

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

**Agenda Item:**

**PUBLIC HEARING TO CONSIDER APPLICATION NO. 22-18 (ZTA) AND ORDINANCE NO. 1027, AN APPLICATION BY URBAN DESIGN STUDIO, AMENDING THE VILLAGE CODE TO AMEND SECTION 26-22. DEFINITIONS. IN ORDER TO REVISE CERTAIN DEFINITIONS AND TO ADD ENTIRELY NEW DEFINITIONS, ADD ENTIRELY NEW SECTION 26-95. MXS MIXED USE SOCIAL CENTER DISTRICT. TO CREATE AN ENTIRELY NEW MIXED USE SOCIAL CENTER ZONING DISTRICT AND PROVIDE LAND DEVELOPMENT REGULATIONS FOR THE NEW DISTRICT, CREATE ENTIRELY NEW SECTION 20-63. MIXED USE SOCIAL CENTER (MXS). TO ESTABLISH SIGN REGULATIONS FOR THE NEW MXS ZONING DISTRICT, AND AMEND SECTION 22-55. RECREATION REQUIREMENTS FOR RESIDENTIAL DEVELOPMENTS. TO ADD RECREATIONAL REQUIREMENTS FOR MIXED USE SOCIAL CENTER DEVELOPMENTS. BY LENTZY JEAN-LOUIS, URBAN DESIGN STUDIO.**

**Issue:**

The Applicant is requesting a Zoning Text Amendment to the Village Zoning Code to add entirely new Mixed Use Social Center Zoning District and supporting regulations to Village Code. The Village Council on September 18, 2022 adopted Ordinance 1028 in order to amend the Village's Comprehensive Plan's Future Land Use Element to add an entirely new *Mixed Use Social Center (MXS)* Land Use Designation. The intent of the amendment was to create a Future Land Use Designation that allows for "innovative, and urban mixed use developments that provide integrated, vibrant, compatible, and complimentary uses within a single development." The proposed Zoning Text Amendment will establish the Zoning Regulations which will control the form in which a development will buildout within this district in order to achieve the *Mixed Use Social Center (MXS)* Land Use Designation's intent. The following are proposed amendments to Village Code and the associated Code Sections:

**Zoning Requirements**

Village Code Section 26-95 *MXS Mixed Use Social Center District*: The purpose of this section is to create form based development regulations with emphasis on site design, building form and character, streetscape design, to bring about a desired vision for a Mixed Use Social Center. Please find below a summation of the subsections of the new Village Code Section 26-95 *MXS Mixed Use Social Center District*:

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**Section 26-95 (2) and (3);** These subsections outline the Permitted and Special Exception Uses and the categories of the Uses i.e. Residential, Office/Institutional, and Retail/Personal Services.

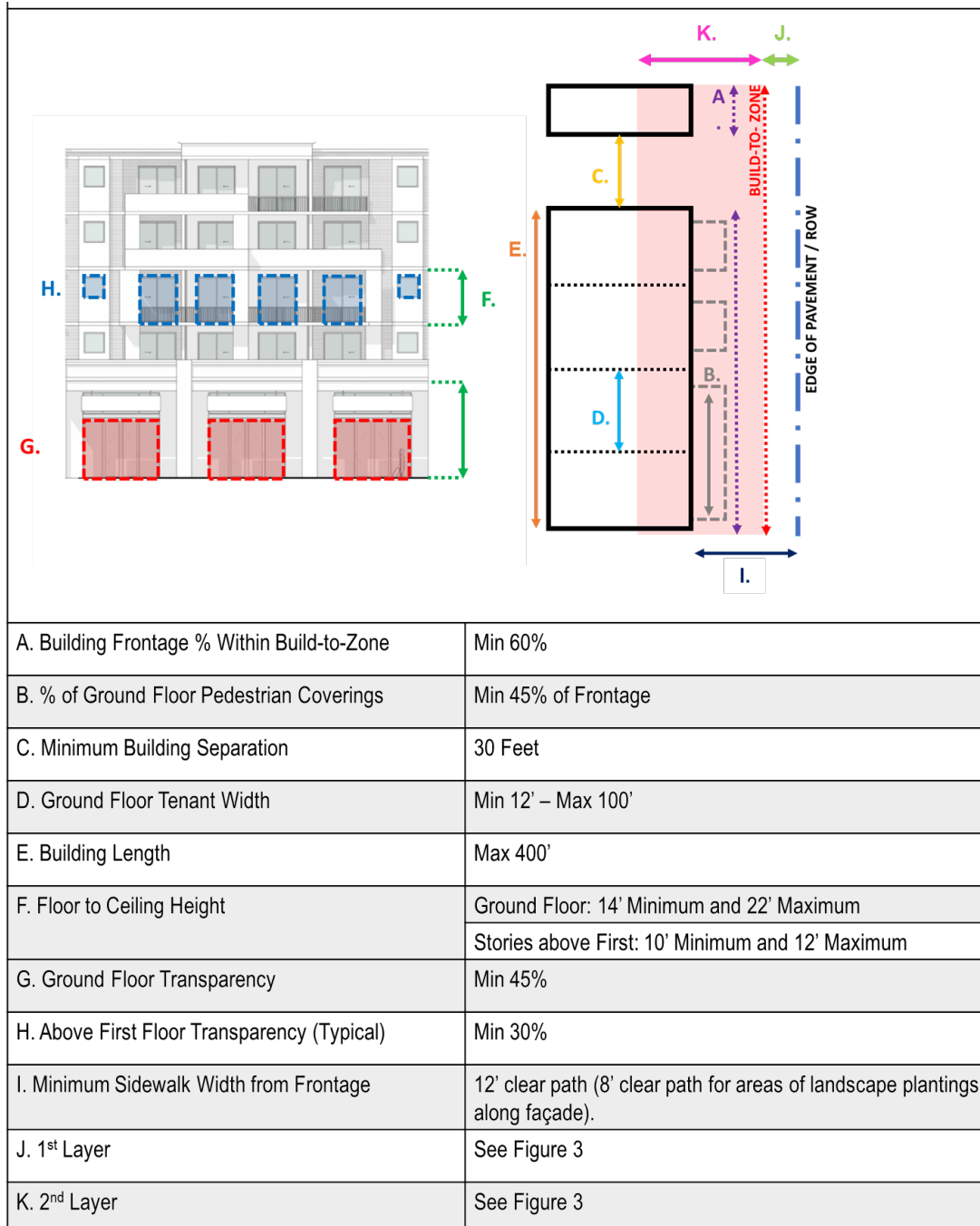
**Section 26-95 (4) Site Development Standards:** This subsection outlines the development standards.

1. **Required Building Frontage** – The “Building frontage styles” determine many of the specific regulations that will apply to the development. These “Building frontage style” regulations differ from traditional zoning with building setbacks which place buildings a certain distance from roadways, in many cases 50 feet or more with the parking field between the roadway and the building. The “Building frontage styles” require certain percentage of the buildings to be located within Build-To-Zones which positions the building closer to the roadways with an intervening sidewalk. Below is a summation of the three (3) “Building frontage styles”:
  - **Storefront Style** – In the Storefront Style building, the main façade of the building is near the frontage line with an at-grade entrance along the public way. This building style is intended for retail/office use on the ground floor and residential or office uses above. It has substantial glazing ant the sidewalk level and may include an awning, arcade, canopy, or balcony that may overlap the sidewalk. It may be used in conjunction with other frontage styles. These standards are applicable for front and side building facades. Please find directly below an illustration demonstrating the Storefront Style development standards:

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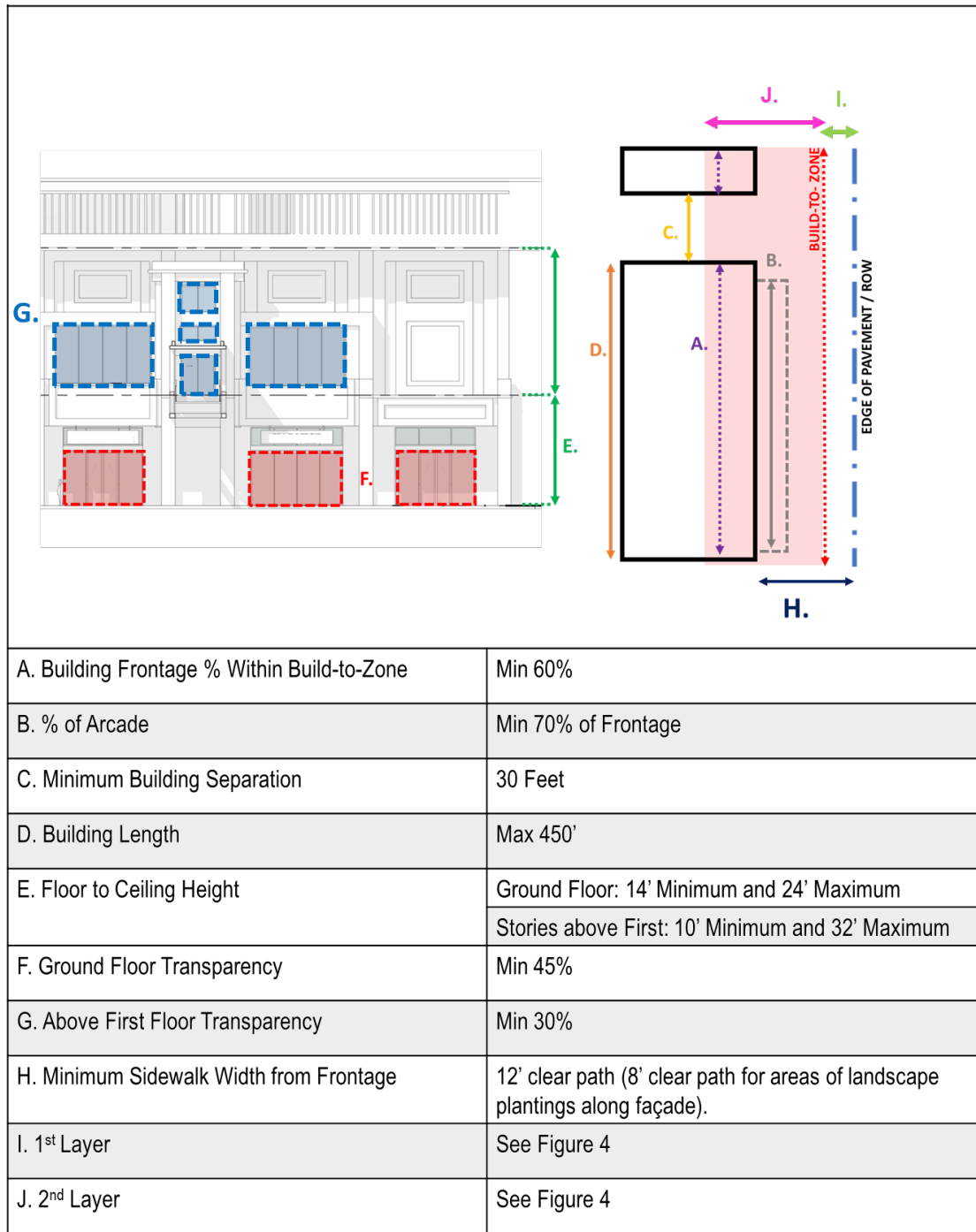
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- **Arcade Style** – The Arcade Style building, contains a pedestrian covering along the face of the building supported by column on the opposite side. This building style is intended for retail, dining, recreation, and entertainment uses. Architectural treatments including but not limited to recessions, projections, cornices, and other ornamental and structural architectural details shall be applied along the front and side facades of the Arcade Style building. Please find directly below an illustration demonstrating the Arcade Style development standards:

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- General Style** – The General Style building will follow current Village Code Section 26-73(c)(1) – (14) for Large Scale Commercial/Industrial Projects Twenty Thousand Square Feet of Larger In Size. This Code section was created for big box buildings to require recessions, projections, and color schemes that are intended to visually breakup large portions of uninterrupted blank flat walls on large buildings.

2. **Maximum Building Height:** Maximum building height shall be determined by the style of individual building as shown below.

- The maximum allowed building height for residential, office, and non-residential uses shall be sixty-six (66) feet and a maximum of five (5) stories.
- The maximum allowed building height for hotels shall be one hundred (100) feet and a maximum of seven (7) stories.
- The maximum allowed building height for parking garage shall be sixty-six (66) feet and a maximum of six (6) stories.
- Maximum Building Height Exceptions: Restroom structures, pool decks, rooftop amenities excluding landscaping, and other surfaces for recreational activities shall be permitted to extend above the maximum allowable building height for the applicable zoning district by no more than six (6) feet, six (6) inches.

3. **Minimum Yard Setbacks:** This section of the code describes the certain setbacks for each “Building frontage styles” and the buildings position within the Build-To-Lines as illustrated above and provided for the setbacks for buildings located along the perimeter of the Mixed Use Social Center. Those setbacks are as follows:

<u>Yard</u>	<u>Setbacks from MXS Perimeter Boundary Line(Feet)</u>
<u>Front</u>	<u>25</u>
<u>Rear</u>	<u>25</u>
<u>Side</u>	<u>25</u>

4. **Minimum Open Space Requirements** – Open space shall be provided at no less than 20% of the total site of the entire Mixed Use Social Center. Public access and visibility shall be accomplished through the use of orienting the building frontage towards the open space; bike and pedestrian paths; or other methods of frontage that provides similar access and visibility to the open space.

5. **Maximum Floor-Area-Ratio (FAR)** - It is the intent of the Mixed Use Social Center Zoning District to ensure that there is adequate internal capture of trips through the inclusion of non-residential uses. A minimum of nineteen percent (19%) of the total MXS project site shall be dedicated to residential development. The following shall be used to determine the amount of floor area ratio for the proposed uses:

- Floor-area-ratio shall be based on the gross acreage of the total project site.

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- Non-residential uses are allowed at the following FAR based on the gross acreage of the total project site to determine the minimum and maximum square footage:

	<u>Minimum FAR</u>	<u>Maximum FAR</u>
Office	0.04	0.09
Retail/Service	0.22	0.31

- Residential uses are allowed at the following FAR based on the gross acreage of the total project site to determine the minimum and maximum square footage:

	Minimum FAR	Maximum FAR
Residential	0.25	0.33

- Structured parking uses are allowed at the following FAR based on the gross acreage of the total project site to determine the minimum and maximum square footage:

	Minimum FAR	Maximum FAR
Structured Parking	0.43	0.65

- The total FAR allowed for the MXS project site shall be:

	Minimum FAR	Maximum FAR
Total	1.0	1.3

- Maintenance of Common Facilities** – This section of the Code outlines the maintenance obligation of the common facilities within the Mixed Use Social Center makes clear that this maintenance obligation shall not be at the expense to the general taxpayers of the Village.
- Minimum Recreation Requirement** – There is no proposed change to the recreation requirements currently required by Village Code Section 22-55.
- Minimum Size Requirement for a Mixed Use Social Center** – The minimum Acreage for a Mixed Use Social Center shall be 40 acres.

