



**VILLAGE OF NORTH PALM BEACH
PLANNING COMMISSION
AGENDA
TUESDAY NOVEMBER 1, 2022
Council Chambers-501 US HWY 1
6:30 P.M.**

Cory Cross, Chair
Donald Solodar, Vice Chair
Thomas Hogarth, Member
Jonathan Haigh, Member
Kathryn DeWitt, Member
Scott Hicks, Member
Nathan Kennedy, Member

Alex Ahrenholz, AICP, Acting Community Development Director
Len Rubin, Village Attorney

Meeting backup available for the current Planning Commission meeting at:
<http://fl-northpalmbeach.civicplus.com/DocumentCenter/Index/195>

Archived meeting backup can be found at:
<http://www.npbweblink.com/WebLink/Browse.aspx?startid=147916&dbid=0>

- I. ROLL CALL**
- II. APPROVAL OF THE MINUTES**
 - a. [September 6, 2022 Minutes](#)
 - b. [October 11, 2022 Minutes](#)
- III. DECLARATION OF EX PARTE COMMUNICATIONS**
- IV. QUASI JUDICIAL MATTERS / PUBLIC HEARING**

Village Attorney to swear in all persons speaking

a. SITE PLAN AND APPEARANCE REVIEW

- i. [Public Safety Building Parking](#)

Application by the Village of North Palm Beach amending the Site Plan for the Public Safety building to add two (2) parking spaces.

b. RECOMMENDATIONS TO VILLAGE COUNCIL

- i. [C-3 Regional Business District](#)
Village initiated zoning text amendment to the existing C3 zoning district.
- ii. [Future Lane Use Element](#)
Village initiated comprehensive plan amendment to the Future Land Use Element affecting density within the C3 district.
- iii. [Property Rights Element](#)
Village initiated comprehensive plan amendment to include a Property Rights Element
- iv. [Prosperity Village PUD](#)

Informal recommendation to the Village Council for minor modification to Ordinance 2021-12 affecting the Tree Disposition Plan.

V. ADMINISTRATION MATTERS

- a. Staff Updates
- b. Commission Member Comments

VI. ADJOURNMENT

All members of the public are invited to appear at the public hearing, which may be continued from time to time, and be heard with respect to this matter.

If a person decides to appeal any decision made with respect to any matter considered at the subject meeting, he or she will need to ensure that a verbatim record of the proceedings is made, which shall include the testimony and evidence upon which the appeal is to be based (F.S. 286.0105). In accordance with the Americans with Disabilities Act, any person who may require special accommodation to participate in this meeting should contact the Village Clerk's Office at 841-3355 at least 72 hours prior to the meeting date.

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



**VILLAGE OF NORTH PALM BEACH
PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY AUGUST 2, 2022**

Present:

Cory Cross, Chairman
Donald Solodar, Vice Chair
Thomas Hogarth, Member
Jonathan Haigh, Member
Kathryn DeWitt, Member
Scott Hicks, Member
Nathan Kennedy, Member

Len Rubin, Village Attorney
Alex Ahrenholz, Principal Planner, Acting Community Development Director

Council Member:

Mark Mullinix

I. CALL TO ORDER

Chairman Cross called the meeting to order at 6:30 PM.

A. ROLL CALL

All members of the Planning Commission were present.

II. DECLARATION OF EX PARTE COMMUNICATIONS

The following Members declared Ex Parte Communications with the applicant of 200 Yacht Club Dr., Members of the Village Council and Village residents regarding 200 Yacht Club Dr.

Cory Cross
Donald Solodar
Kate DeWitt
Scott Hicks
Nathan Kennedy

III. QUASI JUDICIAL MATTERS / PUBLIC HEARING

Attorney Len Rubin swears in all persons speaking.

A. APPROVAL OF THE MINUTES

The Minutes of the June 7, 2022 and July 5, 2022 Regular Meetings were approved as written.

B. SITE PLAN AND APPEARANCE REVIEW

1. **824 US Highway 1**

Application by Lissette Rivera for amendment to building paint colors

Mr. Ahrenholz presented the staff report and recommendations. Work on this office building has been completed without a permit. The walls were previously white with a pale yellow color painted on the banding that runs around the perimeter of the building immediately above the ground floor/garage and at the roofline of the top floor. The new building color is Sherwin-Williams Extra White (SW 7006) with banding painted in Benjamin Moore Marina Gray (BM 1599). Staff recommends approval with no conditions.

