

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

**Agenda Item: R - 4**

**PUBLIC HEARING FOR SECOND READING AND ADOPTION OF ORDINANCE NO. 1063, AN APPLICATION BY THE VILLAGE OF ROYAL PALM BEACH, AMENDING CHAPTER 22. SUBDIVISION OF LAND., CHAPTER 7. BULKHEADS AND WATERWAYS. AND CHAPTER 2. ADMINISTRATION. OF THE CODE OF ORDINANCES OF THE VILLAGE OF ROYAL PALM BEACH AT VARIOUS SECTIONS TO COMPLY WITH RECENT CHANGES TO SECTION 177.071, FLORIDA STATUTES GOVERNING THE PLAT APPROVAL PROCESS. BY BRADFORD O'BRIEN, P&Z DIRECTOR.**

**Issue:**

Senate Bill 784 ("SB 784") revised Section 177.071, F.S., to require plats and replats submitted to the Village to be administratively approved with no further action of the Village and no public hearings if the plat/replat complies with the requirements of Section 177.091, F.S. SB 784 also requires the Village to designate, by ordinance or resolution, an administrative authority to receive, review, and process the plat/replat submittal, including designating an administrative official responsible for approving, approving with conditions, or denying the proposed plat/replat. It also sets forth requirements for the Village to process these submittals, including a requirement to provide a written notice to the applicant acknowledging receipt that specifies the approval process and applicable timeframes for reviewing, approving or otherwise processing the plat/replat.

Ordinance No. 1063 seeks to amend Village Code of Ordinances at Chapters 22, 7 and 2 to conform the Village's platting process with the new state law. Specifically, the ordinance proposes to amend the following:

- Sec. 22-3 to revise the definition of the term "Tier I public improvements" to reflect improvement approval by the Village Manager rather than Council.
- Sec. 22-23 to revise the preliminary plat approval process. The amendment requires 7-day notice by the Planning & Zoning Department after receipt of a preliminary plat application; leaves in tact the review and certification of preliminary plats through the Village's Technical Staff Review (TSR) process; designates the Village Manager as the designated authority responsible for approving, approving with conditions or denying a proposed preliminary plat; removes the public hearing requirement before the Village's Planning & Zoning Commission; and makes consistency edits throughout regarding Village Manager versus Village Council approval.
- Sec. 22-24 to revise the final plat requirements. The amendment removes reference to preliminary plat approval by the Village's Planning & Zoning

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| Initiator:      | Village Manager | Agenda Date | Village Council |
| Director of P&Z | Approval        | 12-18-2025  | Action          |

Commission and Village Council; and makes consistency edits throughout regarding Village Manager versus Village Council approval.

- Sec. 22-25 to revise the final plat approval process. The amendment designates the Village Manager as the designated authority responsible for approving, approving with conditions or denying a proposed final plat; and removes the public hearing requirement for final plats before the Village Council.
- Sec. 22-26 related to the recording of plats to make consistency edits throughout regarding Village Manager versus Village Council approval.
- Sec. 22-27 to update an internal Code cross-reference.
- Sec. 22-28 to make consistency edits throughout regarding Village Manager versus Village Council approval.
- Sec. 22-44 to replace Village Council with Village Manager regarding land deemed unsuitable for subdivision.
- Sec. 22-45 to replace Village Council with Village Engineer or Manager regarding approval of general street location and arrangement.
- Sec. 22-48 to replace Village Council with Village Engineer or Manager regarding approval of easements.
- Sec. 22-49 to replace Village Council with Village Engineer or Manager regarding approval of public sites and open spaces.
- Sec. 22-50 to replace Village Council with Village Manager regarding approval of required public and other improvements.
- Sec. 22-52 to designate the Village Manager as the designated authority responsible for approving, approving with conditions or denying a proposed plat and modify the process for requesting vacation and reversion of subdivided land back to acreage.
- Sec. 22-55 to replace Village Council with Village Manager regarding approval of recreation requirements for residential developments; and modify the appeal process to allow for appeal of Village Manager decisions to the Village Council.
- Sec. 22-66 to replace Village Council with Village Manager regarding approval of higher standards for subdivisions.
- Sec. 22-67 to replace reference to Village Council with Village Manager.
- Sec. 7-36 to revise the definition of the term “Plat of record” to reflect acceptance by the Village rather than Council specifically.
- Sec. 2-75.23 to remove preliminary plats from the list of petitions requiring legal advertising prior to Village Planning & Zoning Commission meetings.
- Sec. 2-75.24 to remove preliminary plats from the list of petitions subject to the reviewing authority of the Village’s Planning & Zoning Commission.

The Local Planning Agency considered the application on October 28, 2025, and recommended Approval by a vote of 5-0.

The Village Council considered the application and Ordinance No. 1063 on November 20, 2025, and recommended Approval by a vote of 4-0.

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**Recommended Action:**

Staff is recommending Approval of Application No. 25-119 (ZTEXT) and Ordinance No. 1063 on second reading.

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**ORDINANCE NO. 1063**

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 22. SUBDIVISION OF LAND., CHAPTER 7. BULKHEADS AND WATERWAYS. AND CHAPTER 2. ADMINISTRATION. OF THE CODE OF ORDINANCES OF THE VILLAGE OF ROYAL PALM BEACH AT VARIOUS SECTIONS TO COMPLY WITH RECENT CHANGES TO SECTION 177.071, FLORIDA STATUTES GOVERNING THE PLAT APPROVAL PROCESS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Senate Bill 784 (“SB 784”) revised Section 177.071, Florida Statutes, to require plats and replats submitted to the Village to be administratively approved with no further action of the Village and no public hearings if the plat/replat complies with the requirements of Section 177.091, Florida Statutes; and

WHEREAS, SB 784 also requires the Village to designate, by ordinance or resolution, an administrative authority to receive, review, and process the plat/replat submittal, including designating an administrative official responsible for approving, approving with conditions, or denying the proposed plat/replat; and

WHEREAS, SB 784 also sets forth requirements for the Village to process these submittals, including a requirement to provide a written notice to the applicant acknowledging receipt that specifies the approval process and applicable timeframes for reviewing, approving or otherwise processing the plat/replat; and

WHEREAS, SB 784 was approved by the Governor on June 20, 2025 with an effective date of July 1, 2025; and

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

WHEREAS, other sections of both Chapters 2 and 7 of the Village Code require consistency edits to conform with the new legislation; 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 Chapters 2, 7 and 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 revise select definitions to conform the definition with changes to state law; providing that Sec. 22-3. shall hereafter read as follows:

**Sec. 22-3. - Definitions.**

*Tier I public improvements* shall mean roadways, drainage, utilities, street lighting, perimeter landscaping, perimeter buffers, reservations accepted by village ~~manager-council~~, and other improvements required by the village ~~manager-council~~, village engineer, and planning and zoning director.