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9. **Landscape Standards** - Landscaping shall be required in the Mixed Use Social Center Zoning District as required by the Village's landscaping requirements set forth in Chapter 15 Landscaping and Vegetation Management. However; Mixed Use Social Centers must meet additional landscape standards as outlined below:

- MXS Parcel Perimeter Landscape Buffer Width:

Property Line Adjacent to:	Minimum Width (Feet):
Roadway/Canal	25
Residential	25
Commercial / Industrial	15

When a portion of the MXS is solely residential and adjacent to a Commercial / Industrial land use, the minimum perimeter landscape buffer width shall be twenty-five (25) feet.

- Canopy trees shall be planted along the Build-to-Zones of Storefront and Arcade frontages at a minimum of one (1) canopy tree for every thirty (30) feet. One (1) palm tree may be substituted in lieu of one (1) canopy tree.

10. **Special Regulations** – Mixed Use Social Centers shall be subject to the special regulations and summary of those regulations are as follows:

- **Off-Street Parking and Loading** - Parking and loading spaces shall be provided throughout the MXS project for all residential and nonresidential uses as provided in Chapter 23 Traffic and Vehicles. Guest parking spaces shall not be required; and ten percent (10%) of required parking spaces shall be identified as rideshare spaces.
- **Parking Garages** –
  - a) An average of twenty-five percent (25%) of the frontage on the first floor of all parking garages shall incorporate retail or office businesses.
  - b) The openings of the garage shall be designed in a manner that obscures parked vehicles. Decorative architectural elements on the ground floor level shall be designed to accommodate the pedestrian scale. Parking levels above the ground floor shall maintain the same vertical and horizontal articulation or rhythm and incremental appearance established on the ground floor.

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- c) Roof top parking shall be visually screened with articulated parapet walls or other architectural treatment acceptable to the Planning and Zoning Commission.
- **Bike Parking** - To encourage the use of alternative transportation such as bicycles, a minimum of one (1) bicycle parking space shall be provided for every thirty (30) automobile parking spaces or fraction thereof. Each bicycle rack proposed shall accommodate parking for six (6) or more bicycles.
- **Transit** - Mass transit or multi-modal facilities shall be provided.
- **Pedestrian Crossings** - Pedestrian crossings shall comply with the following:
  - a) Elevated pedestrian crossings may be permitted for site interconnectivity.
  - b) Elevated pedestrian crossings shall be covered throughout the entire passage.
  - c) Pedestrian Crossings shall not be enclosed and shall be provided as an open-air crossings.
  - d) Elevated pedestrian crossings shall provide a three (3) foot minimum rail along both side of passage.
  - e) Elevated pedestrian crossings shall have an unobstructed vertical clearance of not less than 13 feet 6 inches (13'6").
  - f) Non at grade pedestrian crossings shall be designed to be consistent and visually compatible with the architectural style of the MXS development.
- **Common Architectural Theme** - In order to emphasize characteristics of the MXS development, all structures within the project site shall incorporate similar architectural design themes, elements, materials, signage, and colors as identified by the master architectural plan and sec. 26-73(c) of the village code.
- **Hours of Operations** - All business within MXS developments must adhere to the following hours of operation:
  - a) Sunday: Operating hours shall be limited to 12:00AM - 1:00AM and 5AM - 11:59PM.
  - b) Monday - Thursday: Operating hours shall be limited to 5AM -11:59PM.
  - c) Friday - Saturday: Operating hours shall be limited to 12:00AM - 1:00AM and 5AM -11:59PM.
  - d) Exception: Fitness Centers shall not be subject to the above hour restrictions; 24-hour operation is permitted seven (7) days a week.
- **Special Events and Outdoor Uses** - Two (2) types of Special Events shall be permitted for MXS Developments and those types are as follows:

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- a) **Minor Special Events** - Minor Special Events shall mean those events that occur wholly within designated event areas on the approved Site Plan for the MXS and which are made part of the Regulating Plans for the MXS. In addition to identifying these designated event areas on the Site Plan, a description of the minor special events planned shall be included describing the kinds of events to take place in these designated event areas and any additional security or crowd control measures anticipated to be provided during the minor special events. No Special Event Permit is required for Minor Special Events.
- b) **Major Special Events** – Major Special Events are those events that occur outside the designated event areas as shown on the approved Site Plan and Regulating Plans and any events where private or public roads are to be closed as part of the event. A Special Event Permit shall be required for all Major Special Events.

Hours of Minor or Major Special Events shall be strictly limited to 7:00 AM to 12:00 AM.

- **Art in Public Places** – Any new Mixed Use Social Center development is subject to Village Code Section 26-75.5 *Art In Public Places*.
- **Approval Criteria** – The primary factors for consideration in approving a Mixed Use Social Center are the following:
  - a) General impact on the adjacent property
  - b) Provision of services
  - c) Use of appropriate technologies
  - d) The buildings' aesthetic appearance
  - e) Degree of parking adequacy, cohesiveness and integration of the district;
  - f) Mix of uses to provide for compatible, balanced, and integrated land uses within a single project site;
  - g) Orderly patterns of circulation for both vehicular and pedestrian traffic; and
  - h) Streetscape, and quality of urban design including: design of rights-of-way, medians, street lighting, and landscaping.
- **Maximum Density** – The maximum density for a Mixed Use Social Center is ten (10) units to an acre.

**Section 26-22 Definitions** – Below are the definitions within this subsection that have been revised or added (the additions and revisions are underlined):

1. *Bar and/or cocktail lounge*. Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and from which minors are excluded. Bars and/or cocktail lounges may have live entertainment only by special exception in the

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CG and MXS Zoning Districts. This term shall not include bona-fide restaurants or nightclubs. (See definitions for Restaurant, and Nightclub.)

2. Restroom structures, pool decks, rooftop amenities, and other surfaces for recreational activities subject to sec. 26-95(4)(b)4.
3. Build-To-Zone – Within the MXS District, the Build-To-Zone is parallel to the street frontage and is measured from the edge of pavement on the applicable street. A portion of a building's facade that faces that frontage must be placed within the specified Build-To-Zone as depicted in Figures 1 and 2 of sec. 26-95.
4. *Personal services.* An establishment engaged in the provision of frequent or recurrent services of a personal nature: or the provision of informational, instructional, personal improvement or similar professional services which may involve limited accessory retail sale of products. Those personal services allowed in the MXD zoning district are only those specifically set forth at subsections 26-93(2)(c) and (3)(c). Those personal services allowed in the MXS Zoning District are only those specifically set forth at secs. 26-95(2) and 26-95(3). Personal services allowed in other zoning districts are those that are listed as permitted or special exception uses in each individual zoning district.
5. Retail sales, MXS. Those establishments providing general retail sales, or similar establishments which are specifically set forth at secs. 26-95(2) and 26-95(3) and which do not exceed twenty thousand (20,000) square feet of floor area for any single use, and which do not include a drive-through facility.
6. Rooftop Amenities. Recreational or aesthetic private open space constructed on rooftops that provide recreation amenities for building occupants such as, but not limited to, gardens, observation decks, swimming pools, event space, clubhouse and reception space, game rooms, and multipurpose courts.
7. Transparency - The amount of transparent window glass or other openings in a building's facade along a street frontage, relative to the overall surface area of the facade. This ratio is expressed as a percentage and is calculated separately for the ground story of a facade and for each upper story.

Please refer to **Attachment A** for the zoning regulations in their entirety.

### **Signage Requirements**

Village Code Section 20-63 *Mixed Use Social Center (MXS)*: The purpose is to add an entirely new Section 20-63 *Mixed Use Social Center (MXS)* to provide signage regulations for the Mixed Use Social Center Zoning District.

The following signs or types of signs are permitted in the Mixed Use Social Center district:

- (1) Freestanding signs in Mixed Use Social Center developments:

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- (a) Two (2) shopping center monument signs may be placed, not to exceed twenty (20) feet in height and twelve (12) feet in width, adjacent to the major roadway and at least ten (10) feet from the property line.
- (b) Entry feature signs, which are free-standing monument signs, may be placed per each individual collector/local street, not to exceed six (6) in total quantity for the MXS project site. Minimum distance between entry feature signs shall be 100 feet. Each entry feature sign shall not exceed seven (7) feet in height from grade level, eight (8) feet in width, and forty-two (42) square feet in area.
- (c) Six (6) pedestrian directory signs are permitted, not to exceed six (6) feet in height and four (4) feet in width.
- (d) Vehicular wayfinding signs, each sign not to exceed twenty (20) square feet in sign area and five (5) feet in height. One (1) wayfinding sign is permitted per building in a development.

(2) Wall Signage in Mixed Use Social Center Developments:

- (a) One (1) tenant wall sign on the front for each tenant within the subject building.
- (b) In addition to the tenant wall signage, buildings are permitted two (2) building identification wall signs and may be located no higher than the wall on which it is mounted.
- (c) A hanging marquee sign shall be permitted for each business conducted on the premises, attached to the underside of an existing marquee or canopy perpendicular to the façade. Such sign shall not exceed six (6) square feet in area, provided that the lower edge of such sign is at least eight (8) feet from the sidewalk surface.
- (d) A nameplate or owner designation sign on or near the front and/or the rear door of the business conducted on the premises not in excess of three (3) square feet.
- (e) Window signs advertising main and accessory uses not to exceed fifteen (15) percent of the window area. In addition, illuminated signage, including neon signs, with a total of all such signage not to exceed six (6) square feet in area, may be placed or displayed in the window area.
- (f) Directional signs for freestanding buildings that do not utilize vehicular wayfinding signs or building directory signs. Each sign shall not exceed two (2) square feet in sign area and shall not exceed two (2) feet in overall height. Two (2) directional signs are permitted per freestanding building.

Please refer to **Attachment A** for the signage regulations in their entirety.

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## **Recreational Requirements**

Village Code Section 22-55 *Recreation Requirements for Residential Developments*: The purpose is to add the new proposed Mixed Use Social Center Zoning District into this section and provide additional recreational requirements. These additional requirements state that the private open space and recreation facilities shall be privately owned and maintained by the single owner for the benefit of the existing or future residents of the development. Furthermore, 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.

Please refer to **Attachment A** for the recreational requirement regulations in their entirety.

Staff has evaluated this Zoning Text Amendment request and feels as though it establishes Zoning Regulations which will adequately achieve the *Mixed Use Social Center (MXS)* Land Use Designation's intent, and therefore is recommending approval of Application No. 22-18 (ZTA).

The Local Planning Agency considered Application 22-18 on October 25, 2022 and recommended Approval by a vote of 5-0.

### **Recommended Action:**

Staff is recommending Approval of Application No. 22-18 (ZTA) and Ordinance No. 1027 on first reading.

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## Attachment A

### **MXS Mixed Use Social Center District**

Sec. 26-95. - MXS Mixed Use Social Center District.

- (2) *Purpose and intent:* The purpose of the Mixed Use Social Center (MXS) Zoning District is to allow for large-scale, innovative, and urban mixed use developments that provide integrated, vibrant, compatible, and complimentary uses within a single development. This MXS Zoning District allows for greater intensities and densities than would otherwise be permissible in typical zoning allowances.

The MXS Zoning District must include residential, non-residential and public open space to allow for living, working and entertainment in a pedestrian-oriented community. In the MXS Zoning District, multi-purpose buildings that permit a mixture of compatible uses are required. Land use standards shall clearly require an integration of uses within or among buildings, which will be accomplished through the:

- (a) Use of vertical integration such as residential uses over office or retail uses, office uses over retail uses, or other compatible combinations of uses, excluding non-residential uses over residential uses;
  - (b) Construction of vertically-integrated buildings within the first phase of development; and
  - (c) Use of horizontal integration may be permitted if buildings are placed and oriented to front on well designed, usable public spaces and designed with appropriate pedestrian connectivity.
- (3) *Uses permitted: All uses are prohibited unless specifically listed herein as a permitted use in this district. The following are all uses permitted within the MXS:*

#### **RESIDENTIAL**

Multifamily dwellings - subject to the site development standards in subpart (4) below.

#### **OFFICE/INSTITUTIONAL**

Accounting establishment.

Professional office.

Medical office.

Investment/brokerage services.

#### **RETAIL/ PERSONAL SERVICES**

Advertising/public relation agencies.

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Amusement arcade (see additional regulations under definition at section 26-22).  
Antique shop.  
Architects.  
Art and graphic supply.  
Art gallery.  
Bakery.  
Barbershop.  
Beauty shop.  
Bowling alley.  
Candy Store.  
Catering service.  
Child day care center.  
Cleaners.  
Clothing store.  
Coffee.  
Comedy Club.  
Convenience store.  
Department store.  
Drugstore or pharmacy.  
Financial institution without drive-through.  
Fitness Center.  
Florist.  
Furniture store.  
Gallery.  
Gift shop.  
Graphics/drafting service.  
Green market (Indoor Only) (see additional requirements at section 26-70).  
Grocery store.  
Health and exercise studio.  
Hotel and/or motel.  
Ice cream parlor.  
Insurance agencies and adjusters.  
Interior designer.  
Jewelry store.  
Messenger and delivery service.  
Movie theater (indoor).  
Nail salon.  
Notary public.  
Parking garage.  
Personal services.  
Pet grooming.  
Pet supply store.  
Real estate agencies.  
Real estate management.  
Restaurant, without drive-through.

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Retail Sales, MXS.  
Rooftop amenity.  
Sporting goods store.  
Tanning salons.  
Travel agencies.

- (4) *Special Exception Uses:* All special exception uses are prohibited unless specifically listed herein as a permitted special exception use in this district. The following are all special exception uses allowed within the MXS if approved by the village council.

### **OFFICE/INSTITUTIONAL**

Museum.  
Public and private academic institution.

### **RETAIL/PERSONAL SERVICES**

Retail Sales, MXS – Retail Sales similar establishments which are specifically set forth at subsections 26-95(2) and 26-95(3) and which exceed twenty thousand (20,000) square feet of floor area for any single use, and which do not include a drive-through facility.

Restaurant with bar or lounge with live entertainment.

Brewpub, microbrewery not to exceed six thousand (6,000) square feet of gross floor area, subject to section 26-75.2.