Discussion by the Planning Commissions members included how a building this size could be painted without enforcement from the Village.

Mr. Arhenholz explained that Code Officers did advise the property management that a permit and approval was needed for their painting project and to stop working.

Motion: Ms. DeWitt moved to approve the application as submitted. Dr. Kennedy seconded the motion, which passed 7-0.

2. **Super 8 Motel**

Application by S.B. Patel for the addition of a freestanding metal awning

Mr. Ahrenholz presented the staff report and recommendations. There is an existing freestanding metal roof over the walkway immediately south of an entry to the motel lobby. It was installed a few years ago to protect customers from weather conditions. The Motel is proposing to duplicate an aluminum metal roof, like for like in material, color and dimensions, located over the walkway immediately north of motel lobby adjacent to an entry door, also to protect customers from weather conditions.

Staff proposes one condition of approval:

1. The awning shall match the existing awning in color and material

The Planning Commissions members discussed how far out from the building does the awning go; whether the awning runs from the lobby to the guest rooms; whether the existing awning was subject to the approval process originally; whether the proposed awning will match the existing awning; whether the applicant is agreeable with the condition of approval; whether the set back off of Anchorage Dr. is in compliance; and whether the awning will be flush with the

Motion: Mr. Hogarth moved to approve the application with Staff's condition of approval. Mr. Hicks seconded the motion, which passed 7-0.

3. **200 Yacht Club Drive**

Application by Robbins NPB LLC, for a 181 unit multifamily development with 1,578 square feet of commercial

Minutes of Village Planning Commission Regular Meeting held on September 6, 2022

Mr. Rubin explained the Quasi Judicial Order of Procedure and time limits for presentation of the application.

Ken Tuma, Urban Design Studio, 610 Clematis St. Unit CU-2, West Palm Beach, represented the applicant. He introduced for the records the resumes of the potential experts and speakers that may speak; the Staff Report dated 12/7/2021; and the Minutes of the 12/7/2021 Meeting. He also requested to reserve time at the conclusion of the Public Hearing to allow their attorney, Brian Seymour, to cross examine witnesses.

Mr. Tuma proceeded with his formal presentation. He detailed the current changes made since the 12/7/2021 Planning Commission Meeting:

1. Building height reduced by 1 floor (5 stories to 4 stories)
2. Reduced the number of units to 177 (206 units to 177 units)
3. Construct 10 ft. access easement on south side (new street to easement), and
4. Four live/work units converted to all commercial space

Rob Rennebaum, Traffic Engineer, Simmons & White, 2581 Metrocentre Blvd, Ste. 3, West Palm Beach, presented the traffic study results for US 1 and Yacht Club Dr. He also stated that former Village Manager Andy Lukasik personally conducted his own traffic study in January 2022 which was presented to Mr. Rennebaum.

Mr. Ahrenholz, Interim Community Development Director, presented the Staff Report. He provided a detailed update of the project since the December 7, 2021 meeting. The Planning Commission had approved the request by a 5-1 vote at that meeting. Due to concerns from residents expressed to the Village Council, the applicant decided to redesign the project and eliminate the 5th floor waiver request. Without that request as part of the application, the project is no longer required to be approved by the Village Council. Because the project has been redesigned from the originally approved request, the application is back before the Planning Commission for final approval. Staff recommended the addition of 23 conditions of approval be to the development order:

1. Prior to certificate of occupancy, owner shall provide rental rates and breakdown of workforce housing units for review and approval by the community development department and the Village Attorney. The workforce housing units shall be consistent with Policy 1.B.2 of the Comprehensive Plan. The owner shall submit the rental rates and a breakdown of workforce housing units for review and approval by the community development department on or before January 1st of each year subsequent to the year in which the Village issues the certificate of occupancy.
2. The property owner shall host a minimum of 6 farmers market or food truck events per year. If the required number of monthly events is not held by the property owner, the Village shall be granted ability to provide one event, once per month, in coordination with the property owner. All such events shall be open to the public.
3. Live/ work units shall be constructed and leased as commercial spaces. They shall be maintained for a minimum of two (2) years. If there is no tenant occupancy after that time, the units can be converted to live/work or solely residential. Conversion construction shall be permitted through the Community Development Department and approved by the Community Development Director.
4. The commercial space adjacent to the two pedestrian plazas is intended to attract the general public to the area. They are appropriate if they provide services, entertainment, and/or retail sales for the general public. The commercial spaces adjacent to the pedestrian plazas shall not be used for non-service-related office space. Permitted uses will be reviewed and approved by the Village Manager and Community Development Director.