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

**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 Sec. 22-23. Preliminary plat – Application, public hearings and post approval permitting. in order to revise the section heading and conform the section with changes to state law; providing that Sec. 22-23. shall hereafter read as follows:

**Sec. 22-23. - Preliminary plat—Application, ~~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 administrative review and comments at their next available meeting. The planning and zoning department shall, within seven (7) business days of receipt of the preliminary plat, provide written notice to the applicant acknowledging receipt of the submittal and identifying any missing documents or information necessary to process the preliminary plat submittal for compliance with s. 177.091. The written notice must also provide information regarding the preliminary plat approval process, including requirements regarding the completeness

of the process and applicable timeframes for reviewing, approving, and otherwise processing the preliminary plat.

- (b) After approval by the village engineer and technical staff review certification, the preliminary plat shall be submitted to the village manager, as the designated administrative authority responsible for approving, approving with conditions or denying the proposed preliminary plat. Unless the applicant requests an extension of time, the village manager shall approve, approve with conditions, or deny the preliminary plat submittal within the timeframe identified in the written notice provided to the applicant under subsection (a) above. If the village manager does not approve the preliminary plat, he/she must notify the applicant in writing of the reasons for declining to approve the submittal. The written notice must identify all areas of noncompliance and include specific citations to each requirement the preliminary plat submittal fails to meet. The village manager, or an official, an employee, an agent, or a designee of the governing body, may not request or require the applicant to file a written extension of time. ~~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.~~
- (c)(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.~~

~~(d)(f)~~ 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).

~~(e)(g)~~ If approved by ~~the village manager~~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 (50) percent 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 (50) percent 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 ~~manager~~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 one hundred thirty (130) percent of the necessary improvements, as defined in F.S. § 177.031(9), as amended, that have not been completed upon submission of the application. For purposes of a

master planned community as defined in F.S. § 163.3202(5)(b)(2), 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 village manager-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 (130) 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 preliminary plat in the amount of one hundred thirty (130) 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;

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

providers.

~~(f)(h)~~ *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 F.S. § 177.07334;
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 marshal 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 one hundred thirty (130) percent 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 F.S. § 177.0734(10).

~~(g)(i)~~ *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.

~~(h)(i)~~ *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 ~~manager-council~~. Should the final plat not be approved by the village ~~manager-council~~ within three (3) years from the date of village ~~manager-council~~ approval of the preliminary plat, the preliminary plat shall be deemed null and void.

~~(i)(k)~~ *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.

**Section 3:** 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 Sec. 22-24. Final plat requirements. in order to conform the section with changes to state law; providing that Sec. 22-24. shall hereafter read as follows:

**Sec. 22-24. - Final plat requirements.**

Upon receiving approval of the preliminary plat by the village manager pursuant to Section 22-23 ~~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 village manager ~~planning and zoning commission and the village council~~.

[Subsection (2) to remain in full force as adopted.]

- (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 village manager ~~mayer~~, 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 village ~~council~~.

- a. *Reserved*;
- b. *Reserved*.
- c. Certificate of cost estimate;
- d. Joiner and consent to dedication;
- e. *Reserved*.
- f. *Reserved*.
- g. *Reserved*.
- h. *Reserved*.
- i. If the subdivider elects to utilize an improvement escrow agreement as provided 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 manager shall, by letter sent via certified mail ~~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.

**Section 4:** 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 Sec. 22-25. Approval of final plat. in order to conform the section with changes to state law; providing that Sec. 22-25. shall hereafter read as follows:

**Sec. 22-25. - Approval of final plat.**

- (a) Application for final 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. At the time of application for a final plat, the subdivider shall pay a fee to the village, the amount of which, shall be set by resolution of the village council and shall be on file in the office of the village clerk.
- (b) After approval by the village engineer and technical staff review certification, the final plat shall be submitted to the village manager, as the designated administrative authority responsible for approving, approving with conditions or denying the proposed final plat engineering department. The format of the submittal and number of copies required shall be determined by the village engineer. ~~Then the final plat shall be placed on the village council agenda for consideration at their next available meeting. At such public meeting, the village council may deny the application, approve the application, approve the application with conditions, or return the application to the technical staff for further~~

~~deliberations and recommendations, as is appropriate for that application.~~ The village ~~manager-council~~ may add any conditions of approval deemed necessary ~~by the council~~ to ensure the health, safety and welfare of the public. Violations of any or all conditions of approval may subject the applicant, owner, his agent, lessee, tenant, contractor or any person using the building, structure, land, property or premises to the enforcement remedies and penalties outlined in section 22-67.

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

[Subsection (d) and (e) to remain in full force as adopted.]

**Section 5:** 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 Sec. 22-26. Recording of plats. in order to conform the section with changes to state law; providing that Sec. 22-26. shall hereafter read as follows:

**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 manager, as the designated administrative authority responsible for approving plats~~-council~~. Approval of the final plat shall be construed as sufficient authorization by the village ~~manager-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 ~~manager-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 ~~manager-council~~. Thereafter, a new application must be submitted.

**Section 6:** 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 Sec. 22-27. Phased development of existing plats. in order to conform the section with changes to state law; providing that Sec. 22-27. shall hereafter read as follows:

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

A subdivider of an existing recorded subdivision within the village may elect to phase the development of any portion thereof in excess of fifteen (15) acres upon compliance with the requirements of section 22-24(4)g.

**Section 7:** Chapter 22. Subdivision of Land. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article III. Development Design Standards. at Sec. 22-44. Unsited land not to be subdivided unless corrected. in order to conform the section with changes to state law; providing that Sec. 22-44. shall hereafter read as follows:

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

Land which the village engineer, the village ~~manager-council~~, or the county health department finds to be unsited for subdivision, and due to poor soil qualities, flooding, poor drainage, or other features, likely to be harmful to the health, safety and general welfare of future residents shall not be subdivided, unless adequate methods of correction are formulated.

