

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

Agenda Item:

PUBLIC HEARING FOR FIRST READING AND APPROVAL OF ORDINANCE NO. 1018, AMENDING CHAPTER 26. ZONING. AT SECTION 26-22. DEFINITIONS. TO MODIFY AN EXISTING DEFINITION AND ADD THREE ENTIRELY NEW DEFINITIONS; AND AT SECTION 26-57. ACCESSORY USES, BUILDINGS AND STRUCTURES; MODEL HOMES; VEHICLE AUCTION SALES AND ELECTRIC VEHICLE CHARGING STATIONS. TO CLARIFY THE SETBACK REGULATIONS FOR SHEDS AND PLAY STRUCTURES WITH DESIGN FEATURES EXCEEDING EIGHT (8) FEET IN HEIGHT AND ADD ADDITIONAL REGULATIONS FOR SHEDS, ACCESSORY STRUCTURES OVER 150 SQUARE FEET AND DETACHED PRIVATE GARAGES.

Issue:

Sec. 26-22 of the Village Code of Ordinances provides definitions for terms used in the Village's Zoning Code. Additionally, Sec. 26-57 of the Village Code provides setback requirements for accessory structures, including play structures and sheds. Village Staff is proposing the following:

Amend Section 26-22 in order to:

- Modify the existing definition for "accessory structure" to clarify that the definition does not include storage containers, shipping or cargo containers, PODS, or others similar containers; and
- Add three (3) entirely new definitions for the terms "garage, detached private", "principle/primary structure" and "shed".

Amend Section 26-57 in order to:

- Clarify the setback requirements for sheds and play structures with design features that exceed eight (8) feet in height;
- Require accessory structures over 150 square feet to match the color and architectural style of the principle/primary structure;
- Prohibit the use of shipping containers as accessory structures;
- Provide size, accessibility, and setback requirements for detached private garages; and
- Limit the size of sheds on single family residential lots to 150 square feet and require such sheds to have a building height of less than or equal to the principle/primary structure.

Recommended Action:

Staff recommends Approval of Ordinance No. 1018 on first reading.

Initiator:	Village Manager	Agenda Date	Village Council
Comm. Dev. Director	Approval	3/16/2023	Action

ORDINANCE NO. 1018

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 26. ZONING. AT SECTION 26-22. DEFINITIONS. TO MODIFY AN EXISTING DEFINITION AND ADD THREE NEW DEFINITIONS; AND AT SECTION 26-57. ACCESSORY USES, BUILDINGS AND STRUCTURES; MODEL HOMES; VEHICLE AUCTION SALES AND ELECTRIC VEHICLE CHARGING STATIONS. TO CLARIFY THE SETBACK REQUIREMENTS FOR SHEDS AND PLAY STRUCTURES WITH DESIGN FEATURES EXCEEDING EIGHT (8) FEET IN HEIGHT AND ADD ADDITIONAL REGULATIONS FOR SHEDS, ACCESSORY STRUCTURES OVER 150 SQUARE FEET AND DETACHED PRIVATE GARAGES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 26. ZONING. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 26. Zoning, at Section 26-22 of the Village Code of Ordinances provides definitions for terms used in the Village's Zoning Code; and

WHEREAS, Chapter 26. Zoning, at Section 26-57 of the Village Code of Ordinances provides setback requirements for accessory structures, including play structures and sheds; and

WHEREAS, the Village Council desires to amend Chapter 26. Zoning. of the Village's Code of Ordinances in order to add entirely new definitions for the terms "garage, detached private", "principal/primary structure" and "shed", clarify the setback requirements for sheds and play structures with design features that exceed eight (8) feet in height, and add additional regulations for sheds, accessory structures over 150 square feet and detached private garages; and

WHEREAS, the Village of Royal Palm Beach has held all required public hearings and has provided public notice in accordance with applicable State statutes and Village ordinances; and

WHEREAS, the Village Council of the Village of Royal Palm Beach has determined that the proposed revisions to Chapter 26 are in the best interests of the general welfare of the Village.

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

Section 1: Chapter 26. Zoning. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Sec. 26-22. Definitions. in order to modify the existing accessory

structure definition and add entirely new definitions for the terms “garage, detached private”, “principal/primary structure” and “shed;” 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.]

Accessory structure. A subordinate structure detached from but located on the same lot as the principal structure which is accessory to that of the principal structure. Accessory structure shall not mean or include the permanent installation of the following prohibited structures which are listed for emphasis and clarity:

- (1) Storage containers, shipping or cargo containers, Portable On-Demand Storage (PODS) containers, or any other container that can be delivered to or picked up from the site by a motorized vehicle (or trailer attached to a motorized vehicle), regardless of whether said container is tied down, placed on a poured slab, includes interior electrical or plumbing, or which is physically modified to have a sloped roof. These structures may only be used temporarily for certain purposes, provided permitting is received in accordance with section 26-57 of the village code.

Garage, detached private. A detached building, identified by the manufacturer or design professional as a garage, and not less than 10 feet by 20 feet in size, as measured from the interior, capable of and used for indoor parking of private automobiles for use by the occupants of the principal/primary structure.

