



## VILLAGE OF NORTH PALM BEACH REGULAR SESSION AGENDA

VILLAGE HALL COUNCIL CHAMBERS  
501 U.S. HIGHWAY 1

THURSDAY, AUGUST 13, 2020  
7:30 PM

Susan Bickel  
Mayor

Mark Mullinix  
Vice Mayor

David B. Norris  
President Pro Tem

Darryl C. Aubrey  
Councilmember

Deborah Searcy  
Councilmember

Andrew D. Lukasik  
Village Manager

Leonard G. Rubin  
Village Attorney

Jessica Green  
Village Clerk

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**In accordance with Executive Order No. 20-91 issued by Governor Ron DeSantis on April 1, 2020, all senior citizens and individuals with a significant underlying medical condition are ordered to stay at home and limit the risk of exposure to COVID-19. The Order further indicates that all persons in Florida shall limit their personal interactions outside of their homes to only those necessary to obtain or provide essential services or conduct essential activities. Similarly, the Centers for Disease Control and Prevention guidance advises that all individuals adopt far-reaching social distancing measures, including avoiding gatherings of more than 10 people. Therefore, in accordance with Executive Order No. 20-69 issued by the Governor on March 20, 2020, the Village of North Palm Beach shall be conducting this meeting utilizing communications media technology. The members of the Village Council will not be physically present in the Council Chambers and shall be participating virtually. Members of the public may participate in the meeting via internet access or by telephone as set forth below.**

### **INSTRUCTIONS TO JOIN MEETING ELECTRONICALLY**

To join meeting by computer (video & audio) click or type the following link in address bar:

<https://us02web.zoom.us/j/85746437841?pwd=Q1c0RXZBSGE5QVo4TmRVTUZPaWIPUT09>

**Meeting ID:** 857 4643 7841

**Password:** 417365

To join meeting by phone (voice only):

877 853 5257 US Toll-free

888 475 4499 US Toll-free

**Meeting ID:** 857 4643 7841

**Password:** 417365

**Public Comments:** Public comments can be submitted by filling out the public comment form that can be accessed by clicking the following link [Public Comment Card](#). Public comments can also be made by leaving a voice message at 561-904-2126. All public comments will be read into the record at the Public Comment portion of the meeting.

For full detailed instructions on how to the join the meeting by either telephone or by computer please see the Village of North Palm Beach Village Council webpage or click on the following links:

[Instructions for attending Village Council Meeting by phone](#)

[Instructions for attending Village Council Meeting by computer](#)

## **AGENDA**

### **ROLL CALL**

### **INVOCATION - VICE MAYOR**

### **PLEDGE OF ALLEGIANCE - MAYOR**

### **AWARDS AND RECOGNITION**

### **APPROVAL OF MINUTES**

- 1.** Minutes of the Regular Session held 7/9/2020
- 2.** Minutes of the Regular Session held 7/23/2020

### **COUNCIL BUSINESS MATTERS**

#### **STATEMENTS FROM THE PUBLIC, PETITIONS AND COMMUNICATIONS**

Members of the public may address the Council concerning items on the Consent Agenda or any non agenda item under Statements from the Public. **Time Limit: 3 minutes**

Members of the public who wish to speak on any item listed on the Regular Session or Workshop Session Agenda will be called on when the issue comes up for discussion. **Time Limit: 3 minutes**

Anyone wishing to speak should complete a Public Comment Card (on the table at back of Council Chambers) and submit it to the Village Clerk prior to the beginning of the meeting.

#### **DECLARATION OF EX PARTE COMMUNICATIONS**

#### **PUBLIC HEARINGS AND QUASI-JUDICIAL MATTERS**

- 3.** **PUBLIC HEARING AND 2ND READING OF ORDINANCE 2020-03 – CODE AMENDMENT – PROSPERITY HARBOR NORTH PLANNED UNIT DEVELOPMENT** Consider a motion to adopt and enact on second reading Ordinance 2020-03 amending the Prosperity Harbor North Planned Unit Development by amending Ordinance 01-2000 to modify regulations applicable to docks and piers on the intracoastal lots.
- 4.** **PUBLIC HEARING AND 2ND READING OF ORDINANCE 2020-04 – CODE AMENDMENT – CIVIL RIGHTS** Consider a motion to adopt and enact on second reading Ordinance 2020-04 amending Chapter 1, "General Provisions," of the Village Code of Ordinances by adopting a new section 1-11, "Civil Rights;" providing for a statement of purpose and the adoption of the North Palm Beach Civil Rights Act.

- 5. 1ST READING OF ORDINANCES 2020-05 & 2020-06 – CODE AMENDMENTS – COMPREHENSIVE PLAN AMENDMENT & COMMERCIAL LAND DEVELOPMENT REGULATIONS** Consider a motion to adopt on first reading ordinances amending the Village Comprehensive Plan and Commercial Land Development Regulations.

### **CONSENT AGENDA**

*The Consent Agenda is for the purpose of expediting issues of a routine or pro-forma nature. Councilmembers may remove any item from the Consent Agenda, which would automatically convey that item to the Regular Agenda for separate discussion and vote.*

- 6. RESOLUTION** – Approving a Combined Operational Assistance and Voluntary Cooperation Mutual Aid Agreement for Palm Beach County Law Enforcement Agencies; and authorizing execution of the Agreement.
- 7.** Receive for file Minutes of the Library Advisory Board meeting held 6/23/20.
- 8.** Receive for file Minutes of the Planning Commission meeting held 7/7/2020.
- 9.** Receive for file Minutes of the Recreation Advisory Board meeting held 7/14/20.

### **OTHER VILLAGE BUSINESS MATTERS**

#### **COUNCIL AND ADMINISTRATION MATTERS**

##### **MAYOR AND COUNCIL MATTERS/REPORTS**

##### **VILLAGE MANAGER MATTERS/REPORTS**

- 10.** U.S. Highway 1 Lane Repurposing

### **REPORTS (SPECIAL COMMITTEES AND ADVISORY BOARDS)**

#### **ADJOURNMENT**

If a person decides to appeal any decision by the Village Council with respect to any matter considered at the Village Council meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

In accordance with the Americans with Disabilities Act, any person who may require special accommodation to participate in this meeting should contact the Village Clerk's office at 841-3355 at least 72 hours prior to the meeting date.

This agenda represents the tentative agenda for the scheduled meeting of the Village Council. Due to the nature of governmental duties and responsibilities, the Village Council reserves the right to make additions to, or deletions from, the items contained in this agenda.

***DRAFT MINUTES OF THE REGULAR SESSION  
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA  
JULY 9, 2020***

Present:

Susan Bickel., Mayor  
Mark Mullinix, Vice Mayor  
David B. Norris, President Pro Tem  
Darryl C. Aubrey, Sc.D., Councilmember  
Deborah Searcy, Councilmember  
Andrew D. Lukasik, Village Manager  
Len Rubin, Village Attorney  
Jessica Green, Village Clerk

ROLL CALL

Mayor Bickel called the meeting to order at 7:30 p.m. All members of Council were present. All members of staff were present.

INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor Mullinix gave the invocation and Mayor Bickel led the public in the Pledge.

APPROVAL OF MINUTES

The Minutes of the Regular Session held June 25, 2020 were approved as written.

ORDINANCE 2020-02 – CODE AMENDMENT – CHRONIC NUISANCE PROPERTY

A motion was made by Councilmember Aubrey and seconded by Councilmember Searcy to adopt and enact on second reading Ordinance 2020-02 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING CHAPTER 14, “HEALTH AND SANITATION,” OF THE VILLAGE CODE OF ORDINANCES BY AMENDING ARTICLE IV, “ABATEMENT OF PUBLIC NUISANCES ON PRIVATE PROPERTY,” TO UPDATE EXISTING PROCEDURES TO REFERENCE THE SPECIAL MAGISTRATE; ADOPTING A NEW ARTICLE V, “CHRONIC NUISANCE ABATEMENT PROPERTY CODE;” PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR A DECLARATION OF CHRONIC NUISANCE AND AN ACTION PLAN; PROVIDING PROCEDURES FOR ENFORCEMENT; PROVIDING FOR HEARINGS BEFORE THE SPECIAL MAGISTRATE; PROVIDING FOR THE ENTRY OF A CHRONIC NUISANCE SERVICE ORDER; PROVIDING FOR THE ESTABLISHMENT AND BILLING OF COSTS; PROVIDING FOR THE ASSESSMENT OF LIENS; PROVIDING FOR A CHANGE IN TITLE TO NUISANCE PROPERTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rubin explained the changes that were made to the Ordinance since its first reading.

Mayor Bickel opened the public hearing. There were no comments from the public. Mayor Bickel closed the public hearing

ORDINANCE 2020-02 – CODE AMENDMENT – CHRONIC NUISANCE PROPERTY *continued*

Vice Mayor Mullnix and President Pro Tem Norris expressed their concerns with having the Village as super priority on the lien imposed on a chronic nuisance property.

Discussion ensued between Council and Mr. Rubin regarding the priority on the lien that would be imposed on a chronic nuisance property.

Thereafter, the motion to adopt and enact Ordinance 2020-02 on second reading passed 3 to 2 with Mayor Bickel, Councilmember Aubrey and Councilmember Searcy voting aye and Vice Mayor Mullnix and President Pro Tem Norris voting nay.

RESOLUTION 2020-44 – FINAL PAYMENT FOR ADDITIONAL COUNTRY CLUB DESIGN SERVICES

A motion was made by President Pro Tem Norris and seconded by Councilmember Aubrey to adopt Resolution 2020-44 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPROVING A FINAL PAYMENT TO PEACOCK + LEWIS ARCHITECTS AND PLANNERS, LLC FOR ADDITIONAL DESIGN SERVICES RELATING TO THE COUNTRY CLUB CLUBHOUSE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik discussed and explained the purpose of the final payment to Peacock + Lewis Architects and Planners, LLC. Mr. Lukasik stated that a portion of the payment would be paid to the subcontractor, Simmons & White. Mr. Lukasik stated that the scopes of work were previously disputed between Peacock + Lewis and staff. Mr. Lukasik discussed and explained the final scopes of work and final payment agreed upon between staff and Peacock + Lewis.

Thereafter, the motion to adopt Resolution 2020-44 passed unanimously.

MAYOR AND COUNCIL MATTERS/REPORTS

Shawn Fleming of Gehring Group began a presentation on the proposed renewal of employee health insurance. Mr. Fleming reviewed and explained the current health insurance market landscape, the Village's employee health insurance renewal history and gave a claims experience update and recommendations for renewal.

Discussion ensued between Council, Mr. Fleming and Mr. Lukasik regarding the employees' current health insurance plans and the costs involved for the employees and the Village.

Council came to consensus to remain with the current employees' health insurances plans for the next fiscal year and to discuss any possible changes to the employees' health insurance plans for future discussion.

Mr. Lukasik gave a brief history of the Strategic Planning Process and stated that the prioritization of projects was completed by Council and would be presented and reviewed by Ms. Miller and Ms. Pulliam of Trainnovations, Inc.

MAYOR AND COUNCIL MATTERS/REPORTS *continued*

Ms. Miller stated that the projects that had a high variance in ranking results would be discussed. The objective was to receive clarity regarding the expectations and outcomes of each project. Ms. Miller reviewed and discussed the projects that were in the top 25<sup>th</sup> percentile. Ms. Miller reviewed each project and she and staff answered questions brought up by Councilmembers.

Council and staff clarified the projects that could be eliminated and which projects would remain as part of the Strategic Plan. Ms. Miller concluded the presentation and discussion and stated that she would have a finalized report for Council within approximately four weeks.

Councilmember Aubrey stated that he received a request from the Palm Beach County Human Resources Council asking the Village to consider enacting a North Palm Beach Civil Rights Ordinance for LGBTQ people. Councilmember Aubrey stated that there have been other Palm Beach County municipalities that have enacted the ordinance. Councilmember Aubrey requested that the ordinance be placed on first reading at the next Council meeting.

The Council came to consensus to have a North Palm Beach Civil Rights Ordinance for LGBTQ people placed on first reading at the next Council meeting on July 23, 2020.

Vice Mayor Mullinix expressed concerns regarding the different architectural styles that were being considered along the U.S. Highway 1 corridor. Vice Mayor Mullinix stated that the architectural style along the U.S. Highway 1 corridor should be cohesive with the architectural style of the Village's Country Club Clubhouse.

Discussion ensued among Council regarding receiving input from local architects to give their input on the architectural styles that are being considered for the U.S. Highway 1 corridor.

Mayor Bickel recommended that Councilmembers individually reach out to local architects to receive their input on the architectural styles that are being considered for the U.S. Highway 1 corridor and to discuss their findings at the first Council meeting scheduled for August.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:42 p.m.

  
Jessica Green, MMC, Village Clerk

***DRAFT MINUTES OF THE REGULAR SESSION***  
**VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA**  
**JULY 23, 2020**

Present:

Susan Bickel., Mayor  
Mark Mullinix, Vice Mayor  
David B. Norris, President Pro Tem  
Darryl C. Aubrey, Sc.D., Councilmember  
Deborah Searcy, Councilmember  
Andrew D. Lukasik, Village Manager  
Len Rubin, Village Attorney  
Jessica Green, Village Clerk

ROLL CALL

Mayor Bickel called the meeting to order at 7:30 p.m. All members of Council were present. All members of staff were present.

INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor Mullinix gave the invocation and Mayor Bickel led the public in the Pledge.

There was no ex-parte communication by Council for the following item:

ORDINANCE 2020-03 – CODE AMENDMENT – PROSPERITY HARBOR NORTH PLANNED UNIT DEVELOPMENT

A motion was made by Vice Mayor Mullinix and seconded by Councilmember Aubrey to adopt on first reading Ordinance 2020-03 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING THE PROSPERITY HARBOR NORTH PLANNED UNIT DEVELOPMENT BY AMENDING ORDINANCE NO. 01-2000 TO MODIFY THE REGULATIONS APPLICABLE TO DOCKS AND PIERS ON THE INTRACOASTAL LOTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Community Development Director Jeremy Hubsch explained the purpose of the Ordinance. Mr. Hubsch stated that Mr. Milledge from Cotleur & Hearing would be giving a presentation on behalf of the applicant, Joseph Little.

Mr. Milledge began the presentation and reviewed and discussed the proposed changes. Mr. Milledge explained that the applicant's request was to allow docks on intracoastal lots up to six feet in width with no dock extending more than five feet from the property line and allow "L" and "T" heads to be up to eight feet in width. The request was seeking an amendment to the regulations in Exhibit "A" of the Planned Unit Development. The requested increase in the width of the "L" and "T" head piers requires a waiver of Section 5-84(6) of the Village Code. Mr. Milledge stated that the structure would remain in the envelope depicted in Exhibit "A" of the ordinance and the overall length of the structure would not increase based on the proposal.

ORDINANCE 2020-03 – CODE AMENDMENT – PROSPERITY HARBOR NORTH PLANNED UNIT DEVELOPMENT *continued*

Joseph Little, 700 Sandy Point Lane, stated that a permit for the proposed changes has already been obtained from the Department of Environmental Protection and the Army Corp of Engineers and the only remaining restriction was in the Planned Unit Development. Mr. Little stated that there was unanimous consent received through signed letters from all of the intracoastal owners within the development.

President Pro Tem Norris asked why staff recommended denying the request.

Mr. Hubsch stated that staff was no longer recommending denial of the request. Initially staff recommended denial to the Planning Commission because of the request for an 8 foot “T” head which was currently not permitted in the code, but after discussion with the Planning Commission and the fact that they unanimously recommended approval, staff was no longer recommending denial and was in full agreement with the Planning Commission.

Thereafter, the motion to adopt Ordinance 2020-03 on first reading passed unanimously.

ORDINANCE 2020-04 – CODE AMENDMENT – CIVIL RIGHTS

A motion was made by Councilmember Aubrey and seconded by Councilmember Searcy to adopt on first reading Ordinance 2020-04 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING CHAPTER 1, “GENERAL PROVISIONS,” OF THE VILLAGE CODE OF ORDINANCES BY ADOPTING A NEW SECTION 1-11, “CIVIL RIGHTS;” PROVIDING FOR A STATEMENT OF PURPOSE AND THE ADOPTION OF THE NORTH PALM BEACH CIVIL RIGHTS ACT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rubin explained the purpose of the ordinance and stated that the ordinance was a policy statement.

Thereafter, the motion to adopt Ordinance 2020-04 on first reading passed unanimously.

CONSENT AGENDA

President Pro Tem Norris moved to approve the Consent Agenda. Vice Mayor Mullinix seconded the motion which passed unanimously. The following items were approved:

Resolution – Approving a contract with In & Out All Access System, Inc. for replacement of the gates at the Public Safety Building at a total cost of \$39,173.

Resolution – Approving a federally-funded subaward and grant agreement with the State of Florida Division of Emergency Management for the receipt of FEMA grant funds.

Receive for file Minutes of the Recreation Advisory Board meeting held 5/12/20.

Receive for file Minutes of the Golf Advisory Board meeting held 5/18/20.

Receive for file Minutes of the Planning Commission meeting held 6/2/20.

Receive for file Minutes of the Recreation Advisory Board meeting held 6/9/20.

**RESOLUTION 2020-47 – TENTATIVE MILLAGE RATE**

A motion was made by Councilmember Aubrey and seconded by President Pro Tem Norris to adopt Resolution 2020-47 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ADOPTING A TENTATIVE MILLAGE RATE OF 7.5000 MILS FOR FISCAL YEAR 2021; ESTABLISHING A DATE, TIME AND PLACE FOR THE FIRST HEARING ON THE TENTATIVE BUDGET AND PROPOSED MILLAGE RATE; AUTHORIZING THE VILLAGE MANAGER TO SUBMIT THE REQUIRED FORMS TO THE PALM BEACH COUNTY PROPERTY APPRAISER; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik reviewed the FY 2021 Preliminary Budget presentation which was presented at the Preliminary Budget Workshop meeting on July 16<sup>th</sup>. Mr. Lukasik stated that some updates were made since the presentation was last given and he reviewed and explained the updates. The Tennis and Pool Operations were included in the Country Club Budget and updates were made to Personnel Changes, Budgeted Debt Service, Loan Repayment Schedule, Country Club Preliminary Budget Summary (Revenues), Country Club Preliminary Budget Summary (Expenses) and Taxable Value and Millage Section. An FY 2021 Country Club Preliminary Budget Summary (by Profit Center) was added to the presentation.

Mr. Lukasik stated that staff was recommending retaining the Fiscal Year 2020 millage rate of \$7.5000 for Fiscal Year 2021. Mr. Lukasik explained that the recommendation was for the preliminary budget and Council may reduce the rate for the final adopted budget. Mr. Lukasik reviewed the FY 2020-2021 Budget Workshop Schedule and stated that a Council Budget Workshop with Village Departments would take place on August 15, 2020.

Thereafter, the motion to adopt Resolution 2020-47 passed unanimously.

**RESOLUTION 2020-48 – COUNTRY CLUB MONUMENT SIGN**

A motion was made by Councilmember Aubrey and seconded by President Pro Tem Norris to adopt Resolution 2020-48 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPROVING A CONTRACT WITH FERRIN SIGNS, INC. FOR THE CONSTRUCTION OF A MONUMENT SIGN AT THE NORTH PALM BEACH COUNTRY CLUB AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE THE CONTRACT; APPROVING PAYMENT TO ART SIGN GROUP FOR DESIGN AND CONSULTING SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik stated that there was a last minute change to the sign company that staff was recommending for approval. Staff originally recommended approval of a contract with Alternative Sign Group, Inc. Mr. Lukasik stated that Ferrin Signs, Inc. was the lowest bidder out of the four Request for Proposals received. Mr. Lukasik stated that he could not find any reason not to contract with the lowest bidder. Mr. Lukasik also explained that in addition to the cost of the monument sign, Mr. Mike Sidello of Art Sign Group was paid \$5,000 by the Village for design work and consultation services provided for the monument sign. Mr. Lukasik recommended approving a contract with Ferrin Signs, Inc. for the Country Club monument sign and confirmation of payment to Mr. Sidello for design and consulting services.

RESOLUTION 2020-48 – COUNTRY CLUB MONUMENT SIGN *continued*

Discussion ensued between Mr. Rubin and Council regarding the timing for the Country Club monument sign in the contract.

Mr. Rubin stated that he was unaware of what was discussed with the vendor regarding the timing of completion for the monument sign but if an agreement could not be met between staff and the vendor, the contract would not be executed.

Thereafter, the motion to adopt Resolution 2020-48 passed unanimously.

RESOLUTION – ENGINEERING SERVICES FOR ANCHORAGE PARK MARINA DRY STORAGE COMPOUND RENOVATION PROJECT

Mayor Bickel stated that the agenda item was removed and would be postponed until the Recreation Advisory Board has a chance to discuss.

STATEMENTS FROM THE PUBLIC, PETITIONS AND COMMUNICATIONS

Richard Fresemen, 419 Anchorage Lane, expressed his concerns and gave considerations and recommendations regarding future proposed changes to U.S. Highway 1.

MAYOR AND COUNCIL MATTERS/REPORTS

Councilmember Searcy commented on the Junior Golf Tournament and the national recognition they received.

Mayor Bickel recommended having a future discussion regarding residential swale parking.

VILLAGE MANAGER MATTERS/REPORTS

Melinda Miller of Trainnovations, Inc. began a Strategic Planning presentation.

Vice Mayor Mullinix asked for clarification on the projects ranking and prioritization.

Ms. Miller explained that she was presenting the projects that Council ranked and staff prioritized.

Vice Mayor Mullinix requested to review the ranking and prioritization of the projects by Council only.

Ms. Miller and Ms. Pulliam stated that in the final report a listing with staff prioritization and a separate scatter gram with just Council prioritization and ranking would be provided.

Ms. Miller reviewed six recommendations for Council to implement in order to continue moving through the Strategic Planning Cycle of Improvement. The six recommendations were as follows: 1) Eliminate projects that were determined to be of “no value”, 2) Review certain projects to better determine their overall value and whether they should be eliminated or left on the list, 3) Add a new project for Public Outreach, 4) Review, revise and better define the Village’s Vision, Mission, Values, and Strategic Goals, 5) Establish ongoing Citizen and Business Surveys interspersed with community focus groups, 6) Define measurements for Strategic Goals.

Discussion and question and answer ensued between Ms. Miller and Council regarding the six recommendations.

VILLAGE MANAGER MATTERS/REPORTS *continued*

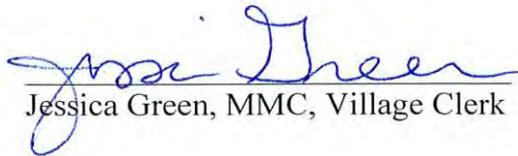
Discussion ensued regarding citizen and business perception surveys and how and when to implement them.

Ms. Miller asked for direction on the recommendations.

Council came to consensus to move forward in the next fiscal year with recommendations four and six and to change the order of recommendations five and six by changing recommendation five to six and recommendation six to five.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:32 p.m.

  
Jessica Green, MMC, Village Clerk

**VILLAGE OF NORTH PALM BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT**

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TO: Honorable Mayor and Council

THRU: Andrew D. Lukasik, Village Manager

FROM: Jeremy Hubsch, Community Development Director

DATE: August 13, 2020

SUBJECT: **Ordinance 2<sup>nd</sup> Reading – Approving a Major Amendment to the Prosperity Harbor North Planned Unit Development to revise the regulations applicable to docks and piers.**

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The Applicant, Joseph Little, is requesting a major amendment to the Prosperity Harbor North Planned Unit Development (“PUD”). More specifically, the Applicant seeks to amend Exhibit “A” of Ordinance 01-2000. Exhibit “A” provides for and regulates the location and placement of waterside structures for properties within the PUD. Exhibit “A” created specific standards for the placement of waterside structures for both interior and intracoastal lots.

The request seeks to amend the regulations in Exhibit “A” applicable to intracoastal lots. Exhibit “A” currently prohibits docks on these lots and allows only piers six feet in width with “L” and “T” heads, also limited to six feet in width. The Applicant is seeking to: (1) allow docks on intracoastal lots up to six feet in width (with no dock extending more than five feet from the property line); and (2) allow “L” and “T” heads to be up to eight feet in width on intracoastal lots. The requested increase in the width of the “L” and “T” head piers requires a waiver from Section 5-84(6) of the Village Code and triggers a Major Amendment to the PUD.

At its July 7, 2020 meeting, the Planning Commission unanimously recommended approval of the Applicant’s proposed PUD Amendment to allow docks on intracoastal lots and allow eight-foot-wide “L” and “T” heads on the intracoastal lots.

At its July 23, 2020 Regular Session, the Village Council unanimously adopted Ordinance No. 2020-03 on first reading without modification.

*There is no fiscal impact*

**Recommendation:** The Planning Commission recommends approval of the attached Ordinance amending the Planned Unit Development by amending Exhibit “A” of Ordinance 01-2000 to allow docks and eight-foot-wide “L” and “T” head piers on the intracoastal lots within the Prosperity Harbor North PUD.

**Attachments:**

- 1. Planning Commission Staff Report and Supporting Materials**

## ORDINANCE NO. 2020-03

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING THE PROSPERITY HARBOR NORTH PLANNED UNIT DEVELOPMENT BY AMENDING ORDINANCE NO. 01-2000 TO MODIFY THE REGULATIONS APPLICABLE TO DOCKS AND PIERS ON THE INTRACOASTAL LOTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, through the adoption of Ordinance No. 31-96, the Village Council approved the Prosperity Harbor North Planned Unit Development (“PUD”); and

WHEREAS, through the adoption of Ordinance No. 01-2000, the Village Council amended the PUD to provide for and regulate the location and placement of structures inclusive of docks, pilings, piers, mooring posts and vessels within the PUD; and

WHEREAS, Joseph Little (“Applicant”), filed an application to amend Exhibit “A” to Ordinance No. 01-2000 to: (1) allow docks on the intracoastal lots; and (2) allow “L” or “T” heads on piers adjacent to the intracoastal lots to be eight (as opposed to six) feet in width; and

WHEREAS, because the proposed width of the “L” and “T” heads of the piers requires a waiver from Section 5-84(6) of the Village Code of Ordinances, the requested change must be processed as a major amendment to the PUD; and

WHEREAS, at a duly advertised hearing held on July 7, 2020, the Planning Commission considered the Applicant’s request and recommended approval; and

WHEREAS, the Village Council determines that the adoption of this Ordinance is in the best interests of the residents and citizens of the Village of North Palm Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA as follows:

Section 1. The foregoing recitals are ratified as true and correct and are incorporated herein.

Section 2. The Village Council hereby amends Exhibit “A” to Ordinance No. 01-2000 by amending the Notes to the Exhibit as follows (additional language underlined and deleted language ~~stricken through~~):

### NOTES

1. ALL PIERS, DOCKS, LIFTS, MOORING PILES, AND VESSELS MUST BE CONTAINED WITHIN THE ENVELOPE SHOWN FOR EACH LOT.
2. INTERIOR LOTS - DOCKS UP TO 10’ WIDE

PIERS UP TO 6' WIDE

3. INTRACOASTAL LOTS -

~~NO DOCKS ALLOWED~~  
DOCKS UP TO 6' WIDE; HOWEVER, NO DOCK SHALL EXTEND MORE THAN 5' FROM THE PROPERTY LINE

PIERS UP TO 6' WIDE

“L” HEADS AND “T” HEADS  
90° OR ANGLED UP TO ~~6'~~ 8' WIDE  
AND 30' LONG

PIERS, “L” HEADS, AND “T” HEADS  
WITHIN 40' OF PROPERTY LINE

Section 3. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 4. All ordinances or parts of ordinances and resolutions or parts of resolutions in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict. All remaining provisions of Ordinance No. 01-2000 not specifically amended by this Ordinance shall remain in full force and effect.

Section 5. This Ordinance shall take effect immediately upon adoption.

PLACED ON FIRST READING THIS 23<sup>RD</sup> DAY OF JULY, 2020.

PLACED ON SECOND, FINAL READING AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

(Village Seal)

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
VILLAGE CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
VILLAGE ATTORNEY

**VILLAGE OF NORTH PALM BEACH  
VILLAGE ATTORNEY'S OFFICE**

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TO: Honorable Mayor and Council

THRU: Andrew D. Lukasik, Village Manager

FROM: Leonard G. Rubin, Village Attorney

DATE: August 13, 2020

SUBJECT: **ORDINANCE 2<sup>nd</sup> Reading – Amending Chapter 1 of the Village Code of Ordinances to adopt the North Palm Beach Civil Rights Ordinance.**

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The Village received a memorandum from the Palm Beach Human Rights Council requesting that the Village adopt a comprehensive Civil Rights Ordinance, including a statement of non-discrimination against LGBTQ people. At the request of Councilmember Aubrey, the Village Council, at its July 9, 2020 meeting, agreed to bring the Ordinance before the Council for consideration of adoption on first reading.

The attached Ordinance amends Chapter 1 of the Village Code of Ordinances by adopting a new Section 1-11 entitled "Civil Rights." The Ordinance provides, as a matter of policy, that the Village opposes discrimination based on race, color, national origin, ancestry, religion, gender, gender identity or expression, marital status, veteran's status, age, national origin, disability, pregnancy, familial status, sexual orientation and genetic information. While establishing a policy of non-discrimination, the Ordinance does not require the Village to take any legal responsibility. Enforcement of claims of discrimination would be handled in accordance with the specific laws listed in subsection (b). Consequently, charges of discrimination by Village residents would be filed with the Equal Employment Opportunity Commission, the Florida Commission on Human Relations and the Palm Beach County Office of Equal Opportunity.

The attached Ordinance has been prepared and reviewed for legal sufficiency by this office.

There is no fiscal impact.

At its July 23, 2020 Regular Session, the Village Council unanimously adopted Ordinance No. 2020-04 on first reading without modification.

**Recommendation:**

**Village Staff requests Council consideration and approval on second and final reading of the attached Ordinance amending Chapter 1 of the Village Code of Ordinances to adopt the Village of North Palm Beach Civil Rights Act in accordance with Village policies and procedures.**

## ORDINANCE NO. 2020-04

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING CHAPTER 1, "GENERAL PROVISIONS," OF THE VILLAGE CODE OF ORDINANCES BY ADOPTING A NEW SECTION 1-11, "CIVIL RIGHTS;" PROVIDING FOR A STATEMENT OF PURPOSE AND THE ADOPTION OF THE NORTH PALM BEACH CIVIL RIGHTS ACT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council wishes to amend the Village Code of Ordinances to adopt a comprehensive non-discrimination statement to demonstrate, as a matter of public policy, that the Village opposes discrimination based on race, color, national origin, ancestry, religion, gender, gender identity or expression, marital status, veteran's status, age, national origin, disability, pregnancy, familial status, sexual orientation and genetic information; and

WHEREAS, the Village Council determines that the adoption of this Ordinance is in the best interests of the public health, safety and welfare of the residents and citizens of the Village of North Palm Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA as follows:

Section 1. The foregoing recitals are ratified as true and correct and are incorporated herein.

Section 2. The Village Council hereby amends Chapter 1, "General Provisions," of the Village Code of Ordinances by adopting a new Section 1-11, "Civil Rights," to read as follows (additional language underlined):

### **Sec. 1-11. Civil rights.**

(a) *Purpose.* The North Palm Beach Village Council desires to secure for its citizens freedom from discrimination because of race, color, national origin, ancestry, religion, gender, gender identity or expression, marital status, veteran's status, age, national origin, disability, pregnancy, familial status, sexual orientation and genetic information, and thereby to protect their interest in personal dignity; to make available to the Village their full productive capacities; to secure the Village against domestic strife and unrest; to preserve the public safety, health and general welfare; and to promote the interests, rights and privileges of individuals within the Village. The Village Council also desires to adopt an ordinance that is consistent with federal, state and local laws and affords its citizens access to remedies in the case of alleged discrimination, to wit: the Equal Employment Opportunity Commission, the Florida Commission on Human Relations and the Palm Beach County Office of Equal Opportunity.

(b) Adoption of the Village of North Palm Beach Civil Rights Act. The Florida Civil Rights Act of 1992, Chapter 760, Section 760.01 through 760.11 and Section 509.092; Florida's Fair Housing Act, Chapter 760, Section 760.20 through 760.37; the Palm Beach County Equal Employment Ordinance, Chapter 2, Article VI, Division 1, Sections 2-251 through 2-313; and the Palm Beach County Ordinance for Equal Opportunity to Housing and Places of Public Accommodation, Chapter 15, Article III, Sections 15-36 through 15-67 are collectively adopted by reference as the Village of North Palm Beach Civil Rights Act, subject to and including by reference such amendments, corrections and additions as shall occur therein or as may appear in this chapter.

Section 3. The provisions of this Ordinance shall become and be made a part of the Code of the Village of North Palm Beach, Florida.

Section 4. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 5. All ordinances or parts of ordinances and resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This Ordinance shall take effect immediately upon adoption.

PLACED ON FIRST READING THIS 23<sup>RD</sup> DAY OF JULY, 2020.

PLACED ON SECOND, FINAL READING AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

(Village Seal)

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
VILLAGE CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
VILLAGE ATTORNEY

**VILLAGE OF NORTH PALM BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT**

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TO: Honorable Mayor and Council

THRU: Andrew D. Lukasik, Village Manager

FROM: Jeremy Hubsch, Community Development Director  
Leonard G. Rubin, Village Attorney

DATE: August 13, 2020

SUBJECT: **Ordinances 1<sup>st</sup> Reading** – Ordinance Amending Village Comprehensive Plan and Ordinance Amending Commercial Land Development Regulations (Implementation of Citizen’s Master Plan)

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On behalf of the Village Manager, Village Attorney and the consulting team, we are excited to bring forward land development regulations and comprehensive plan updates to the Village Council for adoption. These updates have been underway for several years and are the culmination of a substantial amount of community input and hard work.

**Background:**

In August 2015, the Village initiated the process to develop a master plan for future infill development and redevelopment within its corporate limits. From January 30, 2016 to February 5, 2016, the Treasure Coast Regional Planning Council conducted a week long economic development and urban design charrette to assist the Village in the creation of the master plan. Over 150 citizens, elected officials, business owners, and staff members participated in the charrette process. The Treasure Coast Regional Planning Council then created “The Village of North Palm Beach Citizens’ Master Plan Report” (“the Master Plan”), which was adopted by the Village Council through Resolution 2016-73 on October 27, 2016.

One of the key recommendations of the Master Plan was to Create a Form-Based Code and Design Guidelines to:

- Ensure private redevelopment complements public investments and contributes to realizing the vision of the Master Plan;
- Respond to market forces;
- Establish predictability in the built environment and the approval process;
- Maximize the waterfront; and
- Provide incentives for desired patterns and forms of development.

Form-based codes have become an increasingly popular tool that communities have implemented to facilitate quality development. Since the initial creation of a form-based code during the development of Seaside, Florida in the 1980’s, the concept has grown immensely more popular around the state and country. According to the Form-Based Code Institute, “A form-based code is a land development regulation that fosters predictable built results and high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a

regulation, not a mere guideline, adopted into city, town, or county law.” The Master Plan had several recommendations to implement into a form-based code along the Village’s commercial corridors, including:

- Allowing (but not requiring) mixed-use development;
- Allowing a market rate density up to 24 du/ac;
- Focusing less on uses and more on the form of development;
- Ensuring a predictable built environment;
- Allowing parking to be replaced by liner buildings in large parking lots;
- Requiring consistent landscape design along the commercial corridors; and
- Streamlining the approval process for development that meets the code.

### **Process:**

Subsequent to the adoption of the Master Plan, the Village retained the renowned firm of Dover, Kohl & Partners, and its consultant, Spikowski Planning Associates, to develop a form-based code for the Village’s commercial zoning districts. The process of revising the Village’s land development regulations and comprehensive plan officially started in January 2018. The consulting team held its first public workshop in April 2018, followed by seven additional workshops, held between December 2018 and May 2019. The consulting team and Village staff incorporated feedback from the workshops into draft land development regulations and comprehensive plan amendments. A preliminary version of the draft regulations and comprehensive plan amendments were workshopped with the Planning Commission in January 2020 for feedback.

### **Key Components of the Code:**

The consulting team and staff have finalized the draft land development regulations and comprehensive plan amendments and are now ready to move forward for adoption. There are several significant updates to the existing land development regulations and comprehensive plan. Significant changes or updates are identified below:

#### ***Creation of the C-MU US-1 mixed use zoning district that will replace the existing C-A commercial zoning district.***

The C-MU zoning district creates greater flexibility in the development of the U.S. Highway One corridor while protecting adjacent residential properties and maintaining a “village-scale.”

A mixture of uses, especially active uses, are encouraged throughout the corridor. Although individual properties may develop as a single (residential or commercial) use, the code encourages both the vertical and horizontal integration of uses.

The zoning district eliminates a prescriptive Floor Area Ratio (FAR), but restricts buildings to 4 stories, with the opportunity for an additional partial 5<sup>th</sup> story (limited to 30% of the floor area of the story below). A developer may request a waiver to allow 5 stories on land north of Anchorage Drive North, with the opportunity for an additional partial 6<sup>th</sup> story. This waiver must be granted by the Village Council.

Existing development will not be considered non-conforming. However, only substantial redevelopment of the property will allow a property owner to use the flexibility within the proposed code (such as the ability to integrate residential into the property or use the less restrictive parking standards).

***Creation of the C-NB Northlake Boulevard commercial zoning district to replace the NBOZ overlay district.***

The new code incorporates the existing Northlake Boulevard Overlay Zoning (NBOZ) District regulations into the new C-NB zoning district, thereby eliminating any confusion regarding the application of both the NBOZ regulations and the underlying zoning district regulations.

***Creation of “key redevelopment sites” that are encouraged to use the Planned Unit Development process to redevelop.***

There are three Key Redevelopment Sites within the proposed code: Crystal Cove, Camelot and the IHOP (Shore Court and U.S. Highway One) properties. Additional properties could be added as Key Redevelopment Sites in the future. The Key Redevelopment Sites are subject to additional regulations, and the Code encourages developers to utilize the Planned Unit Development (PUD) process for redevelopment. Approval of a PUD requires review by both the Planning Commission and Village Council.

***Creation of building frontage types and form-based development standards for new buildings.***

Build-to lines will better integrate buildings and the streetscapes. At a minimum, buildings, canopies, balconies, awnings, and other structural projections must be setback at least eight feet (8') from the face of the curb on U.S. Highway One

Six (6) different building frontage types are identified to be used at various locations throughout the U.S. Highway One corridor. Each building type has different requirements.

***The creation of a new landscape code for multi-family, mixed-use, industrial and commercial properties.***

The revised landscape code will create consistent landscape standards through commercial zoning districts in the Village, and is intended to provide a greater volume and variety of landscape while encouraging the use of native vegetation.

***Renaming of commercial zoning districts.***

***Amendments to the comprehensive plan to facilitate mixed-use development and provide consistency with revised land development regulations.***

***The creation of architectural guidelines, which are not mandated, but rather intended to guide the design of commercial redevelopment.***

***Creating parking standards for properties that redevelop in the new C-MU and C-NB zoning districts.***

Parking minimums require less parking than the existing code. Additionally, shared parking is permitted and will reduce the overall minimum parking requirements for mixed-use projects.

***Establishment of a path for properties in the C-MU and C-NB to be granted waivers by the Planning Commission during the site plan approval process.***

The Planning Commission will review and approve development applications. The Village Council will review applications only if the developer requests a height waiver for a 5<sup>th</sup> story, or the developer seeks to incorporate special exception uses into the project, or if a property is designated as a Key Redevelopment Site.

***Increase in maximum residential density to 24 units per acre in commercial zoning districts.***

Uses that are common along U.S. Highway One and Northlake Boulevard will continue, but residential is now a permitted use. A site can contain up to 24 dwelling units per acre in addition to commercial uses. However, with the inclusion of workforce housing units as provided for in the Comprehensive Plan, a site may increase the residential density to 36 dwelling units per acre.

**Planning Commission Recommendation:**

At the July 7<sup>th</sup> Planning Commission meeting, consultants from Dover, Kohl & Partners, Spikowski Planning Associates, and Village Staff presented the draft land development regulations and comprehensive plan amendment for a recommendation to the Village Council. The Planning Commission voted unanimously 7-0 to recommend approval of both the land development regulations and comprehensive plan amendment. A draft of the proposed ordinances has been provided along with this report in the agenda packet.

The Planning Commission identified a few issues that require Village Council consideration. Individual members suggested that the Village Council closely review building height and frontage requirements along U.S. Highway One to ensure they promote the desired character as well as the residential density thresholds.

*There is no fiscal impact*

**Recommendation:** Village Staff and the Planning Commission recommend approval of Ordinance No. 2020-05 amending the Village's Comprehensive Plan and Ordinance No. 2020-06 amending the Village's Commercial Land Development Regulations.

**Attachments:**

- 1. Ordinance 2020-05 Comprehensive Plan Amendment**
- 2. Ordinance 2020-06 Commercial Land Development Regulations**

1 **ORDINANCE NO. 2020-05**

2  
3 AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF  
4 NORTH PALM BEACH, FLORIDA, AMENDING THE VILLAGE OF NORTH  
5 PALM BEACH COMPREHENSIVE PLAN TO IMPLEMENT THE CITIZEN’S  
6 MASTER PLAN AND ADDRESS THE VILLAGE’S COMMERCIAL  
7 CORRIDORS; AMENDING THE FUTURE LAND USE ELEMENT, THE  
8 TRANSPORTATION ELEMENT AND THE CAPITAL IMPROVEMENTS  
9 ELEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR  
10 SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.  
11

12 WHEREAS, the Village wishes to amend its Comprehensive Plan to implement the Citizen’s  
13 Master Plan Report and address the Village’s commercial corridors to facilitate development and  
14 redevelopment opportunities; and  
15

16 WHEREAS, the proposed amendments address the following elements:  
17

- 18 A. Amend the Future Land Use Element to promote pedestrian and bicycle activity in  
19 the commercial corridors, provide an exemption for floor area ratios to implement  
20 to the Citizen’s Master Plan, promote mixed use development and redevelopment,  
21 increase residential density in Commercial designations, eliminate height  
22 restrictions (to be addressed in the Zoning Code), and modify the workforce  
23 housing density bonus; and  
24
- 25 B. Amend the Transportation Element and the Capital Improvements Element to  
26 provide exceptions to Level of Service Standards for specified arterial and collector  
27 roadways within the Village’s corporate limits.  
28

29 WHEREAS, on July 7, 2020, the Planning Commission, sitting as the Local Planning Agency,  
30 conducted a public hearing to review the proposed amendments to the Village Comprehensive  
31 Plan and provide a recommendation to the Village Council; and  
32

33 WHEREAS, having conducted all of the duly advertised public hearings required by Chapter 163,  
34 Florida Statutes, the Village Council wishes to amend its Comprehensive Plan and determines that  
35 the adoption of this Ordinance is in the interests of the health, safety and welfare of the residents  
36 and citizens of the Village of North Palm Beach.  
37

38 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE  
39 OF NORTH PALM BEACH, FLORIDA as follows:  
40

41 Section 1. The foregoing recitals are ratified as true and correct and are incorporated herein.  
42

43 Section 2. The Village Council hereby adopts the revisions to the Village of North Palm  
44 Comprehensive Plan attached hereto as Composite Exhibit “A” and incorporated herein by  
45 reference (additional language underlined and deleted language ~~stricken through~~).  
46

1 Section 3. All ordinances or parts of ordinances and resolutions or parts of resolutions in  
2 conflict herewith are hereby repealed to the extent of such conflict.

3  
4 Section 4. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for  
5 any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void,  
6 such holding shall not affect the remainder of this Ordinance.

7  
8 Section 5. This Ordinance shall be effective thirty-one (31) days after the Department of  
9 Economic Opportunity notifies the Village that the plan amendment package is complete or, if  
10 timely challenged, this Ordinance shall be effective upon entry of a final order by the Department  
11 of Economic Opportunity or the Administration Commission determining the adopted amendment  
12 to be in compliance.

13  
14 PLACED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

15  
16 PLACED ON SECOND, FINAL READING AND PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_,  
17 2020.

18  
19 (Village Seal)

\_\_\_\_\_  
MAYOR

20  
21  
22  
23 ATTEST:

24  
25 \_\_\_\_\_  
26 VILLAGE CLERK

27  
28  
29 APPROVED AS TO FORM AND  
30 LEGAL SUFFICIENCY:

31  
32 \_\_\_\_\_  
33 VILLAGE ATTORNEY

3.0 FUTURE LAND USE ELEMENT

**Policy 1.A.4:** Land Development regulations adopted to implement this Comprehensive Plan shall be based on and be consistent with the following standards for non-residential land use intensities as indicated below:

- a. **Location** shall be in accordance with the Future Land Use Map. Commercial uses shall not be permitted within areas designated for residential development on the Future Land Use Map Series;
- b. **Maximum lot coverage** ratio shall be governed by applicable land development regulations;
- c. **Maximum building height** shall be governed by applicable land development regulations and shall be consistent with the Village of North Palm Beach Citizens' Master Plan Report, adopted by Resolution 2016-73 on October 27, 2016, and compatible with neighboring land uses; and
- d. **Adequate off-street parking** and loading facilities.
- e. **Maximum Floor-Area-Ratios** for non-residential land uses shall be established as follows:
  - 1. **Commercial, religious, and institutional land uses:** A maximum of 0.70 for mixed-use development and 0.35 for all other non-residential land uses along U.S. Highway No. 1, north of the Parker Bridge; a maximum of 1.10 along U.S. Highway No. 1, from the Parker Bridge, south to Northlake Boulevard; a maximum of 0.70 along U.S. Highway No. 1, south of Northlake Boulevard; and a maximum of 0.70 along Northlake Boulevard and S.R. Alternate A-1-A. The following areas ~~Twin City Mall site~~ shall be exempt from this requirement to implement the 2016 Citizens' Master Plan:
    - The Twin City Mall site, and subject to the latest land development regulations of the C-3 zoning district, which have been was jointly developed by the Village and the Town of Lake Park.
    - The C-MU zoning district along U.S. Highway No. 1, updated in accordance with the Citizens' Master Plan.
    - Other key redevelopment sites that are explicitly identified in the Village's land development regulations to carry out the Citizens' Master Plan.
  - 2. ~~**Public Buildings And Grounds Uses:** A maximum of 0.25.~~
  - 3. **Educational Uses:** A maximum of 0.15;
  - 4. ~~**Other Public Facilities Uses:** A maximum of 0.30.~~
  - 5. **Recreation and Open Space Uses:** A maximum of 0.05
  - 6. **Light Industrial/Business Uses:** A maximum of 0.45.

**Policy 1.A.9:** In 2020, the Village ~~shall~~ revised its land development regulations and this Comprehensive Plan no later than 2019 to implement the provisions and guiding principles of the Village of North Palm Beach Citizens' Master Plan Report, adopted by Resolution 2016-73 on October 27, 2016.

EXHIBIT "A"

**OBJECTIVE 1.B:** The Village desires to enhance certain aging commercial corridors that have Mixed-use developments may be permitted through the commercial planned unit development approval process in areas with a Commercial Future Land Use designation, as depicted on the Future Land Use Map Series, into walkable and bikeable centers of vibrant activity. Current business uses along these corridors will be supplemented with new residential and mixed-use development as described in Policy 1.B.4.

**Policy 1.B.1:** The following use and intensity standards shall be used to promote land use efficiency in mixed-use infill and redevelopment activities, and determine maximum ~~mixed-use~~ development potential on a given parcel of land:

1. **Maximum development potential:** Maximum commercial ~~mixed-use~~ development potential is subject to the floor-area limitations established in Policy 1.A.4, subject to the application of the Village's land development regulations.
2. **Permitted uses:** Permitted uses shall be specified in each zoning district that allows mixed-use development (see Policy 1.B.4). ~~Each mixed-use development must contain a residential component, together with at least one non-residential component consisting of uses authorized in the assigned underlying commercial zoning district, subject to conditions of approval.~~
3. ~~**Mix of uses:** The non-residential component of a mixed-use development must comprise a minimum of 10% the gross floor area. The residential component of a mixed-use development must contain a minimum of 25% of the gross floor area.~~
3. **4. Residential density:** Dwelling units in Commercial designations ~~The residential component of a mixed-use development shall not exceed a density of 24 42 units per acre or as further limited by zoning district regulations. Developments that qualify for the workforce housing density bonus described in Policy 1.B.2 may construct up to 12 additional units per acre).~~
4. **6. Height limitations:** ~~With the exception of those properties located along U.S. Highway 1, The maximum height of a mixed-use development shall be limited to that allowed by the underlying commercial or mixed-use zoning district. The maximum height for mixed-use developments with frontage along U.S. Highway 1 is related to the depth of the property, as measured from the U.S. Highway 1 right of way, as follows:~~
  - ~~250 feet or less: Maximum height of 2 stories~~
  - ~~Greater than 250 feet to 300 feet: Maximum height of 3 stories~~
  - ~~Greater than 300 feet: Maximum height of 4 stories~~

EXHIBIT "A"

1 **Policy 1.B.2: Workforce housing density bonus:** The maximum  
2 residential density of a mixed-use development ~~may~~ shall be increased  
3 from ~~12 to 24~~ to 36 units per acre provided that either: (a) bonus units are  
4 constructed on-site; or ~~(2)-(b)~~ funding is provided to assist in an workforce  
5 affordable housing program in another jurisdiction or an appropriate  
6 alternative, as determined by the Village of North Palm Beach. If  
7 alternative (a) is selected, 50% of the bonus units shall ~~be affordable~~  
8 qualify for any of the four (4) eligible income group categories based on  
9 Average Median Income (AMI) as defined by the set forth in the County's  
10 Workforce Housing Program income guidelines. No more than 50% of the  
11 workforce housing units shall be in the 120-140% category. If alternative  
12 (b) is selected, an amount equal to 5% of the cost of the vertical  
13 construction of the bonus units shall be contributed to the Palm Beach  
14 County Affordable Housing Trust Fund, or other appropriate alternative,  
15 as determined by the Village of North Palm Beach.

16 **Policy 1.B.3: Assisted Living Facilities,** as defined in Section 429.02(5)  
17 of the Florida Statutes and licensed by the Florida Agency for Health Care  
18 Administration may be permitted as mixed-use developments through the  
19 commercial planned unit development approval process, or the special  
20 exception process if authorized by the Village's land development  
21 regulations, subject to the following use and intensity standards:

- 22 1. **A mixed-use Assisted Living Facility** shall provide assistance  
23 with activities of daily living, as defined in Section 429.02(1) of  
24 the Florida Statutes and special care for persons with memory  
25 disorders, as regulated by Section 429.178 of the Florida  
26 Statutes.
- 27 2. **Required uses:** Each mixed-use Assisted Living Facility shall  
28 contain a residential component, together with a non-residential  
29 component consisting of administrative offices, central kitchen  
30 and communal dining facilities, and separate or shared spaces  
31 for the provision of medical, recreation, social, religious, and  
32 personal services.
- 33 3. **Mix of required uses:** The residential component shall  
34 comprise a minimum of 50% and the non-residential component  
35 shall comprise a maximum of 20% of the gross floor area of a  
36 mixed-use Assisted Living Facility.
- 37 4. **Maximum floor area:** Maximum mixed-use Assisted Living  
38 Facility development potential is subject to the floor-area  
39 limitations established in Policy 1.A.4, subject to the application  
40 of the Village's land development regulations.
- 41 5. **Maximum resident occupancy:** The residential density of a  
42 mixed-use Assisted Living Facility may be increased by the  
43 Village Council to an equivalent of 24 units per acre. The  
44 maximum resident occupancy shall then be determined by  
45 multiplying the equivalent residential density by 1.97 residents  
46 per unit. Maximum resident occupancy shall be determined on a  
47 project-by-project basis based upon an assessment of site

EXHIBIT "A"

characteristics and the application of Village land development regulations.

- 6. **Height limitations:** The maximum height of a mixed-use Assisted Living Facility shall be determined by the application of Policy 1.B.1.6.
- 7. **Waivers** for reductions in minimum dwelling unit size and parking requirements may be requested during the commercial planned unit development or other authorized approval process.

**Policy 1.B.4:** ~~Specific additional development limitations and conditions on proposed Residential and mixed-use developments may be approved in areas with a Commercial Future Land Use designation in order to achieve a mixed-use development pattern. The Village may use any of the following mechanisms to achieve the desired pattern: shall be established, as necessary, by the Village~~

- The mixed-use provisions in the C-MU zoning district along US Highway No. 1 between Yacht Club Drive and the Earman River, which are intended to evolve that district into a mixed-use development pattern that remains predominately commercial along US Highway No. 1.
- The mixed-use provisions in the C-T zoning district in the southwest portion of the Village.
- ~~Through~~ The commercial planned unit development process in other zoning districts.