- (5) *Site development standards.* MXS projects shall be reviewed to ensure that provisions for transition areas are established with adjacent land uses. MXS projects shall be regulated by a series of Site Plans, Landscape Plans, Regulating Plans, and Architectural Plans. These Plans shall outline the Development Standards along with the specific types of residential units and square footage of office/retail/institutional uses for the MXS with both text and diagrams, and include maps designating the locations where the various standards apply. Unless otherwise noted, all development shall be in compliance with the Site Development Standards, Site Plans, Landscape Plans, Regulating Plans, and Architectural Plans. At a minimum, MXS developments shall meet the following standards:

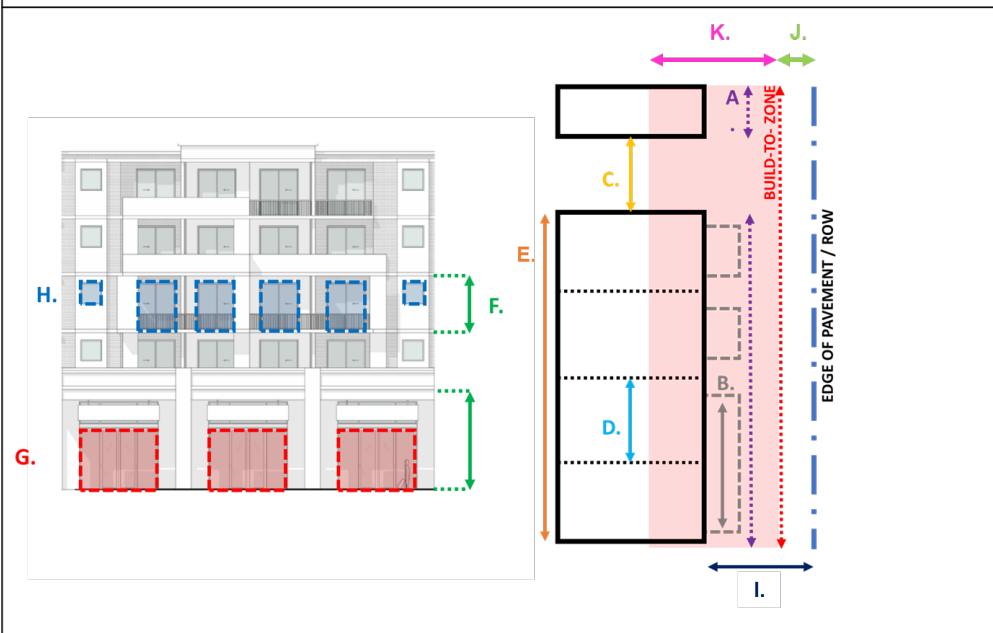
- (a) *Required building frontage:* The building frontage style selected by the landowner determines many of the specific regulations that will apply to the development. All buildings within the MXS Zoning District shall be constructed using at least one (1) of the following required building frontage styles:

1. Storefront Style – See Figure 1 below for specific regulations;
2. Arcade Style – See Figure 2 below for specific regulations; or
3. General Style – See Sec. 26-73.(c)(1)-(14) for specific regulations.

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Figure 1 – Storefront Style

**Storefront** - In the Storefront style building, the main facade of the building is near the frontage line with an at-grade entrance along the public way. This building style is intended for retail/office use on the ground floor and residential or office uses above. It has substantial glazing at the sidewalk level and may include an awning, arcade, canopy, or balcony that may overlap the sidewalk. It may be used in conjunction with other frontage styles. These standards are applicable for front and side building facades.



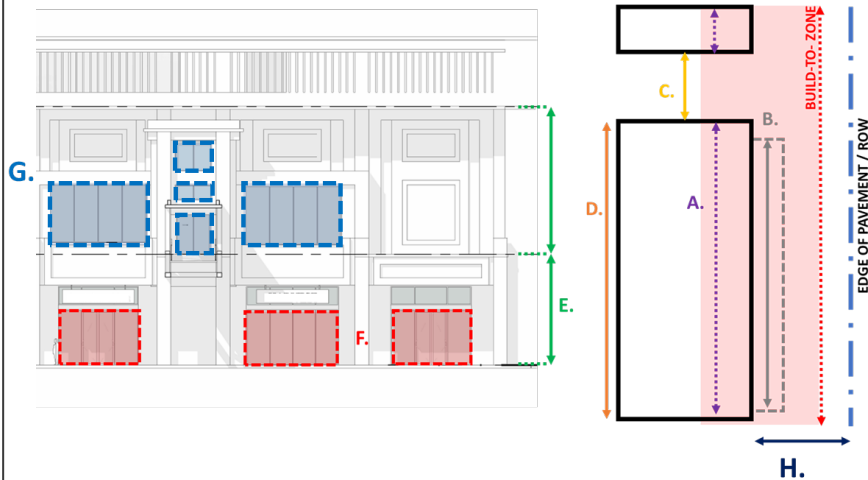
A. Building Frontage % Within Build-to-Zone	Min 60%
B. % of Ground Floor Pedestrian Coverings	Min 45% of Frontage
C. Minimum Building Separation	30 Feet
D. Ground Floor Tenant Width	Min 12' – Max 100'
E. Building Length	Max 400'
F. Floor to Ceiling Height	Ground Floor: 14' Minimum and 22' Maximum Stories above First: 10' Minimum and 12' Maximum
G. Ground Floor Transparency	Min 45%
H. Above First Floor Transparency (Typical)	Min 30%
I. Minimum Sidewalk Width from Frontage	12' clear path (8' clear path for areas of landscape plantings along façade).
J. 1 <sup>st</sup> Layer	See Figure 3
K. 2 <sup>nd</sup> Layer	See Figure 3

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Figure 2 – Arcade Style

**Arcade – The Arcade style building contains an pedestrian covering along the face of the building supported by columns on the opposite side. This building style is intended for retail, dining, recreation, and entertainment uses. Architectural treatments including but not limited to recessions, projections, cornices, and other ornamental and structural architectural details shall be applied along the front and side facades of the Arcade style building.**



A. Building Frontage % Within Build-to-Zone	Min 60%
B. % of Arcade	Min 70% of Frontage
C. Minimum Building Separation	30 Feet
D. Building Length	Max 450'
E. Floor to Ceiling Height	Ground Floor: 14' Minimum and 24' Maximum Stories above First: 10' Minimum and 32' Maximum
F. Ground Floor Transparency	Min 45%
G. Above First Floor Transparency	Min 30%
H. Minimum Sidewalk Width from Frontage	12' clear path (8' clear path for areas of landscape plantings along façade).
I. 1 <sup>st</sup> Layer	See Figure 4
J. 2 <sup>nd</sup> Layer	See Figure 4

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- (b) Maximum building height: Maximum building height shall be determined by the style of individual building as shown below. Notwithstanding the following maximum building heights, all buildings shall be designed so as to be compatible in height with abutting structures and shall provide gradual height transitions between adjacent structures:
1. The maximum allowed building height for residential, office, and non-residential uses shall be sixty-six (66) feet and a maximum of five (5) stories;
  2. The maximum allowed building height for hotels shall be one hundred (100) feet and a maximum of seven (7) stories, subject to section 26-75.6;
  3. The maximum allowed building height for parking garage shall be sixty-six (66) feet and a maximum of six (6) stories;
  4. Maximum Building Height Exceptions: Restroom structures, pool decks, rooftop amenities excluding landscaping, and other surfaces for recreational activities shall be permitted to extend above the maximum allowable building height for the applicable zoning district by no more than six (6) feet, six (6) inches.
- (c) Minimum yard setbacks: Setbacks within the MXS Zoning District shall comply with the MXS Layers Regulating Plans set forth in Figures 3 and 4 below. Buildings utilizing the Storefront Frontage or Arcade Frontage Styles shall comply with the building requirements depicted in Figures 3 and 4 below.
1. Rear setbacks for those facades not located within the Build-To-Zone for Storefront and Arcade Style buildings shall be a minimum of six (6) feet from edge of pavement. Side setbacks for those facades not located within the Build-To-Zone for Storefront and Arcade Style buildings shall be a minimum of eight (8) feet from edge of pavement.
  2. Building frontage standards.
    - i. The portion of the façade for Storefront or Arcade Style buildings that face any street frontage must be placed within a specified Build-To-Zone depicted in Figures 3 and 4 below.
    - ii. The portion of a Storefront or Arcade Style building's front façade that is located in the Build-To-Zone is called the 'building frontage'. The length of the building frontage must comply with the building frontage percentage standards for each building frontage style provide in Figures 1 and 2 above.
    - iii. Building frontage percentages shall be calculated by dividing the length of the building situated within the Build-To-Zone by the length of the depicted Build-To-Zone along the same street frontage, as shown in Figures 1 and 2 above.

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- iv. If two (2) building frontage styles are used along the same street frontage, the specified percentages are measured for each building frontage style.
3. Setback encroachments shall be allowed as follows:
- i. Arcades, awnings or covered areas along the ground floor Build-To-Zone may encroach up to one hundred percent (100%) of the First Layer. When an arcade is provided on the ground floor, the remaining space in front of the arcade may either be utilized as a landscape buffer area with installed plant material or additional paved surface for pedestrian circulation provided that eight (8) feet of clear pedestrian path is maintained at all times.
  - ii. Landscaping material may be located within the First Layer, provided that eight (8) feet of clear pedestrian path remains in areas of the landscape planting along the façade at all times.
  - iii. Above the first story, cantilevered balconies, bay windows, roofs and facade components promoting energy efficiency such as shading and screening devices that are non-accessible may encroach a maximum of five (5) feet into the First Layer.
  - iv. Outdoor seating and patio space may encroach up to twenty percent (20%) of the First Layer provided that an eight (8) foot minimum clear sidewalk path is maintained between the edge of pavement and the outdoor seating and patio space at all times.
  - v. Setbacks from the MXS Perimeter Boundary line for all buildings within an MXS development shall be as follows:

<u>Yard</u>	<u>Setbacks from MXS Perimeter Boundary Line(Feet)</u>
<u>Front</u>	<u>25</u>
<u>Rear</u>	<u>25</u>
<u>Side</u>	<u>25</u>

Figure 3

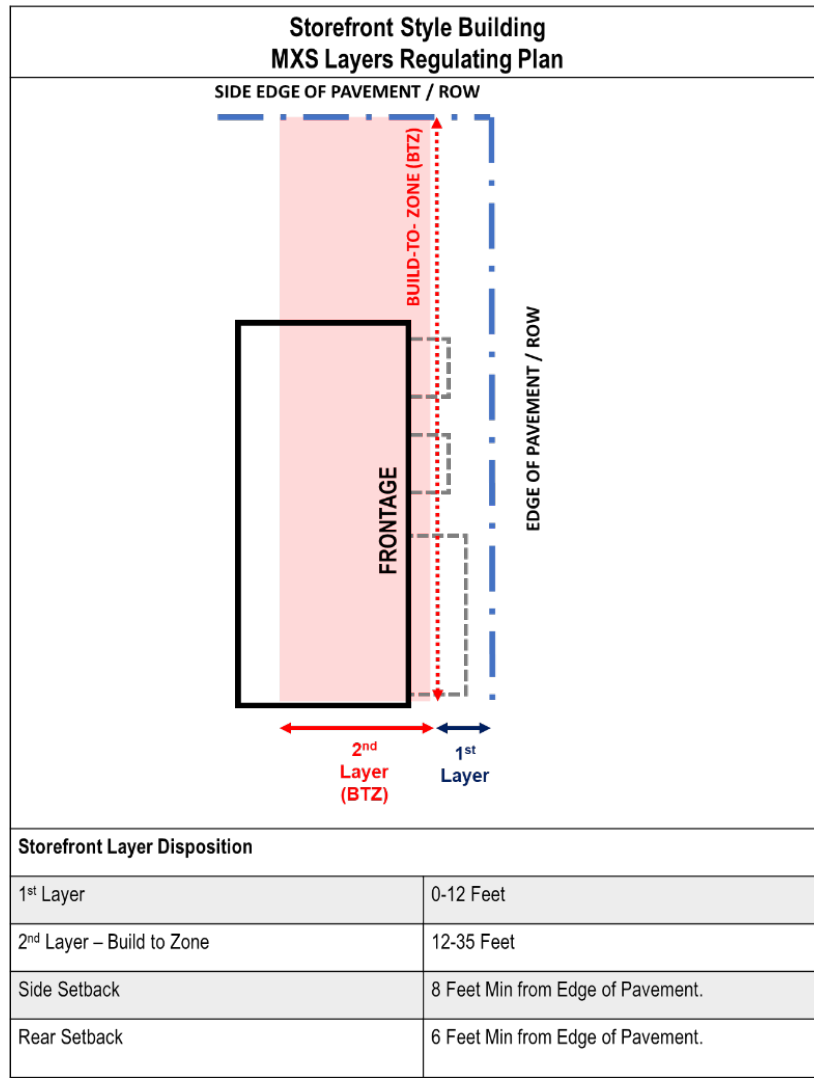
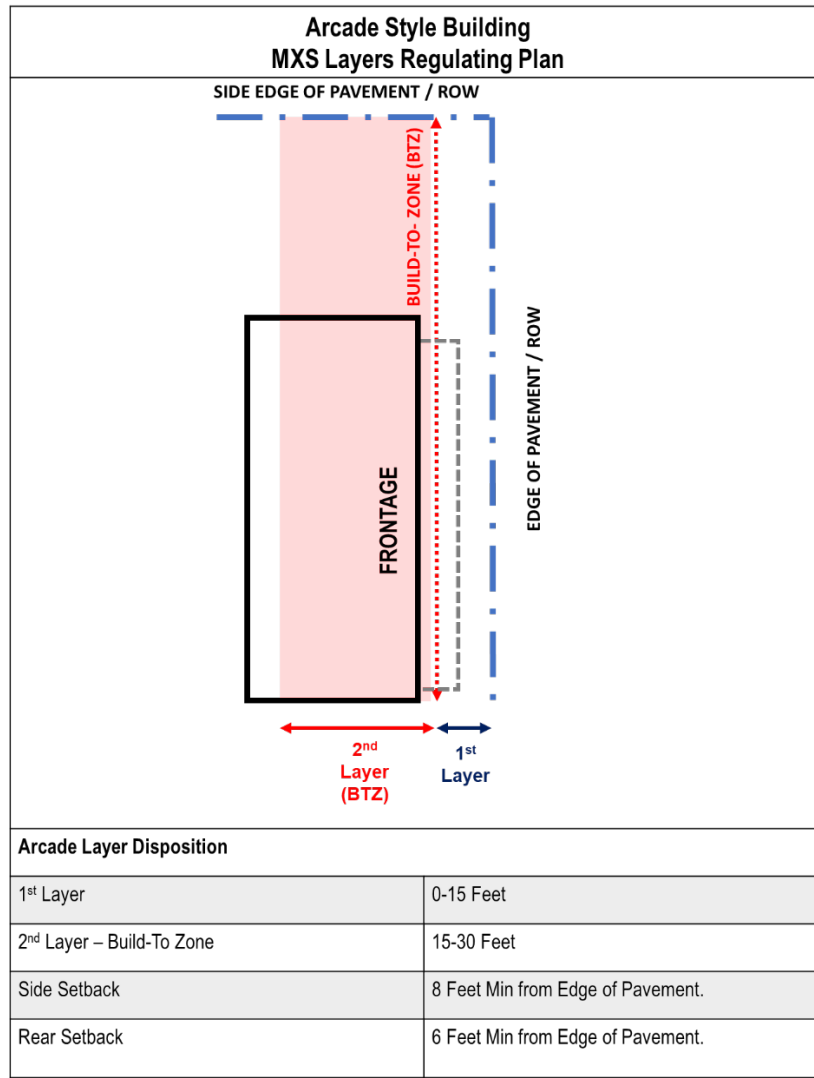


Figure 4



(d) Minimum Open Space Requirements: Open Space shall be provided at no less than twenty percent (20%) of the total site of the entire MXS project.

