

## Exhibit 6 (NBOZ to C-NB)

1        **Sec. 45-35.3. – C-NB Northlake Boulevard commercial district.**  
2        ~~overlay zoning district (NBOZ).~~

### 3        **ARTICLE 1    ESTABLISHED.**

4                The Northlake Boulevard commercial ~~overlay zoning~~ district (NBOZ) shall  
5        consist of ~~that portion of~~ real properties within the village on the north side of that  
6        ~~front upon or are adjacent to~~ Northlake Boulevard between Alternate A1A and US  
7        Highway 1 as indicated on the official zoning map.

### 8        **ARTICLE 2    CONSISTENCY WITH COMPREHENSIVE LAND USE PLAN**

9                The establishment of the C-NBOZ district is hereby declared consistent with  
10       the village comprehensive plan.

### 11       **ARTICLE 3    GENERAL PROVISIONS**

#### 12       **Sec. 3-1      Applicability.**

- 13        A.    ***Applicability.*** The provisions of the C-NBOZ district shall apply to all  
14        existing and future development within the boundaries of the C-NBOZ  
15        district as follows:
- 16                1.    All new development.
  - 17                2.    All renovations, additions, or redevelopment to existing structures  
18                where the cost of such is greater than fifty (50) percent of the assessed  
19                improvement value of the parcel, indicated on the most recent tax roll  
20                of Palm Beach County Property Appraiser, or an increase of greater  
21                than twenty (20) percent of the square footage of the existing structure  
22                shall conform to one hundred (100) percent of the C-NBOZ  
23                Regulations.
  - 24                3.    When the use of an existing structure ceases for one hundred eighty  
25                (180) consecutive days, or as otherwise determined to be a  
26                discontinued or abandoned use by the local zoning code.
- 27        B.    ***Invalid approvals.*** Invalid development orders or permits of projects, which  
28        have been revoked or have expired shall be subject to all applicable  
29        provisions of the C-NBOZ district.
- 30        ~~C.    ***Conflict with other applicable regulations.***~~
- 31                ~~1.    When the provisions of the NBOZ district conflict with other village~~  
32                ~~regulations applicable to the site, the most restrictive provisions shall~~  
33                ~~prevail.~~
  - 34                ~~2.    Provisions addressed within the village regulations that are not~~  
35                ~~addressed within the NBOZ district remain applicable in the~~  
36                ~~development or redevelopment of a site in the NBOZ.~~

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### 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.

1 **ARTICLE 4 ZONING REGULATIONS**

2 **Sec. 4-1 Development review regulations.**

3 **A. Allowable Uses.** Table 4-1 indicates allowable uses in the C-NB district.

- 4 **1.** The uses listed in Table 4-1 are grouped into four use groups:  
5 Residential Uses, Lodging Uses, Business Uses, and Civic &  
6 Education Uses.
- 7 **2.** In one of the columns following each listed use, a symbol is provided  
8 to indicate that:
- 9 a. This use is permitted by right; or  
10 b. This use may be approved as a special exception; see section 45-  
11 16.2 for standards and procedures; or  
12 c. This use, like other uses not listed in Table 4-1, is not permitted  
13 in the C-NB district.
- 14 **3.** Terms in Table 4-1 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 4-1.

17 ~~**A. Conditional use and special permit use.** Conditional uses and special permit~~  
18 ~~uses are generally compatible with the other uses permitted in the district,~~  
19 ~~but which require individual review as to their location, design,~~  
20 ~~configuration, intensity and/or density of use, buildings and structures, and~~  
21 ~~may require the imposition of conditions in order to ensure the~~  
22 ~~appropriateness of the use at a particular location. The supplemental~~  
23 ~~regulations outlined in section 4-3 of this article are to be considered in~~  
24 ~~addition to the existing village standards; however, the most restrictive~~  
25 ~~regulations apply. Special permit uses are generally temporary for a~~  
26 ~~specified fixed period of time.~~

- 27 ~~**1. Standards for conditional uses and special permit uses.** These uses~~  
28 ~~shall be permitted only if the applicant for conditional use or special~~  
29 ~~permit use approval demonstrates the following:~~
- 30 ~~a. The proposed use is in compliance with all requirements of and~~  
31 ~~is consistent with the general purpose, goals, objectives and~~  
32 ~~standards of the village's land development regulations and~~  
33 ~~comprehensive development plan;~~
- 34 ~~b. The proposed use will not have an undue adverse effect on~~  
35 ~~nearby properties;~~
- 36 ~~c. The proposed use is compatible with the existing or planned~~  
37 ~~character of the neighborhood in which it would be located; and~~
- 38 ~~d. All reasonable steps have been taken to minimize any adverse~~  
39 ~~effect of the proposed use on the immediate vicinity through site~~  
40 ~~design, landscaping and screening.~~

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**Table 4-1 Allowable Uses**

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

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1           2. ~~**Conditions on conditional uses and special permit uses.**~~ The village  
2 council shall attach such conditions, limitations and requirements as  
3 are necessary to carry out the purpose of the village's land  
4 development regulations and comprehensive development plan and to  
5 prevent or minimize adverse impacts on adjacent properties, including,  
6 but not limited to, conditions relating to the size and intensity of the  
7 use, landscaping, lighting, adequate ingress and egress, traffic  
8 circulation and hours of operation. Such conditions shall be set forth  
9 expressly in the resolution granting the conditional use or special  
10 permit use.