**Special Policy 5.6:** As a means of enhancing the commercial character of the area along Northlake Boulevard through renovation and/or redevelopment, maintain a waiver process ~~the Commercial Planned Unit Development (CPUD) ordinance~~ which may allows proposed projects to depart from the strict interpretations of the Zoning Code if, after review by the Village, it is found that said projects are in compliance with the North Palm Beach Comprehensive Plan and meet standards in the Zoning Code.

**Special Policy 5.16:** The 0.43 acre lot located at the southwest corner of Prosperity Farms Road and Honey Road (Map 5 of the Future Land Use Map Atlas) shall be assigned a Commercial Future Land Use Map designation in order to support its current use. The current use may be maintained consistent with the provisions of Sections 45-63 (non-conforming uses) and 45-64 (non-conforming structures) of the Village Code; however, any future change in use shall be consistent with those uses permitted in the C-T C-C transitional Commercial District.

**Special Policy 5.18:** Residential development on the property delineated as "Special Policy 5.18 5-16" on Map 3B of the Future Land Use Map Atlas shall be limited to a maximum of 16 residential units.

EXHIBIT "A"

1 **OBJECTIVE 6:** The Village shall encourage infill development and  
2 redevelopment along the Northlake Boulevard and U.S. Highway No.1 corridors.

3 **Policy 6.1:** Development and redevelopment activities ~~along the~~  
4 ~~Northlake Boulevard corridor shall conform to the requirements of in~~ the  
5 Northlake Boulevard Overlay Zone, as illustrated on Figure 3-8, shall  
6 conform with the special land development regulations adopted by the  
7 Village of North Palm Beach for the Northlake Boulevard corridor as well  
8 as the requirements of the Village's Comprehensive Plan and underlying  
9 zoning districts.

10 **Policy 6.2:** Mixed-use development and redevelopment is encouraged  
11 along the U.S. Highway No.1 corridor by the Village through the  
12 provisions of the C-MU and C-T and may also be permitted through the  
13 commercial planned unit development approval process, consistent with  
14 the density and intensity criteria stated in Objective 1.B.

15 **3.5.4 Northlake Boulevard Overlay Zone Map** The Northlake Boulevard  
16 Overlay Zone is illustrated on Maps 3C and 5 ~~appropriate maps~~ in the Future  
17 Land Use Map Atlas. ~~All properties within the overlay zone are illustrated on~~  
18 ~~Maps 3C and 5 of the Future Land Use Map Atlas~~ Development and  
19 redevelopment activities are subject to the special land development regulations  
20 adopted by the Village of North Palm Beach for the Northlake Boulevard corridor.  
21 ~~adopted under the Overlay Zone ordinance.~~

**TABLE 3-1  
LAND USE CLASSIFICATION SYSTEM**

For purposes of the Comprehensive Plan, the following land use classifications, which are applicable to North Palm Beach, are used to describe existing land uses in the Village. The classifications are consistent with those defined in Chapter 9J5, F.A.C. and concurrent with the Village's perception of use.

**Residential:** Land uses and activities within land areas used predominantly for housing and excluding all tourist accommodations.

**Commercial:** Land uses and activities within land areas which are predominantly related to the sale, rental and distribution of products and the provision or performance of services. Within the Commercial classification, residential and other uses may also be permitted in accordance with the mixed-use policies of the Comprehensive Plan and the Village's land development regulations.

*[remainder of Table 3-1 deleted for brevity]*

*[the identical changes are being made to Table 1 in the Future Land Use Atlas]*

1           **4.0   TRANSPORTATION ELEMENT**

2           **Policy 1.2:** Consistent with the adopted Palm Beach County traffic  
3 performance standards, the Village shall maintain a peak hour Level-Of-  
4 Service (LOS) standard of "D" for all Arterial and Collector roadways  
5 within the corporate limits, consistent with Article 12, Chapter B of the  
6 Palm Beach County Unified Land Development Code (Ref: Table 4-1)-  
7 with these exceptions:

- 8           • Prosperity Farms Road between Northlake Boulevard and Burns  
9 Road, which is designated as a Constrained Roadway at a Lower  
10 Level of Service (CRALLS) facility (see Figure 4-5, Policies 1.3  
11 and 1.4, and Table 11-1).
- 12           • Transportation concurrency exception area(s) that are designated  
13 in the comprehensive plans of the Village of North Palm Beach  
14 and Palm Beach County.

**ORDINANCE NO. 2020-06**

1  
2  
3 AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF  
4 NORTH PALM BEACH, FLORIDA, AMENDING THE VILLAGE’S LAND  
5 DEVELOPMENT REGULATIONS; AMENDING CHAPTER 6, “BUILDINGS  
6 AND BUILDING REGULATIONS,” TO ALLOW ENCROACHMENTS IN  
7 EASEMENTS UNDER SPECIFIED CIRCUMSTANCES, MODIFY THE  
8 PROCEDURES APPLICABLE TO APPEARANCE REVIEW AND ADOPT A  
9 SITE PLAN AND APPEARANCE REVIEW PROCEDURE; AMENDING  
10 CHAPTER 17, “LICENSES AND BUSINESS REGULATIONS,” TO ALLOW  
11 HOME OCCUPATIONS WITHIN SPECIFIED COMMERCIAL DISTRICTS;  
12 AMENDING CHAPTER 19, “OFFENSES AND MISCELLANEOUS  
13 PROVISIONS,” TO REFERENCE MIXED USE ZONING WITHIN THE NOISE  
14 REGULATIONS; AMENDING CHAPTER 21, “PLANNING AND  
15 DEVELOPMENT,” TO PROVIDE PUBLIC NOTICE FOR WAIVERS AND  
16 MODIFY PROCEDURAL REQUIREMENTS; AMENDING CHAPTER 27,  
17 “TREES AND SHRUBBERY,” TO DELETE ARTICLE III, “LANDSCAPING;”  
18 AMENDING APPENDIX A, “APPEARANCE PLAN,” TO RECOGNIZE  
19 CHANGES TO DISTRICT REGULATIONS, ENCOURAGE SPECIFIC  
20 ARCHITECTURAL STYLES AND MODIFY THE CRITERIA; AMENDING  
21 APPENDIX B (CHAPTER 36), “SUBDIVISIONS,” TO REMOVE CONFLICTS  
22 WITH NEW ZONING REGULATIONS; AMENDING APPENDIX C  
23 (CHAPTER 45), “ZONING,” BY: AMENDING ARTICLE I, “IN GENERAL,”  
24 TO MODIFY THE DEFINITIONS AND CONFLICT PROVISIONS;  
25 AMENDING ARTICLE II, “GENERALLY,” TO IDENTIFY CHANGES TO  
26 THE NAMES OF CERTAIN ZONING DISTRICTS AND THE ELIMINATION  
27 OF OTHERS AND MODIFY THE SIMILAR USE AND SPECIAL EXCEPTION  
28 PROCEDURES; AMENDING ARTICLE III, “DISTRICT REGULATIONS,” BY  
29 AMENDING SECTION 45-31 TO CHANGE THE NAME OF THE C-A  
30 COMMERCIAL DISTRICT TO THE C-MU US-1 MIXED USE DISTRICT,  
31 MODIFY THE REGULATIONS INCLUDING PERMITTED AND SPECIAL  
32 EXCEPTION USES AND APPLY SUCH REGULATIONS TO ALL  
33 PROPERTIES CURRENTLY ZONED C-A; DELETING SECTION 45-31.1 TO  
34 ELIMINATE THE C-B COMMERCIAL DISTRICT; DELETING SECTION 45-  
35 2 TO ELIMINATE THE C-1A LIMITED COMMERCIAL DISTRICT;  
36 AMENDING SECTION 45-32.1 TO CHANGE THE NAME OF THE C-C  
37 TRANSITIONAL COMMERCIAL DISTRICT TO THE C-T TRANSITIONAL  
38 COMMERCIAL DISTRICT, MODIFY THE REGULATIONS INCLUDING  
39 PERMITTED USES AND APPLY SUCH REGULATIONS TO ALL  
40 PROPERTIES CURRENTLY ZONED C-C; AMENDING SECTION 45-33 TO  
41 CHANGE THE NAME OF THE C-1 NEIGHBORHOOD COMMERCIAL  
42 DISTRICT TO THE C-S SHOPPING DISTRICT, MODIFY THE  
43 REGULATIONS INCLUDING PERMITTED AND SPECIAL EXCEPTION  
44 USES, AND APPLY SUCH REGULATIONS TO ALL PROPERTIES  
45 CURRENTLY ZONED C-1; AMENDING SECTION 45-34 TO CHANGE THE  
46 NAME OF THE COMMERCIAL DISTRICT TO THE C-G GENERAL  
47 COMMERCIAL DISTRICT, MODIFY THE REGULATIONS AND APPLY  
48 SUCH REGULATIONS TO ALL PROPERTIES CURRENTLY ZONED

1 COMMERCIAL; AMENDING SECTION 45-35.1 TO MODIFY THE  
2 REGULATIONS APPLICABLE TO PLANNED UNIT DEVELOPMENTS;  
3 AMENDING SECTION 45-35.2 TO RENAME THE C-OS CONSERVATION  
4 AND OPEN SPACE DISTRICT TO THE OS CONSERVATION AND OPEN  
5 SPACE DISTRICT; AMENDING SECTION 45-35.3 TO ELIMINATE THE  
6 NORTHLAKE BOULEVARD OVERLAY ZONING DISTRICT AND CREATE  
7 A NEW C-NB NORTHLAKE BOULEVARD COMMERCIAL DISTRICT AND  
8 MODIFY THE REGULATIONS INCLUDING PERMITTED AND SPECIAL  
9 EXCEPTION USES; AMENDING SECTION 45-36 TO REVISE THE OFF-  
10 STREET PARKING REGULATIONS, THE HEIGHT REGULATIONS AND  
11 THE OUTDOOR SEATING REGULATIONS; AMENDING SECTION 45-38  
12 TO MODIFY THE I-1 LIGHT INDUSTRIAL ZONING REGULATIONS  
13 RELATING TO OUTDOOR RUNS AND DOG EXERCISE AREAS;  
14 RENAMING ARTICLE VI, “AMENDMENTS—FEES; WAITING PERIODS,”  
15 TO “REZONINGS; VARIANCES; WAIVERS,” AND MODIFYING THE  
16 REGULATIONS APPLICABLE TO REZONINGS AND VARIANCES AND  
17 ADOPTING NEW REGULATIONS FOR WAIVERS WITHIN THE C-MU AND  
18 C-NB ZONING DISTRICTS; AMENDING ARTICLE VII, “NON-  
19 CONFORMING USES OF LAND AND STRUCTURES,” TO ALLOW THE  
20 EXTENSION AND ENLARGEMENT OF NON-CONFORMING USES AND  
21 STRUCTURES UNDER SPECIFIED CIRCUMSTANCES; AND ADOPTING A  
22 NEW ARTICLE VIII, “LANDSCAPING,” TO MODIFY AND UPDATE THE  
23 CURRENT LANDSCAPING REQUIREMENTS FOR MULTI-FAMILY,  
24 MIXED USE, COMMERCIAL AND INDUSTRIAL DEVELOPMENTS;  
25 UPDATING CROSS-REFERENCES; PROVIDING FOR CODIFICATION;  
26 PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS;  
27 PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

28  
29 WHEREAS, in August 2015, the Village contracted with the Treasure Coast Regional Planning  
30 Council (“TCRPC”) to develop a master plan for future infill development and redevelopment  
31 within its corporate limits, as well as a community-based vision for economic growth; and  
32

33 WHEREAS, from January 30, 2016 through February 5, 2016, TCRPC conducted a week-long  
34 economic development and urban design charrette to assist the Village in accomplishing its goals;  
35 and  
36

37 WHEREAS, working with members of the public and other interested parties, TCRPC created its  
38 report, and through the adoption of Resolution No. 2016-73 on October 27, 2016, the Village  
39 Council formally adopted “The Village of North Palm Beach Citizens’ Master Plan Report dated  
40 October 20, 2016” prepared by the TCRPC, including the recommendations contained therein, as  
41 setting forth the guiding principles for future development within the Village; and  
42

43 WHEREAS, one of the Master Plan’s key recommendations is to develop a form-based code for  
44 the Village’s commercial corridors, and the Village retained the firm of Dover, Kohl & Partners,  
45 and its consultant, Spikowski Planning Associates, to develop the form-based code for the  
46 Village’s commercial zoning districts and  
47

1 WHEREAS, the Village Council wishes to amend its land development regulations to adopt the  
2 form-based code prepared by the Village’s consultants, in addition to certain other revisions  
3 recommended by Village residents, Village Staff, and the Village’s advisory boards; and  
4

5 WHEREAS, on July 7, 2020, the Planning Commission, sitting as the Local Planning Agency,  
6 conducted a public hearing to review this Ordinance and provide a recommendation to the Village  
7 Council; and  
8

9 WHEREAS, having considered the recommendation of the Planning Commission and conducted  
10 all required advertised public hearings, the Village Council determines that the adoption of this  
11 Ordinance is in the interests of the health, safety and welfare of the residents and citizens of the  
12 Village of North Palm Beach.

13  
14 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE  
15 OF NORTH PALM BEACH, FLORIDA as follows:  
16

17 Section 1. The foregoing recitals are ratified as true and correct and are incorporated herein.  
18

19 Section 2. The Village Council hereby amends Chapter 6, “Buildings and Building  
20 Regulations,” of the Village Code of Ordinances to read as follows (additional language is  
21 underlined and deleted language is ~~stricken through~~):  
22

23 **ARTICLE I. IN GENERAL.**  
24

25 **Sec. 6-1. Construction on public land prohibited.**  
26

27 It shall be unlawful for any person to erect or maintain, or to permit the  
28 erection or maintenance of any structure of any kind, including a wall upon, across,  
29 over or under any portion of any publicly dedicated utility or drainage easement  
30 area in the village unless the person has received the approval of and/or executed  
31 encroachment agreements with all easement holders and received approval from  
32 the village. This prohibition does not apply to sidewalks or paths of any kind that  
33 are lawfully placed under overhead wires.  
34

35 \* \* \*  
36

37 **ARTICLE III. APPEARANCE CODE.**  
38

39 **DIVISION 1. GENERALLY.**  
40

41 **Sec. 6-30. Short title.**  
42

43 This article, including any regulation hereafter adopted, shall hereafter be  
44 known, cited and referred to as the "Appearance Code."  
45

46 **Sec. 6-31. Definition.**  
47

48 The term "external architectural feature" is defined to mean the architectural  
49 style, color and general arrangement of such portion of a building or structure,

1 including signs and accessory structures, as is designed to be open to view from a  
2 public street, place or way, or from adjoining premises.

3  
4 **Sec. 6-32. Intent and purposes.**

5  
6 This appearance code is adopted for the following purposes:

- 7  
8 (1) To promote the public health, safety, morals, comfort and general  
9 welfare of the citizens of the village.  
10  
11 (2) To enhance the values of property throughout the village.  
12  
13 (3) To protect and to stabilize the general appearance of public and private  
14 buildings, structures, landscaping, and open areas, in the ~~multiple~~  
15 ~~dwelling, commercial and public zoning districts of the village.~~  
16  
17 (4) To ensure ~~insure~~ adequate light, air and privacy for property in the  
18 multiple dwelling, commercial and public zoning districts of the village.  
19  
20 (5) To ~~encourage and~~ promote acceptability, attractiveness, cohesiveness  
21 and compatibility of new buildings, developments, remodeling and  
22 additions so as to maintain and improve the established standards ~~of~~  
23 property values within the for multiple-dwelling, commercial, mixed-  
24 use, and industrial buildings. and public zoning districts of the village.  
25

26 **Sec. 6-33. Appearance plan.**

27  
28 The village hereby adopts by reference thereto the appearance plan attached  
29 as exhibit A to Ordinance No. 3-72 of the village. The appearance plan is set forth  
30 at length in Appendix A of this Code. The appearance plan will be applied through  
31 the site plan and appearance review process described in this chapter.  
32

33 **Sec. 6-34. Reserved.**

34  
35 **Sec. 6-35. Appeals and review.**

36  
37 The applicant or any interested party may file an appeal to the village council  
38 on any final ruling by the planning commission made pursuant to this article. An  
39 appeal shall be on forms provided by the village. The appeal shall be filed or made  
40 within ten (10) days after decision of the planning commission. Appeals shall set  
41 forth the alleged inconsistency or nonconformity with procedures or criteria set  
42 forth in this article or standards set forth in or pursuant to this article. Appeals filed  
43 pursuant to this section shall be based solely on the record of the proceedings before  
44 the planning commission and the village council shall not conduct a de novo  
45 review. The village council shall decide an appeal within ~~thirty (30)~~ forty-five (45)  
46 days of the filing of such appeal unless an extension of time is consented to by the  
47 applicant, and such filing shall suspend any building permit issued pursuant to the  
48 ruling of the planning commission until the village council has decided the appeal.

1 The village council may review any decision of the planning commission issued  
2 pursuant to this article and their council's disposition of the matter shall be final.

3  
4 **Sec. 6-36. Powers and duties of planning commission concerning the**  
5 **appearance code.**

6  
7 The planning commission shall have the following powers and duties:

- 8  
9 (1) To hold public hearings on and make recommendations for amendments  
10 to the appearance plan.  
11  
12 (2) To consult with and cooperate with ~~the planning and zoning advisory~~  
13 ~~board, the beautification committee and other committees and~~ village  
14 departments, and any other municipal or governmental bodies, on  
15 matters affecting the appearance of the village.  
16  
17 (3) To study exterior design drawings, landscape and site plans and  
18 materials for any proposed public buildings, public works, or other  
19 public improvements and to make recommendations to the council or  
20 village manager as to the architectural or aesthetic aspects thereof.  
21  
22 (4) To study and review preliminary and final plats and make  
23 recommendations to ~~the planning and zoning advisory board and the~~  
24 village council.  
25  
26 (5) To hold site plan and appearance review hearings, when required, ~~on the~~  
27 ~~issuance of certificates of appropriateness as provided in section 6-59,~~  
28 ~~in connection with questions pertaining to applications for building~~  
29 ~~permits~~ and to issue or deny site plan and appearance approval for  
30 multiple-dwelling, commercial, mixed-use, and industrial buildings  
31 such certificates pursuant to the provisions of this division and the  
32 appearance plan in Appendix A of this code. ~~such section 6-59.~~

33  
34 \* \* \*

35  
36 **DIVISION 3. SITE PLAN AND APPEARANCE REVIEW CERTIFICATE**  
37 **OF APPROPRIATENESS**

38  
39 **Sec. 6-56. Application requirements. ~~Preliminary consideration.~~**

40  
41 Applications for site plan and/or appearance review must include sufficient  
42 information to demonstrate compliance with all village requirements. Plans must  
43 be professionally prepared and drawn to scale with accurate dimensions, and must  
44 include the following unless waived by the community development director:

- 45  
46 (1) The application must be signed by the landowner, or must include a  
47 statement signed by an agent, under oath, indicating authorization by  
48 the owner(s) to secure site plan and appearance approval.  
49

- 1           (2) A boundary sketch including the total area, dimensions, and legal  
2 description for the property. The community development director may  
3 require a survey if deemed necessary to facilitate review of the  
4 application.  
5  
6           (3) A site plan showing all proposed improvements, including not limited  
7 to, existing and proposed parking spaces, access aisles, driveways, and  
8 access points to external streets or adjoining properties. The plan shall  
9 show the existing structures and all proposed development, with  
10 sufficient detail as to the size and appearance of all structures and  
11 improvements to indicate compliance with all village requirements and  
12 regulations, including the appearance plan. The plans shall also show  
13 all structures within two hundred (200) feet of the property.  
14  
15           (4) Conceptual civil plans showing proposed changes affecting drainage  
16 and utilities. Final civil plans shall be provided during the permitting  
17 process.  
18  
19           (5) Elevations or renderings of proposed structures and landscaping as  
20 required by the community development department.  
21  
22           (6) Landscape plans that comply with section 45-86.  
23  
24           (7) Photometric plans as required by the community development  
25 department.  
26  
27           (8) Written narrative explaining the proposed development and its  
28 consistency with the village appearance plan, village code, and village  
29 comprehensive plan.  
30  
31           (9) Other relevant information as requested by the community development  
32 department.  
33

34           ~~The planning commission shall, at the written request of a prospective~~  
35 ~~applicant for a certificate of appropriateness, give consideration to preliminary~~  
36 ~~exterior drawings, sketches, landscape and site plans and materials on a specific~~  
37 ~~project before a formal application is filed, and shall provide such advice, counsel,~~  
38 ~~suggestions and recommendations on matters pertaining to aesthetics as they may~~  
39 ~~deem necessary to guide such prospective applicant in the development of a plan~~  
40 ~~which would comply with the requirements and purposes of the appearance plan;~~  
41 ~~except that the planning commission shall act in an advisory capacity only, with~~  
42 ~~regard to preliminary plans, and shall provide consultation only on projects for~~  
43 ~~which preliminary drawings and materials are furnished by such prospective~~  
44 ~~applicant, and shall not participate in the development of the basic concept, plans~~  
45 ~~or drawings. Upon finding the preliminary exterior drawings, sketches, landscape~~  
46 ~~and site plans and materials are appropriate to, or compatible with, the character of~~  
47 ~~the immediate neighborhood and will tend to effect the general purposes of the~~  
48 ~~appearance plan, the board will issue a preliminary approval. Such approval will be~~  
49 ~~irrevocable, and makes the issuance of the certificate of appropriateness mandatory~~

1 upon application, unless the final presentation does not comply in all respects with  
2 the preliminary presentation upon which the preliminary approval was based.  
3

4 **Sec. 6-57. Final Site Plan and Appearance Hearings.**  
5

6 Upon filing of an complete application for site plan and appearance approval  
7 building permit for a multifamily, ~~or commercial, mixed-use, or industrial~~ building  
8 or structure, the community development department shall schedule the application  
9 for a hearing before the planning commission. ~~The fact that an application for a~~  
10 ~~certificate of appropriateness has been filed shall not be cause for the community~~  
11 ~~development department to delay the review of plans relating to the building and~~  
12 ~~zoning aspects of the project, while the application is pending.~~ The planning  
13 commission shall establish regularly scheduled ~~monthly~~ meetings at which to  
14 review all site plan and appearance applications. ~~Applications shall be submitted at~~  
15 ~~least fourteen (14) days prior to the scheduled monthly meetings, or as otherwise~~  
16 ~~determined by the community development director, in order to be considered at~~  
17 ~~that scheduled monthly meeting.~~ The community development department shall  
18 ~~prepare an agenda containing a list of all applications filed for each scheduled~~  
19 ~~monthly meeting, which shall be submitted to all members of the planning~~  
20 ~~commission at least five (5) days prior to the scheduled monthly meetings.~~ The  
21 community development department shall ~~further~~ notify each applicant of the date  
22 and time of a hearing on his application, ~~in writing, which notice shall be mailed at~~  
23 ~~least five (5) days prior to such hearing.~~ If the application includes a request for a  
24 special exception (section 45-16.2), variance (section 45-50), or waiver (section 45-  
25 51), the hearing shall be considered a formal public hearing and notice shall be  
26 provided in accordance with section 21-3. Upon such hearing, the planning  
27 commission shall consider the application for ~~building permit~~ site plan and  
28 appearance approval and any related requests for special exceptions, variances, or  
29 waivers and may review ~~receive~~ additional evidence (such as the exterior  
30 renderings) from the applicant or his agent or attorney. The planning commission  
31 shall consider reports and testimony ~~and from village staff, the applicant, and~~ ~~or~~  
32 other persons as to whether the site plan and external architectural features of the  
33 proposed building or structure comply with the appearance plan and meet relevant  
34 village land development regulations.  
35

36 **Sec. 6-58. Action of planning commission.**  
37

38 Upon consideration of an application, the planning commission shall issue  
39 site plan and appearance approval ~~a certificate of appropriateness to the community~~  
40 ~~development department~~ upon a finding that the plan conforms to the village  
41 appearance plan and other relevant land development regulations. This approval  
42 may contain special conditions in response to unusual aspects of the application or  
43 to ensure that the approval carries out village policies and codes without undue  
44 permitting delays. ~~and that the proposed building or structure is appropriate to, and~~  
45 ~~compatible with, the character of the immediate neighborhood and will not cause a~~  
46 ~~substantial depreciation in property values.~~ If the planning commission determines  
47 that these criteria are not met, the planning commission may ~~shall~~ provide such  
48 advice, counsel, suggestions and recommendations ~~on matters pertaining to~~  
49 ~~aesthetics~~ as it may deem necessary to guide the prospective applicant in the

1 development of a plan which would comply with the requirements and purposes of  
2 the appearance plan and other village land development regulations. ~~If preliminary~~  
3 ~~hearings have been held on the project for which application is being made, and~~  
4 ~~preliminary approval has been issued by the planning commission as provided in~~  
5 ~~section 6-56, the planning commission shall issue a certificate of appropriateness~~  
6 ~~immediately, provided that the final drawings, plans and material as presented~~  
7 ~~comply in all respects with the preliminary presentation upon which the preliminary~~  
8 ~~approval was based.~~  
9

10 **Sec. 6-59. Approval by planning commission.**  
11

12 ~~The planning commission shall issue a certificate of appropriateness upon a~~  
13 ~~concurring vote of at least three (3) members. No building or other permit,~~  
14 ~~otherwise required under the ordinances of the village, for the erection,~~  
15 ~~construction, alteration or repair of any building or structure in a multiple dwelling,~~  
16 ~~commercial or public zoning district shall be approved by the community~~  
17 ~~development director except upon the granting of site plan and appearance approval~~  
18 ~~a certificate of appropriateness by the planning commission, or on appeal, granted~~  
19 ~~by the village council (see section 6-35). The foregoing requirements shall not~~  
20 ~~preclude the issuance of a building permits without such approval certificate if the~~  
21 ~~community development director shall determines that any of the following apply:~~  
22

- 23 (1) The permits are for a single-family dwelling and/or normal accessory  
24 buildings or structures on the same lot; or  
25  
26 (2) The permits are for a village-owned facility; or  
27  
28 (3) No external architectural feature as defined in section 6-31 is involved  
29 in the work for which the building permit is sought, and the proposed  
30 work would be in full compliance with all requirements of this code; or  
31  
32 (4) Any deviations from a valid site plan and appearance approval are minor  
33 and not substantial or had been authorized by conditions placed on the  
34 site plan and appearance approval. Unless authorized by prior  
35 conditions, the following types of deviations may never be considered  
36 minor or not substantial: increasing residential density; increasing the  
37 horizontal or vertical size of a building; and/or adding land uses that had  
38 previously been excluded. The director must document any such  
39 determination with an explanation of why is was deemed minor or had  
40 been authorized. The director must forward this determination to the  
41 planning commission, and also to the village council if the site plan and  
42 appearance approval had been appealed to the village council.  
43

44 **Sec. 6-60. Follow-up by community development department.**  
45

46 Upon the granting of site plan and appearance approval, ~~a certificate of~~  
47 ~~appropriateness,~~ the community development director will retain the exterior  
48 drawings, sketches, landscape and site plans, renderings and materials upon which  
49 such approval certificate was granted ~~shall be turned over to the community~~

1 ~~development department whose responsibility it shall be~~ to determine, from time to  
2 time as the project is in progress and finally upon its completion, that there have  
3 been no unauthorized deviations from the evidence upon which the granting of the  
4 approval certificate of appropriateness was originally based. The community  
5 development department shall not issue a certificate of occupancy or final  
6 inspection approval for any building or structure where there have been any  
7 unauthorized deviations from the site plan and appearance approval.  
8

9 Section 3. The Village Council hereby amends Chapter 17, “Licenses and Miscellaneous  
10 Business Regulations,” of the Village Code of Ordinances by amending Article I to read as follows  
11 (additional language is underlined and deleted language is ~~stricken through~~):  
12

### 13 **ARTICLE I. IN GENERAL**

14  
15 \* \* \*

#### 16 **Sec. 17-3. Home occupations.**

- 17  
18  
19 (a) *Home occupations as permitted uses.* Home occupations shall be  
20 permitted uses within R-1 Single-family Dwelling District, R-2  
21 Multiple-family Dwelling District, ~~and~~ R-3 Apartment Dwelling  
22 District, C-MU and C-3 mixed-use districts, and mixed-use  
23 Residential/Commercial PUDs.  
24

25 Section 4. The Village Council hereby amends Chapter 19, “Offenses and Miscellaneous  
26 Provisions,” of the Village Code of Ordinances by amending Article VI to read as follows  
27 (additional language is underlined and deleted language is ~~stricken through~~):  
28

### 29 **ARTICLE VI. NOISE CONTROL**

#### 30 **Sec. 19-99. Definitions.**

31  
32  
33 For the purposes of this article, whenever any of the following words, terms  
34 or definitions are used herein they shall have the meanings ascribed to them in this  
35 section except where the context requires otherwise:  
36

37  
38 \* \* \*

39  
40 *Unreasonable noise* means any noise in or emanating from any property  
41 located within the corporate limits of village which violates the provisions of  
42 this article.  
43

- 44 (a) For noise emanating from property with a *commercial, mixed-use, or*  
45 *light industrial zoning designation*, unreasonable noise shall be defined  
46 as any noise emanating from the property which equals or excess a  
47 measured sound level of sixty-five (65) dBA between the hours of 10:00  
48 p.m. and 8:00 a.m. Sunday through Thursday, a measured sound level  
49 in excess of eighty-five (85) dBA between the hours of 8:00 a.m. and

1 10:00 p.m. Sunday through Thursday; and a measured sound level  
2 which equals or exceeds sixty-five (65) dBA between the hours of 11:00  
3 p.m. and 8:00 a.m. Friday through Saturday and a measured sound level  
4 meeting or exceeding eighty-five (85) dBA between the hours of 8:00  
5 a.m. and 11:00 p.m. Friday through Saturday.  
6

7 (b) For noise emanating from property with a *commercial, mixed-use, or*  
8 *light industrial zoning designation* which shares any portion of its  
9 boundary with a property with a residential zoning designation,  
10 unreasonable noise shall be defined as any noise emanating from the  
11 property which equals or exceeds a measured sound level of sixty (60)  
12 dBA between the hours of 10:00 p.m. and 8:00 a.m. Sunday through  
13 Thursday, a measured sound level in excess of seventy (70) dBA  
14 between the hours of 8:00 a.m. and 10:00 p.m. Sunday through  
15 Thursday; and a measured sound level which equals or exceeds sixty  
16 (60) dBA between the hours of 11:00 p.m. and 8:00 a.m. Friday through  
17 Saturday and a measured sound level meeting or exceeding seventy (70)  
18 dBA between the hours of 8:00 a.m. and 11:00 p.m. Friday through  
19 Saturday.  
20

21 (c) For noise emanating from property with a *residential zoning*  
22 *designation*, unreasonable noise shall be defined as noise that is plainly  
23 audible one hundred and fifty (150) feet from the property boundary of  
24 the source of the sound or noise, measured on a horizontal plane.  
25 Notwithstanding the foregoing, noise shall be considered unreasonable  
26 when it is plainly audible through the external walls and fully closed  
27 windows and doors of a residential structure or through walls, floors or  
28 partitions common to two (2) residential units located within a single  
29 structure.  
30

31 (d) Noise shall be measured from the property boundary closest to the  
32 source of noise with a sixty (60) second reading. Where the property  
33 boundary abuts a waterway, the property boundary shall be considered  
34 the opposite side of the waterway and not the actual seawall or bulkhead.  
35

36 Section 5. The Village Council hereby amends Chapter 21, "Planning and Development," of  
37 the Village Code of Ordinances to read as follows (additional language is underlined and deleted  
38 language is ~~stricken through~~):  
39

40 **ARTICLE I. IN GENERAL**

41 \* \* \*

42  
43  
44 **Sec. 21-3. Public notice requirements for development applications and**  
45 **approvals.**  
46

47 (a) **Requirements.** In addition to those requirements imposed by state law, public  
48 notice shall be provided as set forth below:

	Planning Commission/LPA/ Zoning Board of Adjustment			Village Council		
	Mail*	News- paper*	Post*	Mail*	Newspaper	Post*
<b>Rezoning</b>	10	7	15	10	Statutory notice for ordinance adoption	15
<b>Large-scale Comprehensive Plan Amendment</b>	10	7	15	10	Statutory notice for ordinance adoption	15
<b>Small-scale Comprehensive Plan Amendment</b>	10	7	15	10	Statutory notice for ordinance adoption	15
<b>Variance**</b>	7	7	10	N/A	N/A	N/A
<b><u>Waiver***</u></b>	<u>7</u>	<u>7</u>	<u>10</u>	<u>10</u>	<u>7</u>	<u>15</u>
<b>Planned Unit Development</b>	10	7	15	10	Statutory notice for ordinance adoption	15
<b>Special Exception Use</b>	<u>7</u> <del>10</del>	7	<u>10</u> <del>15</del>	10	Notice of public hearing <u>7</u> days prior to hearing or statutory notice for ordinance adoption (if within a PUD)	15

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23

\* Number of calendar days prior to date of the first required public hearing.

\*\* The notice requirements for variances shall include all variances relating to the zoning code (Chapter 45), the dock and waterway regulations (Chapter 5), and the sign regulations (Chapter 6).

\*\*\* The notice requirements for waivers shall apply only to waivers requested pursuant to section 45-51 (Chapter 45).

- (b) ***Mailing requirements.***
- (1) ***Contents.*** Unless otherwise required herein, mail notice of a public hearing shall contain the following information:
- a. Title and substance of proposed ordinance or development order;
  - b. Time, date and location of the public hearing;
  - c. Location of the property affected by the application with reference to the nearest intersection of two (2) or more streets;
  - d. Name, address and telephone number of the office where additional information can be obtained; and

1 e. Location and times where proposed ordinance or development  
2 order application may be reviewed.

3  
4 (2) All notices shall be provided by first-class mail, unless otherwise  
5 required by community development director. Mail notice shall be  
6 postmarked no later than the minimum number of calendar days as  
7 required in subsection (a) above.

8  
9 (3) Mail for all privately initiated applications shall be provided to all  
10 property owners of record, excluding property owned by the applicant,  
11 within five hundred (500) feet of the property to which the development  
12 order application or amendment relates.

13  
14 (4) The list of property owners shall be derived from the most recent official  
15 tax roll of Palm Beach County. The applicant shall provide an affidavit  
16 attesting to the completeness and accuracy of the property owner's list.

17  
18 (5) The applicant shall provide and mail all required notices, and provide  
19 an affidavit that notice was sent to all property owners included in the  
20 property owner's list.

21  
22 (c) ***Posting requirements.***

23  
24 (1) The applicant shall provide the signs, subject to the criteria for size and  
25 contents established by the community development director.

26  
27 (2) The applicant shall install the signs in a workmanlike manner. All signs  
28 should be installed so as to withstand normal weather events.

29  
30 (3) The applicant shall post one (1) sign per five hundred (500) feet of lineal  
31 right-of-way, with a minimum of one (1) sign per frontage.

32  
33 (4) The applicant shall provide, at least three (3) days prior to the public  
34 hearing, a photograph of the sign and an affidavit attesting to the date of  
35 installation and the number of signs.

36  
37 (d) ***Newspaper requirements.*** The applicant shall be responsible for all costs  
38 associated with newspaper advertisements.

39  
40 **ARTICLE II. PLANNING COMMISSION**

41  
42 **Sec. 21-11. Composition; conduct generally.**

43  
44 \* \* \*

45  
46 (d) ***Powers, duties.*** The planning commission shall have the following powers  
47 and duties:  
48

- 1 (1) Perform any duties which lawfully may be assigned to it by the village  
2 council.  
3  
4 (2) Perform any other duties which may be assigned to it under this Code.  
5  
6 (3) The planning commission of the village is hereby designated as the  
7 governmental entity to act as the "local planning agency" in accordance  
8 with chapter 163, Florida Statutes.  
9  
10 (4) The planning commission shall serve as the village's board of  
11 adjustment to consider variances and administrative appeals.  
12  
13 (5) The planning commission has additional duties that include site plan  
14 and appearance review (see sections 6-30 through 6-60); the  
15 responsibility to make recommendations on special exceptions (see  
16 section 45-16.2); and the authority to approve waivers on land in the C-  
17 MU and C-NB zoning districts only (see section 45-51).  
18

19 **Sec. 21-12. - Changes to zoning ordinances.**  
20

- 21 (a) The village council may amend or supplement the regulations and districts  
22 ~~established by this code after receiving fixed by any zoning ordinance adopted~~  
23 ~~pursuant to this act (Local Government Comprehensive Planning and Land~~  
24 ~~Development Regulation Act) after referral and the recommendations of the~~  
25 ~~planning commission. Proposed changes may be suggested by the village~~  
26 ~~council or the village manager. Changes to zoning district boundaries may be~~  
27 ~~requested in accordance with section 45-49. , by the planning commission, or~~  
28 ~~by the petition of the owners of fifty one (51) percent or more of the area~~  
29 ~~involved in the proposed change. In the latter case, the petitioners may be~~  
30 ~~required to assume the cost of public notice and other costs incidental to the~~  
31 ~~holding of public hearings.~~  
32  
33 (b) The planning commission, regardless of the source of the proposed change,  
34 shall hold a public hearing or hearings thereon, with due public notice, but  
35 shall in any case, if any change is to be considered by the planning  
36 commission, submit in writing its recommendations on the proposed change  
37 to the village council for official action. The village council shall hold a public  
38 hearing thereon, with due public notice, if any change is to be considered and  
39 shall then act on the proposed change. If the recommendation of the planning  
40 commission is adverse to the proposed change, such change shall not become  
41 effective except by an affirmative vote of a majority of the entire membership  
42 of the village council, after due public notice.  
43

44 Section 6. The Village Council hereby amends Chapter 27, "Trees and Shrubbery," of the  
45 Village Code of Ordinances to delete Article III, "Landscaping," in its entirety and amend Article  
46 II, "Trees in Swale Areas," as follows (additional language is underlined and deleted language is  
47 ~~stricken through~~):  
48

49 \* \* \*

1  
2 **Sec. 27-18. Variety and location.**

3 \* \* \*

4  
5  
6 (b) Swale trees shall be planted so as not to impede the flow and storage of  
7 storm water. Swale trees shall be planted and maintained to provide safe  
8 sight distances in accordance with section ~~27-66~~ 45-90.C. Incidental  
9 plantings of flowers may be planted and maintained without permit subject  
10 to the same criteria described herein.

11 \* \* \*

12  
13  
14 Section 7. The Village Council hereby amends Appendix A, "Appearance Plan," of the  
15 Village Code of Ordinances to read as follows (additional language is underlined and deleted  
16 language is ~~stricken through~~):

17 \* \* \*

18  
19  
20 **SECTION I – BASIS FOR THE APPEARANCE PLAN**

21  
22 The North Palm Beach Village Council adopted an Appearance ~~Code,~~  
23 Ordinance, Number 4-71, on May 27, 1971. This Ordinance provided for the  
24 appointment of an Appearance Board which would concern itself with and act in  
25 matters affecting the physical appearance of designated areas.

26  
27 The Board was empowered to develop an Appearance Plan to serve as  
28 standards or guidelines for physical developments in the village. The Plan as  
29 amended, following public hearings, was adopted by the North Palm Beach Village  
30 Council, by Ordinance Number 3-72, dated 10 Feb. 1972.

31  
32 The ~~Appearance Ordinance, and applicable sections of the Appearance Plan,~~  
33 is will be administered through the Office of the North Palm Beach director of  
34 community development. In 1977, the Planning Commission began serving as, with  
35 the Appearance Board and continues to act ~~acting~~ upon matters relating to  
36 appearance as authorized by the Appearance Plan and Code.

37 \* \* \*

38  
39  
40 **SECTION III – AREAS OF JURISDICTION**

41  
42 **AREAS AND ELEMENTS UNDER JURISDICTION**

43  
44 The jurisdictional areas of the Appearance Plan Board are all areas within the  
45 Village of North Palm Beach that are zoned:

46  
47 R-1 SINGLE-FAMILY DWELLING DISTRICT — Applies to all usages  
48 except single family and their normal accessory buildings  
49

- 1 R-2 MULTIPLE-FAMILY DWELLING DISTRICT
- 2
- 3 R-3 APARTMENT DWELLING DISTRICT
- 4
- 5 C-MU ~~C-A~~ US-1 MIXED-USE ~~COMMERCIAL~~ DISTRICT
- 6
- 7 ~~CB~~ COMMERCIAL DISTRICT
- 8
- 9 ~~C1A~~ LIMITED COMMERCIAL DISTRICT
- 10
- 11 C-T ~~C-C~~ TRANSITIONAL COMMERCIAL DISTRICT
- 12
- 13 C-S SHOPPING ~~C1~~ NEIGHBORHOOD COMMERCIAL DISTRICT
- 14
- 15 C-G GENERAL ~~C2~~ AUTOMOTIVE COMMERCIAL DISTRICT
- 16
- 17 C-3 REGIONAL MIXED-USE ~~PUBLIC~~ DISTRICT
- 18
- 19 P PUBLIC DISTRICT
- 20
- 21 OS ~~C-OS~~ CONSERVATION AND OPEN SPACE
- 22
- 23 I-1 LIGHT INDUSTRIAL DISTRICT
- 24
- 25 C-NBØZ NORTHLAKE BOULEVARD COMMERCIAL
- 26 OVERLAY ZONING DISTRICT

27 \* \* \*

28

29 **SECTION IV – CRITERIA FOR APPEARANCE**

30

31 The purpose of these criteria is to establish a checklist of those items which

32 affect the physical aspect of the village environment. Pertinent to appearance is the

33 design of the site, building and structures, planting, signs, street hardware, and

34 miscellaneous other objects which are observed by the public.

35

36 These criteria are not intended to restrict imagination, innovation, or variety,

37 but rather to assist in focusing on design principles which can result in creative

38 solutions that will develop a satisfactory visual appearance within the village.

39

40 A. RELATIONSHIP OF BUILDINGS TO SITE

41

42 1. The site shall be planned to accomplish a desirable connection ~~transition~~

43 with the streetscape, and to provide for adequate planting, pedestrian movement,

44 and parking areas.

45

46 2. Site planning in which setbacks and yards are in excess of zoning

47 restrictions is encouraged where such increases are permitted by the zoning code to

48 provide an interesting relationship between buildings. In zoning districts where a

1 build-to line is used in lieu of front setbacks, building facades must be placed within  
2 those build-to zones unless a waiver is obtained from the build-to requirements.

3  
4 3. Parking areas shall be concealed where required by the zoning code or  
5 treated with decorative elements, building wall extensions, plantings, berms or  
6 other innovative means so as to largely screen parking areas from view from public  
7 ways and adjoining properties.

8  
9 4. The height and scale of each building shall be compatible with its site and  
10 adjoining buildings except where redevelopment at higher intensities is anticipated  
11 in a particular zoning district.

12  
13 5. Newly installed utility services, and service revisions necessitated by  
14 exterior alterations, shall be underground.

15  
16 6. In relating buildings to site, the provisions of the Zoning Ordinance in  
17 regard to bulk regulations, standards, and off-street parking shall be part of this  
18 criteria. This shall also apply to subsection B which follows.

19  
20 B. RELATIONSHIP OF BUILDING AND SITE TO ADJOINING AREA

21  
22 1. Adjacent buildings of different architectural styles or character may ~~shall~~  
23 be made more compatible by such means as screens, site breaks, and materials.

24  
25 2. Attractive landscape transitions to adjoining properties are encouraged.  
26 shall be provided.

27  
28 3. Harmony in texture, lines, and masses is required. Monotony shall be  
29 avoided.

30  
31 4. Buildings shall have similar scale to those in the surrounding area except  
32 where redevelopment at higher intensities is anticipated in a particular zoning  
33 district.

34  
35 \* \* \*

36 D. BUILDING DESIGN

37  
38 1. Specific architectural styles are is not ~~restricted~~ mandated or banned, but  
39 the village encourages new buildings to reflect or evolve the distinct local character  
40 exemplified by the North Palm Beach Country Club Clubhouse, Village Hall and  
41 the Public Safety Building. This character is derived from local and regional  
42 examples including Anglo-Caribbean architecture, Florida vernacular, and  
43 masonry modern.

44  
45 2. Evaluation of appearance of a project shall be based on quality of its  
46 design and relationship to surroundings.

1           ~~3.~~ 2. Buildings shall have good scale and be in harmonious conformance  
2 with permanent neighboring development.

3  
4           ~~4.~~ 3. Materials shall have good architectural character and shall be selected  
5 for harmony of the building with adjoining buildings.

6  
7           a. Materials shall be selected for suitability to the type of buildings and  
8 the design in which they are used. Buildings shall have the same  
9 materials, or those which are architecturally harmonious, used for all  
10 building walls and other exterior building components wholly or  
11 partly visible from public ways and adjoining properties.

12  
13           b. Inappropriate materials and methods, and those which will produce  
14 inconsistency with the structure of the building, shall be avoided.

15  
16           c. Materials shall be of durable quality.

17  
18           d. In any design in which the structural frame is exposed to view, the  
19 structural materials shall meet the other criteria for materials.

20  
21           ~~5.~~ 4. Building components—such as windows, doors, eaves, and parapets—  
22 shall have good proportions and relationship to one another.

23  
24           ~~6.~~ The village discourages walls without windows or with too few windows;  
25 all-glass walls; and facades without visual interest or with entrances that are  
26 concealed or absent.

27  
28           ~~7.~~ 5. Colors shall be harmonious, with bright or brilliant colors used only for  
29 accent.

30  
31           ~~8.~~ 6. Mechanical equipment or other utility hardware on roof, ground, or  
32 buildings shall be screened from public view with materials harmonious with the  
33 building, or they shall be located so as not to be visible from any public ways,  
34 including waterways, service alleys, and adjoining properties.

35  
36           ~~9.~~ 7. Exterior lighting shall be part of the architectural concept. Fixtures,  
37 standards and all exposed accessories shall be harmonious with building design.

38  
39           ~~10.~~ 8. Refuse and waste removal areas, service yards, storage yards, and  
40 exterior work areas shall be screened from public ways, including waterways,  
41 service alleys, and adjoining properties, using materials as stated in criteria for  
42 equipment screening.

43  
44           ~~11.~~ 9. Monotony of design in single or multiple building projects shall be  
45 avoided. Variation of detail, form, and siting shall be used to provide visual interest.  
46 In multiple building projects, variable siting or individual buildings may be used to  
47 prevent a monotonous appearance.



1 one ownership. The subdivision shall be so designed that remnants and land-  
2 locked areas shall not be created.

3  
4 (4) **Lot lines.** Side lot lines shall be, as nearly as practical, at right angles to  
5 straight street lines and radial to curved street lines. No lot shall be divided by  
6 a municipal boundary.

7  
8 (5) **Double frontage lots.** Double frontage, and reverse frontage lots, shall be  
9 avoided except where essential to provide separation of residential  
10 development from traffic arteries or to overcome specific disadvantages of  
11 topography and orientation. A planting screen easement of at least twenty (20)  
12 feet, and across which there shall be no right of vehicular access, shall be  
13 provided along the line of lots abutting such traffic artery or other  
14 inharmonious use.

15  
16 (6) **Block lengths.** Block lengths shall not exceed fourteen hundred (1400) feet  
17 or be less than three hundred (300) feet, as measured between center lines of  
18 bounding streets. See section 36-19(16) for streets ending in culs-de-sac.

19  
20 **Sec. 36-19. Streets.**

21  
22 The arrangement, character, extent, width, grade and location of all streets  
23 shall conform to the comprehensive plan now in existence or as may hereafter be  
24 adopted, and shall be considered in their relation to existing and planned streets, to  
25 topographical conditions, to public convenience and safety, and in their appropriate  
26 relation to the proposed uses of the land to be served by such streets.

27  
28 Where such is not shown in the comprehensive plan now in existence or as  
29 may be hereafter adopted, the arrangement of streets in a subdivision shall either:  
30 (a) Provide for the continuation or appropriate projection of existing major streets  
31 in surrounding areas, or (b) conform to a plan for the neighborhood or be aligned  
32 to meet a particular situation where topographical or other conditions make  
33 continuance or conformance to existing streets impracticable.

34  
35 All streets to be established within a subdivision shall meet the following  
36 minimum design standards:

37  
38 \* \* \*

39  
40 (5) **Minimum street design specifications.** All streets to be established in a  
41 subdivision shall be designed in accordance with the following minimum  
42 specifications:

43

	<i>Collector Street</i>	<i>Local Street</i>	<i>Marginal Access</i>
<i>Minimum right-of-way</i>	80 ft.	60 ft.	40 ft.
<i>Percent grade of roadway center line (minimum):</i>	0.30%	0.30%	0.30%

*Geometric design shall comply with the latest AASHTO requirements, or as specified in zoning district standards.*

\* \* \*

#### ARTICLE IV. REQUIRED IMPROVEMENTS

\* \* \*

##### **Sec. 36-29. - Sidewalks.**

A system of sidewalks shall be provided by the subdivider to provide for safe movement of pedestrians separate from motor vehicle traffic. Except as provided below, sidewalks shall be provided along both sides of all streets, and along all streets where adjacent land is zoned or otherwise designated to be used for multiple-family dwelling purposes or for mixed-use, commercial, and/or office purposes. As an alternative, and as approved by the village council, sidewalks in residential areas may be provided within common open areas.

Sidewalks shall be constructed per standards established by chapter [24], village Code.

Section 9. The Village Council hereby amends Appendix C (Chapter 45), “Zoning,” of the Village Code of Ordinances by amending Section 45-2, “Definitions,” of Article I, “In General,” to read as follows (additional language is underlined and deleted language is ~~stricken through~~):

##### **Sec. 45-2. Definitions.**

For the purpose of this code ordinance, certain words and terms are defined as follows:

*Dwelling unit* is a single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. For purposes of computing residential density in commercial zoning districts that allow mixed uses, a dwelling unit that contains only one bedroom, or no separate bedroom, will be counted as one-half a dwelling unit.

*Liner building* means a separate building along a street or other public space that hides parking or blank walls from view.

*Medical or dental office or clinic* means a facility providing health care services to the public by physicians, dentists, chiropractors, osteopaths, physical therapists, nurses, acupuncturists, podiatrists, optometrists, psychiatrists, veterinarians, or others who are duly licensed to practice their respective medical or dental profession in the State of Florida, as well as those technicians and assistants who are acting under the supervision and control of a licensed health care practitioner. These uses shall not include establishments where patients are lodged overnight and are subject to additional regulations regarding the dispensing of

1 controlled substances set forth in section 45-36.S of this chapter. Notwithstanding  
2 the foregoing, accessory uses for veterinary clinics include day and overnight  
3 boarding for patients and outside runs and exercise areas for dogs.

4  
5 Mixed-use commercial means a development pattern where complementary  
6 uses of land are located within walking distances. Complementary uses may include  
7 combination of retail commercial; and non-retail commercial such as offices;  
8 lodging uses; civic and education uses; and dwellings other than one-family  
9 detached dwellings. businesses where non-retail tenants comprise fifty (50) percent  
10 or more of the gross floor area. Any combination of retail and non-retail businesses  
11 where the retail component comprises fifty (50) percent or more of the gross floor  
12 area shall be classified as a retail commercial facility.

13  
14 Use group means any of the four groups of allowable uses that certain zoning  
15 districts employ to define uses that are permitted by right, permitted by special  
16 exception only, or are not permitted in that zoning district. The four groups are  
17 Residential Uses, Lodging Uses, Business Uses, and Civic & Education Uses. The  
18 following terms are used in these use groups:

19  
20 RESIDENTIAL USE-GROUP DEFINITIONS:

21  
22 Mobile home park is defined earlier in section 45-2.

23  
24 Dwelling, one family detached (single-family dwelling) is a building  
25 containing one dwelling unit that is not attached to any other dwelling by any  
26 means (see definition of dwelling and dwelling unit earlier in section 45-2).

27  
28 Dwelling, all other dwelling types (see definition of dwelling and  
29 dwelling unit earlier in section 45-2).

30  
31 Live/work unit is a single dwelling unit in a detached building, or in a  
32 multifamily or mixed-use building, that also accommodates permitted  
33 commercial uses within the dwelling unit.

34  
35 Assisted living facility is defined earlier in section 45-2.

36  
37 Community Residential Home is defined earlier in section 45-2.

38  
39 LODGING USE-GROUP DEFINITIONS:

40  
41 Bed and breakfast establishment is a dwelling unit or guest rooms  
42 personally and physically operated and occupied by an owner or manager  
43 where transient guests are permitted to reside and are provided breakfast in  
44 exchange for payment.