1. MXS projects shall include at minimum two (2) of the open space types depicted in Figures 5 through 8 below. The design of civic and open spaces shall meet the standards set forth in the following diagrams:

Figure 5

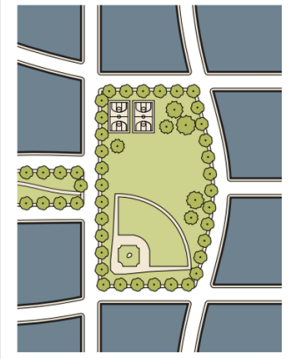
<b>Recreation Green</b> - An open space available for unstructured and limited amounts of structured recreation.	
	
Minimum Size	1 Acre
Maximum Size	10 Acres
Typical Facilities Permitted	Passive and Active (unstructured or structured) Recreation, Accessory Structures, Drinking Fountains, Community Facility < 3,000 SF, Paths and Trails

Figure 6

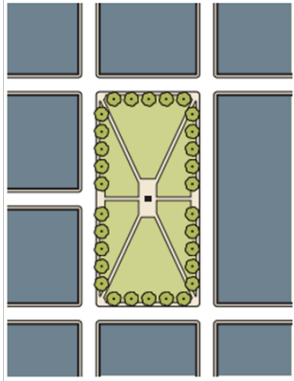
<b>Square</b> - An open space available for civic purposes, unstructured recreation.	
	
Minimum Size	1 Acre
Maximum Size	5 Acres
Typical Facilities Permitted	Passive and Active (unstructured or structured) Recreation, Accessory Structures, Drinking Fountains, Paths and Trails

Figure 7

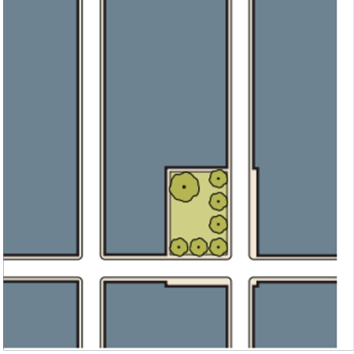
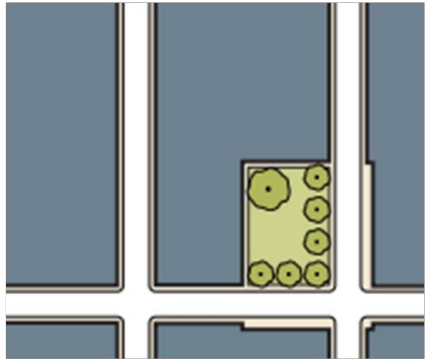
<b>Playground</b> - An open space designed and equipped for the recreation of children. A Playground should be fenced and may include an open shelter. Playgrounds may be included within other civic spaces.	
	
Minimum Size	.10 Acre
Maximum Size	1/2 Acre
Typical Facilities Permitted	Accessory Structure, Drinking Fountains, Paths and Trails

Figure 8

<b>Pocket Park</b> - An open space available for informal activities in close proximity to neighborhood residences.	
	
Minimum Size	.10 Acre
Maximum Size	1/2 Acre
Typical Facilities Permitted	Passive Recreation, Dog Park Accessory Structure, Drinking Fountains, Paths and Trails

2. The Open Space Type shall be shown on the Site Plan and depicted on the Regulating Plan to illustrate the facilities in greater detail.
3. One (1) of the open space types selected from Figures 5-8 above shall total no less than three percent (3%) of the total project site area.
4. For the purposes of this section, the open space type selected from Figures 5-8 shall be measured by calculating the total contiguous green space area. No more than twenty percent (20%) of the minimum size requirement in Figures 5-8 may be attributed to roadways and sidewalks that intersect the open space type selected.
5. Public access and visibility along public parks, civic uses, and natural open spaces shall be maintained through the use of:
  - i. Building frontage oriented towards the open space;
  - ii. Bike and pedestrian paths; or

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iii. Other methods of frontage that provides similar access and visibility to the open space that are appropriate in the MXS project.

- (e) Maximum floor-area-ratio (FAR): It is the intent of the MXS Zoning District to ensure that there is adequate internal capture of trips through the inclusion of non-residential uses. A minimum of nineteen percent (19%) of the total MXS project site shall be dedicated to residential development. The following shall be used to determine the amount of floor area ratio for the proposed uses:

1. Floor-area-ratio shall be based on the gross acreage of the total project site.
2. Non-residential uses are allowed at the following FAR based on the gross acreage of the total project site to determine the minimum and maximum square footage:

	<u>Minimum FAR</u>	<u>Maximum FAR</u>
<u>Office</u>	<u>0.04</u>	<u>0.09</u>
<u>Retail/Service</u>	<u>0.22</u>	<u>0.31</u>

3. Residential uses are allowed at the following FAR based on the gross acreage of the total project site to determine the minimum and maximum square footage:

	<u>Minimum FAR</u>	<u>Maximum FAR</u>
<u>Residential</u>	<u>0.25</u>	<u>0.33</u>

4. Structured parking uses are allowed at the following FAR based on the gross acreage of the total project site to determine the minimum and maximum square footage:

	<u>Minimum FAR</u>	<u>Maximum FAR</u>
<u>Structured Parking</u>	<u>0.43</u>	<u>0.65</u>

5. The total FAR allowed for the MXS project site shall be:

	<u>Minimum FAR</u>	<u>Maximum FAR</u>
<u>Total</u>	<u>1.0</u>	<u>1.3</u>

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- (6) Maintenance of common facilities: Nonpublic areas and facilities for the common use of occupants of the MXS development, but not in individual ownership of such occupants, shall be maintained without expense to the general taxpayers of the village through the formation of entities such as homeowners', condominium or property owners' associations. Instruments setting forth the covenants and restrictions for such associations or entities shall be submitted to the village attorney for review and approval prior to the issuance of a development order in order to assure that the MXS project shall be developed in a manner which is consistent with any development order and/or conditions of approval imposed by village council. The development order must contain provisions for joint maintenance responsibilities for the entire MXS project. Regardless of the number of property owners' associations created for any project, there shall be a master association over all others (or a restrictive covenant agreement in lieu thereof which is consistent with the underlying intent or purpose of a master association) in order to ensure that there is only one (1) legal entity responsible for the entire MXS project.
- (7) Minimum recreational requirements: Recreational requirements shall be as set forth in the village's subdivision code as required for residential subdivisions in conformance with sec. 22-55.
- (8) Minimum MXS project size shall be forty (40) acres.
- (9) Landscape standards - Landscaping shall be required in the MXS Zoning District as required by the village's landscaping requirements set forth in Chapter 15 Landscaping and Vegetation Management unless otherwise stated herein:
- (a) MXS Parcel Perimeter Landscape Buffer Width:

<u>Property Line Adjacent to:</u>	<u>Minimum Width (Feet):</u>
<u>Roadway/Canal</u>	<u>25</u>
<u>Residential</u>	<u>25</u>
<u>Commercial / Industrial</u>	16

- (b) When a portion of the MXS is solely residential and adjacent to a Commercial / Industrial land use, the minimum perimeter landscape buffer width shall be twenty-five (25) feet.

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- (c) Canopy trees shall be planted along the Build-to-Zones of Storefront and Arcade frontages at a minimum of one (1) canopy tree for every thirty (30) feet. One (1) palm tree may be substituted in lieu of one (1) canopy tree.
- (d) Vehicle Use Areas - See subject sec. 15-133 for specific regulations.
- (e) Perimeter landscape buffers required:
  - 1. Berms used in landscaping for the MXS Zoning District shall be a minimum of three (3) feet in height above the natural grade with a maximum height of eight (8) feet. The berm surface shall provide for smooth transition in elevation change with the slope, not exceeding a ratio of three to one (3:1). The berm surface shall be covered with a combination of plant material, including grass, ground cover, shrubs and mulch. Undulating berms are preferred. Required landscape buffers shall be installed prior to issuance of the first certificate of occupancy.
  - 2. Berms within the MXS Zoning District may be permitted at a minimum of one (1) foot in height above the natural grade if a ten (10) foot minimum multipurpose shared-use pathway is provided within the applicable landscape buffer.
  - 3. A continuous landscape screen shall be incorporated within the berm not less than three (3) feet in height.
  - 4. The landscape screen shall consist of a continuous hedge of shrubs, at minimum of thirty-six (36) inches in height, and with one (1) canopy tree a minimum of twelve (12) feet tall every twenty (20) linear feet. Three (3) palm trees clustered may be substituted in lieu of one (1) canopy tree.
- (10) Special regulations: MXS project shall be subject to the following special regulations:
  - (a) Off-street parking and loading.
    - 1. Parking and loading spaces shall be provided throughout the MXS project for all residential and nonresidential uses as provided in chapter 23 (Traffic and Vehicles). Guest parking spaces shall not be required.
    - 2. Ride Share – Ten percent (10%) of required parking spaces shall be identified as rideshare spaces.
  - (b) Parking Garages.
    - 1. An average of twenty-five percent (25%) of the frontage on the first floor of all parking garages shall incorporate retail or office businesses consistent with the transparency and tenant dimensional requirements as designated in the Storefront Style frontage in Figure 1 above;

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2. The openings of the garage shall be designed in a manner that obscures parked vehicles. Decorative architectural elements on the ground floor level shall be designed to accommodate the pedestrian scale. Parking levels above the ground floor shall maintain the same vertical and horizontal articulation or rhythm and incremental appearance established on the ground floor. Ramps shall be visually screened from streets and adjacent residential zoning districts and oriented towards the interior of the lot within a project. Ramp profiles shall be hidden on the exterior elevations.
  3. Roof top parking shall be visually screened with articulated parapet walls or other architectural treatment acceptable to the Planning and Zoning Commission. Exterior lighting shall utilize fixtures provided with cut-off shielding in order to eliminate glare and spillage onto adjacent properties and roadways.
  4. Parking garages shall have pedestrian access to a sidewalk.
  5. Parking Garages that service residential uses shall be built simultaneous with construction of buildings with residential uses and shall be fully constructed prior to issuance of certificate of occupancy for any building with residential uses.
- (c) *Bike Parking* - To encourage the use of alternative transportation such as bicycles, a minimum of one (1) bicycle parking space shall be provided for every thirty (30) automobile parking spaces or fraction thereof. Each bicycle rack proposed shall accommodate parking for six (6) or more bicycles. The location of all bicycle racks shall be depicted on the Site Plan and approved at time of Site Plan approval.
- (d) *Transit - Mass transit or multi-modal facilities shall be provided as follows:*
1. A minimum of one (1) mass transit and multi-modal facility shall be located at the intersection of two collector or local streets within the MXS development; or
  2. An adopted plan shall be submitted in a form deemed acceptable by the Planning and Zoning Director which locates a mass transit and multi-modal facility within a half-mile of the MXS upon buildout.
- (e) *Pedestrian Crossings* – Pedestrian crossings shall comply with the following:
1. Elevated pedestrian crossings may be permitted for site interconnectivity.
  2. Elevated pedestrian crossings shall be covered throughout the entire passage.

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3. Pedestrian Crossings shall not be enclosed and shall be provided as an open-air crossings.
4. Elevated pedestrian crossings shall provide a three (3) foot minimum rail along both side of passage.
5. Elevated pedestrian crossings shall have an unobstructed vertical clearance of not less than 13 feet 6 inches (13'6").
6. Non at grade pedestrian crossings shall be designed to be consistent and visually compatible with the architectural style of the MXS development.

(f) Outdoor Seating

1. Outdoor Seating proposed within MXS projects is subject to sec. 26-72 Outdoor Seating standards.
2. In MXS projects, outdoor seating areas which are not more than ten percent (10) of the enclosed seating area may be approved administratively as a minor site plan amendment pursuant to subsection 26-40(a)(3).

(g) Signs: See Chapter 20; specifically, sec. 20-63 shall apply to an MXS project.).

(h) Common architectural theme: In order to emphasize characteristics of the MXS development, all structures within the project site shall incorporate similar architectural design themes, elements, materials, signage, and colors as identified by the master architectural plan and sec. 26-73(c) of the village code.

(i) Lighting

1. Consistency. Lighting shall be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures shall be integrated and designed so as to enhance the visual impact of the project on the community and/or blends into the landscape.
2. Shielding standards. Lighting shall be designed so as to prevent direct glare, light spillage and hazardous interference with automotive and pedestrian traffic on adjacent streets and all adjacent properties.
3. Fixture height standards. Lighting fixtures shall be a maximum of thirty (30) feet in height within the parking lot and shall be a maximum of fifteen (15) feet in height within non-vehicular pedestrian areas.
4. Design standards. Lighting shall be used to provide safety while accenting key architectural elements and/or to emphasize landscape features. Light fixtures shall be designed as an integral design

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element that complements the design of the project. This can be accomplished through style, material or color (excluding fluorescent, primary and/or secondary colors) or be designed to blend into the landscape through the use of dark colors such as bronze. Mill finish is not permitted.

5. Photometrics for street, parking lot, sidewalk, shared pathway, and on-street bike path lighting shall meet the requirements of the latest edition of the IES Lighting Handbook, published by the Illumination Engineers' Society.

(j) Service Function Areas (SFA's) including but not limited to loading, storage, mechanical equipment, and solid waste disposal are permissible subject to:

1. Buffering and screening standards. Loading areas or docks, trash collection, mechanical equipment, trash compaction, roof top equipment and other service function areas shall be fully screened from view of adjacent properties and roadways at ground view level; subject to sec. 15-133(h) and sec. 26-61(g)1. - 2.

(k) Pedestrian Connectivity- All uses in an MXS project shall be connected by sidewalks or pedestrian paths, bicycle paths or bicycle lanes, and vehicular streets. A minimum of eighty percent (80%) of all streets shall connect at both ends to other streets at an intersection. All paths or trails, including bicycle paths or lanes, shall interconnect to form a continuous network throughout the MXS project and to paths or trails linking adjacent neighborhoods.

(l) Access and traffic circulation: Developments in the MXS Zoning District shall have direct access onto at least one (1) principal arterial roadway. Access shall be sized and designed to accommodate all of the development potential in the MXS project. Internal roadways shall be designed to accommodate pedestrian movement through the inclusion of sidewalks and marked street crossings.

(m) Hours of Operation: All business within MXS developments must adhere to the following hours of operation:

1. Sunday: Operating hours shall be limited to 12:00AM - 1:00AM and 5AM -11:59PM.

2. Monday - Thursday: Operating hours shall be limited to 5AM -11:59PM.

3. Friday - Saturday: Operating hours shall be limited to 12:00AM - 1:00AM and 5AM -11:59PM.

4. Exception: Fitness Centers shall not be subject to the above hour restrictions; 24-hour operation is permitted seven (7) days a week.

