

# **DRAFT FOR REVIEW**

VILLAGE OF NORTH PALM BEACH

# **CODE UPDATE**



**COMPLETE DRAFT**

**MAY 3, 2019**

# PROPOSED CHANGES TO NORTH PALM BEACH CODES

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30	<b>30. Cross-Reference Updates</b> .....	(entire code)	
31	<b>31. Comprehensive Plan</b> .....	(various elements)	

**1. PROPOSED CHANGES TO APPEARANCE CODE  
& SIDEWALKS (§§ 6-1-6-60)**

**CHAPTER 6, ARTICLE I**

**ARTICLE I. - IN GENERAL**

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

It shall be unlawful for any person to erect or maintain, or to permit the erection or maintenance of any structure of any kind, including a wall upon, across, over or under any portion of any publicly dedicated utility or drainage easement area in the village. This prohibition does not apply to sidewalks or paths of any kind that are lawfully placed under overhead wires.

*[no further changes to Article I]*

**CHAPTER 6, ARTICLE III**

**DIVISION 1. - GENERALLY**

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

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

**Sec. 6-31. - Definition.**

The term "external architectural feature" is defined to mean the architectural style and general arrangement of such portion of a building or structure as is designed to be open to view from a public street, place or way, or from adjoining premises.

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

This appearance code is adopted for the following purposes:

- (1) To promote the public health, safety, morals, comfort and general welfare of the citizens of the village.
- (2) To enhance the values of property throughout the village.
- (3) To protect and to stabilize the general appearance of public and private buildings, structures, landscaping, and open areas, in the ~~multiple dwelling, commercial and public zoning districts~~ of the village.
- (4) To insure adequate light, air and privacy for property in the ~~multiple dwelling, commercial and public zoning districts~~ of the village.

# 1. PROPOSED CHANGES TO APPEARANCE CODE & SIDEWALKS (§§ 6-1-6-60)

- 1 (5) To ~~encourage and~~ promote acceptability, attractiveness, cohesiveness  
2 and compatibility of new buildings, developments, remodeling and  
3 additions so as to maintain and improve the established standards of  
4 ~~property values within the~~ for multiple-dwelling, commercial, mixed-  
5 use, and industrial buildings. ~~and public zoning districts of the village.~~

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

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

## 11 **Sec. 6-34. - Reserved.**

## 12 **Sec. 6-35. - Appeals and review.**

13 The applicant or any interested party may file an appeal to the village  
14 council on any ruling by the planning commission made pursuant to this article.  
15 An appeal shall be on forms provided by the village. The appeal shall be filed or  
16 made within ten (10) days after decision of the planning commission. Appeals  
17 shall set forth the alleged inconsistency or nonconformity with procedures or  
18 criteria set forth in this article or standards set forth in or pursuant to this article.  
19 The village council shall decide an appeal within thirty (30) days of the filing of  
20 such appeal unless an extension of time is consented to by the applicant, and such  
21 filing shall suspend any building permit issued pursuant to the ruling of the  
22 planning commission until the village council has decided the appeal. The village  
23 council may review any decision of the planning commission and their disposition  
24 of the matter shall be final.

## 25 **Sec. 6-36. - Powers and duties of planning commission concerning** 26 **the appearance code.**

27 The planning commission shall have the following powers and duties:

- 28 (1) To hold public hearings on and make recommendations for  
29 amendments to the appearance plan.
- 30 (2) To consult with and cooperate with ~~the planning and zoning advisory~~  
31 ~~board, the beautification committee and other committees and~~ village  
32 departments, and any other municipal or governmental bodies, on  
33 matters affecting the appearance of the village.
- 34 (3) To study exterior design drawings, landscape and site plans and  
35 materials for any proposed public buildings, public works, or other  
36 public improvements and to make recommendations to the council or  
37 village manager as to the architectural or aesthetic aspects thereof.

# 1. PROPOSED CHANGES TO APPEARANCE CODE & SIDEWALKS (§§ 6-1-6-60)

- 1 (4) To study and review preliminary and final plats and make  
2 recommendations to ~~the planning and zoning advisory board and the~~  
3 village council.
- 4 (5) To hold site plan and appearance review hearings, when required, ~~on~~  
5 ~~the issuance of certificates of appropriateness as provided in section 6-~~  
6 ~~59, in connection with questions pertaining to applications for building~~  
7 ~~permits and to issue or deny site plan and appearance approval for~~  
8 ~~multiple-dwelling, commercial, mixed-use, and industrial buildings~~  
9 ~~such certificates pursuant to the provisions of this division. such~~  
10 ~~section 6-59.~~

11 **Secs. 6-37—6-42. - Reserved.**

## 12 **DIVISION 2. - RESERVED**

13 **Secs. 6-43—6-55. - Reserved.**

## 14 **DIVISION 3. – SITE PLAN AND APPEARANCE REVIEW** 15 **CERTIFICATE OF APPROPRIATENESS**

16 **Sec. 6-56. – Application requirements. ~~Preliminary consideration.~~**

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

- 21 (1) The application must be signed by the landowner, or must include a  
22 statement signed by an agent, under oath, indicating authorization by  
23 the owner(s) to secure site plan and appearance approval.
- 24 (2) A boundary sketch including the total area, dimensions, and legal  
25 description for the property.
- 26 (3) Existing and proposed parking spaces, access aisles, driveways, and  
27 access points to external streets or adjoining properties.
- 28 (4) Proposed changes affecting drainage and utilities.
- 29 (5) Plans indicating existing structures and the type of proposed  
30 development, with sufficient detail as to size of all structures and  
31 improvements to indicate compliance with the appearance plan and all

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1 village regulations. These plans shall indicate all structures and  
2 improvements within 200 feet of the property.

3 (6) Elevations or renderings of proposed structures and landscaping.

4 (7) Landscape plans that comply with section 45-86.

5 (8) Other relevant information as requested by village staff.

6 ~~The planning commission shall, at the written request of a prospective~~  
7 ~~applicant for a certificate of appropriateness, give consideration to preliminary~~  
8 ~~exterior drawings, sketches, landscape and site plans and materials on a specific~~  
9 ~~project before a formal application is filed, and shall provide such advice,~~  
10 ~~counsel, suggestions and recommendations on matters pertaining to aesthetics as~~  
11 ~~they may deem necessary to guide such prospective applicant in the development~~  
12 ~~of a plan which would comply with the requirements and purposes of the~~  
13 ~~appearance plan; except that the planning commission shall act in an advisory~~  
14 ~~capacity only, with regard to preliminary plans, and shall provide consultation~~  
15 ~~only on projects for which preliminary drawings and materials are furnished by~~  
16 ~~such prospective applicant, and shall not participate in the development of the~~  
17 ~~basic concept, plans or drawings. Upon finding the preliminary exterior drawings,~~  
18 ~~sketches, landscape and site plans and materials are appropriate to, or compatible~~  
19 ~~with, the character of the immediate neighborhood and will tend to effect the~~  
20 ~~general purposes of the appearance plan, the board will issue a preliminary~~  
21 ~~approval. Such approval will be irrevocable, and makes the issuance of the~~  
22 ~~certificate of appropriateness mandatory upon application, unless the final~~  
23 ~~presentation does not comply in all respects with the preliminary presentation~~  
24 ~~upon which the preliminary approval was based.~~

## 25 **Sec. 6-57. - Final Site Plan and Appearance Hearings.**

26 Upon filing of an complete application for site plan and appearance approval  
27 building permit for a multifamily, ~~or commercial, mixed-use, or industrial~~  
28 building, the community development department shall schedule the application  
29 for a hearing before the planning commission. ~~The fact that an application for a~~  
30 ~~certificate of appropriateness has been filed shall not be cause for the community~~  
31 ~~development department to delay the review of plans relating to the building and~~  
32 ~~zoning aspects of the project, while the application is pending. The planning~~  
33 ~~commission shall establish regularly scheduled monthly meetings at which to~~  
34 ~~review all site plan and appearance applications. Applications shall be submitted~~  
35 ~~at least fourteen (14) days prior to the scheduled monthly meetings, or as~~  
36 ~~otherwise determined by the community development director, in order to be~~  
37 ~~considered at that scheduled monthly meeting. The community development~~  
38 ~~department shall prepare an agenda containing a list of all applications filed for~~  
39 ~~each scheduled monthly meeting, which shall be submitted to all members of the~~

## 1. PROPOSED CHANGES TO APPEARANCE CODE & SIDEWALKS (§§ 6-1-6-60)

1 ~~planning commission at least five (5) days prior to the scheduled monthly~~  
2 ~~meetings.~~ The community development department shall further notify each  
3 applicant of the date and time of a hearing on his application, in writing, which  
4 notice shall be mailed at least five (5) days prior to such hearing. If the application  
5 includes a request for a special exception (section 45-16.2), variance (section 45-  
6 50), or waiver (section 45-51), the hearing shall be considered a formal public  
7 hearing and notice shall be provided in accordance with section 21-3. Upon such  
8 hearing, the planning commission shall consider the application for ~~building~~  
9 ~~permit~~ site plan and appearance approval and any related requests for special  
10 exceptions, variances, or waivers and may review ~~receive~~ additional evidence  
11 (such as the exterior renderings) from the applicant or his agent or attorney. The  
12 planning commission shall consider reports and testimony and from village staff,  
13 the applicant, and ~~or~~ other persons as to whether the site plan and external  
14 architectural features of the proposed building or structure comply with the  
15 appearance plan and meet relevant village land development regulations.

### 16 **Sec. 6-58. - Action of planning commission.**

17 Upon consideration of an application, the planning commission shall issue  
18 site plan and appearance approval ~~a certificate of appropriateness to the~~  
19 ~~community development department~~ upon a finding that the plan conforms to the  
20 village appearance plan and other relevant land development regulations. This  
21 approval may contain special conditions in response to unusual aspects of the  
22 application or to ensure that the approval carries out village policies and codes  
23 without undue permitting delays. ~~and that the proposed building or structure is~~  
24 ~~appropriate to, and compatible with, the character of the immediate neighborhood~~  
25 ~~and will not cause a substantial depreciation in property values.~~ If the planning  
26 commission determines that these criteria are not met, the planning commission  
27 may ~~shall~~ provide such advice, counsel, suggestions and recommendations ~~on~~  
28 ~~matters pertaining to aesthetics~~ as it may deem necessary to guide the prospective  
29 applicant in the development of a plan which would comply with the requirements  
30 and purposes of the appearance plan and other village land development  
31 regulations. ~~If preliminary hearings have been held on the project for which~~  
32 ~~application is being made, and preliminary approval has been issued by the~~  
33 ~~planning commission as provided in section 6-56, the planning commission shall~~  
34 ~~issue a certificate of appropriateness immediately, provided that the final~~  
35 ~~drawings, plans and material as presented comply in all respects with the~~  
36 ~~preliminary presentation upon which the preliminary approval was based.~~

# 1. PROPOSED CHANGES TO APPEARANCE CODE & SIDEWALKS (§§ 6-1-6-60)

## 1        **Sec. 6-59. - Approval by planning commission.**

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

- 13            (1) The construction permits are for a village-owned facility; or
- 14            (2) No external architectural feature as defined in section 6-31 is involved  
15 in the work for which the ~~building~~ permit is sought, and the proposed  
16 work would be in full compliance with all requirements of this code;  
17 or-
- 18            (3) Any deviations from a valid site plan and appearance approval are  
19 minor and not substantial or had been authorized by conditions placed  
20 on the site plan and appearance approval. The director must document  
21 any such determination with an explanation of why is was deemed  
22 minor or had been authorized. The director must forward this  
23 determination to the ~~planning~~ commission, and also to the village  
24 council if the site plan and appearance approval had been appealed to  
25 the village council.

## 26        **Sec. 6-60. - Follow-up by community development department.**

27            Upon the granting of site plan and appearance approval, ~~a certificate of~~  
28 ~~appropriateness, the community development director will retain~~ the exterior  
29 drawings, sketches, landscape and site plans, renderings and materials upon which  
30 such approval ~~certificate~~ was granted ~~shall be turned over to the community~~  
31 ~~development department whose responsibility it shall be to determine, from time~~  
32 ~~to time as the project is in progress and finally upon its completion, that there~~  
33 ~~have been no unauthorized deviations from the evidence upon which the granting~~  
34 ~~of the approval certificate of appropriateness was originally based. The~~  
35 ~~community development department shall not issue a certificate of occupancy or~~  
36 ~~final inspection approval for any building or structure where there have been any~~  
37 ~~unauthorized deviations from the site plan and appearance approval. ~~certificate of~~~~  
38 ~~appropriateness.~~

## 2. PROPOSED CHANGES TO HOME OCCUPATIONS (§ 17-3)

### CHAPTER 17, ARTICLE I

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

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

*[no further changes to Chapter 17]*

### 3. PROPOSED CHANGES TO NOISE CONTROL (§ 19-99)

## CHAPTER 19, ARTICLE VI

### Sec. 19-99. - Definitions.

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

- Unreasonable noise*** means any noise in or emanating from any property located within the corporate limits of village which violates the provisions of this article.
- (a) For noise emanating from property with a ***commercial, mixed-use, or light industrial zoning designation***, unreasonable noise shall be defined as any noise emanating from the property which equals or excess a measured sound level of sixty-five (65) dBA between the hours of 10:00 p.m. and 8:00 a.m. Sunday through Thursday, a measured sound level in excess of eighty-five (85) dBA between the hours of 8:00 a.m. and 10:00 p.m. Sunday through Thursday; and a measured sound level which equals or exceeds sixty-five (65) dBA between the hours of 11:00 p.m. and 8:00 a.m. Friday through Saturday and a measured sound level meeting or exceeding eighty-five (85) dBA between the hours of 8:00 a.m. and 11:00 p.m. Friday through Saturday.
- (b) For noise emanating from property with a ***commercial, mixed-use, or light industrial zoning designation*** which shares any portion of its boundary with a property with a residential zoning designation, unreasonable noise shall be defined as any noise emanating from the property which equals or exceeds a measured sound level of sixty (60) dBA between the hours of 10:00 p.m. and 8:00 a.m. Sunday through Thursday, a measured sound level in excess of seventy (70) dBA between the hours of 8:00 a.m. and 10:00 p.m. Sunday through Thursday; and a measured sound level which equals or exceeds sixty (60) dBA between the hours of 11:00 p.m. and 8:00 a.m. Friday through Saturday and a measured sound level meeting or exceeding seventy (70) dBA between the hours of 8:00 a.m. and 11:00 p.m. Friday through Saturday.
- (c) For noise emanating from property with a ***residential zoning designation***, unreasonable noise shall be defined as noise that is plainly audible one hundred and fifty (150) feet from the property boundary of the source of the sound or noise, measured on a horizontal plane. Notwithstanding the foregoing, noise shall be considered unreasonable when it is plainly audible through the external walls and

### 3. PROPOSED CHANGES TO NOISE CONTROL (§ 19-99)

1 fully closed windows and doors of a residential structure or through  
2 walls, floors or partitions common to two (2) residential units located  
3 within a single structure.

- 4 (d) Noise shall be measured from the property boundary closest to the  
5 source of noise with a sixty (60) second reading. Where the property  
6 boundary abuts a waterway, the property boundary shall be considered  
7 the opposite side of the waterway and not the actual seawall or  
8 bulkhead.

9 *[no further changes to Chapter 19]*

## 4. PROPOSED CHANGES TO PUBLIC NOTICES & PLANNING COMMISSION (§§ 21-3-21-20)

### CHAPTER 21 - PLANNING AND DEVELOPMENT

#### ARTICLE I. - IN GENERAL

**Secs. 21-1—21-2.** – [no changes]

**Sec. 21-3. - Public notice requirements for development applications and approvals.**

(a) **Requirements.** In addition to those requirements imposed by state law, public 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>N/A</u>	<u>N/A</u>	<u>N/A</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 or statutory notice for ordinance adoption (if within a PUD)	15

\* Number of calendar days prior to date of 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).

## 4. PROPOSED CHANGES TO PUBLIC NOTICES & PLANNING COMMISSION (§§ 21-3-21-20)

### (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
  - e. Location and times where proposed ordinance or development order application may be reviewed.
- (2) All notices shall be provided by first-class mail, unless otherwise required by community development director. Mail notice shall be postmarked no later than the minimum number of calendar days as required in subsection (a) above.
- (3) Mail for all privately initiated applications shall be provided to all property owners of record, excluding property owned by the applicant, within five hundred (500) feet of the property to which the development order application or amendment relates.
- (4) The list of property owners shall be derived from the most recent official tax roll of Palm Beach County. The applicant shall provide an affidavit attesting to the completeness and accuracy of the property owner's list.
- (5) The applicant shall provide and mail all required notices, and provide an affidavit that notice was sent to all property owners included in the property owner's list.

### (c) *Posting requirements.*

- (1) The applicant shall provide the signs, subject to the criteria for size and contents established by the community development director.
- (2) The applicant shall install the signs in a workmanlike manner. All signs should be installed so as to withstand normal weather events.
- (3) The applicant shall post one (1) sign per five hundred (500) feet of lineal right-of-way, with a minimum of one (1) sign per frontage.
- (4) The applicant shall provide, at least three (3) days prior to the public hearing, a photograph of the sign and an affidavit attesting to the date of installation and the number of signs.

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

### **Secs. 21-4—21-10. - Reserved.**

## 4. PROPOSED CHANGES TO PUBLIC NOTICES & PLANNING COMMISSION (§§ 21-3-21-20)

### ARTICLE II. - PLANNING COMMISSION

#### Sec. 21-11. - Composition; conduct generally.

- (a) *Created.* [no changes]
- (b) *Membership.* [no changes]
- (c) *Meetings.* [no changes]
- (d) *Powers, duties.* The planning commission shall have the following powers and duties:
  - (1) Perform any duties which lawfully may be assigned to it by the village council.
  - (2) Perform any other duties which may be assigned to it under this Code.
  - (3) The planning commission of the village is hereby designated as the governmental entity to act as the "local planning agency" in accordance with chapter 163, Florida Statutes.
  - (4) The planning commission shall serve as the village's board of adjustment to consider variances and administrative appeals.
  - (5) The planning commission has additional duties that include site plan and appearance review (see sections 6-30 through 6-60); the responsibility to make recommendations on special exceptions (see section 45-16.2); and the authority to approve waivers on land in the C-MU and C-NB zoning districts only (see section 45-51).

#### Sec. 21-12. - Changes to zoning ordinances.

- (a) The village council may amend or supplement the regulations and districts ~~established by this code after receiving fixed by any zoning ordinance adopted pursuant to this act (Local Government Comprehensive Planning and Land Development Regulation Act) after referral and recommendations~~ of the planning commission. Proposed changes may be suggested by the village council or the village manager. Changes to zoning district boundaries may be requested in accordance with section 45-49. by the planning commission, or by the petition of the owners of fifty one (51) percent or more of the area involved in the proposed change. In the latter case, the petitioners may be required to assume the cost of public notice and other costs incidental to the holding of public hearings.
- (b) The planning commission, regardless of the source of the proposed change, shall hold a public hearing or hearings thereon, with due public notice, but shall in any case, if any change is to be considered by the planning commission, submit in writing its recommendations on the proposed change to the village council for official action. The village council shall hold a public hearing thereon, with due public notice, if any change is to be

#### 4. PROPOSED CHANGES TO PUBLIC NOTICES & PLANNING COMMISSION (§§ 21-3-21-20)

1 considered and shall then act on the proposed change. If the  
2 recommendation of the planning commission is adverse to the proposed  
3 change, such change shall not become effective except by an affirmative  
4 vote of a majority of the entire membership of the village council, after due  
5 public notice.

6 **Secs. 21-13—21-20. - Reserved.**

**5. PROPOSED CHANGES TO LANDSCAPING (§§ 27-31-27-67)**

**CHAPTER 27 – TREES AND SHRUBBERY**

**ARTICLE I. – IN GENERAL** [NO CHANGES]

**ARTICLE II. – TREES IN SWALE AREAS** [NO CHANGES, EXCEPT IN SECTION 27-18 WHERE THE ‘SECTION 27-66’ REFERENCE IS CHANGED TO ‘SECTION 45-90’]

**ARTICLE III. – ~~LANDSCAPING~~ RESERVED**

**DIVISION 1. – Generally**

[DIVISION 1 OF ARTICLE III OF CHAPTER 27 IS BEING REPEALED ENTIRELY]

[RELEVANT CONTENT FROM DIVISION 1 IS BEING RELOCATED TO SUBSECTION 45.36.J AND TO NEW ARTICLE VIII (SECTIONS 45-81 THROUGH 45-100) OF APPENDIX C]

**DIVISION 2. – Reserved**

[DIVISION 2 OF ARTICLE III OF CHAPTER 27 WAS REPEALED IN 1981]

**DIVISION 3. – ~~Requirements for Certain Yard Areas, Off-Street Parking and Other Vehicular Use Areas~~**

[DIVISION 3 OF ARTICLE III OF CHAPTER 27 IS BEING REPEALED ENTIRELY]

[RELEVANT CONTENT FROM DIVISION 3 IS BEING RELOCATED TO NEW ARTICLE VIII OF APPENDIX C (SECTIONS 45-81 THROUGH 45-100)]

[IN SUBSECTION 45-38.I, THE ‘SECTION 27-62(A)’ REFERENCE IS CHANGED TO ‘SECTION 45-84’]

**ARTICLE IV. – FERTILIZER-FRIENDLY USE ORDINANCE**

[NO CHANGES]

## 6. PROPOSED CHANGES TO APPEARANCE PLAN

# APPENDIX A – APPEARANCE PLAN

## INTRODUCTION – *[no changes]*

### SECTION I – BASIS FOR THE APPEARANCE PLAN

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

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

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

### SECTION II – STATEMENT OF POLICY – *[no changes]*

### SECTION III – AREAS OF JURISDICTION

#### AREAS AND ELEMENTS UNDER JURISDICTION

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

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

**R-2**      **MULTIPLE-FAMILY DWELLING DISTRICT**

**R-3**      **APARTMENT DWELLING DISTRICT**

**C-MU**    ~~C-A~~ **US-1 MIXED-USE COMMERCIAL DISTRICT**

~~CB COMMERCIAL DISTRICT~~

~~C1A LIMITED COMMERCIAL DISTRICT~~

**C-T**      ~~C-C~~ **TRANSITIONAL COMMERCIAL DISTRICT**

**C-S**      **SHOPPING** ~~C1 NEIGHBORHOOD COMMERCIAL DISTRICT~~

## 6. PROPOSED CHANGES TO APPEARANCE PLAN

1 **C-G** ~~GENERAL C-2~~ **GENERAL AUTOMOTIVE COMMERCIAL DISTRICT**

2 **C-3** ~~REGIONAL~~ **REGIONAL MIXED-USE PUBLIC DISTRICT**

3 **P** ~~PUBLIC DISTRICT~~ **PUBLIC DISTRICT**

4 **OS** ~~C-OS~~ **CONSERVATION AND OPEN SPACE**

5 **I-1** ~~LIGHT INDUSTRIAL DISTRICT~~ **LIGHT INDUSTRIAL DISTRICT**

6 **C-NBOZ** ~~NORTHLAKE BOULEVARD COMMERCIAL~~  
7 **OVERLAY ZONING DISTRICT**

8 *[no further changes to Section III]*

### 9 **SECTION IV – CRITERIA FOR APPEARANCE**

10 The purpose of these criteria is to establish a checklist of those items which  
11 affect the physical aspect of the village environment. Pertinent to appearance is  
12 the design of the site, building and structures, planting, signs, street hardware, and  
13 miscellaneous other objects which are observed by the public.

14 These criteria are not intended to restrict imagination, innovation, or variety,  
15 but rather to assist in focusing on design principles which can result in creative  
16 solutions that will develop a satisfactory visual appearance within the village.

#### 17 **A. RELATIONSHIP OF BUILDINGS TO SITE**

18 1. The site shall be planned to accomplish a desirable connection transition  
19 with the streetscape, and to provide for adequate planting, pedestrian movement,  
20 and parking areas.

21 2. Site planning in which setbacks and yards are in excess of zoning  
22 restrictions is encouraged where permitted by the zoning code to provide an  
23 interesting relationship between buildings.

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

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

31 5. Newly installed utility services, and service revisions necessitated by  
32 exterior alterations, shall be underground.

## 6. PROPOSED CHANGES TO APPEARANCE PLAN

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

### 4           **B. RELATIONSHIP OF BUILDING AND SITE TO** 5           **ADJOINING AREA**

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

8           2. Attractive landscape transitions to adjoining properties are encouraged.  
9 ~~shall be provided.~~

10          3. Harmony in texture, lines, and masses is required. Monotony shall be  
11 avoided.

12          4. Buildings shall have similar scale to those in the surrounding area except  
13 where redevelopment at higher intensities is anticipated in a particular zoning  
14 district.

### 15          **C. LANDSCAPE AND SITE TREATMENT**   *[no changes]*

### 16          **D. BUILDING DESIGN**

17          1. Specific architectural styles are is not restricted mandated or banned, but  
18 the village encourages new buildings to evolve the distinct local character  
19 exemplified by Village Hall and the Public Safety Building. This character is  
20 derived from local and regional examples including Anglo-Caribbean  
21 architecture, Florida vernacular, and masonry modern.

22          2. Evaluation of appearance of a project shall be based on quality of its  
23 design and relationship to surroundings.

24          3. ~~2.~~ Buildings shall have good scale and be in harmonious conformance  
25 with permanent neighboring development.

26          4. ~~3.~~ Materials shall have good architectural character and shall be selected  
27 for harmony of the building with adjoining buildings.

28           a. Materials shall be selected for suitability to the type of buildings and  
29 the design in which they are used. Buildings shall have the same  
30 materials, or those which are architecturally harmonious, used for all  
31 building walls and other exterior building components wholly or  
32 partly visible from public ways and adjoining properties.

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

35           c. Materials shall be of durable quality.

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

## 6. PROPOSED CHANGES TO APPEARANCE PLAN

1           ~~5.~~ 4. Building components—such as windows, doors, eaves, and  
2 parapets—shall have good proportions and relationship to one another.

3           ~~6.~~ The village discourages walls without windows or with too few  
4 windows; all-glass walls; and facades without visual interest or with entrances  
5 that are concealed or absent.

6           ~~7.~~ 5. Colors shall be harmonious, with bright or brilliant colors used only  
7 for accent.

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

12           ~~9.~~ 7. Exterior lighting shall be part of the architectural concept. Fixtures,  
13 standards and all exposed accessories shall be harmonious with building design.

14           ~~10.~~ 8. Refuse and waste removal areas, service yards, storage yards, and  
15 exterior work areas shall be screened from public ways, including waterways,  
16 service alleys, and adjoining properties, using materials as stated in criteria for  
17 equipment screening.

18           ~~11.~~ 9. Monotony of design in single or multiple building projects shall be  
19 avoided. Variation of detail, form, and siting shall be used to provide visual  
20 interest. In multiple building projects, variable siting or individual buildings may  
21 be used to prevent a monotonous appearance.

22           ~~12.~~ 10. Inappropriate, incompatible, bizarre, and exotic designs shall be  
23 avoided.

24           ~~13.~~ 11. The provisions of the North Palm Beach Village Code in regard to  
25 bulk regulations and standards, and those portions of the Village Code which  
26 directly affect appearance, shall be part of the criteria of this subsection.

27           **E. SIGNS** *[no changes]*

28           **F. MISCELLANEOUS STRUCTURES AND STREET**  
29 **HARDWARE** *[no changes]*

30           **G. MAINTENANCE—PLANNING AND DESIGN FACTORS**  
31 *[no changes]*

32           **H. FACTORS FOR EVALUATION** *[no changes]*

33           **SECTIONS V THROUGH VIII** – *[no changes]*

## 7. PROPOSED CHANGES TO LOTS, BLOCKS, STREETS & SIDEWALKS (§§ 36-18–36-29)

### CHAPTER 36, ARTICLE III

#### Sec. 36-18. - Lots and blocks.

Lots and blocks shall be designed according to acceptable practice for the type of development and use contemplated so as to be aesthetically acceptable; in keeping with the topography and other site conditions and to provide adequate traffic and utility access and circulation; acceptable use of space; provide privacy, adequate drainage and protection of property.

- (1) **Lot size.** The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lot dimensions and ~~all~~ building setback lines shall meet all standards for their zoning district. ~~not be less than the minimum standards established in the zoning ordinance.~~
- (2) **Reserved. Residence lots, minimum.** *[conflicts with zoning districts]*
  - (a) ~~Lots zoned, restricted, used or intended for use for residences shall have a width of not less than eighty-five (85) feet at the setback line and an area of not less than ten thousand, five hundred (10,500) square feet.~~
  - (b) ~~Corner lots shall have a width of not less than ninety (90) feet at the setback line and an area of not less than thirteen thousand (13,000) square feet.~~
- (3) **Reserved. Access.** ~~Each lot, for a minimum frontage distance of fifty-seven (57) feet, shall abut on a public street. This requirement shall not be construed to prohibit private streets within developments where the land remains under one ownership. The subdivision shall be so designed that remnants and land-locked areas shall not be created.~~
- (4) **Lot lines.** Side lot lines shall be, as nearly as practical, at right angles to straight street lines and radial to curved street lines. No lot shall be divided by a municipal boundary.
- (5) **Double frontage lots.** Double frontage, and reverse frontage lots, shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least twenty (20) feet, and across which there shall be no right of vehicular access, shall be provided along the line of lots abutting such traffic artery or other inharmonious use.
- (6) **Block lengths.** Block lengths shall not exceed fourteen hundred (1400) feet or be less than three hundred (300) feet, as measured between center lines of bounding streets. See section 36-19(16) for streets ending in culs-de-sac.

## 7. PROPOSED CHANGES TO LOTS, BLOCKS, STREETS & SIDEWALKS (§§ 36-18–36-29)

1  
2 **Sec. 36-19. - Streets.**

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

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

14 All streets to be established within a subdivision shall meet the following  
15 minimum design standards:

- 16 (1) **Minor streets.** [no changes]  
17 (2) **Subdivisions on arterial streets.** [no changes]  
18 (3) **Subdivisions on railroads or limited access highway.** [no changes]  
19 (4) **Intersection design.** [no changes]  
20 (5) **Minimum street design specifications.** All streets to be established in a  
21 subdivision shall be designed in accordance with the following minimum  
22 specifications:

	<i>Collector Street</i>	<i>Local Street</i>	<i>Marginal Access</i>
<b>Minimum right-of-way</b>	80 ft.	60 ft.	40 ft.
<b>Percent grade of roadway center line (minimum):</b>	0.30%	0.30%	0.30%
<i>Geometric design shall comply with the latest AASHTO requirements, or as specified in zoning district standards.</i>			

- 23 (6) **Culs-de-sac.** [no changes]  
24 (7) **Street access to adjoining property.** [no changes]

## 7. PROPOSED CHANGES TO LOTS, BLOCKS, STREETS & SIDEWALKS (§§ 36-18–36-29)

1  
2 **Sec. 36-29. - Sidewalks.**

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

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

## 8. PROPOSED CHANGES TO DEFINITIONS (§ 45-2)

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

2           For the purpose of this code ordinance, certain words and terms are defined  
3 as follows: [*amend or add the following definitions in section 45-2*]

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

6           **Medical or dental office or clinic** means a facility providing health care  
7 services to the public by physicians, dentists, chiropractors, osteopaths, physical  
8 therapists, nurses, acupuncturists, podiatrists, optometrists, psychiatrists,  
9 veterinarians, or others who are duly licensed to practice their respective medical  
10 or dental profession in the State of Florida, as well as those technicians and  
11 assistants who are acting under the supervision and control of a licensed health  
12 care practitioner. These uses shall not include establishments where patients are  
13 lodged overnight and are subject to additional regulations regarding the  
14 dispensing of controlled substances set forth in section 45-36.S of this chapter.

15           **Mixed-use commercial** means a development pattern where complementary  
16 uses of land are located within walking distances. Complementary uses may  
17 include ~~combination of retail commercial; and non-retail commercial such as~~  
18 offices; lodging uses; civic and education uses; and dwellings other than one-  
19 family detached dwellings. ~~businesses where non-retail tenants comprise fifty (50)~~  
20 percent or more of the gross floor area. ~~Any combination of retail and non-retail~~  
21 businesses where the retail component comprises fifty (50) percent or more of the  
22 gross floor area shall be classified as a retail commercial facility.

23           **Use group** means any of the four groups of allowable uses that certain  
24 zoning districts employ to define uses that are permitted by right, permitted by  
25 special exception only, or are not permitted in that zoning district. The four  
26 groups are Residential Uses, Lodging Uses, Business Uses, and Civic &  
27 Education Uses. The following terms are used in these use groups:

### 28           **RESIDENTIAL USE-GROUP DEFINITIONS:**

29           **Mobile home park** is defined earlier in section 45-2.

30           **Dwelling, one family detached** is a building containing one dwelling  
31 unit that is not attached to any other dwelling by any means (see definition  
32 of dwelling and dwelling unit earlier in section 45-2).

33           **Dwelling, all other dwelling types** (see definition of dwelling and  
34 dwelling unit earlier in section 45-2).

35           **Live/work unit** is a single dwelling unit in a detached building, or in a  
36 multifamily or mixed-use building, that also accommodates permitted  
37 commercial uses within the dwelling unit.

38           **Assisted living facility** is defined earlier in section 45-2.

39           **Community Residential Home** is defined earlier in section 45-2.

## 8. PROPOSED CHANGES TO DEFINITIONS (§ 45-2)

### LODGING USE-GROUP DEFINITIONS:

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

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

*Motel* is defined earlier in section 45-2.