**Section 8:** Chapter 22. Subdivision of Land. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article III. Development Design Standards. at Sec. 22-45. General street location and arrangement. in order to conform the section with changes to state law; providing that Sec. 22-45. shall hereafter read as follows:

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

[Subsections (a) - (g) to remain in full force as adopted.]

(h) New street entrances on roads designated or classified as major arterials shall be not less than one thousand seven hundred (1,700) feet apart and new street entrances on roads designated or classified as collector streets shall not be less than five hundred (500) feet apart. Provided, however, that the village ~~engineer or manager-council~~ may reduce these

requirements if it determines that such action will not be contrary to the purposes of this chapter.

- (i) Where a subdivision abuts or contains an existing or proposed arterial street, the village engineer or manager~~council~~ may require marginal access streets, reverse frontage lots with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service lanes, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (j) Dead-end streets, designed as such permanently, shall be provided at the closed end with a turnaround having an outside roadway diameter of not less than eighty (80) feet and a right-of-way diameter of not less than one hundred (100) feet.
- (k) Temporary dead-end streets shall be provided with a temporary turnaround area which shall meet the requirements of the planning and zoning commission for design, maintenance and removal.
- (l) Half streets shall not be permitted within a subdivision.
- (m) Minor streets within subdivisions shall be so laid out and designed that their use by through traffic and speeding traffic will be discouraged.
- (n) All streets within a subdivision hereafter established shall be named. No name shall be used which will duplicate or be confused with existing street names, and all names shall be approved by the village engineer or manager~~council~~.
- (o) A proposed subdivision that includes a platted street that does not conform to the minimum right-of-way requirements of these regulations shall provide for the dedication of additional right-of-way along either one or both sides of such street so that the minimum right-of-way required by these regulations can be established. If the proposed subdivision abuts only one side of such street, then a minimum of one-half of the required extra right-of-way shall be dedicated or reserved by such subdivision.
- (p) Whenever the village engineer or manager~~council~~ finds that street access to adjoining property is needed, a street right-of-way shall be extended to the boundary of such property and such right-of-way shall be dedicated to the public as an unopened street. When such unopened street is required for access to property, then the developer of the property for which access is required shall be responsible for opening and improving the unopened street.

- (q) Street name markers which meet village specifications shall be installed at all street intersections.
- (r) A tangent of at least one hundred feet shall be introduced between reverse curves on major, collector and minor streets.
- (s) Alleys shall be provided to serve multiple dwellings, business, commercial and industrial areas, except if this requirement is waived. The village engineer or manager~~council~~ may waive this requirement where other definite and assured provision is made for service access, off-street loading, unloading and parking consistent with and adequate for the uses permissible on the property. The width of an alley shall be twenty (20) feet or more. Changes in alignment of alleys shall be made on a centerline radius of not less than fifty (50) feet. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities for service trucks at the dead-end, with a minimum external diameter of one hundred (100) feet.

[Subsections (t) - (w) to remain in full force as adopted.]

**Section 9:** Chapter 22. Subdivision of Land. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article III. Development Design Standards. at Sec. 22-48. Easements. in order to conform the section with changes to state law; providing that Sec. 22-48. shall hereafter read as follows:

**Sec. 22-48. - Easements.**

- (a) Easements for utilities along rear and side property lines may be required by the village engineer or manager~~council~~ where necessary. In particular cases, easements across lots may be required by the engineer or manager~~village council~~, if necessary to meet unusual or extreme conditions.
- (b) Easements, when provided, shall be a minimum of twelve (12) feet in width and shall center along a common property line where appropriate.
- (c) Easements, when required for drainage of the area to be subdivided, shall be of such width as is necessary to permit proper construction of drainage facilities based on the drainage system of the area. No subdivision shall block or obstruct the natural drainage of an adjoining area. Existing natural drainage shall be maintained or replaced where possible or

feasible.

**Section 10:** Chapter 22. Subdivision of Land. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article III. Development Design Standards. at Sec. 22-49. Public sites and open spaces. in order to conform the section with changes to state law; providing that Sec. 22-49. shall hereafter read as follows:

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

- (a) Where a site for a public park is within the scope of a comprehensive plan and deemed suitable by the village engineer or manager~~council~~ in a proposed subdivision, such site may be reserved for public usage. The subdivider shall allow a period of forty-five (45) days from the date of submittal of the preliminary plat, during which time the village must make known its intention to acquire such site. If the village determines that acquisition of such site is necessary in order to meet recreational needs reasonably attributable to the proposed subdivision, the village engineer or manager~~council~~ shall then set a period of time upon consulting the subdivider and park authorities in which to effectuate such acquisition.
- (b) Parks and playgrounds shall be dedicated to the public, deeded to the village, or reserved for private use under private ownership. If deeded to the village, the land shall be used by the village for recreational needs reasonably attributable to the proposed subdivision.
- (c) The size and location of such parks and playgrounds are subject to the approval of the village engineer or manager~~council~~.
- (d) Where a site for public school buildings is within the scope of a comprehensive plan, and deemed suitable by the village engineer or manager~~council~~ and the county school board for location in a subdivision, such site may be reserved for public use for educational purposes reasonably attributable to the proposed subdivision. The subdivider shall allow a period of ninety (90) days from the date of submittal of the preliminary plat, during which time the county school board shall be required to make known its intention to acquire such site. If the school board indicates a desire to acquire the site, the village engineer or manager~~council~~ may then set a period of time, upon consultation with the subdivider and the school board, for acquisition of such a site.

[Subsections (e) - (f) to remain in full force as adopted.]