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(n) Special Events and Outdoor Uses

1. Two (2) types of Special Events shall be permitted for MXS Developments:

i. Minor Special Events - Minor Special Events shall mean those events that occur wholly within designated event areas on the approved Site Plan for the MXS and which are made part of the Regulating Plans for the MXS. In addition to identifying these designated event areas on the Site Plan, a description of the minor special events planned shall be included describing the kinds of events to take place in these designated event areas and any additional security or crowd control measures anticipated to be provided during the minor special events. As part of the MXS Site Plan approval, a Shared Parking Study shall be provided which demonstrates that there is adequate parking for the minor special events proposed in the designated event areas which shall identify the specific parking areas to be utilized during minor special events and areas that will be designated as additional overflow parking for the minor special events. No Special Event Permit is required for Minor Special Events.

ii. Major Special Events – Major Special Events are those events that occur outside the designated event areas as shown on the approved Site Plan and Regulating Plans and any events where private or public roads are to be closed as part of the event. A Special Event Permit shall be required for all Major Special Events, with all Major Special Events subject to sections 16-12(a)(1)-(5) of the village code. A Shared Parking Study shall be provided with each Special Event Permit Application which demonstrates that there is adequate parking for the major special event and which identifies areas within the MXS that will be utilized during the major special event and areas that will designated an additional overflow parking for the major special event.

2. Hours of Minor or Major Special Events shall be strictly limited to 7:00 AM to 12:00 AM.

3. Minor and Major Special Events shall be subject to and conform with the Performance standards in section 26-101 of the village code.

(11) Submittal requirements. In addition to the application requirements for Site Plan approval as set forth at sec. 26-32(f)(5) of the village code, the following submittal requirements must be met:

(a) A written explanation of the character of the proposed MXS development;

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- (b) A tabular summary of acres, dwelling units with gross density for residential uses and FAR calculations for residential and nonresidential uses;
  - (c) Proposed development schedule and phases;
  - (d) Agreements, provisions and covenants which will govern the use, maintenance and protection of proposed common areas and facilities;
  - (e) A filing fee for a proposed MXS Master Site Plan Application, 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;
  - (f) A traffic impact analysis which outlines the impact of the MXS project along with recommendations for roadway improvements to offset this impact, and a TPSO approval letter. These improvements shall be required to be constructed by the applicant as a condition of the development approval; and
  - (g) Any additional information must be provided which is reasonably required by the village to evaluate the character and impact of the proposed MXS project.
- (12) Variances from other codes. It is intended that there be flexibility in the property configuration within an MXS project. The following additional requirements apply:
- (a) The overall project must meet the minimum standards for the MXS Zoning District.
  - (b) The village council may vary the regulations found in the zoning code, the landscape code and/or the sign code for internal parcels so long as conditions of approval are placed upon the approval for the entire MXS project in order to ensure that the MXS makes a substantial contribution to the neighborhood and is developed in accordance with the spirit and intent of all the codes of the Village of Royal Palm Beach.
- (13) Art in Public Places – Any new MXS development is subject to the standards in sec. 26-75.5. - Art in public places.
- (14) Approval criteria. Development and redevelopment in the MXS Zoning District shall be reviewed by the Technical Staff through the Technical Staff Review process, the Planning and Zoning Commission and the Village Council in accordance with the Site Plan review process established by the village. The primary factors for consideration in approving a MXS project are the following:

- (a) General impact on the adjacent property;

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- (b) Provision of services;
  - (c) Use of appropriate technologies;
  - (d) The buildings' aesthetic appearance;
  - (e) Degree of parking adequacy, cohesiveness and integration of the district;
  - (f) Mix of uses to provide for compatible, balanced, and integrated land uses within a single project site;
  - (g) Orderly patterns of circulation for both vehicular and pedestrian traffic; and
  - (h) Streetscape, and quality of urban design including: design of rights-of-way, medians, street lighting, and landscaping.
- (15) Maximum density. Ten (10) units per gross acre.

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## **Signage Regulations**

### **Sec. 20-63. Mixed Use Social Center (MXS).**

The following signs or types of signs are permitted in the Mixed Use Social Center district:

(3) Freestanding signs in Mixed Use Social Center developments:

- (a) Two (2) shopping center monument signs may be placed, not to exceed twenty (20) feet in height and twelve (12) feet in width, adjacent to the major roadway and at least ten (10) feet from the property line. Sign copy for such shopping center monument signs shall contain no more than five (5) tenant names per sign face with a minimum letter height of six (6) inches per tenant name and a maximum letter of height of twenty-four (24) inches per tenant name.
- (b) Entry feature signs, which are free-standing monument signs, may be placed per each individual collector/local street, not to exceed six (6) in total quantity for the MXS project site. Minimum distance between entry feature signs shall be 100 feet. Each entry feature sign shall not exceed seven (7) feet in height from grade level, eight (8) feet in width, and forty-two (42) square feet in area. Sign copy for such entry feature signs shall contain no more than three (3) tenant names per sign face with a minimum letter height of six (6) inches per tenant name and a maximum letter of height of fifteen (15) inches per tenant name. The setback for entry feature signs from the front or side property line shall be a minimum of ten (10) feet. Freestanding monument signs or entry feature signs allowed under this subsection require a solid base that is calculated in the overall allowable total monument sign square footage. Sign copy is prohibited on the base except for address numbers. Freestanding monument signs or entry feature signs shall be landscaped on three (3) sides and each side shall have an average landscaped area of five (5) feet in width around the base.
- (c) Six (6) pedestrian directory signs are permitted, not to exceed six (6) feet in height and four (4) feet in width. Sign copy for such pedestrian directory signs are permitted on two (2) sign faces and shall not exceed 20 SF per sign face.
- (d) Vehicular wayfinding signs, each sign not to exceed twenty (20) square feet in sign area and five (5) feet in height. One (1) wayfinding sign is permitted per building in a development. All copy shall be of uniform font, color and style. Subject Mixed-Use Social Center logos are permitted, but tenant logos and trademarks shall be prohibited.

(4) Wall Signage in Mixed Use Social Center Developments:

- (a) One (1) tenant wall sign on the front for each tenant within the subject building. The allowable front tenant wall sign area for each business tenant shall not exceed one (1) square foot per linear foot of the front facade of the tenant space.
- (b) In addition to the tenant wall signage permitted in subsection 4(a) of sec. 20-63, buildings are permitted two (2) building identification wall signs and may be located no higher than the wall on which it is mounted. The allowable building

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identification wall sign area for each building shall not exceed one (1) square foot per linear foot of the front facade. Additional requirements of building identification wall signage are as follows:

1. Side building identification wall signage on corner buildings within an MXS development shall face the interior of the MXS development;
  2. Allowable building identification wall signage on corner buildings shall be displayed on only two (2) façades of a building (a façade includes the front, sides and rear walls).
- (c) A hanging marquee sign shall be permitted for each business conducted on the premises, attached to the underside of an existing marquee or canopy perpendicular to the façade. Such sign shall not exceed six (6) square feet in area, provided that the lower edge of such sign is at least eight (8) feet from the sidewalk surface. Such signs shall have uniform hardware throughout a development.
- (d) A nameplate or owner designation sign on or near the front and/or the rear door of the business conducted on the premises not in excess of three (3) square feet.
- (e) Window signs advertising main and accessory uses not to exceed fifteen (15) percent of the window area. In addition, illuminated signage, including neon signs, with a total of all such signage not to exceed six (6) square feet in area, may be placed or displayed in the window area. Interior illuminated signage placed or displayed within five (5) feet of the window area shall be subject to this provision and counted toward the fifteen (15) percent requirement.
- (f) Directional signs for freestanding buildings that do not utilize vehicular wayfinding signs or building directory signs. Each sign shall not exceed two (2) square feet in sign area and shall not exceed two (2) feet in overall height. Two (2) directional signs are permitted per freestanding building. Copy area shall consist of directional text. Directional sign copy area shall not consist of tenant logos or trademarks. All directional signs shall be located in landscaped areas.
- (g) Flags. See sec. 20-98.

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## **Recreation Requirements**

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

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

- (1) *General formula.* If it is determined by the Village 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 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

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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 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 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

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- 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

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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:

Active Recreation Facility Standards			
<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

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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
Passive Recreation Facility Standards			
<i>Recreational Activity</i>	<i>Standard (Unit/Pop. **)</i>	<i>User Guideline</i>	<i>Turnover/ 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 Council shall make written findings that the above standards are met.
- (7) *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

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reasonably related to serving the development by way of the purchase of necessary land; or if the Village 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 Council under this section 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.

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## **Definitions**

### Sec. 26-22. Definitions

*Bar and/or cocktail lounge.* Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and from which minors are excluded. Bars and/or cocktail lounges may have live entertainment only by special exception in the CG & MXS Zoning Districts. This term shall not include bona-fide restaurants or nightclubs. (See definitions for Restaurant, and Nightclub.)

*Building height.* The vertical distance measured in feet from the average finished grade of all exterior corners of the building to the bottom of the bottom chord of the roof framing member where it intersects the plane of the outside face of the exterior wall for pitched roofs; and for flat roofs the measurement is to the top of the roof decking.

*Building height—Maximum.* The maximum building height shall be measured from a point as determined for the building height, as defined herein, plus the vertical distance from that building height point to the highest point of the building's roof system. The maximum building height shall mean the maximum allowable building height set forth in the zoning code for the applicable zoning district subject to the following general exceptions:

(a) The maximum allowable building height of a pitched roof building, or part of a building covered by a pitched roof, shall be the allowable maximum building height as set forth in the applicable zoning district plus forty (40) percent of that height as measured in a vertical distance from the building height point to the highest point of the building's roof system;

(b) Parapet walls may extend above the maximum allowable building height for the applicable zoning district for flat roofs by five (5) feet subject also to subsection 26-73(c)(9); and

(c) Restroom structures, pool decks, rooftop amenities, and other surfaces for recreational activities subject to sec. 26-95(4)(b)4.

(d) Structures for the housing of elevators, stairways, skylights, or similar facilities, vertical radio antennae, television reception antennae except dish type, church steeples, and chimneys may be erected no more than forty (40) percent above the measured building height of the building on which such structures are located except that all such structures, equipment and facilities located upon the roof area shall not cover in the aggregate a roof area greater than ten (10) percent of the ground floor area of such building or structure and shall be subject also to subsection 26-73(c)(9).

Build-To-Zone – Within the MXS District, the Build-To-Zone is parallel to the street frontage and is measured from the edge of pavement on the applicable street. A portion

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of a building's facade that faces that frontage must be placed within the specified Build-To-Zone as depicted in Figures 1 and 2 of sec. 26-95.

*Personal services.* An establishment engaged in the provision of frequent or recurrent services of a personal nature: or the provision of informational, instructional, personal improvement or similar professional services which may involve limited accessory retail sale of products. Those personal services allowed in the MXD zoning district are only those specifically set forth at subsections 26-93(2)(c) and (3)(c). Those personal services allowed in the MXS Zoning District are only those specifically set forth at secs. 26-95(2) and 26-95(3). Personal services allowed in other zoning districts are those that are listed as permitted or special exception uses in each individual zoning district.

*Retail sales, MXS.* Those establishments providing general retail sales, or similar establishments which are specifically set forth at secs. 26-95(2) and 26-95(3) and which do not exceed twenty thousand (20,000) square feet of floor area for any single use, and which do not include a drive-through facility.

*Rooftop Amenities.* Recreational or aesthetic private open space constructed on rooftops that provide recreation amenities for building occupants such as, but not limited to, gardens, observation decks, swimming pools, event space, clubhouse and reception space, game rooms, and multipurpose courts.

*Transparency* - The amount of transparent window glass or other openings in a building's facade along a street frontage, relative to the overall surface area of the facade. This ratio is expressed as a percentage and is calculated separately for the ground story of a facade and for each upper story.

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**ORDINANCE NO. 1027**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 26. ZONING. AT ARTICLE II. CONSTRUCTION OF LANGUAGE AND DEFINITIONS., SEC. 26-22. DEFINITIONS. TO AMEND EXISTING “BAR AND/OR COCKTAIL LOUNGE”, “BUILDING HEIGHT – MAXIMUM”, AND “PERSONAL SERVICES” DEFINITIONS AND CREATE ENTIRELY NEW DEFINITIONS FOR THE TERMS “BUILD-TO-ZONE”, “RETAIL SALES, MXS”, “ROOFTOP AMENITIES” AND “TRANSPARENCY”; AT ARTICLE V. ZONING DISTRICTS. TO CREATE ENTIRELY NEW SEC. 26-95. MXS MIXED USE SOCIAL CENTER DISTRICT. CREATING AN ENTIRELY NEW MIXED USE SOCIAL CENTER ZONING DISTRICT AND PROVIDING LAND DEVELOPMENT REGULATIONS FOR THE NEW MXS ZONING DISTRICT; AMENDING CHAPTER 20. SIGNS. AT ARTICLE IV. PERMITTED SIGNS. TO CREATE ENTIRELY NEW SEC. 20-63. MIXED USE SOCIAL CENTER (MXS). TO ESTABLISH PERMITTED SIGN REGULATIONS FOR THE NEW MIXED USE SOCIAL CENTER ZONING DISTRICT; AND AMENDING CHAPTER 22. SUBDIVISION OF LAND. AT ARTICLE III. DEVELOPMENT DESIGN STANDARDS., SEC. 22-55. RECREATION REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT. TO ADD RECREATIONAL REQUIREMENTS FOR MIXED USE SOCIAL CENTER DEVELOPMENTS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUB-SECTION OF CHAPTER 20. SIGNS, CHAPTER 22. SUBDIVISION OF LAND AND CHAPTER 26. ZONING. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Village of Royal Palm Beach, Florida, has received privately initiated Application #22-18 (Text Amendment) requesting certain text amendments to the Village’s Sign, Subdivision and Zoning Codes in order to create a new Mixed Uses Social Center (MXS) Zoning District and provide land development regulations application to mixed use social centers within the Village; and

**WHEREAS**, the Village Council of the Village of Royal Palm Beach desires to update its Zoning Code as more specifically detailed in privately initiated Application #22-18 (Text Amendment); 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 Chapters 20, 22 and 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 Article II. Construction of Language and Definitions., Sec. 26-22. Definitions. to amend existing “Bar and/or cocktail lounge”, “Building height – maximum” and “Personal services” definitions and create entirely new definitions for the terms “Build-to-zone”, “retail sales, MXS”, “Rooftop Amenities” and “Transparency”; providing that Sec. 26-22 shall hereafter read as follows:

**Sec. 26-22. - Definitions.**

[When used in this chapter, the following terms or conjugations and variations thereof shall have the meanings herein described to them.]

*Bar and/or cocktail lounge.* Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and from which minors are excluded. Bars and/or cocktail lounges may have live entertainment only by special exception in the CG and MXS zoning districts. This term shall not include bona-fide restaurants or nightclubs. (See definitions for Restaurant, and Nightclub.)