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

### BUSINESS USE-GROUP DEFINITIONS:

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

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

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

- Stores & services, large format
- Adult entertainment
- Contractor and trade operation
- Convenience store with fuel
- Dog daycare
- Drive-through facility (for any use)
- Garage, parking
- Heavy commercial and light industrial
- Limited access self-storage facilities
- Medical marijuana treatment center
- Medical marijuana treatment center dispensing facility
- Restaurant or cocktail lounge
- Telecommunications antenna
- Vehicle sales or repair

## 8. PROPOSED CHANGES TO DEFINITIONS (§ 45-2)

1            Stores & services, large format has the same meaning as ‘Stores &  
2 services, general’ as defined by this code, except that the establishment  
3 contains over 50,000 square feet of enclosed floor area.

4            Adult Entertainment is defined earlier in section 45-2.

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

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

13           Dog daycare is an establishment providing daytime care and training  
14 for domestic dogs and other pets.

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

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           Heavy commercial and light industrial is any use that the Village of  
22 North Palm does not allow or allows only in the C-2 and I-1 zoning districts,  
23 including but not limited to:

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

31           Limited access self-storage facility is an enclosed structure primarily  
32 for indoor storage.

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

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

36           Restaurant or cocktail lounge is an establishment where food and  
37 drink are prepared, served, and consumed mostly within the principal  
38 building; outdoor seating is subject to separate provisions in this code.

## 8. PROPOSED CHANGES TO DEFINITIONS (§ 45-2)

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

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

### 6            **CIVIC & EDUCATION USE-GROUP DEFINITIONS:**

7            *Child care facility* is defined earlier in section 45-2.

8            *Church or place of worship* is defined earlier in section 45-2.

9            *Civic space* is a small outdoor space that serves as a focal point for  
10 civic and recreational uses. Civic spaces are typically constructed by  
11 landowners when they build on adjoining property.

12           *Family day care* is defined earlier in section 45-2.

13           *Government buildings* are provided by village, state, regional, or  
14 federal agencies to carry out public --purposes.

15           *Hospital or medical center* is defined earlier in section 45-2.

16           *Public space* is an outdoor space that is maintained by a government  
17 or nonprofit entity as a civic amenity for the general public. Public spaces  
18 include plazas, parks, playgrounds, water accesses, etc.

19           *School, public or private* is defined earlier in section 45-2.

## 9. PROPOSED CHANGES TO CONFLICT PROVISIONS (§ 45-4)

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

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

## 10. PROPOSED CHANGES TO ZONING DISTRICTS (§ 45-16)

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

2           In order to classify, regulate and restrict the uses of land and buildings, the  
3 height and bulk of buildings, the amount of open spaces about buildings, intensity  
4 of land use, the Village of North Palm Beach, Florida is divided into twelve (12)  
5 zoning districts, as follows:

6           **R-1**     Single-family dwelling district

7           **R-2**     Multiple-family dwelling district

8           **R-3**     Apartment dwelling district

9           **C-MU**    ~~US-1 mixed-use C-A commercial~~ district

10           ~~C-B Commercial~~ district

11           ~~C-1A Limited commercial~~ district

12           **C-T**     ~~C-C~~ Transitional commercial district

13           **C-S**     ~~Shopping C-1 Neighborhood~~ commercial district

14           **C-G**     ~~General C-2 Automotive~~ commercial district

15           **C-3**     Regional mixed-use ~~business~~ district

16           **P**       Public district

17           **OS**     ~~C-OS~~ Conservation and open space

18           **I-1**     Light industrial district

19           **C-NB**    Northlake Boulevard commercial district

20           In the creation of this ordinance of the respective districts, the village  
21 council has given due and careful consideration to the peculiar suitability of each  
22 district for the particular uses and regulations applied thereto and to the densities  
23 of population, all in accordance with the comprehensive development plan of the  
24 village.

## 11. PROPOSED CHANGES TO SIMILAR USES (§ 45-16.1)

### 1           **Sec. 45-16.1. - Similar uses.**

- 2           (a) The community development director shall determine which uses proposed  
3 A use within a commercial or mixed-use zoning district have substantially  
4 the same characteristics as a use not specifically listed as a permitted use, ;  
5 but possessing Proposed uses with characteristics that are similar to a  
6 permitted use, but not substantially the same, may be established only upon  
7 written application to the community development director for a special use  
8 permit.
- 9           (b) In evaluating an application for a special use permit for the establishment of  
10 a similar use, the community development director shall, in consultation  
11 with other village departments, consider the characteristics of the proposed  
12 use, including, but not limited to, size, intensity, density, operating hours,  
13 demands for public facilities, traffic impacts and business practices.
- 14           (c) Upon review and evaluation of the application, the community development  
15 director shall present his or her recommendation to the village council for  
16 final consideration on the next available council agenda.
- 17           (d) The village council shall conduct a public hearing on the application for  
18 special use permit and determine whether the application meets the criteria  
19 set forth in subsection (b) above. The village council shall grant or deny the  
20 application by written order.
- 21           (e) In granting a special use permit, the village council may impose conditions  
22 necessary to ensure that the proposed use:
- 23               (1) Is compatible with the existing or planned character of the  
24 neighborhood in which it would be located;
- 25               (2) Will not have an adverse impact upon adjacent properties; and  
26               (3) Will not interfere with the use of adjacent properties.
- 27               Such conditions may include restrictions on the size and operating  
28 hours of the proposed use.
- 29           (f) If the conditions imposed by the special use permit are not met, the  
30 community development director may revoke the permit. A permit holder  
31 may appeal the revocation of a special use permit by filing an appeal, in  
32 writing, to the Zoning Board of Adjustment within thirty (30) days of receipt  
33 of written notice of revocation.

## 12. PROPOSED CHANGES TO SPECIAL EXCEPTIONS (§ 45-16.2)

### 1        **Sec. 45-16.2. - Special exception uses.**

2        (a) **General provisions.** [no changes]

3        (b) **Standards for review of special exception use approvals.** [no changes]

4        (c) **Conditions on special exception approvals.** [no changes]

5        (d) **Special exception uses within planned unit developments.** [no changes]

6        (e) **Procedure.**

7            (1) The special exception use shall be subject to preliminary review by the  
8            community development department. Once the community  
9            development director certifies that the application is complete, the  
10           director shall forward it to the planning commission for a public  
11           hearing.

12           (2) The planning commission shall review the application and forward a  
13           recommendation of approval, approval with conditions or denial to the  
14           village council. If the special exception request was included with a  
15           site plan and appearance application, the planning commission shall  
16           forward the complete application to the village council for final  
17           decision.

18           (3) Upon receipt of ~~the~~ a recommendation of the planning commission,  
19           the village council shall conduct a public hearing and determine  
20           whether the proposed special exception use meets the requirements of  
21           this section. The village council shall approve, approve with  
22           conditions or deny the application at the close of the public hearing.  
23           The approval of a special exception use, with or without conditions,  
24           shall be in the form of a written order, resolution or ordinance.

25           (4) Upon denial of an application for special exception use approval in  
26           whole or in part, a period of one (1) year must elapse prior to the filing  
27           of a substantially similar application affecting the same property.

28        (f) **Public notice.** [no changes]

## 13. PROPOSED CHANGES TO BUILDINGS AND USES (§ 45-19)

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

2           Except as hereinafter provided:

3           **A.** No building shall be erected, reconstructed or structurally altered, nor  
4           shall any building or land be used which does not comply with the  
5           regulations for the district in which such building or land is located.

6           **B.** No building shall be erected, reconstructed or structurally altered to  
7           exceed the height or bulk limits herein established for the district in  
8           which such building is located.

9           **C.** The minimum open spaces around a main building as provided for in  
10          this ordinance shall not be encroached upon or be considered as open  
11          spaces for any other building.

12          ~~**D.** There shall not be more than one (1) main building and its customary~~  
13          ~~accessory building(s) on a lot as authorized by this chapter.~~

14          **D.** ~~E.~~ The types, location and uses of buildings and land publicly owned  
15          and used in the performance of a public function may be permitted in  
16          any district, provided such type, location and use is approved by the  
17          village council. The village council may limit the length of time of  
18          such type, location and use.

## 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

### 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.

## 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

**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>Telecommunications antennas</u>		●	
<b>CIVIC &amp; EDUCATION USES</b>			
<u>Child care facility</u>	●		
<u>Church or place of worship</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>		●	

<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

<sup>2</sup> Subject to the same requirements as apply in the R-2 zoning district

## 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

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.~~

## 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

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

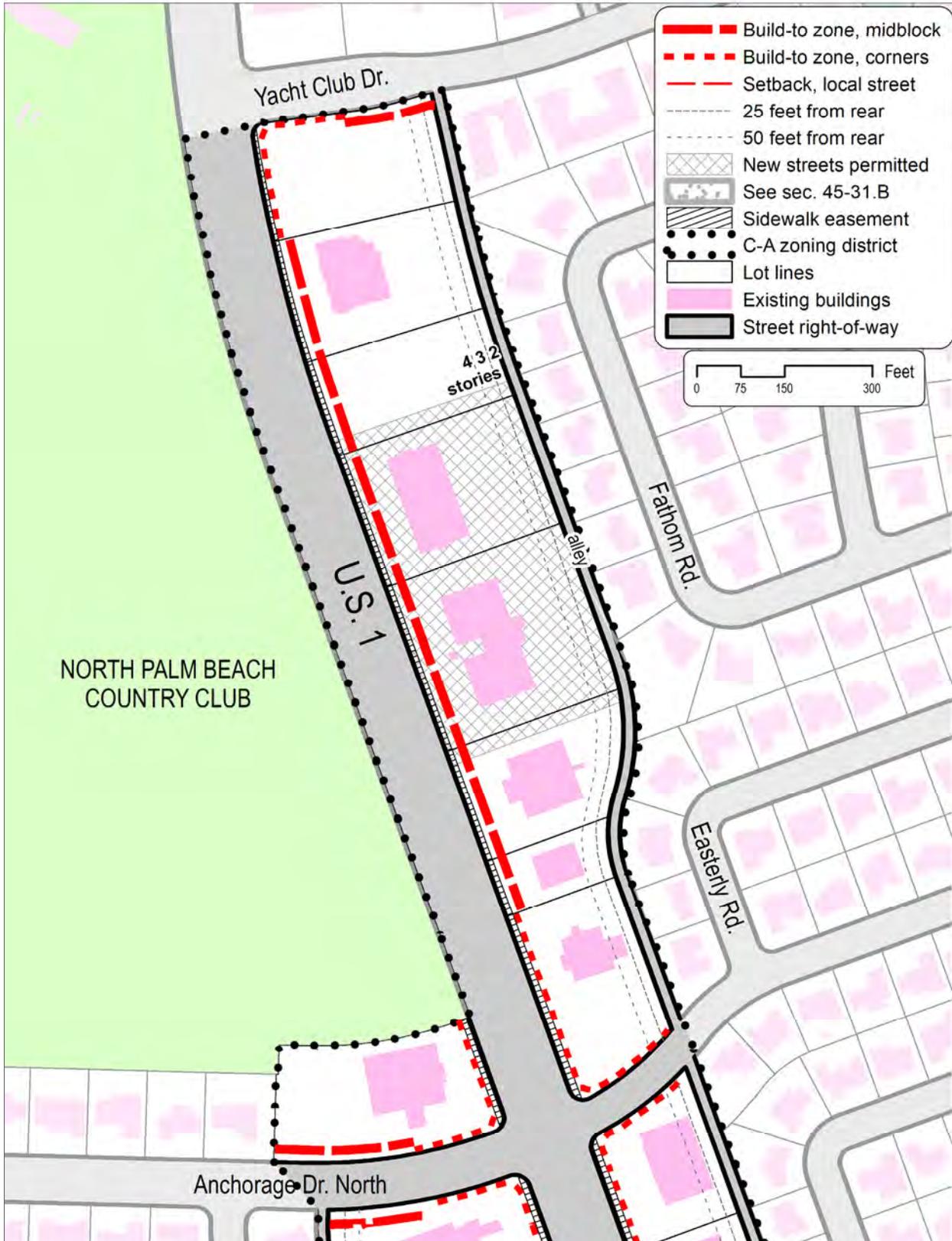
1. The C-MU zoning district includes a regulating plan that shows existing conditions (e.g. lot lines, building footprints, and rights-of-way) and then defines how and where certain regulations will apply (e.g. setbacks and height restrictions). The regulating plan for the C-MU district is presented 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.~~

# 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

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



# 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

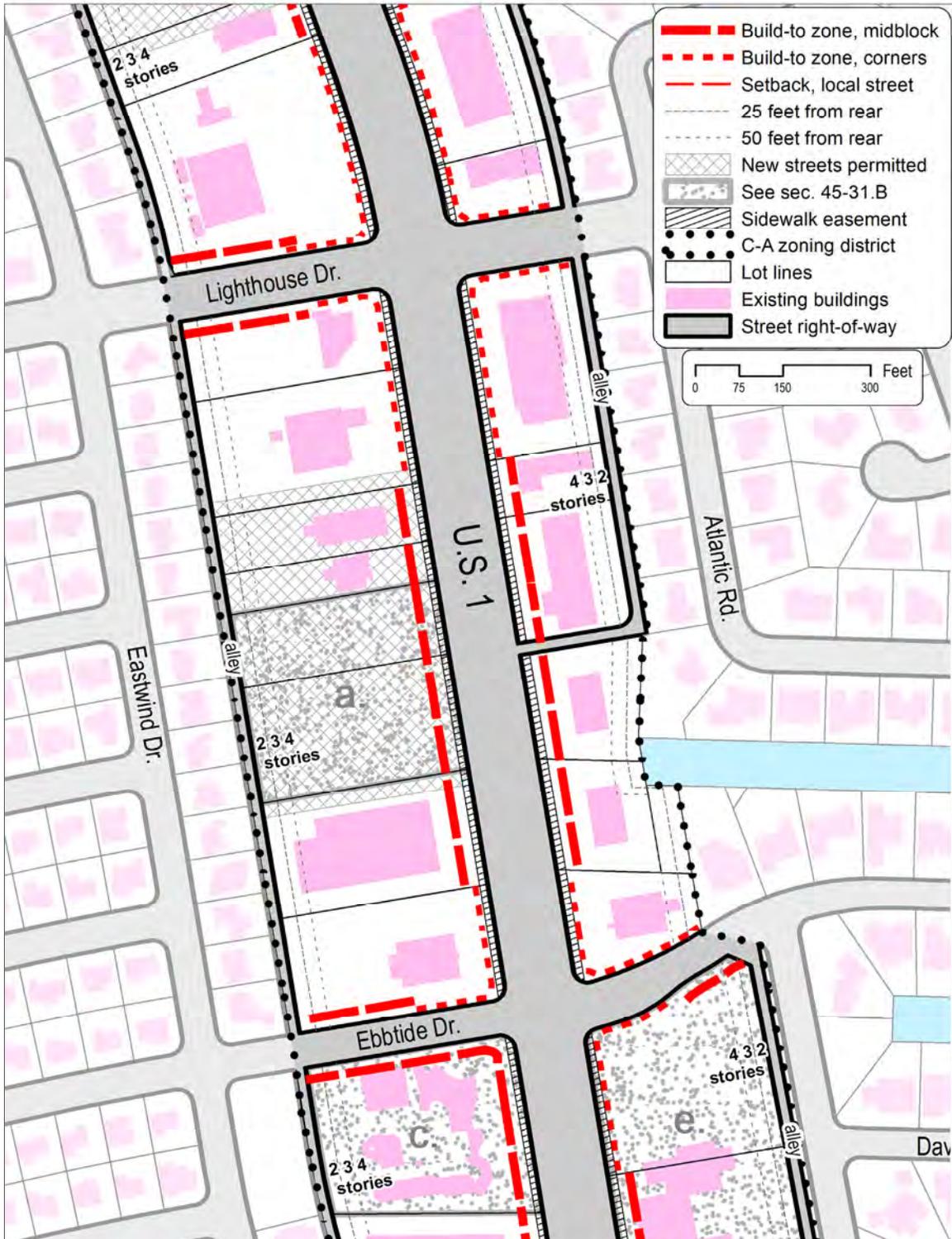
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**Figure 2** Regulating Plan, Anchorage Dr (north) to Lighthouse Dr.



# 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

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

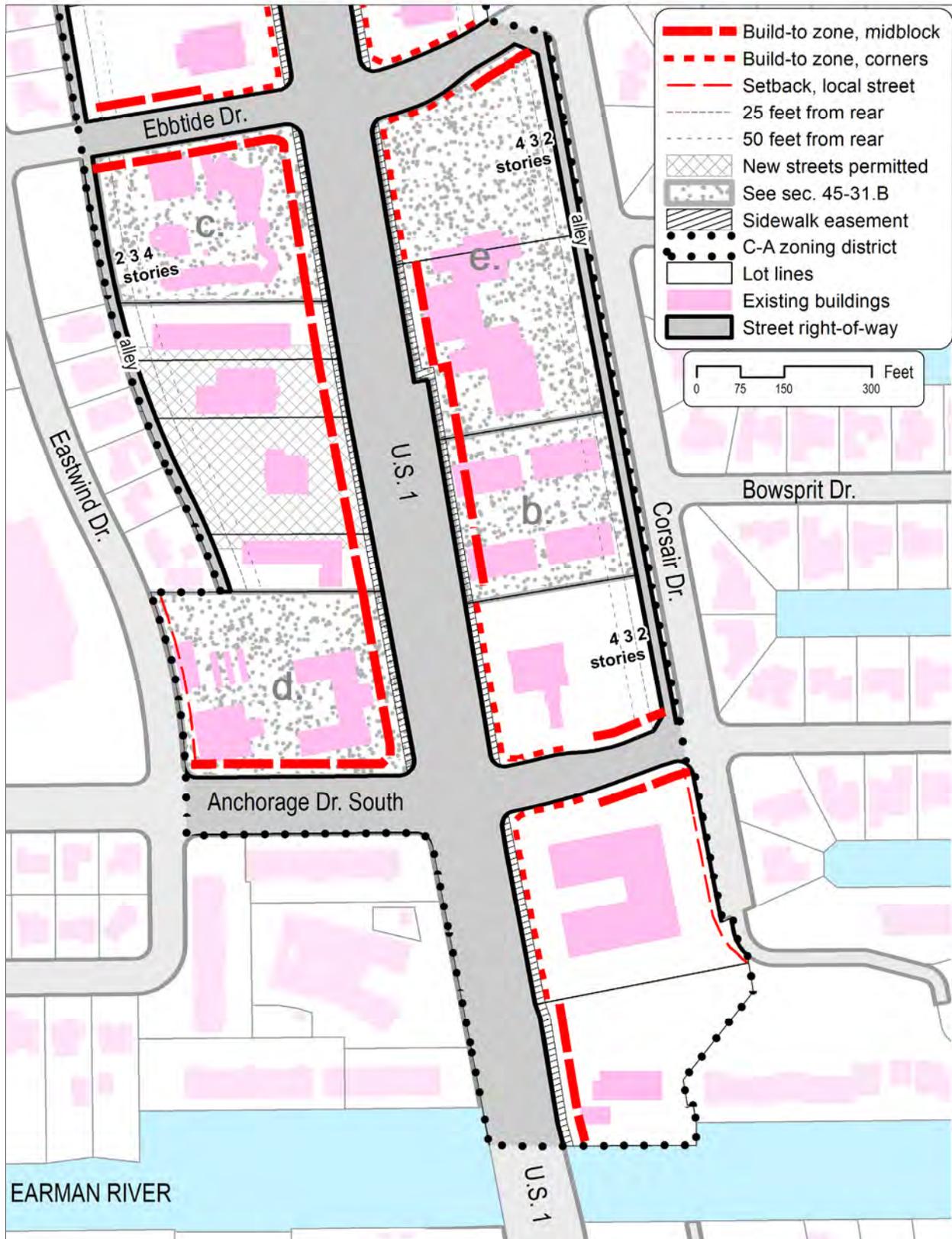


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# 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

1

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



## 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

1        **D. Building frontage types.**

- 2        **1.**    The allowable building frontage types for each lot are determined by  
3        the designated street frontage for that lot.  
4        a.    Three types of street frontages are defined on the regulating plan  
5        for existing streets: Corner, Mid-block, or Local Street.  
6        b.    A landowner may select any of the allowable building frontage  
7        types shown on Table 2 for the street frontage shown on the  
8        regulating plan.  
9        i)    For lots with two street frontages, building frontages must  
10       be selected for each street frontage.  
11       ii)   A wide street frontage may use two permitted building  
12       frontages on different portions of that street frontage.  
13       iii) Regulations for each building frontage are summarized in  
14       Table 3 through 8.  
15       c.    Table 2 also shows a fourth street frontage, which applies only if  
16       a landowner chooses to construct a new street between US  
17       Highway 1 and the alley in the areas designated on the regulating  
18       plan; see subsection 45-31.G for details.

19

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

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

**Key:**

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

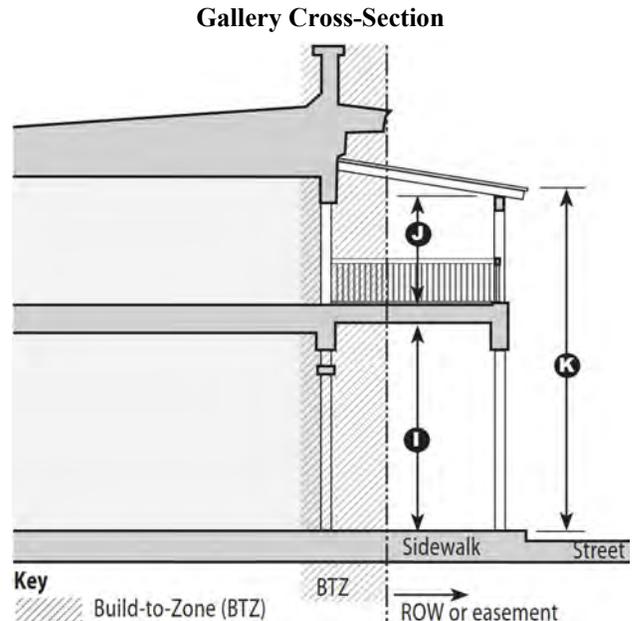
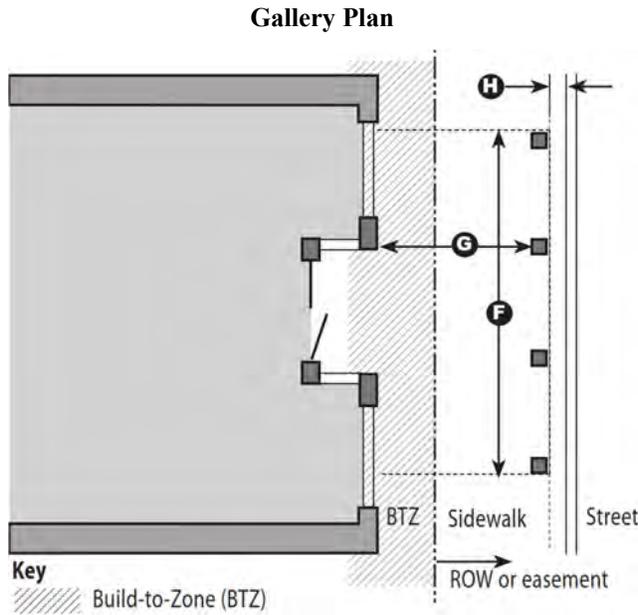
- 20       **2.**    Tables 3 through 8 summarize the regulations for each building  
21       frontage. Regulations that do not vary by building frontage type, such  
22       as permitted uses and building heights, are described throughout  
23       section 45-31.

# 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

**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>Main Entrance</b>	(see 45-31.F.1)
<b>Facade 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>Gallery Dimensions</b>		
Width:	10' min.	<b>F</b>
Depth:	8' min. clear path for pedestrians	<b>G</b>
Setback from curb:	2' min.	<b>H</b>

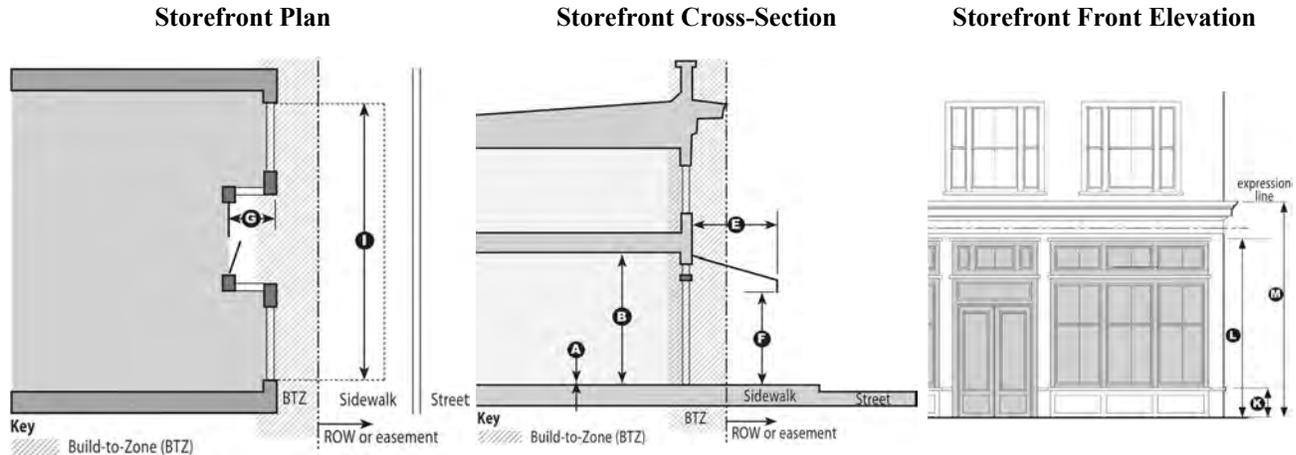
Ceiling height:	10' min. clear for ground story	<b>I</b>
	9' min. clear for upper story	<b>J</b>
Overall height:	10' min., 40' max.	<b>K</b>
Cumulative gallery width:	70% of building frontage	

# 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

**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>Facade 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>
Door recess:	5' max. <b>G</b>	Top of windows:	8' min. <b>L</b>
Cumulative storefront width:	70% of building frontage min. <b>I</b>	Expression line:	10' min. and below second story <b>M</b>

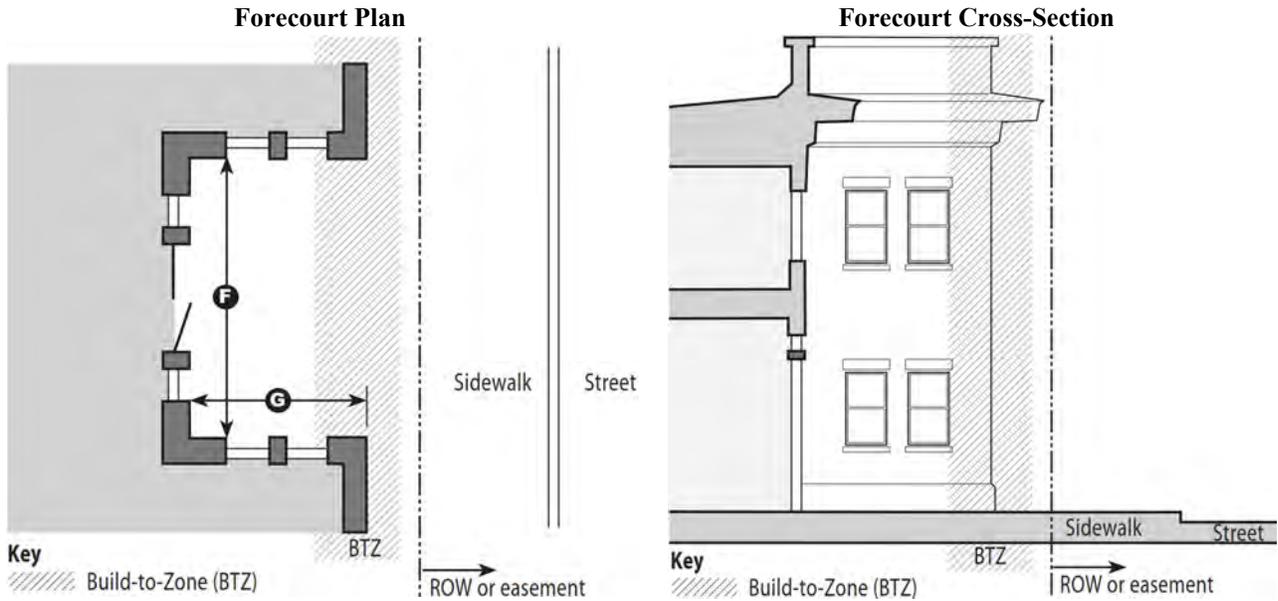
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# 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

**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.



**Setbacks** (see 45-31.E.1.a)

**Build-to Zone** (see 45-31.E.1.b)

Build-to zone: 5' min., 20' max. **D**

**Building Frontage Standards** (see 45-31.E.2)

Percentage: 60% min.

**Building Height** (see 45-31.E.3)

**Floor and Ceiling Height** (see 45-31.E.4)

**Landscape Standards** (see 45-31.E.5)

**Streetscape Standards** (see 45-31.E.6)

**Forecourt Dimensions**

Width of individual forecourts: 15' min. **F**

Depth: 10' min., 40' max. **G**

Width of combined forecourts: 10' min., 40% max. of building frontage

**Main Entrance** (see 45-31.F.1)

**Façade Transparency** (see 45-31.F.2)

Ground story: 30% min.

Upper stories: 20% min.

