plats or integrated portion of plats of lands heretofore or hereafter platted may be vacated as provided by state law and this chapter.
- (d) All final plats approved by the village council shall automatically lapse and expire if such plat is not recorded within thirty (30) days from the date of final plat approval granted by the village council. Thereafter, a new application must be submitted.

Sec. 22-27. - Phased development of existing plats.

[Shall remain the same as previously adopted.]

Sec. 22-28. - Standard certification forms and plat sheet layout.

[Shall remain the same as previously adopted.]

Secs. 22-29—22-40. - Reserved.

Section 3: Chapter 22. Subdivision of Land. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article III. Subdivision Design Standards. at Sec. 22-41 to remove an inapplicable cross-reference providing that Article III. Development Design Standards. shall hereafter read as follows:

ARTICLE III. - DEVELOPMENT DESIGN STANDARDS

Sec. 22-41. - Minimum design standards and improvements.

In order that the various purposes of these regulations may be accomplished, all developments hereinafter established shall be developed, reconstructed, and improved in accordance with the minimum design standards set forth in this section. Final approval shall not be granted until all appropriate design standards have been met and until all appropriate required improvements have

either been installed or an appropriate bond or certified check has been posted to secure the installation of such improvements as required in section 22-24, ~~subsection (4), paragraphs f., g. and h.~~

Sec. 22-42. - Conformity to village zoning regulations.

[Shall remain the same as previously adopted.]

Sec. 22-43. - Designated plan elements to be included in proposed subdivision.

[Shall remain the same as previously adopted.]

Sec. 22-44. - Unsuitable land not to be subdivided unless corrected.

[Shall remain the same as previously adopted.]

Sec. 22-45. - General street location and arrangement.

[Shall remain the same as previously adopted.]

Sec. 22-46. - Lot requirements generally.

[Shall remain the same as previously adopted.]

Sec. 22-47. - Block requirements generally.

[Shall remain the same as previously adopted.]

Sec. 22-48. - Easements.

[Shall remain the same as previously adopted.]

Sec. 22-49. - Public sites and open spaces.

[Shall remain the same as previously adopted.]

Sec. 22-50. - Required public and other improvements.

[Shall remain the same as previously adopted.]

Sec. 22-51. - Street and drainage construction specifications.

[Shall remain the same as previously adopted.]

Sec. 22-52. - Reversion of subdivided land to acreage.

[Shall remain the same as previously adopted.]

Secs. 22-53—22-54. - Reserved.

Sec. 22-55. - Recreation requirements for residential developments.

[Shall remain the same as previously adopted.]

Secs. 22-56—22-65. - Reserved.

Section 4: Each and every other Section and Sub-section of Chapter 22. Subdivision of Land. shall remain in full force and effect as previously enacted.

Section 5: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 6: 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 7: Specific authority is hereby granted to codify this Ordinance.

Section 8: This Ordinance shall take effect immediately upon passage.

FIRST READING this 17th day of October, 2024.

SECOND AND FINAL READING this 21st day of November, 2024.

VILLAGE OF ROYAL PALM BEACH

JEFF HMARA, MAYOR

ATTEST:

(Seal)

DIANE DISANTO, VILLAGE CLERK