



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

AGENDA ITEM:

PUBLIC HEARING FOR SECOND READING AND ADOPTION OF ORDINANCE NO. 997, AMENDING CHAPTER 26. ZONING. AT SECTION 26-40. MINOR AMENDMENTS TO PREVIOUSLY APPROVED SITE PLANS. IN ORDER TO INCREASE THE PERCENTAGE OF PREVIOUSLY APPROVED LANDSCAPE MATERIAL SPECIES THAT MAY BE SUBSTITUTED FOR DIFFERENT SPECIES THROUGH THE MINOR SITE PLAN MODIFICATION PROCESS.

ISSUE:

Village Staff has encountered numerous instances where property owners seek to substitute out previously approved landscape material species for different species due to the unavailability of certain species, and due to the incompatibility of certain species with site conditions (i.e., drainage, sunlight exposure). Section 26-40 currently allows property owners to substitute out ten (10) percent of approved species through a minor site plan modification. Any substitution over ten (10) percent requires the property owner to undergo a major site plan modification. Village Staff seeks to increase the percentage for minor site plan modifications from ten (10) percent to twenty (20) percent in order to facilitate the substitution of unavailable or incompatible plant species.

Ordinance No. 997 proposes the following change to Section 26-40(a)(4)d.:

- d. Substitution of a maximum of ~~ten (10)~~ twenty (20) percent of the approved species of landscape materials due to site constraints caused by conflicts with fire equipment utility easements and similar site constraints.

The Local Planning Agency considered Ord No. 997 on October 22, 2019 and recommended approval by a vote of 5-0.

The Village Council considered Ordinance 997 on First reading on October 17, 2019 and recommended approval by a vote of 5-0.

RECOMMENDED ACTION:

Staff is recommending Approval of Ordinance 997 on Second reading.

Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	11-21-2019	Action

ORDINANCE NO. 997

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 26. ZONING. OF THE CODE OF ORDINANCES OF THE VILLAGE OF ROYAL PALM BEACH AT ARTICLE III. ADMINISTRATION AND PROCEDURES. AT SEC. 26-40. MINOR AMENDMENTS TO PREVIOUSLY APPROVED SITE PLANS. IN ORDER TO INCREASE THE PERCENTAGE OF PREVIOUSLY APPROVED LANDSCAPE MATERIAL SPECIES THAT MAY BE SUBSTITUTED FOR DIFFERENT SPECIES THROUGH THE MINOR SITE PLAN MODIFICATION PROCESS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUB-SECTION 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, the Village Council desires to amend Chapter 26. Zoning. of the Village's Code of Ordinances in order to facilitate the substitution of landscaping materials through the minor site plan modification process when previously approved landscaping materials become unavailable, or incompatible with existing site conditions; 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 of the Village Code of Ordinances are in the best interests of the general welfare of the Village.

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

Section 1: Chapter 26. Zoning. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article III. Administration and Procedures. at Sec. 26-40. Minor amendments to previously approved site plans. in order to increase the percentage of previously approved landscape material species that may be substituted for different species through the minor site plan modification process; providing that Sec. 26-40. shall hereafter read as follows:

Sec. 26-40. - Minor amendments to previously approved site plans.

Minor amendments to previously approved site plans may be approved administratively by the director, subject to the following provisions and criteria:

(a) *Minor amendments defined.* A minor amendment(s) to a previously approved site plan is defined as follows:

(1)—(3) [Shall remain the same as previously adopted.]

(4) Minor field adjustments, not changing the footprint of the structure including, but not limited to, the following:

a.—c. [Shall remain the same as previously adopted.]

d. Substitution of a maximum of ~~ten (10)~~ twenty (20) percent of the approved species of landscape materials due to site constraints caused by conflicts with fire equipment utility easements and similar site constraints.

(5) [Shall remain the same as previously adopted.]

(b)—(c) [Shall remain the same as previously adopted.]

Section 2: Each and every other Section and Sub-section of Chapter 26. Zoning. shall remain in full force and effect as previously enacted.

Section 3: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 4: 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 5: Specific authority is hereby granted to codify this Ordinance.

FIRST READING this 17th day of October, 2019.

SECOND AND FINAL READING this 21st day of November, 2019.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(Seal)

DIANE DISANTO, VILLAGE CLERK