

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

Agenda Item:

PUBLIC HEARING FOR FIRST READING AND APPROVAL OF ORDINANCE NO. 1051, AMENDING CHAPTER 26. ZONING. AT SECS. 26-82(4)(D) AND 26-83(4)(D) TO REVISE THE SUBHEADING TITLES, ELIMINATE THE PERIMETER LANDSCAPE SETBACK REQUIREMENT ADJACENT TO RIGHT-OF-WAYS AND OPEN SPACE AND ELIMINATE THE REQUIREMENT FOR A 10-FOOT PERIMETER LANDSCAPE SETBACK ADJACENT TO INTERIOR LOT LINES FOR PARCELS WITH YARDS OF TEN FEET OR GREATER. BY BRADFORD O'BRIEN, P&Z DIRECTOR.

Issue:

Sections 26-82(4)(d) and 26-83(4)(d) of the Village Code currently provide for the minimum parcel perimeter landscape setback widths adjacent to public rights-of-way, interior property lines and public open spaces. Village Staff desires to update this to eliminate the perimeter landscape setback requirement adjacent to right-of-ways and open space and the requirement for a 10-foot perimeter landscape setback adjacent to interior property lines for parcels with yards of ten feet or greater in the RV-6 and RT-8 Zoning Districts.

Village Staff is proposing to amend Chapter 26. Zoning. at:

- Sec. 26-82 – RV-6 Villa Residential District. to revise the heading of subpart (d) and eliminate the perimeter landscape setback requirement adjacent to right-of-ways and open space and the requirement for a 10-foot perimeter landscape setback adjacent to interior property lines for parcels with yards of ten feet or greater; and
- Sec. 26-83 – RT-8 Townhouse Residential District. in order to revise the heading of subpart (d) and eliminate the perimeter landscape setback requirement adjacent to right-of-ways and open space and the requirement for a 10-foot perimeter landscape setback adjacent to interior property lines for parcels with yards of ten feet or greater.

A Business Impact Estimate is also attached as required by Section 166.041(4), Florida Statutes.

The Local Planning Agency considered this item on November 26, 2024 and recommended Approval by a vote of 4-0.

Recommended Action:

Staff recommends Approval of Ordinance No. 1051 on first reading.

Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	12-19-2024	Action

Business Impact Estimate

As required by Sec. 166.041(4), *Florida Statutes* (2024), this “Business Impact Estimate” is provided for Ordinance No. 1051:

ORDINANCE NO. 1051

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 26. ZONING. AT SECTIONS 26-82. – RV-6 VILLA RESIDENTIAL DISTRICT. AND 26-83. - RT-8 TOWNHOUSE RESIDENTIAL DISTRICT. TO REVISE THE SUBHEADING TITLES, ELIMINATE THE PERIMETER LANDSCAPE SETBACK REQUIREMENT ADJACENT TO RIGHT-OF-WAYS AND OPEN SPACE AND ELIMINATE THE REQUIREMENT FOR A 10-FOOT PERIMETER LANDSCAPE SETBACK ADJACENT TO INTERIOR LOT LINES FOR PARCELS WITH YARDS OF TEN FEET OR GREATER; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION 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.

Part I. Summary of the proposed ordinance and statement of public purpose: Ordinance No. 1051 updates the minimum parcel perimeter landscape setback widths adjacent to public rights-of-way, interior property lines and public open spaces to eliminate the perimeter landscape setback requirement adjacent to right-of-ways and open space and the requirement for a 10-foot perimeter landscape setback adjacent to interior property lines for parcels with yards of ten feet or greater in the RV-6 and RT-8 Zoning Districts.

Part II. Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Village of Royal Palm Beach:

- a. Estimate of direct compliance costs that businesses may reasonably incur if the proposed ordinance is enacted:** None, reduction of landscape buffer installation costs.
- b. Identification of any new charges or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible:** None, reduction of landscape buffer installation costs.
- c. An estimate of the Village of Royal Palm Beach’s regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.** No change from pre-ordinance costs.

Part III. Good faith estimate of the number of businesses likely to be impacted by the ordinance: None.

Part IV. Additional Information (if any): None.

ORDINANCE NO. 1051

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 26. ZONING. AT SECTIONS 26-82. – RV-6 VILLA RESIDENTIAL DISTRICT. AND 26-83. - RT-8 TOWNHOUSE RESIDENTIAL DISTRICT. TO REVISE THE SUBHEADING TITLES, ELIMINATE THE PERIMETER LANDSCAPE SETBACK REQUIREMENT ADJACENT TO RIGHT-OF-WAYS AND OPEN SPACE AND ELIMINATE THE REQUIREMENT FOR A 10-FOOT PERIMETER LANDSCAPE SETBACK ADJACENT TO INTERIOR LOT LINES FOR PARCELS WITH YARDS OF TEN FEET OR GREATER; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION 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, Sections 26-82(4)(d) and 26-83(4)(d) of the Village Code current provide for the minimum parcel perimeter landscape setback widths adjacent to public rights-of-way, interior property lines and public open spaces; and