**Section 11:** Chapter 22. Subdivision of Land. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article III. Development Design Standards. at Sec. 22-50. Required public and other improvements. in order to conform the section with changes to state law; providing that Sec. 22-50. shall hereafter read as follows:

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

(a) *Improvements.* Every subdivider shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows:

(1) *Water supply system.*

- a. Water mains, properly connected to an existing public water supply system, shall be constructed in such a manner as to adequately serve all lots shown on the subdivision plat, both for domestic use and for fire protection. In the event of the nonexistence of such public water supply system, a subdivision water supply system shall be installed by the subdivider. The location, the amount of soil cover, pipes and other features of the installation shall be approved by the village engineer and shall conform to the accepted standards and sound practices for municipal water supply and fire protection systems. The developer's engineer shall furnish evidence of approval of plans for water supply by the county health department and any state agency having jurisdiction thereof.
- b. In single-family residential subdivisions, fire hydrants or connections therefor, shall be spaced no greater than eight hundred (800) feet apart, shall be connected to mains no less than six (6) inches in diameter, shall provide capability for fire flows of at least one thousand (1,000) gallons per minute in addition to domestic requirements at residual pressures of not less than twenty (20) pounds per square inch and shall provide capability for sufficient storage or emergency pumping facilities to such an extent that the minimum fire flows will be maintained for at least four (4) hours.
- c. In multi-family, commercial, institutional, industrial or other high daytime or nighttime population density developments, a distribution system capable of delivering, in addition to domestic requirements at residual pressures of not less than twenty (20) pounds per square inch, fire flows of at least one thousand two

hundred fifty (1,250) gallons per minute shall be provided as a minimum standard; fire hydrants or connections therefor shall be spaced no greater than four hundred (400) feet apart on mains no less than six (6) inches in diameter; and provided to such an extent, that the minimum fire flow will be maintained for at least four (4) hours.

(2) *Sanitary sewer system.*

- a. When a subdivision is located within or adjacent to the service area of a public sewage system, sanitary sewers and other required appurtenances thereto shall be installed in such a manner as to serve adequately all lots with connections to the public sewer system. In a proposed subdivision which cannot feasibly connect with an existing public sewer system, a subdivision sewer may be required for the subdivision if feasible in the judgment of the village ~~manager-council~~, with the advice of the village engineer and in accordance with the policies and requirements of the county health department and the state department of environmental regulation.
- b. Where it is determined in the judgment of the village ~~manager-council~~, with the advice of the village engineer and the state department of environmental regulation, that a subdivision cannot be economically connected with an existing public sewer system or be required to provide a public sewer system for the subdivision itself, then a subdivider may install an approved private sewage disposal system in accordance with the requirements of the village and the county health department.

(3) *Installation of public utilities and driveways.* After the subgrade for a street has been completed, the remainder of the street right-of-way has been graded and before any base materials is applied, all the underground work for water mains, sanitary sewers, storm sewers, gas mains, electric power conduits and any other utility, including all service connections, shall be installed completely and approved through the length of the road to a point at least two (2) feet outside of the back of the curb. All underground improvements so installed for the purpose of future service connections shall be properly capped and back-filled. All driveway openings in curbs shall be of a width specified by the village engineer and shall be cut and drained by the subdivider.

(4) *Storm drainage.* An adequate storm drainage system, including necessary storm sewers,

drain inlets, manholes, culverts, bridges and other appurtenances, shall be required in all subdivisions to the extent that the foregoing elements are required and approved by the village council, installed in accordance with the Village Code and approved by the village engineer. All natural drainageways shall be preserved at their natural gradient and shall not be filled or interfered with, except as approved by the village engineer or manager~~council~~. If, in the judgment of the village engineer or manager~~council~~, a natural drainageway needs to be preserved in the public interest, then a storm drainage easement of a width or to an elevation specified by the village manager~~council~~ or the village engineer shall be required and dedicated to the public.

- (5) Reserved.
- (6) *Sidewalks, shared pathways and on-street bike paths.* Sidewalks at least four (4) feet in width shall be provided on each side of all minor and cul-de-sac streets, five (5) feet in width shall be provided on each side of all minor collector streets, eight (8) feet in width with on-street bike lanes on each side of collector streets, and ten (10) feet in width with on-street bike lanes on each side of arterials or designated state roads. Sidewalks shall be constructed in accordance with the latest edition of standard specifications of the Florida Department of Transportation.
- (7) *Gas supply system.* When a natural gas supply main is reasonably accessible, the developer shall consider the possibility and feasibility of providing a gas supply system with the cooperation of the appropriate supplier.
- (8) *Electric supply system.* In every subdivision, provision shall be made for a satisfactory electric supply system through the cooperation of the appropriate supplier. Except for major transmission lines, all electric distribution wires shall be placed underground, rather than on poles or towers. When poles must be used, they shall be placed along rear lot lines, except for major transmission lines.
- (9) *Telephone supply system.* In every subdivision, provision shall be made for a satisfactory telephone communications supply system with the cooperation of the appropriate supplier. In all cases, all wiring shall be placed underground rather than on poles or towers.
- (10) *Additional public improvements.*
  - a. *Buffer areas.* It is desirable for the protection of residential properties to have green

belts or landscape buffers located between a residential development and adjacent express highways, other major arterial streets, railroad rights-of-way, commercial and industrial facilities, and other conflicting land uses. Where a subdivider desires to protect his development in this respect, a proposed subdivision plat shall show the location of such greenbelts as a separate platted tract within the subdivision to be dedicated to a property owners' association or as a landscape easement within the platted lots with appropriate provisions for maintenance and restrictions on use.

- b. *Street, sidewalk, shared pathway, and on-street bike path lighting.* Construction detail and material for street lighting facilities shall meet the requirements of the latest edition of the IES Lighting Handbook, published by the Illumination Engineers' Society. Street lighting shall be required on all streets and shall be installed on all streets on which any building construction has commenced. Lighting on collector and arterial corridors shall be in accordance with Florida Department of Transportation standards.

Off-street lighting facilities shall meet the requirements of the latest edition of the IES Lighting Handbook, published by the Illumination Engineers' Society. Subsequent construction must comply with that lighting plan. If there exists a question concerning whether the work was done in accordance with specifications, the village engineer may require, as a prerequisite to the issuance of a certificate of occupancy, that the engineer who prepared the plans certify that all work was done in accordance with approved specifications.

All required illumination shall be controlled by automatic devices. For commercial uses with open or enclosed parking facilities, the required illumination shall be provided for at least thirty (30) minutes after the closing time of any establishment served by the parking facility, beginning no later than fifteen (15) minutes after sunset. Any parking facility that serves a residential use shall maintain levels of illumination established by this article through the use of natural or artificial light twenty-four (24) hours per day. All lighting shall be shaded or screened and positioned in such a manner as to minimize offensiveness to any neighboring

property.