**Encroachments** (see 45-31.F.3)

**Awnings** (see 45-31.F.4)

**Balconies** (see 45-31.F.5)

**Bay Windows** (see 45-31.F.6)

**Parking Standards** (see 45-31.H)

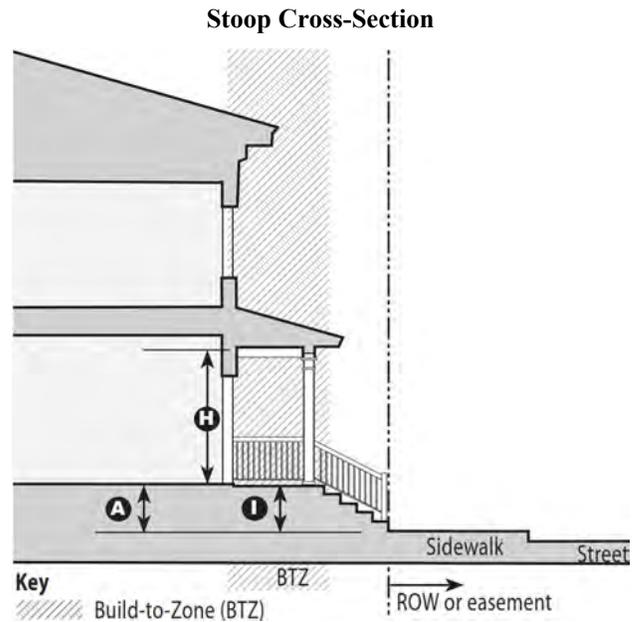
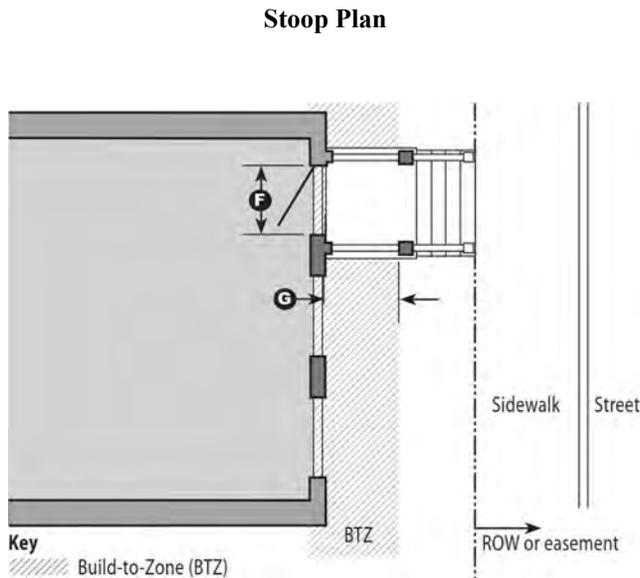
**Review Procedures** (see 45-31.I)

# 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

**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>

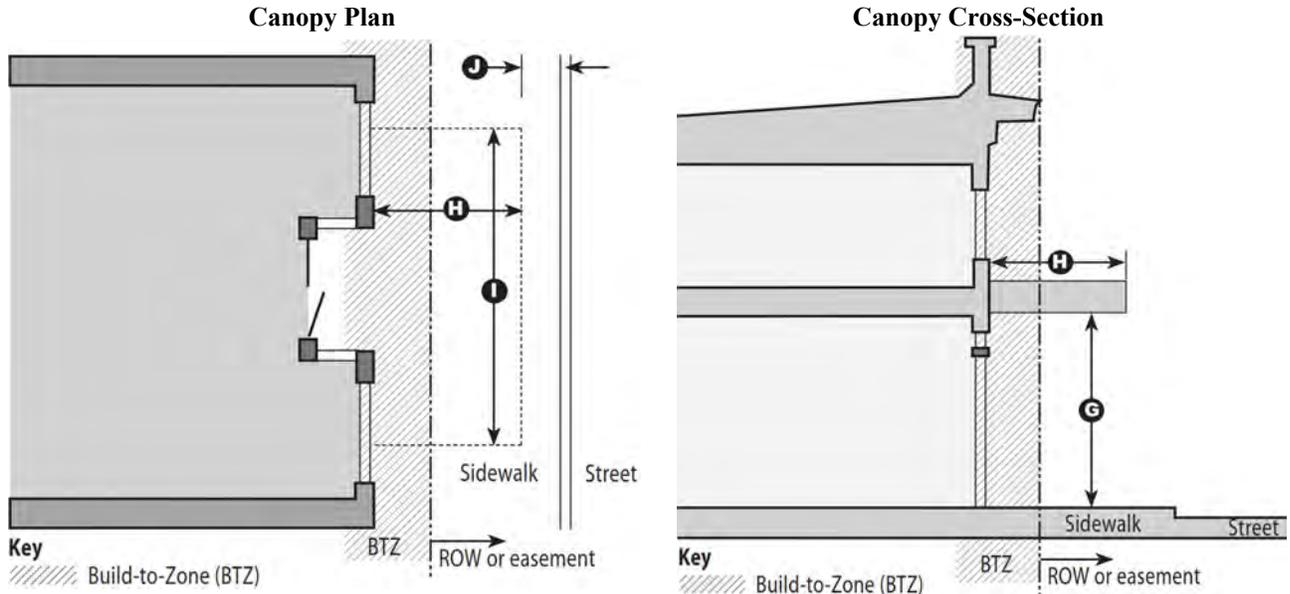
<b>Main Entrance</b>	(see 45-31.F.1)
<b>Façade Transparency</b>	(see 45-31.F.2)
Ground story:	20% min.
Upper stories:	20% min.
<b>Encroachments</b>	(see 45-31.F.3)
<b>Awnings</b>	(see 45-31.F.4)
<b>Balconies</b>	(see 45-31.F.5)
<b>Bay Windows</b>	(see 45-31.F.6)
<b>Parking Standards</b>	(see 45-31.H)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

# 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

**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.



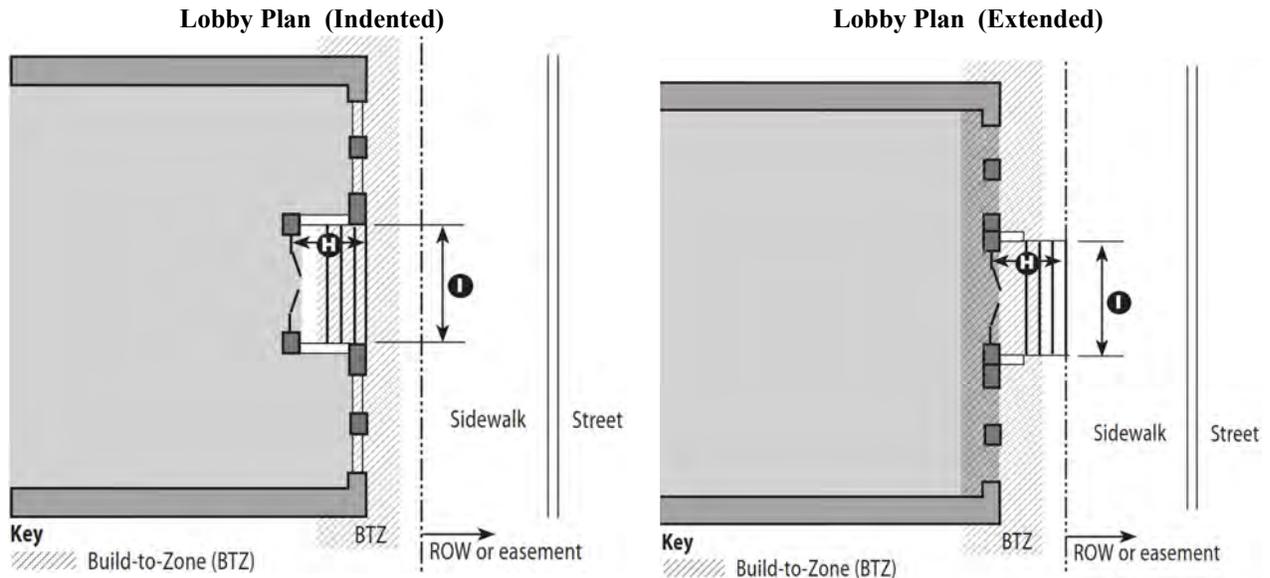
<b>Setbacks</b>	(see 45-31.E.1.a)
<b>Build-to Zone</b>	(see 45-31.E.1.b)
Build-to zone:	0' min., 10' max. <b>D, E</b>
<b>Building Frontage Standards</b>	(see 45-31.E.2)
Percentage:	60% min.
<b>Building Height</b>	(see 45-31.E.3)
<b>Floor and Ceiling Height</b>	(see 45-31.E.4)
<b>Landscape Standards</b>	(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. <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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# 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

**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>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:	5' min., 20' max.	Ground story:	30% min.
<b>Building Frontage Standards</b>	(see 45-31.E.2)	Upper stories:	20% 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)
<b>Landscape Standards</b>	(see 45-31.E.5)	<b>Bay Windows</b>	(see 45-31.F.6)
<b>Streetscape Standards</b>	(see 45-31.E.6)	<b>Parking Standards</b>	(see 45-31.H)
<b>Dimensions of Lobby Entrances</b>		<b>Review Procedures</b>	(see 45-31.I)
Depth:	10' min., 15' max.		
Width:	10' min., 30' max.		

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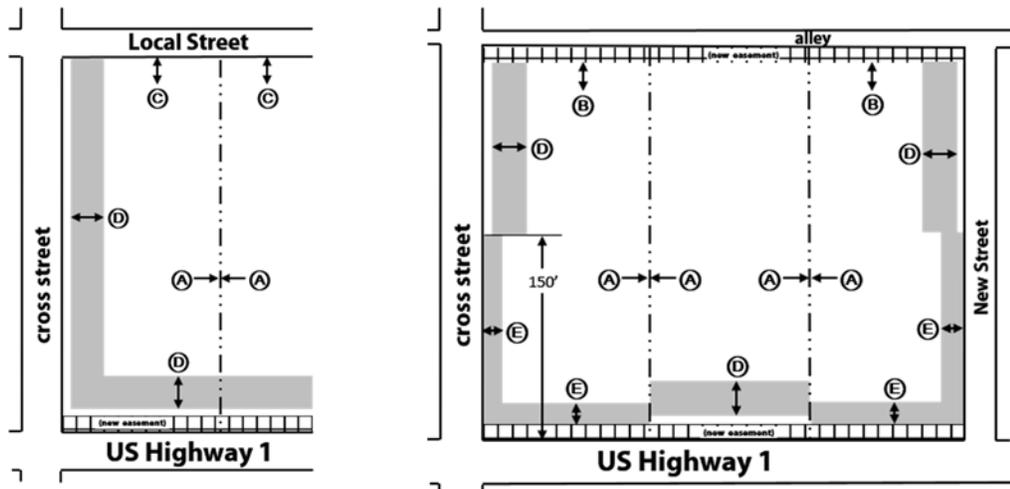
# 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

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

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

- a. Setbacks. Minimum setbacks between buildings and side, rear, and Local Street front lot lines are illustrated on Figure 5 and established as follows:
  - i) Side setbacks (“A”) are 0 feet
  - ii) Rear setbacks (“B”) are 0 feet (measured from the new easement for lots located along alleys).
  - iii) Local Street front setbacks (“C”) are 15 feet
- b. Build-to zone. A build-to zone is specified for each frontage type; see Tables 3 through 8. The build-to zone is parallel to the street frontage and is measured from the front lot line. Figure 5 shows build-to zones as “D” for mid-block lots and as “E” for corner lots and lots facing new streets. A portion of a building’s facade that faces that street frontage must be placed within the specified build-to zone (see explanation in subsection 45-31.E.2).
  - i) For properties facing New Streets as defined in subsection 45-31.G, build-to zones (“D” and “E”) are measured from the outer edges of the new sidewalks (see Figure 12).
  - ii) Allowable encroachments beyond the build-to zone are specified in subsection 45-31.F.3.
  - iii) For properties facing Local Streets, the front setback (“C”) shall be observed instead of the build-to zone.

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



## 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

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.

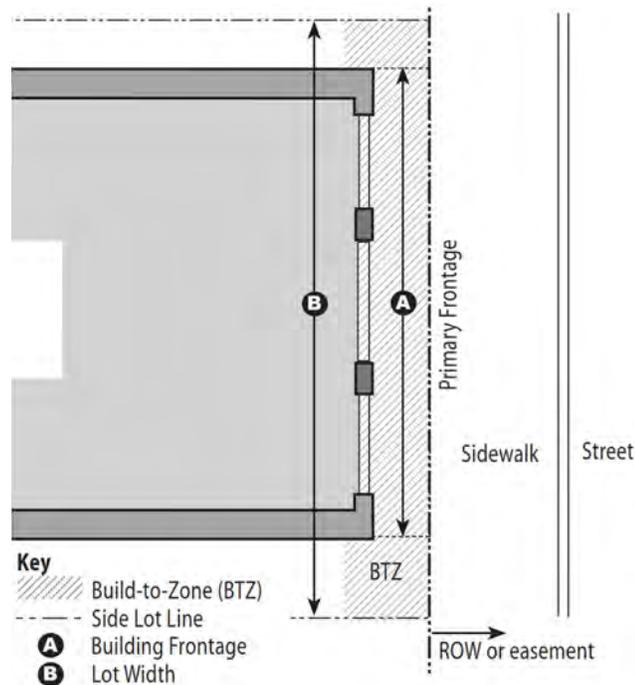
### F. ~~Yards.~~

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.

## 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

- 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 complies with the standards in Tables 5 or 8.
- 20          d. For properties with multiple street frontages, see Figure 5.

**Figure 6 Building Frontage Percentages**



## 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

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.

6           **4.** **Building height.**

7           a. Buildings may be up to 4 stories tall in the C-MU zoning district,  
8           except that:

9           i) Within 25 feet of the rear property line, no portion of a  
10           building may exceed 2 stories.

11           ii) Within 50 feet of the rear property line, no portion of a  
12           building may exceed 3 stories.

13           iii) The 25-foot and 50-foot restrictions are depicted on the  
14           regulating plan.

15           b. For the purpose of calculating the number of stories in a  
16           building, stories shall be defined as the space between finished  
17           floor and finished ceiling, adjusted as follows:

18           i) Each level devoted to parking is considered as individual  
19           story when calculating the number of stories in a building,  
20           except where parking levels are screened by other rooms in  
21           the same building or screened by a liner building that is at  
22           least two stories tall with rooms at least 20 feet deep.

23           ii) When parking levels are constructed on a slope or are  
24           connected by sloping or circular ramps, the number of  
25           stories will be based on the non-sloped area. If there are no  
26           non-sloped areas, the number of stories will be counted as  
27           the highest parking level plus each parking level below.

28           iii) A mezzanine will not count towards the number of stories  
29           provided that the total area of mezzanine level is less than  
30           40 percent of the floor area of the main story below.

31           iv) Buildings may include a partial story above the maximum  
32           number of stories otherwise allowed provided the floor area  
33           of the partial story is less than 30% of the floor area of the  
34           story below. Developers are encouraged to utilize this  
35           allowance on portions of buildings that are closest to street  
36           intersections and for architectural features such as towers or  
37           cupolas.

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

41           ~~D. Building height regulations. No building or structure shall~~  
42           ~~exceed four (4) stories or forty-four (44) feet. Elevator towers~~  
43           ~~and mechanical apparatus are not restricted to the forty-four foot~~  
44           ~~limit.~~

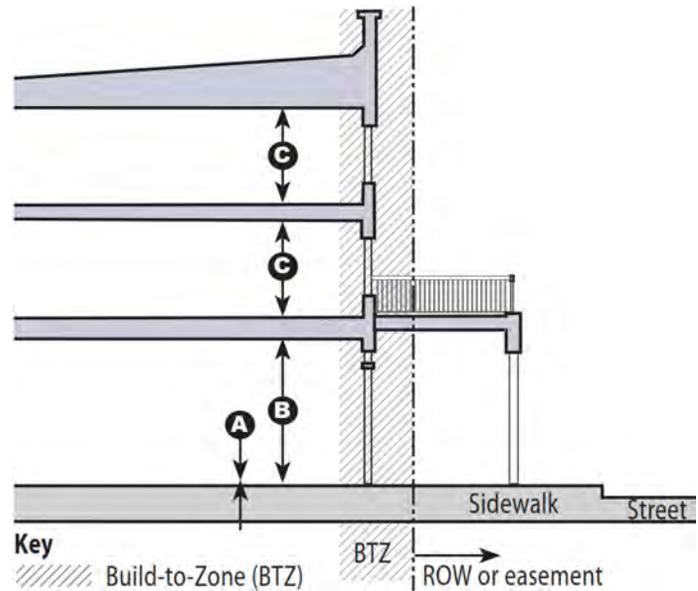
# 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

**5. Floor and ceiling height.**

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

- (i) Floor elevations are measured from the existing or anticipated sidewalk to the top of the finished floor of the ground story.
- (ii) Ceiling heights are measured from the top of the finished floor to the underside of the finished ceiling of each story;  
see exceptions in subsection b.

**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>			
<u>Storefront only</u>	<u>no min.</u>	<u>0.5'</u>	<u>A</u>
<u>Stoop only</u>	<u>3'</u>	<u>no max.</u>	<u>A</u>
<u>All other building frontage types</u>	<u>no min.</u>	<u>no max.</u>	<u>A</u>
<b><u>Height of ground-story ceiling:</u></b>			
<u>Storefront only</u>	<u>12'</u>	<u>16'</u>	<u>B</u>
<u>All other building frontage types</u>	<u>9'</u>	<u>14'</u>	<u>B</u>
<b><u>Height of upper-story ceilings:</u></b>			
	<u>9'</u>	<u>12'</u>	<u>C</u>

## 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

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- 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 level does not need to comply with the minimum ceiling heights in Table 9.
  - iii) Rooms without finished ceilings, such as utility or storage rooms, do not need to comply with the minimum or maximum ceiling heights in Table 9 provided that the remainder of that story complies with the minimum and maximum heights.

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6. **Landscape standards.**

- a. **Landscaping required.** Landscaping shall be required in the following areas as required by the village's landscaping requirements:
- i) Miscellaneous landscape elements, as required in section 45-88;
  - ii) Off-street parking lots, as required in section 45-89;
  - iii) Site perimeters, as required in section 45-90; and
  - iv) Base of foundation, as required by section 45-91.
- b. **Special requirements for C-MU zoning district.** The village's landscaping requirements contain certain special requirements for the C-MU zoning district:
- i) Section 45-90 requires minimum buffer widths for site perimeters.
    - These buffer widths do not apply in front of buildings that meet the standards for a gallery, storefront, or canopy building frontage type. See Table 45-90.
    - Along US Highway 1, buffer strips in front yards may not be planted on a sidewalk easement. See section 45-34.1.G.
  - ii) Section 45-91 requires landscaped areas around the base of foundations. This requirement does not apply in front of buildings that meet the standards for a gallery, storefront, or canopy building frontage type.
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## 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

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

6 **1. Main entrance.**

- 7 a. A building's main entrance is its principal point of access for  
8 pedestrians. All buildings must have their main entrance facing a  
9 street frontage, or a courtyard or forecourt that is entered from a  
10 street frontage. Additional entrances are encouraged.
- 11 b. Buildings fronting on two streets must have a pedestrian entrance  
12 on both streets.
- 13 c. Additional rules for storefront doors are provided in Table 4.

14 **2. Façade transparency.**

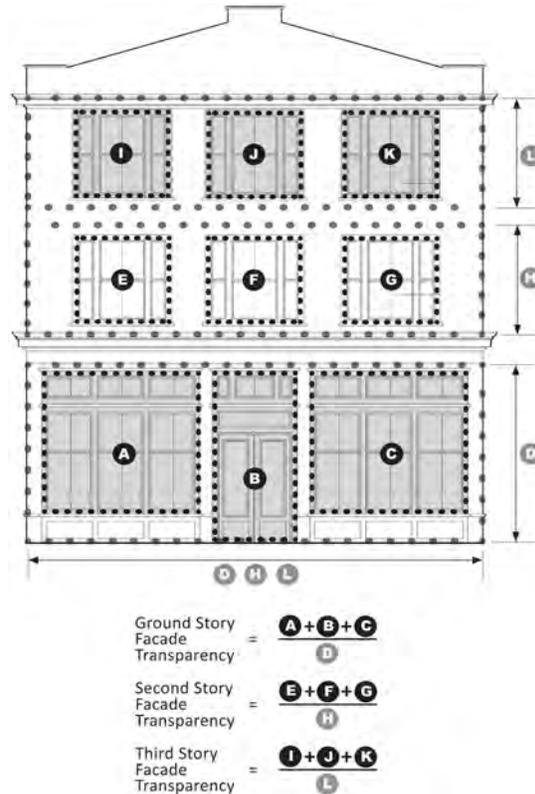
- 15 a. Transparency means the amount of transparent window glass or  
16 other openings in a building's façade along a street frontage,  
17 relative to the overall surface area of the façade. This ratio is  
18 expressed as a percentage and is calculated separately for the  
19 ground story of a façade and for each upper story.
- 20 b. Building façades along a street frontage must meet the minimum  
21 façade transparency requirements in Table 10 to provide natural  
22 surveillance of sidewalks and streets, to provide interior daylight,  
23 and to allow clear views into storefronts.
- 24 c. Façade transparency percentages are calculated for the area  
25 between the finished floor and finished ceiling of each story  
26 along each street frontage; see Figure 8. For the purposes of  
27 these measurements:
- 28 i) Glazed windows and doors with tinted glass or applied  
29 films will be considered transparent if they transmit at least  
30 50% of visible daylight.
- 31 ii) The transparent area of windows and doors includes rails  
32 and stiles as well as muntin bars and other separators within  
33 primarily glazed areas; but the transparent area excludes  
34 outer solid areas such as jambs, sills, and trim.

# 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

**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.



# 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

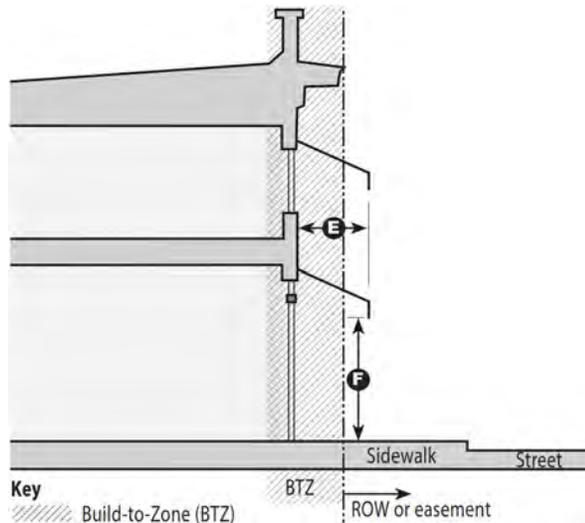
**4. Awnings.**

- a. An awning is a flexible cover that projects outward from a building’s exterior wall to shield a window, door, sidewalk, or other space below from the elements.
- b. To encourage the construction of awnings, awnings are allowed to project horizontally beyond the closest point to a property line where an exterior wall may be constructed, including over a public right-of-way. See subsection 45-31.F.3 for allowances and limitations on such encroachments. To qualify for these encroachments, the awning must meet the following requirements:
  - i) The depth of the awning from the face of the building must be at least 4 feet.
  - ii) The height of the awning from the sidewalk to the underside of the awning must be at least 10 feet.
  - iii) High-gloss or plasticized fabrics may not be used.
  - iv) Awnings may not be back-lit.

**Table 12      Awning 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 9      Awning**



# 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

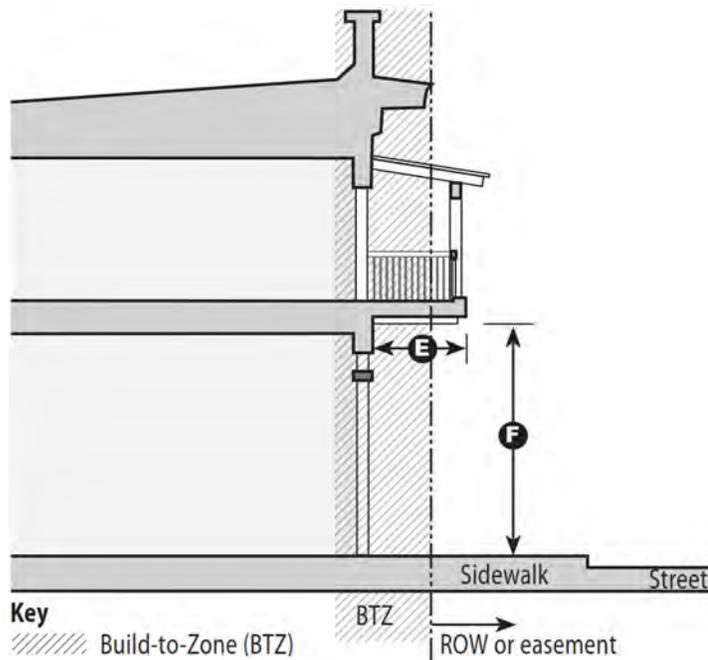
**5. Balconies.**

- a. A balcony is an unenclosed private open space that typically projects outward from a building's exterior wall.
- b. To encourage the construction of balconies, balconies are allowed to project horizontally beyond the closest point to a property line where an exterior wall may be constructed. Balconies in upper stories may also project horizontally over a public right-of-way. See subsection 45-31.F.3 for allowances and limitations on such encroachments. To qualify for these encroachments, the balcony must meet the requirements in Table 13.

**Table 13      Balcony Dimensions**

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

**Figure 10      Balcony**



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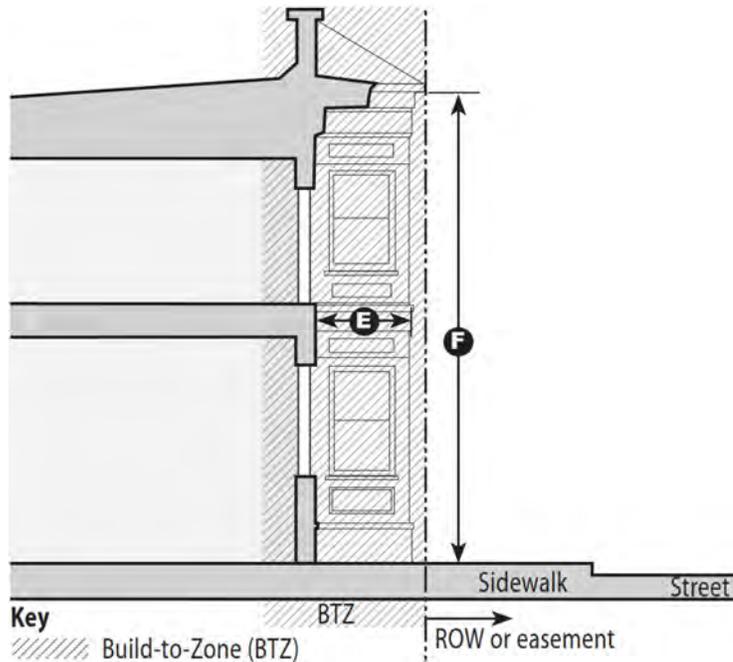
- 6. Bay windows.**
- a. A bay window creates interior space that projects outward from a building’s exterior wall.
  - b. To encourage the construction of bay windows, bay windows are allowed to project horizontally beyond the closest point to a property line where an exterior wall may be constructed.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

**Table 14 Bay Window Dimensions**

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

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**Figure 11 Bay Window**



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# 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

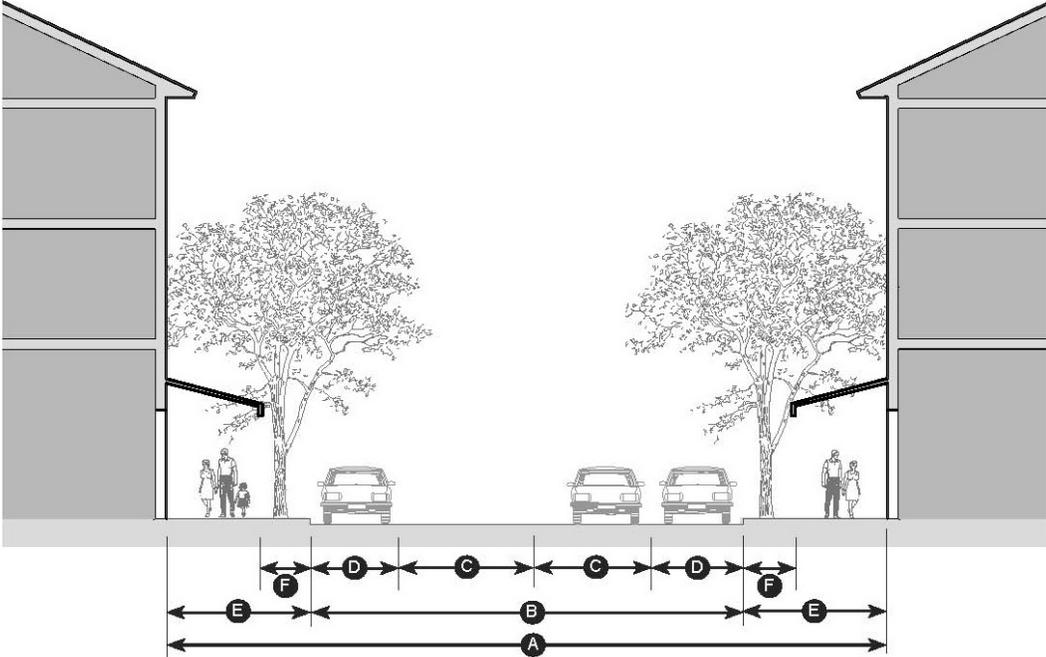
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**G. Street, alley, and easement standards.**

**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:

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

**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>	

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## 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

- 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           **c. Ownership and maintenance.** New streets shall be owned and  
13 maintained privately unless another entity acceptable to the  
14 Village of North Palm Beach accepts this responsibility.  
15 Irrespective of ownership and maintenance, landowners must  
16 guarantee perpetual public access to new streets in a form  
17 suitable to the Village Attorney.
- 18           **d. Build-to zones.** Build-to zones for buildings facing a new street  
19 will be determined in accordance with subsection 45-31.E.1  
20 irrespective of the new street's ownership.
- 21           **e. Building frontage standards.** Building frontage standards for  
22 buildings facing a new street will be determined in accordance  
23 with subsection 45-31.E.2.

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

- 29           a. A 7-foot perpetual transportation and utility easement must be  
30 dedicated to the village along the alley, in a form acceptable to  
31 the Village Attorney.
- 32           b. Setbacks for buildings along alleys are specified in subsection  
33 45-31.E.1.
- 34           c. Setbacks for surface parking along alleys are specified in Table  
35 15 (subsection 45-31.H).
- 36           d. The 5-foot landscaped strip required by section 45-90 must be  
37 planted and maintained adjoining the new easement.
- 38           e. Refuse containers and other service or utility equipment must  
39 meet the same setbacks as for surface parking. Refuse container  
40 areas must be screened in accordance with section 45-88.

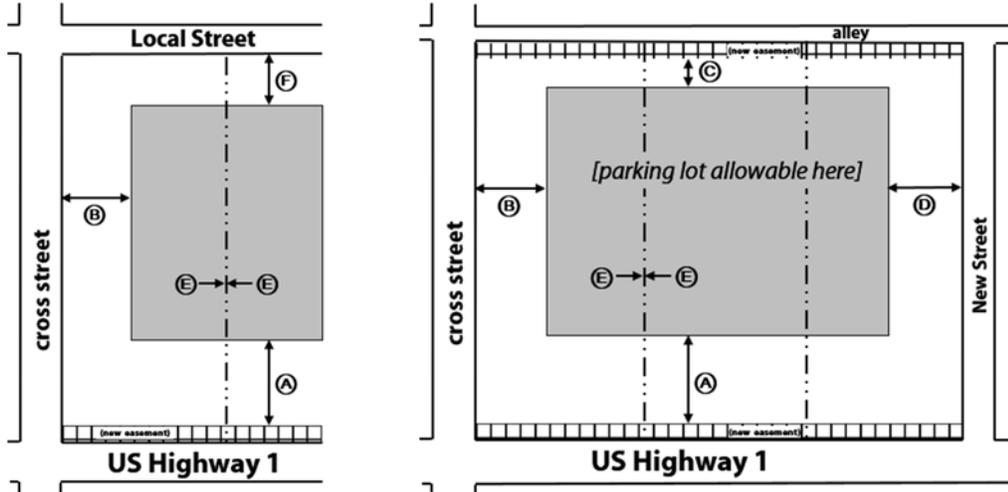


# 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

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

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

**Figure 13 Setbacks for Surface Parking Lots**



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**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>25' min.</u>	<u><b>F</b></u>

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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.~~

## 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

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2. **Parking space ratios.** Table 16 provides parking space ratios for various uses on a site. These ratios 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 Parking Space Ratios**

<u>PROPOSED USE</u>	<u>PARKING SPACE RATIO</u>
<b>RESIDENTIAL USES</b>	
<u>Mobile home park</u>	(not permitted)
<u>Dwelling, one family detached</u>	(not permitted)
<u>Dwelling, all other dwelling types</u>	1.25 per unit
<u>Live/work unit</u>	1 per 1,000 sq. feet
<u>Assisted living facility</u>	0.5 per resident
<u>Community residential home</u>	0.5 per resident
<b>LODGING USES</b>	
<u>Bed-and-breakfast establishment</u>	1 per guest room
<u>Hotel</u>	1 per guest room
<u>Motel</u>	1 per guest room
<u>Time-share unit</u>	1.25 per unit
<b>BUSINESS USES</b>	
<u>Offices, general</u>	2 per 1,000 sq. feet
<u>Office or clinic, medical or dental</u>	3 per 1,000 sq. feet
<u>Stores &amp; services, general</u>	2 per 1,000 sq. feet
<u>Stores &amp; services, large format</u>	3 per 1,000 sq. feet
<u>Adult entertainment</u>	(not permitted)
<u>Convenience store with fuel</u>	5 per 1,000 sq. feet
<u>Dog daycare</u>	3 per 1,000 sq. feet
<u>Drive-through facility (for any use)</u>	---
<u>Garage, parking</u>	---
<u>Heavy commercial and light industrial:</u>	(not permitted)
<u>Contractor and trade operation</u>	(not permitted)
<u>Vehicle sales or repair</u>	(not permitted)
<u>All other</u>	(not permitted)
<u>Medical marijuana treatment center</u>	(not permitted)
<u>Restaurant or cocktail lounge</u>	10 per 1,000 sq. feet
<u>Telecommunications antennas</u>	---
<b>CIVIC &amp; EDUCATION USES</b>	
<u>Child care facility</u>	1 per 12 students
<u>Church or place of worship</u>	1 per 4 peak attendees
<u>Civic space</u>	---
<u>Family day care</u>	(no additional parking)
<u>Government building</u>	2 per 1,000 sq. feet
<u>Hospital or medical center</u>	(not permitted)
<u>Public space</u>	---
<u>School, public or private</u>	1 per 12 students

## 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

1

*Table of Parking Spaces Required*

<b>Uses</b>	<b>Parking Spaces Required</b>
<b>Banks; business or professional offices</b> excluding doctors and dentists	One (1) per three hundred (300) square feet of usable floor area, plus one (1) per each three (3) employees
<b>Barbershop or beauty shop</b>	Two (2) per barber or three (3) per beautician based on the design capacity of the structure
<b>Churches</b>	One (1) per four (4) seats; or one (1) per thirty (30) square feet of usable floor area of auditorium, whichever is greater
<b>Country club</b>	One (1) per five (5) members
<b>Restaurants and cocktail lounges</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>Hotels, motels and tourist courts</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>Marina</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>Medical and dental clinics; doctors and dentists offices</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>Mortuaries or funeral parlors</b>	Five (5) spaces per parlor or chapel unit; or one (1) per four (4) seats, whichever is greater
<b>Private clubs, lodge or union headquarters</b>	One (1) per three (3) members based on the maximum design capacity of the facility
<b>Retail stores and personal service establishments</b> except as otherwise specified herein	One (1) per two hundred (200) square feet of retail floor space
<b>Shopping centers</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>Time shares</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)

## 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

	<p>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 unit 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 (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).</p>
<p><b>Auditoriums and places of assembly without fixed seats</b></p>	<p>One (1) per three (3) people based on the maximum design capacity of the structure</p>
<p><b>Veterinary establishments</b></p>	<p>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</p>

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## 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

### 4. Physical standards for parking lots, driveways, and loading.

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

~~H.—Off street parking lot layout, construction and maintenance. Whenever the required off street parking requires the building of a parking lot, and wherever a parking lot is built, such parking lot shall be laid out, constructed and maintained in accordance with the following regulations:~~

- ~~1.—Each parking space shall measure at least nine (9) feet by eighteen (18) feet (one hundred sixty two (162) square feet) and shall be a definitely designated and marked stall adequate for one (1) motor vehicle.~~
- ~~2.—All areas devoted to permanent off street parking as required under this section shall be built in accordance with specifications for streets and parking of the Village of North Palm Beach and maintained in such manner that no dust will result from continuous use.~~
- ~~3.—The parking lot shall be drained to eliminate surface water.~~
- ~~4.—Where parking lot abuts a residential district which has common frontage in the same block with the parking lot, there shall be established a setback line of twenty five (25) feet from the street lot line for the first twenty five (25) feet from the residential zone.~~
- ~~5.—Plans for the layout of a parking lot must be approved by the village engineer based on design standards approved by the Institute of Traffic Engineers.~~
- ~~6.—The parking lot shall not have access from a more restrictive zoning district.~~
- ~~7.—No parking shall be permitted in the first ten (10) feet of the required front yard depth, measured from the front property line or the first ten (10) feet of a side or rear yard when the side or rear yard abuts a residential zoning district, except as modified in paragraph 4 above. 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 Chapter 41-16 through 41-25 [chapter 27, article III] both inclusive.~~
- ~~8.—Clearly defined driveways entering on U.S. [Highway No.] 1 shall be constructed using a raised curb of at least six (6) inches in height to delineate the driveways. All streets intersecting with U.S. [Highway No.] 1, currently designed driveways shall be constructed using both concrete button markers of at least four (4) inches in height placed twenty four (24) inches apart to delineate the driveways. Such driveways shall have separate ingress and egress lanes not to exceed twenty (20) feet in width, exclusive of curb returns.~~

## 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

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

## 14. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

1 I. ~~Time-share structures; floor area.~~ In time-share structures, each dwelling  
2 unit having one (1) bedroom shall have a minimum floor area of seven  
3 hundred fifty (750) square feet; an additional one hundred fifty (150) square  
4 feet of floor area shall be required for each additional bedroom provided.