WHEREAS, the Village Council of the Village of Royal Palm Beach desires to update this to eliminate the perimeter landscape setback requirement adjacent to right-of-ways and open space and the requirement for a 10-foot perimeter landscape setback adjacent to interior property lines for parcels with yards of ten feet or greater in the RV-6 and RT-8 Zoning Districts; 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 26. are in the best interests of the health, safety and welfare 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 Sec. 26-82 – RV-6 Villa Residential District. in order to revise the heading of subpart (4)(d) and eliminate the perimeter landscape setback requirement adjacent to right-of-ways and open space and the requirement for a 10-foot perimeter landscape setback adjacent to interior property lines for parcels with yards of ten feet or greater; providing that Sec. 26-82 shall hereafter read as follows:

Sec. 26-82. – RV-6 Villa Residential District.

[Subsections (1) through (3) to remain in full force as adopted.]

(4) Site development standards.

- (a) Minimum parcel size: 3 acres (except Tract 205 which is already platted).
- (b) Maximum building height: 20 feet; all required livable space shall be at ground floor level. Lofts, mezzanines or other elevated floor areas are permitted but cannot be included as livable area.
- (c) Minimum yard setbacks: The following required minimum distances shall be measured from each structure to nearest adjacent structure, street, parking space, water body or perimeter, whichever occurs first:

Side	Adjacent to:	Feet
Front	Front of structure	50
Front	Side of structure	40
Front	Street, water body or perimeter	15
Front	Front to right-of-way line	25
Front	Parking space	5
Rear	Rear of structure	40
Rear	Side of structure	35
Rear	Street, parking space, water body or perimeter	20
Side	Side of structure when not a zero lot line development	30
	Duplex	10
Side	Street, water body or perimeter	15
Side	Parking space	5
Side	Zero lot line or attached structure	0

- (d) Minimum parcel setback width to perimeter landscape buffer setback width:
~~Adjacent public rights of way: 25 feet.~~

Adjacent interior ~~property-lot~~ lines: 10 feet unless the yard is 10 feet or greater, then the minimum parcel setback width to perimeter landscape buffer requirement does not apply.

~~Adjacent to public open space: 0 feet.~~

(e) Maximum grouping length: 6 dwelling units.

(f) Minimum floor area:

Minimum floor area requirements may be reduced by the village council provided the project is approved pursuant to Florida Statutes Sections 163.3220 through 163.3243, Development Agreement (known as the Florida Local Government Agreement Act), and such development agreement contains acceptable assurances from the developer that such units shall be available to those households demonstrating need based on a standard to be determined by the village.

1. Attached units:

One-bedroom, minimum: 1,000 square feet.

Two-bedroom, minimum: 1,200 square feet.

Three-bedroom, minimum: 1,350 square feet.

Each building shall average 1,200 square feet per dwelling unit.

2. Duplexes:

A minimum of 1,500 square feet for a duplex without a garage.

A minimum of 1,450 square feet for duplexes with an attached one-car garage.

A minimum of 1,400 square feet for duplexes with an attached two-car garage.

(g) Minimum common open space: 30 percent of total site area.

(h) Minimum pervious area: 50 percent of total site area.

(i) Attached units: Attached villa clusters shall be designed as a whole but may be permitted for construction or certificates of occupancy as individual units at the discretion of the building official provided that all exterior amenities are completed as approved.

(j) Street frontage: Each individual dwelling unit shall have a clear, direct access to a public or private street or driveway; and no principal unit entry shall be located further than fifty (50) feet from such street or driveway.

(k) Utilities and services: Each dwelling unit shall be independently served by separate heating, air-conditioning, wastewater, water, electric power, gas, and other services

wherever such utilities and services are provided; and no unit shall be in any way dependent upon such services or utility lines located within another unit or on or in another site except for meter rooms and services extended therefrom and as may be installed in public easements. All units must be connected to public water and wastewater lines and all electrical and telephone lines shall be placed underground.

- (l) Maintenance of common facilities: Nonpublic areas and facilities for the common use of occupants of a villa development, but not in individual ownership of such occupants, shall be maintained in a satisfactory manner without expense to the general taxpayers of the village under entities such as homeowners', condominium or utility associations.
- (m) Zero lot line detached lot frontage (measured at minimum front setback): 55 feet. Minimum overall width of dwelling unit: 30 feet.
- (n) On corner lots, all fences, walls and hedges shall be of the proper height and shall be set back from lot lines abutting rights-of-way to conform to the clear-sight distance requirements as set forth in the Florida Department of Transportation Manual of Uniform Standards for Design, Construction and Maintenance for Streets and Highways, 1986 Edition, as may be amended from time to time; said manual is on file in the office of the director.
- (o) Minimum recreational requirements shall be as set forth in the village subdivision code, chapter 22, section 22-55.

