

**MINUTES OF THE REGULAR SESSION
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA
AUGUST 13, 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 Sessions held July 9, 2020 and July 23, 2020 were approved as written.

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 and enact on second 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 stated that there would be no presentation since Council unanimously passed the ordinance on first reading at the previous Council meeting.

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

Thereafter, the motion to adopt and enact Ordinance 2020-03 on second reading passed unanimously.

ORDINANCE 2020-04 – CODE AMENDMENT – CIVIL RIGHTS

A motion was made by Councilmember Aubrey and seconded by Councilmember Searcy to adopt and enact on second 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 stated that there would be no presentation since Council unanimously passed the ordinance on first reading at the previous Council meeting.

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

Thereafter, the motion to adopt and enact Ordinance 2020-04 on second reading passed unanimously.

ORDINANCE 2020-05 – CODE AMENDMENT – COMPREHENSIVE PLAN

A motion was made by Vice Mayor Mullinix and seconded by Councilmember Searcy to adopt on first reading Ordinance 2020-05 entitled:

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; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2020-06 – CODE AMENDMENT – COMMERCIAL LAND DEVELOPMENT REGULATIONS

A motion was made by President Pro Tem Norris and seconded by Councilmember Aubrey to adopt on first reading Ordinance 2020-06 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING THE VILLAGE’S LAND DEVELOPMENT REGULATIONS; AMENDING CHAPTER 6, “BUILDINGS AND BUILDING REGULATIONS,” TO ALLOW ENCROACHMENTS IN EASEMENTS UNDER SPECIFIED CIRCUMSTANCES, MODIFY THE PROCEDURES APPLICABLE TO APPEARANCE REVIEW AND ADOPT A SITE PLAN AND APPEARANCE REVIEW PROCEDURE; AMENDING CHAPTER 17, “LICENSES AND BUSINESS REGULATIONS,” TO ALLOW HOME OCCUPATIONS WITHIN SPECIFIED COMMERCIAL DISTRICTS; AMENDING CHAPTER 19, “OFFENSES AND MISCELLANEOUS PROVISIONS,” TO REFERENCE MIXED USE ZONING WITHIN THE NOISE REGULATIONS; AMENDING CHAPTER 21, “PLANNING AND DEVELOPMENT,” TO PROVIDE PUBLIC NOTICE FOR WAIVERS AND MODIFY PROCEDURAL REQUIREMENTS; AMENDING CHAPTER 27, “TREES