Minutes of Village Planning Commission Regular Meeting held on September 6, 2022

5. Commercial units are required to obtain a business tax receipt from the Village prior to operating the business
6. The owner shall not be permitted to utilize amplification of any kind on the amenity deck. The use of amplification shall require a special event permit from the Village.
7. Prior to the certificate of occupancy, if permitted by the Florida Department of Transportation (FDOT) and any other applicable governmental agencies, the Applicant shall construct a westbound one-way driveway, 10 feet in width, with a 3 -foot landscape area between the driveway and the adjacent property, within the 20 foot access easement as shown on the approved site plan. The applicant shall utilize its best efforts to obtain approval of the access point from FDOT. If FDOT does not grant approval, the property owner shall make a payment of \$125,000 to the Village for improvements prior to certificate of occupancy.
8. Per 45-31.E.4, rooftop facilities shall be sufficiently screened from the street and adjacent properties. Adequate trees, shrubs, or greenspace shall be provided on any active rooftop facility. A rooftop planting plan and location plan for any speakers shall be provided prior to issuance of vertical building permit for the parking garage building.
9. The Applicant shall relocate and preserve existing native trees shown on the approved tree disposition plan. If the oak trees do not survive relocation or preservation, they shall be replaced with oaks that are the largest caliper that is reasonably available from local nurseries.
10. Approval shall be obtained from Florida Power and Light (FPL) for the undergrounding of powerlines and utilities and all work shall be completed prior to commencement of vertical construction.
11. Prior to issuance of the first building permit for vertical construction, the Applicant shall revise plans to provide details of lighting fixtures that utilize dark-sky friendly techniques where feasible.
12. There shall be no parking in the seven-foot transportation easement in the driveways of the townhomes.
13. Irrigation plans shall be provided prior to approval of the first infrastructure permit.
14. A permit shall be obtained from Seacoast Utility Authority prior to the first infrastructure permit.
15. All infrastructure, including but not limited to fire hydrants, street lights, storm drains, etc. proposed on the approved site plan shall be maintained by the property owner. Fire hydrants shall be installed, tested and in service prior to construction, and a stabilized fire department access road shall be installed and maintained prior to and throughout construction.
16. Prior to the issuance of the first infrastructure permit, Applicant shall provide the Village with a performance bond, letter of credit, escrow agreement or other acceptable surety agreement in a form and in an amount approved by the Village Attorney to assure completion of on-site roadways, drainage and utility improvements. As improvements are completed and accepted by the Village, the amount of the performance bond, letter of credit, escrow agreement or other acceptable surety may be reduced by a proportionate amount as determined by the Village Manager in consultation with the Village Engineer.
17. The property shall be platted with the proposed access easements, utility easements and the dedication of right-of-way to the Village and the plat shall be approved by the Village Council and recorded in the public records prior to the issuance of a certificate of occupancy.
18. Prior to issuance of the first building permit for vertical construction, the Applicant shall revise plans to provide details of lighting fixtures that utilize dark-sky friendly techniques where feasible.
19. No parking signs shall be added along the alley in the transportation easement prior to certificate of occupancy.
20. Any deviations to the approved site plan shall be governed by Section 6-59(4) of the Village Code of Ordinances.
21. If any significant archeological resources are found on site during development and construction, the Applicant shall notify Village staff and following the procedures outlined in Section 21-104 of the Village Code of Ordinances.