[Subsections (5) and (6) to remain in full force as adopted.]

Section 2: Chapter 26. Zoning. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Sec. 26-83 – RT-8 Townhouse Residential District. in order to revise the heading of subpart (4)(d) and eliminate the perimeter landscape setback requirement adjacent to right-of-ways and open space and the requirement for a 10-foot perimeter landscape setback adjacent to interior property lines for parcels with yards of ten feet or greater; providing that Sec. 26-83 shall hereafter read as follows:

Sec. 26-83. – TR-8 Townhouse Residential District.

[Subsections (1) through (3) to remain in full force as adopted.]

(4) *Site development standards.*

- (a) Minimum parcel size: 3 acres; except for parcels platted within Tracts 107 and 204 prior to the adoption of this chapter, which shall be permitted at their platted size.

- (b) Maximum building height: 30 feet and not more than 2 stories.
- (c) Minimum yard setbacks: The following required minimum distances shall be measured from each structure to nearest adjacent structure, street, parking space, water body or perimeter, whichever occurs first:

Side	Adjacent to:	Feet
Front	Front of structure	50
Front	Side of structure	40
Front	Street, water body or perimeter	15
Front	Front to right-of-way line	25
Front	Parking space	5
Rear	Rear of structure	40
Rear	Side of structure	35
Rear	Street, parking space, water body or perimeter	20
Side	Street, water body or perimeter	15
Side	Zero lot line or attached structure	0
Side	Parking space	5
Side	To right-of-way line	20
Side	Side of structure	30
	Duplex	10

- (d) Minimum parcel setback width to perimeter landscape buffer setback width:
~~Adjacent to public rights-of-way: 25 feet.~~
 Adjacent to interior property lot lines: 10 feet unless the yard is 10 feet or greater, then the minimum parcel setback width to perimeter landscape buffer requirement does not apply.
~~Adjacent to public open space: 0 feet.~~
- (e) Maximum grouping length: 6 dwelling units.

(f) Minimum floor area:

Minimum floor area requirements may be reduced by the village council provided the project is approved pursuant to Florida Statutes Sections 163.3220 through 163.3243, Development Agreement (known as the Florida Local Government Agreement Act), and such development agreement contains acceptable assurances from the developer that such units shall be available to those households demonstrating need based on a standard to be determined by the village.

1. Attached units:

One-bedroom, minimum: 1,000 square feet.

Two-bedroom, minimum: 1,200 square feet.

Three-bedroom, minimum: 1,350 square feet.

Each building shall average 1,200 square feet per dwelling unit.

(g) Minimum common open space: 30 percent of total site area.

(h) Minimum pervious area: 50 percent of total site area.

(i) Attached units: Attached townhouse clusters shall be designed as a whole but may be permitted for construction or certificates of occupancy as individual units at the discretion of the building official provided that all exterior amenities are completed as approved.

(j) Street frontage: Each individual dwelling unit shall have a clear, direct access to a public or private street or driveway and no principal unit entry shall be located further than seventy-five (75) feet from such street or driveway.

(k) Utilities and services: Each dwelling unit shall be independently served by separate heating, air-conditioning, wastewater, water, electric power, gas, and other services wherever such utilities and services are provided; and no unit shall be in any way dependent upon such services or utility lines located within another unit or on or in another site except for meter rooms and services extended therefrom and as may be installed in public easements. All units must be connected to public water and wastewater lines and all electrical and telephone lines shall be placed underground.

(l) Maintenance of common facilities: Nonpublic areas and facilities for the common use of occupants of a townhouse development, but not in individual ownership of such occupants, shall be maintained in a satisfactory manner without expense to the

general taxpayers of the village under entities such as homeowners', condominium or utility associations.

(m) On corner lots, all fences, walls and hedges shall be of the proper height and shall be set back from lot lines abutting rights-of-way to conform to the clear-sight distance requirements as set forth in the Florida Department of Transportation Manual of Uniform Standards for Design, Construction and Maintenance for Streets and Highways, 1986 Edition, as may be amended from time to time; said manual is on file in the office of the director.

(n) Minimum recreational requirements shall be as set forth in the village subdivision code, chapter 22, section 22-55.

[Subsections (5) and (6) to remain in full force as adopted.]

Section 3: Each and every other Section and Sub-section of Chapter 26. Zoning. shall remain in full force and effect as previously adopted.

Section 4: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 5: 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 6: Specific authority is hereby granted to codify this Ordinance.

Section 7: This ordinance shall take effect immediately upon adoption.

FIRST READING this ____ day of December, 2024.

SECOND AND FINAL READING this ____ day of January, 2025.

VILLAGE OF ROYAL PALM BEACH

MAYOR JEFF HMARA

ATTEST:

(Seal)

DIANE DISANTO, VILLAGE CLERK