All property owners and lessees shall be responsible for the replacement or repair of any light that becomes nonfunctional and reduces the illumination below the required standard. Repair of lighting facilities shall be performed within forty-eight (48) hours of notice by the village.

All site plans shall be certified by a registered engineer as providing illumination in accordance with the applicable minimum standards set forth above.

c. *Canals and waterways.* All canals or waterways located within subdivisions shall conform to maximum length, water circulation and the provisions of adjacent areas for maintenance. Canals and waterways shall be in general conformity with the master drainage plan for the village. Canal size and right-of-way widths shall also conform to the master plan and shall be provided with bank protection and bridge clearances, etc., as recommended therein.

[Subsections (b) - (d) to remain in full force as adopted.]

(e) *Acceptance and maintenance of required improvements.*

(1) The dedication of public space, parks, rights-of-way, easements or the like on the plat shall not constitute an acceptance of the dedication by the village. The acceptance of the dedication shall be indicated by signature of the village manager ~~a resolution of the council adopted~~ at such time as all improvements meet or exceed the standard set forth in this chapter. The village engineer, upon satisfactory completion of required improvements, shall certify to the village manager ~~council~~ that the developer has complied with all of the provisions of this chapter and shall recommend to the village manager ~~council~~ the acceptance of the dedications and when applicable, the maintenance of the required improvements. Upon such recommendations, the village manager ~~council~~ by signing the plat ~~resolution~~ shall approve the subdivision, the dedications on the plat and the maintenance responsibilities of the required improvements.

(2) Upon the completion of required improvements and approval of the same by the village

engineer, the required improvements may be accepted by adoption of a resolution of the village council, subject to a maintenance bond, letter or credit, or other surety reviewed and approved by the village engineer and the village attorney, ensuring the maintenance of all required improvements approved and accepted by the village, for a period of one (1) year following the date of the adoption of the resolution by the village council accepting plat dedications and required improvements. The surety amount shall be ten (10) percent of the construction costs of required improvements, and the energy costs (electrical or otherwise) for street and/or right-of-way illumination, as certified by the developer's engineer. The surety required herein shall be released or terminated only upon approval by the village engineer, authorizing such release or termination.

**Section 12:** Chapter 22. Subdivision of Land. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article III. Development Design Standards. at Sec. 22-52. Reversion of subdivided land to acreage. in order to conform the section with changes to state law; providing that Sec. 22-52. shall hereafter read as follows:

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

- (a) The owner of any land subdivided into lots may file for record a plat for the purpose of showing such land as acreage. Such plat and the procedure in connection therewith shall conform to the requirements of this chapter, regulations adopted pursuant thereto and Florida Statutes Chapter 177; except:
- (1) No survey or certificate of any surveyor or engineer shall be required; provided that the village manager, as the designated administrative authority responsible for approving, approving with conditions or denying plats-governing body may require a survey of the exterior boundaries of the land and the placing of suitable monuments along such boundaries if it finds that the preceding survey of record is faulty or inadequate or that insufficient monuments are in position along such boundaries;
  - (2) No improvements shall be required; except such as may be necessary to provide equivalent access, as provided hereafter in this section;
  - (3) No findings need to be made as to the suitability of the land or as to the provision of public facilities and services therefor.

(b) The ~~village manager-council~~ may, on ~~his/her-its~~ own motion, order the vacating and reversion to acreage of all or any part of the subdivision within ~~the village-its jurisdiction~~ including the vacating of streets or other parcels of land dedicated for public purposes or any of such streets or other parcels, the plat of which subdivision was recorded as provided by law not less than five (5) years before the date of such action, and in which subdivision or part thereof not more than ten (10) percent of the total subdivision area has been sold as lots by the original subdivider or his successor in title. Such action shall be based on a finding by the ~~village manager-governing body or by its accredited representative for the approval of that the~~ subdivision land ~~which~~ conforms to the comprehensive plan of the area, and that the public health, safety, economy, comfort, order, convenience and welfare will be promoted thereby. Before acting on the proposal for vacating and reversion of subdivided land to acreage, the ~~village manager-governing body or its accredited representative~~ shall place the proposal on a village council agenda and the village council shall hold a public hearing thereon, with due public notice.

(1) If land in a subdivision or part thereof is proposed for reversion to acreage, either at the instance of the governing body or by filing a plat by the owner and such land is subject to existing zoning regulations, the governing body shall, upon recommendation of the ~~zoning and planning~~ and zoning commission or other board or commission dealing with the recommendations as to zoning, where such agency exists, and concurrently with proceedings for vacating and reversion to acreage, or for consideration of an action on such plat, conduct proceedings for amendment of such zoning regulations as may be deemed advisable in view of the conditions that will exist subsequent to such reversion to acreage;

(2) No owner of any parcel of land in a subdivision shall be deprived by the reversion to acreage of all or any part of the subdivision of reasonable access to such parcel nor reasonable access therefrom to existing facilities to which such parcel has theretofore had access; provided that such access remaining or provided after such vacating need not be the same as that theretofore existing but shall be reasonably equivalent thereto.

**Section 13:** Chapter 22. Subdivision of Land. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article III. Development Design Standards. at Sec. 22-

55. Recreation requirements for residential developments. in order to conform the section with changes to state law; providing that Sec. 22-55. shall hereafter read as follows:

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

[Subsections (a) - (d) to remain in full force as adopted.]

(e) *Procedure.*

(1) *Procedure for residential developments requiring plat approval.* The land to be dedicated to the village or the fee to be paid in lieu thereof or both shall be a condition of preliminary plat approval ~~as recommended by the planning and zoning commission, and agreed to by the village manager-council~~, and further shall be a condition of final plat approval as agreed to by the village manager-council. The village manager-council shall determine whether it accepts land dedication, elects to require payment of a fee in lieu thereof, or both, pursuant to the criteria outlined in section 22-55(h) below. At the time of issuance of the first building permit for the residential development, the residential developer shall dedicate the land, pay the fees as previously determined by the village manager-council, or furnish a bond naming the village as beneficiary in the amount of one hundred ten (110) percent of the fees which shall become a lien upon the property and shall be paid upon issuance of the first certificate of occupancy or the transfer of title to any parcel or unit of the land or improvements thereto.