Minutes of Village Planning Commission Regular Meeting held on September 6, 2022

22. The Applicant shall be bound by all oral and written representations made both on the record and as part of the application process irrespective of whether such representations are included as formal conditions.
23. The conditions of approval shall be binding on the Applicant and its successors in interest and assigns and a violation of such conditions shall constitute a violation of the Village Code of Ordinances and may be enforced by the Village as set forth in Article VI, Chapter 2 of the Village Code or as otherwise authorized by law.

The Chairman opened the floor to public comments.

Peggy Girard, 52 Yacht Club Dr. #104 – Concerned about parking and trespassing

Bob Starkie, 36 Yacht Club Dr. #207 – Traffic concerns impacting Yacht Club Dr.

Carolyn Liss, 52 Yacht Club Dr. #304 – Concerned about Comprehensive Plan vs. application requests & schools

William Rose, 36 Yacht Club Dr. #106 – Concerns with roof top decks and pools

Chris Ryder, 118 Dory Rd. S. - Planning Commission responsibilities and Comprehensive Plan

John Rothberg, 134 Lakeshore Dr. #G-23 – Concerned with traffic, Parker bridge impact and roof top pool noise

Debbie Cross, 2560 Pepperwood Circle S. – Concerned with commercial area reduction, and traffic

Diane Smith, 37 Yacht Club Dr. #204 – Concerned with traffic along Yacht Club Dr., US 1 & alleyway

Patricia Williamson, Fathom Rd. W. – Concerned with change in views from home with large development

David Colangelo, 45 Yacht Club Dr. #210 – Concerned with water impact and SFWMD Waterworks Plan

Pat Kelley, 37 Yacht Club Dr. #111 – Concerned with zoning changes and public records information

Sandra Yeater, 36 Yacht Club Dr. #505 – Concerned with density and storm water management

Bill Stevens (audio not clear), 52 Yacht Club Dr. – Concerned that residents' concerns are not addressed

The Chairman closed the public comments.

Mr. Tuma provided a response to the public comments/concerns.

Mr. Rennebaum addressed the DOT/traffic issues and concerns.

Susan O'Rourke, Traffic Engineer, 22 SE Seminole St., Stuart, FL, was present to represent the Village.

Brian Seymour, Attorney, 777 S. Flagler Dr., West Palm Beach, was also present to represent the project. He explained that the plan meets the requirements of the code.

The Planning Commission members asked the applicant about traffic loads on US 1, storm water impacts, to explain trench control structures, lane reduction impact and where the lane reduction sections would occur in relation to the project, why did the applicant withdraw the project previously, uses for the commercial space, what the cost to build the roadway on the south end might be, the lack of walkability within the project, the sidewalk issue along US 1 has not been addressed, whether the surface parking is restricted to the commercial area, whether there are amenities for small children planned, and what commercial spaces are planned to draw customers from surrounding communities. Members were for the diversity of housing, not limiting the project to small commercial businesses and felt businesses that draw visitors would be better, proposed limiting the number of special events, and felt the project would be better placed elsewhere in the Village. They also expressed a desire to remove the two (2) year live/work occupancy component and make it all commercial.

Mr. Tuma addressed the Planning Commission's concerns.

Minutes of Village Planning Commission Regular Meeting held on September 6, 2022

Mr. Seymour reiterated the point of law regarding the approval of the project in that it meets the Village Code despite whether it, the project, is liked by the residents and Planning Commission.

Mr. Rubin explained that the Planning Commission can find that the project is inconsistent with the Comp Plan, and therefore inconsistent with the Master Plan, and therefore do not need to approve it.

Motion: Mr. Hogarth moved to deny the application because the standards for the landscape waiver for the sidewalk easement were not met. Mr. Solodar seconded the motion, which passed 5-2. Mr. Haigh and Dr. Kennedy vote nay.

V. ADMINISTRATION MATTERS

A. Staff Updates: None

B. Commission Member Comments:

- The sidewalk has been blocked in front of Memory Care for quite some time, is there a way to put in a temporary sidewalk, or make them repair it more quickly.

VI. ADJOURNMENT

With there being no further business to come before the Board, the meeting adjourned at 9:58 PM.