5 J. ~~Architecture.~~ To provide the village with harmonious development, but  
6 without undue restrictions, the following features are required:

- 7 1. ~~All building fronts and sides must be completely enclosed except for~~  
8 ~~necessary doorways for ingress and egress.~~  
9 2. ~~No canopies are permitted unless constructed of metal, or other~~  
10 ~~permanent materials and are installed parallel to the store front~~  
11 ~~sidewalks not less than nine (9) feet above the sidewalk.~~

### 12 I. Review procedures.

13 1. Submittal and review procedures. Compliance with the standards of  
14 the C-MU district shall be evaluated during the site plan and  
15 appearance review process before building and other permits may be  
16 issued (see sections 6-30-6-60).

17 2. VariANCES. Variances may be granted by the village to standards in  
18 the C-MU district using the same procedures and criteria the village  
19 uses in granting variances from other regulations (see section 45-50).

20 3. Waivers. Waivers may be granted by the village to certain standards  
21 in the C-MU district in accordance with the applicable village  
22 procedures for granting waivers (see section 45-51), with these  
23 additional requirements:

24 a. The waiver process in the C-MU district cannot be used to:

25 i) Increase the allowable residential density.

26 ii) Increase the allowable building height.

27 iii) Add uses that are not allowable under this code.

28 b. These additional findings must be made before the village  
29 approves a waiver in the C-MU district:

30 i) The proposed waiver meets the intent of the Village of  
31 North Palm Beach Citizens' Master Plan Report, adopted  
32 by the village council on October 27, 2016, through  
33 Resolution 2016-73.

## 15. PROPOSED CHANGES TO C-B ZONING DISTRICT (§ 45-31.1)

1        **Sec. 45-31.1. — C-B commercial district.**

2                                *[Section 45-31.1 establishing the C-B*  
3                                *zoning district is repealed in its entirety,*  
4                                *effective upon the rezoning of all land currently*  
5                                *zoned C-B into other zoning districts.]*

## 16. PROPOSED CHANGES TO C-1A ZONING DISTRICT (§ 45-32)

1           **Sec. 45-32. – Reserved. ~~C-1A limited commercial district.~~**

2                                   *[Section 45-32 establishing the C-1A*  
3                                   *zoning district is repealed in its entirety,*  
4                                   *effective upon the rezoning of all land currently*  
5                                   *zoned C-1A into other zoning districts.]*

6                                   *Existing language from section 45-32 is being relocated*  
7                                   *into corresponding subsection of 45.33:*

- 8                                   • *Permitted uses are being relocated into 45.33.A*  
9                                   • *Parking requirements are being relocated into 45.33.E*  
10                                  • *Conditions regarding marinas and outdoor seating are*  
11                                  *being relocated into 45-33.G*

## 17. PROPOSED CHANGES TO C-C ZONING DISTRICT (§ 45-32.1)

### 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.~~

39          F.   **Yards.**

## 17. PROPOSED CHANGES TO C-C ZONING DISTRICT (§ 45-32.1)

- 1           1.    ***Front yards.***
  - 2           (a)   All buildings shall be constructed from the Alternate A-I-A or  
3           Prosperity Farms Road right-of-way to provide a front yard of  
4           not less than twenty (20) ~~thirty (30)~~ feet.
  - 5           (b)   All buildings shall be set back from the right-of-way of streets  
6           which intersect with Alternate A-I-A or Prosperity Farms Road  
7           providing a yard of not less than ten (10) ~~twenty-five (25)~~ feet.
  - 8           (c)   The ground story of each building facade that faces a front yard  
9           must have at least 15% of its surface area in transparent glass  
10           that will transmit at least 50% of visible daylight.
- 11          2.    ***Side and rear yards.*** All buildings shall be set back from side and rear  
12           lot lines so as to provide side and rear yards of not less than:
  - 13           (a)   Ten (10) ~~Fifteen (15)~~ feet when abutting a lot with residential  
14           zoning.
  - 15           (b)   Zero (0) feet when abutting a lot with commercial or mixed-use  
16           zoning.
- 17          3.    ~~***Rear yards.*** All buildings shall be set back from rear lot lines so as to~~  
18           ~~provide a rear yard of not less than fifteen (15) feet.~~
- 19          G.    ***Off-street parking regulations.*** Off-street parking shall be provided at half  
20           of the number of parking spaces required in:
  - 21           1.    the C-S zoning district for commercial uses; and ~~the same as for the~~  
22           CA commercial district.
  - 23           2.    the R-2 zoning district for residential uses.
- 24          H.    ***Off-street parking layout, construction and maintenance*** shall be as  
25           provided in section 45-36.J. ~~the same as for the CA commercial district.~~
- 26          I.    ***Landscape standards.*** Landscaping shall be required in the following areas  
27           as required by the village's landscaping requirements:
  - 28           1.    Miscellaneous landscape elements, as required in section 45-88;
  - 29           2.    Off-street parking lots, as required in section 45-89;
  - 30           3.    Site perimeters, as required in section 45-90, except that no perimeter  
31           landscaping is required along a lot line that abuts commercial zoning; and
  - 32           4.    Base of foundation, as required by section 45-91.

## 18. PROPOSED CHANGES TO C-1 ZONING DISTRICT (§ 45-33)

### 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 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. Restaurants and cocktail lounges. [9–12 moved from 45-32.A]
- 35            10. Nursery and private schools.
- 36            11. Marinas and their accessory uses such as wet boat storage facilities,  
37 indoor dry boat storage facilities, gasoline supplies and such minor  
38 repair facilities as are incidental to boat storage and which do not  
39 involve major boat and/or engine overhaul.
- 40            12. Multiple-family dwelling structures as a component of a commercial  
41 planned unit development containing a commercial component  
42 including retail and non-retail commercial facing a primary street  
43 frontage with a depth to be determined by the village council.

## 18. PROPOSED CHANGES TO C-1 ZONING DISTRICT (§ 45-33)

1 B. ***Building height regulations.*** [no changes]

2 C. ***Building and floor area regulations.*** [no changes]

3 D. ***Yard space regulations.*** [no changes]

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

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

## 18. PROPOSED CHANGES TO C-1 ZONING DISTRICT (§ 45-33)

- 1            13. Churches, the same as for the R-2 multiple-family dwelling district.  
2            [13–14 moved from 45-32.E]
- 3            14. Restaurants, one (1) space for each seventy-five (75) square feet of  
4            floor area devoted to patron use, or one (1) space per three (3) fixed  
5            seats, whichever is the greater, and one (1) space for each one and one-  
6            half (1½) projected employees who would be actually working during  
7            peak employment hours.

8            F. ***Floor area regulations.*** [no changes]

9            G. ***Conditions for permitted uses:***

- 10           1. A car wash and car waxing business whether in conjunction with a  
11           filling station or as an independent enterprise shall be allowed to  
12           utilize an awning structure or structure which shall be located in the  
13           rear yard with a minimum five-foot setback and within the building  
14           side lines extended.
- 15           2. All activities, sales and storage of goods must be conducted entirely  
16           within completely enclosed buildings with permanent nonmoving  
17           outside walls. The following exceptions apply: [moved from 45-32.G]
- 18           i) Restaurants that qualify under outdoor seating provisions of  
19           Appendix C—Zoning.
- 20           ii) Marinas with enclosed new boat retail display area may utilize  
21           outdoor rear and side yard site area for ground level new boat  
22           storage, rigging, minor repair and display subject to the  
23           following conditions:
- 24           a. Outdoor storage, rigging, minor repair and display areas  
25           shall be completely screened from the view of the street  
26           right-of-way and adjacent properties with an opaque wall or  
27           fence to a height of six (6) feet.
- 28           b. The area of outdoor storage, rigging and display area shall  
29           not exceed the enclosed retail display floor area, including  
30           retail display area office space, or fifteen (15) percent of  
31           the total site area, whichever is less.
- 32           3. No outside sidewalk or parking lot storage or display of merchandise  
33           will be permitted.
- 34           4. Limited access self-storage facilities shall only be allowed on  
35           properties within commercial planned unit developments and  
36           accompanied by the following conditions:
- 37           i) All exterior service doors must be not visible from any public  
38           street or adjacent property.
- 39           ii) All buildings must be a maximum of two (2) stories with  
40           architectural treatment to reflect the actual number of stories.
- 41           iii) No blank walls shall be permitted.

## 18. PROPOSED CHANGES TO C-1 ZONING DISTRICT (§ 45-33)

- 1                   iv) A mix of uses must be provided that includes a minimum of ten  
2                   (10) percent Gross Floor Area (GFA) retail or professional office  
3                   (excluding the on-site management office for the self-storage  
4                   facility).
- 5                   v) A minimum of one thousand (1,000) feet separation from  
6                   property line to the closest adjacent property line shall be  
7                   required between limited access self-storage facilities.
- 8                   5. All new marinas and major improvements to existing marinas shall  
9                   provide sewage pump-out service to boats seven (7) meters (twenty-  
10                   two and ninety-seven hundredths (22.97) feet) in length or more.  
11                   [moved from 45-32.A.7.e] Major improvements include adding wet or  
12                   dry boat slips; constructing new buildings; adding or expanding  
13                   fueling facilities, and other improvements of a comparable scale as  
14                   determined by the community development director.

## 19. PROPOSED CHANGES TO C-2 ZONING DISTRICT (§ 45-34)

### 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.

## 19. PROPOSED CHANGES TO C-2 ZONING DISTRICT (§ 45-34)

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 right-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.

## 19. PROPOSED CHANGES TO C-2 ZONING DISTRICT (§ 45-34)

- 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.
  - 40 9. The height of buildings, the site area of buildings, yard spaces, and  
41 floor area regulations in the C-G C-2 zoning district shall be the same

## 19. PROPOSED CHANGES TO C-2 ZONING DISTRICT (§ 45-34)

1 as required in the ~~C-S C-1 neighborhood commercial~~ district, with the  
2 following exception: Limited access self-storage facilities shall be  
3 limited to a maximum of three (3) stories in height.

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

## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

### 1            **Sec. 45-34.1. - C-3 regional mixed-use business district.**

#### 2            **A. General description and intent.**

3            **1. The C-3 regional mixed-use district encourages the redevelopment of**  
4            **the former Twin City Mall site into a vibrant mixed-use place for**  
5            **businesses, visitors, and residents of North Palm Beach, Lake Park,**  
6            **and surrounding areas.**

7            **2. A Citizens Master Plan, adopted by the Village of North Palm Beach**  
8            **in 2016, envisioned this site being enhanced with new walkable and**  
9            **bikeable streets and compact mixed-use buildings that are served by**  
10           **varied forms of public and private transportation This C-3 district and**  
11           **its special PUD procedures were modified in 2019 to carry out the**  
12           **concepts set forth in the Citizens Master Plan for this site.**

13           **3. This site is bisected by the village’s municipal boundary with the**  
14           **Town of Lake Park. The two municipalities entered into an interlocal**  
15           **agreement in 1993 committing to consistent planning and permitting**  
16           **that would foster coordinated redevelopment of the entire site. This**  
17           **agreement requires that both municipalities maintain compatible**  
18           **zoning for the site and that each will review all zoning applications.**  
19           **Procedural details for PUD modifications and site plan approvals are**  
20           **provided in subsection 45-34.1.K.**

21           **a. Redevelopment proposals within the Lake Park portion of the**  
22           **site will be reviewed in a timely manner by the village according**  
23           **to the standards in subsection 45.34.1 and other portions of this**  
24           **code, with the results of that review forwarded to Lake Park**  
25           **within ten days of its completion.**

26           **b. Redevelopment proposals within the North Palm Beach portion**  
27           **of the site will be reviewed by the village according to the same**  
28           **standards as soon as possible after receiving review comments**  
29           **from Lake Park.**

30           ~~The C-3 regional business district is designed for the re-use and/or redevelopment of~~  
31           ~~commercial property. It contains special regulations and procedures that are integrated with~~  
32           ~~those of the Town of Lake Park to avoid conflicts that could otherwise be created by the~~  
33           ~~location of the town/village boundary. Within C-3 business districts, the following~~  
34           ~~regulations shall apply:~~

## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

1        **B.** Allowable Uses. Table 1 indicates allowable uses in the North Palm Beach  
2        C-3 zoning district.

- 3        **1.** The uses listed in Table 1 are grouped into four use groups:  
4        Residential Uses, Lodging Uses, Business Uses, and Civic &  
5        Education Uses.
- 6        **2.** In one of the columns following each listed use, a symbol is provided  
7        to indicate that:
- 8        a. This use is permitted by right; or
- 9        b. This use may be approved by the village council through the  
10       special PUD procedures in the C-3 district (see subsection 45-34-  
11       1.K); or
- 12       c. This use, like other uses not listed in Table 1, is not permitted in  
13       the C-3 district.
- 14       **3.** Terms in Table 1 are defined in section 45-2 under “Use Groups.”
- 15       **4.** Also refer to section 45-16.1 on uses that are similar to uses listed in  
16       Table 1.

- 17       (1) ~~*Uses permitted.* Within the C-3 zoning district, no building, structure, land, or water~~  
18       ~~shall be used, unless otherwise permitted by these regulations, except for any~~  
19       ~~combination of the following purposes:~~
- 20       a. ~~Banks, savings and loans, stockbrokers, and similar financial institutions.~~
- 21       b. ~~Business offices, including medical and professional services.~~
- 22       c. ~~Community residential homes, subject to the same requirements as apply in the~~  
23       ~~R-2 zoning district, and family day care centers as defined in Chapter 402,~~  
24       ~~Florida Statutes.~~
- 25       d. ~~Hotels, motels, and time share units.~~
- 26       e. ~~Multiple family dwellings (each building containing three (3) or more units) and~~  
27       ~~customary accessory uses, subject to any limitations on residential uses in the~~  
28       ~~adopted Comprehensive Plan.~~
- 29       f. ~~Personal services typically offered in conjunction with shopping facilities, such~~  
30       ~~as laundromats, dry cleaners, barber and beauty shops, child care facilities,~~  
31       ~~health clubs, and shops for the repair, cleaning, or rental of items weighing less~~  
32       ~~than one hundred (100) pounds.~~
- 33       g. ~~Restaurants and other establishments where food and/or beverages are prepared~~  
34       ~~and served.~~
- 35       h. ~~Retail sale of new or antique merchandise that is displayed indoors only,~~  
36       ~~whether in freestanding buildings or in a centrally managed shopping center or~~  
37       ~~enclosed mall.~~
- 38       i. ~~Theaters and other entertainment facilities including nightclubs, game rooms,~~  
39       ~~bowling alleys, and similar establishments, provided they are fully enclosed and~~  
40       ~~provided such uses shall not include adult entertainment establishments.~~

## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

1

**Table 1 Allowable Uses**

	<u>PERMITTED USE</u>	<u>BY PUD ONLY</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>Telecommunications antennas</u>		●	
<b>CIVIC &amp; EDUCATION USES</b>			
<u>Child care facility</u>	●		
<u>Church or place of worship</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  
3  
4

<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

<sup>2</sup> Subject to the same requirements as apply in the R-2 zoning district

## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

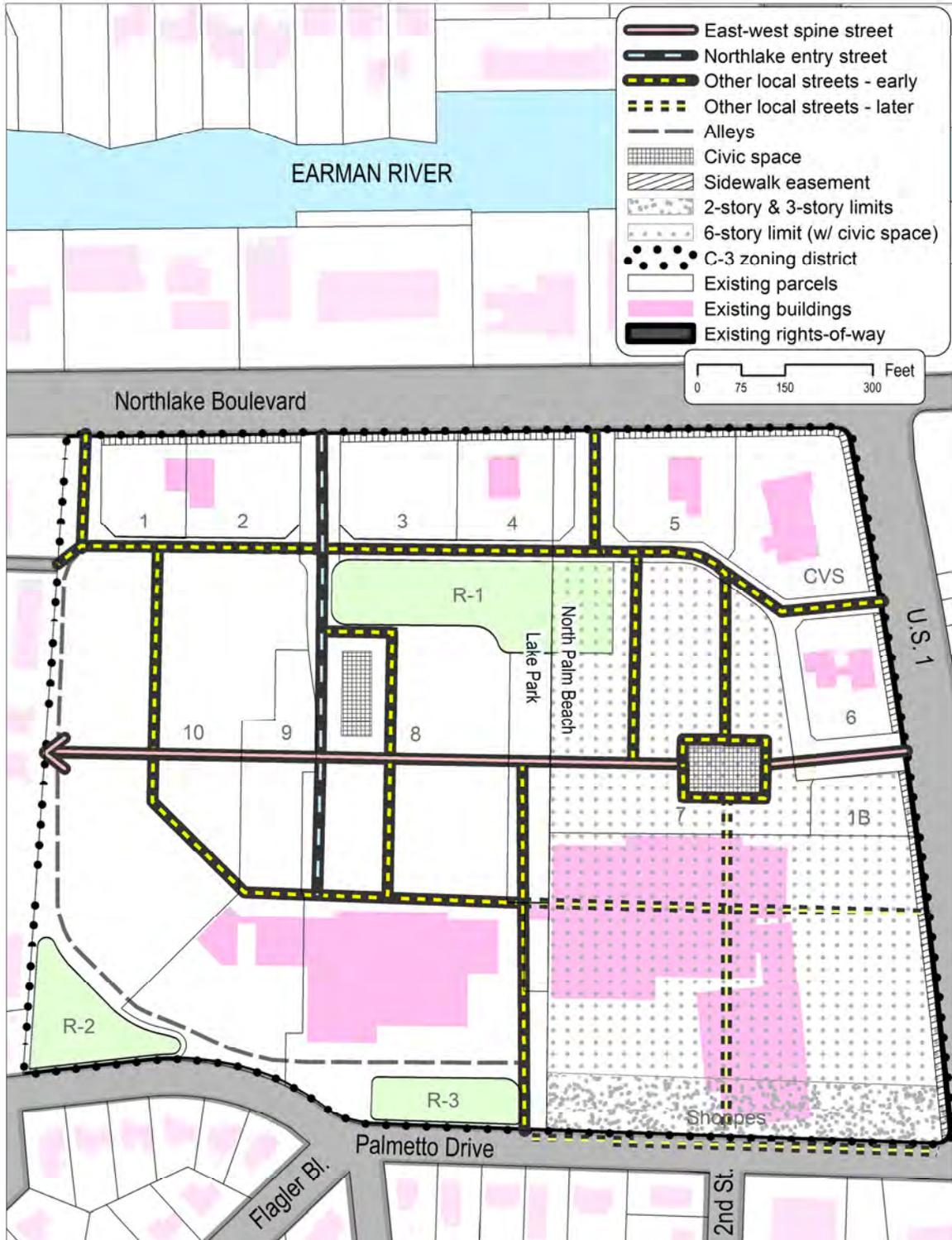
### C. *Regulating and illustrative plans; street types.*

- 1 1. The C-3 zoning district includes a regulating plan that shows existing  
2 conditions (e.g. existing parcel boundaries and building footprints) and  
3 then defines how and where certain C-3 standards will apply (e.g.  
4 build-to zones, building frontage percentages, and special height and  
5 density caps). The regulating plan for the C-3 district is presented in  
6 Figure 1.
- 7  
8 2. The regulating plan also identifies the approximate alignment of  
9 existing and future local streets and alleys.
  - 10 a. Some local streets are existing or anticipated in early phases of  
11 redevelopment (solid black lines); others would be constructed in  
12 later phases (dashed black lines).
  - 13 b. Local streets are also identified as one of three types:
    - 14 i) An east-west spine street that bisects the C-3 district,  
15 beginning at US Highway 1 and ultimately connecting to  
16 Crescent Circle.
    - 17 ii) A north-south entry street beginning at Northlake Boulevard.
    - 18 iii) Other local streets.
- 19 3. Figure 2 provides an illustrative plan that shows hypothetical building  
20 footprints that would implement the standards in this code for the  
21 entire C-3 district.
- 22 4. The remainder of the C-3 district provides standards on these subjects:
  - 23 a. ***Building frontages*** are provided in subsection 45-34.1.D.  
24 Landowners in the C-3 district may select any one or more of six  
25 building frontage types; many of the standards in the C-3 district  
26 are specific to the selected building frontage type.
  - 27 b. ***Site and bulk standards*** are provided in subsection 45-34.1.E,  
28 including setbacks, build-to zone, building frontage standards,  
29 density, building height, and floor and ceiling heights.
  - 30 c. ***Architectural features*** are addressed in subsection 45-34.1.F,  
31 including entrances, façade transparency, and allowable  
32 encroachments.
  - 33 d. ***Street, alley, and sidewalk easement standards*** are provided in  
34 subsection 45-34.1.G.
  - 35 e. ***Landscaping standards*** are provided in subsection 45-34.1.H.
  - 36 f. ***Parking standards*** are provided in subsection 45-34.1.I.
  - 37 g. ***Sign standards*** are provided in subsection 45-34.1.J.
  - 38 h. ***Review procedures*** are provided in subsection 45-34.1.K.

## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

1

**Figure 1**     **Regulating Plan**



## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

1

**Figure 2 Illustrative Plan**



## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

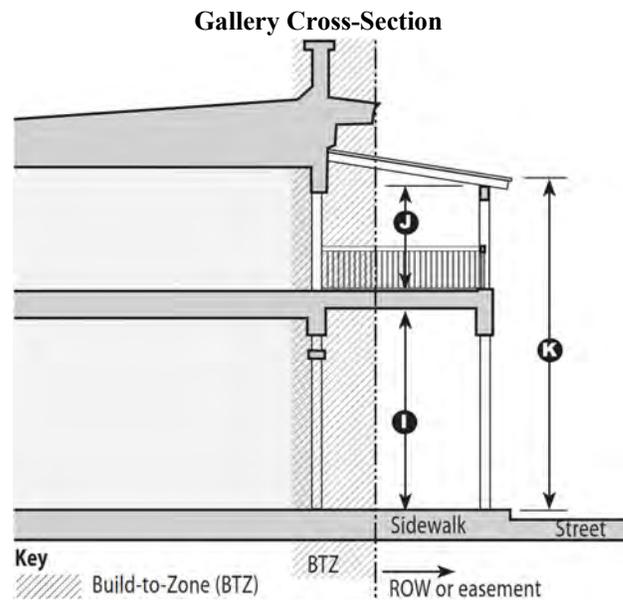
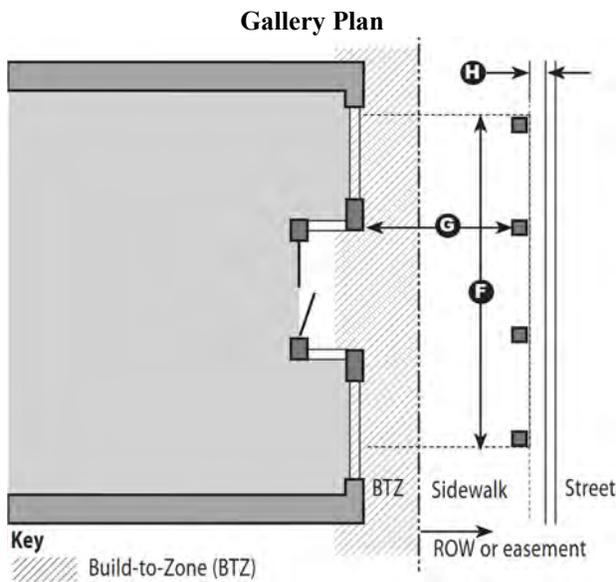
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### D. Building frontages.

**Table 2 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>Build-to Zone</b>		(see 45-34.1.E.1.b)
US-1 & Northlake Blvd:	0' min., 10' max.	<b>C</b>
East-west spine:	0' min., 5' max.	<b>D</b>
Northlake entry (west side):	0' min., 5' max.	<b>D</b>
Other local streets:	0' min., 5' max.	<b>D</b>

<b>Facade Transparency</b>		(see 45-34.1.F.2)
Ground story:	30% min.	
Upper stories:	20% min.	

<b>Building Frontage Percentage</b>		(see 45-34.1.E.2)
US-1 & Northlake Blvd:	70% min.	
East-west spine:	80% min.	
Northlake entry (west side):	80% min.	
Other local streets:	70% min.	

<b>Gallery Dimensions</b>		
Width:	10' min.	<b>F</b>
Depth:	8' min. clear path for peds.	<b>G</b>
Setback from curb:	2' min.	<b>H</b>
Ceiling height:	10' min. clear for ground story 9' min. clear for upper story	<b>I</b> <b>J</b>
Overall height:	10' min., 40' max.	<b>K</b>
Cumulative gallery width:	70% of building frontage	

2

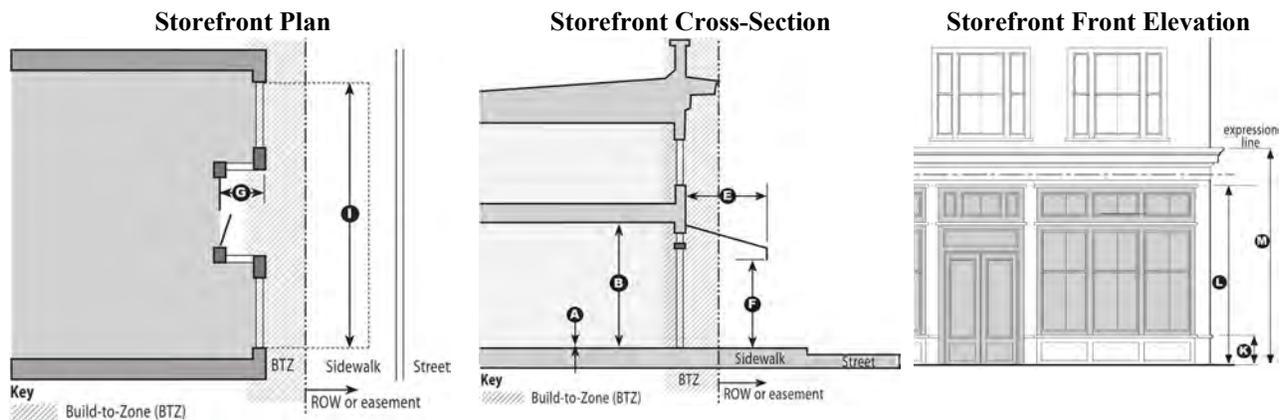
## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

1

**Table 3 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>Build-to Zone</b>		(see 45-34.1.E.1.b)
US-1 & Northlake Blvd:	0' min., 10' max.	<b>C</b>
East-west spine:	0' min., 5' max.	<b>D</b>
Northlake entry (west side):	0' min., 5' max.	<b>D</b>
Other local streets:	0' min., 5' max.	<b>D</b>

<b>Building Frontage Percentage</b>		(see 45-34.1.E.2)
US-1 & Northlake Blvd:	60% min.	
East-west spine:	80% min.	
Northlake entry (west side):	80% min.	
Other local streets:	70% min.	

<b>Façade Transparency</b>		(see 45-34.1.F.2)
Ground story:	70% min.	
Upper stories:	40% min.	

<b>Storefront Dimensions</b>		
Cover depth:	4' min.	<b>E</b>
Cover height:	10' min. clear	<b>F</b>
Door recess:	5' max.	<b>G</b>
Cumulative storefront width:	70% of building frontage min.	<b>I</b>
Door intervals:	No more than 50' apart	
Window sill height:	1' min., 3' max.	<b>K</b>
Top of windows:	8' min.	<b>L</b>
Expression line:	10' min. and below second story	<b>M</b>
Ground story elevation:	.5' max.	<b>A</b>
Ground-story ceiling:	12' min., 16' max.	<b>B</b>

2

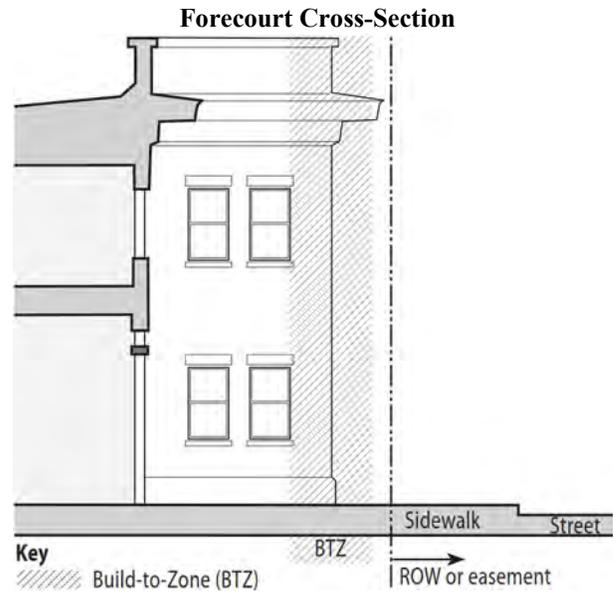
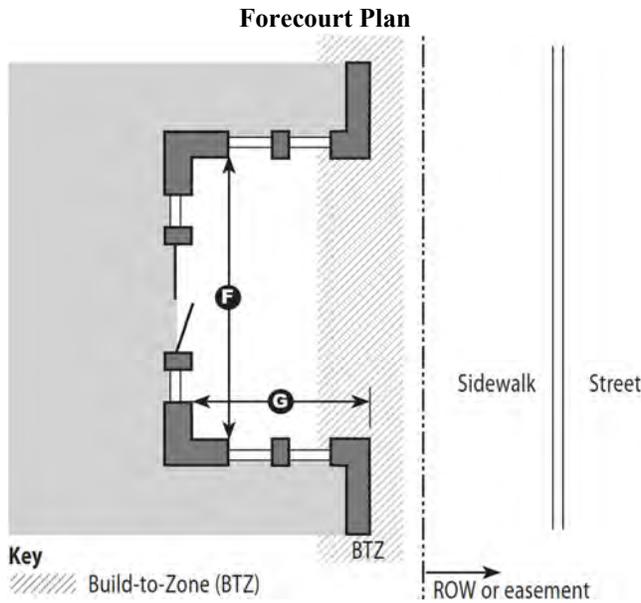
## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

1

**Table 4 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>Build-to Zone</b>		(see 45-34.1.E.1.b)
US-1 & Northlake Blvd:	5' min., 30' max.	<b>C</b>
East-west spine:	0' min., 15' max.	<b>D</b>
Northlake entry (west side):	0' min., 15' max.	<b>D</b>
Other local streets:	0' min., 20' max.	<b>D</b>

<b>Building Frontage Percentage</b>		(see 45-34.1.E.2)
US-1 & Northlake Blvd.	50% min.	
East-west spine:	80% min.	
Northlake entry (west side):	80% min.	
Other local streets:	70% min.	

<b>Façade Transparency</b>		(see 45-34.1.F.2)
Ground story:	30% min.	
Upper stories:	20% min.	

<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	

2

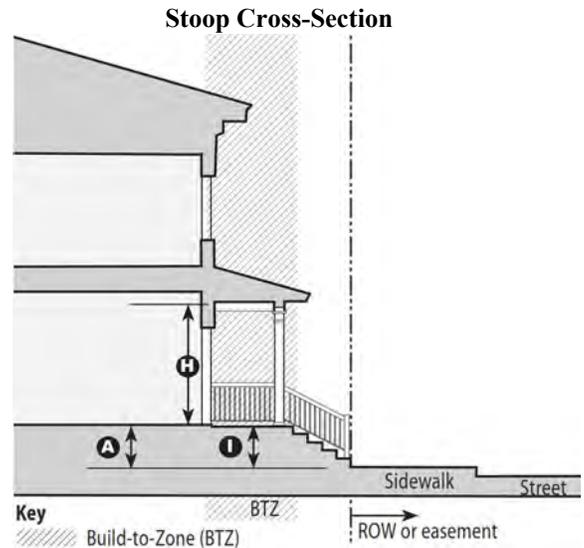
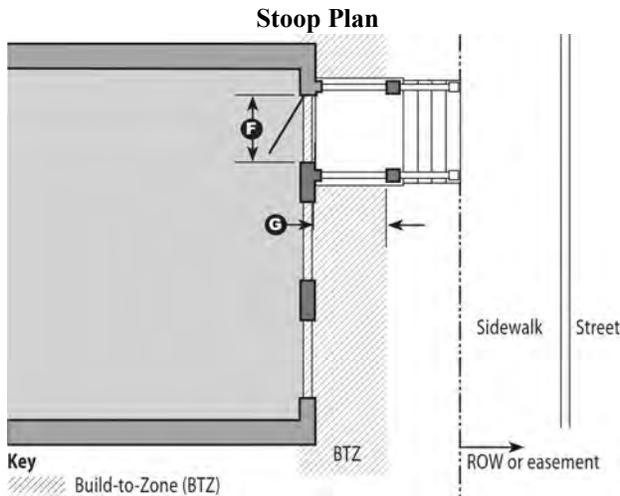
## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

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**Table 5 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>Build-to Zone</b>		(see 45-34.1.E.1.b)
US-1 & Northlake Blvd:	(stoops not allowed)	<b>C</b>
East-west spine:	0' min., 15' max.	<b>D</b>
Northlake entry (west side):	0' min., 20' max.	<b>D</b>
Other local streets:	5' min., 20' max.	<b>D</b>

<b>Building Frontage Percentage</b>		(see 45-34.1.E.2)
US-1 & Northlake Blvd:	(stoops not allowed)	
East-west spine:	80% min.	
Northlake entry (west side):	80% min.	
Other local streets:	80% min.	