45  
46 Hotel is a facility offering transient lodging accommodation to the  
47 general public and which may include additional facilities and services such  
48 as restaurants, meeting rooms, entertainment, personal services, and  
49 recreational facilities.

1 Motel is defined earlier in section 45-2.

2  
3 Time-share unit is defined earlier in section 45-2.

4  
5 BUSINESS USE-GROUP DEFINITIONS:

6  
7 Offices, general is a room or group of rooms used to conduct the affairs  
8 of a business, profession, service, or government and generally furnished with  
9 desks tables, files, and communication equipment. A medical or dental office  
10 or clinic is not considered 'Offices, general' for purposes of this code.

11  
12 Office or clinic, medical or dental (see definition of medical or dental  
13 office or clinic earlier in section 45-2; also see additional regulations in  
14 subsections 45-36.S and 45-36.T).

15  
16 Stores & services, general means establishments that sell food or  
17 merchandise or provide personal or professional services, including but not  
18 limited to the following uses that are defined earlier in section 45-2: drug  
19 store; non-retail commercial; office or clinic, medical or dental; personal care;  
20 pharmacy; and retail commercial. The following uses are not considered  
21 'Stores & services, general' for purposes of this code:

- 22
- 23 • Stores & services, large format
  - 24 • Adult entertainment
  - 25 • Contractor and trade operation
  - 26 • Convenience store with fuel
  - 27 • Dog daycare
  - 28 • Drive-through facility (for any use)
  - 29 • Garage, parking
  - 30 • Heavy commercial and light industrial
  - 31 • Limited access self-storage facilities
  - 32 • Medical marijuana treatment center
  - 33 • Medical marijuana treatment center dispensing facility
  - 34 • Restaurant or cocktail lounge
  - 35 • Telecommunications antenna
  - 36 • Vehicle sales or repair

37  
38 Stores & services, large format has the same meaning as 'Stores &  
39 services, general' as defined by this code, except that the establishment  
40 contains over 50,000 square feet of enclosed floor area.

41  
42 Adult Entertainment is defined earlier in section 45-2.

43  
44 Brewery with offsite distribution is an establishment primarily engaged  
45 in the production and distribution of beer, ale or other malt beverages, and  
46 which may include accessory uses such as tours of the brewery, retail sales,  
47 and/or on-site consumption, e.g., a "taproom."

1 Contractor and trade operation is an establishment that is primarily  
2 engaged in providing an off-site service but which maintains a business office  
3 and inventory or equipment at a central location, such as a general contractor  
4 or subcontractor, pest control operator, caterer, surveyor, etc.

5  
6 Convenience store with fuel is an establishment that provide limited  
7 services primarily to the motoring public such as fuel sales, car washing, or  
8 car detailing, and that may also sell merchandise including food and  
9 beverages.

10  
11 Dog daycare is an establishment providing daytime care and training  
12 for domestic dogs and other pets.

13  
14 Drive-through facility is any establishment that provides physical  
15 facilities which allow its customers to obtain food or goods, receive services,  
16 or be entertained while remaining in their vehicles.

17  
18 Garage, Parking. A building or structure or portion thereof used  
19 exclusively for the storage or parking of automobiles. Service other than  
20 storage shall be limited to refueling, lubrication, and detailing.

21  
22 Heavy commercial and light industrial is any commercial or industrial  
23 use that the Village of North Palm allows only in the C-G and I-1 zoning  
24 districts or does not allow in any zoning district, including but not limited to:

- 25 • Contractor and trade operation
- 26 • Junkyard
- 27 • Kennel (commercial)
- 28 • Limited access self-storage facility
- 29 • Light manufacturing
- 30 • Vehicle sales or repair
- 31 • Warehouse

32  
33  
34 Limited access self-storage facility is an enclosed structure primarily for  
35 indoor storage.

36  
37 Medical marijuana treatment center is defined earlier in section 45-2.

38  
39 Medical marijuana treatment center dispensing facility is defined in in  
40 section 45-38 and prohibited in section 45-39.

41  
42 Restaurant or cocktail lounge is an establishment where food and drink  
43 are prepared, served, and consumed mostly within the principal building;  
44 outdoor seating is subject to separate provisions in this code. A brewpub or  
45 brewery taproom shall be considered a restaurant or lounge provided that  
46 there is no offsite distribution or wholesaling.

1                    Telecommunications antenna include antenna towers (see definition of  
2 antenna and antenna tower earlier in section 45-2).

3  
4                    Vehicle sales or repair includes any establishment that repairs or  
5 displays and sells new or used motor vehicles including automobiles,  
6 motorcycles, golf carts, trucks, watercraft, recreational vehicles, and trailers.

7  
8                    CIVIC & EDUCATION USE-GROUP DEFINITIONS:

9  
10                    Child care facility is defined earlier in section 45-2.

11  
12                    Church or place of worship means a premises or structure used  
13 primarily or exclusively for religious worship and related religious services  
14 on a permanent basis by a tax-exempt religious group, sect, or denomination  
15 registered as a not-for-profit organization pursuant to Section 501(C)(3) of  
16 the United States Internal Revenue Code, as amended. A church or place of  
17 worship may include retreat site camp, convent, seminary or similar facilities  
18 operated for religious activities.

19  
20                    Civic space is a small outdoor space that serves as a focal point for civic  
21 and recreational uses. Civic spaces are typically constructed by landowners  
22 when they build on adjoining property.

23  
24                    Family day care is defined earlier in section 45-2.

25  
26                    Government buildings are provided by village, state, regional, or federal  
27 agencies to carry out public purposes.

28  
29                    Hospital or medical center means a facility which provides primary,  
30 secondary, or tertiary medical care, emergency medical services, including  
31 preventative medicine, diagnostic medicine, treatment and rehabilitative  
32 service, medical training programs, medical research, and may include  
33 association with medical schools or medical institutions.

34  
35                    Public space is an outdoor space that is maintained by a government,  
36 private or nonprofit entity as a civic amenity for the general public. Public  
37 spaces include, but are not limited to, plazas, parks, playgrounds and water  
38 accesses.

39  
40                    School, public or private means an institution of learning which conducts  
41 regular classes and courses of study required for accreditation as an elementary or  
42 secondary school by the State Department of Education of Florida.

43  
44 Section 10.    The Village Council hereby amends Appendix C (Chapter 45), “Zoning,” of the  
45 Village Code of Ordinances by amending Section 45-4, “Conflict of provisions,” of Article I, “In  
46 General,” to read as follows (additional language is underlined and deleted language is ~~stricken~~  
47 ~~through~~):  
48  
49

1           **Sec. 45-4. Conflict of provisions.**

- 2
- 3           (1) It is not intended by this ordinance to interfere with or abrogate or annul
- 4           any easements, covenants or other agreements between parties.
- 5
- 6           (2) That where ~~this~~ village codes and ordinances imposes a greater
- 7           restriction upon the use of buildings or premises, or upon the height of
- 8           buildings, or requires larger open spaces than are imposed or required
- 9           by other ~~ordinances~~, rules, regulations, ~~or by~~ easements, covenants, or
- 10          agreements, the provisions of ~~this~~ village codes and ordinances shall
- 11          control.
- 12

13 Section 11. The Village Council hereby amends Appendix C (Chapter 45), “Zoning,” of the

14 Village Code of Ordinances by amending Section 45-16, “Division of village into districts;

15 districts enumerated,” of Article II, “Generally,” to read as follows (additional language is

16 underlined and deleted language is ~~stricken through~~):

17

18           **Sec. 45-16. Division of village into districts; districts enumerated.**

19

20           In order to classify, regulate and restrict the uses of land and buildings, the

21           height and bulk of buildings, the amount of open spaces about buildings, intensity

22           of land use, the Village of North Palm Beach, Florida is divided into twelve (12)

23           zoning districts, as follows:

24

- 25           **R-1**     Single-family dwelling district
- 26
- 27           **R-2**     Multiple-family dwelling district
- 28
- 29           **R-3**     Apartment dwelling district
- 30
- 31           **C-MU** ~~US-1 mixed-use~~ ~~C-A commercial~~ district
- 32                   ~~C-B Commercial~~ district
- 33                   ~~C-1A Limited commercial~~ district
- 34
- 35           **C-T**     ~~C-C~~ Transitional commercial district
- 36
- 37           **C-S**     ~~Shopping C-1 Neighborhood~~ commercial district
- 38
- 39           **C-G**     ~~General C-2 Automotive~~ commercial district
- 40
- 41           **C-3**     Regional mixed-use ~~business~~ district
- 42
- 43           **P**        Public district
- 44
- 45           **OS**     ~~C-OS~~ Conservation and open space
- 46
- 47           **I-1**     Light industrial district
- 48
- 49           **C-NB** Northlake Boulevard commercial district

1  
2 In the creation of this ordinance of the respective districts, the village council  
3 has given due and careful consideration to the peculiar suitability of each district  
4 for the particular uses and regulations applied thereto and to the densities of  
5 population, all in accordance with the comprehensive development plan of the  
6 village.

7  
8 Section 12. The Village Council hereby amends Appendix C (Chapter 45), “Zoning,” of the  
9 Village Code of Ordinances by amending Section 45-16.1, “Similar uses,” of Article II,  
10 “Generally,” to read as follows (additional language is underlined and deleted language is ~~stricken~~  
11 ~~through~~):

12  
13 **Sec. 45-16.1. - Similar uses.**

14  
15 (a) The community development director shall determine which uses proposed A  
16 use within a commercial or mixed-use zoning district have substantially the  
17 same characteristics as a use not specifically listed as a permitted use, but  
18 possessing Proposed uses with characteristics that are similar to a permitted  
19 use, but not substantially the same, may be established only upon written  
20 application to the community development director for a special use permit.

21  
22 (b) In evaluating an application for a special use permit for the establishment of  
23 a similar use, the community development director shall, in consultation with  
24 other village departments, consider the characteristics of the proposed use,  
25 including, but not limited to, size, intensity, density, operating hours,  
26 demands for public facilities, traffic impacts and business practices.

27  
28 (c) Upon review and evaluation of the application, the community development  
29 director shall present his or her recommendation to the village council for  
30 final consideration on the next available council agenda.

31  
32 (d) The village council shall conduct a public hearing on the application for  
33 special use permit and determine whether the application meets the criteria  
34 set forth in subsection (b) above. Public notice is not required for special use  
35 permit hearings. The village council shall grant or deny the application by  
36 written order.

37  
38 (e) In granting a special use permit, the village council may impose conditions  
39 necessary to ensure that the proposed use:

- 40  
41 (1) Is compatible with the existing or planned character of the neighborhood  
42 in which it would be located;  
43  
44 (2) Will not have an adverse impact upon adjacent properties; and  
45  
46 (3) Will not interfere with the use of adjacent properties.

47  
48 Such conditions may include restrictions on the size and operating hours of  
49 the proposed use.

- 1  
2 (f) If the conditions imposed by the special use permit are not met, the  
3 community development director may revoke the permit. A permit holder  
4 may appeal the revocation of a special use permit by filing an appeal, in  
5 writing, to the ~~Zoning Board of Adjustment~~ Planning Commission within  
6 thirty (30) days of receipt of written notice of revocation.  
7

8 Section 13. The Village Council hereby amends Appendix C (Chapter 45), “Zoning,” of the  
9 Village Code of Ordinances by amending Section 45-16.2, “Special exception uses,” of Article II,  
10 “Generally,” to read as follows (additional language is underlined and deleted language is ~~stricken~~  
11 ~~through~~):  
12

13 **Sec. 45-16.2. Special exception uses.**

14 \* \* \*

15  
16  
17 (e) ***Procedure.***

- 18  
19 (1) The special exception use shall be subject to preliminary review by the  
20 community development department. Once the community  
21 development director certifies that the application is complete, the  
22 director shall forward it to the planning commission for a public hearing.  
23  
24 (2) The planning commission shall review the application and forward a  
25 recommendation of approval, approval with conditions or denial to the  
26 village council. If the special exception request was included with a site  
27 plan and appearance application, the planning commission shall forward  
28 the complete application to the village council for final decision.  
29  
30 (3) Upon receipt of ~~the~~ a recommendation of the planning commission, the  
31 village council shall conduct a public hearing and determine whether  
32 the proposed special exception use meets the requirements of this  
33 section. The village council shall approve, approve with conditions or  
34 deny the application at the close of the public hearing. The approval of  
35 a special exception use, with or without conditions, shall be in the form  
36 of a written order, resolution or ordinance.  
37  
38 (4) Upon denial of an application for special exception use approval in  
39 whole or in part, a period of one (1) year must elapse prior to the filing  
40 of a substantially similar application affecting the same property.  
41

42 \* \* \*

43  
44 Section 14. The Village Council hereby amends Appendix C (Chapter 45), “Zoning,” of the  
45 Village Code of Ordinances by amending Section 45-19, “Buildings to conform to district  
46 regulations,” of Article II, “Generally,” to read as follows (additional language is underlined and  
47 deleted language is ~~stricken through~~):  
48  
49

1                   **Sec. 45-19. Buildings and uses to conform to district regulations.**  
2

3                   Except as hereinafter provided:  
4

- 5                   A. No building shall be erected, reconstructed or structurally altered, nor  
6                   shall any building or land be used which does not comply with the  
7                   regulations for the district in which such building or land is located.  
8                   B. No building shall be erected, reconstructed or structurally altered to  
9                   exceed the height or bulk limits herein established for the district in  
10                  which such building is located.  
11  
12                  C. The minimum open spaces around a main building as provided for in  
13                  this ordinance shall not be encroached upon or be considered as open  
14                  spaces for any other building.  
15  
16                  D. There shall not be more than one (1) main building and its customary  
17                  accessory building(s) on a lot in the R-1 single-family dwelling district.  
18                  ~~as authorized by this chapter.~~  
19  
20                  E. The types, location and uses of buildings and land publicly owned and  
21                  used in the performance of a public function may be permitted in any  
22                  district, provided such type, location and use is approved by the village  
23                  council. The village council may limit the length of time of such type,  
24                  location and use.  
25

26 Section 15. The Village Council hereby amends Appendix C (Chapter 45), “Zoning,” of the  
27 Village Code of Ordinances by amending Section 45-31, “C-A Commercial District,” of Article  
28 III, “District Regulations,” as set forth in Exhibit 1 attached hereto and incorporated herein by  
29 reference (additional language is underlined and deleted language is ~~stricken through~~). All  
30 properties within the Village currently included within the C-A Commercial Zoning District as of  
31 the effective date of this Ordinance are hereby included within the CMU US-1 Mixed Use Zoning  
32 District and shall be subject to the regulations set forth in Exhibit 1.  
33

34 Section 16. The Village Council hereby amends Appendix C (Chapter 45), “Zoning,” of the  
35 Village Code of Ordinances by repealing Section 45-31.1, “C-B Commercial District,” of Article  
36 III, “District Regulations,” in its entirety.  
37

38 Section 17. The Village Council hereby amends Appendix C (Chapter 45), “Zoning,” of the  
39 Village Code of Ordinances by repealing Section 45-32, “C-1A Limited Commercial District,” of  
40 Article III, “District Regulations,” in its entirety.  
41

42 Section 18. The Village Council hereby amends Appendix C (Chapter 45), “Zoning,” of the  
43 Village Code of Ordinances by amending Section 45-32.1, “C-C Transitional Commercial  
44 District,” of Article III, “District Regulations,” as set forth in Exhibit 2 attached hereto and  
45 incorporated herein by reference (additional language is underlined and deleted language is  
46 ~~stricken through~~). All properties within the Village currently included within the C-C Commercial  
47 Zoning District as of the effective date of this Ordinance are hereby included within the C-T  
48 Transitional Commercial Zoning District and shall be subject to the regulations set forth in Exhibit  
49 2.

1 Section 19. The Village Council hereby amends Appendix C (Chapter 45), “Zoning,” of the  
2 Village Code of Ordinances by amending Section 45-33, “C-1 Neighborhood Commercial  
3 District,” of Article III, “District Regulations,” as set forth in Exhibit 3 attached hereto and  
4 incorporated herein by reference (additional language is underlined and deleted language is  
5 ~~stricken through~~). All properties within the Village currently included within the C-1  
6 Neighborhood Commercial Zoning District as of the effective date of this Ordinance are hereby  
7 included within the C-S Shopping Commercial Zoning District and shall be subject to the  
8 regulations set forth in Exhibit 3.

9  
10 Section 20. The Village Council hereby amends Appendix C (Chapter 45), “Zoning,” of the  
11 Village Code of Ordinances by amending Section 45-34, “C-2 Commercial District,” of Article  
12 III, “District Regulations,” as set forth in Exhibit 4 attached hereto and incorporated herein by  
13 reference (additional language is underlined and deleted language is ~~stricken through~~). All  
14 properties within the Village currently included within the C-2 Commercial Zoning District as of  
15 the effective date of this Ordinance are hereby included within the C-G General Commercial  
16 Zoning District and shall be subject to the regulations set forth in Exhibit 4.

17  
18 Section 21. The Village Council hereby amends Appendix C (Chapter 45), “Zoning,” of the  
19 Village Code of Ordinances by amending Section 45-35.1, “Planned Unit Development,” of  
20 Article III, “District Regulations,” as set forth in Exhibit 5 attached hereto and incorporated herein  
21 by this reference (additional language is underlined and deleted language is ~~stricken through~~).  
22

23 Section 22. The Village Council hereby amends Appendix C (Chapter 45), “Zoning,” of the  
24 Village Code of Ordinances by amending Section 45-35.2, “C-OS Conservation and Open Space  
25 District,” of Article III, “District Regulations,” to read as follows (additional language is  
26 underlined and deleted language is ~~stricken through~~):  
27

28 **Sec. 45-35.2. C-OS conservation and open space district.**

- 29  
30 A. *Intent.* The intent of this section is to provide for land uses and activities  
31 within land areas designated for the primary purpose of conserving or  
32 protecting natural resources of environmental quality.  
33  
34 B. *Uses permitted.* Within any part of the C-OS conservation and open space  
35 district, no building, structure, land or water shall be used, except for one or  
36 more of the following uses:  
37  
38 1. Passive recreation.  
39 2. Flood control.  
40 3. Protection of quality or quantity of ground water or surface water.  
41 4. Floodplain management.  
42 5. Fisheries management.  
43 6. Protection of vegetative community or wildlife habitats.  
44 7. Residential and administrative buildings for the protection of the C-OS  
45 district.  
46 8. Single-family dwellings with accessory buildings customarily incident  
47 thereto.  
48



1 residential accessway to an off-street parking or other vehicular use area  
2 shall be twenty (20) feet for two-way vehicular movement and ten (10)  
3 feet for one-way vehicular movement, measured at the narrowest point.  
4 For commercial uses, two-way accessways shall be twenty-four (24)  
5 feet and may be wider only on county and state roads, subject to  
6 approval by county and state transportation officials.

7  
8 (i) No more than one (1) two-way accessway shall be permitted for  
9 any street frontage up to one hundred (100) lineal feet or no more  
10 than two (2) one-way accessways shall be permitted for any street  
11 frontage up to one hundred (100) lineal feet, such standards to be  
12 applicable to any property under one (1) ownership.

13  
14 (ii) Where such ownership involves over one hundred (100) feet of  
15 street frontage, one (1) additional two-way or two (2) additional  
16 one-way drives may be permitted for each additional one hundred  
17 (100) feet of frontage or major fraction thereof, except where  
18 restricted by other provisions of this code or by county and state  
19 transportation regulations.

20  
21 b. Such off-street parking area is designed with appropriate vehicular  
22 maneuvering areas. Each required parking space shall measure at least  
23 9 feet by 18 feet.

24  
25 c. Such off-street parking area is paved with an asphaltic or concrete  
26 surfacing, or other material designed to prevent dust.

27  
28 d. Such off-street parking area is so constructed, graded and surfaced as to  
29 prevent surface water from draining onto public right-of-way, or on  
30 adjoining properties, the outlets for such surface waters to be connected  
31 directly or indirectly to storm sewer conduits terminating in existing  
32 publicly controlled waterways or in other seepage areas approved by the  
33 building department.

34  
35 e. Such off-street parking areas shall be used for vehicular traffic only,  
36 with no sales, dead storage, repair work, dismantling or servicing of any  
37 kind unless expressly permitted by the zoning of the district in question.

38  
39 f. If lighting of such areas is to be provided, the plans therefor shall be  
40 such that such lighting shall reflect away from any public street and at  
41 such an angle as to prevent glare or undue illumination of residential  
42 properties in the neighborhood.

43  
44 g. Parking lots shall be landscaped as provided in the landscaping  
45 regulations in Article VIII (section 45-81 et seq.).

46  
47 h. Parking lots shall be designed and improved to facilitate loading and  
48 unloading. There shall be adequate space for standing, loading and

1 unloading services to avoid undue interference with public use of streets  
2 or alleys.

3  
4 \* \* \*

5  
6 M. *Building height regulations.*

- 7  
8 (1) Within the area of the Village of North Palm Beach which lies north of the  
9 Intracoastal Waterway and west of U.S. Highway No. 1, no building or  
10 structure shall exceed sixteen (16) stories or one hundred sixty (160) feet.  
11  
12 (2) Within the area of the Village of North Palm Beach which lies north of the  
13 Intracoastal Waterway and east of U.S. Highway No. 1, no building or  
14 structure shall exceed twenty-two (22) stories or two hundred twenty (220)  
15 feet.  
16  
17 (3) Within the area of the Village of North Palm Beach which lies south of the  
18 Intracoastal Waterway and east of U.S. Highway No. 1, no building or  
19 structure shall exceed four (4) stories or forty (40) feet, except in the C-MU  
20 zoning district where the height limits are defined in section 45-31.  
21  
22 (4) Within the area of the Village of North Palm Beach which lies south and west  
23 of the Intracoastal Waterway and west of U.S. Highway No. 1, no building or  
24 structure shall exceed four (4) stories or forty (40) feet, except in the C-MU  
25 and C-3 zoning districts where the height limits are defined in sections 45-31  
26 and 45-34.1.

27  
28 \* \* \*

29  
30 Q. *Outdoor seating.*

- 31  
32 (1) *Applicability.* Outdoor seating shall be permitted as an accessory use to a  
33 building in which a food service establishment is operated, provided that:  
34  
35 a. The outdoor seating area is adjacent to that portion of the food service  
36 establishment which is inside the building.  
37  
38 b. The outdoor seating is located on property which is either owned or  
39 leased by the adjacent food service establishment or the landlord of such  
40 food service establishment. (See exceptions in subsection (6).)  
41  
42 c. The outdoor seating can be accommodated without impeding the access  
43 of the general public, including persons with disabilities, to the portion  
44 of the food service establishment which is located inside the building,  
45 or to any other commercial business or other use.  
46  
47 d. The outdoor seating can be accommodated without creating a need for  
48 additional parking spaces which could not be provided on the same site  
49 as the building for which the outdoor seating would be an accessory use

1 or would create a non-conforming status for existing parking provided  
2 for such building. (See exceptions in subsection (6).)

3  
4 e. No outdoor seating shall be permitted for adult entertainment  
5 establishments.

6  
7 (2) *Permitting process.* An applicant for approval of outdoor seating shall  
8 include the proposed outdoor seating as part of an overall application for a  
9 building permit and/or site plan and appearance approval certificate of  
10 ~~appropriateness~~ or shall seek amendment of an existing building permit  
11 and/or site plan and appearance approval certificate of  
12 ~~appropriateness~~ to allow for outdoor seating, pursuant to the applicable provisions of this Code.  
13 Every application involving outdoor seating shall include the following, in  
14 addition to and not in place of anything else which may otherwise be required  
15 by any other provision of this Code:

16  
17 a. A site plan, drawn to scale, which shows at least the building for which  
18 outdoor seating will be an accessory use; the location of the food service  
19 establishment which will use the outdoor seating; the location of the  
20 outdoor seating and all related fencing screening, or dividing materials;  
21 the location of any sidewalks or other pedestrian walkways or  
22 passageways which are adjacent to or will be affected by the outdoor  
23 seating; and the location of all existing or additional parking for such  
24 building.

25  
26 b. A copy of the written consent of any person or business who other than  
27 the applicant owns or leases any property, including any sidewalk or  
28 other public passageway, upon [which] the outdoor seating would be  
29 located.

30  
31 c. Photographs, renderings, or samples showing the style and color of all  
32 furnishings, fencing, screening, or dividing material to be used for or in  
33 conjunction with the outdoor seating.

34  
35 (3) *Conditions of outdoor seating.* Outdoor seating shall comply at all times with  
36 the following conditions:

37  
38 a. Outdoor seating shall be arranged, when in use, in a manner that allows  
39 a pedestrian walkway in compliance with applicable accessibility,  
40 ~~building, codes~~ and fire codes.

41  
42 b. Outdoor seating located on a pedestrian walkway which provides access  
43 to more than one (1) occupant of a building, as in a shopping center,  
44 shall be arranged, when in use, in a manner that maintains a passage of  
45 not less than five (5) feet in width.

46  
47 c. Outdoor seating of an applicant shall not be located on any sidewalk,  
48 passageway, or other property adjacent to any other business.

- 1 d. Outdoor seating shall not occupy any area designated for parking. (See  
2 exceptions in subsection (6).)  
3  
4 e. Outdoor seating which is used for the service and sale of food or  
5 beverages of any kind within the outdoor seating area, shall be  
6 physically separated and visually distinct from any immediately  
7 adjacent public passageway or walkway by means of approved fencing  
8 or screening material which is not less than two (2) feet in height, by  
9 means of one (1) or more planter boxes and other plant container, by  
10 means of some other approved divider, or any combination of such  
11 means, but not including tables, chairs or other seating.  
12  
13 f. Outdoor seating areas may only contain tables, chairs, umbrellas and/or  
14 awnings and required fencing or screening materials. All such  
15 equipment shall be compatible in color and style with the exterior of the  
16 building and shall not contain or have affixed to it any sign, lettering or  
17 advertising of any kind.  
18  
19 g. Outdoor seating shall be maintained in a secure manner, whenever the  
20 food service establishment is closed to the public.  
21  
22 h. Establishments with outdoor seating with food and beverage service  
23 shall meet all health code and other applicable code requirements of  
24 restaurants.  
25  
26 i. Any permanent or temporary structures associated with outdoor seating,  
27 including, but not limited to, awnings and covered roofs shall not  
28 encroach into the required building setback areas. Tables, chairs,  
29 umbrellas, fencing, screening and dividing materials shall not be located  
30 closer to the property line than two-thirds (2/3) of the required front,  
31 side or rear building setback. (See exceptions in subsection (6).)  
32

33 (4) *Limitations on use.* Except for outdoor seating located in an inner court:  
34

- 35 a. All sales and service of food and beverages in an outdoor seating area  
36 are prohibited between the hours of 10:30 p.m. and 7:00 a.m., Sunday  
37 through Thursday, and between the hours of 11:00 p.m. and 7:00 a.m.,  
38 Friday through Saturday.  
39  
40 b. Outdoor seating areas shall be in compliance with the village's noise  
41 regulations.  
42

43 (5) *General requirements.* Outdoor seating which increases the total number of  
44 seats available at a food service establishment shall be considered an  
45 expansion of use. Such outdoor seating shall be included in any calculation of  
46 the total number of seats provided by the food service establishment but not  
47 limited to parking, restroom facilities and business taxes.  
48





1 ~~plans, specifications, application blank and other papers pertaining to the~~  
2 ~~application, to the planning commission.~~ Any such application, except by the  
3 village manager, a governmental agency, must be accompanied by the filing  
4 fee established in the master fee schedule adopted annually as part of the  
5 village budget together with a deposit of the estimated cost of the village  
6 processing the application. Upon the village determining the actual costs,  
7 applicants shall pay the balance, if any, in full of such costs including  
8 advertising prior to final consideration of the application. If the deposit  
9 exceeds actual costs, the balance shall be refunded to applicant.

- 10  
11 (2) All applications ~~to the planning commission~~ concerning rezoning shall be  
12 upon forms to be supplied by the community development department.  
13  
14 (3) Whenever, after review, investigation and hearing, any application for a  
15 change of district classification has been denied, an application for a like  
16 change cannot be reinstated for a period of at least one (1) year after said  
17 denial.  
18  
19 (4) Public notice of all hearings shall be provided as required by section 21-3 of  
20 the village Code.  
21

22 **Sec. 45-50. ~~Application for Variances.~~**

- 23  
24 (1) All applications for variances to regulations or restrictions established by this  
25 ordinance shall be ~~done~~ initiated by application to ~~the board of adjustment of~~  
26 the village. The application ~~to the board of adjustment~~ may be made by any  
27 property owner or tenant or by a governmental office, department, board or  
28 bureau. ~~Such applications shall be and~~ filed with the community development  
29 department. ~~director of the village, who shall transmit the same, together with~~  
30 ~~all the plans, specifications, application blank and other papers pertaining to~~  
31 ~~the application, to the board of adjustment.~~ Any such application, except by a  
32 governmental agency, must be accompanied by the filing fee established in  
33 the master fee schedule adopted annually as part of the village budget.  
34  
35 (2) All applications ~~to the board of adjustment~~ concerning variances shall be upon  
36 forms to be supplied by the community development department.  
37  
38 (3) Criteria for decisions on variance applications are provided in section 21-21  
39 of the village code.  
40  
41 (4) ~~(3)~~ Public notice of all hearings shall be provided as required by section 21-3  
42 of the village code.  
43

44 **Sec. 45-51. Waivers.**

- 45  
46 (1) In the C-MU and C-NB zoning districts, waivers may be requested from  
47 certain regulations in this code. An applicant requesting a waiver shall  
48 demonstrate that the waiver provides a public benefit, including, by way of  
49 example, high-quality architectural design, pedestrian amenities, not cost

1 dedication of rights-of-way, construction of public parking, public art or other  
2 improvements adjacent to the property, preservation of environmentally-  
3 sensitive lands, provision of public parks and/or open spaces, or mixed uses  
4 which reduce impacts on village services.

5  
6 (2) An application for such waiver may be made by any property owner or tenant  
7 or by a governmental office, department, board or bureau. Such applications  
8 shall be filed with the community development director of the village, using  
9 forms supplied by the director, who shall transmit the same, together with all  
10 the plans, specifications, application materials, and other papers pertaining to  
11 the application, to the planning commission. The applicant shall identify each  
12 waiver request in writing as part of the application, fully explaining the nature  
13 of the request, the extent to which it departs from a standard zoning  
14 regulation, and the basis for which it is sought.

15  
16 (3) The planning commission will hold a public hearing in conjunction with the  
17 site plan and appearance review hearing for the subject property (see sections  
18 6-30–6-60). When evaluating waiver requests, the planning commission will  
19 consider the following factors and any additional criteria set forth in the  
20 relevant zoning district:

- 21  
22 a. The extent to which the alternate standard proposed by the applicant  
23 differs from the code’s standard that would be waived;  
24  
25 b. Whether the granting of the waiver will lead to innovative design in  
26 which other minimum standards are exceeded;  
27  
28 c. Whether the request clearly demonstrates the public benefits to be  
29 derived;  
30  
31 d. Whether the request furthers the goals of the village master plan, and  
32 exemplifies the architectural, building, and site design techniques  
33 desired within the Village’s Appearance Plan;  
34  
35 e. Whether the requested waiver can be granted in the zoning district;  
36  
37 f. Any unusual circumstances regarding the property or immediate area,  
38 including the location of power lines, specimen trees, or shade trees;  
39  
40 g. The effect of approving or denying the waiver on the development  
41 project and on the surrounding area;  
42  
43 h. Consistency with the comprehensive plan;  
44  
45 i. Recommendations of village staff;  
46  
47 j. Testimony from the applicant; and  
48  
49 h. Testimony from the public.

1           (4) At the end of the public hearing, the planning commission will make a  
2 decision on each requested waiver. Approval is contingent on the planning  
3 commission making these findings and any additional findings set forth in the  
4 relevant zoning district:

5  
6           a. The alternate standard proposed by the applicant is acceptable for the  
7 specific site and building;

8  
9           b. The proposed waiver does not detract from the design principles  
10 supporting these zoning districts and the broader intent of this code;

11  
12           c. The proposed waiver will not be injurious to surrounding properties or  
13 nearby neighborhoods; and

14  
15           d. The proposed waiver is not inconsistent with the Comprehensive Plan.

16  
17       (5) The planning commission’s action on waivers will be considered a  
18 recommendation to the village council instead of a decision if a special  
19 exception was requested along with one or more waivers, or if a waiver was  
20 requested for an extra story pursuant to 45-31.E.4, or if the concurrent site  
21 plan and appearance decision is appealed in accordance with section 6-35.  
22 The village council will make a decision on such waivers at the same time  
23 that a decision is made on all other aspects of the application.

24  
25       (6) The applicant or any interested party may file an appeal to the village council  
26 on any decision on waivers. Such an appeal will also function as an appeal of  
27 the site plan and appearance application. The appeal shall be filed or made  
28 within ten (10) days after decision of the planning commission on forms  
29 provided by the village. Appeals shall set forth the alleged inconsistency or  
30 nonconformity with procedures, criteria, or standards set forth in this code.  
31 The village council shall decide an appeal within thirty (30) days of the filing  
32 of such appeal unless an extension of time is consented to by the applicant,  
33 and such filing shall suspend any building permit issued pursuant to the ruling  
34 of the planning commission until the village council has decided the appeal.  
35 The village council may review any decision of the planning commission and  
36 their disposition of the matter shall be final.

37  
38       (7) Public notice of all waiver hearings shall be provided as required by section  
39 21-3 of this code.

40  
41 Section 27. The Village Council hereby amends Appendix C (Chapter 45), “Zoning,”  
42 of the Village Code of Ordinances by amending Article VII, “Nonconforming Uses of Land  
43 and Structures,” to read as follows (additional language is underlined and deleted language  
44 is ~~stricken through~~):

45  
46       **Sec. 45-60. Intent.**

47  
48       (1) Within the districts established by this ordinance, or amendments that may  
49 later be adopted, there exist lots, structures, uses of land and structures and

1 characteristics of use which were lawful before this ordinance was passed or  
2 amended, but which would be prohibited, regulated, or restricted under the  
3 terms of this ordinance or future amendments.  
4

- 5 (2) Except as explicitly provided in this article, it is the intent of this ordinance  
6 to permit these nonconformities to continue until they are removed, but not to  
7 encourage their continuation. Such nonconformities ~~uses~~ are declared by this  
8 ordinance to be incompatible with ~~permitted uses in~~ the district involved. It is  
9 further the intent of this ordinance that nonconformities shall not be enlarged  
10 upon, expanded or extended, nor be used as grounds for adding other  
11 structures or uses prohibited elsewhere in the same district.  
12

13 **Sec. 45-61. - Extension and enlargement of nonconforming uses.**  
14

- 15 (1) A nonconforming use of a structure, a nonconforming use of land, or a  
16 nonconforming use of structure and land shall not be extended or enlarged  
17 after passage of this ordinance by attachment on a building or premises of  
18 additional signs intended to be seen from off the premises, or by the addition  
19 of other uses of a nature which would be prohibited generally in the district  
20 involved. If an existing use was legally permitted on its site prior to changes  
21 in the C-MU, C-3, or C-NB zoning districts in 2020 but is not listed as a  
22 permitted use in the new district, that existing use will continue to be deemed  
23 a permitted use and will not be subject to the restrictions in this paragraph.  
24
- 25 (2) To avoid undue hardship, nothing in this ordinance shall be deemed to require  
26 a change in the plans, construction, or designated use of any building on  
27 which actual construction was lawfully begun prior to the effective date of  
28 adoption or amendment of this ordinance and upon which actual building  
29 construction has been diligently carried on. Actual construction is hereby  
30 defined to include the placing of construction materials in permanent position  
31 and fastened in a permanent manner. Except that where demolition or removal  
32 of an existing building has been substantially begun preparatory to rebuilding,  
33 such demolition or removal shall be deemed to be actual construction,  
34 provided that work shall be diligently carried on until completion of the  
35 building involved.  
36

37 **Sec. 45-62. Nonconforming lots of record.**  
38

- 39 (1) In any district in which single-family dwellings are permitted,  
40 notwithstanding limitations imposed by other provisions of this ordinance, a  
41 single-family dwelling and customary accessory buildings may be erected on  
42 any single lot of record at the effective date of adoption or amendment of this  
43 ordinance. Such lot must be in separate ownership and not of continuous  
44 frontage with other lots in the same ownership. This provision shall apply  
45 even though such lot fails to meet the requirements for area or width, or both,  
46 that are generally applicable in the district, provided that yard dimensions and  
47 other requirements not involving area or width, or both, of the lot shall  
48 conform to the regulations for the district in which such lot is located.

1 Variance of area, width, or yard requirements shall be obtained only through  
2 action of the board of adjustment.  
3

- 4 (2) If two (2) or more lots or combinations of lots and portions of lots with  
5 continuous frontage in ~~angle~~ [single] ownership are of record at the time of  
6 passage or amendment of this ordinance, and if all or part of the lots do not  
7 meet the requirements for lot width and area as established by this ordinance,  
8 the lands involved shall be considered to be an undivided parcel for the  
9 purposes of this ordinance, and no portion of said parcel shall be used or sold  
10 which does not meet lot width and area requirements established by this  
11 ordinance, nor shall any division of the parcel be made which leaves  
12 remaining any lot with width or area below the requirements in this ordinance.  
13

14 **Sec. 45-63. Nonconforming uses of land.**  
15

16 Where, at the effective date of adoption or amendment of this ordinance,  
17 lawful use of land exists that is made no longer permissible under the terms of this  
18 ordinance as enacted or amended, and where such use involves no individual  
19 structure with a replacement cost exceeding one thousand dollars (\$1,000.00), such  
20 use may be continued, so long as it remains otherwise lawful, subject to the  
21 following provisions:  
22

- 23 (1) No such nonconforming use shall be enlarged or increased, nor extended to  
24 occupy a greater area of land than was occupied at the effective date of  
25 adoption or amendment of this ordinance; unless such use is changed to a use  
26 permitted in the district in which such use is located;  
27
- 28 (2) No such nonconforming use shall be moved in whole or in part to any other  
29 portion of the lot or parcel occupied by such use at the effective date of  
30 adoption or amendment of this ordinance;  
31
- 32 (3) If any such nonconforming use of land ceases for any reason for a period of  
33 more than ninety (90) consecutive days, any subsequent use of such land shall  
34 conform to the regulations specified by this ordinance for the district in which  
35 such land is located;  
36
- 37 (4) No additional structure which does not conform to the requirements of this  
38 ordinance shall be erected in connection with such nonconforming use of  
39 land.  
40

41 **Sec. 45-64. - Nonconforming structures.**  
42

43 Where a lawful structure exists at the effective date of adoption or amendment  
44 of this ordinance that could not be built under the terms of this ordinance by reason  
45 of restrictions on area, lot coverage, height, yards or other characteristics of the  
46 structure or its location on the lot, such structure may be continued so long as it  
47 remains otherwise lawful subject to the following provisions:

- 1 (1) No such structure may be enlarged or altered in a way which increases its  
2 nonconformity, but any structure or portion thereof may be altered to decrease  
3 its nonconformity;  
4
- 5 (2) Should such structure be destroyed by any means to an extent of more than  
6 fifty (50) percent of its replacement cost at time of destruction, as determined  
7 by the village engineer or village building official, it shall not be reconstructed  
8 except in conformity with the provisions of this ordinance;  
9
- 10 (3) Should such structure be moved for any reason for any distance whatever, it  
11 shall thereafter conform to the regulations of the district in which it is located  
12 after it is moved.  
13
- 14 (4) However, if an existing structure was legally permitted on its site prior to  
15 changes in the C-MU, C-3, or C-NB zoning districts in 2020 but could not be  
16 built under the standards in the new district, that existing structure will  
17 continue to be deemed a lawful structure and will not be subject to the  
18 restrictions in paragraphs (1) and (2). Such structure may be expanded  
19 laterally and/or vertically without complying with all new requirements for  
20 building frontages, build-to zones, and parking lot setbacks, provided the  
21 expansion brings the structure considerably closer to the 2020 requirements  
22 than the existing structure.  
23

24 **Sec. 45-65. Nonconforming uses of structures or of structures and premises in**  
25 **combination.**  
26

- 27 (1) If a lawful use involving individual structures with a replacement cost of one  
28 thousand dollars (\$1,000.00) or more, or of structure and premises in  
29 combination, exists at the effective date of adoption or amendment of this  
30 ordinance, that would not be allowed in the district under the terms of this  
31 ordinance, the lawful use may be continued so long as it remains otherwise  
32 lawful, subject to the following provisions:  
33
- 34 (a) No existing structure devoted to a use not permitted by this ordinance  
35 in the district in which it is located shall be enlarged, extended,  
36 constructed, reconstructed, moved or structurally altered except in  
37 changing the use of the structure to a use permitted in the district in  
38 which it is located;  
39
- 40 (b) Any nonconforming use may be extended throughout any parts of a  
41 building which were manifestly arranged or designed for such use at the  
42 time of adoption or amendment of this ordinance, but no such use shall  
43 be extended to occupy any land outside such building;  
44
- 45 (c) Any structure, or structure and land in combination, in or on which a  
46 nonconforming use is superseded by a permitted use, shall thereafter  
47 conform to the regulations for the district in which such structure is  
48 located, and the nonconforming use may not thereafter be resumed;  
49

1 (d) When a nonconforming use of a structure, or structure and premises in  
2 combination, is discontinued or abandoned for six (6) consecutive  
3 months or for eighteen (18) months during any three-year period (except  
4 when government action impedes access to the premises), the structure,  
5 or structure and premises in combination, shall not thereafter be used  
6 except in conformance with the regulations of the district in which it is  
7 located;

8  
9 (e) Where nonconforming use status applies to a structure and premises in  
10 combination, removal or destruction of the structure shall eliminate the  
11 nonconforming status of the land. Destruction for the purpose of this  
12 subsection is defined as damage to an extent of more than fifty (50)  
13 percent of the replacement cost at time of destruction.

14  
15 (2) However, if an existing use of a structure was legally permitted on its site  
16 prior to changes in the C-MU, C-3, or C-NB zoning districts in 2020 but is  
17 not listed as a permitted use in the new district, that existing use will continue  
18 to be deemed a permitted use and will not be subject to the restrictions in  
19 section 45-65(1).

20  
21 (3) ~~(2)~~ Nonconformities not involving the use of a principal structure, e.g., open  
22 storage, building supplies, vehicle, mobile home, implement and machinery  
23 storage, signs, billboards, junkyards, commercial animal yards and the like,  
24 shall be discontinued within two (2) years of the effective date of this  
25 ordinance or amendment.

26  
27 \* \* \*

28  
29 Section 28. The Village Council hereby amends Appendix C (Chapter 45), “Zoning,” of the  
30 Village Code of Ordinances by adopting a new Article VIII, “Landscaping,” as set forth in Exhibit  
31 7 attached hereto and incorporated herein.

32  
33 Section 29. The provisions of this Ordinance shall become and be made a part of the Code of  
34 the Village of North Palm Beach, Florida. All cross-references to the names of zoning districts  
35 are hereby updated, including but not limited to those in Sections 45-20, 45-21, and 45-36, and  
36 any other sections that referred to the prior names for the zoning districts as follows:

- 37  
38 A. All references to the C-1A, C1A, C-B or CB Zoning Districts shall be deleted.  
39  
40 B. All references to the C-A or CA Zoning District shall be changed to the C-MU Zoning  
41 District.  
42  
43 C. All references to the C-C or CC Zoning District shall be changed to the C-T Zoning  
44 District.  
45  
46 D. All references to the C-1 or C1 Zoning District shall be changed to the C-S Zoning District.  
47  
48 E. All references to the C-2 or C2 Zoning District shall be changed to the C-G zoning district.  
49

1 F. All references to the C-OS or COS zoning district shall be changed to the OS Zoning  
2 District.

3  
4 G. All references to the NBOZ Overlay Zoning District shall be changed to the C-NB Zoning  
5 District.

6  
7 Section 30. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for  
8 any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void,  
9 such holding shall not affect the remainder of this Ordinance.

10  
11 Section 31. All ordinances or parts of ordinances and resolutions or parts of resolutions in  
12 conflict herewith are hereby repealed to the extent of such conflict.

13  
14 Section 32. This Ordinance shall take effect upon the effective date of Ordinance No. 2020-05.

15  
16 PLACED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

17  
18 PLACED ON SECOND, FINAL READING AND PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_,  
19 2020.

20  
21 (Village Seal) \_\_\_\_\_  
22 MAYOR

23  
24  
25 ATTEST:  
26  
27 \_\_\_\_\_  
28 VILLAGE CLERK

29  
30  
31 APPROVED AS TO FORM AND  
32 LEGAL SUFFICIENCY:  
33  
34 \_\_\_\_\_  
35 VILLAGE ATTORNEY

## EXHIBIT 1 (C-A TO C-MU)

### 1        **Sec. 45-31. - C-MU US-1 mixed-use ~~C-A commercial~~ district.**

2        **A. *General description.*** This mixed-use district will encourage the  
3        redevelopment of the US Highway 1 corridor into a vibrant mixed-use place  
4        for businesses, visitors, and residents of North Palm Beach. A Citizens  
5        Master Plan, adopted in 2016, envisioned the US Highway 1 corridor  
6        evolving into a better working and living environment with walkable and  
7        bikeable streets, compact mixed-use buildings, and convenient access to  
8        many forms of transportation. The C-MU zoning district is a form-based  
9        code that uses clear and predictable standards to guide redevelopment into  
10       this pattern.

11       ~~This tourist commercial district is established to provide areas within which~~  
12       ~~the principal use of land is devoted to commercial establishments and~~  
13       ~~tourist-oriented trade. The intent is to reserve land which, because of~~  
14       ~~particular location and natural features, is adapted to local and tourist uses,~~  
15       ~~and to encourage the development of these locations for such uses and in~~  
16       ~~such a manner as to minimize traffic hazards and interference with other~~  
17       ~~land uses.~~

### 18       **B. *Allowable uses.***

19       **1.** Table 1 indicates allowable uses in the C-MU zoning district.

20       ~~The following uses be permitted in the C-A commercial district:~~

21       a. The uses listed in Table 1 are grouped into four use groups:  
22       Residential Uses, Lodging Uses, Business Uses, and Civic &  
23       Education Uses.

24       b. In one of the columns following each listed use, a symbol is  
25       provided to indicate that:

26       i) This use is permitted by right; or

27       ii) This use may be approved as a special exception; see  
28       section 45-16.2 for standards and procedures; or

29       iii) This use, like other uses not listed in Table 1, is not  
30       permitted in the C-MU district.

31       c. Terms in Table 1 are defined in section 45-2 under “Use  
32       Groups.”

33       d. Also refer to section 45-16.1 on uses that are similar to uses  
34       listed in Table 1.

## EXHIBIT 1 (C-A TO C-MU)

**Table 1 Allowable Uses**

	<u>PERMITTED USE</u>	<u>SPECIAL EXCEPTION</u>	<u>NOT PERMITTED</u>
<b>RESIDENTIAL USES</b>			
<u>Mobile home park</u>			●
<u>Dwelling, one family detached</u>			●
<u>Dwelling, all other dwelling types</u>	●		
<u>Live/work unit</u>	●		
<u>Assisted living facility</u>		● <sup>1</sup>	
<u>Community residential home</u>	● <sup>2</sup>		
<b>LODGING USES</b>			
<u>Bed-and-breakfast establishment</u>	●		
<u>Hotel</u>	●		
<u>Motel</u>	●		
<u>Time-share unit</u>	●		
<b>BUSINESS USES</b>			
<u>Offices, general</u>	●		
<u>Office or clinic, medical or dental</u>	●		
<u>Stores &amp; services, general</u>	●		
<u>Stores &amp; services, large format</u>		●	
<u>Adult entertainment</u>			●
<u>Convenience store with fuel</u>			●
<u>Dog daycare</u>		●	
<u>Drive-through facility (for any use)</u>		●	
<u>Garage, parking</u>	●		
<u>Heavy commercial and light industrial</u>			●
<u>Medical marijuana treatment center</u>			●
<u>Restaurant or cocktail lounge</u>	●		
<u>Brewery with offsite distribution</u>		●	
<u>Telecommunications antennas</u>		●	
<b>CIVIC &amp; EDUCATION USES</b>			
<u>Child care facility</u>		●	
<u>Church or place of assembly</u>	●		
<u>Civic space</u>	●		
<u>Family day care</u>	●		
<u>Government building</u>	●		
<u>Hospital or medical center</u>			●
<u>Public space</u>	●		
<u>School, public or private</u>		●	

- 1                    <sup>1</sup> Only as part of a mixed-use development that complies with Future Land Use Policy 1.B.3 in the Comprehensive Plan
- 2
- 3                    <sup>2</sup> Subject to the same requirements as apply in the R-2 zoning district

## EXHIBIT 1 (C-A TO C-MU)

1           2. The Comprehensive Plan establishes restrictions on certain properties  
2           through classifications in the future land use atlas or through specific  
3           policies. Current examples in the C-MU district include the following  
4           parcels, which are indicated on the regulating plan:

- 5           a. 639 US Highway 1 (assisted living facility) requires PUD  
6           approval as a mixed-use development pursuant to Future Land  
7           Use Policy 1.B.3.  
8           b. 201–230 Mariner Court (condominium) is classified “Medium-  
9           Density Residential,” which restricts it to residential uses only,  
10           with density restricted by Special Policy 5.18.  
11           c. 555 US Highway 1 (Faith Lutheran Church) is classified “Public  
12           Buildings & Grounds.”  
13           d. 501 US Highway 1 (Village Hall) and 303 Anchorage Drive  
14           (Library) are classified “Public Buildings & Grounds.”  
15           e. 560 US Highway 1 (Police Station) is classified as “Other Public  
16           Facilities.”