(2) *Acceptance and maintenance of required improvements.*

a. The dedication of land to the village under this section shall not constitute an acceptance of the dedication by the village. The acceptance of the dedication shall be by written approval ~~a resolution~~ of the village manager-council ~~adopted~~ at such time as all improvements meet or exceed the standards set forth in section 22-50 of Village Code. The village engineer, upon satisfactory completion of required improvements, shall certify to the village manager-council that the developer has complied with the provisions of section 22-50 and shall recommend to the village manager-council the acceptance of the dedications and when applicable, the maintenance of the required improvements. Upon such recommendations, the village manager-council by written approval ~~resolution~~ shall accept the dedications, and approve the maintenance responsibilities of the required improvements.

- b. Upon the completion of required improvements and approval of the same by the village engineer, the required improvements may be accepted by written approval of the village manager ~~adoption of a resolution of the village council~~, subject to a maintenance bond, letter or credit, or other surety reviewed and approved by the village engineer and the village attorney, ensuring the maintenance of all required improvements approved and accepted by the village, for a period of one (1) year following the date of the written approval of the village manager ~~adoption of the resolution by the village council~~ accepting the dedications and required improvements. The surety amount shall be ten (10) percent of the construction costs of required improvements, and the energy costs (electrical or otherwise) for street and/or right-of-way illumination, as certified by the developer's engineer. The surety required herein shall be released or terminated only upon the written approval of the village manager ~~adoption by village council of a resolution~~, as recommended by the village engineer, authorizing such release or termination.

[Subsections (f) - (g) to remain in full force as adopted.]

(h) *Formula for fees in lieu of land dedication.*

- (1) *General formula.* If it is determined by the village manager ~~council~~ that no park or recreation facility is to be located in whole or part within the proposed residential development to serve the immediate and future needs of the residents of the development, then the residential developer shall, in lieu of dedicating land, pay a fee equal to the value of the land acreage determined by the formula in section 22-55(g) above, and in an amount determined in accordance with section 22-55(h)(3) below, such fee to be used by the village for acquisition or development of park and recreational land which will serve the residents of the area being developed.
- (2) *Determination of land or fee.* The village manager ~~council~~ shall determine whether to accept land dedication or elect to require payment of a fee in lieu thereof by consideration of the following:
- a. Topography, geology, access and location of land in the development available for dedication;
  - b. Size and shape of the development and land available for dedication;
  - c. The feasibility of dedication;

- d. Availability of previously acquired park property;
  - e. Conformity with the recreation and open space element of the comprehensive plan;
  - f. If fifty (50) percent of the land required to be dedicated to the village is provided as private open space/facilities for park and recreational purposes within a proposed residential development so that a credit would be given in accordance with section 22-55(h)(5) below, and the remaining fifty (50) percent of land required to be dedicated to the village is less than three (3) acres in size, then the residential developer shall be required to pay a fee in lieu of land dedication for the land that is less than three (3) acres in size; and
  - g. If fifty (50) percent of the land required to be dedicated to the village is provided as private open space/facilities for park and recreational purposes within a proposed residential development so that a credit would be given in accordance with section 22-55(h)(5) below, and the remaining fifty (50) percent of land required to be dedicated to the village is ten (10) acres or more in size, then the residential developer shall be required to dedicate the land that is ten (10) acres or more in size to the village. No fees in lieu of dedication shall be accepted.
- (3) *Amount of fee in lieu of land dedication.* Where a fee is required to be paid in lieu of land dedication either in whole or in part, the amount of such fee shall be based upon the fair market value of the amount of land which would otherwise be required to be dedicated pursuant to the formula prescribed above. The fee shall be paid pursuant to the provisions contained in this section. Fair market value of the land shall be determined by:
- a. An appraisal of the property by a qualified real estate appraiser approved by the village. Such appraisal shall be obtained at the residential developer's own expense and such appraisal shall value the land based on the highest and best use in the applicable zoning district; or
  - b. The contract purchase price of the land so long as proof of purchase price is provided to the village in a form acceptable to the village, and the sale/purchase of the property did not occur more than two (2) years prior to the determination by the village manager ~~Council~~ of the amount of the fee to be paid in lieu of land dedication.

- (4) *Criteria for requiring both dedication and fee.* The residential developer shall both dedicate land and pay a fee in lieu thereof in accordance with the following formula:
- a. When only a portion of the land calculated by the formula for park and recreational use is to be dedicated, such portion shall be dedicated for local park or recreational purposes, and a fee computed pursuant to the provisions set out above shall be paid for any additional land that would have been required to be dedicated pursuant to the above provisions.
  - b. When sufficient park and recreational land in the vicinity has already been acquired by the village and only a small portion of land is needed from the residential development to complete the site, such remaining portion shall be dedicated, and a fee computed pursuant to the formula provided above shall be paid in an amount equal to the value of the land which would otherwise have been required to be dedicated, such fees to be used for the improvement of the existing park and recreational facility or for the improvement of other local parks and recreational facilities in the area serving the subdivision.
- (5) *Credit for private open space.* Where private open space for park and recreational purposes is provided in a proposed residential development or mixed use social center (MXS) development, partial credit, not to exceed fifty (50) percent, may be given against the requirement of land dedication or payment of fees in lieu thereof if the village ~~manager-council~~ finds it is in the public interest to do so, and further finds that all of the following standards are met:
- a. The yards, court areas, setbacks and other open areas required to be maintained by the zoning and building ordinances and regulations shall not be included in the computation of such private open space for purposes of determined credits under this section; and
  - b. For residential developments where units are owned in fee simple (e.g., single-family, townhome, condominium units), the private open space for which credit is given and all recreation facilities placed thereon shall be restricted for park and recreational purposes by recorded covenant which shall run with the land in favor of the existing or future residents, and which cannot be defeated or eliminated without the consent of the village. Further, the private open space and recreation

facilities placed thereon shall be privately owned and maintained by the existing or future residents of the development as common property. Private ownership and maintenance by the existing or future residents shall be adequately provided for by a recorded written homeowners association or property owners association declaration of covenants and restrictions, or other unity of control document that is acceptable to and approved by the village attorney prior to issuance of a development order or building permits to construct the residential units. The residential developer, and its successors and assigns, shall not be permitted to sell, transfer or convey the private open space for which credit is given or the recreational facilities placed thereon to a third party that is not the homeowners association or property owners association owned and controlled by the existing or future residents of the development. The residential developer, and its successors and assigns, shall transfer ownership of the private open space for which credit is given and all recreation facilities placed thereon to the homeowners association or property owners association at the time of developer turnover or at some earlier date agreed to by the village. The private open space for which credit is given and all recreation facilities placed thereon shall not be made open and available for the general public (e.g., public clubhouse, public pool); and