<b>Facade Transparency</b>		(see 45-34.1.F.2)
Ground story:	20% min.	
Upper stories:	20% min.	

<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>
Stoop elevation:	3' min. above sidewalk <b>I</b>
Ground-story elevation:	3' min. above sidewalk <b>A</b>

2

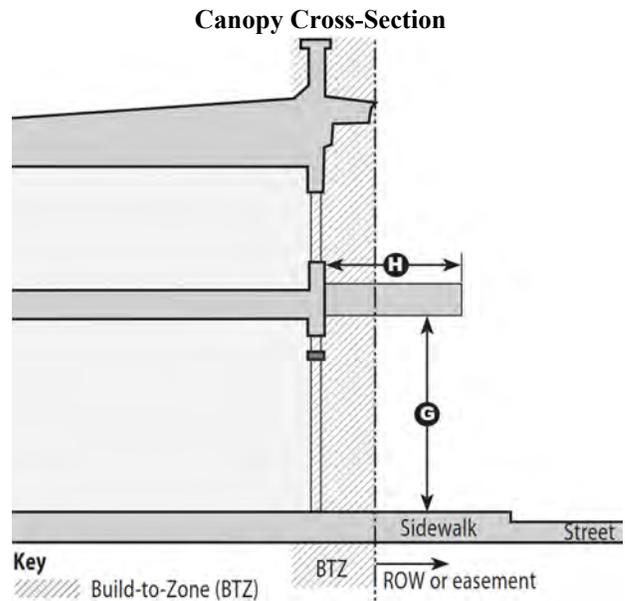
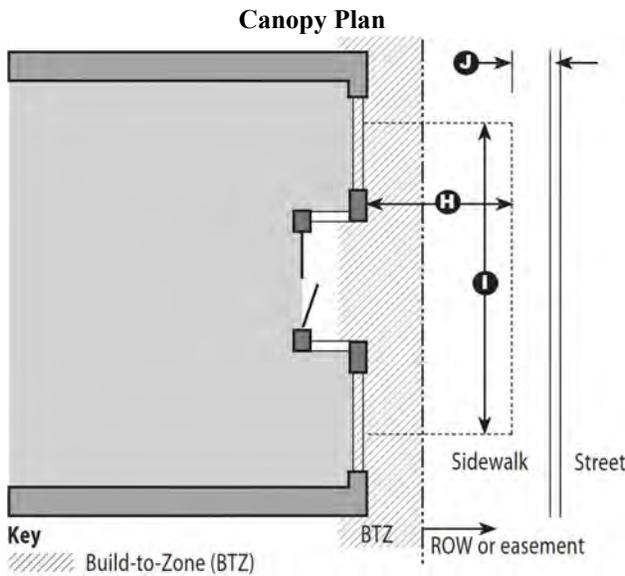
## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

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**Table 6 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>Build-to Zone</b>		(see 45-34.1.E.1.b)
US-1 & Northlake Blvd:	0' min., 10' max.	<b>C</b>
East-west spine:	0' min., 15' max.	<b>D</b>
Northlake entry (west side):	0' min., 15' max.	<b>D</b>
Other local streets:	0' min., 20' max.	<b>D</b>

<b>Façade Transparency</b>		(see 45-34.1.F.2)
Ground story:	30% min.	
Upper stories:	20% min.	

<b>Building Frontage Percentage</b>		(see 45-34.1.E.2)
US-1 & Northlake Blvd:	40% min.	
East-west spine:	70% min.	
Northlake entry (west side):	70% min.	
Other local streets:	60% min.	

<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.	<b>J</b>

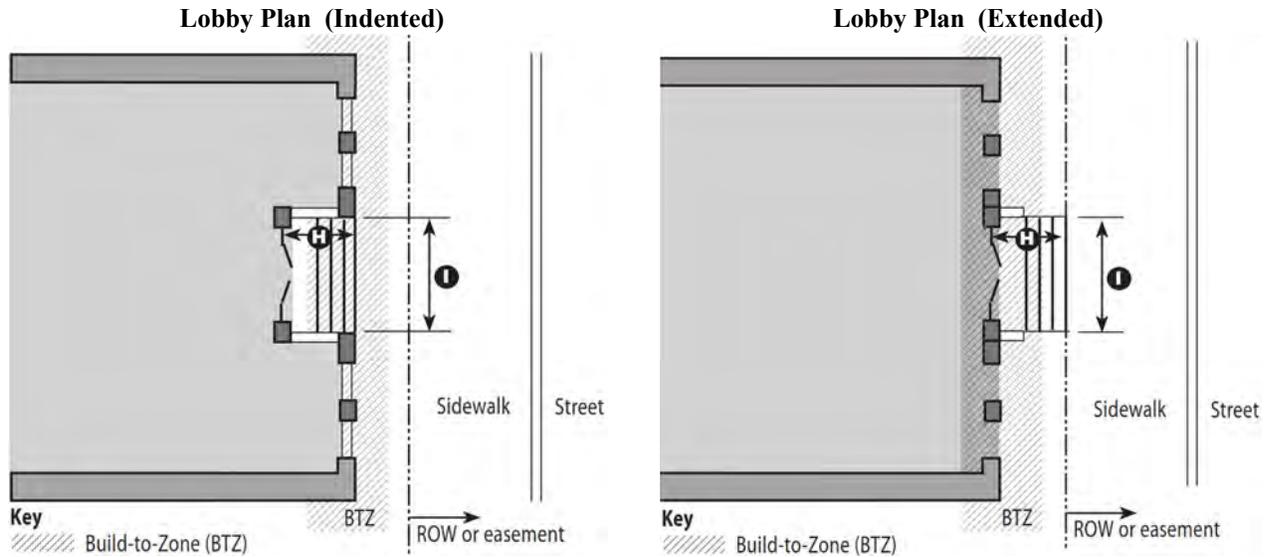
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## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

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**Table 7 Building Frontage: LOBBY**

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



<b>Build-to Zone</b>		(see 45-34.1.E.1.b)
US-1 & Northlake Blvd:	5' min., 30' max.	<b>C</b>
East-west spine:	0' min., 15' max.	<b>D</b>
Northlake entry (west side):	0' min., 15' max.	<b>D</b>
Other local streets:	5' min., 20' max.	<b>D</b>

<b>Building Frontage Percentage</b>		(see 45-34.1.E.2)
US-1 & Northlake Blvd:	40% min.	
East-west spine:	70% min.	
Northlake entry (west side):	70% min.	
Other local streets:	60% min.	

<b>Facade Transparency</b>		(see 45-34.1.F.2)
Ground story:	30% min.	
Upper stories:	20% min.	

<b>Dimensions of Lobby Entrances</b>		
Depth:	10' min., 15' max.	<b>H</b>
Width:	10' min., 30' max.	<b>I</b>

2

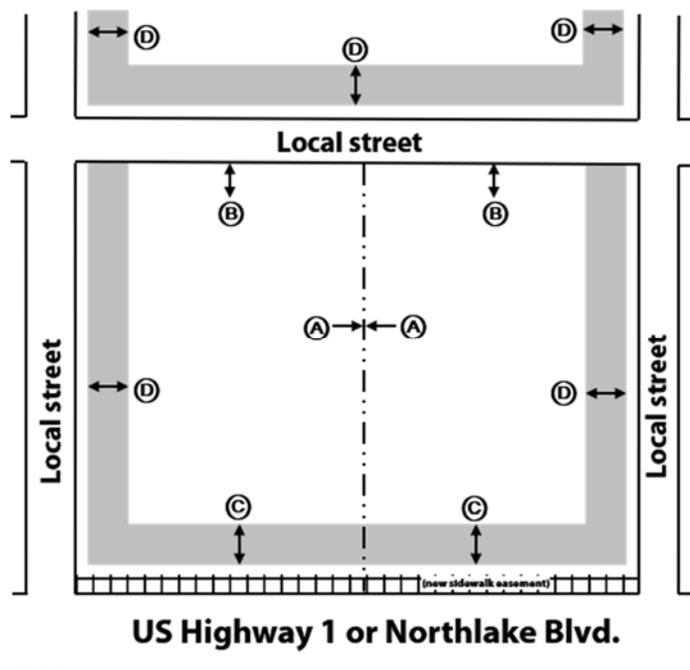
## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

### E. Site and bulk standards.

#### 1. Setbacks and build-to zone.

- a. Setbacks. Minimum setbacks between buildings and side and rear lot lines are illustrated on Figure 3 and established as follows:
- i) Side setbacks (“A”) are 0 feet
  - ii) Rear setbacks (“B”) are 5 feet

**Figure 3 Setbacks and Build-To Zones**



- b. Build-to zone. A build-to zone parallel to each street frontage is specified for each building frontage in subsection 45-34.1.D; see Tables 2 through 7. A portion of a building's facade that faces that street frontage must be placed within the specified build-to zone (see explanation in subsection 45-34.1.E.2).
- i) For properties facing US Highway 1 and Northlake Boulevard, the main build-to zone (“C” in Figure 3) is measured from the new sidewalk easement which is required by subsection 45-34.1.G. The rear of these lots face a local street which is configured as a reverse access street; buildings are required to comply with the minimum rear setbacks (“B”) instead of the build-to zone that

## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

1 otherwise applies to properties facing that local street. For  
2 corner properties, the build-to zone facing the second street  
3 is measured from the lot line (“D”).

4 ii) For all other properties, the build-to zone and is measured  
5 from the front lot line. For corner properties, the build-to  
6 zone facing the second street is also measured from the lot  
7 line. Both are indicated as “D” in Figure 3.

8 iii) Allowable encroachments beyond the build-to zone are  
9 specified in subsection 45-34.1.F.3.

10 ~~(5) — **Setbacks and height.** The following setback, height, and spacing regulations apply in the C-3~~  
11 ~~zoning district:~~

12 a. ~~Perimeter setbacks: All buildings and structures shall be set back a minimum of thirty~~  
13 ~~(30) feet from the outer boundary of the C-3 zoning district, except an interior common~~  
14 ~~municipal boundary. For buildings in excess of two (2) stories or thirty (30) feet in~~  
15 ~~height, one (1) foot shall be added to the required perimeter setback for each extra foot~~  
16 ~~of height over thirty (30) feet.~~

17 b. ~~Additional setbacks to internal property lines: The need for building setbacks to~~  
18 ~~property lines adjoining other land zoned C-3 is related to the existing or proposed uses~~  
19 ~~of those properties. Unless modified through the special C-3 PUD procedures found~~  
20 ~~below in section 45-34.1(10), all new buildings and structures shall be set back a~~  
21 ~~minimum of twenty five (25) feet from each of its property lines.~~

22 c. ~~Maximum building height: The maximum height of any building shall be fifty (50) feet.~~

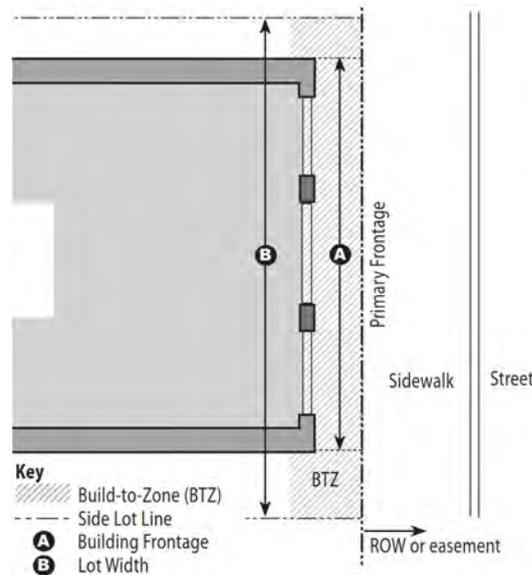
23 d. ~~Spacing between buildings: The minimum spacing between individual buildings on the~~  
24 ~~same or adjoining C-3 properties shall be as required by applicable fire and building~~  
25 ~~codes.~~

26 ~~(6) — **Maximum lot coverage.** There is no fixed cap on lot coverage or floor area ratio.~~  
27 ~~Maximum intensity will be governed by the application of the parking, loading,~~  
28 ~~setback, building height, and surface water management standards found herein.~~

## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

- 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 2  
5 through 7).
- 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 4.
- 10           b. Minimum building frontage percentages are specified for each  
11 building frontage type in Tables 2 through 7.
- 12           c. For certain architectural features described in this code, a portion  
13 of a building's façade that lies outside the build-to zone may be  
14 counted as building frontage. Examples are forecourts or lobby  
15 entrances that complies with the standards in Tables 4 or 7.
- 16           d. For properties with multiple street frontages, see Figure 3.

**Figure 4            Building Frontage Percentages**



- 17           **3.** **Density.** Residential density in the C-3 zoning district may be up to 24  
18 units per acre, except that density may be up to 36 units per acre where  
19 buildings are allowed to be 6 stories tall (see subsection 45-34.1.E.4).  
20 The acreage in this formula is the total area enclosed by the lot lines of  
21 the site being developed at each density, including existing easements  
22 and including any land being dedicated for additional right-of-way or  
23 easements.

## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

### 4. Building height.

- a. Buildings may be up to 4 stories tall in the C-3 zoning district, with the following exceptions that apply to properties in the Village of North Palm Beach, as shown on the regulating plan:
- i) Within 100 feet of Palmetto Drive, no portion of a building east of 2<sup>nd</sup> Street may exceed 3 stories and no portion of a building west of 2<sup>nd</sup> Street may exceed 2 stories.
  - ii) Buildings may be up to 6 stories tall beginning immediately north of this 100-foot strip and extending up to but not including the existing outparcels that front on Northlake Boulevard, provided that the civic space shown on the regulating plan is constructed by the developer and maintained in perpetuity as a publicly accessible space.
- b. For the purpose of calculating the number of stories in a building, stories shall be defined as the space between finished floor and finished ceiling, adjusted as follows:
- i) Each level devoted to parking is considered as individual story when calculating the number of stories in a building, except where parking levels are screened by other rooms in the same building or screened by a liner building that is at least two stories tall with rooms at least 20 feet deep.
  - ii) When parking levels are constructed on a slope or are connected by sloping or circular ramps, the number of stories will be based on the non-sloped area. If there are no non-sloped areas, the number of stories will be counted as the highest parking level plus each parking level below.
  - iii) A mezzanine will not count towards the number of stories provided that the total area of mezzanine level is less than 40 percent of the floor area of the main story below.
  - iv) Except within 100 feet of Palmetto Drive, buildings may include a partial story of space above the maximum number of stories otherwise allowed provided the floor area of the partial story is less than 30% of the floor area on the story below. Developers are encouraged to utilize this allowance on portions of buildings that are closest to street intersections and for architectural features such as towers or cupolas.
- c. The maximum height of a building in feet is controlled by the maximum ceiling heights for individual stories, as provided in subsection 45-34.1.E.5.

(5) ~~Setbacks and height. The following setback, height, and spacing regulations apply in the C-3 zoning district:~~

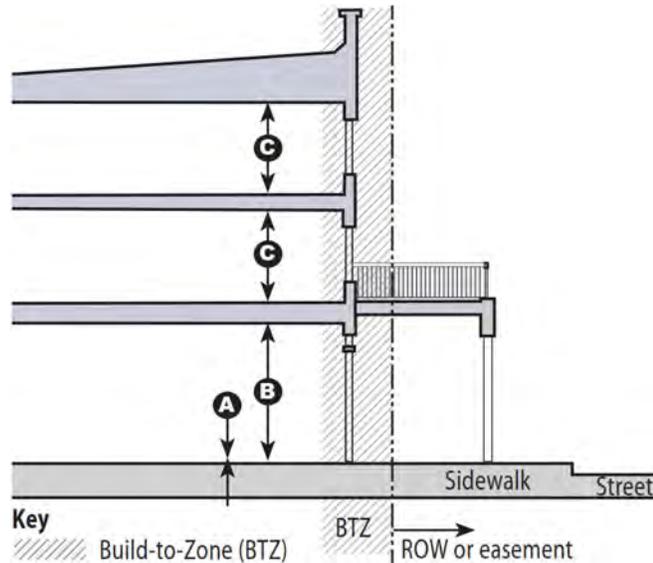
- e. ~~Maximum building height: The maximum height of any building shall be fifty (50) feet.~~

## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

**5. Floor and ceiling height.**

- a. This code provides standards for the elevation of certain ground-story floors and minimum/maximum dimensions for ceiling heights. Figure 5 and Table 8 illustrate how these standards are measured:
- (i) Floor elevations are measured from the existing or anticipated sidewalk to the top of the finished floor of the ground story.
  - (ii) Ceiling heights are measured from the top of the finished floor to the underside of the tallest finished ceiling of each story.
  - (iii) Minimum ceiling heights do not apply to stories that are devoted to parking.

**Figure 5 Floor and Ceiling Measurements**



**Table 8 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>

## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

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

6 **1. Main entrance.**

- 7 a. A building's main entrance is its principal point of access for  
8 pedestrians. All buildings must have their main entrance facing a  
9 street frontage, or a courtyard or forecourt that is entered from a  
10 street frontage. Additional entrances are encouraged.
- 11 b. Buildings fronting on two streets must have a pedestrian entrance  
12 on both streets.
- 13 c. Additional rules for storefront doors are provided in Table 3.

14 **2. Façade transparency.**

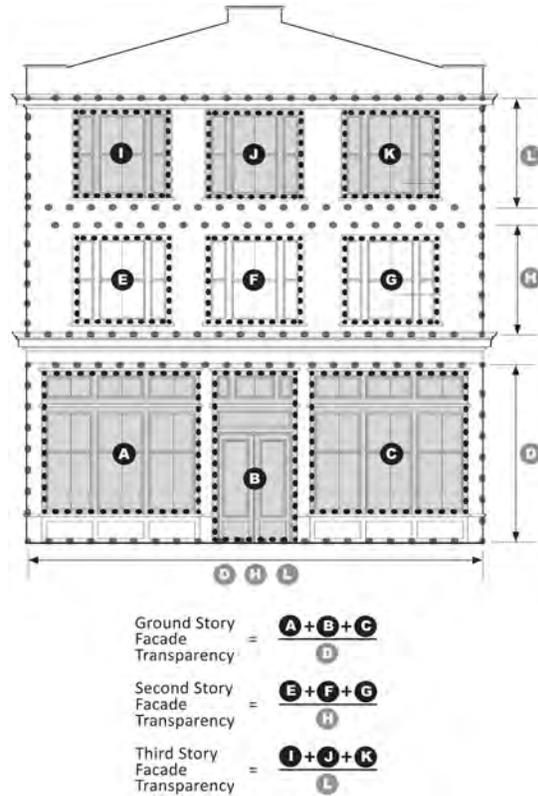
- 15 a. Transparency means the amount of transparent window glass or  
16 other openings in a building's façade along a street frontage,  
17 relative to the overall surface area of the façade. This ratio is  
18 expressed as a percentage and is calculated separately for the  
19 ground story of a façade and for each upper story.
- 20 b. Building façades along a street frontage must meet the minimum  
21 façade transparency requirements in Table 9 to provide natural  
22 surveillance of sidewalks and streets, to provide interior daylight,  
23 and to allow clear views into storefronts.
- 24 c. Façade transparency percentages are calculated for the area  
25 between the finished floor and finished ceiling of each story  
26 along each street frontage; see Figure 6. For the purposes of  
27 these measurements:
- 28 i) Glazed windows and doors with tinted glass or applied  
29 films will be considered transparent if they transmit at least  
30 50% of visible daylight.
- 31 ii) The transparent area of windows and doors includes rails  
32 and stiles as well as muntin bars and other separators within  
33 primarily glazed areas; but the transparent area excludes  
34 outer solid areas such as jambs, sills, and trim.

## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

**Table 9**  
**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 6**  
**Calculating Façade Transparency**



1           **3. Encroachments.** Many architectural elements described in  
 2           subsections 45-34.1.D and 45-31.F may project beyond the closest  
 3           point to a property line where an exterior wall may be constructed.  
 4           Table 10 identifies the allowable projections; the key column refers to  
 5           Figure 3.

6           a. **On private property.** These elements may project into side or  
 7           rear setbacks and project forward beyond the build-to zone  
 8           including onto sidewalk easements to the extent permitted by  
 9           Table 10 provided this code's requirements for each element are  
 10          met.

## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

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- b. **On public property.** Some of these elements may also extend horizontally over a public or private right-of-way in accordance with those regulations to the extent permitted by Table 9 provided this code’s requirements for each element are met in addition to these general requirements:
- i) Must maintain at least 10' of vertical clearance.
  - ii) Must meet any insurance or liability requirements established by the Village Attorney.
  - iii) Must obtain prior approval from the responsible entity for any encroachment over a right-of-way not maintained by the village, such as US Highway 1 and Northlake Boulevard.
- c. Sidewalk cafes with outdoor table service may be provided on public sidewalks when in compliance with all village codes.

**Table 10      Encroachments**

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

15

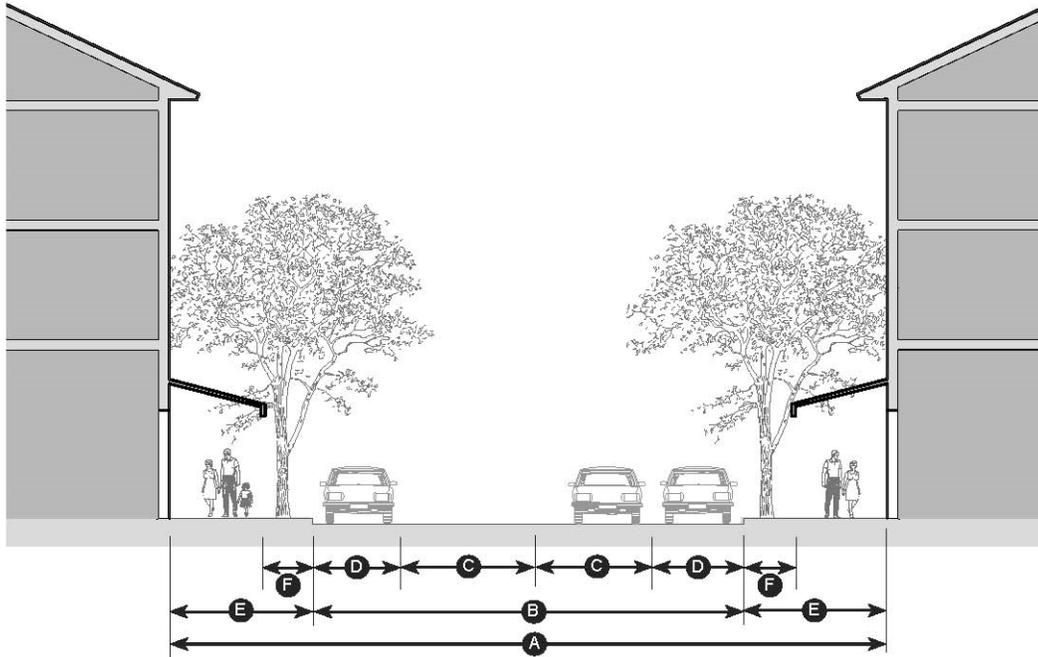
## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

### G. Street, alley, and sidewalk easement standards.

- 1  
2 **1. Streets and blocks.** The regulating plan in Figure 1 indicates the  
3 block structure that will be created by existing and new streets within  
4 the C-3 district. Developers seeking site plan approval must create the  
5 streets shown in Figure 1. Developers may propose slight  
6 modifications to the alignment of those streets if the modified location  
7 would provide equivalent access and functionality and would not  
8 negatively affect abutting landowners or diminish the usefulness of the  
9 street network shown on the regulating plan. Modifications may be  
10 requested only through the special PUD procedures in subsection K  
11 below.
- 12 **2. Standards for internal streets.** Streets shall be designed in  
13 accordance with Figure 7 and constructed by the developer within and  
14 along property borders concurrently with the development. On  
15 subjects where Figure 7 does not provide design guidance, for instance  
16 driveway widths and curb radii at intersections, design shall be in  
17 accordance with NACTO's *Urban Street Design Guide*. Pavement,  
18 subgrade, drainage, and utilities must meet construction specifications  
19 of the Village of North Palm Beach.
- 20 **3. Ownership and maintenance.** All streets within the C-3 district shall  
21 be owned and maintained privately unless another entity acceptable to  
22 the Village of North Palm and the Town of Lake Park accepts this  
23 responsibility. Irrespective of ownership and maintenance, landowners  
24 must guarantee perpetual public access to all street within the C-3  
25 district in a form suitable to the attorneys of both municipalities.
- 26 **4. Alleys.** Several alleys are shown on the regulating plan in Figure 1 to  
27 provide service access to adjoining parcels. Additional alleys may be  
28 provided.
- 29 **5. Sidewalk easements.** Properties adjoining US Highway 1 and  
30 Northlake Boulevard must dedicate to the village a 7-foot perpetual  
31 sidewalk easement along those frontages, in a form acceptable to the  
32 Village Attorney. This easement must be paved to the same standards  
33 and elevation as the adjoining sidewalks at the time of development.  
34 The landscaping required by subsection 45-34.H shall be planted on  
35 the remainder of the property beyond the sidewalk easement.

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**Figure 7**



<b>Description:</b>	<b>Details:</b>	<b>Key:</b>
<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>	

1

## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

### H. Landscaping standards.

1. ~~(4) *Landscaping.*~~ Landscaping shall be required ~~along the outer boundary of the C-3 zoning district (irrespective of any municipal boundary in the following areas as required by the village's landscaping requirements: )~~ and also in unroofed parking areas whenever a parking area is constructed, reconstructed, or reconfigured. In addition to the other provisions of Chapter 27 of this Code, the following landscaping requirements shall be met:
  - a. Miscellaneous landscape elements, as required in section 45-88;
  - b. Off-street parking lots, as required in section 45-89;
  - c. Site perimeters, as required in section 45-90; and
  - d. Base of foundation, as required by section 45-91.
2. The village's landscaping requirements contain certain special requirements for the C-3 zoning district:
  - a. Section 45-90 requires minimum buffer widths for site perimeters.
    - i) The buffer widths specified for the C-3 district apply to all individual lots and development parcels in the C-3 district, except in front of buildings that meet the standards for a gallery, storefront, or canopy building frontage type. See Table 45-90.
    - ii) Along US Highway 1 and Northlake Boulevard, buffer strips in front yards may not be planted on a sidewalk easement. See section 45-34.1.G.
  - b. Section 45-91 requires landscaped areas around the base of foundations. This requirement does not apply in front of buildings that meet the standards for a gallery, storefront, or canopy building frontage type.
- a. ~~***Required landscaping adjacent to public rights-of-way:***~~ The required landscaped strip between a public right of way and an off street parking area shall be at least fifteen (15) feet wide and shall contain at least five (5) trees and eighteen (18) shrubs for each one hundred (100) lineal feet.
- b. ~~***Parking area interior landscaping for unroofed parking areas:***~~ At least ten (10) percent of the total paved surface area shall be devoted to landscaped areas. Each area counting toward the ten (10) percent total shall have an average minimum dimension of ten (10) feet. At least one (1) tree shall be planted for every two hundred fifty (250) square feet of required internal planting area. No parking space shall be more than one hundred (100) feet from a tree planted in a permeable island, peninsula, or median having a ten foot minimum width.

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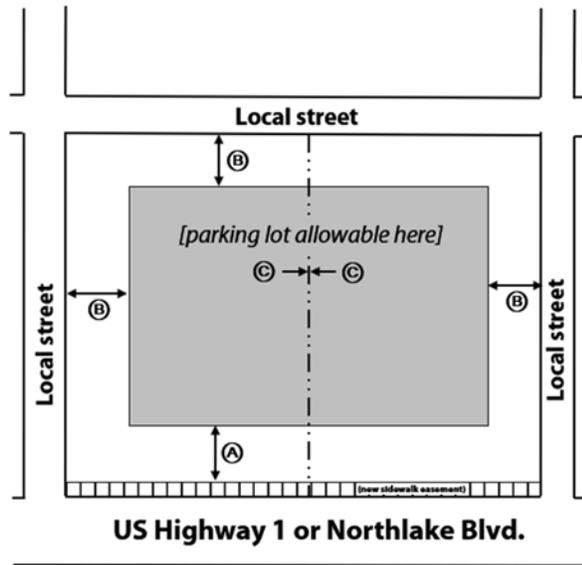
- 1 e. ~~**Indigenous native vegetation:** To reduce maintenance and water~~  
2 ~~consumption, required landscaping shall include at least seventy-five~~  
3 ~~(75) percent indigenous native trees and fifty (50) percent indigenous~~  
4 ~~native shrubs.~~
- 5 d. ~~**Installation:** All required landscaping shall be installed using~~  
6 ~~xeriscape principles including water conservation through the~~  
7 ~~appropriate use of drought-tolerant plants, mulching, and the reduction~~  
8 ~~of turn areas. Irrigation systems shall be designed to operate only when~~  
9 ~~needed and only in those areas that require irrigation.~~
- 10 e. ~~**Maintenance:** The property owner shall be responsible for the~~  
11 ~~maintenance of all required landscaped areas in a healthy and vigorous~~  
12 ~~condition at all times. Required trees shall not be trimmed or pruned in~~  
13 ~~such a way as to alter or limit their normal mature height or crown~~  
14 ~~spread. If required plants die, they shall be replaced within sixty (60)~~  
15 ~~days.~~

## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

1        **I. Parking standards.**

2        **(1) Location of parking lots.** Surface parking lots must be set back from  
 3        streets at least the distances provided in Table 11, as illustrated in  
 4        Figure 8. Surface parking lots must be screened from streets as  
 5        provided in subsection H above, except where buildings provide the  
 6        screening.

**Figure 8        Setbacks for Surface Parking Lots**



**Table 11        Setbacks for Surface Parking Lots**

Parking lot setback, US Highway 1 or Northlake Blvd.	50' min.	<b><u>A</u></b>
Parking lot setback, local streets	30' min.	<b><u>B</u></b>
Parking lot setback, side lot lines	0' min.	<b><u>C</u></b>
Parking lot setback, alley	0' min.	

## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

1  
2  
3  
4

- (2) **Parking space ratios.** Table 12 provides parking space ratios for various uses on a site. These ratios 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 12 Parking Space Ratios**

<u>PROPOSED USE</u>	<u>PARKING SPACE RATIO</u>
<b>RESIDENTIAL USES</b>	
<u>Mobile home park</u>	(not permitted)
<u>Dwelling, one family detached</u>	(not permitted)
<u>Dwelling, all other dwelling types</u>	1.25 per unit
<u>Live/work unit</u>	1 per 1,000 sq. feet
<u>Assisted living facility</u>	0.5 per resident
<u>Community residential home</u>	0.5 per resident
<b>LODGING USES</b>	
<u>Bed-and-breakfast establishment</u>	1 per guest room
<u>Hotel</u>	1 per guest room
<u>Motel</u>	1 per guest room
<u>Time-share unit</u>	1.25 per unit
<b>BUSINESS USES</b>	
<u>Offices, general</u>	2 per 1,000 sq. feet
<u>Office or clinic, medical or dental</u>	3 per 1,000 sq. feet
<u>Stores &amp; services, general</u>	2 per 1,000 sq. feet
<u>Stores &amp; services, large format</u>	3 per 1,000 sq. feet
<u>Adult entertainment</u>	(not permitted)
<u>Convenience store with fuel</u>	5 per 1,000 sq. feet
<u>Dog daycare</u>	3 per 1,000 sq. feet
<u>Drive-through facility (for any use)</u>	---
<u>Garage, parking</u>	---
<u>Heavy commercial and light industrial:</u>	(not permitted)
<u>Contractor and trade operation</u>	(not permitted)
<u>Vehicle sales or repair</u>	(not permitted)
<u>All other</u>	(not permitted)
<u>Medical marijuana treatment center</u>	(not permitted)
<u>Restaurant or cocktail lounge</u>	10 per 1,000 sq. feet
<u>Telecommunications antennas</u>	---
<b>CIVIC &amp; EDUCATION USES</b>	
<u>Child care facility</u>	1 per 12 students
<u>Church or place of worship</u>	1 per 4 peak attendees
<u>Civic space</u>	---
<u>Family day care</u>	(no additional parking)
<u>Government building</u>	2 per 1,000 sq. feet
<u>Hospital or medical center</u>	(not permitted)
<u>Public space</u>	---
<u>School, public or private</u>	1 per 12 students



## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

1           **(4) Physical standards for parking lots, driveways, and loading.**

2           Physical standards for parking lots, driveways, and loading are  
3           provided in subsection 45-36.J.

4           **(5) Standards for parking garages.** Parking spaces may be provided  
5           under or in buildings or in dedicated parking garages instead of being  
6           provided in uncovered surface parking lots. Such parking spaces need  
7           not comply with the minimum setbacks for surface parking lots. These  
8           parking spaces must be screened from view from all streets. Screening  
9           may be provided by rooms in the same building or with a liner  
10          building that is at least two stories tall with rooms at least 20 feet deep.