Minutes typed by Jane Lerner



**VILLAGE OF NORTH PALM BEACH
PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY OCTOBER 11, 2022**

Present:

Cory Cross, Chairman
Donald Solodar, Vice Chair
Thomas Hogarth, Member
Jonathan Haigh, Member
Nathan Kennedy, Member
Kathryn DeWitt, Member

Len Rubin, Village Attorney
Alex Ahrenholz, Acting Community Development Director

Not Present:

Scott Hicks, Member

Council Member:

Deborah Searcy, Mayor

I. CALL TO ORDER

Chairman Cross called the meeting to order at 6:30 PM.

A. ROLL CALL

All members of the Planning Commission were present except Mr. Hicks.

II. DECLARATION OF EX PARTE COMMUNICATIONS

There were no Ex Parte Communications declared by the Board.

III. QUASI JUDICIAL MATTERS / PUBLIC HEARING

Attorney Len Rubin swears in all persons speaking.

The Chairman allowed Comments from the Public to be heard prior to the start of Item III. A.

Mr. Tim Hullihan, 840 Country Club Dr., addressed the Board members regarding the C-3 Zoning District. He stated that he was invited to meet with the owner of the Twin City Mall proposed project and learned that the property owner was writing his own code to fit his project. Mr. Hullihan advised that the Village, along with Dover Kohl, initiated the rewrite the C-3 Zoning District (Twin City Mall) code through a public hearing process and unfortunately never went through completion with the Village Council. He implored the Planning Commission to not allow the property owner to be able to write code around his design and to encourage the Village Council to adopt the C-3 code that Dover Kohl and the Village had spent the time to create.

A. APPROVAL OF THE MINUTES

The Minutes of the August 2, 2022 Regular Meeting were approved as corrected.

B. SITE PLAN AND APPEARANCE REVIEW

1. Public Safety Building Parking

Application by the Village of North Palm Beach amending the Site Plan for the Public Safety building to add two (2) parking spaces.

Motion: Mr. Haigh moved to table the application. Ms. DeWitt seconded the motion, which passed 6-0.

2. 420 US Highway One Paint Colors

Application by SOVS Holdings, LLC for new building paint colors.

Mr. Ahrenholz presented the staff report and recommendations. The property is a commercial plaza known as The Shoppes at Village Square. The walls are currently yellow with white accent and a metal roof. The proposed wall color will be white Benjamin Moore (OC 150) with accents painted in gray Benjamin Moore (HC 170). Existing building signage was approved as and consists of translucent vinyl Light Blue (#053) letters on white acrylic background and a combination of nationally registered tenant sign colors. Pictures reflecting the existing color scheme of the building and pictures reflecting the proposed white and gray color scheme have been included as attachments to this staff report for reference. Staff recommends approval with no conditions.

The Planning Commissions members discussed why the property owner wants to change the color; whether the signs will stay white; would like elevation drawings with the changes to be submitted; why did the property owner chose gray; would like clarity on what will be painted white and what will be painted gray; whether the panels behind the signs will be painted gray; concerns that gray behind the signage will make the sign too prominent; and whether the insets and triangles in the columns will be painted gray. As the applicant was not present to answer questions, consensus was to table the application until a meeting when the applicant would be present.

Mayor Debra Searcy asked whether the applicant could be asked to choose a different color.

Applicant was not present to represent the project.

Motion: Mr. Solodar moved to table the application. Mr. Haigh seconded the motion, which passed 6-0.

3. Pelican Carwash- Tabled in June 2022

Application by PGA Wash LLC for site improvements to the existing carwash

Motion: Mr. Solodar moved to remove the item from the table. Mr. Hogarth seconded the motion, which passed 6-0.

Mr. Ahrenholz presented the staff report and recommendations. He briefed the Planning Commission members on the previous conditions. The new awning is non-conforming and the applicant will remove it. He also reiterated the Planning Commission's comments from the June 2022 meeting and advised that the applicant has addressed them in the updated site plans, renderings and striping plan. The applicant has additionally proposed to add new landscaping at the base of the building, update the existing cabinet wall sign to match their new branding, and repaint the building to white with a blue roof, per some of the conditions of approval proposed by staff and the discussion by the Planning Commission at the last meeting. Staff proposes the following conditions:

Minutes of Village Planning Commission Regular Meeting held on October 11, 2022

1. The largest, most western orange awning shall be replaced with a smaller awning of similar size canopy as before to not increase the nonconformity.
2. The blue awning in the front the building shall be removed.