*Building height—Maximum.* The maximum building height shall be measured from a point as determined for the building height, as defined herein, plus the vertical distance from that building height point to the highest point of the building's roof system. The maximum building height shall mean the maximum allowable building height set forth in the zoning code for the applicable zoning district subject to the following general exceptions:

- (a) The maximum allowable building height of a pitched roof building, or part of a building covered by a pitched roof, shall be the allowable maximum building height as set forth in the applicable zoning district plus forty (40) percent of that height as measured in a vertical distance from the building height point to the highest point of the building's roof system;
- (b) Parapet walls may extend above the maximum allowable building height for the applicable

zoning district for flat roofs by five (5) feet subject also to subsection 26-73(c)(9); and  
(c) Restroom structures, pool decks, rooftop amenities, and other surfaces for recreational activities subject to sec. 26-95(4)(b)4.

~~(e)~~(d) Structures for the housing of elevators, stairways, skylights, or similar facilities, vertical radio antennae, television reception antennae except dish type, church steeples, and chimneys may be erected no more than forty (40) percent above the measured building height of the building on which such structures are located except that all such structures, equipment and facilities located upon the roof area shall not cover in the aggregate a roof area greater than ten (10) percent of the ground floor area of such building or structure and shall be subject also to subsection 26-73(c)(9).

Build-To-Zone – Within the MXS District, the Build-To-Zone is parallel to the street frontage and is measured from the edge of pavement on the applicable street. A portion of a building's facade that faces that frontage must be placed within the specified Build-To-Zone as depicted in Figures 1 and 2 of sec. 26-95.

*Personal services.* An establishment engaged in the provision of frequent or recurrent services of a personal nature: or the provision of informational, instructional, personal improvement or similar professional services which may involve limited accessory retail sale of products. Those personal services allowed in the MXD zoning district are only those specifically set forth at subsections 26-93(2)(c) and (3)(c). Those personal services allowed in the MXS Zoning District are only those specifically set forth at secs. 26-95(2) and 26-95(3). Personal services allowed in other zoning districts are those that are listed as permitted or special exception uses in each individual zoning district.

Retail sales, MXS. Those establishments providing general retail sales, or similar establishments which are specifically set forth at secs. 26-95(2) and 26-95(3) and which do not exceed twenty thousand (20,000) square feet of floor area for any single use, and which do not include a drive-through facility.

Rooftop Amenities. Recreational or aesthetic private open space constructed on rooftops that provide recreation amenities for building occupants such as, but not limited to, gardens, observation decks, swimming pools, event space, clubhouse and reception space, game rooms, and multipurpose courts.

Transparency - The amount of transparent window glass or other openings in a building's facade along a street frontage, relative to the overall surface area of the facade. This ratio is expressed as a percentage and is calculated separately for the ground story of a facade and for each upper story.

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

**Section 2:** Chapter 26. Zoning. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article V. Zoning Districts. to create entirely new Sec. 26-95. MXS Mixed Use Social Center District. creating an entirely new Mixed Use Social Center Zoning District and providing land development regulations for the new MXS Zoning District; providing that Sec. 26-95 shall hereafter read as follows:

**Sec. 26-95. - MXS Mixed Use Social Center District.**

- (1) Purpose and intent: The purpose of the Mixed Use Social Center (MXS) Zoning District is to allow for large-scale, innovative, and urban mixed use developments that provide integrated, vibrant, compatible, and complimentary uses within a single development. This MXS Zoning District allows for greater intensities and densities than would otherwise be permissible in typical zoning allowances.

The MXS Zoning District must include residential, non-residential and public open space to allow for living, working and entertainment in a pedestrian-oriented community. In the MXS Zoning District, multi-purpose buildings that permit a mixture of compatible uses are required. Land use standards shall clearly require an integration of uses within or among buildings, which will be accomplished through the:

- (a) Use of vertical integration such as residential uses over office or retail uses, office uses over retail uses, or other compatible combinations of uses, excluding non-residential uses over residential uses;
- (b) Construction of vertically-integrated buildings within the first phase of development;  
and
- (c) Use of horizontal integration may be permitted if buildings are placed and oriented to front on well designed, usable public spaces and designed with appropriate pedestrian connectivity.

(2) Uses permitted: All uses are prohibited unless specifically listed herein as a permitted use in this district. The following are all uses permitted within the MXS:

**(a) RESIDENTIAL**

1. Multifamily dwellings - subject to the site development standards in subpart (4) below.

**(b) OFFICE/INSTITUTIONAL**

2. Accounting establishment.
3. Professional office.
4. Medical office.
5. Investment/brokerage services.

**(c) RETAIL/ PERSONAL SERVICES**

1. Advertising/public relation agencies.
2. Amusement arcade (see additional regulations under definition at section 26-22).
3. Antique shop.
4. Architects.
5. Art and graphic supply.
6. Art gallery.
7. Bakery.
8. Barbershop.
9. Beauty shop.
10. Bowling alley.
11. Candy Store.
12. Catering service.
13. Child day care center.
14. Cleaners.
15. Clothing store.
16. Coffee.
17. Comedy Club.
18. Convenience store.
19. Department store.
20. Drugstore or pharmacy.

- 21. Financial institution without drive-through.
- 22. Fitness Center.
- 23. Florist.
- 24. Furniture store.
- 25. Gallery.
- 26. Gift shop.
- 27. Graphics/drafting service.
- 28. Green market (Indoor Only) (see additional requirements at section 26-70).
- 29. Grocery store.
- 30. Health and exercise studio.
- 31. Hotel and/or motel.
- 32. Ice cream parlor.
- 33. Insurance agencies and adjusters.
- 34. Interior designer.
- 35. Jewelry store.
- 36. Messenger and delivery service.
- 37. Movie theater (indoor).
- 38. Nail salon.
- 39. Notary public.
- 40. Parking garage.
- 41. Personal services.
- 42. Pet grooming.
- 43. Pet supply store.
- 44. Real estate agencies.
- 45. Real estate management.
- 46. Restaurant, without drive-through.
- 47. Retail Sales, MXS.
- 48. Rooftop amenity.
- 49. Sporting goods store.
- 50. Tanning salons.
- 51. Travel agencies.



(3) *Special Exception Uses:* All special exception uses are prohibited unless specifically listed herein as a permitted special exception use in this district. The following are all special exception uses allowed within the MXS if approved by the village council.

(a) **OFFICE/INSTITUTIONAL**

1. **Museum.**
2. **Public and private academic institution.**

(b) **RETAIL/PERSONAL SERVICES**

1. **Retail Sales, MXS – Retail Sales similar establishments which are specifically set forth at subsections 26-95(2) and 26-95(3) and which exceed twenty thousand (20,000) square feet of floor area for any single use, and which do not include a drive-through facility.**
2. **Restaurant with bar or lounge with live entertainment.**
3. **Brewpub, microbrewery not to exceed six thousand (6,000) square feet of gross floor area, subject to section 26-75.2.**

(4) *Site development standards.* MXS projects shall be reviewed to ensure that provisions for transition areas are established with adjacent land uses. MXS projects shall be regulated by a series of Site Plans, Landscape Plans, Regulating Plans, and Architectural Plans. These Plans shall outline the Development Standards along with the specific types of residential units and square footage of office/retail/institutional uses for the MXS with both text and diagrams, and include maps designating the locations where the various standards apply. Unless otherwise noted, all development shall be in compliance with the Site Development Standards, Site Plans, Landscape Plans, Regulating Plans, and Architectural Plans. At a minimum, MXS developments shall meet the following standards:

(a) *Required building frontage:* The building frontage style selected by the landowner determines many of the specific regulations that will apply to the development. All buildings within the MXS Zoning District shall be constructed using at least one (1) of the following required building frontage styles:

1. **Storefront Style – See Figure 1 below for specific regulations;**
2. **Arcade Style – See Figure 2 below for specific regulations; or**
3. **General Style – See Sec. 26-73.(c)(1)-(14) for specific regulations.**

Figure 1 – Storefront Style

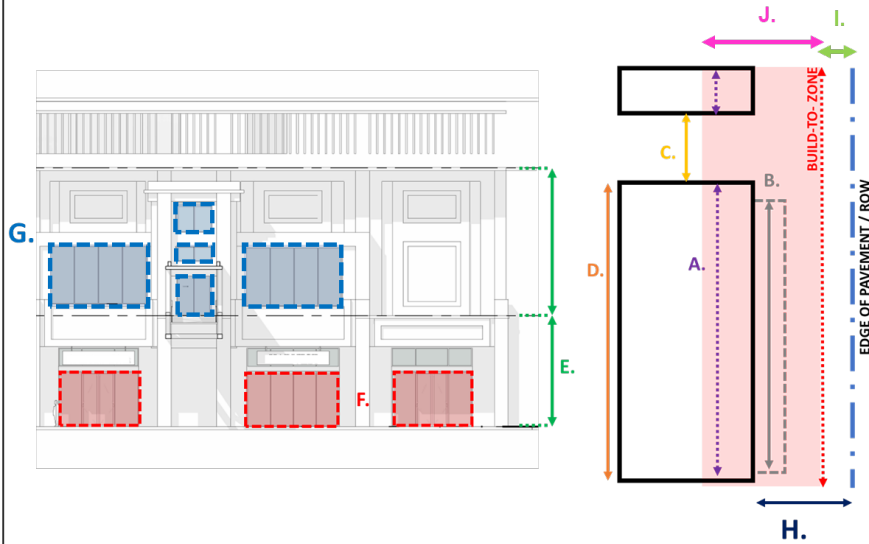
**Storefront - In the Storefront style building, the main facade of the building is near the frontage line with an at-grade entrance along the public way. This building style is intended for retail/office use on the ground floor and residential or office uses above. It has substantial glazing at the sidewalk level and may include an awning, arcade, canopy, or balcony that may overlap the sidewalk. It may be used in conjunction with other frontage styles. These standards are applicable for front and side building facades.**



A. Building Frontage % Within Build-to-Zone	Min 60%
B. % of Ground Floor Pedestrian Coverings	Min 45% of Frontage
C. Minimum Building Separation	30 Feet
D. Ground Floor Tenant Width	Min 12' – Max 100'
E. Building Length	Max 400'
F. Floor to Ceiling Height	Ground Floor: 14' Minimum and 22' Maximum Stories above First: 10' Minimum and 12' Maximum
G. Ground Floor Transparency	Min 45%
H. Above First Floor Transparency (Typical)	Min 30%
I. Minimum Sidewalk Width from Frontage	12' clear path (8' clear path for areas of landscape plantings along façade).
J. 1 <sup>st</sup> Layer	See Figure 3
K. 2 <sup>nd</sup> Layer	See Figure 3

Figure 2 – Arcade Style

**Arcade – The Arcade style building contains an pedestrian covering along the face of the building supported by columns on the opposite side. This building style is intended for retail, dining, recreation, and entertainment uses. Architectural treatments including but not limited to recessions, projections, cornices, and other ornamental and structural architectural details shall be applied along the front and side facades of the Arcade style building.**



A. Building Frontage % Within Build-to-Zone	Min 60%
B. % of Arcade	Min 70% of Frontage
C. Minimum Building Separation	30 Feet
D. Building Length	Max 450'
E. Floor to Ceiling Height	Ground Floor: 14' Minimum and 24' Maximum Stories above First: 10' Minimum and 32' Maximum
F. Ground Floor Transparency	Min 45%
G. Above First Floor Transparency	Min 30%
H. Minimum Sidewalk Width from Frontage	12' clear path (8' clear path for areas of landscape plantings along façade).
I. 1 <sup>st</sup> Layer	See Figure 4
J. 2 <sup>nd</sup> Layer	See Figure 4

(b) Maximum building height: Maximum building height shall be determined by the style of individual building as shown below. Notwithstanding the following maximum building heights, all buildings shall be designed so as to be compatible in height with abutting structures and shall provide gradual height transitions between adjacent structures:

1. The maximum allowed building height for residential, office, and non-residential uses shall be sixty-six (66) feet and a maximum of five (5) stories;
2. The maximum allowed building height for hotels shall be one hundred (100) feet and a maximum of seven (7) stories, subject to section 26-75.6;
3. The maximum allowed building height for parking garage shall be sixty-six (66) feet and a maximum of six (6) stories;
4. Maximum Building Height Exceptions: Restroom structures, pool decks, rooftop amenities excluding landscaping, and other surfaces for recreational activities shall be permitted to extend above the maximum allowable building height for the applicable zoning district by no more than six (6) feet, six (6) inches.

(c) Minimum yard setbacks: Setbacks within the MXS Zoning District shall comply with the MXS Layers Regulating Plans set forth in Figures 3 and 4 below. Buildings utilizing the Storefront Frontage or Arcade Frontage Styles shall comply with the building requirements depicted in Figures 3 and 4 below.

1. Rear setbacks for those facades not located within the Build-To-Zone for Storefront and Arcade Style buildings shall be a minimum of six (6) feet from edge of pavement. Side setbacks for those facades not located within the Build-To-Zone for Storefront and Arcade Style buildings shall be a minimum of eight (8) feet from edge of pavement.
2. Building frontage standards.
  - i. The portion of the façade for Storefront or Arcade Style buildings that face any street frontage must be placed within a specified Build-To-Zone depicted in Figures 3 and 4 below.
  - ii. The portion of a Storefront or Arcade Style building's front façade that is located in the Build-To-Zone is called the 'building frontage'. The length of the building frontage must comply with the building frontage percentage standards for each building frontage style provide in Figures 1 and 2 above.

