

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

**Agenda Item:**

**PUBLIC HEARING FOR FIRST READING AND APPROVAL OF ORDINANCE NO. 1000, AMENDING CHAPTER 26. ZONING. TO MODIFY THE REQUIREMENTS FOR PARK AND RECREATION LAND DEDICATION OR PAYMENT OF FEES IN LIEU THEREOF. BY BRADFORD O'BRIEN, PLANNING AND ZONING DIRECTOR.**

**Issue:**

Private On-Site Recreation Open Space/Facilities Within Multi-Family Residential Developments:

Under Sec. 26-75.4 of Village Code, proposed multi-family residential developments (e.g., those located in RMU, RV-6, RT-8, RM-9, RM-12, RM-14, and MXD zoning districts) generate a park land dedication requirement based on the projected population for the development. Multi-family residential developers may satisfy this requirement by dedicating public park land to the Village, paying fees to the Village in lieu of the dedication, or undertaking some combination of both. Multi-family residential developers may receive partial credit toward their park land dedication requirement, not to exceed 50%, if they provide private on-site recreational amenities within the development. However, current code does not require that multi-family residential developers provide any private recreational amenities on-site. Instead, these developers could meet their recreation requirements solely by dedication of land to the Village, payment of fees in lieu thereof, or both.

Village Staff has reviewed this process and believes that multi-family residential developments need some private on-site recreational amenities such as tot lots, pools, or basketball courts. These on-site amenities allow residents to recreate within their own community without having to drive or walk long distances for recreational opportunities. On-site amenities also alleviate the burden placed on existing Village park and recreational facilities. Therefore, Village Staff is proposing to amend current code as follows:

- Require that 50% of the land to be dedicated to the Village as public open space/facilities for park and recreational purposes instead be provided as private on-site open space/facilities for park and recreational purposes within the proposed multi-family residential development;
- Provide that no dedication of park land to the Village or payment of fees in lieu thereof can be a substitute for the 50% private on-site recreation requirement;

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- Provide that credit may be given for the 50% park and recreation open space/facilities provided on-site toward the overall land dedication requirement;
- Provide that the remaining 50% of land to be dedicated to the Village as public open space/facilities for park and recreational purposes be dedicated or paid for by fees in lieu thereof pursuant to the criteria contained in current code.
- Provide that the 50% on-site requirement does not apply to those multi-family residential developments of less than 3 units (e.g., a single-lot duplex)

Variances to the Village Recreation Requirements:

Village Staff believes that the recreation requirements contained in Sec. 26-75.4 are necessary to maintain the health, safety and welfare of Village residents, and to provide sufficient park land and recreational facilities in order to comply with the Village Comprehensive Development Plan. Therefore, Village Staff is proposing to amend Sec. 26-75.4 to clarify that variances to this section shall not be permitted.

Planning and Zoning Commission Review and Recommendation:

The Planning and Zoning Commission sitting as the Local Planning Agency considered Ordinance 1000 on December 16, 2019. The Planning and Zoning Commission's recommendation will be presented to the Village Council at the public meeting on December 19, 2019.

**Recommended Action:**

Upon Council review, Staff recommends a motion to approve Ordinance No. 1000 on first reading.

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**ORDINANCE NO. 1000**

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 26. ZONING. TO PROVIDE FOR AN AMENDMENT TO THE PREVIOUSLY ADOPTED ZONING CODE; SPECIFICALLY AMENDING ARTICLE IV. SUPPLEMENTAL REGULATIONS. AT SEC. 26-75.4. RECREATION REQUIREMENTS FOR RESIDENTIAL DEVELOPMENTS. IN ORDER TO MODIFY THE REQUIREMENTS FOR PARK AND RECREATION LAND DEDICATION OR PAYMENT OF FEES IN LIEU THEREOF; 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 of the Village of Royal Palm Beach desires to ensure that future multi-family residential developments in the Village contain sufficient private on-site park and recreational facilities for residents; and

WHEREAS, the Village Council has determined that requiring private on-site park and recreation facilities for residents in these developments is vital to the health, safety and welfare of those residents, and will assist in alleviating the strain and burden on existing Village park and recreational facilities; 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 Article IV. Supplemental Regulations. at Sec. 26-75.4. Recreation requirements for residential developments. in order to modify the requirements for park and recreation land dedication or payment of fees in lieu thereof; providing that Sec. 26-75.4. Recreation requirements. shall hereafter read as follows:

**Sec. 26-75.4. - Recreation requirements for residential developments.**

(a)—(h) [Shall remain the same as previously adopted].

(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, fifty (50) percent of the land required to be dedicated to the village under section 26-75.4(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 26-75.4(h). The remaining fifty (50) percent of land to be dedicated to the village under section 26-75.4(g) shall either be dedicated or paid for by fees in lieu thereof in accordance with section 26-75.4(h).

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

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

(l) Commencement of development. [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.

**Section 6:** This Ordinance shall take effect immediately upon passage.

FIRST READING this 19th day of December, 2019.

SECOND AND FINAL READING this 16th day of January, 2020.

VILLAGE OF ROYAL PALM BEACH

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MAYOR FRED PINTO

ATTEST:

(Seal)

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DIANE DISANTO, VILLAGE CLERK