11          ~~(2) **Off-street parking.** All proposed land uses shall provide a sufficient number of~~  
12          ~~parking spaces to accommodate the number of vehicles that can be expected to be attracted~~  
13          ~~to that use. Individual land uses can provide at least the number of spaces listed below on~~  
14          ~~the same parcel of land as the principal building (or on an adjoining parcel under identical~~  
15          ~~ownership) in lieu of using the parking space standards found elsewhere in this Code.~~  
16          ~~However, certain land uses may require less parking; and combinations of land uses may be~~  
17          ~~able to reduce the total number of spaces by sharing those spaces during differing peak~~  
18          ~~hours or because of pedestrian traffic or multi-purpose trips. Modified standards may be~~  
19          ~~approved if fewer spaces will accommodate the number of vehicles that can be expected to~~  
20          ~~be attracted to that use (or combination of uses) at the proposed location. Such a~~  
21          ~~modification may be made on individual parcels of land (or adjoining parcels under~~  
22          ~~identical ownership) by the building official when permitted by consensus national codes or~~  
23          ~~standards or after submission of persuasive technical evidence (such as publications of the~~  
24          ~~Institute of Transportation Engineers (ITE)). Modifications that involve shared parking on~~  
25          ~~parcels of land that are not under identical ownership, or parking in a different municipality~~  
26          ~~than the principal building regardless of ownership, may be approved through the special C-~~  
27          ~~3 PUD procedures found below in section 45-34.1(10).~~

- 28           a. ~~**Auditoriums of any kind** — 1 space per 3 seats.~~  
29           b. ~~**Banks and other financial institutions** — 3 spaces per 1,000 square feet.~~  
30           c. ~~**Hotels and motels** — 1 space per guest room plus 1 space per 2 employees~~  
31           ~~during the peak period; parking for restaurants and other guest facilities to be~~  
32           ~~calculated separately.~~  
33           d. ~~**Offices, medical/dental** — 5 spaces per 1,000 square feet.~~  
34           e. ~~**Offices, all other** — 3 spaces per 1,000 square feet.~~  
35           f. ~~**Residential** — 2 spaces per dwelling unit.~~  
36           g. ~~**Restaurants and nightclubs** — 12 spaces per 1,000 square feet, except 6~~  
37           ~~spaces per 1000 square feet for restaurants offering take-out service.~~  
38           h. ~~**Retail uses and personal services** — 4 spaces per 1,000 square feet, except~~  
39           ~~1.5 spaces per 1,000 square feet for furniture sales.~~  
40           i. ~~**Shopping centers** — 4 spaces per 1,000 square feet.~~  
41           j. ~~**Uses not listed above** to be determined by the building official using standards~~  
42           ~~found elsewhere in this Code or upon submission of persuasive technical~~  
43           ~~evidence about the number of vehicles that can be expected to be attracted.~~

44          NOTES:

- 45           1. ~~All areas are measured as gross floor area except multi-tenant shopping~~  
46           ~~centers and office complexes, which are measured as gross leasable~~  
47           ~~area.~~  
48           2. ~~Fractional spaces can be disregarded.~~



## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

- 1                   3.    Maximum height of wall signs: Eighteen (18) feet measured  
2                   from the finished grade nearest the wall, except that on a  
3                   building of more than two (2) stories, a single wall sign is  
4                   allowed above eighteen (18) feet. No wall sign may extend above  
5                   the top of the wall to which it is attached.
- 6                   4.    Maximum number of wall signs: One (1) permanent wall sign is  
7                   permitted for each business which has direct ground level walk-  
8                   in access from a public or private roadway or sidewalk, and one  
9                   additional permanent wall sign identifying the building is  
10                  permitted for each multiple occupancy complex.
- 11                  5.    Maximum size of wall signs: Five (5) percent of the area of the  
12                  wall to which it is attached; or seven (7) percent if the front  
13                  building setback is greater than seventy (70) feet; or ten (10)  
14                  percent if the front building setback is greater than one hundred  
15                  (100) feet. However, in no case shall a wall sign exceed one  
16                  hundred (100) square feet in size.
- 17                  d.    **Roof signs** are erected and constructed wholly on and over the roof of  
18                  a building, and are supported by the roof structure or are an integral  
19                  part of the roof. Roof signs are not permitted in the C-3 district.
- 20                  e.    **Size computations:** When these regulations establish the maximum  
21                  size of a sign, it shall be computed by means of the smallest square,  
22                  circle, rectangle, triangle, or combination thereof that will encompass  
23                  the extreme limits of the writing, representation, emblem, or other  
24                  display, together with any material or color forming an integral part of  
25                  the background of the display or used to differentiate the sign any  
26                  backdrop or structure against which it is placed.
- 27                  f.    **Allowable colors:** Notwithstanding the regulations in Chapter 6 of this  
28                  Code, color tones utilized for all signs complying with these  
29                  regulations shall be compatible with surrounding area.
- 30                  g.    **Lighting:** Signs containing illumination shall be turned off by 12:00  
31                  a.m. (midnight) each night, or when the business closes, whichever is  
32                  later.
- 33                  h.    **Appeals:** Notwithstanding conflicting appeal procedures found  
34                  elsewhere in this Code, all requests for modifications to sign  
35                  regulations in the C-3 zoning district shall be made through the special  
36                  C-3 PUD procedures found below in subsection K. 45-34.1(10).
- 37                  ~~(8) — **Surface water management.** A complete surface water management system  
38                  shall be provided to current standards of the South Florida Water  
39                  Management District whenever a building or parking area is substantially  
40                  redeveloped.~~
- 41                  ~~(9) — **Location of business for retail sales of alcoholic beverages.**~~

## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

- 1 a. ~~No licensed retail sales of alcoholic beverages shall be carried on~~  
2 ~~where the proposed place of business is within five hundred (500) feet~~  
3 ~~of a church, synagogue, temple or other place of worship.~~
- 4 b. ~~The method of measurement provided for above shall be made or~~  
5 ~~taken from the main front entrance of such church to the main front~~  
6 ~~entrance of the applicants proposed place of business along the route~~  
7 ~~of ordinary pedestrian traffic.~~
- 8 e. ~~The restrictions of section 45-34.1(9), (1)[a.] shall not apply to the~~  
9 ~~retail sale of beer, ale or wine for off-premises consumption.~~
- 10 d. ~~The restrictions of section 45-34.1(9), (1)[a.] shall not apply to any~~  
11 ~~bona fide restaurant as defined and licensed under Florida Statutes as a~~  
12 ~~restaurant with full kitchen facilities, regardless of size or seating~~  
13 ~~capacity, where alcoholic beverages are served solely as an accessory~~  
14 ~~use to the restaurant and only when such restaurant is open for the sale~~  
15 ~~and service of food.~~

## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

1 **K.** **Review procedures.** ~~(10) Special C-3 Planned Unit Development (PUD)~~  
2 ~~provisions. Land in a C-3 zoning district may have fragmented ownership~~  
3 ~~or may adjoin a municipal boundary. Despite these complications,~~

4 **(1)** **Generally:** The Village of North Palm Beach desires to provide a ~~for~~  
5 ~~an added~~ degree of flexibility in the placement and interrelationship of  
6 the buildings, streets, and land uses in ~~the C-3~~ this district.

7 a. One (1) or more landowners in the C-3 district may elect to use  
8 these special C-3 PUD procedures described here to seek  
9 approval of a site development plan that resolves ownership or  
10 boundary complications and/or which differs from the literal  
11 terms of these zoning and land development regulations.

12 b. These special PUD procedures may also be used to seek approval  
13 for certain land uses that are not permitted by right in the C-3  
14 district. ~~(see section 45-34.1(1) above) or to request a specific modification~~  
15 ~~to the sign regulations. However, any PUD approval under these procedures~~  
16 ~~must be consistent with the spirit and intent of the C-3 zoning district and~~  
17 ~~must also be consistent with the Comprehensive Plan.~~

18 c. Landowners with no boundary complications and no desire to  
19 modify regulations or add uses may seek approval of a site  
20 development plan in accordance with their current approvals and  
21 the standards in this code without using these special PUD  
22 procedures.

23 d. Whether or not the special PUD procedures are requested, all  
24 proposed site development plans in the C-3 district shall be  
25 forwarded to the Town of Lake Park for their review and  
26 comment prior to approval or rejection by the Village of North  
27 Palm Beach.

28 **(2)** a. Allowable changes to existing regulations, except uses: No PUD  
29 approval can permit any development that is inconsistent with the  
30 Comprehensive Plan. Subject to this limitation, changes may be  
31 considered through ~~this~~ the special C-3 PUD process to any other  
32 zoning and land development regulations, including sign regulations  
33 and specific requirements of the C-3 zoning district, that the village  
34 council finds would meet the special PUD standards set forth below.  
35 ~~unduly constrain desirable re-use and/or redevelopment of land in the~~  
36 ~~C-3 zoning district.~~ After any such changes are made by the village  
37 council, those changes shall govern to the extent of conflict with these  
38 regulations.

39 **(3)** b. Additional land uses: The following Certain land uses are not  
40 permitted by right but may be approved by the village council in  
41 response to a specific special C-3 PUD application. Those uses are  
42 listed in Table 1 (see section 45-34.1.B).

43 1. Automobile, truck, or motorcycle dealers (new or used).

## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

- ~~2. Cultural, civic, educational, health care, and religious facilities.~~
- ~~3. Nursing or convalescent homes.~~
- ~~4. Offices for non profit, religious, or governmental activities.~~
- ~~5. Automobile service stations, not involving automobile repairs or maintenance, including ancillary uses of convenience store and car wash.~~

**(4) e. Minimum special C-3 PUD requirements:**

- a. There is no minimum parcel size for special C-3 PUD applications. ~~However, most favorable consideration will be given to applications that encompass the largest possible land area, and no parcel that is smaller than its size when this section was adopted (March, 1995) may be submitted unless it was properly platted through the provisions of these land development regulations.~~
- b. All parcels submitted in a single PUD application must be contiguous and must be owned by or under the unified control of the applicant. Unified control must be demonstrated in a form acceptable to the Village or Town Attorney, depending on location of the PUD parcels.
- c. If the parcel being submitted has been or is proposed to be subdivided from a larger parcel that had been approved through a previous C-3 site development plan or PUD approval, the new application must include formal authorization to seek the requested approval from all current owners of the previously approved larger parcel.

**(5) d. PUD application procedures:** PUD applications made under this section shall be accompanied by the applicable fee and shall contain the following:

- a. ~~1.~~ Satisfactory evidence of unified control of the entire area within the proposed PUD; agreement to abide by the conditions of approval, if granted; and ability to bind successors in title to these conditions if the proposed development is built.
- b. ~~2.~~ A proposed site development plan in sufficient detail to show the approximate locations of buildings, parking ~~areas~~ lots and garages, and stormwater management facilities. This plan shall also show the exact locations of all streets and alleys and all access points to public streets and to any abutting land zoned C-3, whether in Lake Park or North Palm Beach.
- c. ~~3.~~ Unless clearly shown directly on the site development plan, an explicit list of zoning and land development regulations for which changes are sought, and the proposed alternate standards.
- d. ~~4.~~ A specific list describing any of the additional land uses listed in section 45-34.1.B ~~(10)~~b. for which the applicant is requesting approval.
- e. Any special PUD application that proposes to modify or replace an allowable building frontage in 45-31.4.D must identify the

## 20. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

1                    proposed alternate building frontage using the same format as  
2                    Tables 2 through 7.

3                    f. Any special PUD application that proposes to move, modify, or  
4                    eliminate a proposed street or alley shown on the regulating plan  
5                    in Figure 1 must identify the alternate location or design of  
6                    streets and alleys.

7                    g. 5- Any volunteered limiting conditions that could provide  
8                    assurances that the development as proposed would further the  
9                    intent and spirit of the C-3 district and the Comprehensive Plan.

10                  h. The site development plan, lists of alternate standards and  
11                  additional land uses, and volunteered conditions should be  
12                  submitted in a format suitable for attachment to an ordinance  
13                  approving the requests.

14                  **(6) e. PUD approval process:** PUD applications under this section shall  
15                  be forwarded along with recommendations from staff to the planning  
16                  commission, which after holding a public hearing shall make a formal  
17                  recommendation of approval, partial approval, or disapproval. The  
18                  village council shall also hold a public hearing and decide whether to  
19                  approve, partially approve, or disapprove the PUD application. Unless  
20                  the application is disapproved in full, this action shall be by ordinance.  
21                  The applicant may then proceed to obtain all other needed  
22                  development permits in accordance with the village's regulations.

23                  **(7) PUD approval standards:** The following standards shall be analyzed  
24                  by the Village Council when considering PUD requests:

25                  a. PUD modifications must further or at least not interfere with  
26                  achieving the intent of the C-3 district.

27                  b. PUD modifications including additional uses must not interfere  
28                  with legitimate rights of other C-3 property owners and must be  
29                  compatible with surrounding neighborhoods.

30                  c. Modified building frontages must further or at least not interfere  
31                  with the mixed-use and pedestrian-oriented character the C-3  
32                  district.

33                  d. Modified street alignments and street designs must provide  
34                  equivalent access and functionality and must not negatively  
35                  affect abutting landowners or diminish the usefulness of the  
36                  street network shown on the regulating plan.

37                  **(8) f. PUD applications abutting or crossing a municipal boundary:**  
38                  Any PUD application for property abutting or crossing the Lake Park  
39                  town boundary shall meet all of the above requirements. In addition, to  
40                  protect the interests of other C-3 landowners and the town, a decision  
41                  on the PUD application shall be made by the village council only at a  
42                  joint meeting with the Lake Park Town Commission.

## 21. PROPOSED CHANGES TO PUD (§ 45-35.1)

### 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).

## 21. PROPOSED CHANGES TO PUD (§ 45-35.1)

### II. *Filing of application.*

- 1
- 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 scheduled 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.

## 21. PROPOSED CHANGES TO PUD (§ 45-35.1)

- 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 or  
14           sureties acceptable to the village council, both for completion of  
15           the undertaking in accordance with the adopted development  
16           plan, and also for the continuing operation and maintenance of  
17           areas, functions and facilities which the plan shows are not to be  
18           operated or maintained at general public expense. Such  
19           documents must be in a form acceptable to the Village Attorney.
- 20           c. Bind his development successors in title to any commitments  
21           made under subsections a. and b., preceding.
- 22           10. Any tract of land for which a planned unit development is made  
23           shall contain sufficient width, depth and frontage on a public  
24           dedicated arterial or major street or appropriate access which will  
25           accommodate the proposed use and design.
- 26           11. In the event any building or structure built under this section is  
27           destroyed or removed by or for any cause, said building or  
28           structure, if replaced, shall be replaced with a building or  
29           structure of similar size and type not exceeding the dimensions  
30           of the original building or structure. The developer shall include  
31           the appropriate deed restrictions and/or covenants so as to require  
32           replacement as outlined above.

33           **III. Referral to planning commission.** The village council shall refer each  
34           application for a planned unit development to the planning commission for  
35           study and recommendation.

### 36           **IV. Action of planning ~~committee~~ {commission.}**

- 37           **A.** After a study of an application for a planned unit development and the  
38           required public hearing, the planning commission shall make a  
39           recommendation to the village council to approve, approve as  
40           modified, or reject the application based upon the following standards:

## 21. PROPOSED CHANGES TO PUD (§ 45-35.1)

- 1           1.    The proposed use or uses shall be of such location, size and  
2           character as to be in harmony with the appropriate and orderly  
3           development of the zoning district in which situated and shall not  
4           be detrimental to the orderly development of adjacent zoning  
5           districts.
- 6           2.    The location and size of the proposed use or uses, the nature and  
7           intensity of the principal use and all accessory uses, the site  
8           layout and its relation to streets giving access to it, shall be such  
9           that traffic to and from the use or uses, and the assembly of  
10          persons in connection therewith, will not be hazardous or  
11          inconvenient to the neighborhood nor conflict with the normal  
12          traffic of the neighborhood. In applying this standard, the  
13          commission shall consider, among other things: convenient  
14          routes for pedestrian traffic, particularly of children; the  
15          relationship of the proposed project to main traffic thoroughfares  
16          and to street and road intersections; and, the general character  
17          and intensity of the existing and potential development of the  
18          neighborhood. In addition, where appropriate, the commission  
19          shall determine that noise, vibration, odor, light, glare, heat,  
20          electromagnetic or radioactive radiation, or other external effects,  
21          from any source whatsoever which is connected with the  
22          proposed use, will not have a detrimental effect upon  
23          neighboring property or the neighboring area in general.
- 24          3.    The location and height of buildings, the location, nature and  
25          height of walls and fences, and the nature and extent of  
26          landscaping of the site shall be such that they will not hinder or  
27          discourage the proper development and use of adjacent land and  
28          buildings nor impair the value thereof.
- 29          4.    The standards of density and required open space in the proposed  
30          project are at least equal to those required by this ordinance in  
31          the zoning district in which the proposed project is to be located,  
32          except as may be permitted for key redevelopment sites through  
33          subsection 45-35.1.VIII.
- 34          5.    There shall be no uses within the proposed project which are not  
35          permitted uses in the zoning district in which the proposed  
36          project is to be located.

37                    **Exception:** A Mixed uses ~~occupancy~~ may be allowed if the  
38                    existing zoning district usage is commercial. The mixed  
39                    uses usage-occupancy shall only be residential and  
40                    mercantile or residential and business.

- 41          B.    The commission may recommend such changes or modifications in the  
42          proposed plan as are needed to achieve conformity to the standards as

## 21. PROPOSED CHANGES TO PUD (§ 45-35.1)

1           herein specified. The reasons for the changes or modifications shall be  
2           included in the recommendation.

3           C.    The commission shall not recommend the project unless it finds that  
4           all of the standards as herein specified have been met. If there are  
5           minor modifications to the provisions of this chapter, the commission  
6           may recommend its approval at the same time. It shall also, where it  
7           deems appropriate and necessary, recommend to the village council  
8           those conditions to be imposed upon the project, its operation, or both,  
9           that are needed to assure adherence to the aforesaid standards.

10          V.    ***Action of village council.*** The village council, upon the receipt from the  
11          planning commission of the report on the planned unit development and the  
12          minor modifications to the provisions of this chapter may, after the required  
13          public hearing, approve or reject such project and modifications,  
14          incorporating with an approval such conditions as the council deems  
15          appropriate. The approval shall be by ordinance.

16          VI.   ***Effect of approval of village council.*** The approval of the application by  
17          the village council shall allow the building official to issue a building permit  
18          in conformity with the application as approved. This permit shall specify  
19          with particularity the exact modifications to the provisions of this chapter  
20          which have been approved by the village council. The holder of this permit  
21          may then proceed with his project in conformity with said permit. No  
22          deviations from the conditions of the permit shall be allowed except those  
23          which shall be in conformity with the basic provisions of this ordinance as  
24          they apply to the zoning district in which the project is located. The  
25          community development director may adjust a modification to the  
26          provisions of this chapter only if the adjustment had been authorized by  
27          conditions that the Village Council placed on the planned unit development  
28          approval.

29          VII. ***Public notice.*** Public notice of all hearings conducted in accordance with  
30          this section shall be provided as required by section 21-3 of the village  
31          Code.

32          VIII. ***Key redevelopment sites.*** The village has identified key sites in need of  
33          redevelopment and encourages the use of this Planned Unit Development  
34          process to redevelop those sites in accordance with design concepts  
35          developed or endorsed by the village. Minor modifications to the provisions  
36          of this chapter or other land development regulations may be requested  
37          through the Planned Unit Development process for these sites. The  
38          following additional standards apply during this process:

39           1.    ***Regulating plans.*** Eligible sites are depicted on regulating plans in  
40           Figures 45-35.1-A-1, 45-35.1-B-1, and 45-35.1-C-1.

41           2.    ***Illustrative plans.*** Renderings or illustrative plans may be provided in  
42           this subsection to show hypothetical buildings on eligible sites using

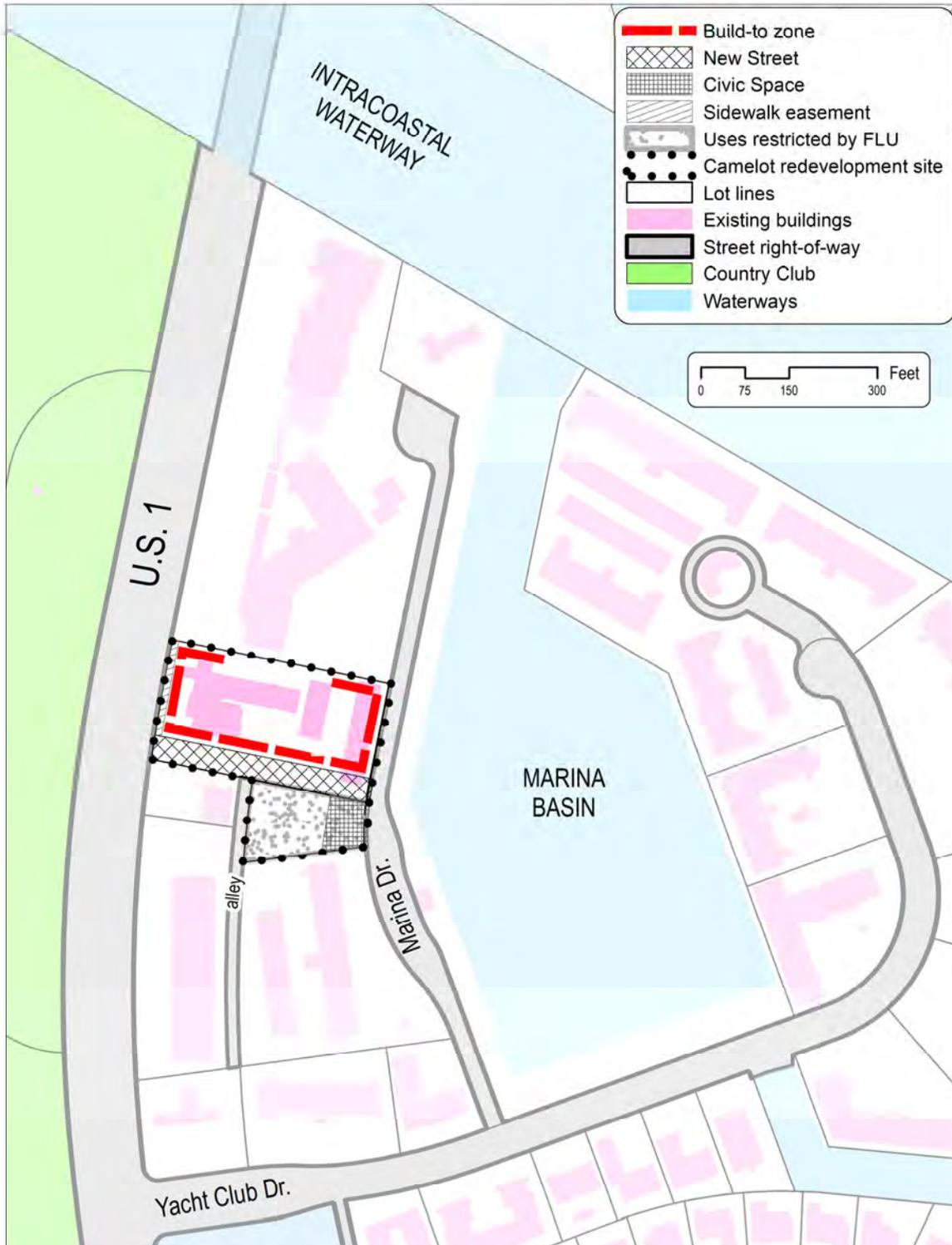
## 21. PROPOSED CHANGES TO PUD (§ 45-35.1)

1            these standards. See Figures 45-35.1-A-2, 45-35.1-B-2, and 45-35.1-  
2            C-2.

- 3            **3.** *Build-to zone.* Where build-to zones are shown on the regulating plan,  
4            the build-to zone is 0 feet minimum and 20 feet maximum using the  
5            methodology in the C-MU zoning district (unless different distances  
6            are specified on the regulating plan). Build-to zones supersede setback  
7            requirements in the underlying zoning district.
- 8            **4.** *Floor-to-area ratio.* The Comprehensive Plan establishes caps on the  
9            ratio of floor area to lot area for most land in the village; however,  
10           those caps do not apply to these key redevelopment sites.
- 11           **5.** *Building frontage standards.* Where build-to zones are shown on the  
12           regulating plan, building frontages must be at least 60% of the lot  
13           width, measured using the methodology in the C-MU zoning district  
14           (unless a different percentage is specified on the regulating plan).
- 15           **6.** *Building height.* Buildings may be up to 4 stories tall. For the purpose  
16           of calculating the number of stories in a building, see the methodology  
17           in the C-MU zoning district. This height limitation supersedes height  
18           limitations in the underlying zoning district.
- 19           **7.** *Facade transparency.* Where build-to zones or civic spaces are  
20           shown on the regulating plan, facades must be at least 30% transparent  
21           at the ground story and 20% transparent at each upper story, measured  
22           using the methodology in the C-MU zoning district (unless different  
23           percentages are specified on the regulating plan).
- 24           **8.** *Encroachments.* Architectural elements may project beyond the  
25           closest point to a property line where an exterior wall may be  
26           constructed to the same extent as allowed in the C-MU zoning district,  
27           irrespective of setback requirements in the underlying zoning district.
- 28           **9.** *Parking setbacks.* New or reconfigured surface parking lots must be  
29           set back at least 50 feet from US Highway 1 and at least 30 feet from  
30           all other existing and new streets.
- 31           **10.** *Parking garages.* Parking spaces may be provided under or in  
32           buildings or in dedicated parking garages instead of being provided in  
33           uncovered surface parking lots. Such parking spaces need not comply  
34           with the minimum setbacks for surface parking lots, but must be  
35           screened from view from all streets. Screening may be provided by  
36           rooms in the same building or with a liner building that is at least two  
37           stories tall with rooms at least 20 feet deep.
- 38           **11.** *New streets.* Where a new street is shown on the regulating plan, the  
39           new street must be constructed using the standards in the C-MU  
40           zoning district (unless different standards are specified on the  
41           regulating plan).

## 21. PROPOSED CHANGES TO PUD (§ 45-35.1)

**Figure 45-35.1-A-1 Camelot Regulating Plan**



1

## 21. PROPOSED CHANGES TO PUD (§ 45-35.1)

**Figure 45-35.1-A-2 Camelot Illustrative Plan**

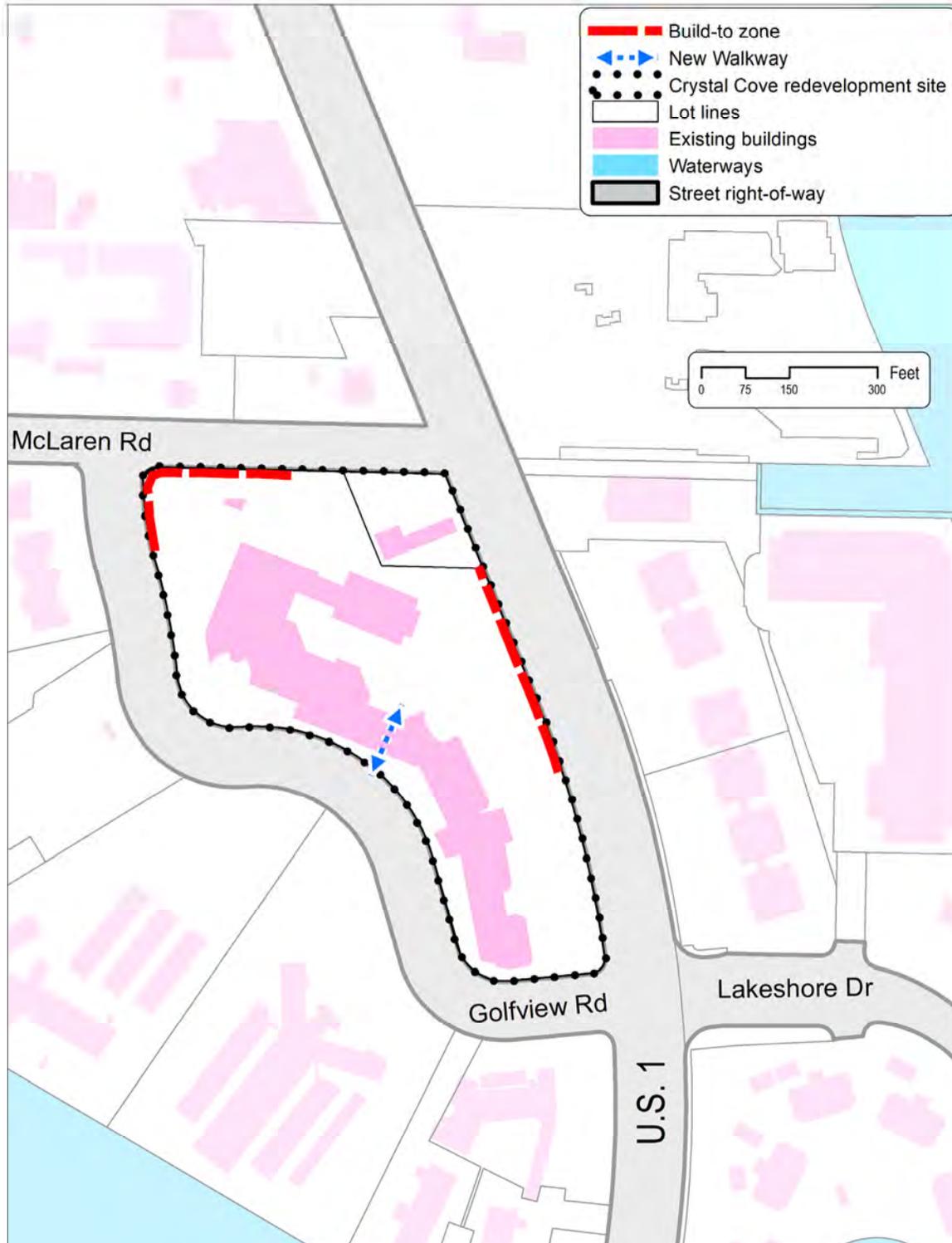


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## 21. PROPOSED CHANGES TO PUD (§ 45-35.1)

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**Figure 45-35.1-B-1 Crystal Cove Regulating Plan**



## 21. PROPOSED CHANGES TO PUD (§ 45-35.1)

Figure 45-35.1-B-2 Crystal Cove Illustrative Plan

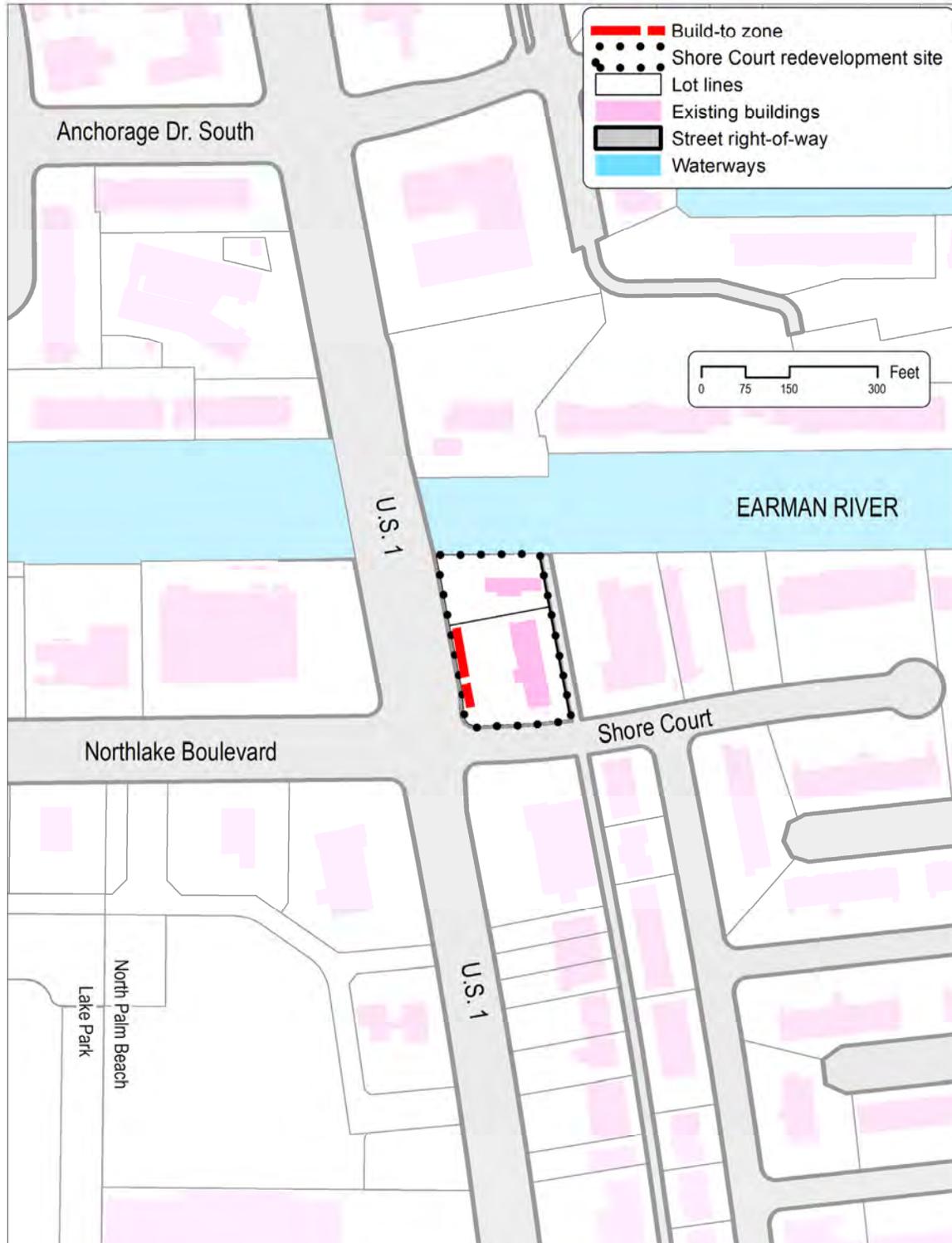


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## 21. PROPOSED CHANGES TO PUD (§ 45-35.1)

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**Figure 45-35.1-C-1 Shore Court at US 1 Regulating Plan**



## 21. PROPOSED CHANGES TO PUD (§ 45-35.1)

1

**Figure 45-35.1-C-2 Shore Court at US 1 Illustrative Plan**



## 22. PROPOSED CHANGES TO C-OS DISTRICT (§ 45-35.2)

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

- 2           **A. *Intent.*** The intent of this section is to provide for land uses and activities  
3           within land areas designated for the primary purpose of conserving or  
4           protecting natural resources of environmental quality.
- 5           **B. *Uses permitted.*** Within any part of the C-OS conservation and open space  
6           district, no building, structure, land or water shall be used, except for one or  
7           more of the following uses:
- 8           1.    Passive recreation.
  - 9           2.    Flood control.
  - 10          3.    Protection of quality or quantity of ground water or surface water.
  - 11          4.    Floodplain management.
  - 12          5.    Fisheries management.
  - 13          6.    Protection of vegetative community or wildlife habitats.
  - 14          7.    Residential and administrative buildings for the protection of the C-OS  
15          district.
  - 16          8.    Single-family dwellings with accessory buildings customarily incident  
17          thereto.
- 18          **C.** ~~a.~~ ***Building height regulations.*** No main building shall exceed two (2)  
19          stories in height and no accessory building more than one (1) story.
- 20          **D.** ~~b.~~ ***Building site area regulations.*** The minimum lot or building site for  
21          each single family dwelling shall be one (1) acre of upland area and have at  
22          least one (1) lot dimension, width or length, of a minimum of one hundred  
23          fifty (150) feet.
- 24          **E.** ~~c.~~ ***Yard space regulation.*** No building or portion thereof shall occupy a  
25          position fifty (50) feet or less from the upland/wetland boundary of the  
26          property.
- 27          **F.** ~~d.~~ ***Coastal zone protection.*** The Village of North Palm Beach adopts, by  
28          reference, the Palm Beach County Coastal Protection Ordinance No. 90-2 in  
29          its entirety.