ORDINANCE 2020-06 – CODE AMENDMENT – COMMERCIAL LAND DEVELOPMENT REGULATIONS *continued*

AND SHRUBBERY,” TO DELETE ARTICLE III, “LANDSCAPING;” AMENDING APPENDIX A, “APPEARANCE PLAN,” TO RECOGNIZE CHANGES TO DISTRICT REGULATIONS, ENCOURAGE SPECIFIC ARCHITECTURAL STYLES AND MODIFY THE CRITERIA; AMENDING APPENDIX B (CHAPTER 36), “SUBDIVISIONS,” TO REMOVE CONFLICTS WITH NEW ZONING REGULATIONS; AMENDING APPENDIX C (CHAPTER 45), “ZONING,” BY: AMENDING ARTICLE I, “IN GENERAL,” TO MODIFY THE DEFINITIONS AND CONFLICT PROVISIONS; AMENDING ARTICLE II, “GENERALLY,” TO IDENTIFY CHANGES TO THE NAMES OF CERTAIN ZONING DISTRICTS AND THE ELIMINATION OF OTHERS AND MODIFY THE SIMILAR USE AND SPECIAL EXCEPTION PROCEDURES; AMENDING ARTICLE III, “DISTRICT REGULATIONS,” BY AMENDING SECTION 45-31 TO CHANGE THE NAME OF THE C-A COMMERCIAL DISTRICT TO THE C-MU US-1 MIXED USE DISTRICT, MODIFY THE REGULATIONS INCLUDING PERMITTED AND SPECIAL EXCEPTION USES AND APPLY SUCH REGULATIONS TO ALL PROPERTIES CURRENTLY ZONED C-A; DELETING SECTION 45-31.1 TO ELIMINATE THE C-B COMMERCIAL DISTRICT; DELETING SECTION 45-2 TO ELIMINATE THE C-1A LIMITED COMMERCIAL DISTRICT; AMENDING SECTION 45-32.1 TO CHANGE THE NAME OF THE C-C TRANSITIONAL COMMERCIAL DISTRICT TO THE C-T TRANSITIONAL COMMERCIAL DISTRICT, MODIFY THE REGULATIONS INCLUDING PERMITTED USES AND APPLY SUCH REGULATIONS TO ALL PROPERTIES CURRENTLY ZONED C-C; AMENDING SECTION 45-33 TO CHANGE THE NAME OF THE C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO THE C-S SHOPPING DISTRICT, MODIFY THE REGULATIONS INCLUDING PERMITTED AND SPECIAL EXCEPTION USES, AND APPLY SUCH REGULATIONS TO ALL PROPERTIES CURRENTLY ZONED C-1; AMENDING SECTION 45-34 TO CHANGE THE NAME OF THE COMMERCIAL DISTRICT TO THE C-G GENERAL COMMERCIAL DISTRICT, MODIFY THE REGULATIONS AND APPLY SUCH REGULATIONS TO ALL PROPERTIES CURRENTLY ZONED COMMERCIAL; AMENDING SECTION 45-35.1 TO MODIFY THE REGULATIONS APPLICABLE TO PLANNED UNIT DEVELOPMENTS; AMENDING SECTION 45-35.2 TO RENAME THE C-OS CONSERVATION AND OPEN SPACE DISTRICT TO THE OS CONSERVATION AND OPEN SPACE DISTRICT; AMENDING SECTION 45-35.3 TO ELIMINATE THE NORTHLAKE BOULEVARD OVERLAY ZONING DISTRICT AND CREATE A NEW C-NB NORTHLAKE BOULEVARD COMMERCIAL DISTRICT AND MODIFY THE REGULATIONS INCLUDING PERMITTED AND SPECIAL EXCEPTION USES; AMENDING SECTION 45-36 TO REVISE THE OFF-STREET PARKING REGULATIONS, THE HEIGHT REGULATIONS AND THE OUTDOOR SEATING REGULATIONS; AMENDING SECTION 45-38 TO MODIFY THE I-1 LIGHT INDUSTRIAL ZONING REGULATIONS RELATING TO OUTDOOR RUNS AND DOG EXERCISE AREAS; RENAMING ARTICLE VI, “AMENDMENTS—FEES; WAITING PERIODS,” TO “REZONINGS; VARIANCES; WAIVERS,” AND MODIFYING THE REGULATIONS APPLICABLE TO REZONINGS AND VARIANCES AND ADOPTING NEW REGULATIONS FOR WAIVERS WITHIN THE C-MU AND C-NB ZONING DISTRICTS; AMENDING ARTICLE VII, “NON-CONFORMING USES OF LAND AND STRUCTURES,” TO ALLOW THE EXTENSION AND ENLARGEMENT OF NON-CONFORMING USES AND STRUCTURES UNDER SPECIFIED CIRCUMSTANCES; AND ADOPTING A NEW ARTICLE VIII, “LANDSCAPING,” TO MODIFY AND UPDATE THE CURRENT LANDSCAPING REQUIREMENTS FOR MULTI-FAMILY, MIXED USE, COMMERCIAL AND INDUSTRIAL DEVELOPMENTS; UPDATING CROSS-REFERENCES; PROVIDING

ORDINANCE 2020-06 – CODE AMENDMENT – COMMERCIAL LAND DEVELOPMENT REGULATIONS *continued*

FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Mr. Lukasik gave a brief introduction and history of the proposed code amendments and stated that Mr. Bill Spikowski would give a presentation showing an overview of the recommended changes to the Master Plan.

Mr. Spikowski began the presentation by discussing and explaining one of the key recommendations of creating a form-based code and design guidelines. Mr. Spikowski discussed and explained the major components of the proposed code update which were U.S. Highway 1, Northlake Boulevard, key redevelopment sites, landscape code, renaming commercial zoning districts and the Comprehensive Plan.