- 17           ~~1. Hotel, motels and time share units.~~  
18           ~~2. Restaurants and cocktail lounges where food and drink may be consumed on the premises~~  
19           ~~only and where eating and serving areas are entirely contained within the building or the~~  
20           ~~premises otherwise qualify under outdoor seating provisions of Appendix C—Zoning not~~  
21           ~~including drive in hamburger, ice cream, soft drink, or other drive in and/or carry out eating~~  
22           ~~establishments.~~  
23           ~~3. Golf clubs and their accessory uses—such as restaurant, bar cocktail lounges, driving ranges~~  
24           ~~and golf equipment stores.~~  
25           ~~4. Financial institutions.~~  
26           ~~5. Professional offices, studios and clinics.~~  
27           ~~6. Private clubs and lodges.~~  
28           ~~7. Veterinary establishments, provided that all animals shall be kept inside soundproof and air~~  
29           ~~conditioned buildings; provided there are no animal cemeteries used in connection therewith.~~  
30           ~~8. Funeral homes; provided that no process for the disposal of bodies is used in connection~~  
31           ~~therewith, including cremation.~~  
32           ~~9. Churches and/or auditoriums.~~  
33           ~~10. Personal service establishments, such as barbershops, beauty shops, health salons.~~  
34           ~~11. Utility company offices.~~  
35           ~~12. Florist shops.~~  
36           ~~13. Clothing stores.~~  
37           ~~14. Stationery stores, book stores and/or art supply shops.~~  
38           ~~15. Pharmacies or apothecaries.~~  
39           ~~16. Photographic studios and camera shops.~~  
40           ~~17. Bakery shops, where products are sold at retail only.~~  
41           ~~18. Sporting goods stores.~~  
42           ~~19. Personal gift shops.~~  
43           ~~20. Jewelry stores.~~  
44           ~~21. Marinas and their accessory uses, such as wet boat storage facilities, gasoline supplies, minor~~  
45           ~~repair facilities that are incidental to wet boat storage and do not involve large boats and/or~~  
46           ~~engine overhaul.~~

## EXHIBIT 1 (C-A TO C-MU)

### C. Regulating plan and street frontages. *Conditions for permitted uses:*

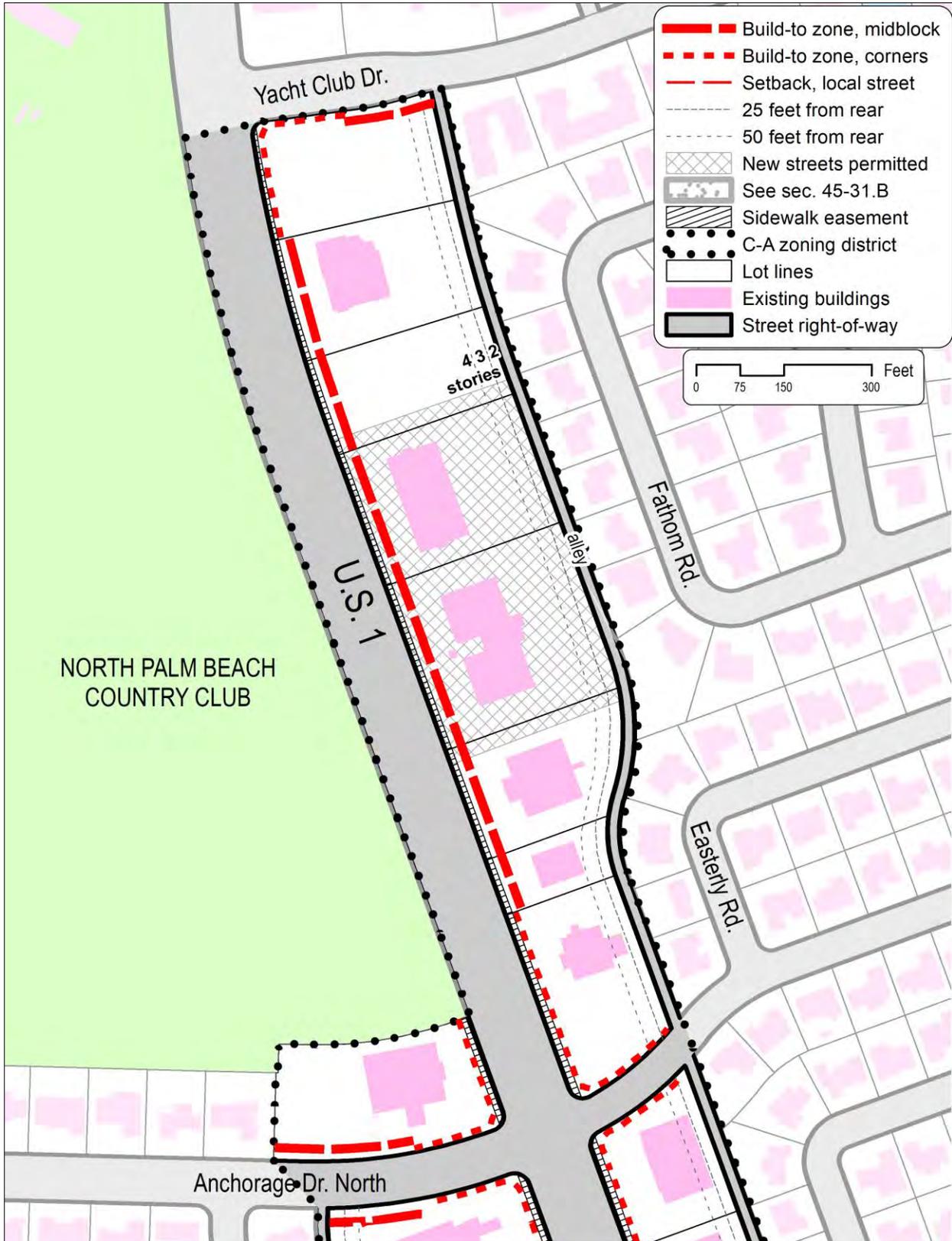
1. The C-MU zoning district includes a regulating plan that shows existing conditions (e.g. lot lines, building footprints, and rights-of-way) and then defines how and where certain regulations will apply (e.g. setbacks and height restrictions). The regulating plan for the C-MU district is presented in Figures 1 through 4.
2. The regulating plan also defines the street frontages of all lots as either corner, mid-block, or local street. These street frontage types determine allowable building frontages. The building frontage type selected by a landowner determines many of the specific regulations that will apply to redevelopment, including the build-to zone or setback along the street frontage. See subsection 45-31.D for details.
3. The remainder of the C-MU district provides standards on these subjects:
  - a. *Site and bulk standards* are provided in subsection 45-31.E, including setbacks, build-to zone, building frontage standards, building height, floor and ceiling height, density, and landscape standards.
  - b. *Architectural features* are addressed in subsection 45-31.F, including entrances, façade transparency, awnings, balconies, and bay windows.
  - c. *Street, alley, and easement standards* are provided in subsection 45-31.G.
  - d. *Parking standards* are provided in subsection 45-31.H.
  - e. *Review procedures* are provided in subsection 45-31.I.

- ~~1. All activities (except restaurants that qualify under outdoor seating provisions of Appendix C—Zoning, golf clubs, swimming pools and wet boat storage), sales and storage of goods must be conducted entirely within completely enclosed buildings with permanent nonmoving outside walls.~~
- ~~2. No outside sidewalk or parking lot storage or display of merchandise will be permitted.~~
- ~~3. No manufacturing, or production of products for retail or wholesale will be permitted except for bakeries and their related retail sales items.~~
- ~~4. All new marinas and major improvements to existing marinas shall provide sewage pump-out service to boats seven (7) meters (twenty two and ninety seven hundredths (22.97) feet) in length or more.~~

# EXHIBIT 1 (C-A TO C-MU)

1

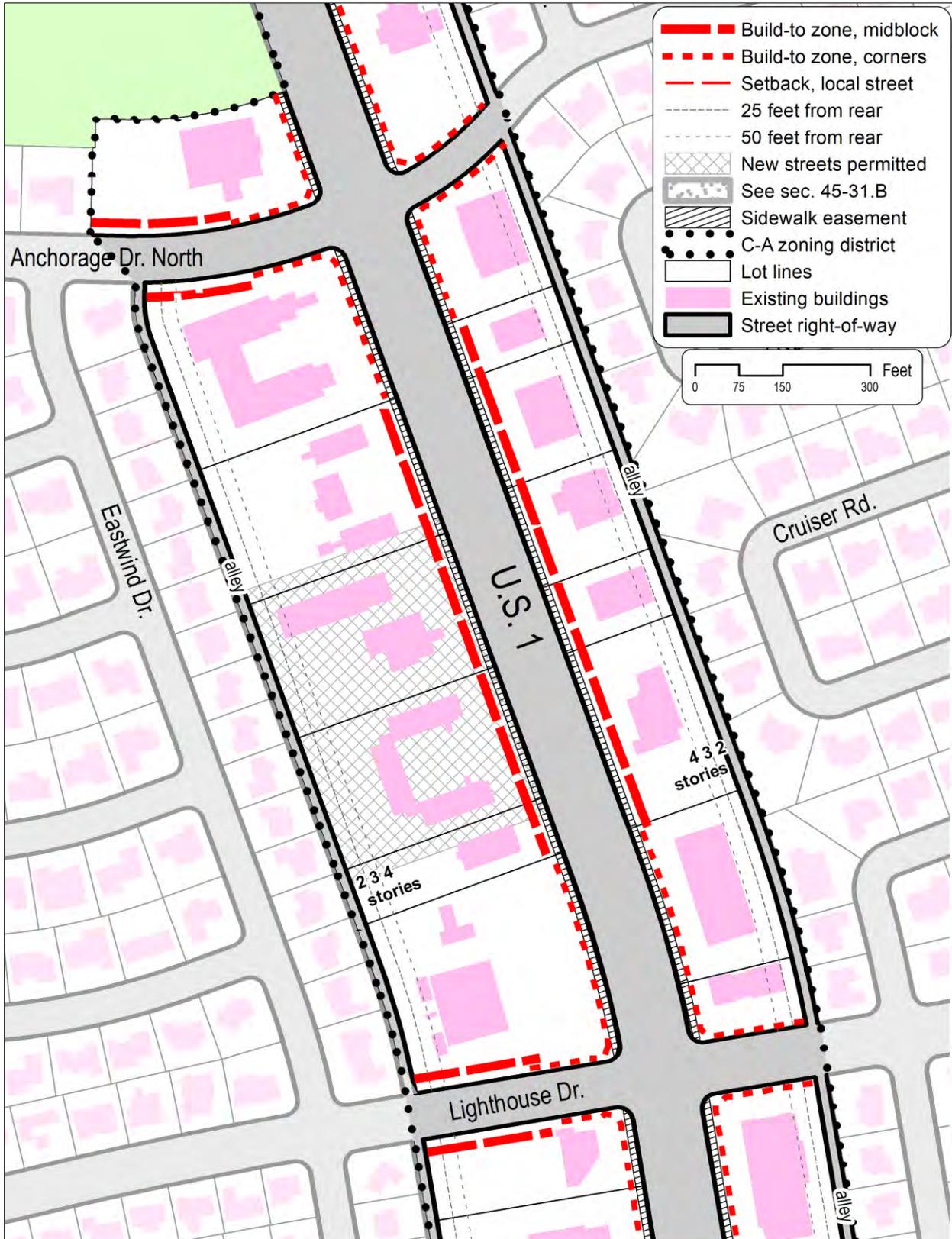
**Figure 1** Regulating Plan, Yacht Club Dr. to Anchorage Dr (north)



# EXHIBIT 1 (C-A TO C-MU)

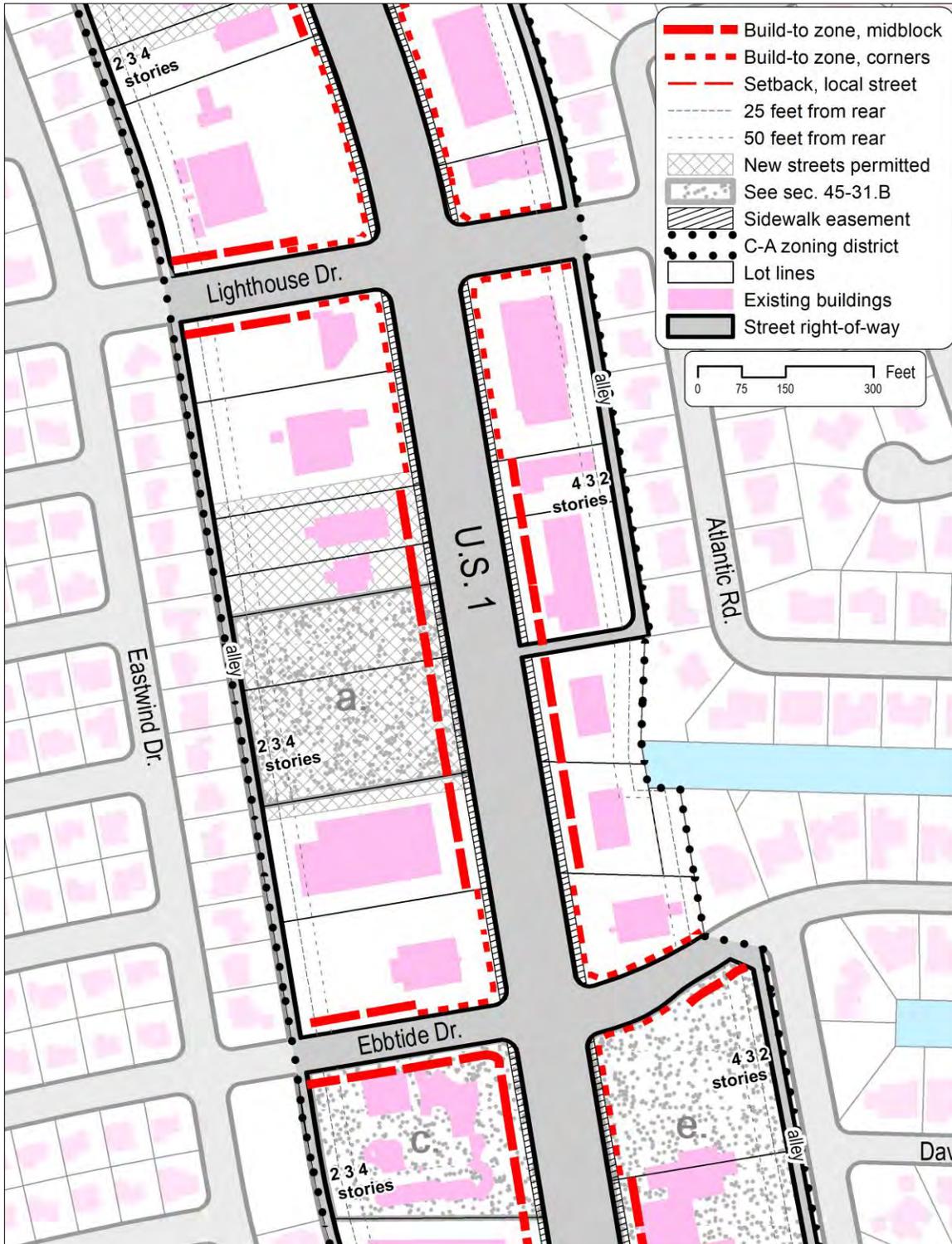
1

**Figure 2** Regulating Plan, Anchorage Dr (north) to Lighthouse Dr.



# EXHIBIT 1 (C-A TO C-MU)

**Figure 3** Regulating Plan, Lighthouse Dr. to Ebbtide Dr.

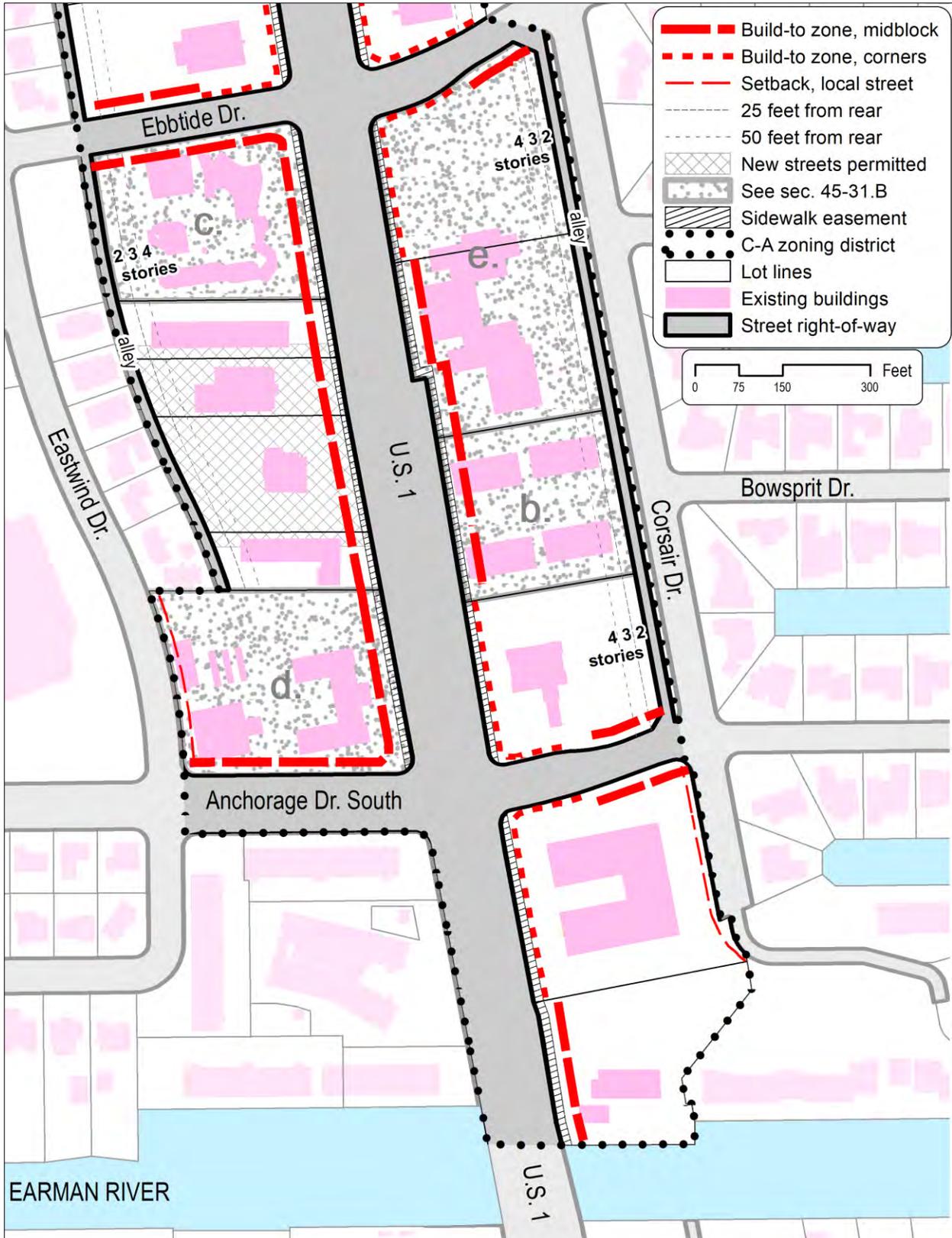


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# EXHIBIT 1 (C-A TO C-MU)

1

**Figure 4** Regulating Plan, Ebbtide Dr. to Earman River



## EXHIBIT 1 (C-A TO C-MU)

**D. Building frontage types.**

1. The allowable building frontage types for each lot are determined by the designated street frontage for that lot.
  - a. Three types of street frontages are defined on the regulating plan for existing streets: Corner, Mid-block, or Local Street.
  - b. A landowner may select any of the allowable building frontage types shown on Table 2 for the street frontage shown on the regulating plan.
    - i) For lots with two street frontages, building frontages must be selected for each street frontage.
    - ii) A landowner with enough frontage on a street to accommodate two or more permitted building frontages may designate the corresponding building frontages for that street frontage.
    - iii) Regulations for each building frontage are summarized in Table 3 through 8.
  - c. Table 2 also shows a fourth street frontage, which applies only if a landowner chooses to construct a new street between US Highway 1 and the alley in the areas designated on the regulating plan; see subsection 45-31.G for details.

**Table 2 Allowable Building Frontages For Each Street Frontage**

<b><u>Building Frontage Types</u></b>	<b><u>STREET FRONTAGE TYPES</u></b>			
	<b><u>CORNER</u></b>	<b><u>MID-BLOCK</u></b>	<b><u>LOCAL STREET</u></b>	<b><u>NEW STREET</u></b>
<u>Gallery Frontage (Table 3)</u>	●	●	○	●
<u>Storefront Frontage (Table 4)</u>	●	●	○	●
<u>Forecourt Frontage (Table 5)</u>	○	●	●	● <sup>1</sup>
<u>Stoop Frontage (Table 6)</u>	○	●	●	● <sup>1</sup>
<u>Canopy Frontage (Table 7)</u>	●	●	○	●
<u>Lobby Frontage (Table 8)</u>	○	●	●	● <sup>1</sup>

**Key:**

- Building frontage permitted: ●
- Building frontage not permitted: ○
- Building frontage permitted beyond 150' from US Highway 1 only: ●<sup>1</sup>

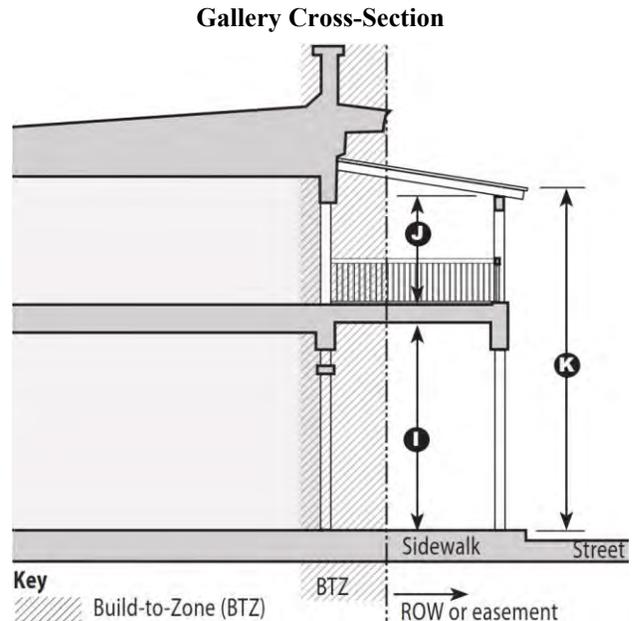
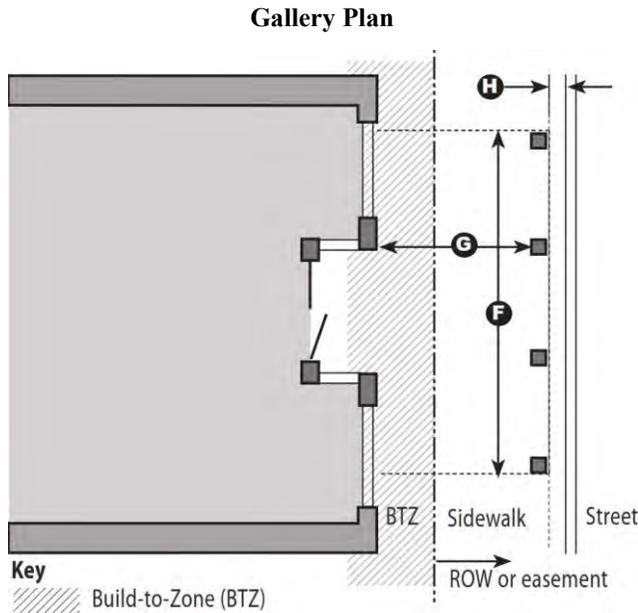
2. Tables 3 through 8 summarize the regulations for each building frontage. Regulations that do not vary by building frontage type, such as permitted uses and building heights, are described throughout section 45-31.

## EXHIBIT 1 (C-A TO C-MU)

**Table 3 Building Frontage: GALLERY**

A gallery is a roofed promenade extending along the wall of a building and supported by arches or columns on the outer side. A gallery shields space below like a canopy but provides

usable space above, either private open space or fully enclosed space. Depending on its design, a gallery can be an arcade, a colonnade, or a primarily decorative feature.



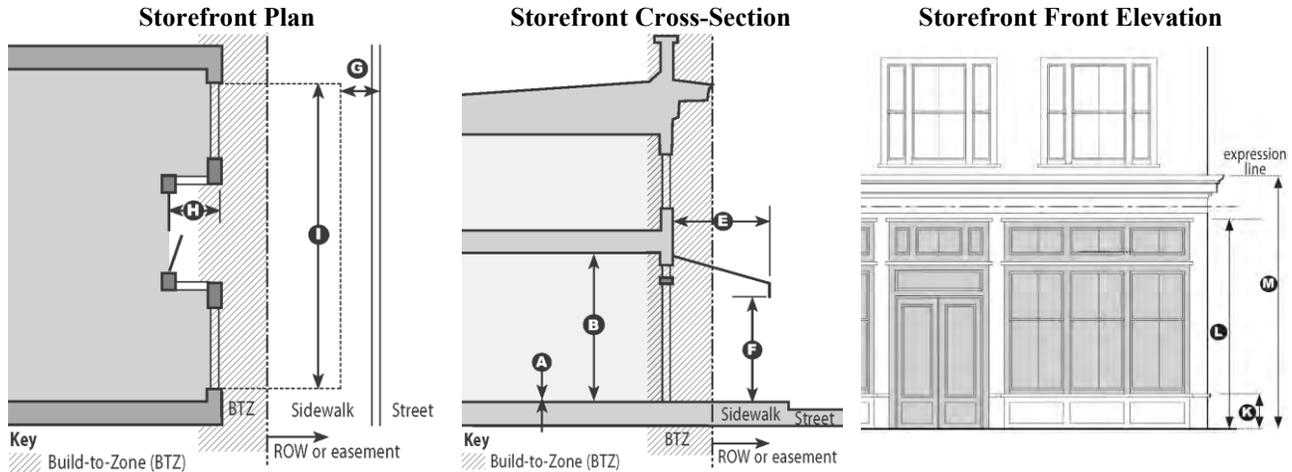
<b>Setbacks</b>	(see 45-31.E.1.a)
<b>Build-to Zone</b>	(see 45-31.E.1.b)
Build-to zone:	0 min., 10' max. <b>D, E</b>
<b>Building Frontage Standards</b>	(see 45-31.E.2)
Percentage:	70% min.
<b>Building Height</b>	(see 45-31.E.3)
<b>Floor and Ceiling Height</b>	(see 45-31.E.4)
<b>Landscape Standards</b>	(see 45-31.E.5)
<b>Streetscape Standards</b>	(see 45-31.E.6)
<b>Gallery Dimensions</b>	
Width:	10' min. <b>F</b>
Depth:	8' min. clear path for pedestrians <b>G</b>
Setback from curb:	2' min.; except 8' min. along US Highway 1 <b>H</b>
<b>Main Entrance</b>	(see 45-31.F.1)
<b>Façade Transparency</b>	(see 45-31.F.2)
Ground story:	30% min.
Upper stories:	20% min.
<b>Encroachments</b>	(see 45-31.F.3)
<b>Awnings</b>	(see 45-31.F.4)
<b>Balconies</b>	(see 45-31.F.5)
<b>Bay Windows</b>	(see 45-31.F.6)
<b>Parking Standards</b>	(see 45-31.H)
Ceiling height:	10' min. clear for ground story <b>I</b>
	9' min. clear for upper story <b>J</b>
Overall height:	10' min., 40' max. <b>K</b>
Cumulative gallery width:	70% of building frontage

## EXHIBIT 1 (C-A TO C-MU)

**Table 4 Building Frontage: STOREFRONT**

A storefront is a flexible space at the sidewalk level that is directly accessible by pedestrians and suitable for retail sales. A storefront has a mostly transparent façade and a gallery, canopy, or awning that shades the storefront’s windows and doors and the sidewalk.

Main entrances to each storefront open directly onto the sidewalk or onto a forecourt. Storefronts that are part of the storefront frontage type create the best pedestrian and retail experience.



<b>Setbacks</b>	(see 45-31.E.1.a)	<b>Main Entrance</b>	(see 45-31.F.1)
<b>Build-to Zone</b>	(see 45-31.E.1.b)	<b>Façade Transparency</b>	(see 45-31.F.2)
Build-to zone:	0' min., 5' max. <b>D, E</b>	Ground story:	70% min.
<b>Building Frontage Standards</b>	(see 45-31.E.2)	Upper stories:	40% min.
Percentage:	60% min.	<b>Encroachments</b>	(see 45-31.F.3)
<b>Building Height</b>	(see 45-31.E.3)	<b>Awnings</b>	(see 45-31.F.4)
<b>Floor and Ceiling Height</b>	(see 45-31.E.4)	<b>Balconies</b>	(see 45-31.F.5)
Ground-story elevation:	.5' max. <b>A</b>	<b>Bay Windows</b>	(see 45-31.F.6)
Ground-story ceiling:	12' min., 16' max. <b>B</b>	<b>Parking Standards</b>	(see 45-31.H)
<b>Landscape Standards</b>	(see 45-31.E.5)		
<b>Streetscape Standards</b>	(see 45-31.E.6)		

<b>Storefront Dimensions</b>				
Cover depth:	4' min.	<b>E</b>	Door intervals:	No more than 50' apart
Cover height:	10' min. clear	<b>F</b>	Window sill height:	1' min., 3' max. <b>K</b>
Setback from curb:	2' min.; except 8' min. along US Highway 1	<b>G</b>	Top of windows:	8' min. <b>L</b>
Door recess:	5' max.	<b>H</b>	Expression line:	10' min. and below second story <b>M</b>
Cumulative storefront width:	70% of building frontage min.	<b>I</b>		

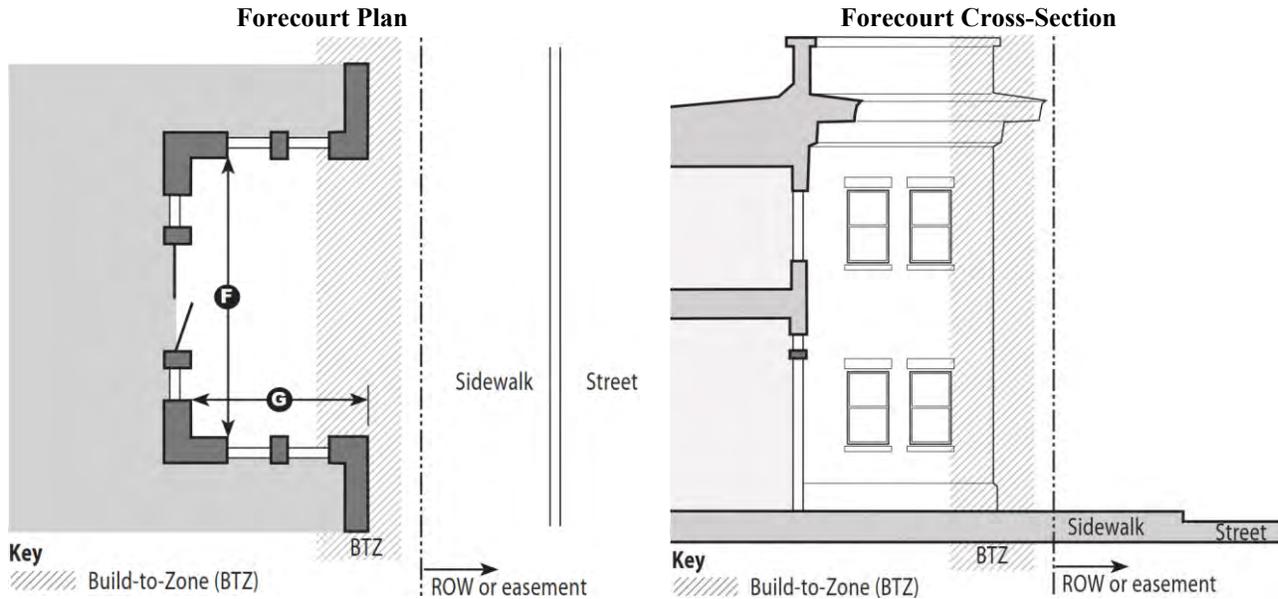
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## EXHIBIT 1 (C-A TO C-MU)

**Table 5 Building Frontage: FORECOURT**

A forecourt is a small private open space that is open to the sidewalk and bounded on two or three sides by the exterior walls of buildings.

Although forecourts are allowed on most building frontages, one or more forecourts are dominant features on the façade in the forecourt building frontage.



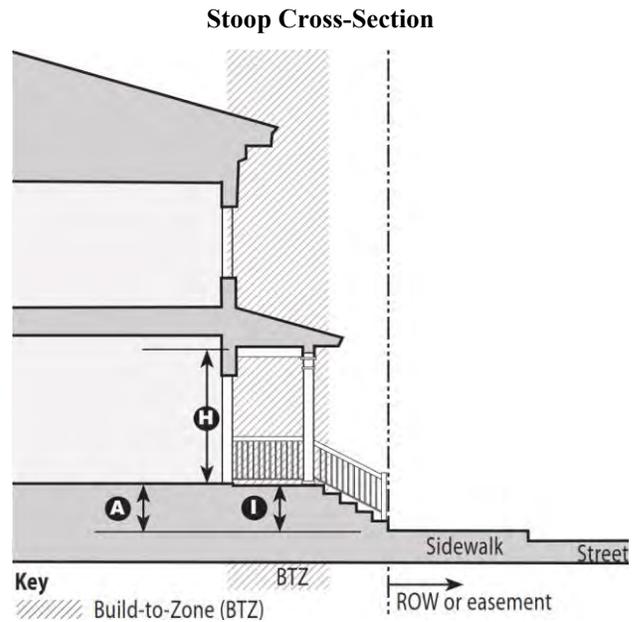
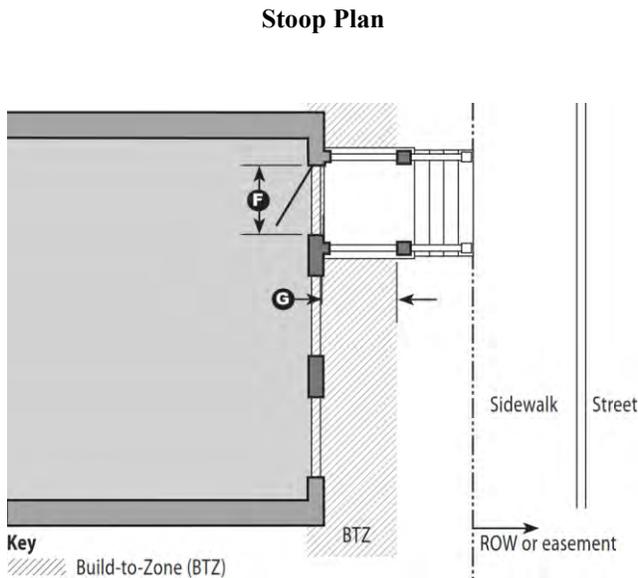
<b>Setbacks</b>	(see 45-31.E.1.a)	
<b>Build-to Zone</b>	(see 45-31.E.1.b)	
Build-to zone:	5' min., 20' max.	<b>D</b>
<b>Building Frontage Standards</b>	(see 45-31.E.2)	
Percentage:	60% min.	
<b>Building Height</b>	(see 45-31.E.3)	
<b>Floor and Ceiling Height</b>	(see 45-31.E.4)	
<b>Landscape Standards</b>	(see 45-31.E.5)	
<b>Streetscape Standards</b>	(see 45-31.E.6)	
<b>Forecourt Dimensions</b>		
Width of individual forecourts:	15' min.	<b>F</b>
Depth:	10' min., 40' max.	<b>G</b>
Width of combined forecourts:	10' min., 40% max. of building frontage	
<b>Main Entrance</b>	(see 45-31.F.1)	
<b>Façade Transparency</b>	(see 45-31.F.2)	
Ground story:	30% min.	
Upper stories:	20% min.	
<b>Encroachments</b>	(see 45-31.F.3)	
<b>Awnings</b>	(see 45-31.F.4)	
<b>Balconies</b>	(see 45-31.F.5)	
<b>Bay Windows</b>	(see 45-31.F.6)	
<b>Parking Standards</b>	(see 45-31.H)	
<b>Review Procedures</b>	(see 45-31.I)	

## EXHIBIT 1 (C-A TO C-MU)

**Table 6 Building Frontage: STOOP**

Stoops are staircases and elevated entrance platforms that lead to main entrances.

Stoops are generally taller than porches to match the higher ground-story floors that are needed to maintain privacy in urban areas.



<b>Setbacks</b>	(see 45-31.E.1.a)
<b>Build-to Zone</b>	(see 45-31.E.1.b)
Build-to zone:	5' min., 20' max. <b>D</b>
<b>Building Frontage Standards</b>	(see 45-31.E.2)
Percentage:	60% min.
<b>Building Height</b>	(see 45-31.E.3)
<b>Floor and Ceiling Height</b>	(see 45-31.E.4)
Ground-story	3' min. <b>A</b>
<b>Landscape Standards</b>	(see 45-31.E.5)
<b>Streetscape Standards</b>	(see 45-31.E.6)
<b>Stoop Dimensions</b>	
Spacing of stoops:	28' on center (average)
Width:	5' min., 8' max. <b>F</b>
Depth:	5' min., 8' max. <b>G</b>
Ceiling height:	8' min. <b>H</b>
Elevation:	3' min. above sidewalk <b>I</b>

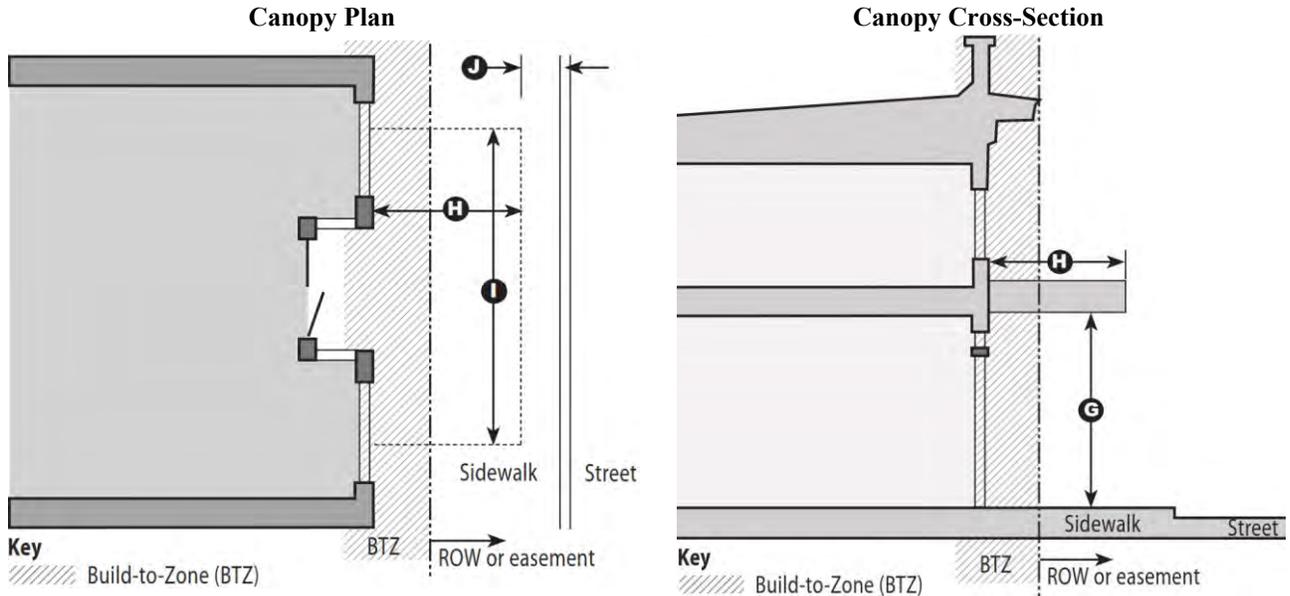
<b>Main Entrance</b>	(see 45-31.F.1)
<b>Façade Transparency</b>	(see 45-31.F.2)
Ground story:	20% min.
Upper stories:	20% min.
<b>Encroachments</b>	(see 45-31.F.3)
<b>Awnings</b>	(see 45-31.F.4)
<b>Balconies</b>	(see 45-31.F.5)
<b>Bay Windows</b>	(see 45-31.F.6)
<b>Parking Standards</b>	(see 45-31.H)
<b>Review Procedures</b>	(see 45-31.I)

## EXHIBIT 1 (C-A TO C-MU)

**Table 7 Building Frontage: CANOPY**

A canopy frontage contains a permanently attached rigid canopy that projects outward

from the façade to shield the main entrance, windows, and sidewalk from the elements.



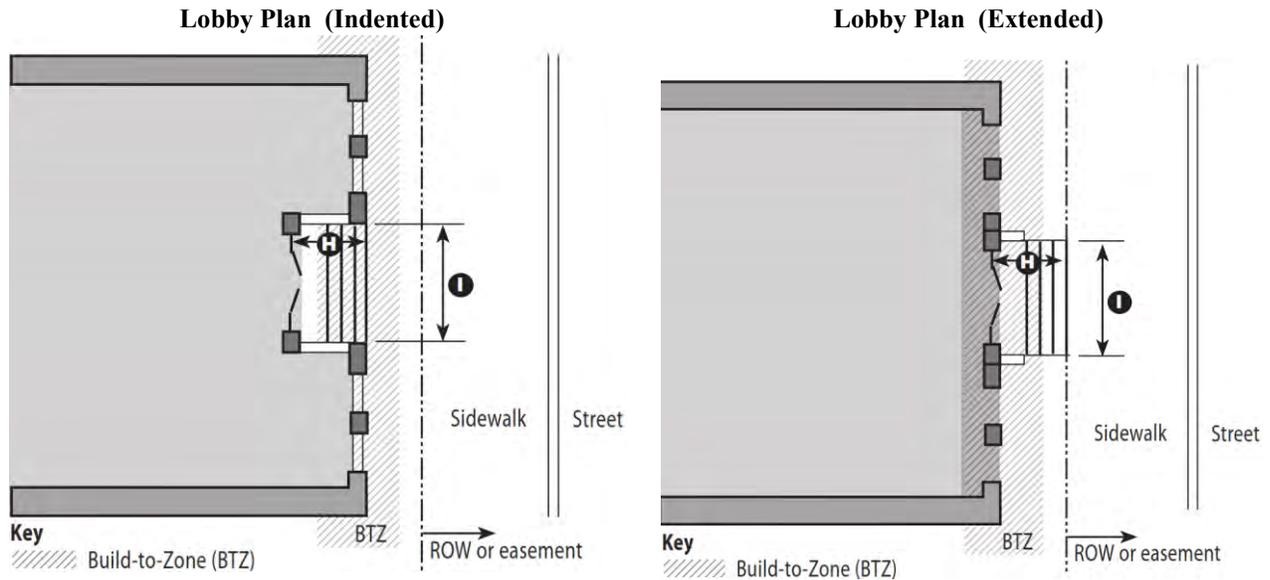
<b>Setbacks</b>	(see 45-31.E.1.a)	
<b>Build-to Zone</b>	(see 45-31.E.1.b)	
Build-to zone:	0' min., 10' max.	<b>D, E</b>
<b>Building Frontage Standards</b>	(see 45-31.E.2)	
Percentage:	60% min.	
<b>Building Height</b>	(see 45-31.E.3)	
<b>Floor and Ceiling Height</b>	(see 45-31.E.4)	
<b>Landscape Standards</b>	(see 45-31.E.5)	
<b>Streetscape Standards</b>	(see 45-31.E.6)	
<b>Canopy Dimensions</b>		
Height:	10' min. clear	<b>G</b>
Depth:	8' min.	<b>H</b>
Cumulative width:	60% min. of building frontage	<b>I</b>
Setback from curb:	2' min.; except 8' min. along US Highway 1	<b>J</b>
<b>Main Entrance</b>	(see 45-31.F.1)	
<b>Façade Transparency</b>	(see 45-31.F.2)	
Ground story:	30% min.	
Upper stories:	20% min.	
<b>Encroachments</b>	(see 45-31.F.3)	
<b>Awnings</b>	(see 45-31.F.4)	
<b>Balconies</b>	(see 45-31.F.5)	
<b>Bay Windows</b>	(see 45-31.F.6)	
<b>Parking Standards</b>	(see 45-31.H)	
<b>Review Procedures</b>	(see 45-31.I)	

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## EXHIBIT 1 (C-A TO C-MU)

**Table 8 Building Frontage: LOBBY**

Lobby frontages provide one or more prominent entrances to internal lobbies that are visible from the street and sidewalk.



<b>Setbacks</b>	(see 45-31.E.1.a)	
<b>Build-to Zone</b>	(see 45-31.E.1.b)	
Build-to zone:	5' min., 20' max.	<b>D</b>
<b>Building Frontage Standards</b>	(see 45-31.E.2)	
Percentage:	60% min.	
<b>Building Height</b>	(see 45-31.E.3)	
<b>Floor and Ceiling Height</b>	(see 45-31.E.4)	
<b>Landscape Standards</b>	(see 45-31.E.5)	
<b>Streetscape Standards</b>	(see 45-31.E.6)	
<b>Dimensions of Lobby Entrances</b>		
Depth:	10' min., 15' max.	<b>H</b>
Width:	10' min., 30' max.	<b>I</b>
<b>Main Entrance</b>	(see 45-31.F.1)	
<b>Façade Transparency</b>	(see 45-31.F.2)	
Ground story:	30% min.	
Upper stories:	20% min.	
<b>Encroachments</b>	(see 45-31.F.3)	
<b>Awnings</b>	(see 45-31.F.4)	
<b>Balconies</b>	(see 45-31.F.5)	
<b>Bay Windows</b>	(see 45-31.F.6)	
<b>Parking Standards</b>	(see 45-31.H)	
<b>Review Procedures</b>	(see 45-31.I)	

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## EXHIBIT 1 (C-A TO C-MU)

1        **E. Building Site area regulations: and bulk standards.**

2            **1. Setbacks and build-to zones.**

3            a.    **Setbacks.** Minimum setbacks between buildings and side, rear,  
4            and Local Street front lot lines are illustrated on Figure 5 and  
5            established as follows:

6            i)    **Side setbacks** (“A”) are 0 feet

7            ii)   **Rear setbacks** (“B”) are 0 feet (measured from the new  
8            easement for lots located along alleys).

9            iii) **Local Street front setbacks** (“C”) are 15 feet

10          b.    **Build-to zone.** A build-to zone is specified for each frontage  
11          type; see Tables 3 through 8. The build-to zone is parallel to the  
12          street frontage and is measured from the front lot line, except  
13          along US Highway 1 where it is measured from the new  
14          sidewalk easement which is required by subsection 45-31.G.  
15          Figure 5 shows build-to zones as “D” for mid-block lots and as  
16          “E” for corner lots and lots facing new streets. A portion of a  
17          building’s facade that faces that street frontage must be placed  
18          within the specified build-to zone (see explanation in subsection  
19          45-31.E.2).

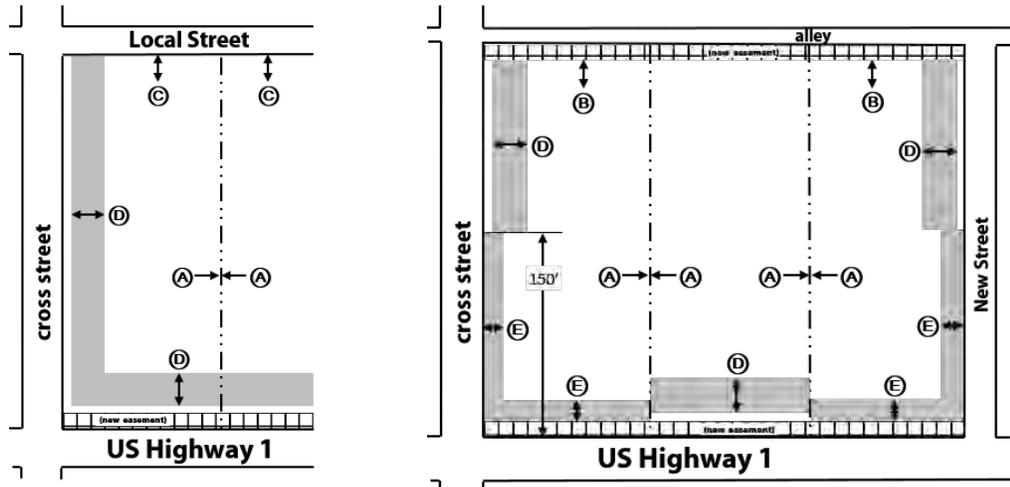
20          i)    **For properties facing New Streets as defined in subsection**  
21          **45-31.G, build-to zones (“D” and “E”) are measured from**  
22          **the outer edges of the new sidewalks (see Figure 12).**

23          ii) **Allowable encroachments beyond the build-to zone are**  
24          **specified in subsection 45-31.F.3.**

25          iii) **For properties facing Local Streets, the front setback (“C”)**  
26          **shall be observed instead of the build-to zone.**

# EXHIBIT 1 (C-A TO C-MU)

**Figure 5 Setbacks and Build-To Zones**



1. *Minimum building lot size.* The minimum lot of building site area for each commercial building shall be sixteen thousand (16,000) square feet and have a width of not less than eighty (80) feet measured at the front and rear lot lines and at the front building line.
2. *Maximum lot coverage.* Main and accessory buildings shall cover no more than thirty five (35) percent of the total lot area.
3. *Minimum lot coverage.* No main and accessory buildings shall be constructed that would occupy less than ten (10) percent of the total lot area or two thousand (2,000) square feet, whichever is greater.

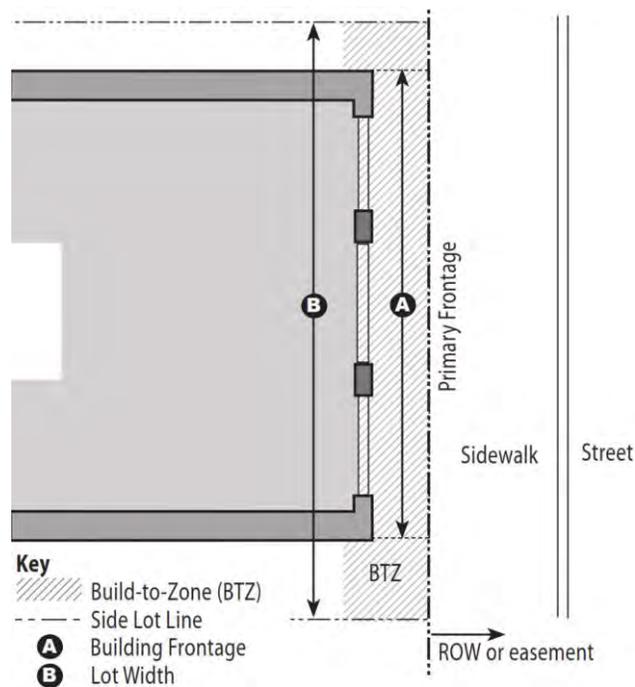
**F. Yards.**

1. **Front yards.** All buildings facing U.S. [Highway No.] 1 shall set back from the right of way to provide a front yard of not less than seventy (70) feet. All buildings shall [be] set back from the rights of way of streets which intersect with U.S. [Highway No.] 1 providing a yard of not less than twenty five (25) feet.
2. **Side yards.** All buildings less than twenty five (25) feet in height or two (2) stories in height shall [be] set back from side lot lines so as to provide side yards of not less than twenty (20) feet.  
 All buildings three (3) stories in height shall [be] set back from side lot lines so as to provide side yards of not less than twenty five (25) feet.  
 All buildings four (4) stories in height shall [be] set back from side lot lines so as to provide side yards of not less than thirty (30) feet.
3. **Rear yard.** All buildings less than twenty five (25) feet in height or two (2) stories in height shall be set back from the rear lot line so as to provide a rear yard of not less than thirty (30) feet.  
 All buildings three (3) stories in height shall [be] set back from the rear lot line so as to provide a rear yard of not less than thirty five (35) feet.  
 All buildings four (4) stories in height shall [be] set back from the rear lot line so as to provide a rear yard of not less than forty (40) feet.

## EXHIBIT 1 (C-A TO C-MU)

- 1        **2. Building frontage standards.** The portion of a new building's façade  
2        that is located in the build-to zone is called the building frontage. The  
3        width of the building frontage must comply with the building frontage  
4        percentage standards for each building frontage type (see Tables 3  
5        through 8).
- 6        a. Building frontage percentages are calculated by dividing the  
7        width of a building or buildings lying within the build-to zone  
8        (A) by the width of the lot along the same street frontage (B), as  
9        shown in Figure 6.
- 10       b. Minimum building frontage percentages are specified for each  
11       building frontage type in Tables 3 through 8.
- 12       i) If two building frontage types are used on a wide street  
13       frontage, the specified percentages are measured for each type.
- 14       ii) When buildings are being added or expanded, waivers may be  
15       requested in response to specific site limitations.
- 16       c. For certain architectural features described in this code, a portion  
17       of a building's façade that lies outside the build-to zone may be  
18       counted as building frontage. Examples are forecourts or lobby  
19       entrances that comply with the standards in Tables 5 or 8.
- 20       d. For properties with multiple street frontages, see Figure 5.

**Figure 6 Building Frontage Percentages**



## EXHIBIT 1 (C-A TO C-MU)

- 1           **3. Density.** Residential density in the C-MU zoning district may not  
2           exceed 24 units per acre. The acreage in this formula is the total area  
3           enclosed by the lot lines of the site being developed, including existing  
4           easements and including any land being dedicated for additional right-  
5           of-way or easements. The residential density of a mixed-use  
6           development in the C-MU zoning district shall be increased from 24 to  
7           36 units per acre provided a development is consistent with the  
8           workforce housing density bonus granted by Policy 1.B.2 in the  
9           Comprehensive Plan.
- 10           **4. Building height.**
- 11           a. Buildings may be up to 4 stories tall in the C-MU zoning district,  
12           except that:
- 13                i) Within 25 feet of the rear property line, no portion of a  
14                building may exceed 2 stories.
- 15                ii) Within 50 feet of the rear property line, no portion of a  
16                building may exceed 3 stories.
- 17                iii) The 25-foot and 50-foot restrictions are depicted on the  
18                regulating plan.
- 19                iv) A waiver to allow 5 stories rather than 4 stories may be  
20                requested on land north of Anchorage Drive North only.
- 21           b. For the purpose of calculating the number of stories in a  
22           building, stories shall be defined as the space between finished  
23           floor and finished ceiling, adjusted as follows:
- 24                i) Each level devoted to parking is considered as individual  
25                story when calculating the number of stories in a building,  
26                except where parking levels are screened by other rooms in  
27                the same building or screened by a liner building that is at  
28                least two stories tall with rooms at least 20 feet deep.
- 29                ii) When parking levels are constructed on a slope or are  
30                connected by sloping or circular ramps, the number of  
31                stories will be based on the non-sloped area. If there are no  
32                non-sloped areas, the number of stories will be counted as  
33                the highest parking level plus each parking level below.
- 34                iii) A mezzanine will not count towards the number of stories  
35                provided that the total area of mezzanine level is less than  
36                40 percent of the floor area of the main story below.
- 37                iv) Buildings may include a partial story above the maximum  
38                number of stories otherwise allowed provided the floor area  
39                of the partial story is less than 30% of the floor area of the  
40                story below. Developers are encouraged to utilize this  
41                allowance on portions of buildings that are closest to street  
42                intersections and for architectural features such as towers or  
43                cupolas.