## 23. PROPOSED CHANGES TO NBOZ OVERLAY (§ 45-35.3)

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.~~

## 23. PROPOSED CHANGES TO NBOZ OVERLAY (§ 45-35.3)

### 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.

## 23. PROPOSED CHANGES TO NBOZ OVERLAY (§ 45-35.3)

### 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.~~

## 23. PROPOSED CHANGES TO NBOZ OVERLAY (§ 45-35.3)

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 worship</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

## 23. PROPOSED CHANGES TO NBOZ OVERLAY (§ 45-35.3)

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 **E. 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.

## 23. PROPOSED CHANGES TO NBOZ OVERLAY (§ 45-35.3)

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. *Parking and loading.* All parking and loading standards are governed by the~~  
5           ~~village.~~

6           **E.** ~~G. *Measuring distances.*~~ All required distances between structures and/or  
7           uses within this article shall be measured and determined irrespective of  
8           existing municipal boundaries.

9           ~~Sec. 4-2 — Land use chart.~~

10          ~~*[the land use chart, endnotes, and district boundaries are being deleted]*~~

11          **F.** Notwithstanding anything contained elsewhere within this code ordinance,  
12          the properties covered by the C-NBOZ district which have approved uses  
13          under the immediately prior existing underlying zoning district of the village  
14          that are considered or deemed not approved uses in the land use chart above,  
15          shall retain their permitted status rather than being deemed not be non-  
16          conforming (see sections 45-60–45-68).

17          ~~Sec. 4-3 — Use definitions and supplemental regulations.~~

18          ~~*[all use definitions and their supplemental regulations are being deleted]*~~

### 19          **ARTICLES 5 THROUGH ARTICLE 8**

20          *In addition to the specific changes to Articles 5 through 8 identified on the following*  
21          *pages, the following general changes are being made throughout these articles:*

- 22           • *Every occurrence of the acronym “NBOZ” is being changed to*  
23           *“C-NB district”*
- 24           • *Every occurrence of the phrase “conditional use” is being changed*  
25           *to “special exception”*
- 26           • *Every occurrence of the word “overlay” or the phrase “overlay*  
27           *zone” is being changed to “C-NB district”*

### 28          **ARTICLE 5 ARCHITECTURAL ELEMENTS**

29          *No additional changes are being made to Article 5.*

### 30          **ARTICLE 6 LANDSCAPE ELEMENTS RESERVED**

31          *The landscape requirements currently in Article 6 are being modified and relocated*  
32          *to sections 45-81 et seq.*

### 33          **ARTICLE 7 SIGNAGE AND OUTDOOR DISPLAYS**

34          *The row in Table 7-6 that applies to the Central/West District is being deleted.*

## 23. PROPOSED CHANGES TO NBOZ OVERLAY (§ 45-35.3)

### ARTICLE 8 SITE PLAN ELEMENTS

#### Sec. 8-2 Building orientation and placement.

A. through C. and E. through F. *[no changes]*

**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.

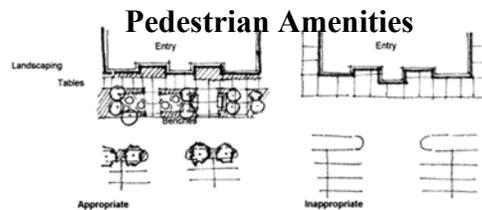
**Table 8-2 --- Proposed Setbacks**

*[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.

## 24. PROPOSED CHANGES TO OFF-STREET PARKING (§ 45-36.J)

1       **Sec. 45-36.J.**       Whenever, ~~by this ordinance~~, off-street parking is required  
2 in any commercial or mixed-use district or in any R-3 apartment dwelling district,  
3 ~~no such parking facilities shall be hereafter constructed as follows, in addition to~~  
4 any specific requirements of the zoning district: until a permit therefor shall have  
5 been issued by the building inspector, and until the plans and specifications  
6 ~~therefor are such that:~~

- 7           a.   Such off-street parking area is designed with appropriate means of  
8           vehicular access to a public street or alley.  
9           *[the remainder of subsection a. is existing language that is being*  
10           *relocated from section 27-36] ~~Sec. 27-36. Accessways. The maximum~~*  
11           *width of a residential accessway ~~through the perimeter landscaped~~*  
12           *~~strip~~ to an off-street parking or other vehicular use area shall be*  
13           *twenty (20) feet for two-way vehicular movement and ten (10) feet for*  
14           *one-way vehicular movement, measured at the narrowest point. For*  
15           *commercial uses, ~~the maximum width for two-way~~ accessways shall be*  
16           *twenty-four (24) feet and may be wider only on county and state roads,*  
17           *subject to approval by county and state transportation officials. ~~two~~*  
18           *(2) times that for residential uses.*
- 19           i)   No more than one (1) two-way accessway shall be permitted for  
20           any street frontage up to one hundred (100) lineal feet or no  
21           more than two (2) one-way accessways shall be permitted for  
22           any street frontage up to one hundred (100) lineal feet, such  
23           standards to be applicable to any property under one (1)  
24           ownership.
- 25           ii)  Where such ownership involves over one hundred (100) feet of  
26           street frontage, one (1) additional two-way or two (2) additional  
27           one-way drives may be permitted for each additional one  
28           hundred (100) feet of frontage or major fraction thereof, except  
29           where restricted by other provisions of this code or by county  
30           and state transportation regulations. ~~The balance of such street~~  
31           ~~frontage not involved with accessways shall be landscaped in~~  
32           ~~accordance with the provisions of this article.~~
- 33           b.   Such off-street parking area is designed with appropriate vehicular  
34           maneuvering areas. Each required parking space shall measure at least  
35           9 feet by 18 feet.
- 36           c.   Such off-street parking area is paved with an asphaltic or concrete  
37           surfacing, or other material designed to prevent dust.
- 38           d.   Such off-street parking area is so constructed, graded and surfaced as  
39           to prevent surface water from draining onto public right-of-way, or on  
40           adjoining properties, the outlets for such surface waters to be  
41           connected directly or indirectly to storm sewer conduits terminating in

## 24. PROPOSED CHANGES TO OFF-STREET PARKING (§ 45-36.J)

1 existing publicly controlled waterways or in other seepage areas  
2 approved by the building department.

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

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

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

13 h. Parking lots shall be designed and improved to facilitate loading and  
14 unloading. There shall be adequate space for standing, loading and  
15 unloading services to avoid undue interference with public use of  
16 streets or alleys.

**25. PROPOSED CHANGES TO HEIGHT REGULATIONS (§ 45-36.M)**

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**Sec. 45-36.M. Building height regulations.**

- (1) Within the area of the Village of North Palm Beach which lies north of the Intracoastal Waterway and west of U.S. Highway No. 1, no building or structure shall exceed sixteen (16) stories or one hundred sixty (160) feet.
- (2) Within the area of the Village of North Palm Beach which lies north of the Intracoastal Waterway and east of U.S. Highway No. 1, no building or structure shall exceed twenty-two (22) stories or two hundred twenty (220) feet.
- (3) Within the area of the Village of North Palm Beach which lies south of the Intracoastal Waterway and east of U.S. Highway No. 1, no building or structure shall exceed four (4) stories or forty (40) feet, except in the C-MU zoning district where the four-story height limit and the maximum height in feet is defined in section 45-31.
- (4) Within the area of the Village of North Palm Beach which lies south and west of the Intracoastal Waterway and west of U.S. Highway No. 1, no building or structure shall exceed four (4) stories or forty (40) feet, except in the C-MU and C-3 zoning districts where the height limits and the maximum height in feet are defined in sections 45-31 and 45-34.1.

## 26. PROPOSED CHANGES TO OUTDOOR SEATING (§ 45-36.Q)

### 1           **Sec. 45-36.Q.       Outdoor seating.**

- 2           (1) **Applicability.** Outdoor seating shall be permitted as an accessory use to a  
3           building in which a food service establishment is operated, provided that:
- 4           a.     The outdoor seating area is adjacent to that portion of the food service  
5           establishment which is inside the building.
- 6           b.     The outdoor seating is located on property which is either owned or  
7           leased by the adjacent food service establishment or the landlord of  
8           such food service establishment. (See exceptions in subsection (6).)
- 9           c.     The outdoor seating can be accommodated without impeding the  
10           access of the general public, including persons with disabilities, to the  
11           portion of the food service establishment which is located inside the  
12           building, or to any other commercial business or other use.
- 13           d.     The outdoor seating can be accommodated without creating a need for  
14           additional parking spaces which could not be provided on the same  
15           site as the building for which the outdoor seating would be an  
16           accessory use or would create a non-conforming status for existing  
17           parking provided for such building. (See exceptions in subsection (6).)
- 18           e.     No outdoor seating shall be permitted for adult entertainment  
19           establishments.
- 20           (2) **Permitting process.** An applicant for approval of outdoor seating shall  
21           include the proposed outdoor seating as part of an overall application for a  
22           building permit and/or site plan and appearance approval certificate of  
23           ~~appropriateness~~ or shall seek amendment of an existing building permit  
24           and/or site plan and appearance approval certificate of appropriateness  
25           to allow for outdoor seating, pursuant to the applicable provisions of this Code.  
26           Every application involving outdoor seating shall include the following, in  
27           addition to and not in place of anything else which may otherwise be  
28           required by any other provision of this Code:
- 29           a.     A site plan, drawn to scale, which shows at least the building for  
30           which outdoor seating will be an accessory use; the location of the  
31           food service establishment which will use the outdoor seating; the  
32           location of the outdoor seating and all related fencing screening, or  
33           dividing materials; the location of any sidewalks or other pedestrian  
34           walkways or passageways which are adjacent to or will be affected by  
35           the outdoor seating; and the location of all existing or additional  
36           parking for such building.

## 26. PROPOSED CHANGES TO OUTDOOR SEATING (§ 45-36.Q)

- 1           b. A copy of the written consent of any person or business who other  
2           than the applicant owns or leases any property, including any sidewalk  
3           or other public passageway, upon [which] the outdoor seating would  
4           be located.
- 5           c. Photographs, renderings, or samples showing the style and color of all  
6           furnishings, fencing, screening, or dividing material to be used for or  
7           in conjunction with the outdoor seating.

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

- 10          a. Outdoor seating shall be arranged, when in use, in a manner that  
11          allows a pedestrian walkway in compliance with applicable  
12          accessibility, building, codes and fire codes.
- 13          b. Outdoor seating located on a pedestrian walkway which provides  
14          access to more than one (1) occupant of a building, as in a shopping  
15          center, shall be arranged, when in use, in a manner that maintains a  
16          passage of not less than five (5) feet in width.
- 17          c. Outdoor seating of an applicant shall not be located on any sidewalk,  
18          passageway, or other property adjacent to any other business.
- 19          d. Outdoor seating shall not occupy any area designated for parking. (See  
20          exceptions in subsection (6).)
- 21          e. Outdoor seating which is used for the service and sale of food or  
22          beverages of any kind within the outdoor seating area, shall be  
23          physically separated and visually distinct from any immediately  
24          adjacent public passageway or walkway by means of approved fencing  
25          or screening material which is not less than two (2) feet in height, by  
26          means of one (1) or more planter boxes and other plant container, by  
27          means of some other approved divider, or any combination of such  
28          means, but not including tables, chairs or other seating.
- 29          f. Outdoor seating areas may only contain tables, chairs, umbrellas  
30          and/or awnings and required fencing or screening materials. All such  
31          equipment shall be compatible in color and style with the exterior of  
32          the building and shall not contain or have affixed to it any sign,  
33          lettering or advertising of any kind.
- 34          g. Outdoor seating shall be maintained in a secure manner, whenever the  
35          food service establishment is closed to the public.
- 36          h. Establishments with outdoor seating with food and beverage service  
37          shall meet all health code and other applicable code requirements of  
38          restaurants.

## 26. PROPOSED CHANGES TO OUTDOOR SEATING (§ 45-36.Q)

- 1 i. Any permanent or temporary structures associated with outdoor  
2 seating, including, but not limited to, awnings and covered roofs shall  
3 not encroach into the required building setback areas. Tables, chairs,  
4 umbrellas, fencing, screening and dividing materials shall not be  
5 located closer to the property line than two-thirds ( 2/3 ) of the  
6 required front, side or rear building setback. (See exceptions in  
7 subsection (6).)

- 8 (4) **Limitations on use.** Except for outdoor seating located in an inner court:  
9 a. All sales and service of food and beverages in an outdoor seating area  
10 are prohibited between the hours of 10:30 p.m. and 7:00 a.m., Sunday  
11 through Thursday, and between the hours of 11:00 p.m. and 7:00 a.m.,  
12 Friday through Saturday.  
13 b. Outdoor seating areas shall be in compliance with the village's noise  
14 regulations.

- 15 (5) **General requirements.** Outdoor seating which increases the total number of  
16 seats available at a food service establishment shall be considered an  
17 expansion of use. Such outdoor seating shall be included in any calculation  
18 of the total number of seats provided by the food service establishment but  
19 not limited to parking, restroom facilities and business taxes.

- 20 (6) **Special requirements for C-MU and C-3 zoning districts.** In the C-MU and  
21 C-3 zoning districts only, the preceding requirements for outdoor seating are  
22 modified as follows:

- 23 a. Outdoor seating may be provided on sidewalks that have been  
24 constructed on sidewalk easements that were required by this code.  
25 Outdoor seating may not be provided on sidewalks within the right-of-  
26 way of US Highway 1, Yacht Club Drive, Anchorage Drive,  
27 Lighthouse Drive, Ebbtide Drive, or Northlake Boulevard.  
28 b. Outdoor seating may be provided within build-to zones required by  
29 this code.  
30 c. Outdoor seating may be provided on an area designated for parking  
31 and/or loading without providing additional parking spaces. However,  
32 permission for such outdoor seating would be on a provisional basis  
33 and would be subject to revocation as follows:  
34 i. Permission may be revoked by the community development  
35 director if there is evidence that the permission is contributing to  
36 spillover parking on nearby properties.  
37 ii. Permission would be automatically revoked if the code  
38 enforcement special magistrate issues an order confirming a  
39 violation of a parking-related provision of this code.

**27. PROPOSED CHANGES TO REZONING (§ 45-49),  
VARIANCES (§ 45-50) & WAIVERS (§ 45-51)**

**CHAPTER 45, ARTICLE VI**

**REZONINGS; VARIANCES; WAIVERS**

**~~AMENDMENTS—FEES; WAITING PERIODS~~**

**Sec. 45-49. – Applications for rezoning, etc.**

- (1) All applications for rezoning ~~and all applications to amend, supplement, modify or repeal the boundaries, districts, regulations or restrictions established by this chapter~~ shall be done by application to the planning commission of the village. The application ~~to the planning commission~~ may be made by any property owners to rezone their own property or by the village manager. ~~tenant or by a governmental office, department, board or bureau.~~ Such applications ~~shall be filed with the community development department of the village, which shall transmit the same, together with all the plans, specifications, application blank and other papers pertaining to the application, to the planning commission.~~ Any such application, except by the village manager, ~~a governmental agency,~~ must be accompanied by the filing fee established in the master fee schedule adopted annually as part of the village budget together with a deposit of the estimated cost of the village processing the application. Upon the village determining the actual costs, applicants shall pay the balance, if any, in full of such costs including advertising prior to final consideration of the application. If the deposit exceeds actual costs, the balance shall be refunded to applicant.
- (2) All applications ~~to the planning commission~~ concerning rezoning shall be upon forms to be supplied by the community development department.
- (3) Whenever, after review, investigation and hearing, any application for a change of district classification has been denied, an application for a like change cannot be reinstated for a period of at least one (1) year after said denial.
- (4) Public notice of all hearings shall be provided as required by section 21-3 of the village Code.

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

- (1) All applications for variances to regulations or restrictions established by this ordinance shall be done by application to ~~the board of adjustment~~ of the village. The application ~~to the board of adjustment~~ may be made by any property owner or tenant or by a governmental office, department, board or bureau. ~~Such applications shall be and~~ filed with the community development department. ~~director~~ of the village, ~~who shall transmit the~~

## 27. PROPOSED CHANGES TO REZONING (§ 45-49), VARIANCES (§ 45-50) & WAIVERS (§ 45-51)

1 same, together with all the plans, specifications, application blank and other  
2 papers pertaining to the application, to the board of adjustment. Any such  
3 application, except by a governmental agency, must be accompanied by the  
4 filing fee established in the master fee schedule adopted annually as part of  
5 the village budget.

- 6 (2) All applications ~~to the board of adjustment~~ concerning variances shall be  
7 upon forms to be supplied by the community development department.
- 8 (3) Criteria for decisions on variance applications are provided in section 21-21  
9 of the village code.
- 10 (4) ~~(3)~~ Public notice of all hearings shall be provided as required by section 21-  
11 3 of the village code.

### 12 **Sec. 45-51. - Waivers.**

- 13 (1) In the C-MU and C-NB zoning districts, waivers may be requested from  
14 certain regulations in this code. An application for such waiver may be made  
15 by any property owner or tenant or by a governmental office, department,  
16 board or bureau. Such applications shall be filed with the community  
17 development director of the village, using forms supplied by the director,  
18 who shall transmit the same, together with all the plans, specifications,  
19 application blank and other papers pertaining to the application, to the  
20 planning commission.
- 21 (2) The planning commission will hold a public hearing in conjunction with the  
22 site plan and appearance review hearing for the subject property (see  
23 sections 6-30–6-60). The planning commission will consider the following  
24 factors and any additional criteria set forth in the relevant zoning district:
- 25 a. The extent to which the alternate standard proposed by the applicant  
26 differs from the code's standard that would be waived.
  - 27 b. Whether the requested waiver can be granted in the zoning district.
  - 28 c. Any unusual circumstances regarding the property or immediate area.
  - 29 d. The effect of approving or denying the waiver on the development  
30 project and on the surrounding area.
  - 31 e. Consistency with the comprehensive plan.
  - 32 f. Recommendations of village staff.
  - 33 g. Testimony from the applicant.
  - 34 h. Testimony from the public.

## 27. PROPOSED CHANGES TO REZONING (§ 45-49), VARIANCES (§ 45-50) & WAIVERS (§ 45-51)

- 1 (3) 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  
4 the relevant zoning district:
- 5 a. The alternate standard proposed by the applicant is acceptable for the  
6 specific site and building;
- 7 b. The proposed waiver does not detract from the design principles  
8 supporting these zoning districts and the broader intent of this code;
- 9 c. The proposed waiver will not be injurious to surrounding properties or  
10 nearby neighborhoods; and
- 11 d. The proposed waiver is not inconsistent with the Comprehensive Plan.
- 12 (4) The planning commission's action on waivers will be considered a  
13 recommendation to the village council instead of a decision if a special  
14 exception was requested along with one or more waivers or if the concurrent  
15 site plan and appearance decision is appealed in accordance with section 6-  
16 35. The village council will make a decision on such waivers at the same  
17 time that a decision is made on all other aspects of the application.
- 18 (5) The applicant or any interested party may file an appeal to the village  
19 council on any decision on waivers. Such an appeal will also function as an  
20 appeal of the site plan and appearance application. The appeal shall be filed  
21 or made within ten (10) days after decision of the planning commission on  
22 forms provided by the village. Appeals shall set forth the alleged  
23 inconsistency or nonconformity with procedures, criteria, or standards set  
24 forth in this code. The village council shall decide an appeal within thirty  
25 (30) days of the filing of such appeal unless an extension of time is  
26 consented to by the applicant, and such filing shall suspend any building  
27 permit issued pursuant to the ruling of the planning commission until the  
28 village council has decided the appeal. The village council may review any  
29 decision of the planning commission and their disposition of the matter shall  
30 be final.
- 31 (6) Public notice of all waiver hearings shall be provided as required by section  
32 21-3 of this code.

33 **Secs. 45-521—45-59. - Reserved.**

## 28. Nonconformities (§§ 45-60-45-67)

### CHAPTER 45, ARTICLE VII

### NONCONFORMING USES OF LAND AND STRUCTURES

#### Sec. 45-60. - Intent.

- (1) Within the districts established by this ordinance, or amendments that may later be adopted, there exist lots, structures, uses of land and structures and characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments.
- (2) Except as explicitly provided in this article, it is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their continuation. Such nonconformities uses are declared by this ordinance to be incompatible with ~~permitted uses in~~ the district involved. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

#### Sec. 45-61. - Extension and enlargement of nonconforming uses.

- (1) A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved. If an existing use was legally permitted on its site prior to the creation of the C-MU, C-3, or C-NB zoning districts in 2019 but is not listed as a permitted use in the new district, that existing use will continue to be deemed a permitted use and will not be subject to the restrictions in this paragraph.
- (2) To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

## 28. Nonconformities (§§ 45-60-45-67)

### 1           **Sec. 45-62. - Nonconforming lots of record.**

- 2           (1) In any district in which single-family dwellings are permitted,  
3           notwithstanding limitations imposed by other provisions of this ordinance, a  
4           single-family dwelling and customary accessory buildings may be erected  
5           on any single lot of record at the effective date of adoption or amendment of  
6           this ordinance. Such lot must be in separate ownership and not of continuous  
7           frontage with other lots in the same ownership. This provision shall apply  
8           even though such lot fails to meet the requirements for area or width, or  
9           both, that are generally applicable in the district, provided that yard  
10          dimensions and other requirements not involving area or width, or both, of  
11          the lot shall conform to the regulations for the district in which such lot is  
12          located. Variance of area, width, or yard requirements shall be obtained only  
13          through action of the board of adjustment.
- 14          (2) If two (2) or more lots or combinations of lots and portions of lots with  
15          continuous frontage in ~~angle~~ [single] ownership are of record at the time of  
16          passage or amendment of this ordinance, and if all or part of the lots do not  
17          meet the requirements for lot width and area as established by this  
18          ordinance, the lands involved shall be considered to be an undivided parcel  
19          for the purposes of this ordinance, and no portion of said parcel shall be  
20          used or sold which does not meet lot width and area requirements  
21          established by this ordinance, nor shall any division of the parcel be made  
22          which leaves remaining any lot with width or area below the requirements in  
23          this ordinance.

### 24           **Sec. 45-63. - Nonconforming uses of land.**

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

- 31          (1) No such nonconforming use shall be enlarged or increased, nor extended to  
32          occupy a greater area of land than was occupied at the effective date of  
33          adoption or amendment of this ordinance; unless such use is changed to a  
34          use permitted in the district in which such use is located;
- 35          (2) No such nonconforming use shall be moved in whole or in part to any other  
36          portion of the lot or parcel occupied by such use at the effective date of  
37          adoption or amendment of this ordinance;
- 38          (3) If any such nonconforming use of land ceases for any reason for a period of  
39          more than ninety (90) consecutive days, any subsequent use of such land

## 28. Nonconformities (§§ 45-60-45-67)

1 shall conform to the regulations specified by this ordinance for the district in  
2 which such land is located;

- 3 (4) No additional structure which does not conform to the requirements of this  
4 ordinance shall be erected in connection with such nonconforming use of  
5 land.

### 6 **Sec. 45-64. - Nonconforming structures.**

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

- 13 (1) No such structure may be enlarged or altered in a way which increases its  
14 nonconformity, but any structure or portion thereof may be altered to  
15 decrease its nonconformity;
- 16 (2) Should such structure be destroyed by any means to an extent of more than  
17 fifty (50) percent of its replacement cost at time of destruction, as  
18 determined by the village engineer or village building official, it shall not be  
19 reconstructed except in conformity with the provisions of this ordinance;
- 20 (3) Should such structure be moved for any reason for any distance whatever, it  
21 shall thereafter conform to the regulations of the district in which it is  
22 located after it is moved.
- 23 (4) However, if an existing structure was legally permitted on its site prior to  
24 the creation of the C-MU, C-3, or C-NB zoning districts in 2019 but could  
25 not be built under the standards in the new district, that existing structure  
26 will continue to be deemed a lawful structure and will not be subject to the  
27 restrictions in paragraphs (1) and (2). Such structure may expanded laterally  
28 without complying with new requirements for building frontages, build-to  
29 zones, and parking lot setbacks, provided the expansion brings the structure  
30 considerably closer to the 2019 requirements than the existing structure.

## 28. Nonconformities (§§ 45-60-45-67)

### 1       **Sec. 45-65. - Nonconforming uses of structures or of structures and** 2       **premises in combination.**

- 3       (1) If a lawful use involving individual structures with a replacement cost of one  
4       thousand dollars (\$1,000.00) or more, or of structure and premises in  
5       combination, exists at the effective date of adoption or amendment of this  
6       ordinance, that would not be allowed in the district under the terms of this  
7       ordinance, the lawful use may be continued so long as it remains otherwise  
8       lawful, subject to the following provisions:
- 9       (a) No existing structure devoted to a use not permitted by this ordinance in  
10       the district in which it is located shall be enlarged, extended, constructed,  
11       reconstructed, moved or structurally altered except in changing the use of  
12       the structure to a use permitted in the district in which it is located;
  - 13       (b) Any nonconforming use may be extended throughout any parts of a  
14       building which were manifestly arranged or designed for such use at the  
15       time of adoption or amendment of this ordinance, but no such use shall be  
16       extended to occupy any land outside such building;
  - 17       (c) Any structure, or structure and land in combination, in or on which a  
18       nonconforming use is superseded by a permitted use, shall thereafter  
19       conform to the regulations for the district in which such structure is  
20       located, and the nonconforming use may not thereafter be resumed;
  - 21       (d) When a nonconforming use of a structure, or structure and premises in  
22       combination, is discontinued or abandoned for six (6) consecutive months  
23       or for eighteen (18) months during any three-year period (except when  
24       government action impedes access to the premises), the structure, or  
25       structure and premises in combination, shall not thereafter be used except  
26       in conformance with the regulations of the district in which it is located;
  - 27       (e) Where nonconforming use status applies to a structure and premises in  
28       combination, removal or destruction of the structure shall eliminate the  
29       nonconforming status of the land. Destruction for the purpose of this  
30       subsection is defined as damage to an extent of more than fifty (50)  
31       percent of the replacement cost at time of destruction.
- 32       (2) However, if an existing use of a structure was legally permitted on its site  
33       prior to the creation of the C-MU, C-3, or C-NB zoning districts in 2019 but  
34       is not listed as a permitted use in the new district, that existing use will  
35       continue to be deemed a permitted use and will not be subject to the  
36       restrictions in section 45-65(1).
- 37       (3) ~~(2)~~ Nonconformities not involving the use of a principal structure, e.g., open  
38       storage, building supplies, vehicle, mobile home, implement and machinery  
39       storage, signs, billboards, junkyards, commercial animal yards and the like,  
40       shall be discontinued within two (2) years of the effective date of this  
41       ordinance or amendment.

## 28. Nonconformities (§§ 45-60-45-67)

1       **Sec. 45-66. - Repairs and maintenance.**

- 2       (1) On any building devoted in whole or in part to any nonconforming use,  
3       work may be done in any period of twelve (12) consecutive months on  
4       ordinary repairs, or on repair or replacement of nonbearing walls, fixtures,  
5       wiring or plumbing, to an extent not exceeding ten (10) percent of the  
6       current replacement value of the building, provided that the cubic content of  
7       the building as it existed at the time of passage or amendment of this  
8       ordinance shall not be increased.
- 9       (2) Nothing in this ordinance shall be deemed to prevent the strengthening or  
10      restoring to a safe condition of any building or part thereof declared to be  
11      unsafe by any official charged with protecting the public safety, upon order  
12      of such official.

13      **Sec. 45-67. – Temporary uses.**

14             The casual, intermittent, temporary or illegal use of land or structures shall  
15      not be sufficient to establish the existence of a nonconforming use. Such use shall  
16      not be validated by the adoption of this ordinance unless it complies with the  
17      terms of this ordinance.

18      **Sec. 45-68. - Reserved.**

## 29. Landscaping (new) (§§ 45-81-45-94)

1 [RELOCATED HERE FROM SEC. 45-35.3,  
2 ARTICLE 6 - LANDSCAPE ELEMENTS, IN THE EXISTING. -  
3 NORTHLAKE BOULEVARD OVERLAY ZONING DISTRICT (NBOZ)]

4 [SOME MATERIAL BEING REPEALED FROM  
5 CHAPTER 27 IS BEING ADDED TO THIS ARTICLE]

### 6 ARTICLE VIII. - LANDSCAPING

#### 7 Sec. 45-81. 6-1. - Intent.

8 A. ***Purpose and intent.*** The provisions of this section are intended to ensure  
9 that properties within the NBOZ village meet minimum landscaping  
10 standards in order to:

- 11 1. Improve and sustain the aesthetic appearance of the village through  
12 creative landscaping which helps to harmonize and enhance the natural  
13 and built environment.
- 14 2. Promote water conservation by encouraging ~~xeriscaping~~ Florida-  
15 friendly landscape principles ~~and utilization of native and drought~~  
16 ~~tolerant landscape material~~ and utilization of water conserving  
17 irrigation practices;
- 18 3. Provide a visual buffer between otherwise incompatible types of land  
19 uses and adjacent rights-of-ways.
- 20 4. Encourage innovative and cost-effective approaches to the design,  
21 installation, and maintenance of landscaping.

22 B. ***Landscape principles.*** The village promotes Florida-friendly landscaping as  
23 defined in F.S. § 373.185 and requires that installed landscapes be designed  
24 and maintained with full consideration of the following principles:

- 25 1. Specify the right plant in the right place by selecting pest-resistant  
26 plants that match the sites soil, light, water, and climate conditions,  
27 with an aim for a diversity of trees, shrubs, groundcover, and flowers.
- 28 2. Design for more efficient irrigation by grouping plants with similar  
29 watering needs together and zoning the irrigation system accordingly.
- 30 3. Select sustainably harvested mulch for landscape beds and around tree  
31 trunks.
- 32 4. Use proper maintenance practices, including fertilizing appropriately  
33 to prevent pollution and maximize plant health and spot-treating pests  
34 with selective spectrum pesticides.