- iii. Building frontage percentages shall be calculated by dividing the length of the building situated within the Build-To-Zone by the length of the depicted Build-To-Zone along the same street frontage, as shown in Figures 1 and 2 above.
  - iv. If two (2) building frontage styles are used along the same street frontage, the specified percentages are measured for each building frontage style.
3. Setback encroachments shall be allowed as follows:
- i. Arcades, awnings or covered areas along the ground floor Build-To-Zone may encroach up to one hundred percent (100%) of the First Layer. When an arcade is provided on the ground floor, the remaining space in front of the arcade may either be utilized as a landscape buffer area with installed plant material or additional paved surface for pedestrian circulation provided that eight (8) feet of clear pedestrian path is maintained at all times.
  - ii. Landscaping material may be located within the First Layer, provided that eight (8) feet of clear pedestrian path remains in areas of the landscape planting along the façade at all times.
  - iii. Above the first story, cantilevered balconies, bay windows, roofs and facade components promoting energy efficiency such as shading and screening devices that are non-accessible may encroach a maximum of five (5) feet into the First Layer.
  - iv. Outdoor seating and patio space may encroach up to twenty percent (20%) of the First Layer provided that an eight (8) foot minimum clear sidewalk path is maintained between the edge of pavement and the outdoor seating and patio space at all times.
  - v. Setbacks from the MXS Perimeter Boundary line for all buildings within an MXS development shall be as follows:

<u>Yard</u>	<u>Setbacks from MXS Perimeter Boundary Line (Feet)</u>
<u>Front</u>	<u>25</u>
<u>Rear</u>	<u>25</u>
<u>Side</u>	<u>25</u>

Figure 3

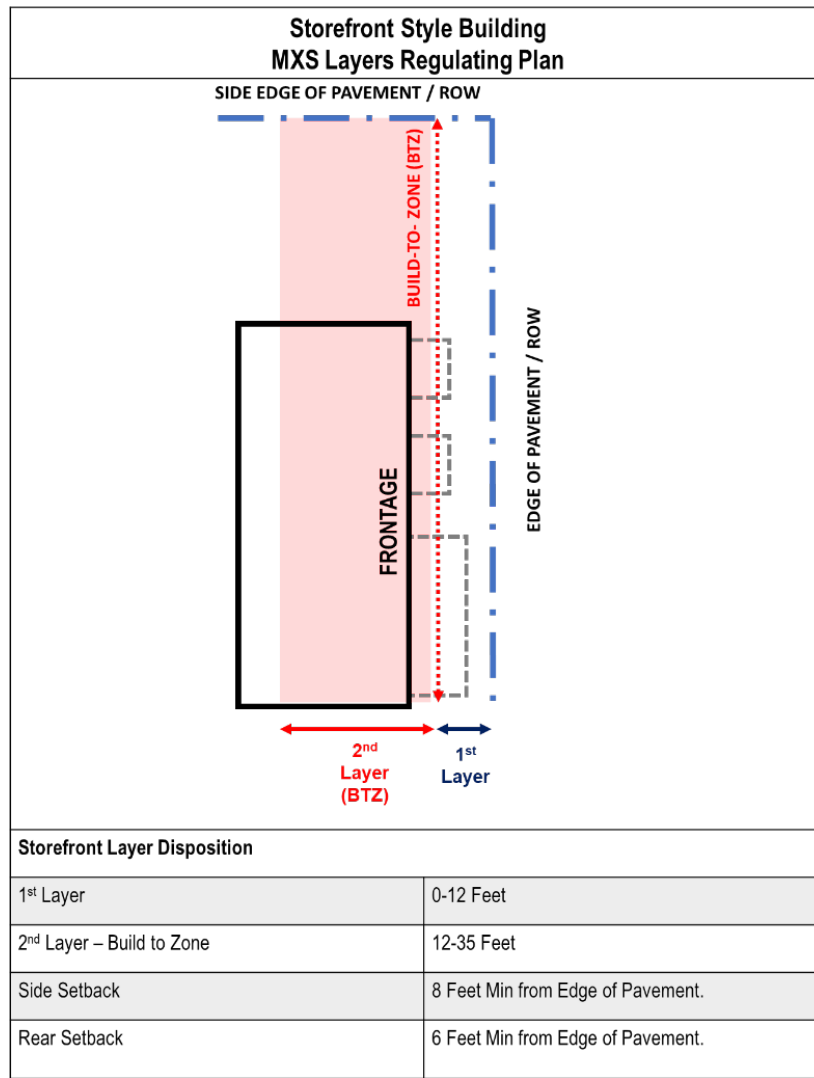
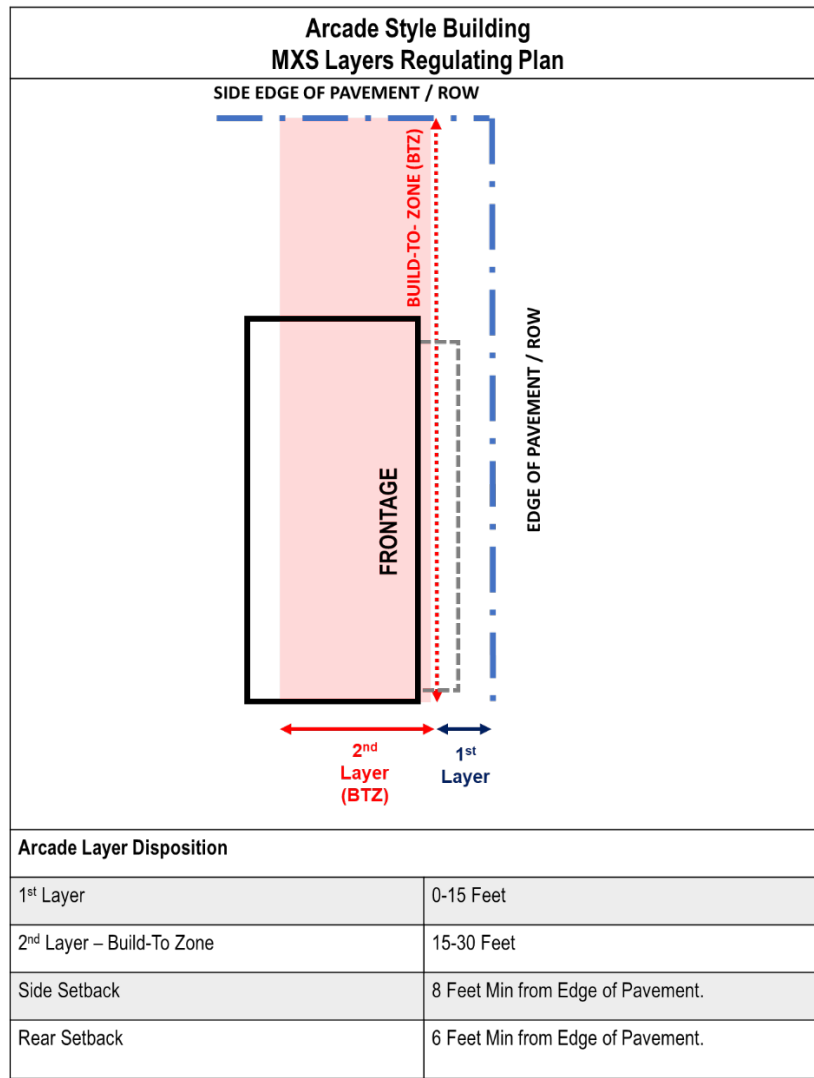


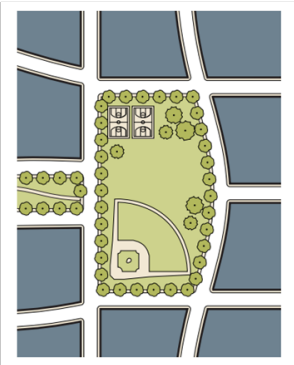
Figure 4



(d) Minimum Open Space Requirements: Open Space shall be provided at no less than twenty percent (20%) of the total site of the entire MXS project.

1. MXS projects shall include at minimum two (2) of the open space types depicted in Figures 5 through 8 below. The design of civic and open spaces shall meet the standards set forth in the following diagrams:

**Figure 5**

<b>Recreation Green</b> - <i>An open space available for unstructured and limited amounts of structured recreation.</i>	
	
Minimum Size	1 Acre
Maximum Size	10 Acres
Typical Facilities Permitted	Passive and Active (unstructured or structured) Recreation, Accessory Structures, Drinking Fountains, Community Facility < 3,000 SF, Paths and Trails

**Figure 6**

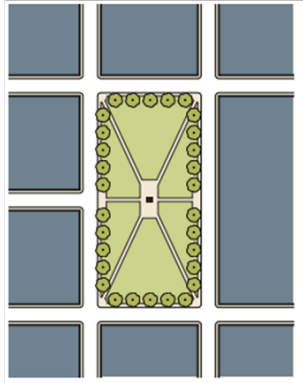
<b>Square</b> - <i>An open space available for civic purposes, unstructured recreation.</i>	
	
Minimum Size	1 Acre
Maximum Size	5 Acres
Typical Facilities Permitted	Passive and Active (unstructured or structured) Recreation, Accessory Structures, Drinking Fountains, Paths and Trails



Figure 7

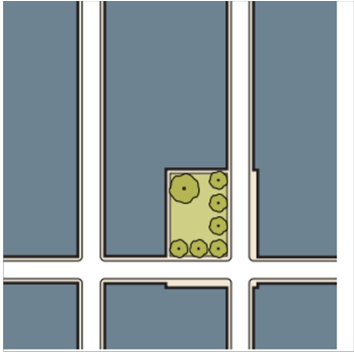
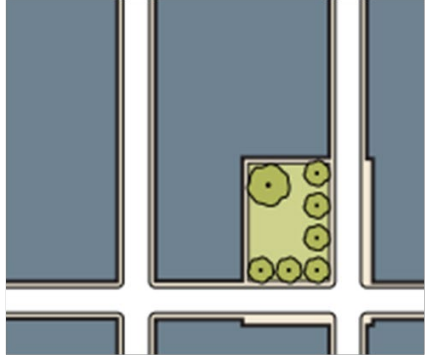
<b>Playground</b> - An open space designed and equipped for the recreation of children. A Playground should be fenced and may include an open shelter. Playgrounds may be included within other civic spaces.	
	
Minimum Size	.10 Acre
Maximum Size	1/2 Acre
Typical Facilities Permitted	Accessory Structure, Drinking Fountains, Paths and Trails

Figure 8

<b>Pocket Park</b> - An open space available for informal activities in close proximity to neighborhood residences.	
	
Minimum Size	.10 Acre
Maximum Size	1/2 Acre
Typical Facilities Permitted	Passive Recreation, Dog Park Accessory Structure, Drinking Fountains, Paths and Trails

2. The Open Space Type shall be shown on the Site Plan and depicted on the Regulating Plan to illustrate the facilities in greater detail.
3. One (1) of the open space types selected from Figures 5-8 above shall total no less than three percent (3%) of the total project site area.
4. For the purposes of this section, the open space type selected from Figures 5-8 shall be measured by calculating the total contiguous green space area. No more than twenty percent (20%) of the minimum size requirement in Figures 5-8 may be attributed to roadways and sidewalks that intersect the open space type selected.
5. Public access and visibility along public parks, civic uses, and natural open spaces shall be maintained through the use of:
  - i. Building frontage oriented towards the open space;
  - ii. Bike and pedestrian paths; or

iii. Other methods of frontage that provides similar access and visibility to the open space that are appropriate in the MXS project.

(e) Maximum floor-area-ratio (FAR): It is the intent of the MXS Zoning District to ensure that there is adequate internal capture of trips through the inclusion of non-residential uses. A minimum of nineteen percent (19%) of the total MXS project site shall be dedicated to residential development. The following shall be used to determine the amount of floor area ratio for the proposed uses:

1. Floor-area-ratio shall be based on the gross acreage of the total project site.
2. Non-residential uses are allowed at the following FAR based on the gross acreage of the total project site to determine the minimum and maximum square footage:

	<u>Minimum FAR</u>	<u>Maximum FAR</u>
<u>Office</u>	<u>0.04</u>	<u>0.09</u>
<u>Retail/Service</u>	<u>0.22</u>	<u>0.31</u>

3. Residential uses are allowed at the following FAR based on the gross acreage of the total project site to determine the minimum and maximum square footage:

	<u>Minimum FAR</u>	<u>Maximum FAR</u>
<u>Residential</u>	<u>0.25</u>	<u>0.33</u>

4. Structured parking uses are allowed at the following FAR based on the gross acreage of the total project site to determine the minimum and maximum square footage:

	<u>Minimum FAR</u>	<u>Maximum FAR</u>
<u>Structured Parking</u>	<u>0.43</u>	<u>0.65</u>

5. The total FAR allowed for the MXS project site shall be:

	<u>Minimum FAR</u>	<u>Maximum FAR</u>
<u>Total</u>	<u>1.0</u>	<u>1.3</u>

- (5) Maintenance of common facilities: Nonpublic areas and facilities for the common use of occupants of the MXS development, but not in individual ownership of such occupants, shall be maintained without expense to the general taxpayers of the village through the formation of entities such as homeowners', condominium or property owners' associations. Instruments setting forth the covenants and restrictions for such associations or entities shall be submitted to the village attorney for review and approval prior to the issuance of a development order in order to assure that the MXS project shall be developed in a manner which is consistent with any development order and/or conditions of approval imposed by village council. The development order must contain provisions for joint maintenance responsibilities for the entire MXS project. Regardless of the number of property owners' associations created for any project, there shall be a master association over all others (or a restrictive covenant agreement in lieu thereof which is consistent with the underlying intent or purpose of a master association) in order to ensure that there is only one (1) legal entity responsible for the entire MXS project.
- (6) Minimum recreational requirements: Recreational requirements shall be as set forth in the village's subdivision code as required for residential subdivisions in conformance with sec. 22-55.
- (7) Minimum MXS project size shall be forty (40) acres.
- (8) Landscape standards - Landscaping shall be required in the MXS Zoning District as required by the village's landscaping requirements set forth in Chapter 15 Landscaping and Vegetation Management unless otherwise stated herein:
- (a) MXS Parcel Perimeter Landscape Buffer Width:

<u>Property Line Adjacent to:</u>	<u>Minimum Width (Feet):</u>
<u>Roadway/Canal</u>	<u>25</u>
<u>Residential</u>	<u>25</u>
<u>Commercial / Industrial</u>	15

- (b) When a portion of the MXS is solely residential and adjacent to a Commercial / Industrial land use, the minimum perimeter landscape buffer width shall be twenty-five (25) feet.
- (c) Canopy trees shall be planted along the Build-to-Zones of Storefront and Arcade frontages at a minimum of one (1) canopy tree for every thirty (30) feet. One (1) palm tree may be substituted in lieu of one (1) canopy tree.
- (d) Vehicle Use Areas - See subject sec. 15-133 for specific regulations.
- (e) Perimeter landscape buffers required:
1. Berms used in landscaping for the MXS Zoning District shall be a minimum of three (3) feet in height above the natural grade with a maximum height of eight (8) feet. The berm surface shall provide for smooth transition in elevation change with the slope, not exceeding a ratio of three to one (3:1). The berm surface shall be covered with a combination of plant material, including grass, ground cover, shrubs and mulch. Undulating berms are preferred. Required landscape buffers shall be installed prior to issuance of the first certificate of occupancy.
  2. Berms within the MXS Zoning District may be permitted at a minimum of one (1) foot in height above the natural grade if a ten (10) foot minimum multipurpose shared-use pathway is provided within the applicable landscape buffer.
  3. A continuous landscape screen shall be incorporated within the berm not less than three (3) feet in height.
  4. The landscape screen shall consist of a continuous hedge of shrubs, at minimum of thirty-six (36) inches in height, and with one (1) canopy tree a minimum of twelve

(12) feet tall every twenty (20) linear feet. Three (3) palm trees clustered may be substituted in lieu of one (1) canopy tree.