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1                    v) Rooftop gardens, pools, restaurants or cocktail lounges are  
2                    permitted. All rooftop facilities shall be sufficiently  
3                    screened from the street and adjacent properties. Adequate  
4                    trees, shrubs, or greenspace shall be provided on any active  
5                    rooftop facility. Only portions of the rooftop that are  
6                    enclosed will count as a partial building story. A waiver  
7                    may be granted to allow a rooftop restaurant or cocktail  
8                    lounge to exceed the 30% partial story allowance in 45-31  
9                    (4) (b) (iv).

10                  c. The maximum height of a building in feet is controlled by the  
11                  maximum ceiling heights for individual stories, as provided in  
12                  subsection 45-31.E.5.

13                  ~~D. *Building height regulations.* No building or structure shall~~  
14                  ~~exceed four (4) stories or forty four (44) feet. Elevator towers~~  
15                  ~~and mechanical apparatus are not restricted to the forty four foot~~  
16                  ~~limit.5.~~

### 17                  **5. Floor and ceiling height.**

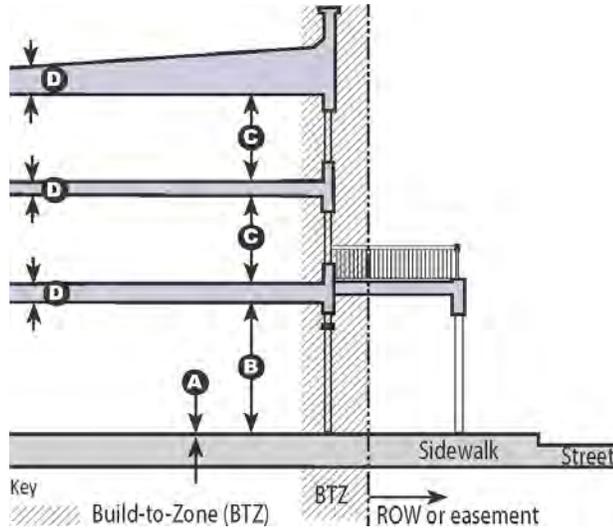
18                  a. This code provides standards for the elevation of certain ground-  
19                  story floors and minimum/maximum dimensions for ceiling  
20                  heights. Figure 7 and Table 9 illustrate how these standards are  
21                  measured:

22                  (i) Floor elevations are measured from the existing or  
23                  anticipated sidewalk to the top of the finished floor of the  
24                  ground story.

25                  (ii) Ceiling heights are measured from the top of the finished  
26                  floor to the underside of the tallest finished ceiling of each  
27                  story; see exceptions in subsection b.

# EXHIBIT 1 (C-A TO C-MU)

**Figure 7 Floor and Ceiling Measurements**



**Table 9 Floor and Ceiling Standards**

	<u>Min.</u>	<u>Max.</u>	<u>Key</u>
<b><u>Elevation of ground-story floor above sidewalk:</u></b>			
Storefront only	no min.	0.5'	<u>A</u>
Stoop only	3'	no max.	<u>A</u>
All other building frontage types	no min.	no max.	<u>A</u>
<b><u>Height of ground-story ceiling:</u></b>			
Storefront only	12'	16'	<u>B</u>
All other building frontage types	9'	14'	<u>B</u>
<b><u>Height of upper-story ceilings:</u></b>			
	9'	12'	<u>C</u>
<b><u>Space between ceiling and floor above</u></b>			
	no min.	4'	<u>D</u>

- b. **Ceiling height exceptions.** The minimum and maximum ceiling height standards in Table 9 do not apply in the following circumstances:
- i) A story in or under a building that is devoted to parking is counted as a story when calculating the number of stories in a building, but does not need to comply with the minimum or maximum ceiling heights in Table 9.
  - ii) When the total area of mezzanine level is less than 40 percent of the floor area of the story below, the mezzanine

## EXHIBIT 1 (C-A TO C-MU)

1 level does not need to comply with the minimum ceiling  
2 heights in Table 9.

- 3 iii) Individual rooms without finished ceilings, such as utility  
4 or storage rooms, do not need to comply with the minimum  
5 or maximum ceiling heights in Table 9 provided that the  
6 remainder of that story complies with the minimum and  
7 maximum heights.

### 8 **6. Landscape standards.**

- 9 a. **Landscaping required.** Landscaping shall be required in the  
10 following areas as required by the village's landscaping  
11 requirements:

- 12 i) Miscellaneous landscape elements, as required in section  
13 45-88;  
14 ii) Off-street parking lots, as required in section 45-89;  
15 iii) Site perimeters, as required in section 45-90; and  
16 iv) Base of foundation, as required by section 45-91.

- 17 b. **Special requirements for C-MU zoning district.** The village's  
18 landscaping requirements contain certain special requirements  
19 for the C-MU zoning district:

- 20 i) Section 45-90 requires minimum buffer widths for site  
21 perimeters.  
22 ■ These buffer widths do not apply in front of buildings  
23 that meet the standards for a gallery, storefront, or  
24 canopy building frontage type. See Table 45-90.  
25 ■ Along US Highway 1, buffer strips in front yards may  
26 not be planted on a sidewalk easement. See section 45-  
27 34.1.G.  
28 ii) Section 45-91 requires landscaped areas around the base of  
29 foundations. This requirement does not apply in front of  
30 buildings that meet the standards for a gallery, storefront,  
31 or canopy building frontage type.

- 32 **F. Architectural features.** Requirements are provided below for the location  
33 of a building's main entrance and the percentage of transparent openings on  
34 its façade. Allowances are then provided for certain architectural elements  
35 that may encroach into setbacks and build-to zones and in some cases over  
36 rights-of-way.

### 37 **1. Main entrance.**

- 38 a. A building's main entrance is its principal point of access for  
39 pedestrians. All buildings must have their main entrance facing a  
40 street frontage, or a courtyard or forecourt that is entered from a  
41 street frontage. Additional entrances are encouraged.

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1            b. Buildings fronting on two streets must have a pedestrian entrance  
2            on both streets.

3            c. Additional rules for storefront doors are provided in Table 4.

4            **2. Façade transparency.**

5            a. Transparency means the amount of transparent window glass or  
6            other openings in a building’s facade along a street frontage,  
7            relative to the overall surface area of the façade. This ratio is  
8            expressed as a percentage and is calculated separately for the  
9            ground story of a façade and for each upper story.

10           b. Building façades along a street frontage must meet the minimum  
11           façade transparency requirements in Table 10 to provide natural  
12           surveillance of sidewalks and streets, to provide interior daylight,  
13           and to allow clear views into storefronts.

14           c. Façade transparency percentages are calculated for the area  
15           between the finished floor and finished ceiling of each story  
16           along each street frontage; see Figure 8. For the purposes of  
17           these measurements:

18           i) Glazed windows and doors with tinted glass or applied  
19           films will be considered transparent if they transmit at least  
20           50% of visible daylight.

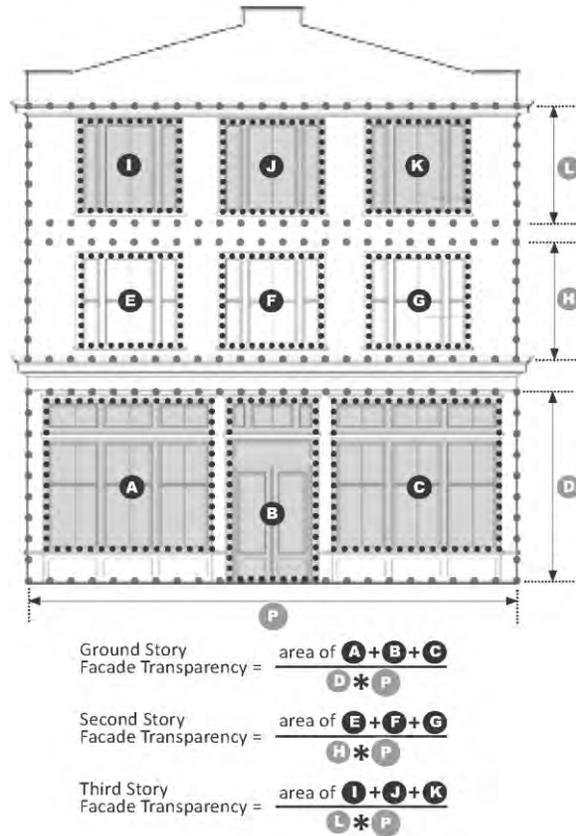
21           ii) The transparent area of windows and doors includes rails  
22           and stiles as well as muntin bars and other separators within  
23           primarily glazed areas; but the transparent area excludes  
24           outer solid areas such as jambs, sills, and trim.  
25

## EXHIBIT 1 (C-A TO C-MU)

**Table 10**  
**Façade Transparency Percentages**

<u>Building Frontage</u>	<u>Ground Story</u>	<u>Each Upper Story</u>
<u>Gallery</u>	<u>30% min.</u>	<u>20% min.</u>
<u>Storefront</u>	<u>70% min.</u>	<u>40% min.</u>
<u>Forecourt</u>	<u>30% min.</u>	<u>20% min.</u>
<u>Stoop</u>	<u>20% min.</u>	<u>20% min.</u>
<u>Canopy</u>	<u>30% min.</u>	<u>20% min.</u>
<u>Lobby</u>	<u>30% min.</u>	<u>20% min.</u>

**Figure 8**  
**Calculating Façade Transparency**



1           **3. Encroachments.** Many architectural elements described in  
 2           subsections 45-31.D and 45-31.F may project beyond the closest point  
 3           to a property line where an exterior wall may be constructed. Table 11  
 4           identifies the allowable projections; the key column refers to Figure 5.

5           a.   **On private property.** These elements may project into side or  
 6           rear setbacks and project forward beyond the build-to zone  
 7           including onto sidewalk easements to the extent permitted by  
 8           Table 11 provided this code's requirements for each element are  
 9           met.

10          b.   **On public property.** Some of these elements may also extend  
 11          horizontally over a public right-of-way in accordance with those  
 12          regulations to the extent permitted by Table 11 provided this  
 13          code's requirements for each element are met in addition to these  
 14          general requirements:

- 15           i)   Must maintain at least 10' of vertical clearance.
- 16           ii) Must meet any insurance or liability requirements  
 17           established by the Village Attorney.

## EXHIBIT 1 (C-A TO C-MU)

1                   iii) Must obtain prior approval from the responsible entity for  
 2                   any encroachment over a right-of-way not maintained by  
 3                   the village, such as US Highway 1.

4                   c. Sidewalk cafes with outdoor table service may be provided on  
 5                   public sidewalks when in compliance with all village codes.

**Table 11      Encroachments**

	<b><u>Dimension</u></b>	<b><u>Key</u></b>
<b><u>Side (interior)</u></b> (all features)	<u>4' max. into side setback</u>	<b><u>A</u></b>
<b><u>Rear</u></b> (all features)	<u>4' max. into rear setback</u>	<b><u>B</u></b>
<b><u>Front</u></b> (on private property facing a local street))	<u>4' max. into front setback</u>	<b><u>C</u></b>
<b><u>Front</u></b> (on private property facing all other streets)	<u>no max. on private property</u>	<b><u>D, E</u></b>
<b><u>Front</u></b> (on public property facing all other streets):		
<u>Gallery</u> (Table 3)	<u>up to 2' from curb; except up to 8' from curb along US Highway 1</u>	<b><u>D, E</u></b>
<u>Storefront cover</u> (Table 4)	<u>up to 2' from curb; except up to 8' from curb along US Highway 1</u>	<b><u>D, E</u></b>
<u>Forecourt</u> (Table 5)	<u>no encroachment allowed</u>	<b><u>D, E</u></b>
<u>Stoop</u> (Table 6)	<u>no encroachment allowed</u>	<b><u>D, E</u></b>
<u>Canopy</u> (Table 7)	<u>up to 2' from curb; except up to 8' from curb along US Highway 1</u>	<b><u>D, E</u></b>
<u>Lobby</u> (Table 8)	<u>no encroachment allowed</u>	<b><u>D, E</u></b>
<u>Awning</u> (45-31.F.4)	<u>up to 2' from curb; except up to 8' from curb along US Highway 1</u>	<b><u>D, E</u></b>
<u>Balcony</u> (45-31.F.5)	<u>up to 2' from curb; except up to 8' from curb along US Highway 1</u>	<b><u>D, E</u></b>
<u>Bay window</u> (45-31.F.6)	<u>up to 2' from curb (upper stories only); except up to 8' from curb along US Highway 1</u>	<b><u>D, E</u></b>

6                   **4. Awnings.**

7                   a. An awning is a flexible cover that projects outward from a  
 8                   building's exterior wall to shield a window, door, sidewalk, or  
 9                   other space below from the elements.

10                  b. To encourage the construction of awnings, awnings are allowed  
 11                  to project horizontally beyond the closest point to a property line

## EXHIBIT 1 (C-A TO C-MU)

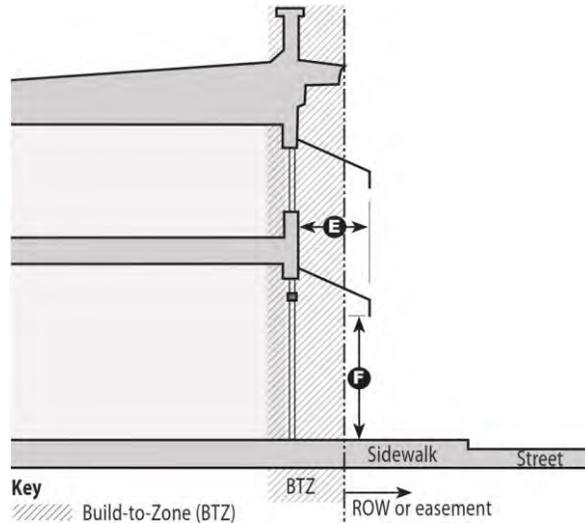
1 where an exterior wall may be constructed, including over a  
 2 public right-of-way. See subsection 45-31.F.3 for allowances and  
 3 limitations on such encroachments. To qualify for these  
 4 encroachments, the awning must meet the following  
 5 requirements:

- 6 i) The depth of the awning from the face of the building must  
 7 be at least 4 feet.
- 8 ii) The height of the awning from the sidewalk to the  
 9 underside of the awning must be at least 10 feet.
- 10 iii) High-gloss or plasticized fabrics may not be used.
- 11 iv) Awnings may not be back-lit.

**Table 12      Awning Dimensions**

<u>Dimension</u>	<u>Key</u>
<b><u>Depth</u></b>	<b><u>E</u></b>
<b><u>Height</u></b>	<b><u>F</u></b>

**Figure 9      Awning**



13 **5. Balconies.**

- 14 a. A balcony is an unenclosed private open space that typically  
 15 projects outward from a building's exterior wall.
- 16 b. To encourage the construction of balconies, balconies are  
 17 allowed to project horizontally beyond the closest point to a  
 18 property line where an exterior wall may be constructed.  
 19 Balconies in upper stories may also project horizontally over a  
 20 public right-of-way. See subsection 45-31.F.3 for allowances and

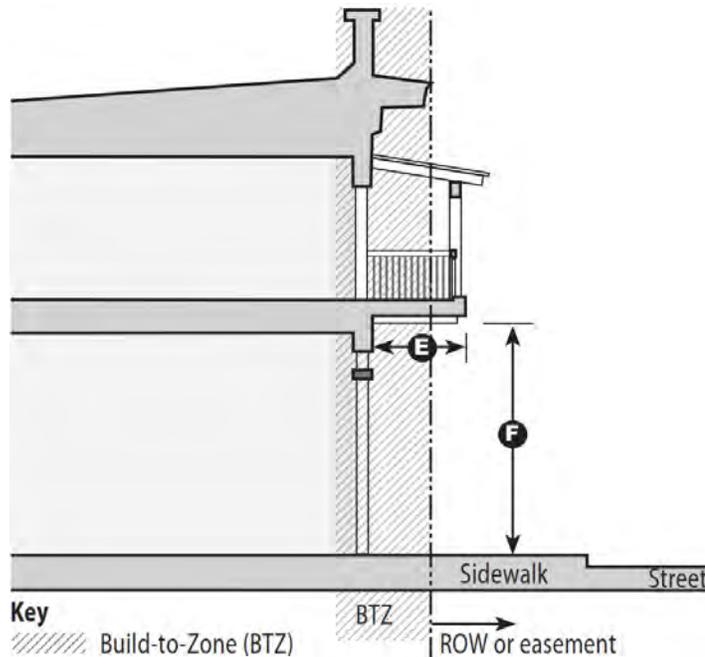
## EXHIBIT 1 (C-A TO C-MU)

1 limitations on such encroachments. To qualify for these  
 2 encroachments, the balcony must meet the requirements in Table  
 3 13.

**Table 13 Balcony Dimensions**

<u>Dimension</u>	<u>Key</u>
<b><u>Depth</u></b>	<b><u>4' min.</u></b>
<b><u>Height</u></b>	<b><u>10' min. clear</u></b>

**Figure 10 Balcony**



5  
6 **6. Bay windows.**

- 7 a. A bay window creates interior space that projects outward from a  
 8 building's exterior wall.
- 9 b. To encourage the construction of bay windows, bay windows are  
 10 allowed to project horizontally beyond the closest point to a  
 11 property line where an exterior wall may be constructed. Bay  
 12 windows in upper stories may also project horizontally over a  
 13 public right-of-way. See subsection 45-31.F.3 for allowances and  
 14 limitations on such encroachments. To qualify for these  
 15 encroachments, the balcony must meet the requirements in Table  
 16 14.

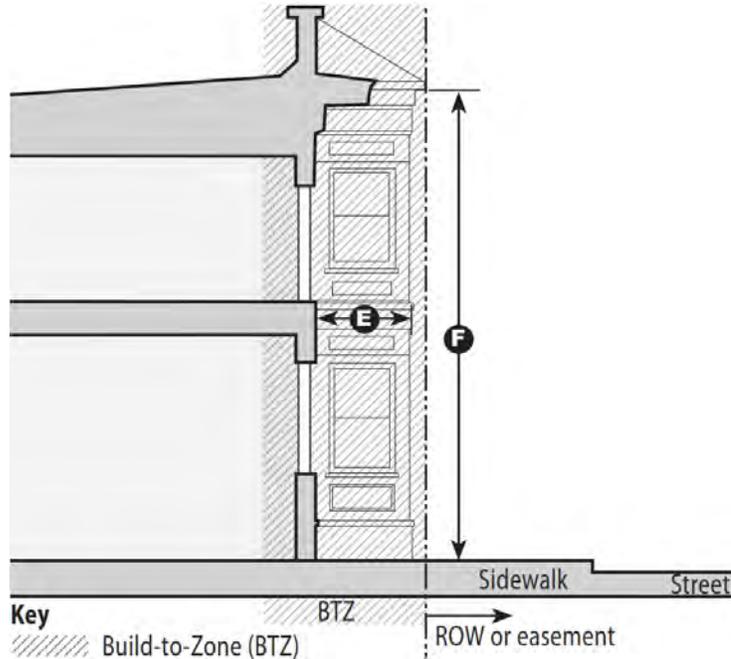
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**Table 14 Bay Window Dimensions**

<u>Dimension</u>	<u>Key</u>
<u>Depth</u>	4' min. <u>E</u>
<u>Height</u>	2 stories max. <u>F</u>

1

**Figure 11 Bay Window**



2

**G. Street, alley, and easement standards.**

3

1. **New streets.** Landowners may choose to construct a new street between US Highway 1 and the alley in the areas designated on the regulating plan. The following standards apply to any such new streets:

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- a. **Cross-section.** New streets shall be designed in accordance with Figure 12 and constructed by the developer concurrently with the development.

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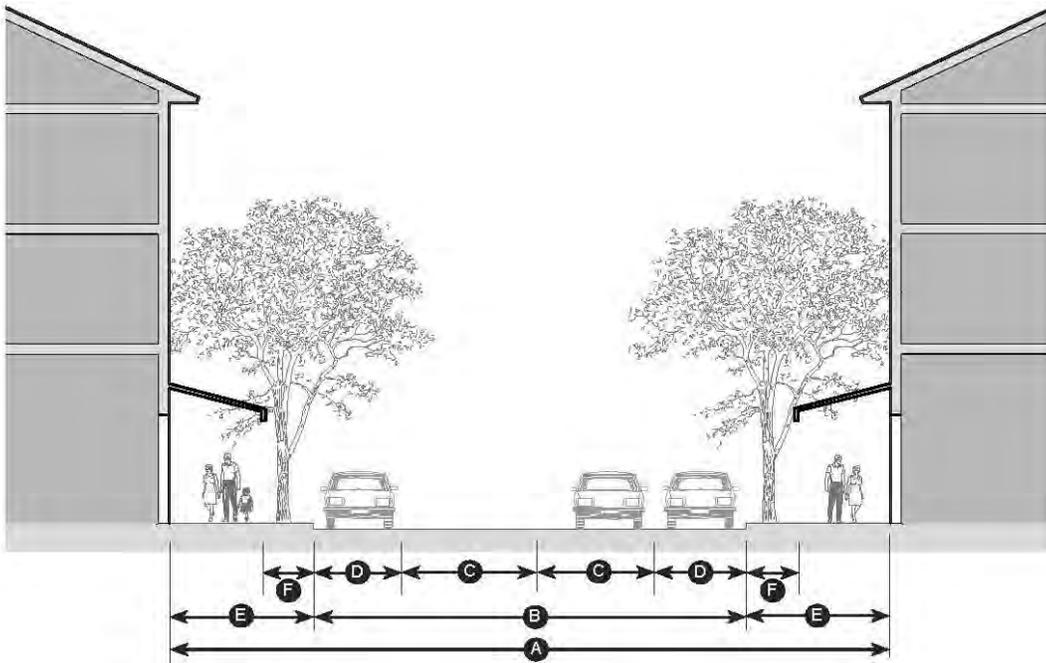
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## EXHIBIT 1 (C-A TO C-MU)

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**Figure 12**



<u>Description:</u>	<u>Details:</u>	<u>Key:</u>
<u>Width of right-of-way</u>	<u>60'</u>	<u>A</u>
<u>Movement type</u>	<u>Slow</u>	
<u>Target speed</u>	<u>25 mph</u>	
<u>Width of pavement</u>	<u>36'</u>	<u>B</u>
<u>Travel lanes</u>	<u>10' travel lanes</u>	<u>C</u>
<u>Bicycle facilities</u>	<u>shared travel lanes</u>	<u>C</u>
<u>On-street parking</u>	<u>8' parallel parking</u>	<u>D</u>
<u>Pedestrian facilities</u>	<u>12' sidewalks</u>	<u>E</u>
<u>Furnishing strip:</u>		<u>F</u>
<u>Planter type</u>	<u>5' by 5' tree grates</u>	
<u>Tree spacing</u>	<u>30' average</u>	

5

## EXHIBIT 1 (C-A TO C-MU)

1           **b. Other design and construction standards.** On subjects where  
2 Figure 12 does not provide design guidance, for instance  
3 driveway widths and curb radii at intersections, design shall be in  
4 accordance with NACTO's *Urban Street Design Guide*.

- 5           i) Pavement, subgrade, drainage, and utilities must meet  
6 construction specifications of the Village of North Palm  
7 Beach.
- 8           ii) The construction specifications for sidewalks in section 24-  
9 43 apply along new streets.
- 10          iii) Street trees must be planted and maintained on both sides  
11 of new streets.
- 12          iv) Where an Applicant demonstrates that an alternative street  
13 design achieves a better outcome, waivers may be granted  
14 from specific standards in Figure 12.

15          **c. Ownership and maintenance.** New streets shall be owned and  
16 maintained privately unless another entity acceptable to the  
17 Village of North Palm Beach accepts this responsibility.  
18 Irrespective of ownership and maintenance, landowners must  
19 guarantee perpetual public access to new streets in a form  
20 suitable to the Village Attorney.

21          **d. Build-to zones.** Build-to zones for buildings facing a new street  
22 will be determined in accordance with subsection 45-31.E.1  
23 irrespective of the new street's ownership.

24          **e. Building frontage standards.** Building frontage standards for  
25 buildings facing a new street will be determined in accordance  
26 with subsection 45-31.E.2.

27          **2. Existing alleys.** The C-MU district is served by alleys on both sides of  
28 US Highway 1 that are essential for general circulation and for access  
29 for services. To protect and enhance these functions, the following  
30 standards apply during the development process to all properties that  
31 abut an existing alley:

32          a. A 7-foot perpetual transportation and utility easement must be  
33 dedicated to the village along the alley, in a form acceptable to  
34 the Village Attorney.

35          b. Setbacks for buildings along alleys are specified in subsection  
36 45-31.E.1.

37          c. Setbacks for surface parking along alleys are specified in Table  
38 15 (subsection 45-31.H).

39          d. The 5-foot landscaped strip required by section 45-90 must be  
40 planted and maintained adjoining the new easement.

## EXHIBIT 1 (C-A TO C-MU)

e. Refuse containers and other service or utility equipment must meet the same setbacks as for surface parking. Refuse container areas must be screened in accordance with section 45-88.

3. **Sidewalk easements.** All properties in the C-MU district abut US Highway 1, a regional highway that also serves local travelers in vehicles, on foot or bike, or using public transit. To enhance non-vehicular travel along this corridor, the following standards apply during the development process:

a. A 7-foot perpetual sidewalk easement must be dedicated to the village along the US Highway 1 frontage, in a form acceptable to the Village Attorney.

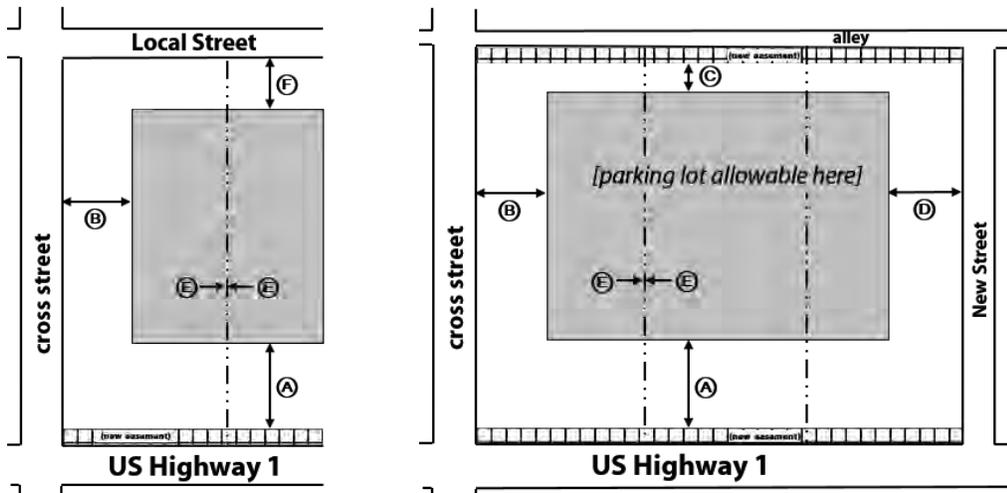
b. This easement must be paved at the time of development to the same elevation as the adjoining sidewalk in accordance with the construction specifications in section 24-43.

c. The landscape strip required by section 45-90 must be planted and maintained on the remainder of the property beyond the sidewalk easement, except that no trees are required in this strip.

**H. G. Off-street Parking standards. and loading regulations.**

1. **Location of parking lots.** Surface parking lots must be set back from streets at least the distances provided in Table 15, as illustrated in Figure 13.

**Figure 13 Setbacks for Surface Parking Lots**



## EXHIBIT 1 (C-A TO C-MU)

**Table 15      Setbacks for Surface Parking Lots**

<u>Parking lot setback, US Highway 1</u>	<u>50' min.</u>	<u><b>A</b></u>
<u>Parking lot setback, cross street</u>	<u>30' min.</u>	<u><b>B</b></u>
<u>Parking lot setback, alley</u>	<u>5' min.</u>	<u><b>C</b></u>
<u>Parking lot setback, New Street</u>	<u>30' min.</u>	<u><b>D</b></u>
<u>Parking lot setback, side lot lines</u>	<u>0' min.</u>	<u><b>E</b></u>
<u>Parking lot setback, Local Street</u>	<u>30' min.</u>	<u><b>F</b></u>

1. ~~Off street parking shall be either on the same lot or within two hundred (200) feet of the building it is intended to serve measured from the nearest point of the building to the nearest point of the off street parking lot, without crossing any major thoroughfare.~~
  2. ~~Any area once designated as required off street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.~~
  3. ~~Off street parking existing at the effective date of these regulations in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.~~
  4. ~~Two (2) or more buildings or uses may collectively provide the required off street parking, in which case the required number of parking spaces shall be not less than the sum of the requirements for the several individual uses computed separately.~~
  5. ~~The required off street parking shall be for occupants, employees, visitors, patrons and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited.~~
2. **Parking space ratios.** Properties will retain the existing parking ratios as of the date of adoption of the CMU District, which are listed in Table 16 B. In order for properties to be granted the mixed-use district parking ratios listed in 16A, a property must be made considerably closer to the CMU requirements adopted in 2020, as outlined in Section 45-64 (4), or be an entirely new development. The ratios listed in Tables 16A and 16B establish the minimum number of on-site parking spaces unless adjusted as provided in subsection 3. Ratios based on square feet refer to the gross floor area.

**Table 16.A    Parking Space Ratios**

<u>PROPOSED USE</u>	<u>PARKING SPACE RATIO</u>
<b>RESIDENTIAL USES</b>	
<u>Mobile home park</u>	<u>(not permitted)</u>
<u>Dwelling, one family detached</u>	<u>(not permitted)</u>
<u>Dwelling, all other dwelling types</u>	<u>1.25 per unit</u>
<u>Live/work unit</u>	<u>1 per 1,000 sq. feet</u>
<u>Assisted living facility</u>	<u>0.5 per resident</u>
<u>Community residential home</u>	<u>0.5 per resident</u>
<b>LODGING USES</b>	
<u>Bed-and-breakfast establishment</u>	<u>1 per guest room</u>

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<u>Hotel</u> <sup>1</sup>	<u>1 per guest room</u>
<u>Motel</u>	<u>1 per guest room</u>
<u>Time-share unit</u>	<u>1.25 per unit</u>
<b>BUSINESS USES</b>	
<u>Offices, general</u>	<u>2 per 1,000 sq. feet</u>
<u>Office or clinic, medical or dental</u>	<u>3 per 1,000 sq. feet</u>
<u>Stores &amp; services, general</u>	<u>2 per 1,000 sq. feet</u>
<u>Stores &amp; services, large format</u>	<u>3 per 1,000 sq. feet</u>
<u>Adult entertainment</u>	<u>(not permitted)</u>
<u>Convenience store with fuel</u>	<u>5 per 1,000 sq. feet</u>
<u>Dog daycare</u>	<u>3 per 1,000 sq. feet</u>
<u>Drive-through facility (for any use)</u>	<u>---</u>
<u>Garage, parking</u>	<u>---</u>
<u>Heavy commercial and light industrial:</u>	<u>(not permitted)</u>
<u>Contractor and trade operation</u>	<u>(not permitted)</u>
<u>Vehicle sales or repair</u>	<u>(not permitted)</u>
<u>All other</u>	<u>(not permitted)</u>
<u>Medical marijuana treatment center</u>	<u>(not permitted)</u>
<u>Restaurant or cocktail lounge</u>	<u>10 per 1,000 sq. feet</u>
<u>Telecommunications antennas</u>	<u>---</u>
<b>CIVIC &amp; EDUCATION USES</b>	
<u>Child care facility</u> <sup>2</sup>	<u>1 per 12 students</u>
<u>Church or place of assembly</u>	<u>1 per 4 peak attendees</u>
<u>Civic space</u>	<u>---</u>
<u>Family day care</u>	<u>(no additional parking)</u>
<u>Government building</u>	<u>2 per 1,000 sq. feet</u>
<u>Hospital or medical center</u>	<u>(not permitted)</u>
<u>Public space</u>	<u>---</u>
<u>School, public or private</u>	<u>1 per 12 students</u>

<sup>1</sup> Hotels with banquet or conference facilities, restaurants, or bars that are open to the public shall provide a parking demand study and provide sufficient spaces for visitors and employees.

<sup>2</sup> A sufficient loading zone shall be provided to accommodate peak drop off and pick up

*Table 16.B Parking Spaces Required*

<b><u>Uses</u></b>	<b><u>Parking Spaces Required</u></b>
<b><u>Banks; business or professional offices</u></b> excluding doctors and dentists	<u>One (1) per three hundred (300) square feet of usable floor area, plus one (1) per each three (3) employees</u>
<b><u>Barbershop or beauty shop</u></b>	<u>Two (2) per barber or three (3) per beautician based on the design capacity of the structure</u>
<b><u>Churches</u></b>	<u>One (1) per four (4) seats; or one (1) per thirty (30) square feet of usable floor area of auditorium, whichever is greater</u>

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<b><u>Country club</u></b>	One (1) per five (5) members
<b><u>Restaurants and cocktail lounges</u></b> where food and drink may be consumed on the premises only and where eating and serving areas are entirely contained within the building, not including drive-in hamburger, ice cream, soft drink, or other drive-in and/or carry-out eating establishments	One (1) space for each seventy-five (75) square feet of area devoted to patron use, or one (1) space per three (3) fixed seats, whichever is the greater, plus one (1) space for each one and one-half (1½) projected employees who would be actually working during peak employment hours.
<b><u>Hotels, motels and tourist courts</u></b>	Three (3) spaces, plus an additional space for each guest bedroom, plus an additional space for each fifteen (15) rooms or portions thereof. For example, a fifteen-room motel would need nineteen (19) parking spaces
<b><u>Marina</u></b>	Two (2) for each three (3) boat mooring or storage space, boat for rent, as based on the design capacity of the facility. If public boat launching facilities are provided, the parking spaces shall be increased fifty (50) percent of that number as computed above
<b><u>Medical and dental clinics; doctors and dentists offices</u></b>	One (1) space for each one hundred fifty (150) square feet of floor area up to three thousand (3,000); one (1) additional space for each additional two hundred (200) square feet up to five thousand (5,000); one (1) additional space for each additional two hundred fifty (250) square feet over five thousand (5,000)
<b><u>Mortuaries or funeral parlors</u></b>	Five (5) spaces per parlor or chapel unit; or one (1) per four (4) seats, whichever is greater
<b><u>Private clubs, lodge or union headquarters</u></b>	One (1) per three (3) members based on the maximum design capacity of the facility
<b><u>Retail stores and personal service establishments</u></b> except as otherwise specified herein	One (1) per two hundred (200) square feet of retail floor space
<b><u>Shopping centers</u></b> containing five (5) or more stores, or fifteen thousand (15,000) square feet of building	There shall be a ratio of four (4) square feet of parking (including driveways required for ingress and egress and circulation) to each one (1) square foot of retail floor space
<b><u>Time shares</u></b>	Off-street parking regulations. For each time-share unit structure, there shall be provided two (2) or more parking spaces measuring at least nine (9) feet by eighteen (18) feet (one hundred sixty-two (162) square feet) each, in accordance with the following formula: Two (2) such spaces shall be provided for each dwelling unit containing not more than two (2) bedrooms, and two and one-half (2½) of such spaces shall be provided for each dwelling unit containing three (3) or more bedrooms, with the provision that for an uneven number of units, the fractional space result produced by the application of such formula shall count as a full space; provided, however, that in multiple-family dwellings containing more than thirty (30) dwellings units, for each dwelling units in excess of thirty (30) units and up to sixty (60) units one (1) such space shall be provided for each dwelling unit containing not more than two (2) bedrooms, and for each dwelling unit in excess of sixty

## EXHIBIT 1 (C-A TO C-MU)

	<u>(60) dwelling units one and one-half (1½) such spaces shall be provided for each dwelling unit containing not more than two (2) bedrooms, and two and one-half (2½) of such spaces shall be provided for each dwelling unit containing three (3) or more bedrooms, with the provision that for an uneven number of units, the fractional space result produced by the application of such formula shall count as a full space (For examples: Thirty (30) dwellings units containing two (2) bedrooms each shall require sixty (60) off-street parking spaces; sixty (60) dwelling units containing two (2) bedrooms each shall require ninety (90) off-street parking spaces; and ninety (90) dwelling units containing two (2) bedrooms each shall require one hundred thirty-five (135) off-street parking spaces).</u>
<u><b>Auditoriums and places of assembly without fixed seats</b></u>	<u>One (1) per three (3) people based on the maximum design capacity of the structure</u>
<u><b>Veterinary establishments</b></u>	<u>Five (5) spaces per veterinarian based on the maximum design capacity of the facility or five (5) spaces for every four hundred (400) square feet of usable floor space, whichever is greater</u>

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- 3. Parking space adjustments.** The number of on-site parking spaces calculated using Table 16a shall be adjusted under any one or more of the following circumstances:
- a. Mixed-use developments qualify for the shared-parking percentage reductions specified in Figure 14 provided the development includes at least 10% of its gross floor area in a second category on Figure 14 (residential, lodging, office, business, and civic/education uses).
  - b. Each on-street parking space provided by the developer within ¼ mile of the on-site parking area will be counted as 2 required parking spaces.
  - c. No on-site parking spaces are required for an office, business, or civic/education use that occupies less than 1,500 square feet (up to three such uses per acre).
  - d. Up to half of the required spaces may be located up to 500 feet off-site in a dedicated or joint-use parking lot provided that permission to use those spaces is specified in a binding agreement that is reviewed and approved during the site plan and appearance review process.
  - e. Restaurants may count each boat slip that is available to the public as one parking space.
  - f. The required number of on-site parking spaces may also be reduced through the waiver process (see section 45-51) or may

## EXHIBIT 1 (C-A TO C-MU)

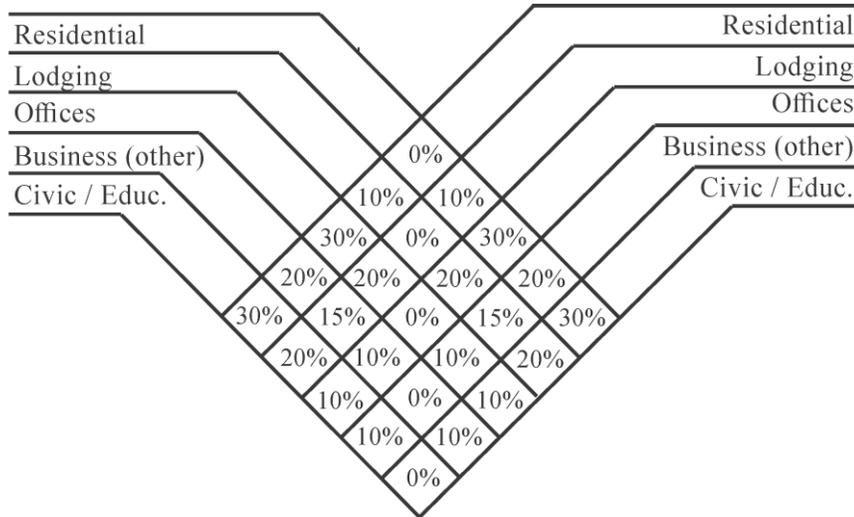
1                    be increased by a special condition applied during the site plan  
 2                    and appearance review process (see sections 6-30–6-60).

3                    g.    A deferred parking plan may be approved by the Village if a  
 4                    parking study is provided that demonstrates the need for  
 5                    parking is less than what is required by code, or the owner has  
 6                    demonstrated that an alternative means of access to the uses on  
 7                    the site justifies the deferral of the construction of a portion of  
 8                    the required parking spaces. The deferred parking plan shall:

9                    i)    Be designed to contain sufficient space to meet the full  
 10                    parking requirements of the Code. The plan shall illustrate  
 11                    the layout for the full number of parking spaces, and shall  
 12                    designate which parking spaces are to be deferred.

13                    ii)   Be designed so that the deferred parking spaces are not  
 14                    located in areas required for landscaping, buffer zones, or  
 15                    areas that would otherwise be unsuitable for parking  
 16                    spaces because of the physical characteristics of the land  
 17                    or other requirements of this Code.

**Figure 14    Shared Parking Reductions**



18                    **4.    Physical standards for parking lots, driveways, and loading.**

19                    a.    Physical standards for parking lots, driveways, and loading are  
 20                    provided in subsection 45-36.J.

## EXHIBIT 1 (C-A TO C-MU)

- 1 H.—~~Off-street parking lot layout, construction and maintenance.~~ Whenever the  
2 required off-street parking requires the building of a parking lot, and  
3 wherever a parking lot is built, such parking lot shall be laid out, constructed  
4 and maintained in accordance with the following regulations:
- 5 1.—~~Each parking space shall measure at least nine (9) feet by eighteen (18)~~  
6 ~~feet (one hundred sixty-two (162) square feet) and shall be a definitely~~  
7 ~~designated and marked stall adequate for one (1) motor vehicle.~~
  - 8 2.—~~All areas devoted to permanent off-street parking as required under~~  
9 ~~this section shall be built in accordance with specifications for streets~~  
10 ~~and parking of the Village of North Palm Beach and maintained in~~  
11 ~~such manner that no dust will result from continuous use.~~
  - 12 3.—~~The parking lot shall be drained to eliminate surface water.~~
  - 13 4.—~~Where parking lot abuts a residential district which has common~~  
14 ~~frontage in the same block with the parking lot, there shall be~~  
15 ~~established a setback line of twenty-five (25) feet from the street lot~~  
16 ~~line for the first twenty-five (25) feet from the residential zone.~~
  - 17 5.—~~Plans for the layout of a parking lot must be approved by the village~~  
18 ~~engineer based on design standards approved by the Institute of Traffic~~  
19 ~~Engineers.~~
  - 20 6.—~~The parking lot shall not have access from a more restrictive zoning~~  
21 ~~district.~~
  - 22 7.—~~No parking shall be permitted in the first ten (10) feet of the required~~  
23 ~~front yard depth, measured from the front property line or the first ten~~  
24 ~~(10) feet of a side or rear yard when the side or rear yard abuts a~~  
25 ~~residential zoning district, except as modified in paragraph 4 above.~~  
26 ~~The restriction against parking in the first ten (10) feet of the required~~  
27 ~~front yard depth measured from the front property line shall not apply~~  
28 ~~to those properties which have complied in full with the landscaping~~  
29 ~~provisions of Chapter 41-16 through 41-25 [chapter 27, article III]~~  
30 ~~both inclusive.~~
  - 31 8.—~~Clearly defined driveways entering on U.S. [Highway No.] 1 shall be~~  
32 ~~constructed using a raised curb of at least six (6) inches in height to~~  
33 ~~delineate the driveways. All streets intersecting with U.S. [Highway~~  
34 ~~No.] 1, currently designed driveways shall be constructed using both~~  
35 ~~concrete button markers of at least four (4) inches in height placed~~  
36 ~~twenty-four (24) inches apart to delineate the driveways. Such~~  
37 ~~driveways shall have separate ingress and egress lanes not to exceed~~  
38 ~~twenty (20) feet in width, exclusive of curb returns.~~
- 39 b. Parking lots shall be interconnected with adjoining properties  
40 where feasible. Connections help to minimize the number of  
41 driveways to US Highway 1 and to reduce unnecessary vehicular  
42 use of those driveways to reach adjoining properties.

## EXHIBIT 1 (C-A TO C-MU)

- 1                   i) Prior to approval of new or reconfigured parking lots,  
2                   landowners are required to make an irrevocable offer of  
3                   cross-access to the adjacent parcel and must design and  
4                   build their parking lot to accommodate cross-access.
- 5                   ii) When adjacent landowners seek approval of new or  
6                   reconfigured parking lots, they will be required to  
7                   reciprocate with a similar cross-access agreement and then  
8                   must complete the physical connection.
- 9                   iii) Each landowner will control all rights to the use of their  
10                  own parking spaces, but may choose to allow joint use of  
11                  surplus parking spaces for a fee of their choosing or  
12                  through private contracts with other parties.
- 13                  c. Excess driveways to US Highway 1 shall not be approved, and  
14                  existing driveways shall be consolidated or eliminated wherever  
15                  possible. The ingress and egress driveways shall be separated by  
16                  [a] six-inch raised curb island of not less than three (3) feet in  
17                  width and ten (10) feet in depth back from the right-of-way.
- 18                  i) Driveways to US Highway No. 1 for two (2) adjacent,  
19                  separately owned parcels should may be located on their  
20                  joint property line wherever possible.
- 21                  ii) On corner lots, driveways may be required to be located on  
22                  the less-traveled street. In all cases, driveways may not be  
23                  located closer than forty (40) feet to an intersection. Except  
24                  in cases where driveways are located on joint property  
25                  lines, all driveways must be not less than twenty-five (25)  
26                  feet from the adjacent property line. Only one (1) such  
27                  combined driveway shall be permitted for each lot with a  
28                  width of one hundred (100) feet or less.
- 29                  9. The rear yard of all lots in the C-1A district shall be designed and  
30                  improved to facilitate loading and unloading. There shall be adequate  
31                  space for standing, loading and unloading services to avoid undue  
32                  interference with public use of streets or alleys.
- 33                  5. **Standards for parking garages.** Parking spaces may be provided  
34                  under or in buildings or in dedicated parking garages instead of being  
35                  provided in uncovered surface parking lots. Such parking spaces need  
36                  not comply with the minimum setbacks for surface parking lots. These  
37                  parking spaces must be screened from view from all streets. Screening  
38                  may be provided by rooms in the same building or with a liner  
39                  building that is at least two stories tall with rooms at least 20 feet deep.
- 40                  I. *Time-share structures; floor area.* In time-share structures, each dwelling  
41                  unit having one (1) bedroom shall have a minimum floor area of seven  
42                  hundred fifty (750) square feet; an additional one hundred fifty (150) square  
43                  feet of floor area shall be required for each additional bedroom provided.

## EXHIBIT 1 (C-A TO C-MU)

- 1 J. ~~Architecture.~~ To provide the village with harmonious development, but  
2 ~~without undue restrictions, the following features are required:~~
- 3 ~~1. All building fronts and sides must be completely enclosed except for~~  
4 ~~necessary doorways for ingress and egress.~~
  - 5 ~~2. No canopies are permitted unless constructed of metal, or other~~  
6 ~~permanent materials and are installed parallel to the store front~~  
7 ~~sidewalks not less than nine (9) feet above the sidewalk.~~

8 **I. Review procedures.**

- 9 **1. Submittal and review procedures.** Compliance with the standards of  
10 the C-MU district shall be evaluated during the site plan and  
11 appearance review process before building and other permits may be  
12 issued (see sections 6-30–6-60).
- 13 **2. Variances.** Variances may be granted by the village to standards in  
14 the C-MU district using the same procedures and criteria the village  
15 uses in granting variances from other regulations (see section 45-50).
- 16 **3. Waivers.** Waivers may be granted by the village to certain standards  
17 in the C-MU district in accordance with the applicable village  
18 procedures for granting waivers (see section 45-51), with these  
19 additional requirements:
  - 20 a. The waiver process in the C-MU district cannot be used to:
    - 21 i) Add uses that are not allowable under this code.
    - 22 ii) Increase the allowable residential density.
    - 23 iii) Increase the allowable building height, except for the extra  
24 story that may be requested pursuant to 45-31.E.4.
  - 25 b. This additional finding must be made before the village approves  
26 a waiver in the C-MU district:
    - 27 i) The proposed waiver meets the intent of the Village of  
28 North Palm Beach Citizens' Master Plan Report, adopted  
29 by the village council on October 27, 2016, through  
30 Resolution 2016-73.

## EXHIBIT 2 (C-C TO C-T)

1           **Sec. 45-32.1. – C-T ~~C-C~~ transitional commercial district.**

2           A.   **General description.** This residential/commercial transitional district is to  
3           provide for the development of low-intensity residential and business ~~offices~~  
4           ~~and other complementary~~ uses. The C-T ~~C-C~~ district shall serve as a  
5           transition between strictly residential areas and intense commercial  
6           development.

7           B.   **Uses permitted.** The following uses are permitted in the C-T ~~C-C~~  
8           transitional commercial district:

- 9           1.   Financial institutions
- 10          2.   Professional and business offices, not including medical and dental  
11          clinics
- 12          3.   Florists
- 13          4.   Clothing stores
- 14          5.   Stationery stores
- 15          6.   Photo studios/camera shops
- 16          7.   Sporting goods stores
- 17          8.   Gift shops
- 18          9.   Candy shops
- 19          10.  Seamstress/tailor shop
- 20          11.  Personal service establishments, such as barber shops, ~~12.~~ hair salons,  
21          and ~~13.~~ nail salons
- 22          12.  ~~14.~~ Instructional dance/music studios
- 23          13.  Family day care home.
- 24          14.  Multiple-family dwelling structures of 2, 3, or 4 dwelling units,  
25          provided that residential density does not exceed 12 units per acre.

26          C.   **Conditions for permitted uses:**

- 27          1.   All activities, sales and storage of goods must be conducted entirely  
28          within completely enclosed buildings with permanent nonmoving  
29          outside walls.
- 30          2.   No outside sidewalk of parking lot storage (or) display of merchandise  
31          will be permitted.
- 32          3.   No manufacturing or production of products for retail or wholesale  
33          will be permitted.

34          D.   **Building height regulations.** No building or structure shall exceed two (2)  
35          stories or twenty five (25) feet.

36          E.   **Building site area regulations:** Maximum floor-area-ratio: 0.70

- 37          ~~1. Maximum lot coverage. Main and accessory buildings shall cover no~~  
38          ~~more than thirty five (35) percent of the total lot area. 2. Reserved.~~

## EXHIBIT 2 (C-C TO C-T)

1 F. **Yards.**

2 1. **Front yards.**

3 (a) All buildings shall be constructed from the Alternate A-I-A or  
4 Prosperity Farms Road right-of-way to provide a front yard of  
5 not less than twenty (20) ~~thirty (30)~~ feet.

6 (b) All buildings shall be set back from the right-of-way of streets  
7 which intersect with Alternate A-I-A or Prosperity Farms Road  
8 providing a yard of not less than ten (10) ~~twenty-five (25)~~ feet.

9 (c) The ground story of each building facade that faces a front yard  
10 must have at least 15% of its surface area in transparent glass  
11 that will transmit at least 50% of visible daylight.

12 2. **Side and rear yards.** All buildings shall be set back from side and rear  
13 lot lines so as to provide side and rear yards of not less than:

14 (a) Ten (10) ~~Fifteen (15)~~ feet when abutting a lot with residential  
15 zoning.

16 (b) Zero (0) feet when abutting a lot with commercial or mixed-use  
17 zoning.

18 3. **Rear yards.** ~~All buildings shall be set back from rear lot lines so as to~~  
19 ~~provide a rear yard of not less than fifteen (15) feet.~~

20 G. **Off-street parking regulations.** Off-street parking shall be provided at half  
21 of the number of parking spaces required in:

22 1. the C-S zoning district for commercial uses; and ~~the same as for the~~  
23 CA commercial district.

24 2. the R-2 zoning district for residential uses.

25 H. **Off-street parking layout, construction and maintenance** shall be as  
26 provided in section 45-36.J. ~~the same as for the CA commercial district.~~

27 I. **Landscape standards.** Landscaping shall be required in the following areas  
28 as required by the village's landscaping requirements:

29 1. Miscellaneous landscape elements, as required in section 45-88;

30 2. Off-street parking lots, as required in section 45-89;

31 3. Site perimeters, as required in section 45-90, except that no perimeter  
32 landscaping is required along a lot line that abuts commercial zoning; and

33 4. Base of foundation, as required by section 45-91.

## EXHIBIT 3 (C-1 TO C-S)

### 1            **Sec. 45-33. – C-S shopping ~~C-1 neighborhood commercial~~ district.**

2            **General description.** This shopping ~~neighborhood commercial~~ district is  
3 established to provide that the principal use of land is devoted to community and  
4 neighborhood shopping and to tourism-related transient uses and to encourage the  
5 development of these locations for such uses and in such manner as to minimize  
6 congestion and interference with other land uses.