11           3. ~~**Review by village council.**~~ The village council shall conduct a public  
12 hearing on a conditional use or special permit use application and  
13 determine whether the request meets the criteria established in this  
14 section. At the close of the public hearing, the village council shall  
15 either adopt a resolution granting the application, with or without  
16 conditions, or deny the application.

17 ~~**B. Prohibited uses.**~~ Uses not listed in the use chart are prohibited unless it is  
18 determined by the village that the requested use is similar in nature to a  
19 listed use and not contrary to the intent of the NBOZ.

20 **B. Building height.** Building height is regulated through the architectural  
21 standards in Article 5; in no case may a building in the C-NB zoning district  
22 exceed 4 stories in height. For the purpose of calculating the number of  
23 stories in a building, stories shall be defined as the space between finished  
24 floor and finished ceiling, adjusted as follows:

25           1. Each level devoted to parking is considered as individual story when  
26 calculating the number of stories in a building.

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

30 **C. Existing planned development districts.** Properties within the jurisdiction  
31 of the village, which have a PUD designation at the time of adoption of the  
32 original NBOZ overlay in 2003, shall be permitted to have uses and design  
33 guidelines in accordance with the development order for that planned  
34 development district so long as the development order is in effect. Any  
35 amendment to the PUD will have to comply with the design guidelines of  
36 the current C-NBOZ district.

37 ~~**D. Variances.**~~ A variance from the supplementary use standards established in  
38 this article shall not be granted by the village.

39 **D. 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.

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1           2. A use that is an accessory to a nonresidential principal use shall not  
2           exceed thirty (30) percent of the floor area or business receipts of the  
3           principal use.

4 ~~F. E.~~ F. E. *Parking and loading.* Properties will retain the existing parking ratios as of  
5 the date of adoption of the C-NB Code, which are listed in C-S code section  
6 45-33 (E). A new mixed-use development or mixed-use redevelopment may  
7 be granted the mixed-use parking standards listed in Table 16.A within 45-  
8 31 (H).

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

11           b. Mixed-use developments qualify for the shared-parking percentage  
12 reductions specified in Figure 14 in 45-31 (H) provided the development  
13 includes at least 10% of its gross floor area in a second category on Figure  
14 14 (residential, lodging, office, business, and civic/education uses).

15           All parking and loading standards are governed by the village.

16 ~~E. F. G.~~ E. F. G. *Measuring distances.* All required distances between structures and/or  
17 uses within this article shall be measured and determined irrespective of  
18 existing municipal boundaries.

19 ~~Sec. 4-2—Land use chart.~~

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

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

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

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

## 29 **ARTICLES 5 THROUGH ARTICLE 8**

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

- 32       • *Every occurrence of the acronym “NBOZ” is being changed to*  
33       *“C-NB district”*
- 34       • *Every occurrence of the phrase “conditional use” is being changed*  
35       *to “special exception”*
- 36       • *Every occurrence of the word “overlay” or the phrase “overlay*  
37       *zone” is being changed to “C-NB district”*

## 38 **ARTICLE 5 ARCHITECTURAL ELEMENTS**

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

2 **ARTICLE 6 ~~LANDSCAPE ELEMENTS~~ RESERVED**

3 **ARTICLE 7 SIGNAGE AND OUTDOOR DISPLAYS**

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

**ARTICLE 8 SITE PLAN ELEMENTS**

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

\* \* \*

**D. Building envelope, bulk and setback requirement.** In order to establish overall building envelope, bulk, and setback provisions within the C-NBOZ district, the following regulations are established for the purposes of this section.

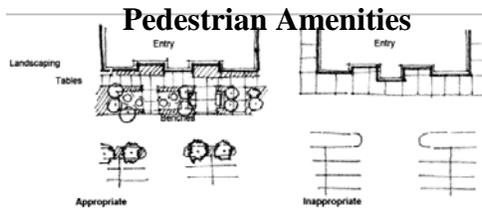
**Table 8-2 --- Proposed Setbacks**

*[delete columns headed West, Central and Marine]*

**Sec. 8-4 Pedestrian amenities.**

**A. General design.** Uses shall contribute to pedestrian-friendly focal spaces through the provision of aesthetic walking paths, pedestrian spaces with furnishings, public art, generous plantings, marked crosswalks, and vehicular parking and circulation areas clearly separated from such pedestrian amenities.

1. Sidewalks shall be of barrier-free design to the greatest extent possible.
2. Pedestrian circulation systems shall include gathering/sitting areas.



**B. Width and materials.** Sidewalks shall be a minimum of five (5) feet in width and shall be constructed of stone, textured cement, concrete pavers, or brick.

**C. Pedestrian entrances.**

1. Major public entrances shall be located along Northlake Blvd.
2. A clearly designated pedestrian walkway and similar pedestrian-oriented facilities shall be provided from public sidewalks to public entrance or walkways within a commercial site, as well as between abutting commercial properties.

**D. Pedestrian walkway to Earman River (C-17 Canal).** A clearly designated pedestrian walkway shall be provided from public sidewalks to the rear lot line on all properties located between US Highway 1 and a point 200 feet east of the centerline of Southwind Drive. This requirement shall not apply if the location of existing buildings make it impractical.