- c. For residential developments under single ownership (e.g., apartment complex), the private open space for which credit is given and all recreation facilities placed thereon shall be restricted for park and recreational purposes by recorded covenant or condition of approval which shall run with the land in favor of the existing or future residents, and which cannot be defeated or eliminated without the consent of the village. Further, the private open space and recreation facilities placed thereon shall be privately owned and maintained by the single owner for the benefit of the existing or future residents of the development. The private open space for which credit is given and all recreation facilities placed thereon shall not be made open and available for the general public (e.g., public clubhouse, public pool);
- d. For mixed use social center developments under single ownership, the private open space for which credit is given and all recreation facilities placed thereon shall be restricted for park and recreational purposes by recorded covenant or condition of

approval which shall run with the land in favor of the existing or future residents, and which cannot be defeated or eliminated without the consent of the village. Further, the private open space and recreation facilities placed thereon shall be privately owned and maintained by the single owner for the benefit of the existing or future residents of the development. The private open space for which credit is given and all recreation facilities placed thereon shall not be made open and available for the general public (e.g., public clubhouse, public pool); with the exception of a designated public park/plaza provided within the mixed use social center.

- e. The proposed private open space is reasonably adaptable for use for park and recreational purposes taking into consideration such factors as size, shape, topography, geology, access and locations; and
- f. Facilities proposed for the open space are in substantial accordance with the provisions of the recreation and open space element of the comprehensive plan; and
- g. The open space for which credit is given provides a minimum of five (5) of the local park basic requirements listed below or a combination of such and other recreational improvements that will meet the specific recreation park needs of the future residents of the area:
  - 1. The following is a list of facilities that will satisfy the local park basic requirements of this section, and Palm Beach County's adopted standards for each facility. These standards will indicate what portion of the population will be served by each respective facility. The user guidelines will further show the number of persons which may actually utilize a given facility on a daily basis:

| <b>Active Recreation Facility Standards</b> |                                |                       |                     |
|---------------------------------------------|--------------------------------|-----------------------|---------------------|
| <i>Recreational Activity</i>                | <i>Standard (Unit/Pop. **)</i> | <i>User Guideline</i> | <i>Turnover/Day</i> |
|                                             |                                |                       |                     |
| Swimming*                                   | 1 pool/25,000                  | 389/day               | 2                   |
| Tennis                                      | 1 court/2,000                  | 24/day                | 8                   |

|                                              |                                    |                           |                          |
|----------------------------------------------|------------------------------------|---------------------------|--------------------------|
| Basketball                                   | 1 court/2,000                      | 72/day                    | 6                        |
| Shuffleboard                                 | 1 court/5,000                      | 22/day                    | 8                        |
| Little league baseball                       | 1 field/3,000                      | 100/day                   | 5                        |
| Senior baseball                              | 1 field/6,000                      | 100/day                   | 5                        |
| Adult softball                               | 1 field/6,000                      | 100/day                   | 5                        |
| Football/soccer                              | 1 field/4,000                      | 140/day                   | 5                        |
| Exercise trail                               | 10 station/10,000                  | 200/day                   | 20                       |
| Handball and racquetball                     | 1 court/5,000                      | 32/day                    | 12                       |
| Playground                                   | 1 area/3,000                       | 160/day                   | 8                        |
| Volleyball                                   | 1 court/6,000                      | 144/day                   | 8                        |
|                                              |                                    |                           |                          |
| <b>Passive Recreation Facility Standards</b> |                                    |                           |                          |
| <i>Recreational Activity</i>                 | <i>Standard<br/>(Unit/Pop. **)</i> | <i>User<br/>Guideline</i> | <i>Turnover/<br/>Day</i> |
|                                              |                                    |                           |                          |
| Camping                                      | 1 acre/10,000                      | 48/acre                   | 1                        |
| Picnicking                                   | 1 acre/6,000                       | 160/acre                  | 2                        |
| Fishing (nonboat)                            | 1 site/5,000                       | 1/6 feet                  | 2                        |
| Hiking/nature trail                          | 1 mile/10,000                      | 125/mile                  | 10                       |
| Bicycling                                    | 1 mile/5,000                       | 260/mile                  | 10                       |
| Horseback riding                             | 1 mile/20,000                      | 80/mile                   | 8                        |

\*Swimming pools shall be sized to meet the projected population per the State of Florida Department of Health and Rehabilitative Services Chapter 10D-5, Florida

Administrative Code, Swimming Pools and Bathing Places. Applicants shall show process by which pool is sized for user need, number of users and parking provided.

**\*\*Population shall be determined using the formula in section 22-55(g).**

2. The five (5) required activities shall be sized according to the above standards which show unit per population increment.
3. Parking shall be provided in a quantity sufficient to meet the users per day for each required activity as shown in the above standards.
4. Before credit is given, the village ~~manager-council~~ shall make written findings that the above standards are met.

(6) *Use of money.* The money collected hereunder shall be paid to the village. Said money shall be placed in a trust fund which shall be known as village recreation fund. Monies within this reserve account shall be used and expended solely for the acquisition improvement, expansion or implementation of parks and recreational facilities of the village. Said monies, as they relate to fees paid for any given residential development, shall be used first for the purpose of providing park or recreational facilities reasonably related to serving the development by way of the purchase of necessary land; or if the village ~~manager-council~~ deems that there is sufficient land available for that development, then, secondly, said monies shall be used for improving said land for park and recreational purposes. If both adequate land and improvements exist in the area, the monies may be spent to acquire or improve park and recreational facilities needed in the village.