7            A. **Uses permitted.** Within any C-S ~~C-1 neighborhood commercial~~ district, no  
8 building, structure, land or water shall be used, except for one (1) or more of  
9 the following uses:

- 10            1. Reserved. ~~Any use permitted in the C-1A limited commercial district.~~
- 11            2. Any retail business or commercial use including neighborhood  
12 commercial use that meets the daily living needs of village residents  
13 and which does not involve the manufacturing or processing of  
14 products; provided, however, automobile repair shops are not a  
15 permitted use except as an accessory use to an automotive service  
16 station or retail automobile tire store.
- 17            3. Transient commercial uses serving either the motoring public or  
18 village residents including hotels and motels, conference and retreat  
19 facilities, filling stations, sale of convenience goods, and restaurants.
- 20            4. Personal service establishments, including, but not limited to, banks,  
21 barbershops, bowling alleys, beauty salons, medical and dental clinics,  
22 professional and other offices, funeral homes, shoe repair shops,  
23 laundry pickup stations and self-service laundries, furniture display  
24 stores and drugstores.
- 25            5. Mobile home park.
- 26            6. Adult entertainment establishments.
- 27            7. Religious worship or related religious activities.
- 28            8. Limited access self-storage facilities are defined as a fully enclosed  
29 structure for indoor storage with a minimal amount of access points  
30 from the exterior of the building. These exterior access points provide  
31 access to interior hallways that directly serve individual storage units  
32 rented to the public. No direct access from the exterior of the building  
33 to an individual storage unit is permitted.
- 34            9. Dog daycare, as defined and regulated in the I-1 zoning district.
- 35            10. Restaurants and cocktail lounges.
- 36            11. Nursery and private schools.
- 37            12. Marinas and their accessory uses such as wet boat storage facilities,  
38 indoor dry boat storage facilities, gasoline supplies and such minor  
39 repair facilities as are incidental to boat storage and which do not  
40 involve major boat and/or engine overhaul.
- 41            13. Multiple-family dwelling structures as a component of a commercial  
42 planned unit development containing a commercial component

## EXHIBIT 3 (C-1 TO C-S)

including retail and non-retail commercial facing a primary street frontage with a depth to be determined by the village council.

\* \* \*

### E. *Off-street parking regulations.*

1. Reserved. Same as for the C-1A limited commercial district for churches, motels, hotels, time share units and restaurants.
2. For general business, commercial or personal service establishments, one (1) space for each two hundred (200) square feet of nonstorage first floor area, plus one (1) space for each two hundred (200) square feet of nonstorage area above the first floor.
3. Medical or dental offices or clinics, one (1) space for each one hundred fifty (150) square feet of floor area, up to three thousand (3,000) square feet; one (1) additional space for each additional two hundred (200) square feet of floor area up to five thousand (5,000) square feet; one (1) additional space for each additional two hundred fifty (250) square feet of floor space in excess of five thousand (5,000) square feet.
4. Offices, one (1) space for each three hundred (300) square feet of floor area used for office purposes.
5. Schools and public buildings, one (1) space for each four (4) seats in the main auditorium or place of assembly.
6. Theaters, auditoriums, one (1) space for each four (4) seats.
7. No parking shall be permitted in the first ten (10) feet of the required front yard depth, measured from the front property line. The restriction against parking in the first ten (10) feet of the required front yard depth measured from the front property line shall not apply to those properties which have complied in full with the landscaping provisions of this code. chapter 41-16 through 41-25 [chapter 27, article III], both inclusive.
8. Furniture display stores, one (1) space for each four hundred (400) square feet of sales area.
9. Retail business with floor area in excess of fifty thousand (50,000) square feet, one (1) space for each two hundred fifty (250) square feet of non-storage floor area.
10. Limited access self-storage facilities, one (1) space for each two hundred (200) storage units plus five (5) customer parking spaces.
11. Marinas:
  - i) one (1) space for every two (2) wet boat slips.
  - ii) one (1) space for every six (6) dry boat slips.
12. Motels and hotels, one (1) space for each guest bedroom, plus one (1) additional space for each five (5) employees.
13. Churches, the same as for the R-2 multiple-family dwelling district.



## EXHIBIT 3 (C-1 TO C-S)

- 1                   iii) No blank walls shall be permitted.  
2                   iv) A mix of uses must be provided that includes a minimum of ten  
3                   (10) percent Gross Floor Area (GFA) retail or professional office  
4                   (excluding the on-site management office for the self-storage  
5                   facility).  
6                   v) A minimum of one thousand (1,000) feet separation from  
7                   property line to the closest adjacent property line shall be  
8                   required between limited access self-storage facilities.

9                   5. All new marinas and major improvements to existing marinas shall  
10                   provide sewage pump-out service to boats seven (7) meters (twenty-  
11                   two and ninety-seven hundredths (22.97) feet) in length or more.  
12                   Major improvements include adding wet or dry boat slips; constructing  
13                   new buildings; adding or expanding fueling facilities, and other  
14                   improvements of a comparable scale as determined by the community  
15                   development director.

## EXHIBIT 4

### 1            **Sec. 45-34. – C-G general commercial district.**

- 2            A.    **Uses permitted.** Within any ~~C-G C-2 commercial~~ district, no building  
3            structure, land or water shall be used, except for one or more of the  
4            following uses:
- 5            1.    Any use permitted in the ~~C-S C-1A limited commercial~~ district.
  - 6            2.    Any retail business or commercial use which does not involve the  
7            manufacturing or processing of products.
  - 8            3.    Personal service establishments, including, but not limited to, banks,  
9            barbershops, bowling alleys, beauty salons, medical and dental clinics,  
10           professional and other offices, funeral homes, filling stations, shoe  
11           repair shops, laundry pickup stations and self service laundries,  
12           furniture display stores and drugstores.
  - 13           4.    Full service automotive dealerships and accessory uses including paint  
14           and body shops, repair shops and garages, limousine service and  
15           towing service.
  - 16           5.    Retail and wholesale sales of new vehicular parts, equipment and  
17           accessories without on-site installation.
  - 18           6.    Automobile service shops such as full service vehicle repair shops,  
19           muffler shops, tire shops, lubrication and oil change, window tinting,  
20           wash and detailing.
  - 21           7.    Automobile, truck and trailer rental business.
  - 22           8.    Adult entertainment establishment.
  - 23           9.    Limited Access Self Storage Facilities, which are defined as a fully  
24           enclosed structure for the purpose of indoor storage, with a minimal  
25           amount of access points from the exterior of the building. These  
26           exterior access points provide access to interior hallways that directly  
27           serve individual storage units rented to the public. No direct access  
28           from the exterior of the building to an individual storage unit is  
29           permitted.
- 30           B.    **Development standards.** Every commercial use located within the ~~C-G C-2~~  
31           ~~commercial~~ district shall be so developed as to comply with the following  
32           performance standards:
- 33           1.    **Outside display:** Outside display areas for sale, lease or rental of  
34           vehicles shall be designed as follows:
    - 35           (a)   Vehicles may be stored on an approved parking surface without  
36           reference to parking stalls, stall striping or wheel stops. This type  
37           of parking shall be allowed only pursuant to a site plan and  
38           appearance review and approval subject to Article III of Chapter  
39           6 of the Village Code of Ordinances.

## EXHIBIT 4

1 (b) Interior landscaping requirements within outside display areas  
2 pursuant to Article VIII ~~III~~ of this chapter ~~27 of the Village Code~~  
3 ~~of Ordinances~~ shall be met by transferring the required  
4 landscaping to the perimeter of the site abutting public rights-of-  
5 ways. The transferred landscaped areas shall be designed and  
6 located so as to mitigate and buffer the impact of the aggregated  
7 vehicle storage area.

8 2. ***Locational and physical restrictions:***

- 9 (a) Repair facilities and paint and body shops shall be located at  
10 least one hundred (100) feet from any residentially-zoned lot.  
11 Service bay doors shall not be oriented toward any adjacent  
12 residentially-zoned property nor oriented toward any adjacent  
13 public street.
- 14 (b) Accessory fuel pump islands and automated wash facilities for  
15 vehicles shall not be located within one hundred (100) feet of any  
16 residentially-zoned property. Wash facilities shall be located  
17 within a completely enclosed building. Fuel pump islands shall  
18 be located within an enclosed area so that they are not visible off  
19 premises.
- 20 (c) The sale, lease or rental of automobiles, trucks, motorcycles, and  
21 recreational vehicles is allowed only on lots which meet the  
22 following minimum dimensions and area:
- 23 (1) Minimum frontage of 125'.
  - 24 (2) Minimum width of 125'.
  - 25 (3) Minimum depth of 200'.
  - 26 (4) Minimum area of 1.5 acres.

27 3. ***Limited access self-storage facilities*** shall be accompanied by the  
28 following conditions:

- 29 (a) All exterior service doors must not be visible from any public  
30 street or adjacent property.
- 31 (b) The architectural treatment of all buildings must reflect the actual  
32 number of stories.
- 33 (c) No blank walls shall be permitted
- 34 (d) A mix of uses must be provided that includes a minimum of ten  
35 percent (10%) Gross Floor Area (GFA) retail or professional  
36 office (excluding the on-site management office for the self-  
37 storage facility).
- 38 (e) A minimum of one thousand (1,000) feet separation from  
39 property line to the closest adjacent property line shall be  
40 required between limited access self-storage facilities.

## EXHIBIT 4

- 1 C. ***Use and operating restrictions.*** Every commercial use located within the  
2 ~~C-G C-2 commercial~~ district shall be so operated as to comply with the  
3 following performance standards:
- 4 1. No industrial equipment or vehicles shall be sold, leased, rented or  
5 otherwise stored within the ~~C-G C-2~~ district. For purposes herein,  
6 industrial equipment is defined as equipment used primarily for  
7 purposes other than transportation or hauling. Trucks other than pickup  
8 trucks, vans and jeeps shall be displayed in areas separated from a  
9 public right-of-way by a building.
  - 10 2. No vehicle shall be parked for display purposes with its hood or trunk  
11 open, nor elevated off the ground in any way. Vehicles shall not be  
12 parked in any right-of-way or driveway.
  - 13 3. Advertising, flags, pennants, streamers, balloons, signs or vehicle  
14 stock numbers shall not be displayed on any vehicle or equipment.  
15 Similar objects or advertising designed to attract the public's attention  
16 shall not be displayed outdoors on any lot, building, vehicle or  
17 equipment.
  - 18 4. Any areas designated for the off-loading of vehicles or for loading and  
19 deliveries shall be located to the rear of buildings and shall be located  
20 so as to contain noise on-site. These areas shall not be located closer  
21 than one hundred (100) feet from any residentially-zoned lot and shall  
22 be appropriately designated, marked and signed.
  - 23 5. Dealers are prohibited from using streets in a residential zone for the  
24 testing of vehicles after servicing and for the demonstration of  
25 vehicles.
  - 26 6. Exterior lighting fixtures shall not exceed twenty-five (25) feet in  
27 height; shall be directed away from adjacent properties; shall confine  
28 light to the site only; and shall not exceed when measured at any  
29 property line, the following illumination:
    - 30 (a) One hundred (100) foot-candles within display areas.
    - 31 (b) Forty (40) foot-candles within all areas.
    - 32 (c) After 11:00 p.m., the illumination in display areas shall be  
33 reduced to fifty (50) foot-candles.
  - 34 7. No outdoor speakers or public address systems that are audible from  
35 the exterior of the site shall be permitted.
  - 36 8. Customer parking shall be marked with an above grade sign and shall  
37 be physically separated from the vehicle sales, storage and display  
38 area. This barrier may be in the form of a landscape strip, curbing or  
39 removable bollards.

## EXHIBIT 4

- 1           9.    The height of buildings, the site area of buildings, yard spaces, and  
2            floor area regulations in the C-G C-2 zoning district shall be the same  
3            as required in the C-S C-1 neighborhood commercial district, with the  
4            following exception: Limited access self-storage facilities shall be  
5            limited to a maximum of three (3) stories in height.
- 6           10.   With the following exceptions, off-street parking regulations shall be  
7            the same as for the C-S C-1 neighborhood commercial district:
- 8            (a)   Full-service automotive dealerships, Customer and employee  
9            parking requirements; One (1) space for each five hundred (500)  
10           square feet enclosed floor area, plus one (1) space per each four  
11           thousand five hundred (4,500) square feet of outdoor sales  
12           display and rental area, plus one (1) space per service bay, plus  
13           one (1) space per employee of the shift of largest employment.  
14           Parking for vehicle storage, sales or display may not be counted  
15           toward meeting the number of required off-street parking spaces  
16           or to be provided for customers and employees.
- 17           (b)   Limited access self-storage facilities, one (1) space for each two  
18           hundred (200) storage units plus five (5) customer parking  
19           spaces.

## EXHIBIT 5 (PUD)

### 1           **Sec. 45-35.1. - Planned unit development.**

#### 2           **I.     *Statement of intent.***

3           **A.**    The intent of this section is to provide, in the case of a commercial  
4           planned unit development consisting of one (1.0) or more acres, in the  
5           case of an industrial planned unit development consisting of one (1.0)  
6           or more acres, and in the case of a residential planned unit  
7           development of ~~five (5) or more acres~~, an added degree of flexibility in  
8           the placement and interrelationship of the buildings and uses within  
9           the planned unit development, together with the implementation of  
10          new design concepts. At the same time the intensity of land use,  
11          density of population and amounts of light, air, access and required  
12          open space will be maintained for the zoning district in which the  
13          proposed project is to be located, except as may be permitted for key  
14          redevelopment sites through subsection 45-35.1.VIII. The village  
15          council hereby determines that the regulations pertaining to intensity  
16          of land use, density of population and required open space are the  
17          minimum requirements for the protection and promotion of the public  
18          health, safety and general welfare. Nothing herein should be construed  
19          as allowing deviation for uses other than those specified as permitted  
20          uses, nor any greater intensity of use or density of population nor any  
21          less required open space than that which is specified in this chapter for  
22          the zoning district in which a proposed project is located, except as  
23          may be permitted through subsection 45-35.1.VIII.

24          **B.**    Subject to the foregoing statement of intent, the village council may, in  
25          the case of commercial, industrial and residential planned unit  
26          developments, allow for minor modification of the provisions of this  
27          chapter or other land development regulations in accordance with the  
28          procedure set forth in subsections II, III, IV and V.

29          **C.**    The Planned Unit Development procedures in section 45-35.1 may not  
30          be used in the following zoning districts which provide a different  
31          process for considering minor modifications:

32               **1.**    C-MU – the C-MU zoning district allows waivers (see the C-MU  
33               zoning district and section 45-51).

34               **2.**    C-3 – the C-3 zoning district contains special PUD procedures  
35               that apply only to that district (see subsection 45-34.1.K).

36               **3.**    C-NB – the C-NB zoning district allows waivers (see the C-NB  
37               zoning district and section 45-51).

## EXHIBIT 5 (PUD)

### 1 II. *Filing of application.*

2 A. Any person may file an application with the village council for minor  
3 modifications of the provisions of this chapter. This application shall  
4 contain at least the following:

- 5 1. All application and review procedures shall comply with ~~section~~  
6 ~~21-12, Changes to zoning ordinances and~~ section 45-49,  
7 Application for rezoning, of this Code.
- 8 2. A statement listing and fully explaining the specific  
9 modifications of the provisions of this chapter 45 which are  
10 desired, as well as the purposes for which the modifications are  
11 intended.
- 12 3. All application procedures for residential planned unit  
13 developments shall be as required by the subdivision provisions  
14 of this Code.
- 15 4. Compliance with the village comprehensive plan is required.
- 16 5. Land covered by the development plan shall be platted  
17 concurrently with final approval of the development plan.
- 18 6. The fee for filing an application for a planned unit development  
19 shall be established in the master fee schedule adopted annually  
20 as part of the village budget.
- 21 7. The final approved development plan shall include the plat  
22 drawings and necessary submittals demonstrating acceptability  
23 of all factors and standards evaluated in subsection IV(A).
- 24 8. All dwelling unit sizes, parking criteria and building site  
25 coverage must meet the requirements of the zoning code for each  
26 type of proposed use, except at follows.

27 ***Exception A:*** applicants for assisted living facilities may,  
28 when accompanied by a justification statement, apply for  
29 relief from the off-street parking and minimum dwelling  
30 unit size requirements.

31 ***Exception B:*** applications submitted through subsection  
32 45-35.1.VIII for key redevelopment sites may, when  
33 accompanied by a justification statement, apply for relief  
34 from off-street parking and minimum dwelling unit size  
35 requirements. Building site coverage requirements do not  
36 apply.

37 ***Exception C:*** applications for commercial or mixed-use  
38 development may, when accompanied by a justification  
39 statement, apply for relief from the off-street parking  
40 requirements.

## EXHIBIT 5 (PUD)

- 1           9. All land included for the purpose of development within a  
2           planned unit development shall be owned or under the unified  
3           control of the applicant for such zoning designation, whether the  
4           applicant is an individual, partnership, corporation, trust or group  
5           of individuals, partnerships, trusts or corporations. The applicant  
6           shall present satisfactory evidence of the unified control of the  
7           entire area by applicant within the proposed planned unit  
8           development and shall state agreement that, if he proceeds with  
9           the proposed development, he will:
- 10           a. Do so in accordance with the officially approved  
11           development plan and such other conditions or  
12           modifications as may be attached to the conditional use.
- 13           b. Provide agreements, covenants, contracts, deed restrictions  
14           or sureties acceptable to the village council, both for  
15           completion of the undertaking in accordance with the  
16           adopted development plan, and also for the continuing  
17           operation and maintenance of areas, functions and facilities  
18           which the plan shows are not to be operated or maintained  
19           at general public expense. Such documents must be in a  
20           form acceptable to the Village Attorney.
- 21           c. Bind his development successors in title to any  
22           commitments made under subsections a. and b., preceding.
- 23        10. Any tract of land for which a planned unit development is made  
24        shall contain sufficient width, depth and frontage on a public  
25        dedicated arterial or major street or appropriate access which will  
26        accommodate the proposed use and design.
- 27        11. In the event any building or structure built under this section is  
28        destroyed or removed by or for any cause, said building or  
29        structure, if replaced, shall be replaced with a building or  
30        structure of similar size and type not exceeding the dimensions  
31        of the original building or structure. The developer shall include  
32        the appropriate deed restrictions and/or covenants so as to require  
33        replacement as outlined above.

34        **III. Referral to planning commission.** The village council shall refer each  
35        application for a planned unit development to the planning commission for  
36        study and recommendation.

### 37        **IV. Action of planning ~~committee~~ {commission.}**

- 38        **A.** After a study of an application for a planned unit development and the  
39        required public hearing, the planning commission shall make a  
40        recommendation to the village council to approve, approve as  
41        modified, or reject the application based upon the following standards:
- 42           1. The proposed use or uses shall be of such location, size and  
43           character as to be in harmony with the appropriate and orderly

## EXHIBIT 5 (PUD)

1 development of the zoning district in which situated and shall not  
2 be detrimental to the orderly development of adjacent zoning  
3 districts.

4 2. The location and size of the proposed use or uses, the nature and  
5 intensity of the principal use and all accessory uses, the site  
6 layout and its relation to streets giving access to it, shall be such  
7 that traffic to and from the use or uses, and the assembly of  
8 persons in connection therewith, will not be hazardous or  
9 inconvenient to the neighborhood nor conflict with the normal  
10 traffic of the neighborhood. In applying this standard, the  
11 commission shall consider, among other things: convenient  
12 routes for pedestrian traffic, particularly of children; the  
13 relationship of the proposed project to main traffic thoroughfares  
14 and to street and road intersections; and, the general character  
15 and intensity of the existing and potential development of the  
16 neighborhood. In addition, where appropriate, the commission  
17 shall determine that noise, vibration, odor, light, glare, heat,  
18 electromagnetic or radioactive radiation, or other external effects,  
19 from any source whatsoever which is connected with the  
20 proposed use, will not have a detrimental effect upon  
21 neighboring property or the neighboring area in general.

22 3. The location and height of buildings, the location, nature and  
23 height of walls and fences, and the nature and extent of  
24 landscaping of the site shall be such that they will not hinder or  
25 discourage the proper development and use of adjacent land and  
26 buildings nor impair the value thereof.

27 4. The standards of density and required open space in the proposed  
28 project are at least equal to those required by this ordinance in  
29 the zoning district in which the proposed project is to be located,  
30 except as may be permitted for key redevelopment sites through  
31 subsection 45-35.1.VIII.

32 5. There shall be no uses within the proposed project which are not  
33 permitted uses in the zoning district in which the proposed  
34 project is to be located.

35 **Exception:** A Mixed uses ~~occupancy~~ may be allowed if the  
36 existing zoning district usage is commercial. The mixed  
37 uses usage occupancy shall only be residential and  
38 mercantile or residential and business.

39 B. The commission may recommend such changes or modifications in the  
40 proposed plan as are needed to achieve conformity to the standards as  
41 herein specified. The reasons for the changes or modifications shall be  
42 included in the recommendation.

## EXHIBIT 5 (PUD)

1 C. The commission shall not recommend the project unless it finds that  
2 all of the standards as herein specified have been met. If there are  
3 minor modifications to the provisions of this chapter, the commission  
4 may recommend its approval at the same time. It shall also, where it  
5 deems appropriate and necessary, recommend to the village council  
6 those conditions to be imposed upon the project, its operation, or both,  
7 that are needed to assure adherence to the aforesaid standards.

8 V. ***Action of village council.*** The village council, upon the receipt from the  
9 planning commission of the report on the planned unit development and the  
10 minor modifications to the provisions of this chapter may, after the required  
11 public hearing, approve or reject such project and modifications,  
12 incorporating with an approval such conditions as the council deems  
13 appropriate. The approval shall be by ordinance.

14 VI. ***Effect of approval of village council.*** The approval of the application by  
15 the village council shall allow the building official to issue a building permit  
16 in conformity with the application as approved. This permit shall specify  
17 with particularity the exact modifications to the provisions of this chapter  
18 which have been approved by the village council. The holder of this permit  
19 may then proceed with his project in conformity with said permit. No  
20 deviations from the conditions of the permit shall be allowed except those  
21 which shall be in conformity with the basic provisions of this ordinance as  
22 they apply to the zoning district in which the project is located. The  
23 community development director may adjust a modification to the  
24 provisions of this chapter only if the adjustment had been authorized by  
25 conditions that the Village Council placed on the planned unit development  
26 approval.

27 VII. ***Public notice.*** Public notice of all hearings conducted in accordance with  
28 this section shall be provided as required by section 21-3 of the village  
29 Code.

30 VIII. ***Key redevelopment sites.*** The village has identified key sites in need of  
31 redevelopment and encourages the use of this Planned Unit Development  
32 process to redevelop those sites in accordance with design concepts  
33 developed or endorsed by the village. Minor modifications to the provisions  
34 of this chapter or other land development regulations may be requested  
35 through the Planned Unit Development process for these sites. The  
36 following additional standards apply during this process:

37 1. ***Regulating plans.*** Eligible sites are depicted on regulating plans in  
38 Figures 45-35.1-A-1, 45-35.1-B-1, and 45-35.1-C-1.

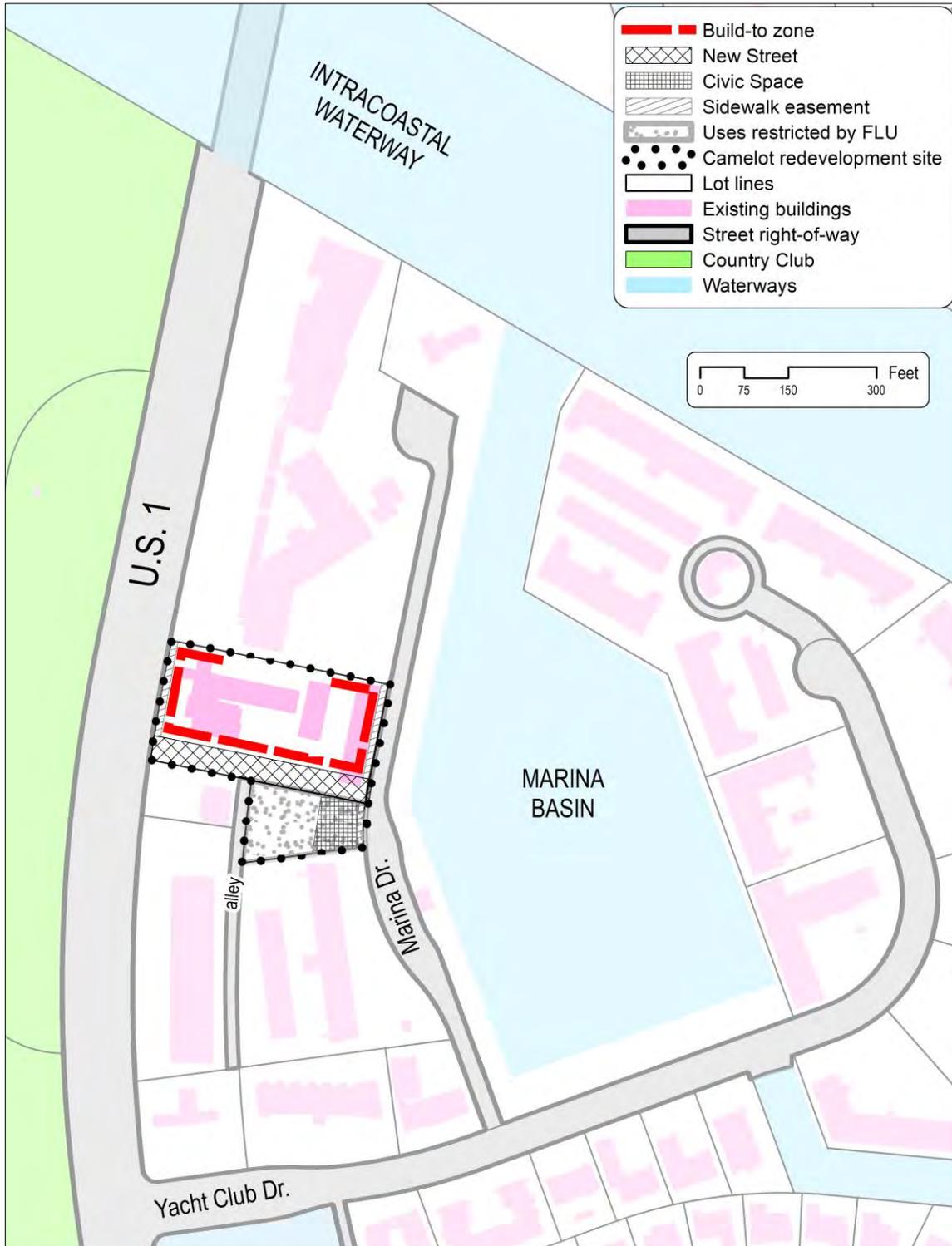
39 2. ***Illustrative plans.*** Renderings or illustrative plans may be provided in  
40 this subsection to show hypothetical buildings on eligible sites using  
41 these standards. See Figures 45-35.1-A-2, 45-35.1-B-2, and 45-35.1-  
42 C-2.

## EXHIBIT 5 (PUD)

- 1           **3. Build-to zone.** Where build-to zones are shown on the regulating plan,  
2           the build-to zone is 0 feet minimum and 20 feet maximum using the  
3           methodology in the C-MU zoning district (unless different distances  
4           are specified on the regulating plan). Build-to zones supersede setback  
5           requirements in the underlying zoning district.
- 6           **4. Floor-to-area ratio.** The Comprehensive Plan establishes caps on the  
7           ratio of floor area to lot area for most land in the village; however,  
8           those caps do not apply to these key redevelopment sites.
- 9           **5. Building frontage standards.** Where build-to zones are shown on the  
10          regulating plan, building frontages must be at least 60% of the lot  
11          width, measured using the methodology in the C-MU zoning district  
12          (unless a different percentage is specified on the regulating plan).
- 13          **6. Building height.** Buildings may be up to 4 stories tall. For the purpose  
14          of calculating the number of stories in a building, see the methodology  
15          in the C-MU zoning district. This height limitation supersedes height  
16          limitations in the underlying zoning district.
- 17          **7. Façade transparency.** Where build-to zones or civic spaces are  
18          shown on the regulating plan, facades must be at least 30% transparent  
19          at the ground story and 20% transparent at each upper story, measured  
20          using the methodology in the C-MU zoning district (unless different  
21          percentages are specified on the regulating plan).
- 22          **8. Encroachments.** Architectural elements may project beyond the  
23          closest point to a property line where an exterior wall may be  
24          constructed to the same extent as allowed in the C-MU zoning district,  
25          irrespective of setback requirements in the underlying zoning district.
- 26          **9. Parking setbacks.** New or reconfigured surface parking lots must be  
27          set back at least 50 feet from US Highway 1 and at least 30 feet from  
28          all other existing and new streets.
- 29          **10. Parking garages.** Parking spaces may be provided under or in  
30          buildings or in dedicated parking garages instead of being provided in  
31          uncovered surface parking lots. Such parking spaces need not comply  
32          with the minimum setbacks for surface parking lots, but must be  
33          screened from view from all streets. Screening may be provided by  
34          rooms in the same building or with a liner building that is at least two  
35          stories tall with rooms at least 20 feet deep.
- 36          **11. New streets.** Where a new street is shown on the regulating plan, the  
37          new street must be constructed using the standards in the C-MU  
38          zoning district (unless different standards are specified on the  
39          regulating plan).
- 40          **12. Sidewalk easements.** Where a sidewalk easement is shown on the  
41          regulating plan, the easement must be dedicated and the sidewalk must  
42          be constructed using the standards in the C-MU zoning district.

# EXHIBIT 5 (PUD)

**Figure 45-35.1-A-1 Camelot Regulating Plan**



1

**EXHIBIT 5 (PUD)**

**Figure 45-35.1-A-2 Camelot Illustrative Plan**

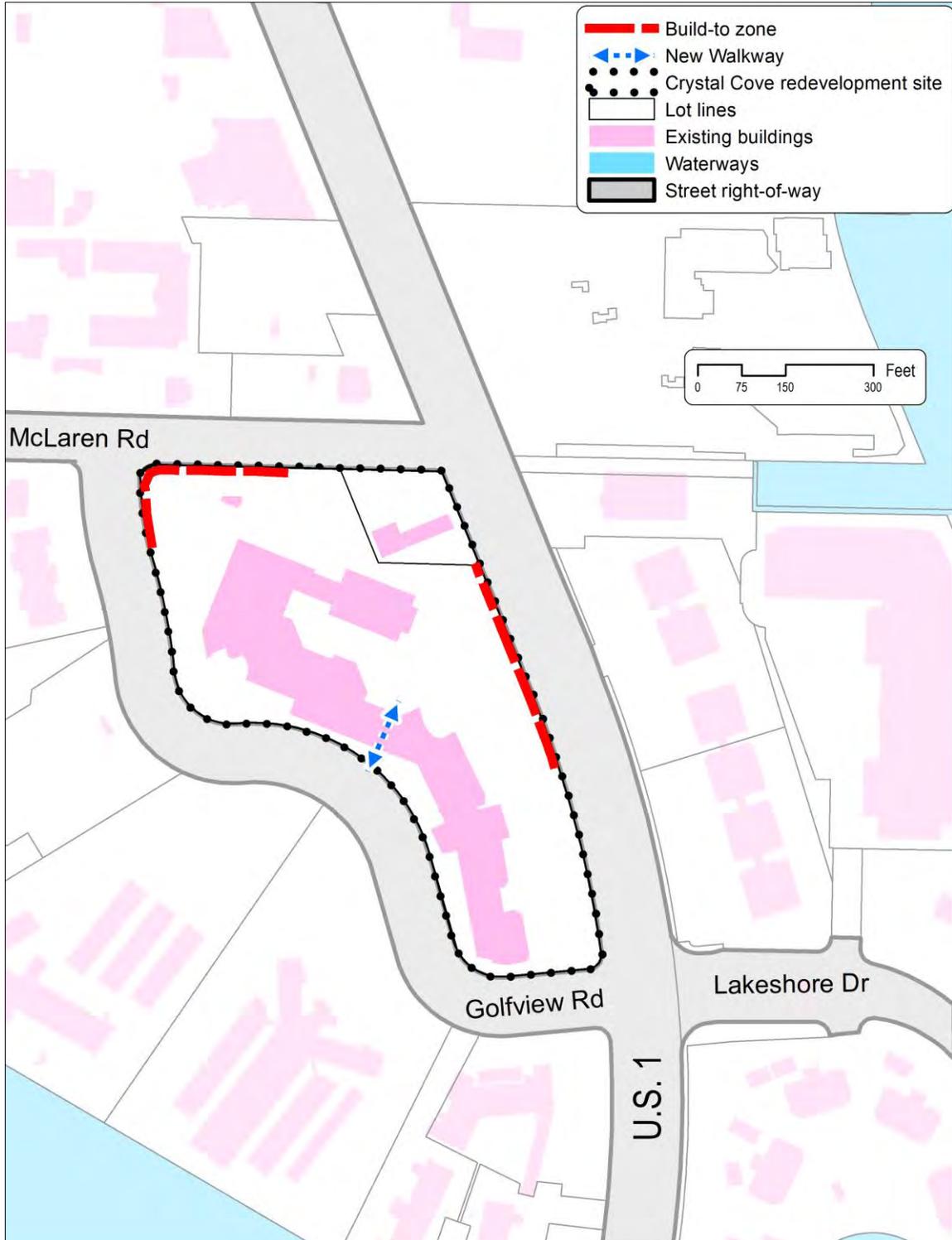


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# EXHIBIT 5 (PUD)

1

**Figure 45-35.1-B-1 Crystal Cove Regulating Plan**



# EXHIBIT 5 (PUD)

Figure 45-35.1-B-2 Crystal Cove Illustrative Plan

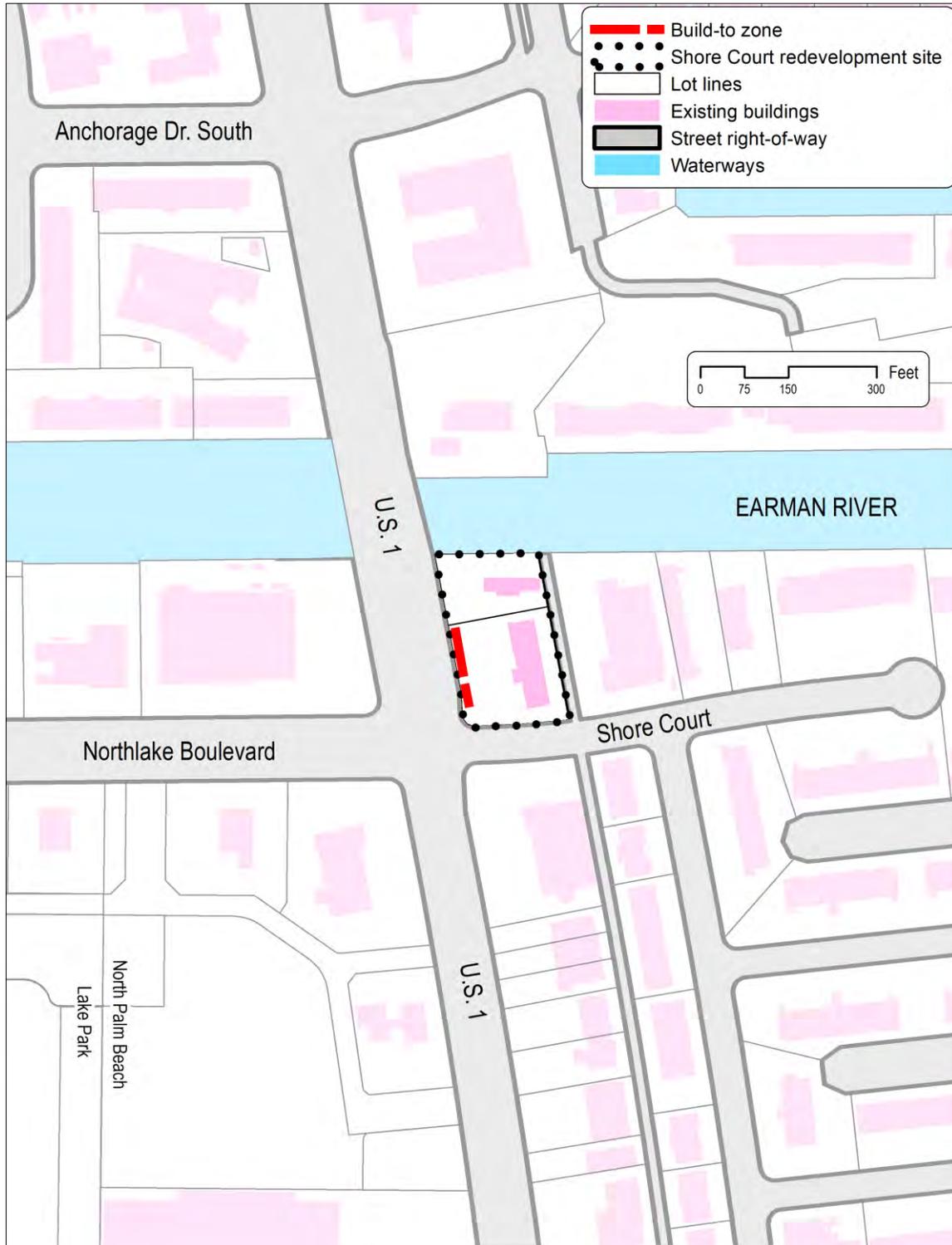


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# EXHIBIT 5 (PUD)

1

**Figure 45-35.1-C-1 Shore Court at US 1 Regulating Plan**



## EXHIBIT 5 (PUD)

**Figure 45-35.1-C-2 Shore Court at US 1 Illustrative Plan**



1

## EXHIBIT 6 (NBOZ TO C-NB)

1        **Sec. 45-35.3. – C-NB Northlake Boulevard commercial district.**  
2        ~~overlay zoning district (NBOZ).~~

### 3        **ARTICLE 1    ESTABLISHED.**

4                The Northlake Boulevard commercial ~~overlay zoning~~ district (NBOZ) shall  
5        consist of ~~that portion of~~ real properties within the village on the north side of that  
6        ~~front upon or are adjacent to~~ Northlake Boulevard between Alternate A1A and US  
7        Highway 1 as indicated on the official zoning map.

### 8        **ARTICLE 2    CONSISTENCY WITH COMPREHENSIVE LAND USE PLAN**

9                The establishment of the C-NBOZ district is hereby declared consistent with  
10       the village comprehensive plan.

### 11       **ARTICLE 3    GENERAL PROVISIONS**

#### 12       **Sec. 3-1      Applicability.**

- 13        A.    ***Applicability.*** The provisions of the C-NBOZ district shall apply to all  
14        existing and future development within the boundaries of the C-NBOZ  
15        district as follows:
- 16                1.    All new development.
  - 17                2.    All renovations, additions, or redevelopment to existing structures  
18                where the cost of such is greater than fifty (50) percent of the assessed  
19                improvement value of the parcel, indicated on the most recent tax roll  
20                of Palm Beach County Property Appraiser, or an increase of greater  
21                than twenty (20) percent of the square footage of the existing structure  
22                shall conform to one hundred (100) percent of the C-NBOZ  
23                Regulations.
  - 24                3.    When the use of an existing structure ceases for one hundred eighty  
25                (180) consecutive days, or as otherwise determined to be a  
26                discontinued or abandoned use by the local zoning code.
- 27        B.    ***Invalid approvals.*** Invalid development orders or permits of projects, which  
28        have been revoked or have expired shall be subject to all applicable  
29        provisions of the C-NBOZ district.
- 30        ~~C.    ***Conflict with other applicable regulations.***~~
- 31                ~~1.    When the provisions of the NBOZ district conflict with other village~~  
32                ~~regulations applicable to the site, the most restrictive provisions shall~~  
33                ~~prevail.~~
  - 34                ~~2.    Provisions addressed within the village regulations that are not~~  
35                ~~addressed within the NBOZ district remain applicable in the~~  
36                ~~development or redevelopment of a site in the NBOZ.~~

## EXHIBIT 6 (NBOZ TO C-NB)

### 1        **Sec. 3-2        Procedures, variances, and waivers. and regulations.**

2        **A.        Submittal and review procedures.** Development or redevelopment within  
3        the corridor shall adhere to the regulations imposed by the C-NBOZ district.  
4        Compliance with the standards of the C-NBOZ district shall be  
5        demonstrated by submittal of architectural drawings and a site development  
6        plan or site improvement plan in accordance with village regulations, which  
7        generally require site plan and appearance approval before building and  
8        other permits may be issued. ~~The development order~~ That approval shall  
9        reflect the restrictions imposed by the C-NBOZ district.

10       ~~**B.        Use regulations.** Restrictions which may be imposed in the NBOZ district~~  
11       ~~shall be limited to the following:~~  
12       ~~1.        Reducing the number of land uses permitted by right and permitted by~~  
13       ~~conditional use within the NBOZ district;~~  
14       ~~2.        Eliminating inappropriate land use within the NBOZ district;~~  
15       ~~3.        Limiting maximum building or impervious coverage permitted;~~  
16       ~~4.        Management of access to abutting and nearby roadways, including~~  
17       ~~specific design features intended to reduce adverse traffic impacts; or~~  
18       ~~5.        Any other specific site development regulations required or authorized~~  
19       ~~by these provisions.~~

20       ~~**C.        Review procedures.** Unless otherwise stated within these provisions, the~~  
21       ~~review procedures for development and redevelopment of applicable sites~~  
22       ~~within the NBOZ district shall be pursuant to the village's review procedures~~  
23       ~~and approval process.~~

24       ~~**D.        Waivers and variances.** Waivers and variances from the NBOZ regulations~~  
25       ~~may be granted by the village: reviewing projects which are subject to the~~  
26       ~~NBOZ regulations.~~

27       **B.** ~~2.        Variances.~~ Variances may be granted by the village to standards in the  
28       C-NB district using the same procedures and criteria, ~~which the village uses~~  
29       in granting variances from other regulations (see section 45-50). ~~its code.~~

30       **C.** ~~1.        Waivers.~~ Waivers from the NBOZ regulations may be granted by the  
31       village to certain standards in the C-NB district in accordance with the  
32       applicable village procedures for granting waivers (see section 45-51), with  
33       these additional requirements: from its own code of ordinances.

34       1.        The waiver process in the C-NB district cannot be used to:

35       a.        Increase the allowable residential density or building height.

36       b.        Add uses that are not allowable under this code.

37       2.        These additional findings must be made before the village approves a  
38       waiver in the C-NB district:

39       a.        The proposed waiver meets the intent of the Northlake Boulevard  
40       regulations adopted concurrently by the village, county, Town of  
41       Lake Park, and City of Palm Beach Gardens.

ARTICLE 4 ZONING REGULATIONS

Sec. 4-1 Development review regulations.

A. Allowable Uses. Table 4-1 indicates allowable uses in the C-NB district.

- 1. The uses listed in Table 4-1 are grouped into four use groups: Residential Uses, Lodging Uses, Business Uses, and Civic & Education Uses.
2. In one of the columns following each listed use, a symbol is provided to indicate that:
a. This use is permitted by right; or
b. This use may be approved as a special exception; see section 45-16.2 for standards and procedures; or
c. This use, like other uses not listed in Table 4-1, is not permitted in the C-NB district.
3. Terms in Table 4-1 are defined in section 45-2 under "Use Groups."
4. Also refer to section 45-16.1 on uses that are similar to uses listed in Table 4-1.

A. Conditional use and special permit use. Conditional uses and special permit uses are generally compatible with the other uses permitted in the district, but which require individual review as to their location, design, configuration, intensity and/or density of use, buildings and structures, and may require the imposition of conditions in order to ensure the appropriateness of the use at a particular location. The supplemental regulations outlined in section 4-3 of this article are to be considered in addition to the existing village standards; however, the most restrictive regulations apply. Special permit uses are generally temporary for a specified fixed period of time.

- 1. Standards for conditional uses and special permit uses. These uses shall be permitted only if the applicant for conditional use or special permit use approval demonstrates the following:
a. The proposed use is in compliance with all requirements of and is consistent with the general purpose, goals, objectives and standards of the village's land development regulations and comprehensive development plan;
b. The proposed use will not have an undue adverse effect on nearby properties;
c. The proposed use is compatible with the existing or planned character of the neighborhood in which it would be located; and
d. All reasonable steps have been taken to minimize any adverse effect of the proposed use on the immediate vicinity through site design, landscaping and screening.

## EXHIBIT 6 (NBOZ TO C-NB)

1

**Table 4-1 Allowable Uses**

	<u>PERMITTED USE</u>	<u>SPECIAL EXCEPTION</u>	<u>NOT PERMITTED</u>
<b>RESIDENTIAL USES</b>			
<u>Mobile home park</u>			●
<u>Dwelling, one family detached</u>			●
<u>Dwelling, all other dwelling types</u>	●		
<u>Live/work unit</u>	●		
<u>Assisted living facility</u>		●	
<u>Community residential home</u>			●
<b>LODGING USES</b>			
<u>Bed-and-breakfast establishment</u>	●		
<u>Hotel</u>	●		
<u>Motel</u>	●		
<u>Time-share unit</u>	●		
<b>BUSINESS USES</b>			
<u>Offices, general</u>	●		
<u>Office or clinic, medical or dental</u>	●		
<u>Stores &amp; services, general</u>	●		
<u>Stores &amp; services, large format</u>		●	
<u>Adult entertainment</u>			●
<u>Convenience store with fuel</u>		●	
<u>Dog daycare</u>		●	
<u>Drive-through facility (for any use)</u>		●	
<u>Garage, parking</u>		●	
<u>Heavy commercial and light industrial:</u>			
<u>Contractor and trade operation</u>		●	
<u>Vehicle sales or repair</u>		●	
<u>All other</u>			●
<u>Medical marijuana treatment center</u>			●
<u>Restaurant or cocktail lounge</u>	●		
<u>Telecommunications antennas</u>		●	
<b>CIVIC &amp; EDUCATION USES</b>			
<u>Child care facility</u>	●		
<u>Church or place of assembly</u>	●		
<u>Civic space</u>	●		
<u>Family day care</u>	●		
<u>Government building</u>	●		
<u>Hospital or medical center</u>		●	
<u>Public space</u>	●		
<u>School, public or private</u>		●	

2

## EXHIBIT 6 (NBOZ TO C-NB)

1           2.   ~~**Conditions on conditional uses and special permit uses.**~~ The village  
2           council shall attach such conditions, limitations and requirements as  
3           are necessary to carry out the purpose of the village's land  
4           development regulations and comprehensive development plan and to  
5           prevent or minimize adverse impacts on adjacent properties, including,  
6           but not limited to, conditions relating to the size and intensity of the  
7           use, landscaping, lighting, adequate ingress and egress, traffic  
8           circulation and hours of operation. Such conditions shall be set forth  
9           expressly in the resolution granting the conditional use or special  
10          permit use.

11          3.   ~~**Review by village council.**~~ The village council shall conduct a public  
12          hearing on a conditional use or special permit use application and  
13          determine whether the request meets the criteria established in this  
14          section. At the close of the public hearing, the village council shall  
15          either adopt a resolution granting the application, with or without  
16          conditions, or deny the application.

17    B.   ~~**Prohibited uses.**~~ Uses not listed in the use chart are prohibited unless it is  
18          determined by the village that the requested use is similar in nature to a  
19          listed use and not contrary to the intent of the NBOZ.

20    **B. Building height.** Building height is regulated through the architectural  
21          standards in Article 5; in no case may a building in the C-NB zoning district  
22          exceed 4 stories in height. For the purpose of calculating the number of  
23          stories in a building, stories shall be defined as the space between finished  
24          floor and finished ceiling, adjusted as follows:

25          1.   Each level devoted to parking is considered as individual story when  
26          calculating the number of stories in a building.

27          2.   A mezzanine will not count towards the number of stories provided  
28          that the total area of mezzanine level is less than 40 percent of the  
29          floor area of the main story below.

30    C.   ~~**Existing planned development districts.**~~ Properties within the jurisdiction  
31          of the village, which have a PUD designation at the time of adoption of the  
32          original NBOZ overlay in 2003, shall be permitted to have uses and design  
33          guidelines in accordance with the development order for that planned  
34          development district so long as the development order is in effect. Any  
35          amendment to the PUD will have to comply with the design guidelines of  
36          the current C-NBOZ district.

37    D.   ~~**Variances.**~~ A variance from the supplementary use standards established in  
38          this article shall not be granted by the village.

39    **D. Accessory use.** An accessory use is customarily associated with the  
40          principal use, incidental to the principal use, and subordinate in area, extent  
41          or purpose, and serves only the principal use. Accessory uses shall be  
42          subject to the following:

43          1.   All accessory uses shall be located on the same lot as the principal use.

## EXHIBIT 6 (NBOZ TO C-NB)

1           2. A use that is an accessory to a nonresidential principal use shall not  
2           exceed thirty (30) percent of the floor area or business receipts of the  
3           principal use.

4 ~~F.~~ **E.** Parking and loading. Properties will retain the existing parking ratios as of  
5 the date of adoption of the C-NB Code, which are listed in C-S code section  
6 45-33.E. A new mixed-use development or mixed-use redevelopment may  
7 be granted the mixed-use parking standards listed in Table 16.A within 45-  
8 31.H.

9           a. Physical standards for parking lots, driveways, and loading are  
10 provided in subsection 45-36.J.

11           b. Mixed-use developments qualify for the shared-parking percentage  
12 reductions specified in Figure 14 in 45-31 (H) provided the  
13 development includes at least 10% of its gross floor area in a second  
14 category on Figure 14 (residential, lodging, office, business, and  
15 civic/education uses).

16           All parking and loading standards are governed by the village.

17 ~~E. F. G.~~ **F.** **G.** **Measuring distances.** All required distances between structures and/or  
18           uses within this article shall be measured and determined irrespective of  
19           existing municipal boundaries.

20 ~~Sec. 4-2—Land use chart.~~

21 *[the land use chart, endnotes, and district boundaries are being deleted]*

22 ~~F. G.~~ **F. G.** Notwithstanding anything contained elsewhere within this ~~code ordinance,~~  
23           the properties covered by the C-NBOZ district which have approved uses  
24           under the immediately prior existing underlying zoning district of the village  
25           that are considered or deemed not approved uses in the land use chart above,  
26           shall retain their permitted status rather than being deemed not be non-  
27           conforming (see sections 45-60–45-68).

28 ~~Sec. 4-3—Use definitions and supplemental regulations.~~

29 *[all use definitions and their supplemental regulations are being deleted]*

## 30 **ARTICLES 5 THROUGH ARTICLE 8**

31 *In addition to the specific changes to Articles 5 through 8 identified on the following*  
32 *pages, the following general changes are being made throughout these articles:*

- 33           • *Every occurrence of the acronym “NBOZ” is being changed to*  
34           *“C-NB district”*
- 35           • *Every occurrence of the phrase “conditional use” is being changed*  
36           *to “special exception”*
- 37           • *Every occurrence of the word “overlay” or the phrase “overlay*  
38           *zone” is being changed to “C-NB district”*

## EXHIBIT 6 (NBOZ TO C-NB)

1 **ARTICLE 5 ARCHITECTURAL ELEMENTS**

2 *No additional changes are being made to Article 5.*

3 **ARTICLE 6 ~~LANDSCAPE ELEMENTS~~ RESERVED**

4 **ARTICLE 7 SIGNAGE AND OUTDOOR DISPLAYS**

5 *The row in Table 7-6 that applies to the Central/West District is being deleted.*

ARTICLE 8 SITE PLAN ELEMENTS

Sec. 8-2 Building orientation and placement.

\* \* \*

D. Building envelope, bulk and setback requirement. In order to establish overall building envelope, bulk, and setback provisions within the C-NBOZ district, the following regulations are established for the purposes of this section.

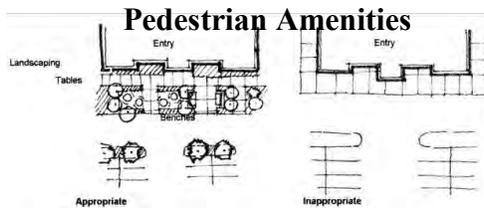
Table 8-2 --- Proposed Setbacks

[delete columns headed West, Central and Marine]

Sec. 8-4 Pedestrian amenities.

A. General design. Uses shall contribute to pedestrian-friendly focal spaces through the provision of aesthetic walking paths, pedestrian spaces with furnishings, public art, generous plantings, marked crosswalks, and vehicular parking and circulation areas clearly separated from such pedestrian amenities.

- 1. Sidewalks shall be of barrier-free design to the greatest extent possible.
2. Pedestrian circulation systems shall include gathering/sitting areas.



B. Width and materials. Sidewalks shall be a minimum of five (5) feet in width and shall be constructed of stone, textured cement, concrete pavers, or brick.

C. Pedestrian entrances.

- 1. Major public entrances shall be located along Northlake Blvd.
2. A clearly designated pedestrian walkway and similar pedestrian-oriented facilities shall be provided from public sidewalks to public entrance or walkways within a commercial site, as well as between abutting commercial properties.

D. Pedestrian walkway to Earman River (C-17 Canal). A clearly designated pedestrian walkway shall be provided from public sidewalks to the rear lot line on all properties located between US Highway 1 and a point 200 feet east of the centerline of Southwind Drive. This requirement shall not apply if the location of existing buildings make it impractical.