Principal/primary structure. A structure or combination of structures of chief importance or function on a lot or parcel. In general, the primary use of the lot or parcel is carried out in a primary structure. The difference between a primary and accessory structure is determined by comparing the size, placement, and similarity of design, use of common building materials and the orientation of the structures on a lot or parcel. See also accessory structure.

Shed. A small, not greater than one-hundred fifty (150) square feet, freestanding, single-story accessory structure designed without electricity or plumbing and used to store lawn, garden, pool or other household equipment.

[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 Sec. 26-57. Accessory uses, buildings and structures; model homes; vehicle auction sales and electric vehicle charging stations. in order to clarify the setback calculations for sheds and play structures with design features exceeding eight (8) feet in height; providing that Sec. 26-57 shall hereafter read as follows:

Sec. 26-57. - Accessory uses, buildings and structures; model homes; vehicle auction sales and electric vehicle charging stations.

(a) Scope. This section includes those accessory uses, buildings and structures inclusive of bus shelters customarily incidental and subordinate to the main use or primary structures ~~buildings~~ which are located on the same lot or parcel of property.

(b) Development regulations for accessory uses, buildings and structures.

(1) Location and regulations.

- a. Permanent. All permanent accessory uses, buildings and structures, including sheds, shall be located on the same lot as the primary structure or principal or main use and not within any required yard setbacks, except for play structures and sheds-which must meet the side yard setback requirements for the zoning district in which they are located but which may be located ten (10) feet from the rear property line providing that no portion of the play structure or shed exceeds eight (8) feet in height. For sheds and play structures exceeding eight (8) feet in height, With regard to any design element of a shed or play-structure-exceeding eight (8) feet in height, that specific design element must be set back an additional one (1) foot in both the rear and side yards for every one (1) foot, or portion thereof, which exceeds eight (8) feet. All accessory structures over 150 square feet shall match the color and architectural style of the principal/primary structure. Wall and overall building height for all detached accessory structures shall not exceed the height of the principal/primary structure. Any accessory structure exceeding the height of the principal/primary structure shall be attached to and part of the principal/primary structure, shall have the same color, type (cement tile, shingle, etc.), pitch and style (gable, hip, mansard, etc.) of roof as the principal/primary structure and shall be subject to the regulations set forth in the applicable Zoning District.
- b. Temporary. Temporary shade structures, detached or attached, such as tents, portable pavilion tents, retractable awnings, or any other similar temporary shade structures may be allowed and located within the required yard setbacks; however, such temporary shade structures shall be allowed on a temporary basis only for a defined time period not to exceed three (3) consecutive days.

- c. Shipping containers. The placement or use of any shipping container or other transport container as an accessory structure or building, storage building, living unit, or in any other manner on residentially-zoned property and/or land used for residential purposes is prohibited. Shipping containers are not permitted in any zoning district for use as a residential structure. Shipping containers may be used by licensed and bonded contractors for temporary housing of equipment and materials during construction subject to an active village building permit.
- d. Garages, detached private.
 - 1. Size. The minimum clear space required for all detached private garages on a single-family residential lot shall be 10 feet by 20 feet.
 - 2. Accessibility. The connecting drive for all detached private garages shall be no wider than the largest detached private garage opening and shall not be immediately adjacent to any patio or other impervious surface. The connecting drive for a detached private garage shall be utilized solely for the parking of vehicles able to fit entirely within the detached garage.
 - 3. All access drives to detached private garages shall meet the setback requirement for the detached structure.
 - 4. Any rear improved surfaces shall at a minimum meet the side and rear setbacks for the principal/primary structure.
- ee. Bus shelters. Bus shelters as accessory structures may be located on private or public property. Notwithstanding anything to the contrary in the zoning code, such structures may be placed within the required setbacks of said private or public property if previously approved for such location by the director. Design elements utilized must be consistent with bus shelters previously constructed within the village. If constructing a bus shelter on property which has a previously approved site plan, a minor amendment is required in accordance with the requirements set forth at section 26-40. Such structures may also be placed within existing rights-of-way or public easement areas in circumstances where bus shelters are proposed for locations consistent with the transportation element of the village comprehensive plan.
- f. Sheds.

1. Size. The cumulative gross square feet of floor space allowed for all sheds located on a single-family residential lot shall not exceed one hundred fifty (150) square feet.

2. Height. Sheds shall have a maximum building height equal to or less than that of the principal/primary structure.

(2) Height. No accessory use, building or structure shall exceed the height permitted in the district in which the principal use is located.

(3) Use. Such accessory building shall not be rented or otherwise used as a separate dwelling unit.

(4) Permitting. A permit shall be required for any structure, play structure or recreational station which includes a floor, roof, wall or support panels totaling more than six (6) square feet. Permit applications must be accompanied by a location survey and must meet the currently adopted building code, ~~or~~ be designed and sealed by a registered engineer or architect, or in the case of play structures only be approved by the Building Official. Method of anchoring and type of proposed exterior finish must be included with the application.

(c) – (e) [Shall remain the same as previously adopted.]

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

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

Section 5: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

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

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

FIRST READING this 16 day of March, 2023.

SECOND AND FINAL READING this 20 day of April, 2023.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(Seal)

DIANE DISANTO, VILLAGE CLERK