(9) *Special regulations:* MXS project shall be subject to the following special regulations:

(a) *Off-street parking and loading.*

1. *Parking and loading spaces shall be provided throughout the MXS project for all residential and nonresidential uses as provided in chapter 23 (Traffic and Vehicles). Guest parking spaces shall not be required.*
2. *Ride Share – Ten percent (10%) of required parking spaces shall be identified as rideshare spaces.*

(b) *Parking Garages.*

1. *An average of twenty-five percent (25%) of the frontage on the first floor of all parking garages shall incorporate retail or office businesses consistent with the transparency and tenant dimensional requirements as designated in the Storefront Style frontage in Figure 1 above;*
2. *The openings of the garage shall be designed in a manner that obscures parked vehicles. Decorative architectural elements on the ground floor level shall be designed to accommodate the pedestrian scale. Parking levels above the ground floor shall maintain the same vertical and horizontal articulation or rhythm and incremental appearance established on the ground floor. Ramps shall be visually screened from streets and adjacent residential zoning districts and oriented towards the interior of the lot within a project. Ramp profiles shall be hidden on the exterior elevations.*
3. *Roof top parking shall be visually screened with articulated parapet walls or other architectural treatment acceptable to the Planning and Zoning Commission. Exterior lighting shall utilize fixtures provided with cut-off shielding in order to eliminate glare and spillage onto adjacent properties and roadways.*
4. *Parking garages shall have pedestrian access to a sidewalk.*
5. *Parking Garages that service residential uses shall be built simultaneous with construction of buildings with residential uses and shall be fully constructed prior to issuance of certificate of occupancy for any building with residential uses.*

- (c) *Bike Parking* - To encourage the use of alternative transportation such as bicycles, a minimum of one (1) bicycle parking space shall be provided for every thirty (30) automobile parking spaces or fraction thereof. Each bicycle rack proposed shall accommodate parking for six (6) or more bicycles. The location of all bicycle racks shall be depicted on the Site Plan and approved at time of Site Plan approval.
- (d) *Transit - Mass transit or multi-modal facilities shall be provided as follows:*
1. A minimum of one (1) mass transit and multi-modal facility shall be located at the intersection of two collector or local streets within the MXS development; or
  2. An adopted plan shall be submitted in a form deemed acceptable by the Planning and Zoning Director which locates a mass transit and multi-modal facility within a half-mile of the MXS upon buildout.
- (e) *Pedestrian Crossings* – Pedestrian crossings shall comply with the following:
1. Elevated pedestrian crossings may be permitted for site interconnectivity.
  2. Elevated pedestrian crossings shall be covered throughout the entire passage.
  3. Pedestrian Crossings shall not be enclosed and shall be provided as an open-air crossings.
  4. Elevated pedestrian crossings shall provide a three (3) foot minimum rail along both side of passage.
  5. Elevated pedestrian crossings shall have an unobstructed vertical clearance of not less than 13 feet 6 inches (13'6").
  6. Non at grade pedestrian crossings shall be designed to be consistent and visually compatible with the architectural style of the MXS development.
- (f) *Outdoor Seating*
1. Outdoor Seating proposed within MXS projects is subject to sec. 26-72 Outdoor Seating standards,
  2. In MXS projects, outdoor seating areas which are not more than ten percent (10) of the enclosed seating area may be approved administratively as a minor site plan amendment pursuant to subsection 26-40(a)(3).
- (g) *Signs:* See Chapter 20; specifically, sec. 20-63 shall apply to an MXS project.).
- (h) *Common architectural theme:* In order to emphasize characteristics of the MXS development, all structures within the project site shall incorporate similar architectural

design themes, elements, materials, signage, and colors as identified by the master architectural plan and sec. 26-73(c) of the village code.

(i) Lighting

1. Consistency. Lighting shall be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures shall be integrated and designed so as to enhance the visual impact of the project on the community and/or blends into the landscape.
2. Shielding standards. Lighting shall be designed so as to prevent direct glare, light spillage and hazardous interference with automotive and pedestrian traffic on adjacent streets and all adjacent properties.
3. Fixture height standards. Lighting fixtures shall be a maximum of thirty (30) feet in height within the parking lot and shall be a maximum of fifteen (15) feet in height within non-vehicular pedestrian areas.
4. Design standards. Lighting shall be used to provide safety while accenting key architectural elements and/or to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This can be accomplished through style, material or color (excluding fluorescent, primary and/or secondary colors) or be designed to blend into the landscape through the use of dark colors such as bronze. Mill finish is not permitted.
5. Photometrics for street, parking lot, sidewalk, shared pathway, and on-street bike path lighting shall meet the requirements of the latest edition of the IES Lighting Handbook, published by the Illumination Engineers' Society.

(j) Service Function Areas (SFA's) including but not limited to loading, storage, mechanical equipment, and solid waste disposal are permissible subject to:

1. Buffering and screening standards. Loading areas or docks, trash collection, mechanical equipment, trash compaction, roof top equipment and other service function areas shall be fully screened from view of adjacent properties and roadways at ground view level; subject to sec. 15-133(h) and sec. 26-61(g)1. - 2.

(k) Pedestrian Connectivity- All uses in an MXS project shall be connected by sidewalks or pedestrian paths, bicycle paths or bicycle lanes, and vehicular streets. A minimum of eighty percent (80%) of all streets shall connect at both ends to other streets at an

intersection. All paths or trails, including bicycle paths or lanes, shall interconnect to form a continuous network throughout the MXS project and to paths or trails linking adjacent neighborhoods.

(l) *Access and traffic circulation:* Developments in the MXS Zoning District shall have direct access onto at least one (1) principal arterial roadway. Access shall be sized and designed to accommodate all of the development potential in the MXS project. Internal roadways shall be designed to accommodate pedestrian movement through the inclusion of sidewalks and marked street crossings.

(m) *Hours of Operation:* All business within MXS developments must adhere to the following hours of operation:

1. *Sunday: Operating hours shall be limited to 12:00AM - 1:00AM and 5AM - 11:59PM.*
2. *Monday - Thursday: Operating hours shall be limited to 5AM - 11:59PM.*
3. *Friday - Saturday: Operating hours shall be limited to 12:00AM - 1:00AM and 5AM - 11:59PM.*
4. *Exception: Fitness Centers shall not be subject to the above hour restrictions; 24-hour operation is permitted seven (7) days a week.*

(n) *Special Events and Outdoor Uses*

1. *Two (2) types of Special Events shall be permitted for MXS Developments:*
  - i. *Minor Special Events - Minor Special Events shall mean those events that occur wholly within designated event areas on the approved Site Plan for the MXS and which are made part of the Regulating Plans for the MXS. In addition to identifying these designated event areas on the Site Plan, a description of the minor special events planned shall be included describing the kinds of events to take place in these designated event areas and any additional security or crowd control measures anticipated to be provided during the minor special events. As part of the MXS Site Plan approval, a Shared Parking Study shall be provided which demonstrates that there is adequate parking for the minor special events proposed in the designated event areas which shall identify the specific parking areas to be utilized during minor special events and areas that*



will be designated as additional overflow parking for the minor special events.  
No Special Event Permit is required for Minor Special Events.

ii. Major Special Events – Major Special Events are those events that occur outside the designated event areas as shown on the approved Site Plan and Regulating Plans and any events where private or public roads are to be closed as part of the event. A Special Event Permit shall be required for all Major Special Events, with all Major Special Events subject to sections 16-12(a)(1)-(5) of the village code. A Shared Parking Study shall be provided with each Special Event Permit Application which demonstrates that there is adequate parking for the major special event and which identifies areas within the MXS that will be utilized during the major special event and areas that will be designated an additional overflow parking for the major special event.

2. Hours of Minor or Major Special Events shall be strictly limited to 7:00 AM to 12:00 AM.

3. Minor and Major Special Events shall be subject to and conform with the Performance standards in section 26-101 of the village code.

(10) Submittal requirements. In addition to the application requirements for Site Plan approval as set forth at sec. 26-32(f)(5) of the village code, the following submittal requirements must be met:

- (a) A written explanation of the character of the proposed MXS development;
- (b) A tabular summary of acres, dwelling units with gross density for residential uses and FAR calculations for residential and nonresidential uses;
- (c) Proposed development schedule and phases;
- (d) Agreements, provisions and covenants which will govern the use, maintenance and protection of proposed common areas and facilities;
- (e) A filing fee for a proposed MXS Master Site Plan Application, 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;
- (f) A traffic impact analysis which outlines the impact of the MXS project along with recommendations for roadway improvements to offset this impact, and a TPSO

- approval letter. These improvements shall be required to be constructed by the applicant as a condition of the development approval; and
- (g) Any additional information must be provided which is reasonably required by the village to evaluate the character and impact of the proposed MXS project.
- (11)Variances from other codes. It is intended that there be flexibility in the property configuration within an MXS project. The following additional requirements apply:
- (a) The overall project must meet the minimum standards for the MXS Zoning District.
- (b) The village council may vary the regulations found in the zoning code, the landscape code and/or the sign code for internal parcels so long as conditions of approval are placed upon the approval for the entire MXS project in order to ensure that the MXS makes a substantial contribution to the neighborhood and is developed in accordance with the spirit and intent of all the codes of the Village of Royal Palm Beach.
- (12)Art in Public Places – Any new MXS development is subject to the standards in sec. 26-75.5. - Art in public places.
- (13)Approval criteria. Development and redevelopment in the MXS Zoning District shall be reviewed by the Technical Staff through the Technical Staff Review process, the Planning and Zoning Commission and the Village Council in accordance with the Site Plan review process established by the village. The primary factors for consideration in approving a MXS project are the following:
- (a) General impact on the adjacent property;
- (b) Provision of services;
- (c) Use of appropriate technologies;
- (d) The buildings' aesthetic appearance;
- (e) Degree of parking adequacy, cohesiveness and integration of the district;
- (f) Mix of uses to provide for compatible, balanced, and integrated land uses within a single project site;
- (g) Orderly patterns of circulation for both vehicular and pedestrian traffic; and
- (h) Streetscape, and quality of urban design including: design of rights-of-way, medians, street lighting, and landscaping.
- (14)Maximum density. Ten (10) units per gross acre.

**Section 3:** Chapter 20. Signs. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article IV. Permitted Signs. to create entirely new Sec. 20-63. Mixed Use Social Center (MXS). to establish sign regulations for the new Mixed Use Social Center Zoning District; providing that Sec. 20-63 shall hereafter read as follows:

**Sec. 20-63. Mixed Use Social Center (MXS).**

The following signs or types of signs are permitted in the Mixed Use Social Center district:

(1) Freestanding signs in Mixed Use Social Center developments:

- (a) Two (2) shopping center monument signs may be placed, not to exceed twenty (20) feet in height and twelve (12) feet in width, adjacent to the major roadway and at least ten (10) feet from the property line. Sign copy for such shopping center monument signs shall contain no more than five (5) tenant names per sign face with a minimum letter height of six (6) inches per tenant name and a maximum letter of height of twenty-four (24) inches per tenant name.
- (b) Entry feature signs, which are free-standing monument signs, may be placed per each individual collector/local street, not to exceed six (6) in total quantity for the MXS project site. Minimum distance between entry feature signs shall be 100 feet. Each entry feature sign shall not exceed seven (7) feet in height from grade level, eight (8) feet in width, and forty-two (42) square feet in area. Sign copy for such entry feature signs shall contain no more than three (3) tenant names per sign face with a minimum letter height of six (6) inches per tenant name and a maximum letter of height of fifteen (15) inches per tenant name. The setback for entry feature signs from the front or side property line shall be a minimum of ten (10) feet. Freestanding monument signs or entry feature signs allowed under this subsection require a solid base that is calculated in the overall allowable total monument sign square footage. Sign copy is prohibited on the base except for address numbers. Freestanding monument signs or entry feature signs shall be landscaped on three (3) sides and each side shall have an average landscaped area of five (5) feet in width around the base.
- (c) Six (6) pedestrian directory signs are permitted, not to exceed six (6) feet in height and four (4) feet in width. Sign copy for such pedestrian directory signs are permitted on two (2) sign faces and shall not exceed 20 SF per sign face.

(d) Vehicular wayfinding signs, each sign not to exceed twenty (20) square feet in sign area and five (5) feet in height. One (1) wayfinding sign is permitted per building in a development. All copy shall be of uniform font, color and style. Subject Mixed-Use Social Center logos are permitted, but tenant logos and trademarks shall be prohibited.

(2) Wall Signage in Mixed Use Social Center Developments:

(a) One (1) tenant wall sign on the front for each tenant within the subject building. The allowable front tenant wall sign area for each business tenant shall not exceed one (1) square foot per linear foot of the front facade of the tenant space.

(b) In addition to the tenant wall signage permitted in subsection 4(a) of sec. 20-63, buildings are permitted two (2) building identification wall signs and may be located no higher than the wall on which it is mounted. The allowable building identification wall sign area for each building shall not exceed one (1) square foot per linear foot of the front facade. Additional requirements of building identification wall signage are as follows:

1. Side building identification wall signage on corner buildings within an MXS development shall face the interior of the MXS development;
2. Allowable building identification wall signage on corner buildings shall be displayed on only two (2) façades of a building (a façade includes the front, sides and rear walls).

(c) A hanging marquee sign shall be permitted for each business conducted on the premises, attached to the underside of an existing marquee or canopy perpendicular to the façade. Such sign shall not exceed six (6) square feet in area, provided that the lower edge of such sign is at least eight (8) feet from the sidewalk surface. Such signs shall have uniform hardware throughout a development.

(d) A nameplate or owner designation sign on or near the front and/or the rear door of the business conducted on the premises not in excess of three (3) square feet.

(e) Window signs advertising main and accessory uses not to exceed fifteen (15) percent of the window area. In addition, illuminated signage, including neon signs, with a total of all such signage not to exceed six (6) square feet in area, may be placed or displayed in the window area. Interior illuminated signage placed or displayed within five (5) feet

of the window area shall be subject to this provision and counted toward the fifteen (15) percent requirement.

(f) Directional signs for freestanding buildings that do not utilize vehicular wayfinding signs or building directory signs. Each sign shall not exceed two (2) square feet in sign area and shall not exceed two (2) feet in overall height. Two (2) directional signs are permitted per freestanding building. Copy area shall consist of directional text. Directional sign copy area shall not consist of tenant logos or trademarks. All directional signs shall be located in landscaped areas.

(g) Flags. See sec. 20-98.

**Section 4:** Chapter 22. Subdivision of Lane. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article III. Development Design Standards., Sec. 22-55. Recreation requirements for residential development. to add recreational requirements for Mixed Use Social Center developments; providing that Sec. 22-55 shall hereafter read as follows:

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

[Subsections (a) – (g) left in full force and effect as previously adopted.]

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

(1) *General formula.* If it is determined by the Village 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 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 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 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.

- de. 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
- ef. 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
- fg. 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:

Active Recreation		Facility		Standards
<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
Passive Recreation Facility Standards			
<i>Recreational Activity</i>	<i>Standard (Unit/Pop. **)</i>	<i>User Guideline</i>	<i>Turnover/ 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 Council shall make written findings that the above standards are met.

~~(6)(7)~~ *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 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 Council under this section 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 5:** Each and every other Section and Sub-section of Chapter 20. Signs, Chapter 22. Subdivision of Land. And Chapter 26. Zoning. shall remain in full force and effect as previously enacted.

**Section 6:** All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

**Section 7:** 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 8:** Specific authority is hereby granted to codify this Ordinance.

**Section 9:** This Ordinance shall take effect immediately upon passage.

FIRST READING this \_\_\_\_ day of November, 2022.

SECOND AND FINAL READING this \_\_\_\_ day of December, 2022.

**VILLAGE OF ROYAL PALM BEACH**

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

(Seal)

ATTEST:

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