## EXHIBIT 7 (LANDSCAPING)

### ARTICLE VIII. - LANDSCAPING

#### Sec. 45-81. 6-1. - Intent.

- A. ***Purpose and intent.*** The provisions of this section are intended to ensure that properties within the ~~NBOZ~~ Village meet minimum landscaping standards in order to:
- 1 Improve and sustain the aesthetic appearance of the village through creative landscaping which helps to harmonize and enhance the natural and built environment.
  - 2 Promote water conservation by encouraging ~~xeriscaping~~ Florida-friendly landscape principles and utilization of native and drought tolerant landscape material and utilization of water conserving irrigation practices;
  - 3 Provide a visual buffer between otherwise incompatible types of land uses and adjacent rights-of-ways.
  - 4 Encourage innovative and cost-effective approaches to the design, installation, and maintenance of landscaping.

- B. ***Landscape principles.*** The Village promotes Florida-friendly landscaping as defined in F.S. § 373.185 and requires that installed landscapes be designed and maintained with full consideration of the following principles:

1. Specify the right plant in the right place by selecting pest-resistant plants that match the sites soil, light, water, and climate conditions, with an aim for a diversity of trees, shrubs, groundcover, and flowers.
2. Design for more efficient irrigation by grouping plants with similar watering needs together and zoning the irrigation system accordingly.
3. Select sustainably harvested mulch for landscape beds and around tree trunks.
4. Use proper maintenance practices, including fertilizing appropriately to prevent pollution and maximize plant health and spot-treating pests with selective spectrum pesticides.

#### Sec. 45-82. 6-2. - Administration.

- A. ***Applicability.*** The provisions of this article shall apply to all existing and future development within the ~~boundaries of the NBOZ~~ village as follows:
1. ***New development.*** All new development.
  2. ***Existing development.*** All existing multifamily, mixed-use, commercial, and industrial development shall conform with the provisions of the article by May 31, 2014. if requesting any of the following types of changes to existing development or to a previously approved development plan:

## EXHIBIT 7 (LANDSCAPING)

- a. Increase in the total square footage of any building by more than twenty (20) percent;
- b. Increase in the number of structures; or
- c. Increase in the building height of any building.
3. **Existing development along Northlake Boulevard.** See section 45-83.
4. **Exceptions.** This article does not apply to the construction, renovation, or replacement of single-family or two-family dwellings.

B. ***Exemptions.*** All licensed plant or tree nurseries or tree farms shall be exempt from the terms and provisions of this article, but only with respect to those trees planted and growing which are for sale to the general public in the ordinary course of the business. The landscaping required for buildings and parking lots shall be provided.

C. ***Modifications.*** The Community Development Director may modify a locational requirement for required landscaping if necessary due to site constraints that were discovered after site plan and appearance approval or PUD approval; however, the amount of landscaping that is required may not be reduced.

~~C. ***Waiver.*** The landscape regulations may be waived in whole or part by the village when a property owner has demonstrated that the requirements contained in this article will reduce required parking, or substantially restrict the operation of the existing business or property's use.~~

D. ***Compliance.*** Failure to install, maintain, or preserve landscaping ~~or native vegetation~~ required in accordance with the terms of this article shall constitute a violation of this article.

1. ***Failure to comply.*** If the property fails to meet the requirements of this article, or if the existing trees, shrubbery, grass, or groundcover are permitted to die, and such materials are not replaced within thirty (30) days of the event, the code enforcement officer shall notify, in writing, the person responsible for the maintenance or replacement of such property of the need to comply with the requirements of this section within thirty (30) days from the date of delivery of the notice.
2. ***Extensions.*** The thirty (30) day rule for compliance may be extended when necessary by the village to recover from acts of nature such as a hurricane or a drought.
3. ***Temporary exemptions.*** Temporary exemptions from compliance of this section may be granted as per the village, if the violation is a direct result of a natural disaster occurrence or drought.
4. ***Relocation or replacement for redevelopment.*** The site plan approved to remedy any violation of this article shall include landscaping and

## EXHIBIT 7 (LANDSCAPING)

1 tree preservation, replacement or relocation to comply with all  
2 requirements herein, including ~~Relocation or replacement shall~~  
3 ~~comply with~~ the standards listed below.

- 4 a. Existing trees shall be preserved in place to the best extent  
5 practical. Tree preservation shall include measures to protect  
6 existing trees from construction encroachment within their  
7 driplines.
- 8 b. Trees that cannot be preserved in place shall be evaluated by a  
9 certified arborist for relocation. If the arborist's assessed  
10 condition rating of the tree is greater than 60%, the tree shall be  
11 relocated within the project limits or within Village of North  
12 Palm Beach public lands.
- 13 ~~c. a.~~ Trees having a four (4) ~~three (3)~~ inch or greater caliper at  
14 diameter at breast height (DBH) ~~that cannot be preserved in~~  
15 place or relocated ~~which are to be replaced~~ shall be replaced by  
16 the sum of three (3) caliper inches to every one (1) inch lost and  
17 are of like or similar species. Replacement trees shall be a  
18 minimum of three (3) inches in caliper. For example, if an  
19 existing five (5)-inch caliper tree is removed from the subject  
20 property, fifteen (15)-inches in caliper are required for  
21 replacement. A combination of tree sizes may be utilized as long  
22 as no tree is less than three (3) inches in caliper.
- 23 ~~d. b.~~ If the site cannot support the total number of required  
24 replacement trees as determined herein, the village may permit  
25 the owner to donate excess trees to the village for planting on  
26 public lands at the owner's expense; ~~contribute to the village the~~  
27 ~~monies equivalent to such required replacement trees; or permit~~  
28 ~~the required replacement trees to be placed upon other lands~~  
29 ~~owned by the same property owners.~~
- 30 e. ~~The village may require alternative landscape solutions such as~~  
31 ~~additional aesthetic hardscaping, site amenities, or specimen~~  
32 ~~landscaping as per the intent of this article.~~

## EXHIBIT 7 (LANDSCAPING)

### 1        **Sec. 45-83. 6-3. - Landscape areas in the C-NB zoning district.**

#### 2        **Noneonforming**

3        A. ~~*Nonconformities established.*~~ All development constructed prior to the  
4        ~~effective date of these regulations that do not conform with the provisions of~~  
5        ~~this article shall be considered nonconforming.~~ 1. If nonconforming  
6        ~~landscaping is damaged or destroyed by any means to the extent of fifty (50)~~  
7        ~~percent or more of its replacement value at the time of the damage, the~~  
8        ~~replacement landscaping and elements must conform to all of the provisions~~  
9        ~~of this article.~~

10       B. ~~*Maintenance.*~~ Nonconforming landscape areas are not exempt from  
11       ~~minimum maintenance standards.~~

12       C. ~~*Amendments to the approved plan.*~~ The following types of amendments to a  
13       ~~previously approved development plan shall require the review of the~~  
14       ~~landscape plan for the entire site using the minimum landscape standards in~~  
15       ~~this article:~~

- 16       1. ~~Increase in the total square footage of any building by more than~~  
17       ~~twenty (20) percent;~~
- 18       2. ~~Increase in the number of structures; or~~
- 19       3. ~~Increase in the building height of any building.~~

20       D. ~~*Notice of noneonforming status.*~~ All existing development along  
21       Northlake Boulevard was required to conform with the new landscaping  
22       regulations by May 31, 2014. On any properties where this requirement has not  
23       been met, this requirement remains in effect until compliance has been achieved.  
24       ~~Upon the effective date of this article or upon the future annexation of properties,~~  
25       ~~the village shall contact the owners of all properties developed for nonresidential~~  
26       ~~purposes that do not comply with the provisions of this article. The notice shall~~  
27       ~~inform the property owners that the property is being placed in a nonconforming~~  
28       ~~[property] and that the owner of nonconforming property shall have eight (8)~~  
29       ~~years from the date of the nonconforming notice to comply with the requirements~~  
30       ~~set forth in this article. Written notice to the property shall be provided by~~  
31       ~~certified mail.~~

## EXHIBIT 7 (LANDSCAPING)

1       **Sec. ~~45-84. 6-4.~~ - Tree and Plant quality, species, and installation.**

2       A.   ***Minimum plant quality.*** Plant quality for all required landscaping shall be  
3       Florida No. 1 or better, as provided in Grades and Standards for Nursery  
4       Plants, Part 1 and Part 2, as amended, as published by the Florida  
5       Department of Agriculture and Consumer Services. ~~All vegetation shall be  
6       clean and free of noxious pests or disease,~~

7       B.   ***Preferred Low-maintenance species list.*** For required landscaping, 75  
8       percent of trees and shrubs shall be selected from “*Low-Maintenance*  
9       *Landscape Plants for South Florida*” (latest edition published by the  
10       University of Florida IFAS Extension office). Low-maintenance plants have  
11       low fertilizer requirements, few pest and disease problems, and do not  
12       require frequent maintenance. Some low-maintenance species are identified  
13       in this publication as native species; certain landscaping requirements in this  
14       article include a minimum percentage of these native species. The preferred  
15       species list contained in section 4-7 periodically revised, as needed. To the  
16       greatest extent possible, the species list shall represent plants that are  
17       drought tolerant plants, noninvasive; not destructive to native plants, and  
18       strong wooded, non-brittle plants.

19       C.   ***Installation.***

- 20       1.   All landscaping shall be installed with sound workmanship and sound  
21       nursery practices in a manner that will encourage vigorous growth.  
22       2.   A plant or tree's growth characteristics shall be considered before  
23       planning planting to prevent conflicts with views, lighting, utilities, or  
24       signage.

25       D.   ***Root barriers.*** ~~The village shall require root barriers for trees planted within  
26       fifteen (15) feet of any road right-of-way, sidewalk, or utility. In  
27       determining the appropriateness of particular protection techniques, the  
28       village shall use the current edition of the Tree Protection Manual for  
29       Builders and Developers, published by the State Division of Forestry,  
30       Florida Department of Agriculture and Consumer Services.~~

## EXHIBIT 7 (LANDSCAPING)

### ~~Sec. 6-5. —New construction and substantial revision.~~

- ~~A. *Landscape area.* At least fifteen (15) percent of the total parcel area shall be landscaped, excluding any area utilized for required parking.~~
- ~~B. *Overall landscaping.* The required area to be landscaped may include any of the following: [this material is being relocated to Table 45-87.B]~~
- ~~1. Entry features;~~
  - ~~2. Massing of landscaping to produce focal points;~~
  - ~~3. Foundation plantings;~~
  - ~~4. Trellises, arbors, and similar structures;~~
  - ~~5. Planter and flower boxes;~~
  - ~~6. Freestanding planters and pottery;~~
  - ~~7. Sidewalk plantings;~~
  - ~~8. Landscaped courtyards, loggias, patios, and similar open areas available for public use; and~~
  - ~~9. Materials installed within publicly owned lands.~~

### **Sec. 45-85. 6-6. - Prohibited and standard invasive plants.**

#### ~~A. *Prohibited plantings.*~~

- ~~A. 1. Artificial plants or vegetation may not be used to meet the landscaping requirements of this article. shall be prohibited.~~
- ~~B. 2. Prohibited plants shall not be planted within the village, NBOZ, and existing prohibited plants shall be removed if determined to be invading adjacent native plant communities. The list of prohibited plant species shall include all species identified as Category 1 invasive species on “List of Invasive Plant Species” (latest edition published by the Florida Exotic Pest Plant Council), specifically including the following species: , include, but are not limited to Casuarina spp. (Australian Pine), Ficus bengalensis (Banyan), Schinus terebinthifolius (Brazilian Pepper), Supaniopsis anacardioides (Carrotwood), Acacia auriculiformis (Earleaf Acacia), Pueraria montana (Kudzu), and Melaleuca quinquenervia (Melaleuca/Punk Tree/Pepper Tree), and Schefflera actinophylla (Umbrella Tree).~~
- ~~C. All existing Category 1 invasive species shall be removed from existing development if the thresholds in section 45-82.A.2 are exceeded.~~
- ~~B. *Controlled plant species.* The following species may be planted or maintained under controlled conditions and shall not exceed a maximum of ten (10) percent of the total number of required trees.~~
- ~~1. *Black olives.* Black olives shall not be installed within fifteen (15) feet of any parking area.~~

**EXHIBIT 7 (LANDSCAPING)**

1           2. ~~*Ficus species.* Ficus species may be planted as individual trees or~~  
2           ~~hedge material provided that individual trees are no closer than thirty~~  
3           ~~(30) feet from any public road right of way, utility, or structure.~~  
4           ~~Hedges shall not exceed eight (8) feet in height and be regularly~~  
5           ~~maintained.~~

6           ~~Sec. 6-7. Preferred landscape palette.~~

7           A. ~~*Preferred trees.* Fifty (50) percent of the required trees shall be selected~~  
8           ~~from the list presented below.~~

~~*Table 6-7A Preferred Tree Species*~~

<del><i>Common Name</i></del>	<del><i>Scientific Name</i></del>
<del>1. Cabbage Palm</del>	<del>Sabal palmetto</del>
<del>2. Cattley Guava</del>	<del>Psidium littorale</del>
<del>3. Dahoon Holly</del>	<del>Hex Cassine</del>
<del>4. Ligustrum Tree</del>	<del>Ligustrum lucidum</del>
<del>5. Live Oak</del>	<del>Quercus virginiana</del>
<del>6. Mahogany</del>	<del>Swietenia mahogani</del>
<del>7. Oak</del>	<del>Quercus spp.</del>
<del>8. Oleander Tree</del>	<del>Nerium oleander</del>
<del>9. Pink Tabebuia</del>	<del>Tabebuia heterophylla</del>
<del>10. Pygmy Date Palm</del>	<del>Phoenix roebellini</del>
<del>11. Silver Buttonwood</del>	<del>Conocarpus erectus</del>
<del>12. Washington Palm</del>	<del>Washingtonia robusta</del>
<del>13. Wax Myrtle</del>	<del>Myrica cerifera</del>
<del>14. Weeping Bottlebrush</del>	<del>Callistemon viminalis</del>

9           B. ~~*Preferred shrubs and groundcovers.* Fifty (50) percent of the required~~  
10          ~~shrubs and groundcovers shall be selected from the list presented below:~~

## EXHIBIT 7 (LANDSCAPING)

Table 6-7B—Preferred Shrub/Groundcover Species

Common Name	Scientific Name
1. Bougainvillea	Bougainvillea spp.
2. Cocoplum	Chrysobalanus icaco
3. Confederate Jasmine	Trachelospermum jasminoides
4. Crinum Lily	Crinum asiaticum
5. Croton	Codiaeum variegatum
6. Dwarf Oleander	Nerium oleander 'petite'
7. Dwarf Philodendron	Philodendron 'xanadu'
8. Fakahatchee Grass	Tripsacum dactyloides
9. Hibiscus	Hibiscus spp.
10. Liriope	Liriope muscari
11. Saw Palmetto	Serenoa repens

### **Sec. 45-86. – Submission requirements for landscaping.**

Plans must be submitted that demonstrate compliance with Village landscaping requirements. These plans must be prepared by a landscape architect authorized by chapter 481, *Florida Statutes*, and must contain the following:

#### **A. Tree disposition plan, depicting:**

1. Existing trees, with a unique number assigned to each tree; and
2. A tree survey table with the following information listed by tree number corresponding to the numbered existing trees on the plan view:
  - a. Common and botanical species name
  - b. Diameter at breast height (DBH) for all trees 3" DBH and greater
  - c. Clear trunk (CT) height for all palms greater than 6' CT
  - d. Proposed tree disposition (remain/protect, relocate, or remove)

#### **B. Landscape plan, depicting:**

1. Existing plant material to remain;
2. Existing trees and shrubs and site improvements on abutting properties within 25 feet of the property lines. This information may be obtained from aerial photographs and approximate locations based on field observations;
3. The location and outline of proposed buildings and site improvements including landscaping, paving, utilities, easements, and rights-of-way;
4. Existing site improvements to remain including buildings, paving, utilities, easements, and rights-of-way;
5. Proposed plant materials by botanical and common names and by installation size and spacing; and
6. Signage locations, including monument signage and wall-mounted building signage.

## EXHIBIT 7 (LANDSCAPING)

1       C. **Irrigation plan**, containing the following:

- 2           1. Technical specifications for the irrigation system, as required by the  
3           Florida Building Code, Plumbing for preconstruction submittals;  
4           2. Water source (well/pump, canal/pump, reclaimed, potable, etc.) and/or  
5           water service connection location and backflow prevention device, as  
6           applicable; and  
7           3. Rain and/or moisture-sensing device(s), as required by Florida Statutes  
8           373.62.

9       **Sec. 45-87. 6-8. – Criteria for required landscaping.**

10      ~~Minimum landscape requirements.~~

11      A. **Required landscaped areas.** ~~The following uses areas are within~~  
12      ~~nonresidential developments shall be required to provide landscaping; as~~  
13      ~~required herein.~~

- 14           1. Miscellaneous landscape elements, as required in section 45-88;  
15           2. ~~1. Off-street parking lots, Vehicular use areas as required in section~~  
16           45-89 6-8;  
17           3. Site perimeters, as required in section 45-90; and  
18           4. ~~2. Building Base of foundation, as required by section 45-91. 6-12;~~  
19           ~~and~~  
20           ~~3. Signs as required by article 7.~~

21      B. **Natural form.** New trees and shrubs should duplicate natural patterns with  
22      multiple plant sizes, spacing, plant clusters, and single plantings.

## EXHIBIT 7 (LANDSCAPING)

- 1 C. Size and configuration of plants. ~~Minimum landscape standards.~~ All  
 2 required landscaping ~~installed~~ shall meet the minimum standards  
 3 requirements of Table 45-87-A 6-8A and as otherwise provided herein.

<i>Table 45-87-A 6-8A</i>		
<i>Minimum Size and Configuration Standards Landscape Requirements</i>		
<i>Plant Material</i>	<i>Minimum Size at Planting</i>	<i>Other Installation Requirements</i>
<b>Trees</b>	<del>12 feet with a minimum crown of 5 feet. (1)</del> <u>All trees: 8 feet tall at planting, with a minimum crown at planting of 3 feet. (1)</u> <u>Shade trees: 12 feet tall at planting, with a minimum crown at planting of 5 feet. (1)</u>	<del>50% of required trees shall be selected from the preferred plant list.</del> <u>75% of required trees shall be low maintenance. (5)</u> <u>50% of required trees shall be shade trees.</u> <u>25% of required trees shall be native trees.</u>
<b>Palms</b>	<del>8 feet clear trunk when used for required buffer or parking purposes. (2, 3)</del>	<del>3 palms equals 1 required canopy tree.</del> <u>75% of required palms shall be low maintenance. (5)</u>
<b>Specimen Palms</b>	<u>See list of specimen palms in (4)</u> <u>12 feet clear trunk (2)</u>	<u>1 specimen palm shall equal 1 shade tree or 3 palms.</u>
<b>Hedge Shrubs</b>	<del>30</del> <u>24 inches tall</u>	<del>Planted not more than 36</del> <u>24 inches on center.</u> <u>75% of required shrubs shall be low maintenance. (5)</u>
<b>Vines</b>	<del>60-inch trellis length,</del> <u>with 3 or more live runners at planting</u>	<u>Attached to support. (6)</u>
<b>Notes:</b>		
<p>(1) <u>Height</u> measured from grade to average end of branches, not the tallest of one or two branches <del>and a minimum crown of five (5) feet.</del></p> <p>(2) <u>Height</u> measured as clear <del>gray</del> trunk (CT) height: <u>from the top of the root ball to the point where the lowest untrimmed leaf's petiole diverges from the trunk.</u></p> <p>(3) Palms not classified as specimen palms and planted in perimeter buffer areas shall be installed in groups of not less than three.</p> <p>(4) <u>Specimen palms: Phoenix canariensis, sylvestris, reclinata, or dactylifera; Bismarkia nobilis; Roystonea spp.; Attelea spp.; and Cocos nucifera (Green Maypan or Green Malayan only)</u></p> <p>(5) <u>Low-maintenance and native species are described in section 45-84.</u></p> <p>(6) <u>Support shall be provided consistent with sound horticultural practices to encourage future growth.</u></p>		

4

## EXHIBIT 7 (LANDSCAPING)

- 1 D. Minimum Landscape points to exceed minimum standards. In addition to  
 2 meeting all other landscaping requirements, each development parcel must  
 3 supplement the minimum standards by qualifying for additional landscape  
 4 points. Points are awarded for landscape material and improvements that  
 5 exceed the minimum standards, including exceeding the size and volume of  
 6 required material.
- 7 1. Parcels less than 1 acre must exceed the minimum standards by 50  
 8 points.
  - 9 2. Parcels between 1 and 2 acres must exceed the minimum standards by  
 10 100 points.
  - 11 3. Each additional acre or portion thereof requires 50 additional points.  
 12 ~~Tables 4-8B and 4-8C shall be used to determine the minimum landscape~~  
 13 ~~points per open space a project shall be required to provide. Achieving the~~  
 14 ~~minimum open space landscape point requirement does not exempt a project~~  
 15 ~~from compliance with other requirements of this article.~~
  - 16 4. ~~E. Total landscaping points.~~ Achieving the total points per open  
 17 space for an entire project within one or more areas does not exempt  
 18 one from complying with all other requirements, even if that means  
 19 exceeding the minimum required.
  - 20 5. If a redevelopment project is unable to meet the point system or open  
 21 space requirements of this article, required landscape points may be  
 22 acquired by placing equivalent landscaping on public lands, parks,  
 23 road rights-of-way, or other similar public space, if acceptable to the  
 24 village and the entity that manages the land, up to a maximum of fifty  
 25 (50) percent reduction of required points.

*Table 6-8B — Minimum Landscape Requirements for Point System Delineation*

<i>% Open Space Provided*</i>	<i>Points per 100 Square Feet</i>	<i>% Open Space Provided*</i>	<i>Points per 100 Square Feet</i>
<15%	22	25—27%	14
16%	21	28—29%	13
17%	20	30—32%	12
18%	19	33—34%	11
19%	18	35—39%	10.5
20%	17	40—49%	9.5
21—22%	16	50—59%	8
23—24%	15	>60%	7

**Notes**

\*Example: 15% project open space requires 22 points/100 square feet  
 <= Equal to or less than >= Equal to or greater than

## EXHIBIT 7 (LANDSCAPING)

<b><i>Table 45-87-B 6-8C Required Supplemental Landscape Installation Points</i></b>	
<b><i>Category</i></b>	<b><i>Points</i></b>
Specimen Trees <u>or</u> Palms (1) *	25 per tree or palm retained <u>or planted</u> additional
Specimen Plants*	15 additional
Specimen Palms*	25 additional
Native Trees (1)– (if $\geq 5$ Inches DBH)	20 per tree retained or planted, plus 1 point for each inch $> 5$ DBH
Trees w/12 foot minimum height (minimum of 50% from Preferred Tree Species list) (See Note 1)	15 plus 1 point for each foot than minimum
Low-Maintenance Trees not on Preferred Tree Species list or $\leq \geq 12$ foot minimum height	5 per tree planted
Low-Maintenance Palms from Preferred Tree Species list w/minimum $\geq 8$ feet of clear trunk	3.3 per palm planted, points plus 1 point for each foot of clear trunk $> 8$ feet
Courtyards, loggias, patios, and similar open areas available for public use	50 points
Massing of landscaping including trees, shrubs, groundcover, and flowers to produce focal points	up to 25 points
Trellises, arbors, or flower boxes	up to 25 points
Sidewalks & adjoining landscaping that connect parking lots or alleys to buildings or to public sidewalks	up to 25 points
Palms not on Preferred Tree Species List or less than 8 feet of clear trunk	1
All Shrubs (minimum of 50% from Preferred Shrub Species list)	1
All Groundcover (minimum of 50% from Preferred Groundcover Species list)	2 points per 10 square feet
Grass	.25 (1/4) points per 10 square feet
<p><b>Notes</b></p> <p>(1) Abused trees, as determined by the village, shall not count toward required points.</p> <p>* = Justification to be provided consistent with definition below.</p> <p>DBH= Diameter at Breast Height. (4-1/2 feet above grade) &lt; = Less Than. &gt; = Greater Than.</p>	

1

### **E. Reserved.**

## EXHIBIT 7 (LANDSCAPING)

- 1 F. **Reserved.** ~~Water conservation.~~
- 2 1. ~~Landscape plans shall be required to use minimum water conservation~~
- 3 ~~techniques such as the following:~~
- 4 a. ~~Moisture Sensing Controller (other than rainswitch).~~
- 5 b. ~~Drip/Trickle/Micro Irrigation System.~~
- 6 c. ~~Quality Effluent Irrigation.~~
- 7 2. ~~Water conservation may also be obtained through the use of the following:~~
- 8 a. ~~Florida Native Landscaping.~~
- 9 b. ~~Very drought-tolerant trees, shrubs and groundcovers.~~
- 10 c. ~~Native wildflowers, meadow grasses or groundcover in lieu of~~
- 11 ~~allowable sodded area.~~
- 12 G. **Specimen trees and palms.** Specimen trees and palms are either: ~~shall be~~
- 13 ~~considered as~~
- 14 1. Existing native trees if in good health, and over thirteen (13) inches at
- 15 diameter at breast height (DBH), and not a Category 1 invasive species
- 16 on the “List of Invasive Plant Species” (latest edition published by the
- 17 Florida Exotic Pest Plant Council) or larger.
- 18 2. A newly planted palm of a species listed in Table 45-87-A.
- 19 H. **Shade canopy trees.**
- 20 1. ~~Canopy trees shall be installed in the landscape buffer at a maximum~~
- 21 ~~of thirty (30) feet on center.~~
- 22 1. 2. The Canopy Shade trees, at maturity, shall be of a species, which
- 23 possess an average spread of at least twenty-five (25) feet and a clear
- 24 trunk of at least six (6) feet.
- 25 2. 3. The village staff may approve Approval of the use of shade trees
- 26 with a lesser mature canopy spread, provided that groupings of such
- 27 species are utilized to achieve the average spread.
- 28 I. **Palm trees.**
- 29 1. Palms must attain a minimum twelve (12) feet in height at maturity.
- 30 2. Palms must be resistant to lethal yellowing.
- 31 J. **Tree species mix.** When more than fifteen (15) trees are required to be planted
- 32 to meet the landscaping standards of this section, a mix of species shall be
- 33 provided according to the overall number of trees required to be planted.
- 34 Species shall be planted in proportion to the required mix. The minimum
- 35 number of species to be planted is indicated in Table 45-87-C. 6-8D.

## EXHIBIT 7 (LANDSCAPING)

Table <del>45-87-C 6-8D</del> --- Required Species Mix			
Required Number of Trees	Min. Number of Species	Required Number of Trees	Min. Number of Species
16—20	<del>2</del> <u>3</u>	31—40	4 <u>5</u>
21—30	<del>3</del> <u>4</u>	41 +	<del>5</del> <u>6</u>

1 K. ~~**Native and drought-tolerant trees.**~~ ~~1. A minimum of fifty (50) percent of~~  
 2 ~~all trees used to satisfy the standards of this article shall be classified as~~  
 3 ~~native species (see section 45-84).~~ ~~2. In addition, fifty (50) percent shall be~~  
 4 ~~classified as drought-tolerant by the most recent edition of the South Florida~~  
 5 ~~Water Management District's "Xeriscape Plant Guide."~~

6 L. ~~**Shrubs and hedges.**~~ ~~groundcovers.~~

- 7 1. At least fifty (50) percent of all required hedges and shrubs shall be  
 8 classified as native species (see section 45-84). ~~drought tolerant by the~~  
 9 ~~most recent edition of the South Florida Water Management District's~~  
 10 ~~"Xeriscape Plant Guide."~~
- 11 2. At the time of installation, required hedges and shrubs shall be a  
 12 minimum of twenty-four (24) inches in height, or eighteen (18) inches  
 13 in height for native species, spaced at a maximum of thirty-six (36)  
 14 ~~twenty-four (24)~~ inches on center.
- 15 3. Required hedges shall form a solid, continuous visual screen of at least  
 16 three (3) feet in height within two (2) years of planting.
- 17 4. Hedges used in combination with nonliving landscape barriers to meet  
 18 the six (6) feet screen requirements in section 45-88 shall be installed  
 19 at the height necessary to provide the total six (6) foot screen within  
 20 (2) years of planting.

21 M. ~~**Reserved.**~~ ~~Sod or grass.~~ ~~Not more than forty (40) percent of the total~~  
 22 ~~landscape area shall be covered with sod or grass.~~

23 N. **Ground treatment.**

- 24 1. The ground area within required landscaped areas which is not  
 25 dedicated to trees or palms, or the preservation of existing or new  
 26 vegetation, shall receive appropriate landscape treatment such as grass,  
 27 groundcover, mulch, or shrubs and present a finished appearance upon  
 28 planting.
- 29 2. Sand, gravel, shellrock, or pavement shall not be considered  
 30 appropriate landscape treatment.
- 31 3. The following standards shall apply to the design of ground treatment.  
 32 a. ~~**Plants.**~~ ~~Ground cover.~~ Live material used as ground cover shall  
 33 provide a minimum of fifty (50) percent coverage immediately

## EXHIBIT 7 (LANDSCAPING)

- 1 upon planting and one hundred (100) percent coverage within  
2 one (1) year.
- 3 b. **Mulch.** Mulch shall be installed and maintained at a minimum  
4 depth of three (3) inches at all times; in all planted areas not  
5 containing ground cover, except leaving two inches of space  
6 around tree trunks to prevent rot.
- 7 i) All mulch material shall be seed and weed-free to prevent  
8 tree sprouting and regrowth, and shall be sustainably  
9 harvested such as melaleuca, pine straw, or eucalyptus.
- 10 ii) Mulch shall be temporarily applied to areas not  
11 immediately covered by groundcover.
- 12 iii) Mulch will be thoroughly wet at the time of application to  
13 prevent wind displacement.
- 14 c. **Pebble and egg rock.** Pebble or egg rock may be used in a  
15 limited amount as a ground treatment in areas where drainage is  
16 a problem.
- 17 d. **Lawn and turf grass.** Grass areas shall be planted with species  
18 suitable as permanent lawns. Use of drought-tolerant  
19 groundcover instead of lawn and turf grass is encouraged.
- 20 O. **Flowers.** Flower boxes and hanging pots should complement the overall  
21 architecture of the facade and not obscure architectural details. The boxes  
22 should be well constructed, and accommodate watering needs without  
23 allowing water to drip or leak onto the building or sidewalk.
- 24 P. **Reserved. ~~Redevelopment and nonconforming projects.~~** [content moved to  
25 45-87.D.5]
- 26 Q. **Landscape in easements.**
- 27 1. Landscaping may be permitted in easements with the written  
28 permission of the easement holder. Trees planted within any easement  
29 with overhead utilities shall be consistent with FP&L's suggested tree  
30 list "Plant the Right Tree in the Right Place," taking into consideration  
31 the mature height and spread of the species beneath or adjacent to  
32 existing overhead utilities.
- 33 2. Easements may overlap a landscape buffer a maximum of five (5) feet  
34 provided that there remains a minimum of five (5) clear feet for  
35 planting, or if a wall with a continuous footer is used, a minimum of  
36 ten (10) clear feet for planting.
- 37 3. The landscape buffer may be traversed by easements or access ways as  
38 necessary to comply with the standards of this section.

## EXHIBIT 7 (LANDSCAPING)

- 1 R. **Perimeter landscaping.** Only access ways and easements shall be permitted  
2 as interruptions in perimeter landscaping and shall be included in the  
3 calculation of linear dimension. No structures or parking are to be located in  
4 this landscape area.
- 5 S. **Landscaping in public road right-of-way.** Maintenance of landscaped  
6 rights-of-way shall be the responsibility of the project's property owner or,  
7 as agreed upon in the development order approving the project, by special  
8 districts created for unified maintenance.

### 9 **Sec. 45-88. 6-9. - Miscellaneous landscape elements.**

- 10 A. **Alternative landscape materials.** A landscape plan may utilize one or more  
11 materials not specifically authorized in this article and must be demonstrated  
12 to be consistent with the purposes and intent of this article.
- 13 B. **Screening required.** Uses ~~within the overlay zone~~ that shall be required to  
14 be screened from public view are identified in this section. ~~include~~  
15 ~~mechanical equipment areas, parking areas, satellite dishes mounted on the~~  
16 ~~ground, chain-link or other non-opaque fence or wall type, accessory use~~  
17 ~~structures, and other elements as defined by this article.~~
- 18 C. **Perimeter walls and fences.**
- 19 1. Perimeter walls, metal or wood fences, or other nonliving landscape  
20 materials may be used in conjunction with vegetation to meet required  
21 screening. ~~landscaping.~~ The heights of walls and fences are limited by  
22 section 45-36.
- 23 2. Approved walls or fences shall be set back from property lines  
24 adjoining streets sufficiently to include landscape on the street side  
25 ~~outside~~ of the wall or fence. Chain link fences shall have a green or  
26 black vinyl covering.
- 27 3. Maintenance of the wall or fence and associated landscaping by the  
28 property owner is required.
- 29 D. **Storage and garbage collection sites.** All outside storage and trash or  
30 garbage collection sites shall be completely screened from view, utilizing  
31 any approved combination of walls and fences ~~hedge~~ (a minimum of six (6)  
32 ~~three (3)~~ feet in height) structural barriers, berms that will fully or any  
33 ~~combination thereof to one hundred (100) percent~~ screen the area from view  
34 except for gates.
- 35 E. **Service areas.**
- 36 1. Service areas of nonresidential buildings, when visible from the street  
37 right-of-way or adjacent residential land use, shall have barriers and/or  
38 a hedge at a minimum of six (6) feet in height to screen the service

## EXHIBIT 7 (LANDSCAPING)

1 area ~~from this use~~. A hedge that is planted meet this requirement must  
2 achieve this height within 2 years of planting.

- 3 2. Service areas may include interior or exterior work bays associated  
4 with full service gas stations, tire repair, auto repair business, as well  
5 as any business proposing loading or unloading docks.

6 F. ***Backflow preventers.*** Backflow preventer systems shall be screened from  
7 public view, utilizing any combination of trees, palms, hedges, or other  
8 barriers.

9 G. ***Reserved. Mulch.*** [*mulch standards relocated to 45-87.N.3*]

10 H. ***Pavers and other impervious surfaces.*** The use of concrete, asphalt,  
11 impervious pavers, or similar ~~impervious~~ material, excluding sidewalks,  
12 shall not exceed thirty (30) percent coverage of an open space area, and  
13 shall not be wider than twelve (12) feet if used in a required landscape  
14 buffer area. This limitation shall be increased to sixty (60) percent for  
15 pervious concrete, pervious asphalt, and pavers set on a pervious base.

16 I. ~~***Signs.*** Landscaping around ground/monument signs is required and shall be~~  
17 ~~provided pursuant to article 7.~~

18 I. ~~2. ***Landscape area around signs.*** [*relocated from subsection 45-89.H.2*]~~

- 19 1. ~~a.~~ A three (3) foot wide planting area shall be required around the  
20 base of all signs except signs that are mounted on buildings.  
21 2. ~~b.~~ One (1) shrub for each ten (10) square feet of sign surface area shall  
22 be installed within the three (3) foot planting area at the base of the  
23 sign.  
24 3. ~~c.~~ Ground/monument signs may be surrounded by ground cover  
25 instead of shrubs.  
26 4. ~~d.~~ Landscaping and trees which interfere with signage may be  
27 relocated to the rear of the sign planting area.

28 J. ***Advertising.*** At no time shall a landscaped area be used for advertising  
29 display or sales. Temporary signs may not be placed in landscaped areas.

30 K. ***Earth berms.*** Earth berms shall use long and gentle slopes and as non-  
31 living landscape barriers only when installed in conjunction with plant  
32 materials.

- 33 1. Berms five (5) feet or less in height shall have a maximum slope of  
34 2:1. Berms greater than five (5) feet in height shall not exceed a ratio  
35 of 3:1 in slope.  
36 2. Hedges used in combination with earth berms to meet the six (6) foot  
37 screen requirements in section 45-88 shall be installed at the height  
38 necessary to provide the total six (6) foot screen at time of planting.

## EXHIBIT 7 (LANDSCAPING)

1 **Sec. ~~45-89. 6-10.~~ - Landscape requirements for off-street parking**  
2 **lots areas:**

3 **A. Landscape buffer.** A landscape buffer, at least five (5) feet in width, shall  
4 be provided along all sides of parking lots, excluding a side or sides that  
5 abut a building. This buffer strip shall be planted with shade trees at a  
6 maximum spacing of thirty (30) feet on center and with a continuous hedge  
7 that will be maintained at least three (3) feet high.

8 **B. A. Minimum spacing of shade trees.**

- 9 1. The minimum shade tree spacing for ~~interior~~ parking ~~lots~~ areas shall  
10 be such that the center of any parking space is not more than thirty  
11 (30) ~~forty (40)~~ feet from the center of a ~~the~~ shade tree.
- 12 2. ~~A shade tree may be replaced by a minimum of three (3) palms~~  
13 ~~clustered together, as long as the affected parking bays are more than~~  
14 ~~fifty (50) feet from a public street.~~

15 **C. B. Landscape islands.**

- 16 1. **Interior islands.** An interior landscape island shall be required ~~for~~  
17 ~~every~~ wherever nine (9) or more parking spaces are located in a row.
- 18 a. Interior islands shall be spaced a maximum of ninety (90) feet  
19 apart.
- 20 b. Interior islands shall measure at least (15) feet in length and eight  
21 (8) feet in width, measured from back of curb to back of curb.
- 22 c. A minimum of one (1) shade tree shall be planted in each interior  
23 island, in addition to shrubs and mulch or ground cover.
- 24 2. **Terminal islands.** Each row of parking spaces shall be terminated by  
25 landscape islands.
- 26 a. Terminal islands shall measure at least (15) feet in length and  
27 eight (8) feet in width, measured from back of curb to back of  
28 curb.
- 29 b. A minimum of one (1) shade tree shall be planted in each  
30 terminal island, in addition to shrubs and mulch or ground cover.
- 31 3. ~~2.~~ **Landscape diamonds.** ~~The use of Landscape diamonds may be~~  
32 ~~substituted for interior landscape islands~~ parking lot tree planting is  
33 permitted as per this section for parcels less than 1 acre, but not for  
34 terminal ~~excluding~~ islands at the end of parking rows.
- 35 a. ~~I.~~ **Landscape diamonds.** 1. On these small parcels, landscape  
36 diamonds may be distributed throughout the interior of an off-

## EXHIBIT 7 (LANDSCAPING)

- 1 street parking lot area to provide shading of parked motor  
2 vehicles as an alternative to interior landscape islands.
- 3 b. ~~2. Landscape diamonds Tree planting areas shall be located only~~  
4 ~~at the common intersection of four (4) parking spaces and spaced~~  
5 ~~no greater than four (4) spaces apart.~~
- 6 c. ~~3. The ground within the diamond tree planting area shall~~  
7 ~~receive appropriate landscape treatment, including shrubs and~~  
8 ~~mulch or groundcover.~~
- 9 d. ~~4. The minimum diamond size tree planting area shall be~~  
10 ~~twenty-five (25) square feet and the minimum dimension shall be~~  
11 ~~five (5) feet by five (5) feet, not including curb treatment.~~
- 12 e. ~~A minimum of one (1) tree shall be planted in each diamond. 3.~~  
13 ~~Each planter island shall contain at least one canopy tree for each~~  
14 ~~one hundred (100) square feet of area or fraction thereof, in~~  
15 ~~addition to shrubs and mulch or ground cover.~~
- 16 4. ~~*Terminal and landscape islands.* Each row of parking spaces shall be~~  
17 ~~terminated by landscape islands, which measure a minimum of eight~~  
18 ~~(8) feet in width, excluding required curbing, and fifteen (15) feet in~~  
19 ~~length. A minimum of one hundred twenty (120) square feet of~~  
20 ~~pervious surface areas shall be provided. A minimum of one (1) tree~~  
21 ~~shall be planted in each terminal island.~~
- 22 5. ~~*Interior landscape islands.* A minimum of one (1) interior landscape~~  
23 ~~island shall be provided for every nine (9) parking spaces or fraction~~  
24 ~~thereof and shall be spaced a maximum of ninety (90) feet apart.~~  
25 ~~Interior islands shall measure not less than eight (8) feet in width,~~  
26 ~~excluding required curbing, and fifteen (15) feet in length. A minimum~~  
27 ~~of one hundred twenty (120) square feet of pervious surface areas shall~~  
28 ~~be provided. A minimum of one (1) tree shall be planted in each~~  
29 ~~interior island.~~
- 30 6. ~~*Lots equal to or less than one (1) acre.* For lots equal to or less than~~  
31 ~~one (1) acre, terminal and interior landscape islands shall be a~~  
32 ~~minimum of five (5) feet in width, excluding required curbing, and~~  
33 ~~fifteen (15) feet in length.~~
- 34 C. ~~*Divider median.*~~
- 35 1. ~~Divider medians shall be installed between rows of parking and~~  
36 ~~between all parking/vehicular use areas.~~
- 37 2. ~~One (1) tree shall be planted for each thirty (30) linear feet of a divider~~  
38 ~~median, or fraction thereof.~~
- 39 3. ~~The minimum width shall be five (5) feet of un-encroached landscape~~  
40 ~~area.~~

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1 ~~D.~~ *Minimum size for landscape areas.*

- 2 1. ~~The minimum landscape area shall contain no dimension less than five~~  
3 ~~(5) feet in width, measured from the inside of the curb.~~
- 4 2. ~~There shall be no landscape area smaller than twenty five (25) square~~  
5 ~~feet.~~
- 6 3. ~~Landscape areas within interior parking areas may be reduced if the~~  
7 ~~areas shall constitute an obstruction in use of a building structure,~~  
8 ~~providing the reduced square footage is relocated so as to emphasize~~  
9 ~~entrance corridors or special landscaped areas within the general~~  
10 ~~parking area.~~

11 D. ~~E.~~ *Protection of landscape areas.* All landscape areas shall be protected by  
12 curbs or wheel stops from vehicular encroachment and from the damages  
13 caused by vehicles overhanging into landscape areas.

- 14 1. *Landscaping.* ~~In addition to grass,~~ Landscaping shall be required to  
15 be at least twenty four (24) ~~thirty (30)~~ inches from the edge of the  
16 wheel stop or curbing.
- 17 2. *Overhang areas.* ~~Vehicle parking areas designed to permit vehicles~~  
18 ~~overhanging into landscaped areas shall not be permitted to count the~~  
19 ~~first thirty (30) inches of landscape area as open space.~~
- 20 23. *Curbing.* All landscape areas subject to vehicular encroachment shall  
21 be separated from vehicular use areas by six (6) inch, non-mountable,  
22 FDOT-type 'D' or FDOT-type 'F', concrete or asphalt curbing. The  
23 curbing shall be machine-laid, formed-in-place or integral with the  
24 pavement. Curbing may be interrupted to accommodate drainage,  
25 paths, or sidewalks.
- 26 34. *Wheel stops.*
- 27 a. Wheel stops shall have a minimum height of four (4) ~~six (6)~~  
28 ~~inches~~ above finished grade of the parking lot area, shall be  
29 properly anchored, and continuously maintained in good  
30 condition.
- 31 b. The space between the wheel stop and the end of the parking  
32 space may be paved as required by the building division for  
33 anchoring and maintenance purposes.
- 34 c. Wheel stop anchor rods shall be set through the pavement and  
35 the bottom of the wheel stop must rest fully on the pavement to  
36 prevent rocking.

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1 F. *Hedges.*

2 1. ~~All parking, loading, or storage areas adjacent to the right-of-way,~~  
3 ~~including driveways to parking lots, shall include a continuous hedge~~  
4 ~~that is maintained at a minimum of three (3) feet at maturity.~~

5 2. ~~"Dwarf" hedges may be installed and maintained at a minimum height~~  
6 ~~of eighteen (18) inches when adjacent to an automobile sales display~~  
7 ~~area.~~

8 G. ~~Maintenance.~~ ~~Regular maintenance of vehicular use areas adjacent to all~~  
9 ~~landscape areas shall include replacement of broken curbs or curb stops as~~  
10 ~~needed to keep the general appearance in good condition and safe.~~

11 H. ~~Safe sight distance triangles.~~ *[moved to subsection 45-90.C]*

12 ~~2. Landscape area around signs.~~ *[moved to subsection 45-88.I]*

## EXHIBIT 7 (LANDSCAPING)

**Sec. 45-90. 6-11. – Landscape requirements for site perimeters.**  
Minimum landscape buffer and planting requirements.

- A. Minimum buffer width for site perimeters. required. A landscape buffer of the widths specified in Table 45-90 shall be provided a minimum of eight (8) feet in width around the perimeter of all parcels in the specified zoning districts.

<b><u>Table 45-90 – Minimum Buffer Widths</u></b>			
	<b><u>Front Yard</u></b>	<b><u>Side Yard</u></b>	<b><u>Rear Yard</u></b>
<b><u>R-3</u></b>	8 feet	5 feet <sup>1</sup>	5 feet
<b><u>C-MU</u></b>	5 feet <sup>2</sup>	–	5 feet
<b><u>C-2</u></b>	8 feet	10 feet	5 feet <sup>3</sup>
<b><u>C-3</u></b>	5 feet <sup>2</sup>	–	5 feet <sup>4</sup>
<b><u>C-NB</u></b>	5 feet	–	5 feet
<b><u>All other commercial</u></b>	5 feet	5 feet <sup>5</sup>	5 feet
<b><u>I-1</u></b>	see section 45-38		

NOTES:

- <sup>1</sup> Only required in side yards that adjoin R-1 or R-2 districts
- <sup>2</sup> Does not apply to all building frontage types; along US Highway 1 and Northlake Boulevard, the front yard landscape buffer may not be planted on a sidewalk easement (see subsections 45-31.E.6 and 45-34.1.H)
- <sup>3</sup> Not required on parcels that adjoin the railroad right-of-way
- <sup>4</sup> Only required on parcels that adjoin US Highway 1 or Northlake Boulevard (see subsection 45-34.1.H)
- <sup>5</sup> Only required in side yards that adjoin less intense zoning districts (e.g. any residential district)

However, additional buffer width shall be provided as indicated below:

1. A minimum landscape buffer of ten (10) feet in width shall be required on lands located adjacent to public rights of ways that are one hundred ten (110) feet wide or less;
2. A minimum landscape buffer of at least fifteen (15) feet in width shall be required on lands located adjacent to public rights of ways that are one hundred eleven (111) to one hundred fifty (150) feet wide;
3. A minimum landscape buffer of at least twenty (20) feet in width shall be required on lands located adjacent to public rights of ways that are greater than one hundred fifty (150) feet wide; and

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1 4. A landscape buffer, at least five (5) feet in width, shall be provided  
2 along all sides of the parking lot, excluding that side or sides, which  
3 abut a building. [relocated to subsection 45-90.E]

4 B. ~~Mature height.~~ Vegetation should be planted taking into consideration the  
5 mature height and spread of the species.

6 C. ~~Spacing.~~ The maximum spacing of planting trees shall be thirty (30) feet on  
7 center along any perimeter buffer.

8 B. ~~D. Perimeter Landscape requirements for site perimeters.~~ Perimeter  
9 landscape buffers shall be installed where required by Table 45-90 and  
10 maintained in accordance with the following standards. Vegetation should  
11 be planted taking into consideration the mature height and spread of the  
12 species. Easements and access ways, which traverse required perimeter  
13 landscape buffers, shall be included in the calculation of linear dimension.

14 1. Trees. Trees shall be planted in required perimeter landscape buffers  
15 at a maximum spacing of thirty (30) feet on center.

16 2. Shrubs. A hedge shall be planted in required perimeter landscape  
17 buffers to form a continuous solid opaque visual screen of at least  
18 thirty-six (36) inches in height within two (2) years of planting.

19 3. ~~1.~~ Palm Trees.

20 a. Within the perimeter landscape buffer, a specimen palm or a  
21 group of three (3) palm trees may be substituted for one (1)  
22 required ~~canopy~~ tree; however, not more than fifty (50) percent  
23 of the required ~~canopy~~ trees may be replaced by palm trees.

24 b. ~~In right-of-way buffers only, Royal or Phoenix palms, excluding~~  
25 ~~Phoenix roebellini, may be counted as one (1) required canopy~~  
26 ~~tree. These palms shall:~~

- 27 1) ~~Not exceed a maximum of thirty (30) percent of all trees~~  
28 ~~required in the buffer;~~  
29 2) ~~Be spaced a maximum of twenty (20) feet on center; and~~  
30 3) ~~Be a minimum of either six (6) feet of gray wood for Royal~~  
31 ~~palms or eight (8) feet clear trunk for Phoenix palms.~~

32 4. ~~2.~~ Slash pines.

33 a. Slash pines planted in perimeter buffers shall be installed in  
34 groups of no less than three (3).

35 b. Each group of slash pines shall average a minimum of ten (10)  
36 feet in height and may be counted as one (1) required ~~canopy~~  
37 tree.

## EXHIBIT 7 (LANDSCAPING)

1           3. ~~**Hedges and shrubs.**~~

- 2           a. ~~At the time of installation, required hedges and shrubs shall be a~~  
3           ~~minimum of twenty four (24) inches in height, and spaced at a~~  
4           ~~maximum of twenty four (24) inches on center.~~  
5           b. ~~Required hedges shall form a continuous solid opaque visual~~  
6           ~~screen of at least thirty six (36) inches in height within two (2)~~  
7           ~~years of planting.~~

8           5. 4. ~~**Canopy Tree and palm clustering.**~~

- 9           a. ~~Canopy Trees and palms may be clustered in right-of-way~~  
10           ~~buffers if the clusters are spaced a maximum of sixty (60) thirty~~  
11           ~~(30) feet apart, and/or consist of trees of varied height, which~~  
12           ~~when averaged, equal the minimum tree height requirements, and~~  
13           ~~are located on property containing a minimum of three hundred~~  
14           ~~(300) linear feet along the right-of-way.~~

15           6. 5. ~~**Walls and fences within right-of-way buffer.**~~

- 16           a. ~~If a wall or fence is used, the required landscaping shall be~~  
17           ~~located between the wall or fence and the right-of-way.~~  
18           b. ~~Walls and fences shall not encroach upon easements, unless~~  
19           ~~approved in writing by the easement holder.~~  
20           c. ~~Wall or fences shall be setback a minimum of ten (10) feet from~~  
21           ~~the edge of the ultimate right-of-way unless a wall with a~~  
22           ~~continuous footer is used, then the wall shall be setback to~~  
23           ~~provide a minimum of ten (10) clear feet for planting.~~

24           C. ~~H. **Safe sight distance triangles.**~~

25           ~~[relocated from section 45-89.H and modified as indicated]~~

26           ~~Safe sight distance triangles may be required shall be provided in~~  
27           ~~accordance with the County Design Manual, published by the Palm Beach~~  
28           ~~County Department of Engineering and Public Works, to restrict placement~~  
29           ~~of visual obstructions. 1. *Landscaping limitations.* a. ~~Safe sight distance~~~~  
30           ~~triangle areas shall be maintained to provide unobstructed visibility at a~~  
31           ~~level between thirty (30) inches and eight (8) feet above the crown of the~~  
32           ~~adjacent roadway and in a way that does not that might create a traffic~~  
33           ~~hazard. b. Landscaping on state roads shall be installed in accordance with~~  
34           ~~requirements the roadside clear zone provisions of the State of Florida~~  
35           ~~Department of Transportation's Manual of Uniform Minimum Standards for~~  
36           ~~Design, Construction, and Maintenance of Streets and Highways, as~~  
37           ~~amended. c. All landscaping within the safe sight distance triangle area~~  
38           ~~shall be planted and perpetually maintained by the property owner, in~~  
39           ~~accordance with this section.~~

## EXHIBIT 7 (LANDSCAPING)

1 **Sec. ~~45-91. 6-12.~~ – Landscape requirements for base of foundation,**  
2 **landscaping and plantings.**

3 **A. Location and width.**

- 4 1. There shall be foundation landscaping within five (5) feet of all  
5 buildings and structures, ~~and~~  
6 a. These landscape areas shall be provided along all four (4)  
7 facades of all ~~commercial~~ structures, excluding rear service areas  
8 not visible by a public road right-of-way or not generally  
9 traveled by the public or visible from adjacent structures.  
10 b. ~~2.~~ The combined length of the required foundation planting shall  
11 be no less than forty (40) percent of the total length of the  
12 applicable side of the structure.  
13 2. This requirement shall not apply in the C-MU and C-3 zoning districts  
14 in front of buildings that meet the standards for a gallery, storefront, or  
15 canopy building frontage type.