Community Development Director Jeremy Hubsch discussed and explained the proposed changes to the code which included changes to parking and the waiver process and providing allowances for roof top lounges and pools. Mr. Hubsch discussed and explained the adding of density in the different zoning districts.

Tom Magill, 119 Atlantic Road, asked how long would the new developments take along the U.S. 1 and Northlake corridors.

Mr. Hubsch stated that it would not be possible to estimate an exact time frame.

Discussion ensued between Council, staff and Mr. Spikowski regarding the workforce housing density bonus.

Discussion and explanation ensued between President Pro Tem Norris, Mr. Spikowski and Mr. Rubin regarding specific proposed changes to the code.

Mayor Bickel recommended changing the noise regulations to allow noise to begin at 10 a.m. on Sunday mornings instead of 8 a.m. and changing the code to not allow palm trees as a substitution for canopy trees in terms of shade.

Discussion ensued between Council and staff regarding substitution of palm trees as canopy trees.

At the conclusion of the discussion it was decided to keep the noise regulations and landscape code as is.

Discussion ensued among Council regarding architectural designs within the Village.

Thereafter, the motions to adopt Ordinance 2020-05 and Ordinance 2020-06 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 Combined Operational Assistance and Voluntary Cooperation Mutual Aid Agreement for Palm Beach County Law Enforcement Agencies; and authorizing execution of the Agreement.

Receive for file Minutes of the Library Advisory Board meeting held 6/23/20.

Receive for file Minutes of the Planning Commission meeting held 7/7/20.

Receive for file Minutes of the Recreation Advisory Board meeting held 7/14/20.

VILLAGE MANAGER MATTERS/REPORTS

Mr. Lukasik introduced Dr. Kim Delaney, Director of Strategic Development and Planning for the Treasure Coast Regional Planning Council and Fabricio Ponce, VHB Traffic Engineer.

Mr. Lukasik gave an explanation for the presentations regarding the proposed U.S. Highway 1 lane repurposing. Mr. Lukasik explained and discussed the Master Plan key recommendations which included the form-based code, prioritizing targeted redevelopment areas, improving Prosperity Farms Road, and redefining U.S. Highway 1.

Dr. Delaney gave a brief history regarding the proposal to repurpose U.S. Highway 1 and discussed and explained lane elimination and repurposing.

Mr. Lukasik discussed the benefits and challenges associated with the proposed repurposing of U.S. Highway 1. Mr. Lukasik and Dr. Delaney explained the next steps and schedule for the proposed repurposing.

Mr. Ponce began a presentation regarding the U.S. Highway 1 Lane Repurposing Traffic Study. Mr. Ponce gave a study area overview and explained and discussed existing conditions, future conditions and a Parker Bridge opening analysis.

Vice Mayor Mullinix expressed his concerns with the proposed repurposing and the traffic impacts on U.S. Highway 1.

Discussion ensued between Council, staff, Mr. Ponce and Dr. Delaney regarding concerns with traffic impacts from proposed lane repurposing on U.S. Highway 1.

Mr. Lukasik stated that he and Dr. Delaney would continue to work on the scope of work needed to submit an application to the Florida Department of Transportation which would not be submitted until after the scheduled public open houses and review by the Planning Commission.

Discussion continued between Council, staff and Mr. Ponce regarding proposed density increases.

Mayor Bickel recommended that Mr. Lukasik collect more data regarding the impacts of density increases showing highest possible impacts in relation to high density scenarios.

VILLAGE MANAGER MATTERS/REPORTS *continued*

Mayor Bickel, President Pro Tem Norris, Councilmember Aubrey and Councilmember Searcy came to consensus for Mr. Lukasik to collect more data and to move forward with the analysis of repurposing U.S. Highway 1.

Vice Mayor Mullinix did not agree with moving forward with the analysis of repurposing U.S. Highway 1.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 10:39 p.m.


Jessica Green, MMC, Village Clerk