- (i) *Required on-site private open space/facilities for park and recreational purposes in multi-family residential developments.* In multi-family residential developments (e.g., RMU, RV-6, RT-8, RM-9, RM-12, RM-14, and MXD) except those developments of less than three (3) units or mixed use social center (MXS) developments, fifty (50) percent of the land required to be dedicated to the village under section 22-55(g) shall be provided as on-site private open space/facilities for park and recreational purposes within the proposed development. No dedication of land or payment of fees in lieu thereof to the village for this fifty (50) percent on-site requirement shall be permitted. Credit for the fifty (50) percent on-site requirement may be granted in accordance with section 22-55(h). The remaining

fifty (50) percent of land to be dedicated to the village under section 22-55(g) shall either be dedicated or paid for by fees in lieu thereof in accordance with section 22-55(h).

(j) *Variances*. No variances to this section shall be permitted.

(k) *Appeals*. Any person, firm or corporation claiming to be injured or aggrieved by final action of the village ~~manager-council~~ under this section may file an appeal of the decision which shall be heard by the village council. The village council shall take final action within forty-five (45) days of the filing of a complete notice of appeal. The village council shall, upon request, consider oral and written arguments. The village council may affirm the decision of the village manager, remand the matter to the village manager for further review and consideration, or reverse the decision of the village manager. Any person, firm or corporation claiming to be injured or aggrieved by final action of the village council may present to the Circuit Court of Palm Beach County a petition for writ of certiorari to review such final action, as provided for under the Florida Rules of Appellate Procedure. Such petition shall be presented to the court within thirty (30) days after the date of such final action by the village council. Final action shall not include any recommendations made by the planning and zoning commission to the village council.

(l) *Commencement of development*. At the time of site plan approval or issuance of building permits, the village council shall specify when development of the park or recreational facilities shall be commenced.

**Section 14:** Chapter 22. Subdivision of Land. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article IV. Administration. at Sec. 22-66. Variances. in order to conform the section with changes to state law; providing that Sec. 22-66. shall hereafter read as follows:

**Sec. 22-66. - Variances.**

(a) *Higher standards may be required*. These subdivision regulations have been adopted only as minimum requirements. The developer should be encouraged to exceed the requirements of these regulations, and the village ~~manager-council~~ may require design standards above the minimum standards contained herein, whenever it finds that the public health, safety, or general welfare justifies imposition of such increased standards.

[Subsections (b) - (g) to remain in full force as adopted.]

**Section 15:** Chapter 22. Subdivision of Land. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article IV. Administration. at Sec. 22-67. Violations, enforcements and penalties. in order to conform the section with changes to state law; providing that Sec. 22-67. shall hereafter read as follows:

**Sec. 22-67. - Violations, enforcements and penalties.**

[Subsections (a) - (d) to remain in full force as adopted.]

(e) *Sale or transfer of unrecorded lots:*

(1) *No village recognition of land for development if sold or transferred before plat approval and recordation.* The village shall not recognize subdivided land or unrecorded lots for development purposes unless a plat of such subdivision has been submitted to the village, approved by the village ~~manager-council~~, and recorded as required herein.

(2) *Metes and bounds description no exception.* The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the platting requirements of this chapter.

**Section 16:** Chapter 7. Bulkheads and Waterways. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article III. Waterfront Development. at Sec. 7-36. Definitions. in order to revise select definitions to conform the definition with changes to state law; providing that Sec. 7-36. shall hereafter read as follows:

*Plat of record.* A plat which conforms to the requirements of the applicable laws of the state and ordinances of the village which has been accepted by the ~~village council~~ and placed in the official records of Palm Beach County.

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

**Section 17:** Chapter 2. Administration. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article IV. Boards and Commissions. at Sec. 2-75.23.

Officers; meetings; rules and procedure. in order to revise the section to conform the definition with changes to state law; providing that Sec. 2-75.23. shall hereafter read as follows:

**Sec. 2-75.23. - Officers; meeting; rules and procedures.**

[Subsections (a) - (e) to remain in full force as adopted.]

- (f) *Notice and hearing prerequisite to action.* Publication of notice of the time, place and purpose of all public hearings held by the commission shall be deemed sufficient notice when published once in a newspaper of general circulation in the village at least fifteen (15) days prior to the hearing before the planning and zoning commission. Public hearings shall be noticed for review of applications for rezoning, comprehensive land use plan amendments, special exceptions, variances from signage, parking, subdivision, and zoning regulations and any other variance reviewed by the planning and zoning commission, site plans, landscape waivers, ~~preliminary plats~~, petitions for annexations, and land development regulations as that term is defined in F.S. Ch. 163. All publication costs shall be borne by the applicant.

**Section 18:** Chapter 2. Administration. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article IV. Boards and Commissions. at Sec. 2-75.24. Authority; function and duties. in order to revise the section to conform the definition with changes to state law; providing that Sec. 2-75.24. shall hereafter read as follows:

**Sec. 2-75.24. - Authority; function and duties.**

The planning and zoning commission ("commission") shall have the following powers and duties:

- (1) To act as the local planning agency for the Village of Royal Palm Beach in accordance with Chapter 163, Florida Statutes (see section 18-21);
- (2) To review and make recommendations to the village council on all proposed comprehensive land use plan amendments, site plans, ~~preliminary plats~~, special exceptions, applications for variance from the signage, parking, subdivision and zoning regulations, and any other variance reviewed by the planning and zoning commission, landscape waivers, and rezoning applications;

[Subsections (3) - (9) to remain in full force as adopted.]

**Section 19:** Each and every other Section and Sub-section of Chapter 22. Subdivision of Land., Chapter 7. Bulkheads and Waterways. and Chapter 2. Administration. shall remain in full force and effect as previously enacted.

**Section 20:** All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

**Section 21:** 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 22:** Specific authority is hereby granted to codify this Ordinance.

**Section 23:** This Ordinance shall take effect immediately upon passage.

FIRST READING this 20th day of November, 2025.

SECOND AND FINAL READING this 18th day of December, 2025.

VILLAGE OF ROYAL PALM BEACH

\_\_\_\_\_  
JEFF HMARA, MAYOR

ATTEST:

(Seal)

\_\_\_\_\_  
DIANE DISANTO, VILLAGE CLERK