## 29. Landscaping (new) (§§ 45-81-45-94)

### 1        **Sec. ~~45-82. 6-2.~~ - Administration.**

- 2        A. ***Applicability.*** The provisions of this article shall apply to all existing and  
3        future development within the ~~boundaries of the NBOZ~~ village as follows:
- 4            1. ***New development.*** All new development and substantial  
5            redevelopment.
- 6            2. ***Existing development.*** All existing multifamily, mixed-use,  
7            commercial, and industrial development shall conform with the  
8            provisions of the article ~~by May 31, 2014.~~ if requesting any of the  
9            following types of changes to existing development or to a previously  
10           approved development plan:
- 11            a. Increase in the total square footage of any building by more than  
12            twenty (20) percent;
- 13            b. Increase in the number of structures; or
- 14            c. Increase in the building height of any building.
- 15            3. ***Existing development along Northlake Boulevard.*** See section 45-83.
- 16            4. ***Exceptions.*** This article does not apply to the construction,  
17            renovation, or replacement of single-family or two-family dwellings.
- 18        B. ***Exemptions.*** All licensed plant or tree nurseries or tree farms shall be  
19        exempt from the terms and provisions of this article, but only with respect to  
20        those trees planted and growing which are for sale to the general public in  
21        the ordinary course of the business. The landscaping required for buildings  
22        and parking lots shall be provided.
- 23        C. ***Modifications.*** The community development director may modify a  
24        locational requirement for required landscaping if necessary due to site  
25        constraints that were discovered after site plan and appearance approval;  
26        however, the amount of landscaping that is required may not be reduced.
- 27        ~~C. ***Waiver.*** The landscape regulations may be waived in whole or part by the~~  
28        ~~village when a property owner has demonstrated that the requirements~~  
29        ~~contained in this article will reduce required parking, or substantially restrict~~  
30        ~~the operation of the existing business or property's use.~~
- 31        D. ***Compliance.*** Failure to install, maintain, or preserve landscaping ~~or native~~  
32        ~~vegetation~~ required in accordance with the terms of this article shall  
33        constitute a violation of this article.
- 34            1. ***Failure to comply.*** If the property fails to meet the requirements of  
35            this article, or if the existing trees, shrubbery, grass, or groundcover  
36            are permitted to die, and such materials are not replaced within thirty  
37            (30) days of the event, the code enforcement officer shall notify, in  
38            writing, the person responsible for the maintenance or replacement of

## 29. Landscaping (new) (§§ 45-81-45-94)

1 such property of the need to comply with the requirements of this  
2 section within thirty (30) days from the date of delivery of the notice.

3 2. **Extensions.** The thirty (30) day rule for compliance may be extended  
4 when necessary by the village to recover from acts of nature such as a  
5 hurricane or a drought.

6 3. **Temporary exemptions.** Temporary exemptions from compliance of  
7 this section may be granted as per the village, if the violation is a  
8 direct result of a natural disaster occurrence or drought.

9 4. **Relocation or replacement for redevelopment.** The site plan approved  
10 to remedy any violation of this article shall include landscaping and  
11 tree preservation, replacement or relocation to comply with all  
12 requirements herein, including ~~Relocation or replacement shall~~  
13 ~~comply with~~ the standards listed below.

14 a. Existing trees shall be preserved in place to the best extent  
15 practical. Tree preservation shall include measures to protect  
16 existing trees from construction encroachment within their  
17 driplines.

18 b. Trees that cannot be preserved in place shall be evaluated by a  
19 certified arborist for relocation. If the arborist's assessed  
20 condition rating of the tree is greater than 60%, the tree shall be  
21 relocated within the project limits or within Village of North  
22 Palm Beach public lands.

23 c. ~~a.~~ Trees having a four (4) three (3) inch or greater caliper at  
24 diameter at breast height (DBH) that cannot be preserved in  
25 place or relocated which are to be replaced shall be replaced by  
26 the sum of three (3) caliper inches to every one (1) inch lost and  
27 are of like or similar species. Replacement trees shall be a  
28 minimum of three (3) inches in caliper. For example, if an  
29 existing five (5)-inch caliper tree is removed from the subject  
30 property, fifteen (15)-inches in caliper are required for  
31 replacement. A combination of tree sizes may be utilized as long  
32 as no tree is less than three (3) inches in caliper.

33 ~~d.~~ ~~b.~~ If the site cannot support the total number of required  
34 replacement trees as determined herein, the village may permit  
35 the owner to donate excess trees to the village for planting on  
36 public lands at the owner's expense; ~~contribute to the village the~~  
37 ~~monies equivalent to such required replacement trees; or permit~~  
38 ~~the required replacement trees to be placed upon other lands~~  
39 ~~owned by the same property owners.~~

40 e. ~~The village may require alternative landscape solutions such as~~  
41 ~~additional aesthetic hardscaping, site amenities, or specimen~~  
42 ~~landscaping as per the intent of this article.~~

## 29. Landscaping (new) (§§ 45-81-45-94)

### 1        **Sec. 45-83. 6-3. - Landscape areas in the C-NB zoning district.**

#### 2        **Nonconforming**

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 nonconforming 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.  
32

## 29. Landscaping (new) (§§ 45-81-45-94)

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.~~

## 29. Landscaping (new) (§§ 45-81-45-94)

### ~~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.~~

**29. Landscaping (new) (§§ 45-81-45-94)**

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*

<i>Common Name</i>	<i>Scientific Name</i>
1. Cabbage Palm	Sabal palmetto
2. Cattley Guava	Psidium littorale
3. Dahoon Holly	Hex Cassine
4. Ligustrum Tree	Ligustrum lucidum
5. Live Oak	Quercus virginiana
6. Mahogany	Swietenia mahogani
7. Oak	Quercus spp.
8. Oleander Tree	Nerium oleander
9. Pink Tabebuia	Tabebuia heterophylla
10. Pygmy Date Palm	Phoenix roebellini
11. Silver Buttonwood	Conocarpus erectus
12. Washington Palm	Washingtonia robusta
13. Wax Myrtle	Myrica cerifera
14. Weeping Bottlebrush	Callistemon viminalis

9           B. ~~*Preferred shrubs and groundcovers.* Fifty (50) percent of the required~~  
10          ~~shrubs and groundcovers shall be selected from the list presented below:~~

## 29. Landscaping (new) (§§ 45-81-45-94)

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	Serenea repens

### Sec. 45-86. – Submission requirements for landscaping.

Plans must be submitted that demonstrate compliance with village landscaping requirements. These plans must be prepared 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.

## 29. Landscaping (new) (§§ 45-81-45-94)

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.

## 29. Landscaping (new) (§§ 45-81-45-94)

- 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 and a <del>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

## 29. Landscaping (new) (§§ 45-81-45-94)

- 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. [relocated from 45-87.P] If a redevelopment and noneonforming  
 21 project is unable to meet the point system or open space requirements  
 22 of this article, required landscape points may be acquired by placing  
 23 equivalent landscaping on transferred to other public lands, parks,  
 24 road, road rights-of-way, or other similar public space, if acceptable to  
 25 the village and the entity that manages the land, up to a maximum of  
 26 fifty (50) twenty five (25) percent reduction of required points per one  
 27 hundred (100) square feet.

~~Table 6-8B~~ Minimum Landscape Requirements for Point System Delineation

<del>% Open Space Provided*</del>	<del>Points per 100 Square Feet</del>	<del>% Open Space Provided*</del>	<del>Points per 100 Square Feet</del>
<del>&lt;15%</del>	<del>22</del>	<del>25-27%</del>	<del>14</del>
<del>16%</del>	<del>21</del>	<del>28-29%</del>	<del>13</del>
<del>17%</del>	<del>20</del>	<del>30-32%</del>	<del>12</del>
<del>18%</del>	<del>19</del>	<del>33-34%</del>	<del>11</del>
<del>19%</del>	<del>18</del>	<del>35-39%</del>	<del>10.5</del>
<del>20%</del>	<del>17</del>	<del>40-49%</del>	<del>9.5</del>
<del>21-22%</del>	<del>16</del>	<del>50-59%</del>	<del>8</del>
<del>23-24%</del>	<del>15</del>	<del>&gt;60%</del>	<del>7</del>

**Notes**  
 \*Example: 15% project open space requires 22 points/100 square feet  
 <= Equal to or less than >= Equal to or greater than

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<b>Table 45-87-B 6-8C Required Supplemental Landscape Installation Points</b>	
<b>Category</b>	<b>Points</b>
Specimen Trees <u>or</u> Palms (1) *	25 per tree or palm retained <u>or planted additional</u>
<del>Specimen Plants*</del>	<del>15 additional</del>
<del>Specimen Palms*</del>	<del>25 additional</del>
Native Trees (1)– (if $\geq 5$ Inches DBH)	20 per tree retained or planted, plus 1 point for each inch $> 5$ DBH
<del>Trees w/12 foot minimum height (minimum of 50% from Preferred Tree Species list) (See Note 1)</del>	<del>15 plus 1 point for each foot than minimum</del>
<del>Low-Maintenance Trees not on Preferred Tree Species list or <math>\leq \geq 12</math> foot minimum height</del>	<del>5 per tree planted</del>
<del>Low-Maintenance Palms from Preferred Tree Species list w/minimum <math>\geq 8</math> feet of clear trunk</del>	<del>3.3 per palm planted, points plus 1 point for each foot of clear trunk <math>&gt; 8</math> feet</del>
<del>Courtyards, loggias, patios, and similar open areas available for public use</del>	<del>50 points</del>
<del>Massing of landscaping including trees, shrubs, groundcover, and flowers to produce focal points</del>	<del>up to 25 points</del>
<del>Trellises, arbors, or flower boxes</del>	<del>up to 25 points</del>
<del>Sidewalks &amp; adjoining landscaping that connect parking lots or alleys to buildings or to public sidewalks</del>	<del>up to 25 points</del>
<del>Palms not on Preferred Tree Species List or less than 8 feet of clear trunk</del>	<del>4</del>
<del>All Shrubs (minimum of 50% from Preferred Shrub Species list)</del>	<del>4</del>
<del>All Groundcover (minimum of 50% from Preferred Groundcover Species list)</del>	<del>2 points per 10 square feet</del>
<del>Grass</del>	<del>.25 (1/4) points per 10 square feet</del>
<b>Notes</b>	
<i>(1) Abused trees, as determined by the village, shall not count toward required points.</i>	
<i>* = Justification to be provided consistent with definition below.</i>	
<i>DBH= Diameter at Breast Height. (4-1/2 feet above grade) &lt; = Less Than. &gt; = Greater Than.</i>	

1

### **E. Reserved.**

## 29. Landscaping (new) (§§ 45-81-45-94)

- 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.~~

## 29. Landscaping (new) (§§ 45-81-45-94)

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) twenty-five~~  
 2 ~~(25) percent of all trees used to satisfy the standards of this article shall be~~  
 3 ~~classified as native species (see section 45-84). 2. In addition, fifty (50)~~  
 4 ~~percent shall be classified as drought-tolerant by the most recent edition of~~  
 5 ~~the South Florida Water Management District's "Xeriscape Plant Guide."~~

6 L. ~~**Shrubs and hedges, groundcovers.**~~

- 7 1. ~~At least fifty (50) twenty-five (25) percent of all required hedges and~~  
 8 ~~shrubs shall be classified as native species (see section 45-84).~~  
 9 ~~drought tolerant by the most recent edition of the South Florida Water~~  
 10 ~~Management District's "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~~

## 29. Landscaping (new) (§§ 45-81-45-94)

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.

## 29. Landscaping (new) (§§ 45-81-45-94)

- 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 include mechanical equipment areas, parking  
15 areas, satellite dishes mounted on the ground, chain-link or other non-  
16 opaque fence or wall type, accessory use structures, and other elements as  
17 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 landscaping.
  - 22 2. Approved walls or fences shall be set back from property lines  
23 adjoining streets sufficiently to include landscape on the street side  
24 ~~outside~~ of the wall or fence. Chain link fences shall have a green or  
25 black vinyl covering.
  - 26 3. Maintenance of the wall or fence and associated landscaping by the  
27 property owner is required.
- 28 D. **Storage and garbage collection sites.** All outside storage and trash or  
29 garbage collection sites shall be completely screened from view, utilizing  
30 any approved combination of walls and fences ~~hedge~~ (a minimum of six (6)  
31 ~~three (3)~~ feet in height) structural barriers, berms that will fully or any  
32 ~~combination thereof to one hundred (100) percent~~ screen the area from view  
33 except for gates.
- 34 E. **Service areas.**
- 35 1. Service areas of nonresidential buildings, when visible from the street  
36 right-of-way or adjacent residential land use, shall have barriers and/or  
37 a hedge at a minimum of six (6) feet in height to screen the service  
38 area ~~from this use.~~ A hedge that is planted meet this requirement must  
39 achieve this height within 2 years of planting.

## 29. Landscaping (new) (§§ 45-81-45-94)

1           2.    Service areas may include interior or exterior work bays associated  
2                with full service gas stations, tire repair, auto repair business, as well  
3                as any business proposing loading or unloading docks.

4    F.    **Backflow preventers.** Backflow preventer systems shall be screened from  
5           public view, utilizing any combination of trees, palms, hedges, or other  
6           barriers.

7    G.    **Reserved. ~~Mulch.~~** *[mulch standards relocated to 45-87.N.3]*

8    H.    **Pavers and other impervious surfaces.** The use of concrete, asphalt,  
9           impervious pavers, or similar ~~impervious~~ material, excluding sidewalks,  
10           shall not exceed thirty (30) percent coverage of an open space area, and  
11           shall not be wider than twelve (12) feet if used in a required landscape  
12           buffer area. This limitation shall be increased to sixty (60) percent for  
13           pervious concrete, pervious asphalt, and pavers set on a pervious base.

14    I.    ~~**Signs.** Landscaping around ground/monument signs is required and shall be~~  
15           ~~provided pursuant to article 7.~~

16    I.    ~~2.~~ **Landscape area around signs.** *[relocated from subsection 45-89.H.2]*

- 17           1.    ~~a.~~ A three (3) foot wide planting area shall be required around the  
18                base of all signs except signs that are mounted on buildings.  
19           2.    ~~b.~~ One (1) shrub for each ten (10) square feet of sign surface area shall  
20                be installed within the three (3) foot planting area at the base of the  
21                sign.  
22           3.    ~~c.~~ Ground/monument signs may be surrounded by ground cover  
23                instead of shrubs.  
24           4.    ~~d.~~ Landscaping and trees which interfere with signage may be  
25                relocated to the rear of the sign planting area.

26    J.    **Advertising.** At no time shall a landscaped area be used for advertising  
27           display or sales. Temporary signs may not be placed in landscaped areas.

28    K.    **Earth berms.** Earth berms shall use long and gentle slopes and as non-  
29           living landscape barriers only when installed in conjunction with plant  
30           materials.

- 31           1.    Berms five (5) feet or less in height shall have a maximum slope of  
32                2:1. Berms greater than five (5) feet in height shall not exceed a ratio  
33                of 3:1 in slope.  
34           2.    Hedges used in combination with earth berms to meet the six (6) foot  
35                screen requirements in section 45-88 shall be installed at the height  
36                necessary to provide the total six (6) foot screen at time of planting.

## 29. Landscaping (new) (§§ 45-81-45-94)

### 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. *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-~~

## 29. Landscaping (new) (§§ 45-81-45-94)

- 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.

## 29. Landscaping (new) (§§ 45-81-45-94)

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]~~

## 29. Landscaping (new) (§§ 45-81-45-94)

1     **Sec. 45-90. 6-11. – Landscaping requirements for site perimeters.**

2     ~~Minimum landscape buffer and planting requirements.~~

3     A. ~~Minimum buffer width for site perimeters. required.~~ A landscape buffer of  
 4     ~~the widths specified in Table 45-90 shall be provided a minimum of eight~~  
 5     ~~(8) feet in width around the perimeter of all parcels in the specified zoning~~  
 6     ~~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		

7     NOTES:

- 8             <sup>1</sup> Only required in side yards that adjoin R-1 or R-2 districts
- 9             <sup>2</sup> Does not apply to all building frontage types; along US Highway 1 and Northlake  
 10            Boulevard, the front yard landscape buffer may not be planted on a sidewalk  
 11            easement (see subsections 45-31.E.6 and 45-34.1.H)
- 12            <sup>3</sup> Not required on parcels that adjoin the railroad right-of-way
- 13            <sup>4</sup> Only required on parcels that adjoin US Highway 1 or Northlake Boulevard (see  
 14            subsection 45-34.1.H)
- 15            <sup>5</sup> Only required in side yards that adjoin less intense zoning districts (e.g. any  
 16            residential district)

17     ~~However, additional buffer width shall be provided as indicated below:~~

- 18     1. ~~A minimum landscape buffer of ten (10) feet in width shall be required~~  
 19     ~~on lands located adjacent to public rights of ways that are one hundred~~  
 20     ~~ten (110) feet wide or less;~~
- 21     2. ~~A minimum landscape buffer of at least fifteen (15) feet in width shall~~  
 22     ~~be required on lands located adjacent to public rights of ways that are~~  
 23     ~~one hundred eleven (111) to one hundred fifty (150) feet wide;~~
- 24     3. ~~A minimum landscape buffer of at least twenty (20) feet in width shall~~  
 25     ~~be required on lands located adjacent to public rights of ways that are~~  
 26     ~~greater than one hundred fifty (150) feet wide; and~~

## 29. Landscaping (new) (§§ 45-81-45-94)

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.

## 29. Landscaping (new) (§§ 45-81-45-94)

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. *Landscape 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.~~

## 29. Landscaping (new) (§§ 45-81-45-94)

### 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 parking lot  
22 area or vehicular use area, excluding ~~entryways, doorways or other~~  
23 ~~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, using a  
33 species suitable for this location. ~~and~~ The remainder of the landscape  
34 area shall be treated appropriately with plantings which may include  
35 shrubs, vines, flower boxes, ground cover, and mulch, and with  
36 pedestrian accessways.
- 37 ~~b.~~ ~~Trees and palms shall be of an installed size relating to the height of~~  
38 ~~the adjacent wall or facade, as indicated in Table 6-12.~~

## 29. Landscaping (new) (§§ 45-81-45-94)

<del>Wall Height</del>	<del>Min. Tree Height</del>	<del>Min. Palm Height</del>
<del>&lt;15 feet</del>	<del>12 feet</del>	<del>12—14 feet</del>
<del>15—25 feet</del>	<del>14 feet</del>	<del>14—18 feet</del>
<del>&gt;25—35 feet</del>	<del>16 feet</del>	<del>18—22 feet</del>
<del>&gt;35 feet</del>	<del>18 feet</del>	<del>22—28 feet</del>

1     **Sec. ~~45-92. 6-13.~~ - Landscaping 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.

## 29. Landscaping (new) (§§ 45-81-45-94)

### 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.

## 29. Landscaping (new) (§§ 45-81-45-94)

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.

## 29. Landscaping (new) (§§ 45-81-45-94)

- 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.**

## 30. Cross-Reference Updates (ENTIRE CODE)

### ENTIRE NORTH PALM BEACH CODE

1  
2 *ALL CROSS-REFERENCES TO ZONING DISTRICT NAMES ARE HEREBY UPDATED, INCLUDING THOSE*  
3 *IN SECTIONS 45-20, 45-21, 45-36, AND ANY OTHER SECTIONS THAT REFERRED TO THE PRIOR*  
4 *NAMES FOR ZONING DISTRICTS, AS FOLLOWS:*

- 5 • *ALL REFERENCES TO C-1A, C1A, C-B, OR CB SHALL BE DELETED.*
- 6 • *ALL REFERENCES TO C-A OR CA SHALL BE CHANGED TO C-MU.*
- 7 • *ALL REFERENCES TO C-C OR CC SHALL BE CHANGED TO C-T.*
- 8 • *ALL REFERENCES TO C-1 OR C1 SHALL BE CHANGED TO C-S.*
- 9 • *ALL REFERENCES TO C-2 OR C2 SHALL BE CHANGED TO C-G.*
- 10 • *ALL REFERENCES TO C-OS OR COS SHALL BE CHANGED TO OS.*
- 11 • *ALL REFERENCES TO NBOZ SHALL BE CHANGED TO C-NB.*

## 31. PROPOSED CHANGES TO COMPREHENSIVE PLAN

### 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 0.35 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 updated land development regulations of the C-3 zoning district, which had been was jointly developed by the Village and the Town of Lake Park.
    - The C-MU zoning district along U.S. Highway No. 1, also 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 2019, 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.

## 31. PROPOSED CHANGES TO COMPREHENSIVE PLAN

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

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

- 12 1. **Maximum development potential:** Maximum commercial ~~mixed-~~  
13 ~~use~~ development potential is subject to the floor-area limitations  
14 established in Policy 1.A.4, subject to the application of the Village's  
15 land development regulations.
- 16 2. **Permitted uses:** Permitted uses shall be specified in each zoning  
17 district that allows mixed-use development (see Policy 1.B.4). ~~Each~~  
18 ~~mixed-use development must contain a residential component,~~  
19 ~~together with at least one non-residential component consisting of~~  
20 ~~uses authorized in the assigned underlying commercial zoning~~  
21 ~~district, subject to conditions of approval.~~
- 22 3. **Mix of uses:** ~~The non-residential component of a mixed-use~~  
23 ~~development must comprise a minimum of 10% the gross floor area.~~  
24 ~~The residential component of a mixed-use development must~~  
25 ~~contain a minimum of 25% of the gross floor area.~~
- 26 3. 4. **Residential density:** Dwelling units in Commercial designations  
27 The residential component of a mixed-use development shall not  
28 exceed a density of 24 42 units per acre or as further limited by  
29 zoning district regulations, except in the southwest quadrant of  
30 Northlake Boulevard and US Highway No. 1 where density shall not  
31 exceed 36 units per acre. Developments that qualify for the  
32 workforce housing density bonus described in Policy 1.B.2 may  
33 construct up to 12 additional units per acre).
- 34 4. 6. **Height limitations:** ~~With the exception of those properties~~  
35 ~~located along U.S. Highway 1, The maximum height of a mixed-use~~  
36 ~~development shall be limited to that allowed by the underlying~~  
37 ~~commercial or mixed-use zoning district. The maximum height for~~  
38 ~~mixed-use developments with frontage along U.S. Highway 1 is~~  
39 ~~related to the depth of the property, as measured from the U.S.~~  
40 ~~Highway 1 right of way, as follows:~~
  - 41 • ~~250 feet or less: Maximum height of 2 stories~~
  - 42 • ~~Greater than 250 feet to 300 feet: Maximum height of 3 stories~~
  - 43 • ~~Greater than 300 feet: Maximum height of 4 stories~~

## 31. PROPOSED CHANGES TO COMPREHENSIVE PLAN

1           **Policy 1.B.2: Workforce housing density bonus:** The residential  
2 density of a mixed-use development may be increased from 12 to 24  
3 units per acre provided that either: (a) bonus units are constructed on-  
4 site; or (2) funding is provided to assist in an affordable housing program  
5 in another jurisdiction. If alternative (a) is selected, 50% of the bonus units  
6 shall be affordable as defined by the County's Workforce Housing  
7 Program income guidelines. If alternative (b) is selected, an amount equal  
8 to 5% of the cost of construction of the bonus units shall be contributed to  
9 the Palm Beach County Affordable Housing Trust Fund, or other  
10 appropriate alternative, as determined by the Village of North Palm  
11 Beach.

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

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

## 31. PROPOSED CHANGES TO COMPREHENSIVE PLAN

1                   6. **Height limitations:** The maximum height of a mixed-use  
2                   Assisted Living Facility shall be determined by the application of  
3                   Policy 1.B.1.6.

4                   7. **Waivers** for reductions in minimum dwelling unit size and  
5                   parking requirements may be requested during the commercial  
6                   planned unit development or other authorized approval process.

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

- 13                   ● The mixed-use provisions that are being added to the C-MU zoning  
14                   district along US. Highway No. 1 between Yacht Club Drive and the  
15                   Earman River.
- 16                   ● The mixed-use provisions that are being added to the C-3 zoning  
17                   district in the southwest quadrant of Northlake Boulevard and US  
18                   Highway No. 1.
- 19                   ● The mixed-use provisions that are being added to the C-T zoning  
20                   district in the southwest portion of the Village.
- 21                   ● ~~Through~~ The commercial planned unit development process in other  
22                   zoning districts.

23                   **Policy 4.2:** All future high density residential development, with the  
24                   following exceptions, shall be directed to areas west of U.S. Highway No.  
25                   1 as a means of coordinating coastal area population densities with the  
26                   County Hurricane Evacuation Plan:

- 27                   1. Properties located east of U.S. Highway No. 1 that are currently  
28                   assigned a High Density Residential future land use designation;
- 29                   2. Properties that have frontage on and access to the east side of U.S.  
30                   Highway No. 1, provided a determination is made by the Village,  
31                   based upon a professionally competent study, that the hurricane  
32                   evacuation provisions of F.S. 163.3178(9)(a) are complied with.

33                   **Policy 4.5:** The Village shall promote mixed-use development along its  
34                   major transportation corridors, and cooperate with Palm Beach County to  
35                   develop new and improved forms of transit as a means of reducing  
36                   greenhouse gas emissions resulting from traffic congestion.

37                   **Policy 4.6:** During the review of any development or redevelopment  
38                   proposal, the Village shall determine the feasibility of cross-access with  
39                   neighboring parcels as a means to promote more efficient travel.

40                   **Special Policy 5.6:** As a means of enhancing the commercial character  
41                   of the area along Northlake Boulevard through renovation and/or  
42                   redevelopment, maintain a waiver process ~~the Commercial Planned Unit~~

## 31. PROPOSED CHANGES TO COMPREHENSIVE PLAN

1 Development (CPUD) ordinance which may allows proposed projects to  
2 depart from the strict interpretations of the Zoning Code if, after review by  
3 the Village, it is found that said projects are in compliance with the North  
4 Palm Beach Comprehensive Plan and meet standards in the Zoning  
5 Code.

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

14 **Special Policy 5.18:** Residential development on the property delineated  
15 as "Special Policy 5.18 5.46" on Map 3B of the Future Land Use Map  
16 Atlas shall be limited to a maximum of 16 residential units.

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

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

26 **Policy 6.2:** Mixed-use development and redevelopment is encouraged  
27 along the U.S. Highway No.1 corridor by the Village through the  
28 provisions of the C-MU, C-T, and C-3 zoning districts and may also be  
29 permitted through the commercial planned unit development approval  
30 process, consistent with the density and intensity criteria stated in  
31 Objective 1.B.

32 **Policy 6.3:** Development and redevelopment activities shall be transit-  
33 ready by maintaining access to Palm Tran, pedestrian accessibility by  
34 sidewalks and bikeways, and connectivity with neighboring residential  
35 and commercial areas.

## 31. PROPOSED CHANGES TO COMPREHENSIVE PLAN

1 **3.5.4 Northlake Boulevard Overlay Zone Map** The Northlake Boulevard  
2 Overlay Zone is illustrated on Maps 3C and 5 ~~appropriate maps~~ in the Future  
3 Land Use Map Atlas. ~~All properties within the overlay zone are illustrated on~~  
4 ~~Maps 3C and 5 of the Future Land Use Map Atlas~~ Development and  
5 redevelopment activities are subject to the special land development regulations  
6 adopted by the Village of North Palm Beach for the Northlake Boulevard corridor.  
7 ~~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]*

## 31. PROPOSED CHANGES TO COMPREHENSIVE PLAN

### 4.0 TRANSPORTATION ELEMENT

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

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

**Policy 1.6:** The Village intends to establish a transportation concurrency exception area to include non-residential and mixed-use development along the Northlake Boulevard corridor and along the U.S. 1 corridor south of the Parker Bridge, as shown in Figure 4-6. The Village will work with Palm Beach County and the Florida Department of Transportation to establish this exception area by the end of 2020.

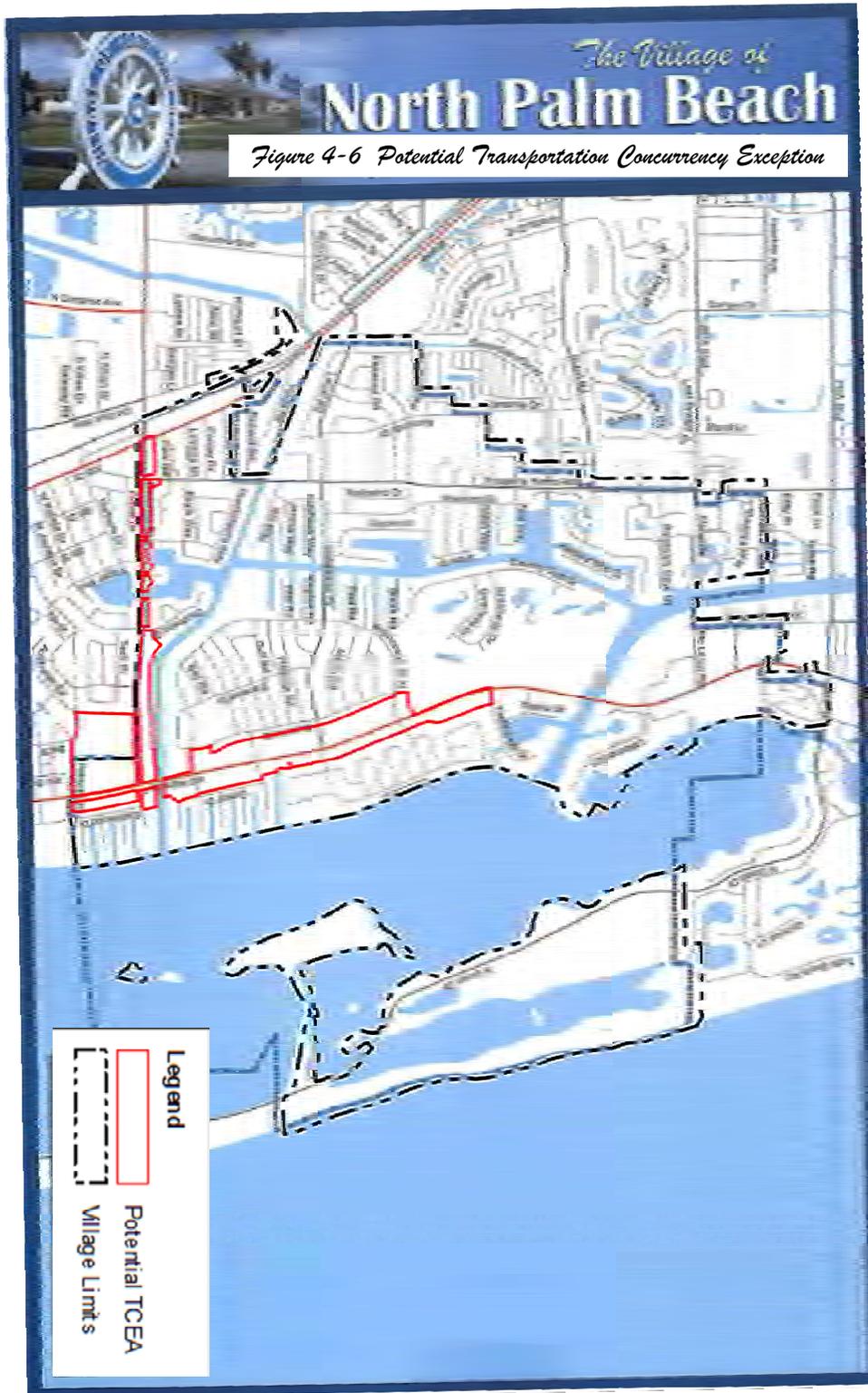
#### 4.4 FUTURE TRANSPORTATION MAP SERIES

The Village Future Road System Map is displayed on Figure 4-1. The public transit system, consisting of designated bus routes, and bus stops, is illustrated on Figure 4-2. Designated Palm Beach County Bikeway Corridors are illustrated on Figure 4-3. Designated local and regional transportation facilities within the Village critical to the evacuation of coastal population prior to an impending natural disaster are illustrated on Figure 4-4. The Prosperity Farms Road CRALLS designation is illustrated on Figure 4- 5. The following are not currently located within the Village, nor are they planned:

1. Limited and controlled access facilities;
2. Parking facilities that are required to achieve mobility goals;
3. Public Transit rights-of-way, or exclusive public transit corridors;
4. Transportation concurrency management areas, pursuant to Chapter 9J-5
5. ~~Reserved. Transportation concurrency exception areas, pursuant to Chapter 9J-5~~
6. Port Facilities;
7. Airport facilities, including clear zones, and obstructions; and
8. Intermodal terminals.

# 31. PROPOSED CHANGES TO COMPREHENSIVE PLAN

1



## 31. PROPOSED CHANGES TO COMPREHENSIVE PLAN

### 5.0 HOUSING ELEMENT

**Policy 3.12:** Mixed-use developments shall be encouraged to contain alternative living accommodations such as lofts, second story apartments and live-work arrangements to facilitate the supply of workforce housing.

**Policy 3.13:** Density bonuses within mixed-use projects shall be considered by the Village, consistent with Policy 18.2 of the Future Land Use Element.

### 11.0 CAPITAL IMPROVEMENTS ELEMENT

**Policy 5.1:** Prior to issuing a development order or permit, the Village shall use Level-of-Service (LOS) Standards adopted in the various elements of this Comprehensive Plan to review the impacts of new development and redevelopment upon public facility provision. The Village shall not issue a development order or permit which results in a reduction in service for affected facilities below these Level-of-Service Standards. A listing of LOS Standards is exhibited on Table 11-1.

**TABLE 11-1  
NORTH PALM BEACH LEVEL OF SERVICE (LOS) STANDARDS**

Facility	Level-Of-Service Standard
<b>A. Traffic Circulation:</b>	
	1. Arterial and Collector Roadways within the corporate limits: Peak-hour Level-of-Service (LOS) "D", with the exception of item #2 <u>and item #3</u> , below.
	2. Prosperity Farms Road, between Northlake Boulevard and Burns Road is hereby designated as a Constrained Roadway at a Lower Level of Service (CRALLS) facility. Its level of service shall be: 20,950 trips on a daily basis; and 1,948 trips on a peak hour basis, subject to Transportation Element Policy 1.4.
	3. <u>Transportation concurrency exception area(s) that are designated in the comprehensive plans of the Village of North Palm Beach and Palm Beach County.</u>
<b>B. Sanitary Sewer:</b>	<i>[no changes required]</i>
<b>C. Potable Water:</b>	<i>[no changes required]</i>
<b>D. Solid Waste:</b>	<i>[no changes required]</i>
<b>E. Drainage:</b>	<i>[no changes required]</i>
<b>F. Groundwater Recharge:</b>	<i>[no changes required]</i>
<b>G. Recreation/Open Space:</b>	<i>[no changes required]</i>

**Footnotes:** *[no changes required]*