16 ~~B. Irrigation. All foundation areas shall be irrigated and of the appropriate size~~  
17 ~~to accommodate the mature size of the vegetation to be planted.~~

18 ~~B. C. Minimum standards.~~

- 19 ~~1. The minimum standards for When required, foundation landscaping~~  
20 ~~shall be determined by the building height and function, and always~~  
21 ~~extend along the portions of a facade that directly abut a street, a~~  
22 ~~parking lot, and other area or vehicular use areas, excluding~~  
23 ~~entryways, doorways or other building improvements.~~  
24 ~~1. The foundation planting area for a one-story building shall be at least~~  
25 ~~five (5) feet wide, unless foundation landscaping would interfere with~~  
26 ~~the intended use and function of a building.~~  
27 ~~2. The foundation planting area for a building of two (2) or more stories~~  
28 ~~shall be not less than thirty (30) percent of the height of the adjacent~~  
29 ~~wall.~~  
30 ~~3. At least one shade tree or palm cluster shall be installed for each thirty~~  
31 ~~(30) linear feet, or fraction thereof, of facade width.~~  
32 ~~2. a. A minimum of one (1) tree per facade shall be planted for each~~  
33 ~~seventy-five (75) linear feet of building perimeter, using a species~~  
34 ~~suitable for this location. and The remainder of the landscape area~~  
35 ~~shall be treated appropriately with plantings which may include~~  
36 ~~shrubs, vines, flower boxes, ground cover, and mulch, and with~~  
37 ~~pedestrian accessways.~~  
38 ~~b. Trees and palms shall be of an installed size relating to the height of~~  
39 ~~the adjacent wall or facade, as indicated in Table 6-12.~~

## EXHIBIT 7 (LANDSCAPING)

<b>Table 6-12 — Minimum Foundation Planting Dimensions</b>		
<b>Wall Height</b>	<b>Min. Tree Height</b>	<b>Min. Palm Height</b>
<15 feet	12 feet	12—14 feet
15—25 feet	14 feet	14—18 feet
>25—35 feet	16 feet	18—22 feet
>35 feet	18 feet	22—28 feet

1       **Sec. 45-92. 6-13. - Landscape maintenance.**

2       A. **Minimum requirements.** The land owner shall be responsible for the  
3       following:

- 4           1. The maintenance of required landscape structures (e.g., walls, fences)  
5           in a structurally-sound condition.
- 6           2. Tree maintenance, which shall be limited to periodic trimming to  
7           maintain healthy trees, removal of diseased limbs, or removal of limbs  
8           or foliage that present a hazard. ~~a.~~ All trees shall be allowed to grow  
9           to their natural mature height and a full canopy.
- 10           ~~b. Large and medium canopy trees shall be required to attain a~~  
11           ~~minimum twenty (20) foot canopy spread prior to pruning. In no~~  
12           ~~case shall the canopy spread be reduced to less than twenty (20)~~  
13           ~~feet in width.~~
- 14           3. Landscape buffers shall be maintained and preserved along the entire  
15           length of the property.
- 16           4. All landscape areas, including any right-of-way landscaping between  
17           the property line and the adjacent street, which shall be maintained on  
18           a regular basis, to include weeding, watering, fertilizing, pruning,  
19           mowing, edging, mulching, replacement of dead or missing  
20           landscaping, removal of prohibited plants, and other horticultural  
21           practices that are needed to keep landscaping in good condition, free  
22           from disease, insect pests, weeds, refuse, and debris.
- 23           5. Landscape maintenance shall be carried out in a manner that will not  
24           disrupt, inconvenience, or endanger any member of the public, or  
25           pedestrian, or motor vehicles.

## EXHIBIT 7 (LANDSCAPING)

### 1        **Sec. 45-93. ~~6-14.~~ - Irrigation.**

- 2        A.    **General.** All landscape areas, except those areas composed of existing  
3        native plant communities, shall provide an irrigation system ~~plan~~. The  
4        irrigation system shall be designed and installed in accordance with the  
5        Florida Building Code. ~~Florida Irrigation Society Standards and~~  
6        ~~Specifications for Turf and Landscape Irrigation Systems, as amended from~~  
7        ~~time to time.~~ Irrigation systems shall be designed and maintained to obtain  
8        the following results:
- 9        1.    Eliminate the wasteful use of water;
  - 10       2.    Eliminate overspray onto staining of buildings, walks, and walls ~~and~~  
11       ~~other site improvements including landscaping;~~
  - 12       3.    Provide a minimum of one hundred (100) percent coverage, including  
13       the capability of applying water onto turf areas on a different  
14       saturation level than that used to irrigate shrub-planting beds; and
  - 15       4.    Use separate zones to match irrigation to vegetation types. ~~Eliminate~~  
16       ~~water overthrow onto non-pervious areas.~~
- 17       B.    **Standards.** Irrigation systems shall comply with the following standards.
- 18       1.    Irrigation systems shall be continuously maintained in working order  
19       and shall be designed so as not to overlap water zones or to water  
20       impervious areas.
  - 21       2.    Irrigation systems shall not be installed or maintained abutting any  
22       public street which causes water from the system to spray onto the  
23       roadway or to strike passing pedestrian or vehicular traffic, where  
24       feasible.
- 25       C.    **Rain sensors.** A rain sensor, to switch off irrigation during wet periods,  
26       shall be required on all new irrigation systems.

### 27       **Sec. 45-94. ~~6-15.~~ - Pruning.**

- 28       A.    **Crown reduction.**
- 29       1.    [*relocated from 45-94.A.2.a*] The crown of a shade tree required by  
30       this code or condition of approval shall not be reduced below the  
31       minimum mature spread or height requirements of this ~~code section~~ or  
32       specific village conditions of approval. ~~Crown reduction of shade~~  
33       ~~trees shall be prohibited until the tree canopy has reached at least~~  
34       ~~twenty (20) feet in diameter.~~ Exceptions include:
    - 35       a.    The removal of limbs or foliage presenting a hazard or in conflict  
36       with a crime prevention program;
    - 37       b.    Removal of dead or diseased limbs;
    - 38       c.    The reinforcement strength of form, or
    - 39       d.    In association with tree or palm relocation work.

## EXHIBIT 7 (LANDSCAPING)

- 1           2.    ~~After a tree canopy reaches fifteen (15) feet in diameter, crown~~  
2           ~~reduction shall only be permitted as Incidental when correct pruning is~~  
3           ~~permitted standards are used and when there are conflicts with~~  
4           ~~constraints such as, but not limited to, views, power lines, structures,~~  
5           ~~lighting, or signage, vehicles, pedestrians, etc. and to improve the~~  
6           ~~structural integrity of trees. All pruning shall be in accordance with~~  
7           ~~pruning standards in ANSI A300. 3. A maximum of one-fourth (0.25)~~  
8           ~~of tree canopy may be removed from a tree within a one (1) year~~  
9           ~~period, provided that the removal conforms to the standards of crown~~  
10           ~~reduction, crown cleaning, crown thinning, crown raising, vista~~  
11           ~~pruning, and crown restoration pruning techniques.~~

12           ~~a.    [relocated to 45-94.A.1]~~

- 13           ~~b.    A tree that is pruned in excess of these requirements shall be~~  
14           ~~replaced with a tree that meets the minimum requirements of this~~  
15           ~~section or equal specifications of the tree that has been pruned,~~  
16           ~~whichever is greater, or, if deemed possible by a certified~~  
17           ~~arborist, a remedy plan may be proposed to the village that~~  
18           ~~would correct the pruning error.~~

- 19           B.    ***Plant characteristics.*** Unless otherwise approved by the village during the  
20           approval process, trees shall be allowed to grow to a shape and size typical  
21           of their species throughout their life cycle.

- 22           C.    ***Pruning standards.*** The following are general pruning standards and  
23           requirements ~~established for the overlay zone.~~

- 24           1.    ***Hat-racking.*** Hat-racking is prohibited. For the purposes of this  
25           article, hat-racking is defined as flat-cutting the top or sides of a tree,  
26           severing the leader or leaders; making internodal cuts (cutting back of  
27           limbs to a point between branch collars/buds) prune a tree by stubbing  
28           off mature wood larger than one (1) inch in diameter within the tree's  
29           crown; or reducing a mature tree's total circumference or canopy  
30           spread by one third or more.
- 31           2.    ***Palm trees.*** Pruning palm trees shall be limited to dead fronds and up  
32           to one-third ( 1/3 ) of the green fronds and seed pods.
- 33           3.    ***Maximum limb pruning.*** Severely cutting back lower branches to  
34           increase sight visibility from underneath a tree's canopy, shall not  
35           exceed thirteen feet six inches (13'-6") from the ground level to the  
36           collar of the first limb.

- 37           D.    ***Alternative canopy shapes.*** If other than the normal expected tree canopy  
38           shade and size is desired by the owner of the trees, the desired shape and  
39           size shall be indicated on the approved landscape plan. If a desired shape  
40           and size is not noted on the approved landscape plan, trees shall be allowed  
41           to grow to their natural shape and size.

## EXHIBIT 7 (LANDSCAPING)

1 E. **Performance.** Pruning shall be performed by a certified arborist or FNGLA  
2 certified landscape contractor in accordance with the Tree Care Industry  
3 standard of care as described in ANSI A300. ~~person or tree service that is~~  
4 ~~knowledgeable with the latest standards of the National Arborist~~  
5 ~~Association.~~

6 F. **Exemptions.** Subsections 45-94.A–D do not apply to ~~The following shall~~  
7 ~~be exempt from this section.~~

- 8 1. ~~trees which interfere with safe site triangles, utility lines, or utility~~  
9 ~~structures.~~
- 10 2. ~~Trees having crown die-back or decay greater than one third the tree~~  
11 ~~canopy.~~
- 12 3. ~~Trees having suffered damage due to natural or accidental causes.~~
- 13 4. ~~Trees having insect or disease damage greater than one-third of the~~  
14 ~~tree crown.~~

15 **Secs. 45-95 – 45-100. - Reserved.**

**VILLAGE OF NORTH PALM BEACH  
POLICE DEPARTMENT**

---

TO: Honorable Mayor and Council  
THRU: Andrew D. Lukasik, Village Manager  
FROM: Rick Jenkins, Police Chief  
DATE: August 13<sup>th</sup>, 2020  
SUBJECT: **RESOLUTION – Approval of Palm Beach County Operational Assistance and Voluntary Cooperation Mutual Aid Agreement**

---

The Village is currently a party to a Combined Operational Assistance and Voluntary Cooperation Mutual Aid Agreement with other law enforcement agencies throughout Palm Beach County. This Agreement allows each such agency, including the Village, to receive and extend mutual aid in the form of law enforcement resources and to render assistance across jurisdictional lines as authorized by Chapter 23, Florida Statutes (Florida Mutual Aid Act).

As required by statute, the Agreement specifies, among other things, the nature of the assistance to be rendered, the agency that shall bear liability for acts undertaken pursuant to the Agreement, and the procedures for authorizing and requesting assistance. This Agreement replaces the existing Agreement and shall remain in effect through January 31<sup>st</sup> 2025.

The attached Resolution and Agreement have been prepared and/or reviewed for legal sufficiency by the Village Attorney.

There is no immediate fiscal impact.

**Recommendation:**

**Village Staff recommends Council consideration and approval of the attached Resolution approving the Palm Beach County Operational Assistance and Voluntary Cooperation Mutual Aid Agreement and authorizing the Mayor, Village Manager and Police Chief to execute the Agreement on behalf of the Village.**

## RESOLUTION 2020-\_\_\_\_\_

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPROVING A COMBINED OPERATIONAL ASSISTANCE AND VOLUNTARY COOPERATION MUTUAL AID AGREEMENT FOR PALM BEACH COUNTY LAW ENFORCEMENT AGENCIES AND AUTHORIZING THE MAYOR, VILLAGE MANAGER AND POLICE CHIEF TO EXECUTE THE AGREEMENT ON BEHALF OF THE VILLAGE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village is currently a party to a Combined Operational Assistance and Voluntary Cooperation Mutual Aid Agreement with other law enforcement agencies throughout Palm Beach County; and

WHEREAS, the Agreement allows the agencies to receive and extend mutual aid in the form of law enforcement services and resources and to render assistance across jurisdictional lines as authorized by the Florida Mutual Aid Act (Section 23.12, et seq., Florida Statutes); and

WHEREAS, the existing Agreement will expire on January 31, 2021 and the Village Council determines that the execution of a renewed Agreement for an additional four-year term is in the best interests of the residents and citizens of the Village of North Palm Beach.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, as follows:

Section 1. The foregoing recitals are hereby ratified as true and incorporated herein.

Section 2. The Village Council hereby approves the Combined Operational Assistance and Voluntary Cooperation Mutual Aid Agreement, a copy of which is attached hereto and incorporated herein, and authorizes the Mayor, Village Manager, and Police Chief to execute the Agreement on behalf of the Village.

Section 3. All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 4. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

(Village Seal)

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
VILLAGE CLERK



Palm Beach County Association of Chiefs of Police  
Leadership excellence for Palm Beach County law enforcement since 1961

July 5, 2020

Palm Beach County Law Enforcement Agencies,

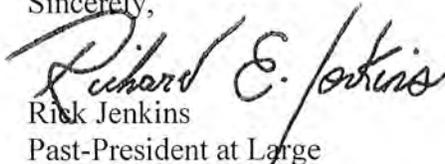
Enclosed is your agencies copy of the Combined Operational Assistance and Voluntary Cooperation Mutual Aid Agreement that requires signature. It is scheduled to be reviewed and must be signed and submitted by January 2021 by each of the subscribed Law Enforcement Agencies. There are no changes in the Agreement.

Please refer to the page in the agreement that specifies the signatures that are required. This agreement will replace the existing Agreement and shall take effect upon execution and approval by the listed officials and shall continue through January 31, 2025.

The signed agreement should be sent to:

North Palm Beach Police Department  
ATTN: Police Captain Angela Dallesandro  
560 US Highway 1  
North Palm Beach, FL 33408

Sincerely,

  
Rick Jenkins  
Past-President at Large

**PALM BEACH COUNTY LAW ENFORCEMENT AGENCIES  
COMBINED  
OPERATIONAL ASSISTANCE AND VOLUNTARY COOPERATION**

**MUTUAL AID AGREEMENT**

WITNESSETH

**WHEREAS**, the subscribing Law Enforcement Agencies as listed in ***Attachment I***, which is incorporated by reference, are so located in relation to each other that it is to the advantage of each to receive and extend mutual aid in the form of law enforcement services and resources to adequately respond to:

- (1) Intensive situations, including, but not limited to, emergencies as defined under Section 252.34, Florida Statutes, and
- (2) Continuing, multi-jurisdictional law enforcement problems, so as to protect the public peace and safety, and preserve the lives and property of the people; and,

**WHEREAS**, the subscribing Law Enforcement Agencies have the authority under Section 23.1225, Florida Statutes, et. seq., The Florida Mutual Aid Act, to enter into a combined mutual aid agreement for law enforcement service which:

- (1) Permits voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines, and;
- (2) Provides for rendering of assistance in a law enforcement emergency as defined in Section 252.34.

**NOW, THEREFORE, THE AGENCIES AGREE AS FOLLOWS:**

**SECTION 1: PROVISIONS FOR OPERATIONAL ASSISTANCE**

The subscribed Law Enforcement Agencies hereby approve and enter into this Agreement whereby each of the agencies so represented may request and render law enforcement assistance to the other to include, but not necessarily be limited to, dealing with civil disturbances, large protest demonstrations, aircraft disasters, fires, natural or man-made disasters, sporting events, concerts, public school graduations, parades, escapes from detention facilities, and incidents requiring utilization of specialized units.

## **SECTION II: PROVISIONS FOR VOLUNTARY COOPERATION**

Each of the subscribed Law Enforcement Agencies hereby approve and enter into this Agreement whereby each of the agencies may request and/or voluntarily render routine law enforcement assistance to the other, to include, but not necessarily be limited to, investigating homicides, sex offenses, robberies, assaults, burglaries, larcenies, gambling, motor vehicle thefts, controlled substance violations, pursuant to Chapter 893, Florida Statutes, DUI violations, backup services during patrol activities, School Police Officers enforcing laws within 1000 feet of a school or School Board property, inter-agency task forces and/or joint investigations, and coverage for overtime details.

## **SECTION III: PROCEDURE FOR REQUESTING ASSISTANCE**

In the event that an agency that is a party to this Agreement is in need of assistance as set forth above, such agency shall notify the agency or agencies from whom such assistance is required. The Agency Head or his/her authorized designee whose assistance is sought shall evaluate the situation and his/her available resources and will respond in a manner he/she deems appropriate.

The Agency Head in whose jurisdiction assistance is being rendered may determine who is authorized to lend assistance in his/her jurisdiction, for how long such assistance is authorized and for what purpose such authority is granted. This authority may be granted either verbally or in writing as the particular situation dictates.

School District Police Officers are hereby authorized to enforce laws in an area within 1000 feet of a school or school board property and within 1000 feet of any school sponsored event including, but not necessarily limited to, public school graduations, proms, dances and project graduations.

Should a sworn law enforcement officer(s) be in another subscribed agency's jurisdiction and violation of Florida Statutes occurs, which is a crime of violence, in the presence of said officer, he/she shall be empowered to exercise authority as a law enforcement officer as if the officer was in his/her own jurisdiction. Should enforcement action be taken, said officer shall notify the agency having normal jurisdiction and upon the latter's arrival, turn the situation over to them and offer any assistance requested including, but not limited to, a follow-up written report documenting the event and the actions taken. This provision so prescribed in this paragraph is not intended to grant general authority to conduct investigations, serve warrants and/or subpoenas or to respond without request to emergencies already being addressed by the agency of normal jurisdiction, but is intended to address critical, life-threatening or public safety situations, prevent bodily injury to citizens, and/or secure apprehension of violent criminals whom the law enforcement officer may encounter.

In any jurisdiction where the Sheriff of Palm Beach County has primary law enforcement responsibilities, the following shall apply: When a sworn law enforcement officer of a subscribing law enforcement agency has established probable cause to arrest an

individual(s) as a result of an investigation regarding any Forcible Felony, as defined in Section 776.08, Florida Statutes, or any act of Domestic Violence as defined in Section 741.28, Florida Statutes, that occurred within the jurisdiction of the arresting officer, he/she is authorized to make this arrest in any jurisdiction where the Sheriff has primary law enforcement responsibilities upon exigent circumstances and provided said offense occurred within the previous **seventy-two (72)** hours. Prior to any officer making any such arrest pursuant to this paragraph, the officer shall notify the Palm Beach County Sheriff's Office Commanding Officer in charge of the district in which the action will be taken. This paragraph does not include the authority to make non-consensual or forcible entries into private dwellings, residences, living spaces or business spaces which are not open to the public, i.e., authority derived pursuant to this paragraph may be exercised only when in places open to the public or private places into which the arresting officer has entered with the consent of an occupant entitled to give consent.

In all other jurisdictions within the Palm Beach County, the following shall apply: Sworn law enforcement officers of subscribing law enforcement agencies are hereby authorized to exercise the power to make arrests in any subscribing agency's jurisdiction of persons identified as a result of investigations regarding any offense constituting a felony or any act of Domestic Violence as defined in Section 741.28, Florida Statutes, that occurred within the jurisdiction of the arresting officer. However, this paragraph does not include authority to make non-consensual or forcible entries into private dwellings, residences, living spaces or business spaces which are not open to the public, i.e., authority derived pursuant to this paragraph may be exercised only when in places open to the public or private places into which the arresting officer has entered with the consent of an occupant entitled to give consent. Prior to any officer taking enforcement action pursuant to this paragraph, the officer shall notify the Commanding Officer in charge of the jurisdiction in which the action will be taken, unless exigent circumstances prevent such prior notification, in which case notification shall be made as soon after the action as practicable.

The Agency Head's decision in these matters shall be final.

#### **SECTION IV: COMMAND AND SUPERVISORY RESPONSIBILITY**

The personnel and equipment that are assigned by the assisting agency head shall be under the immediate command of a supervising officer designated by the assisting agency head. Such supervising officer shall be under the direct supervision and command of the agency head or his/her designee of the agency requesting assistance.

#### **CONFLICTS:**

Whenever a Law Enforcement Officer is rendering assistance pursuant to this Agreement, the Law Enforcement Officer shall abide by and be subject to the rules and regulations, personnel policies, general orders and standard operating procedures of his/her own employer. If any such rule, regulation, personnel policy, general order or

standard operating procedure is contradicted, contravened or otherwise, in conflict with a direct order of a superior officer of the requesting agency, then such rule, regulation, policy, general order or procedure shall control and shall supersede the direct order.

#### **HANDLING COMPLAINTS:**

Whenever there is cause to believe that a complaint has arisen as a result of a cooperative effort as it may pertain to this Agreement, the Agency Head or his/her designee of the requesting agency shall be responsible for the documentation of said complaint to ascertain at a minimum:

1. The identity of the complainant.
2. An address where the complaining agency can be contacted.
3. The specific allegation.
4. The identity of the employees accused without regard to agency affiliation.

If it is determined that the accused is an employee of the assisting agency, the above information with all pertinent documentation gathered during the receipt and processing of the complaint shall be forwarded without delay to the Agency Head or his/her designee of the assisting agency for administrative review. The requesting agency may conduct a review of the complaint to determine if any factual basis for the complaint exists and/or whether any of the employees of the requesting agency violated any of their agency's policies or procedures.

#### **SECTION V: LIABILITY**

Each agency engaging in any mutual cooperation and assistance, pursuant to this Agreement, agrees to assume responsibility for the acts, omissions, or conduct of such agency's employees while engaged in rendering such aid pursuant to this Agreement, subject to the provisions of Section 768.28, Florida Statutes, where applicable.

#### **SECTION VI: POWERS, PRIVILEGES, IMMUNITIES AND COSTS**

- A. Employees of each participating Law Enforcement Agency, when actually engaging in mutual cooperation and assistance outside of their jurisdictional limits, but inside the State of Florida, under the terms of this Agreement, shall, pursuant to the provisions of Section 23.127(1), Florida Statutes, have the same powers, duties, rights, privileges and immunities as if the employee was performing duties inside the employee's political subdivision in which normally employed.
- B. Each agency agrees to furnish necessary personnel, equipment, resources and facilities and to render services to each other agency to the Agreement as set forth above; provided however, that no agency shall be required to deplete

unreasonably its own personnel, equipment, resources, facilities, and services in furnishing such mutual aid.

- C. Communication with personnel from outside agencies will be accomplished with a shared radio frequency. Should the agency furnishing aid not have the capability to communicate on a shared radio frequency, then the requesting agency will either provide radios to the personnel of the agency furnishing aid or pair personnel from the agency furnishing aid with personnel from agencies that have the capability to communicate on a shared radio frequency.
- D. A political subdivision that furnishes equipment pursuant to this part must bear the cost of loss or damage to that equipment and must pay any expense incurred in the operation and maintenance of that equipment.
- E. The agency furnishing aid pursuant to this section shall compensate its employees during the time such aid is rendered and shall defray the actual travel and maintenance expenses of its employees while they are rendering such aid, including any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such assistance.
- F. The privileges and immunities from liability, exemption from laws, ordinances and rules, and all pension, insurance, relief, disability, workers' compensation, salary, death and other benefits that apply to the activity of an employee of an agency when performing the employee's duties within the territorial limits of the employee's agency apply to the employee to the same degree, manner, and extent while engaged in the performance of the employee's duties extraterritorially under the provisions of this Mutual Aid Agreement. The provisions of this section shall apply with equal effect to paid, volunteer, auxiliary, and reserve employees.
- G. Nothing herein shall prevent the requesting agency from requesting supplemental appropriations from the governing authority having budgeting jurisdiction to reimburse the assisting agency for any actual costs or expenses incurred by the assisting agency performing hereunder.
- H. Nothing in this Agreement is intended or is to be construed as any transfer or contracting away of the powers or functions of one party hereto to the other.

#### **SECTION VII: EFFECTIVE DATE.**

This Agreement shall take effect upon execution and approval by the hereinafter named officials and shall continue in full force and effect until **January 31, 2025**. On or about **September 30, 2024**, a committee will be established by the Palm Beach County Association of Chiefs of Police, Inc., to review this Agreement and revise, if necessary. Under no circumstances may this Agreement be renewed, amended, or extended except in writing.

**SECTION VIII: CANCELLATION**

Any agency may cancel their participation in this Agreement upon delivery of written notice to the other agencies. Cancellation will be at the direction of any subscribing agency.

**IN WITNESS WHEREOF**, the agencies hereto cause these presents to be signed on the date specified.

ATTEST:

**CITY OF ATLANTIS:**

\_\_\_\_\_  
Michael LaCoursiere, Mayor (date)

\_\_\_\_\_  
Robert G. Mangold, Chief of Police (date)

\_\_\_\_\_  
Brian Moree, City Manager (date)

\_\_\_\_\_  
(date)

**CITY OF BOCA RATON:**

\_\_\_\_\_  
Scott Singer Mayor (date)

\_\_\_\_\_  
Michele Miuccio, Chief of Police (date)

\_\_\_\_\_  
Leif Ahnell, City Manager (date)

\_\_\_\_\_  
(date)

**CITY OF BOYNTON BEACH:**

\_\_\_\_\_  
Steven B. Grant, Mayor (date)

\_\_\_\_\_  
Michael G Gregory, Chief of Police (date)

\_\_\_\_\_  
Lori LaVerriere, City Manager (date)

\_\_\_\_\_  
(date)

**CITY OF DELRAY BEACH:**

\_\_\_\_\_  
Shelly Petrolia, Mayor (date)

\_\_\_\_\_  
Javaro Sims, Chief of Police (date)

\_\_\_\_\_  
George Gretsas, City Manager (date)

\_\_\_\_\_  
(date)

**FLORIDA ATLANTIC UNIVERSITY:**

\_\_\_\_\_  
John Kelly, President (date)

\_\_\_\_\_  
Sean Brammer, Chief of Police (date)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(date)

**TOWN OF GULFSTREAM:**

\_\_\_\_\_  
Scott Morgan, Mayor (date)

\_\_\_\_\_  
Edward Allen, Chief of Police (date)

\_\_\_\_\_  
Gregory Dunham, Town Manager (date)

\_\_\_\_\_  
(date)

**TOWN OF HIGHLAND BEACH:**

\_\_\_\_\_  
Douglas Hillman, Mayor (date)

\_\_\_\_\_  
Craig Hartmann, Chief of Police (date)

\_\_\_\_\_  
Marshall Labadie, Town Manager (date)

\_\_\_\_\_  
(date)

**TOWN OF HYPOLUXO:**

\_\_\_\_\_  
Michael Brown, Mayor (date)

\_\_\_\_\_  
Sean M. Scheller, Chief of Police (date)

\_\_\_\_\_  
Dixie Gualtieri, Deputy Clerk (date)

\_\_\_\_\_  
(date)

**TOWN OF JUNO BEACH:**

\_\_\_\_\_  
Jason Haselkorn, Mayor (date)

\_\_\_\_\_  
Brian J. Smith, Chief of Police (date)

\_\_\_\_\_  
Joseph F. Lo Bello, Town Manager (date)

\_\_\_\_\_  
(date)

**TOWN OF JUPITER:**

\_\_\_\_\_  
Todd R. Wodraska, Mayor (date)

\_\_\_\_\_  
Daniel J. Kerr, Chief of Police (date)

\_\_\_\_\_  
Matt Benoit, Town Manager (date)

\_\_\_\_\_  
(date)

**TOWN OF JUPITER INLET COLONY:**

\_\_\_\_\_  
Dr. Daniel J. Comerford III, Mayor (date)

\_\_\_\_\_  
John Pruitt, Chief of Police (date)

\_\_\_\_\_  
Kevin Lucas, Town Administrator (date)

\_\_\_\_\_  
(date)

**TOWN OF LAKE CLARKE SHORES:**

\_\_\_\_\_  
Valentin Rodriguez Jr., Mayor (date)

\_\_\_\_\_  
William W. Smith, III, Chief of Police (date)

\_\_\_\_\_  
Daniel Clark, Town Administrator (date)

\_\_\_\_\_  
(date)

**TOWN OF LANTANA:**

\_\_\_\_\_  
David J. Stewart, Mayor (date)

\_\_\_\_\_  
Sean M. Scheller, Chief of Police (date)

\_\_\_\_\_  
Deborah Manzo, Town Manager (date)

\_\_\_\_\_  
(date)

**TOWN OF MANALAPAN:**

\_\_\_\_\_  
Keith Waters, Mayor (date)

\_\_\_\_\_  
Carmen Mattox, Chief of Police (date)

\_\_\_\_\_  
Linda A. Stumpf, Town Manager (date)

\_\_\_\_\_  
(date)

**VILLAGE OF NORTH PALM BEACH:**

\_\_\_\_\_  
Susan Bickel, Mayor (date)

\_\_\_\_\_  
Rick Jenkins, Chief of Police (date)

\_\_\_\_\_  
Andrew Lukasik, Village Manager (date)

\_\_\_\_\_  
(date)

**TOWN OF OCEAN RIDGE:**

\_\_\_\_\_  
Kristine de Haseth, Mayor (date)

\_\_\_\_\_  
Hal Hutchins, Chief of Police (date)

\_\_\_\_\_  
Tracey Stevens, Town Manager (date)

\_\_\_\_\_  
(date)

**TOWN OF PALM BEACH:**

\_\_\_\_\_  
Gail L. Coniglio, Mayor (date)

\_\_\_\_\_  
Nicholas Caristo, Chief of Police (date)

\_\_\_\_\_  
Kirk Blouin, Town Manager (date)

\_\_\_\_\_  
(date)

**PALM BEACH COUNTY SHERIFF'S OFFICE:**

\_\_\_\_\_  
(date)

\_\_\_\_\_  
Ric I. Bradshaw, Sheriff (date)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(date)

**PALM BEACH COUNTY SCHOOL DISTRICT:**

\_\_\_\_\_  
Frank A Barbieri Jr., Chairman (date)

\_\_\_\_\_  
Frank J Kitzerow Jr., Chief of School Police (date)

\_\_\_\_\_  
Donald Fennoy, Superintendent (date)

\_\_\_\_\_  
(date)

**CITY OF PALM BEACH GARDENS:**

\_\_\_\_\_  
Carl Woods, Mayor (date)

\_\_\_\_\_  
Clinton Shannon, Chief of Police (date)

\_\_\_\_\_  
Ronal Ferris, City Manager (date)

\_\_\_\_\_  
(date)

**VILLAGE OF PALM SPRINGS:**

\_\_\_\_\_  
Beverly Smith, Mayor (date)

\_\_\_\_\_  
Thomas Ceccarelli, Chief of Police (date)

\_\_\_\_\_  
Richard Reade, Village Manager (date)

\_\_\_\_\_  
(date)

**CITY OF RIVIERA BEACH:**

\_\_\_\_\_  
Ronnie Felder, Mayor (date)

\_\_\_\_\_  
Spencer Rozier, Chief of Police (date)

\_\_\_\_\_  
Johathan Evans, City Manager (date)

\_\_\_\_\_  
(date)

**TOWN OF SOUTH PALM BEACH:**

\_\_\_\_\_  
Bernice Fischer, Mayor (date)

\_\_\_\_\_  
Mark Garrison, Chief of Police (date)

\_\_\_\_\_  
Robert Kellogg, Town Manager (date)

\_\_\_\_\_  
(date)

**STATE ATTORNEY FOR THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY:**

\_\_\_\_\_  
(date)

\_\_\_\_\_  
Greg Kridos, State Attorney (date)  
Fifteenth Judicial Circuit. In and For  
Palm Beach County, Florida

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(date)

**VILLAGE OF TEQUESTA:**

\_\_\_\_\_  
Abby Brennan, Mayor (date)

\_\_\_\_\_  
Gustavo Medina, Chief of Police (date)

\_\_\_\_\_  
Jeremy Allen, Village Manager (date)

\_\_\_\_\_  
(date)

**CITY OF WEST PALM BEACH:**

\_\_\_\_\_  
Keith James, Mayor (date)

\_\_\_\_\_  
Frank Adderly, Chief of Police (date)

\_\_\_\_\_  
Faye Johnson, City Administrator (date)

\_\_\_\_\_  
(date)

***Attachment I***

Atlantis Police Department Boca  
Raton Police Department Boynton  
Beach Police Department Delray  
Beach Police Department Florida  
Atlantic University Gulfstream  
Police Department Highland Beach  
Police Dept. Hypoluxo-Town of  
Juno Beach Police Department  
Jupiter Police Department  
Jupiter Inlet Colony Police Department  
Lake Clarke Shores Police Department  
Lantana Police Department  
Manalapan Police Department  
North Palm Beach Police Department  
Ocean Ridge Police Department  
Palm Beach Police Department  
Palm Beach County Sheriff's Office  
Palm Beach County School District Police Department  
Palm Beach Gardens Police Department  
Palm Beach Shores Police Department  
Palm Springs Police Department  
Riviera Beach Police Department  
South Palm Beach Police Department  
State Attorney, Fifteenth Judicial Circuit for Palm Beach County  
Tequesta Police Department  
West Palm Beach Police Department

**VILLAGE OF NORTH PALM BEACH  
LIBRARY ADVISORY BOARD MEETING MINUTES  
JUNE 23, 2020**

**NOTE:** Due to the Covid-19 pandemic this meeting was held via ZOOM.

**CALL TO ORDER**

Chairperson Christine DelGuzzi called the meeting to order at 7:01 PM.

**ROLL CALL**

Present : Zakariya Sherman, Library Director  
Christine DelGuzzi, Chairperson  
Phyllis Wissner, Vice Chairperson  
Bonnie Jenkins, Secretary  
Carolyn Kost, Member  
Brad Avakian, Member  
Tina Chippas, Member  
Leslie Metz, Member

**APPROVAL OF MINUTES**

Minutes for the May 26, 2020, meeting were approved after a motion made by Phyllis Wissner and seconded by Tina Chippas.

**LIBRARIAN'S REPORT**

Director Zak Sherman reported the following:

- **Covid-19 impact:**
  - The Library opened to the public on June 1, 2020, Monday thru Friday.
  - Curbside pickup continued for the first week, but by June 8<sup>th</sup> ceased with all patrons coming inside. It is still available for those who request it.
  - Library is maintaining two bins for returns (which are quarantined for 3 days) and bins for donations (which are also quarantined).
  - Most patrons are wearing masks; one is provided to those who don't have one; if mask are made mandatory, signage will change.
  - Many thank you notes and compliments regarding continuity of service have been received.
  - Sneeze guards in place throughout Library.
  - Donations have been received in memory of Jeanne Saunders (retired teacher from NPB Elementary) and Jim Martin (library patron) who have recently passed away.
- **Friends of the Library (FOL) Update:**
  - This has been a record fundraising year - \$25,000 donation has been allocated for the Library.
    - This is earmarked for new upstairs furniture;
    - Speaker series for adults.
  - Daily sales of FOL books has averaged around \$40.00 since reopening.
- **Upcoming Plans:**
  - Add seating (one chair per table)
  - Checkouts downstairs
  - Reopen computer lab

- **Facilities:**
  - Computer replacement continued (since September, all are new.) Will now implement time limits;
  - IT upgrading software to Office 2016 version;
  - Meeting room policies will be finalized before end of FY20 to include charging for use of rooms for workshops, non-library related meetings;
- **Youth Services:**
  - Parks and Rec summer camp attendees visit library, mostly on rainy days;
- **Adult programs:**
  - None occurred during this time, will be resumed slowly.
- **Statistics:**
  - E-Book and E-Audio Circulation numbers continued to rise during the shut-down.
    - Cloud Library has been very popular.

#### **OLD BUSINESS**

Due to Covid-19, (re)appointments to Boards have been delayed. Election of officers is also behind and will occur when Council has acted.

#### **NEW BUSINESS**

There was none.

#### **QUESTIONS AND ANSWERS**

President DelGuzzi inquired when in-person meetings might restart. Director Sherman will check with Village Manager.

#### **ADJOURNMENT**

A motion to adjourn the meeting was made by Phyllis Wissner and seconded by Tina Chippas. The meeting was adjourned at 7:30 PM.

The next meeting will be Tuesday, July 28, 2020 at 7:00pm

Respectfully submitted by Bonnie Jenkins



**VILLAGE OF NORTH PALM BEACH  
PLANNING COMMISSION  
REGULAR MEETING MINUTES  
TUESDAY, JULY 7, 2020**

Present:

Cory Cross, Chairman  
Donald Solodar, Vice Chair  
Thomas Hogarth, Member  
Jake Furlott, Member  
Jonathan Haigh, Member  
Lori Rainaldi, Member  
Kathryn DeWitt, Member

Len Rubin, Village Attorney  
Jeremy Hubsch, Community Development Director  
Justin Revis, Planner  
Michael Applegate, IT Director

Council Member:

Debra Searcy, Council Member

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In accordance with Governor Ron DeSantis' Executive Order No. 20- 91 and Executive Order No. 20- 69, the meeting was conducted electronically, via internet access or telephone. The Planning Commission members, Village staff and COA applicants attended via internet connection or telephonically.

I. CALL TO ORDER

Chairman Cross called the meeting to order at 6:30 PM.

IA. ROLL CALL

All members of the Planning Commission were present.

II. APPROVAL OF MINUTES

The Minutes of the June 2, 2020 Special Meetings were approved as written.

III. DELARATION OF EX PARTE COMMUNICATIONS

There were no Ex Parte Communications declared by the Board.

IV. QUASI JUDICIAL MATTERS / PUBLIC HEARING

Attorney Len Rubin swears in all persons speaking.

**A. CERTIFICATES OF APPROPRIATENESS**

- 1. COA 2020-1125: California Design Center**  
Location: 212 US Highway 1

**Minutes of Village Planning Commission Regular Meeting held on July 7, 2020**

Request: An application submitted by Brian J. Marder on behalf of RJR ML LLC, requesting Certificate of Appropriateness (COA) approval in order to install a sign.

Mr. Revis presented the Staff report and recommendation. The applicant is proposing to install a wall sign and resurface an existing ground/monument sign for the property. The wall sign will be mounted to the front facade of the structure, set back 100.1 feet from the property line. The existing monument sign is currently located close to the center of the front property line, set back 5.4 feet from the side property line along US Highway 1. The monument sign will not be moved only resurfaced. A COA review and finding by the Planning Commission for this project is required for compliance with the Village's Appearance Code. Staff requests the following conditions be included as part of the Commission's approval:

1. Applicant shall obtain all necessary governmental permits and approvals for the sign.
2. Hedge must be installed a minimum of 30 inches high and not more than 18 inches apart.

The Planning Commissions members were supportive of the design and colors, and had no discussion.

Motion: Mr. Solodar moved to approve the application with Staff's recommendation as presented. Ms. DeWitt seconded the motion, which passed 7-0.

**2. COA 2019-2161: 844 PROSPERITY FARMS CORP Fence (Continued from June 2, 2020)**

Location: 844 Prosperity Farms Road

Request: An application submitted by Leib Ezagui on behalf of the 844 Prosperity Farms Corporation, requesting Certificate of Appropriateness (COA) approval in order to build a fence.

**B. ZONING/VARIANCE APPLICATIONS**

**1. PROJECT 2020-0353: 844 Prosperity Farms Corp - VARIANCE**

Request: An application submitted by Leib Ezagui on behalf of the property owner 844 PROSPERITY FARMS CORP, requesting a VARIANCE from section 45-36(D) [General Provisions] of the Village Code of Ordinances in order to install a 5-foot high fence within the front and side setback, rather than be limited to a 4-foot fence on the side (west) and no fence along the front (north) as required by Code.

Mr. Revis presented the updated submission from the applicant. As the materials were submitted late, Staff could not provide appropriate analysis and staff reports in time for the meeting. Mr. Revis states that the issues identified at the June meeting have been addressed and that the wall goes around the fire hydrant and water meter, with the approval of the Fire Department.

The Planning Commission members discussed their support of the wall set back from sidewalk, the proposed wall height and placement by the parking lot, and recommend that a landscape plan be included for the 2 ft. landscape buffer in front of the wall. The Commission also recommended to continue the items until the next planning commission meeting so they have an opportunity to review the revised plans further, which were not included in the meeting packet. They also requested a new staff report.

Motion: Mr. Solodar moved to continue the application to the next meeting on August 4, 2020. Mr. Hogarth seconded the motion. The Motion passed 7-0.

### C. PLANNED UNIT DEVELOPMENT MODIFICATION

#### 1. **PROJECT 2020-0413: Prosperity Harbor North PUD**

Request: An application submitted by David Milledge, ESQ on behalf of Joseph Little with the approval of Prosperity Harbor North Master Association, INC., to make a major amendment to the Prosperity Harbor North PUD for allowance and modification of waterside structures for the 12 properties abutting the Intracoastal Waterway.

Mr. Hubsch presented the Staff report and recommendation. The Applicant wishes to amend Exhibit "A" of Ordinance 01-2000, which provides for and regulates the location and placement of waterside structures for properties within the PUD. The Ordinance created specific standards for the placement of waterside structures for both interior and intracoastal lots. The request seeks to amend Exhibit "A" for intracoastal lots, which currently prohibits docks and allows only piers six feet in width with "L" and "T" heads, also limited to six feet in width on intracoastal lots. The Applicant is seeking to: (1) allow docks on intracoastal lots; and (2) allow "L" and "T" heads to be up to eight feet in width on intracoastal lots. The requested increase of "L" and "T" head width requires a waiver from Village Code Section 5-84(6) and triggers a Major Amendment to the PUD.

Mr. Hubsch provided a comprehensive history of the Ordinance and PUD background, detailed in the Staff Report. Staff has found the requested waiver from Section 5-84 (6) inconsistent with the Village's Code and is therefore recommending denial of the waiver.

David Milledge, Sr. Project Manager, Coutler & Hearing, was present to represent the project. Mr. Milledge made a presentation of the Applicant's requested waiver. The proposed request will continue to keep the code maximum of a 6' wide pier while allowing a "L" or "T" head to have a maximum width of 8'. This waiver is requested based on safety concerns caused by the height differential between the finished decking of the pier and the water level of the Intracoastal Waterway. The height difference between the top of the decking and the mean high-water mark (MHW) and mean-low water mark (MLW) is 5' and 10', respectively. After taking into account a vessel's freeboard, a disembarking passenger would have a large step up on the pier. To accommodate this height differential, the proposed 8' "L" head has a 5' wide platform which then steps down 2' over three steps. By lowering the height, this design provides greater safety for those passengers disembarking a vessel. Under current code requirements, the proposed L-head would only have a 3' wide platform which does not provide enough open space for staging purposes and therefore the addition of 2' is appropriate. The proposal has limited impact within the PUD and those navigating the Intracoastal Waterway as "L" and "T" heads are only permissible on Intracoastal lots and platforms must still be completely confined to the envelope shown on Exhibit A. The Applicant has received approval from the Army Corp of Engineers and the Florida Department of Environmental Protection. There are no presence of mangroves and a seagrass study was performed.

The Chairman opened the floor for public comments.

Joseph Little, 700 Sandy Point Lane, spoke in favor of the requested waiver.

As there were no further comments from the public, Chairman Cross closed the public comments.

The Planning Commission members discussed whether the need for this waiver was as a result of an accident or safety issue; whether there are other options to accomplish the same goal without needing a waiver; whether the recommendation was for a waiver or an amendment to the PUD; whether the proposed dock will extend into the intracoastal waterway or towards the seawall;

Motion: Mr. Hogarth moved to recommend to Village Council to approve the Amendment to the PUD as proposed, limiting the approval to the proposed strikethrough and underlined wording of Exhibit A, not to construe that dock plans are approved. Ms. Rainaldi seconded the motion. The Motion passed 7-0.

## **D. ORDINANCES**

### **1. ORDINANCE NO. 2020-\_\_\_\_\_**

An Ordinance of the Village Council of the Village of North Palm Beach, Florida, amending the Village's Land Development Regulations for the implementation of the Citizen's Master Plan.

Village Manager Lukasik presented the history and process of developing the Citizen's Master Plan. He provided information how the process started in 2016 with community meetings and the Charrette meetings, and Dover Kohl held workshops for residents. After two years of discussions and re-writes, the Code update is ready for the adoption process.

Jason King, Dover, Kohl & Partners, presented the Citizen's Master Plan Report. He discussed the key recommendations of the Master Plan, 1. Redefining US 1 by calming the corridor by reducing the roadway from six lanes to four lanes; beautifying the corridor by repurposing asphalt into a new streetscape design; balancing the mobility by designing the roadway for a superior pedestrian and bicycle environment; 2. Creation of the Form-Based Code to ensure private redevelopment complements public investments and contributes to realizing the vision; respond to market forces; establish predictability in the built environment and the approval process; maximize the waterfront; and provide incentives for desired patterns and forms of development. According to the Form-Based Code Institute, "A form-based code is a land development regulation that fosters predictable built results and high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law." The Master Plan had several recommendations to implement into a form-based code along the Village's commercial corridors, including: Allowing (but not requiring) mixed-use development; Allowing a market rate density up to 24 units per acre; Focusing less on uses; Ensuring a predictable built environment; Allowing parking to be replaced by liner buildings in large parking lots; Requiring consistent landscape design along the commercial corridors; and Streamlining the approval process for development that meets the code.

Bill Spikowski, Spikowski Planning Associates, was also present to discuss the Citizen's Master Plan Report. He presented information regarding new parking requirements along U.S. 1; the plan for building heights along U.S. 1; changes for Northlake Blvd (NBOZ); NBOZ would become a new zoning district; new waiver process for certain standards similar to a PUD process; addition of a pedestrian walkway to the Earman River; applying NBOZ landscape rules village-wide, key redevelopment sites (Crystal Cove Commons, Camelot and U.S. 1 at Shore Ct.); Creation of building frontage types and form-based development standards for new buildings. Establishment of a path for properties in the C-MU and C-NB to be granted waivers by the Planning Commission

**Minutes of Village Planning Commission Regular Meeting held on July 7, 2020**

during the site plan approval process; and Increase in maximum residential density to 24 units per acre in commercial zoning districts.

Mr. Hubsch presented the additional changes made since the January meeting. Changes include reduced off-site parking distance from ¼ mile to 500 feet; ability for restaurants to count one public boat slip as one parking space; allow rooftop lounges, pools, and restaurants in the CMU district; and require projects that are granted waivers provide a public benefit, including, but not limited to: high-quality architectural design, pedestrian amenities, no cost dedication of rights-of-way, construction of public parking, public art or other improvements adjacent to the property, preservation of environmentally-sensitive lands, provision of public parks and/or open spaces, or mixed uses which reduce impacts on village services.

The Planning Commission comments include the burden placed on the Planning Commission in approving the set backs on US 1; why the building height issue is only addressed on U.S. 1 between Parker Bridge and Northlake Blvd.; concern regarding density along US 1 and the possibility of a linear look along US 1; concern about canopy trees along the sidewalk for pedestrians and impact of the power lines;

The Chairman opened the floor for public comments.

As there were no comments from the public, Chairman Cross closed the public comments.

Motion: Mr. Solodar moved to recommend to Village Council to approve the amending of the Village's Land Development Regulations for the implementation of the Citizen's Master Plan. Ms. Rainaldi seconded the motion. The Motion passed 7-0.

**2. ORDINANCE NO. 2020-\_\_\_\_\_**

An ordinance of the Village Council of the Village of North Palm Beach, Florida, amending the Village of North Palm Beach Comprehensive Plan to implement the Citizen's Master Plan and address the village's commercial corridors; amending the future land use element, the transportation element and the capital improvements element.

Motion: Mr. Solodar moved to recommend to Village Council to approve the amending of the Village of North Palm Beach Comprehensive Plan to implement the Citizen's Master Plan and address the village's commercial corridors; amending the future land use element, the transportation element and the capital improvements element. Ms. DeWitt seconded the motion. The Motion passed 7-0.

**V. ADMINISTRATION MATTERS**

A. Staff Updates: None

B. Commission Member Comments:

- The Lakeside Park parking lot is constantly full of vehicles and not everyone is a Village resident. Seems unfair to the Village residents who want to use the park and cannot. Chairman Cross asked that this topic be revisited at a future meeting, possibly August.

**Minutes of Village Planning Commission Regular Meeting held on July 7, 2020**

- Recommendation to advertise the Zoom meetings on Facebook and the website to encourage more residents to participate. Mr. Hubsch advised that the meetings are being advertised on the Villages social media sites.
- Status of Planning Commission Board elections. Mr. Rubin advised that due to the COVID restrictions, Council has not made any appointments to the Village Boards, typically in May, and therefore each Board is in a “holding” pattern until further notice.

VI. ADJOURNMENT

With there being no further business to come before the Board, the meeting adjourned at 9:22 PM.

Minutes typed by Jane Lerner

# **Village of North Palm Beach**

## **Recreation Advisory Board**

### **Minutes from the July 14, 2020 Meeting**

#### CALL TO ORDER:

Chairman Maria Cassidy called the meeting to order at 7:00 PM.

#### ROLL CALL:

Maria Cassidy, Chair

Bob Bell

Tim Hulihan

Don Grill

Chris Cantwell, Vice Chair

Mia St. John – Excused Absent

Paul Beach

Village Council Representative – Vice Mayor Mark Mullinix

Stephen Poh, Director of Parks and Recreation

#### APPROVAL OF MINUTES:

Bob Bell made a motion to approve the minutes; seconded by Don Grill. The motion passed 6-0.

#### PUBLIC COMMENT:

No Public Comment.

#### DIRECTOR'S REPORT:

Stephen updated the Board on several park projects. At Lakeside, the trash can replacement project is in progress with the help of Public Works. He showed the Board a picture of the new solar compactor that will be placed next to the pavilion. At the Community Center, Stephen is working with Public Works on repairing rusted-out metal brackets on the outside pavilion area. He has received one quote, but is waiting for Public Works' input. Finally, at Osborne Park, two batting cages have been repaired with new netting.

Stephen asked the Board if they wanted to postpone or cancel the Fishing Tournament scheduled for Saturday, August 8<sup>th</sup>. After discussion, the Board decided to postpone the tournament with a date yet to be determined. Stephen will send out a notice on social media and email the vendors.

#### NEW BUSINESS:

- Stephen explained the Parks and Recreation Needs Assessment RFQ, which includes the pool and tennis facilities. He included the proposed schedule for choosing a company from the seven (7) bids received.
- Stephen notified the Board that Mary Romero, Recreation Supervisor at the Community Center, had resigned her position and her last day was July 2, 2020. HR posted the available position and applications will be reviewed the week of July 20<sup>th</sup>.
- Stephen asked for the Board's thoughts on making Lakeside Park parking for residents only. The Village Manager is considering this because of multiple issues with parking and trash throughout the park. Stephen and Andy would work on some proposals for Council to discuss.

#### OLD BUSINESS:

- Stephen updated the Board on current COVID-19 park restrictions. Currently, only playgrounds and outdoor fitness areas are still closed.
- Stephen gave an update on the Advisory Board interviews, which has been pushed back to the August 13<sup>th</sup> Council meeting.
- Stephen notified the Board that a certified letter was sent to John Baker, who has a fenced off portion at the Community Center for RC recreation, was refused. In doing so, the Village Manager directed Stephen to have Public Works remove all items in that area. Public Works has it scheduled soon for removal.
- Stephen also gave an update on the Dry Storage project. Russ Ruskay is bringing a proposal from the Village engineer to Council on July 23<sup>rd</sup> to provide professional engineering services for the project. Stephen let the Board know that once approved, Russ will bring all items to the Recreation Board for their valuable input on the functional components.

#### BOARD MEMBER COMMENTS:

- Bob Bell and Don Grill spoke about the upcoming fishing tournament, wanting to postpone to a later date. All Board members were in agreement.
- Tim Hulihan spoke about the dry storage project and asked why we are using our Village engineer and not a planner. Stephen and Vice Mayor Mullinix both commented that there will be sub-contractors underneath the umbrella of the Village engineer, which will include a planner and landscaper. Stephen stated that Russ Ruskay would be able to discuss and give more details about this project.
- Bob Bell spoke about making Lakeside Park "residents only." He suggested closing the parking lot or removing the parking lot and making it a passive park. Residents can ride their bike or walk to get to the park. The other option he suggested was giving out a sticker to residents to park in the parking lot just like the boat ramp.
- Tim Hulihan agreed to making Lakeside parking for only residents. He asked Councilman Mullinix how much the Village would have to pay back for grants that were received. Mullinix thought the number was around \$40,000. Tim was in agreement to get it done.

### Council Member Comments

- Councilman Mullinix spoke about the dry storage area stating that Village Engineer Keith Jackson would be in charge of the project, but have sub-contractors for planning, landscaping and electrical. He stated that he would follow up with the Village Manager.
- Mr. Mullinix was also in favor about making Lakeside parking for residents only. He stated that there would be some money that the Village would have to pay back to the state for the grants that were received in the past. These items will be discussed at a later council meeting.

### ADJOURNMENT:

Bob Bell made a motion to adjourn the meeting; seconded by Don Grill. Motion passed 6-0. Meeting adjourned at 7:30 PM.

Minutes respectively submitted by Stephen Poh, Director of Parks and Recreation.