The Planning Commissions members discussed whether any retail tenants remain; whether the applicant will be utilizing the retail space; whether the seating area is located in a retail space; need for traffic direction arrows on striping plan need to be in the correct side; dislike of the vacuum area placement on plan; recommend that double landscape plantings (layered) be used to conceal vacuums; whether the monument sign meet the minimum landscape requirement; whether the tenant cabinet sign have been removed; whether tree plantings are required; and will there only be one fuel pump.

Lorena Serrano, Pelican Car Wash, was present to represent the project. She answered the questions of the Planning Commission.

Motion: Ms. DeWitt moved to approve the application with staff's conditions and the conditions that the graphics and signage lettering be removed from the fuel and pay equipment, ensure appropriate length of parking stalls for the air pumps and are appropriately located, correct the directional arrow and crosswalk striping in the parking lot, add sufficient bougainvillea and an additional smaller plant layered to hide the vacuums from the right of way. Mr. Haigh seconded the motion, which passed 6-0.

C. RECOMMENDATIONS TO VILLAGE COUNCIL

1. Village Initiated Zoning Text Amendment

Amendment to Section 45-27, R1- Single Family Zoning District for regulations to second story size of single-family homes and Section 45-64, Nonconforming Structures.

Mr. Bill Whiteford, Chairman, Ad Hoc Committee, presented the process of the Ad Hoc Committee, discussed the importance of ZIP, second story massing and how they arrived at the recommendations reached.

Mr. Ahrenholz further discussed the recommendations and answered the Planning Commission members' questions. A Power Point presentation of second story home examples was given.

Motion: Mr. Solodar moved to recommend the Amendment, as presented, to the Village Council. Dr. Kennedy seconded the motion, which passed 6-0.

V. ADMINISTRATION MATTERS

A. Staff Updates:

- The applicant for 200 Yacht Club Dr. is appealing the Planning Commission's denial. It will go before the Village Council on October 27, 2022.

B. Commission Member Comments:

- Wished the Ad Hoc Committee's recommendation would have been sent out with more time for review before the Village Council meeting.

Minutes of Village Planning Commission Regular Meeting held on October 11, 2022

- Is there an exception for grand opening signs to be up at businesses? Signs along Northlake Blvd. seem to have been advertising their grand opening for the past few months.
- Next meeting will be November 1, 2022
- Joint meeting with Lake Park – The Town of Lake Park initiates those meetings.

VI. ADJOURNMENT

With there being no further business to come before the Board, the meeting adjourned at 8:11 PM.

Minutes typed by Jane Lerner



MEMORANDUM

James Anthony
Facilities Manager/Public Works
(561) 691.3443
E-MAIL: janthony@village-npb.org

The Village of
NORTH PALM BEACH
645 Prosperity Farms Rd.
North Palm Beach, Florida 33408

Date: 11/1/2022

To: Planning Committee, Village of North Palm Beach

From: James Anthony, Facilities Manager, Public Works

via: Alex Ahrenholz, Interim Director, Community Development

cc: Chad Girard, Interim Director, Public Works

Re: Additional Parking, Public Safety

Dear Committee Members,

Due to operational and safety concerns we are seeking authorization to add two parking spaces in the front of the Fire Department facility for senior fire leadership.

The addition of new vehicles to the fire department fleet has taken valuable space within the fire bay. Senior staff vehicles are now required to park outside due to these changes.

Deployment of these vehicles from the rear of the facility slows response and does not allow these vehicles to utilize the emergency services traffic light at the front of the building, as they would if deployed with the primary response vehicles.

Deployment of these vehicles from the front of the facility requires the vehicles be parked in front of fire bay doors. This configuration hinders the movement of vehicles in and out the fire bay if leadership vehicles are not deployed, on select calls.

These two parking spots would be placed on the southwest corner of the building and integrated into the main fire bay driveway. Properly angled, these spots will be partially screened from highway US 1 with appropriate foliage. The spots will be constructed with a minimum of 5" thick reinforced concrete at a 60° angle to the existing driveway.

The addition of these two spots are deemed to have a negligible impact on the ratio of pervious to non-pervious surface on the property.

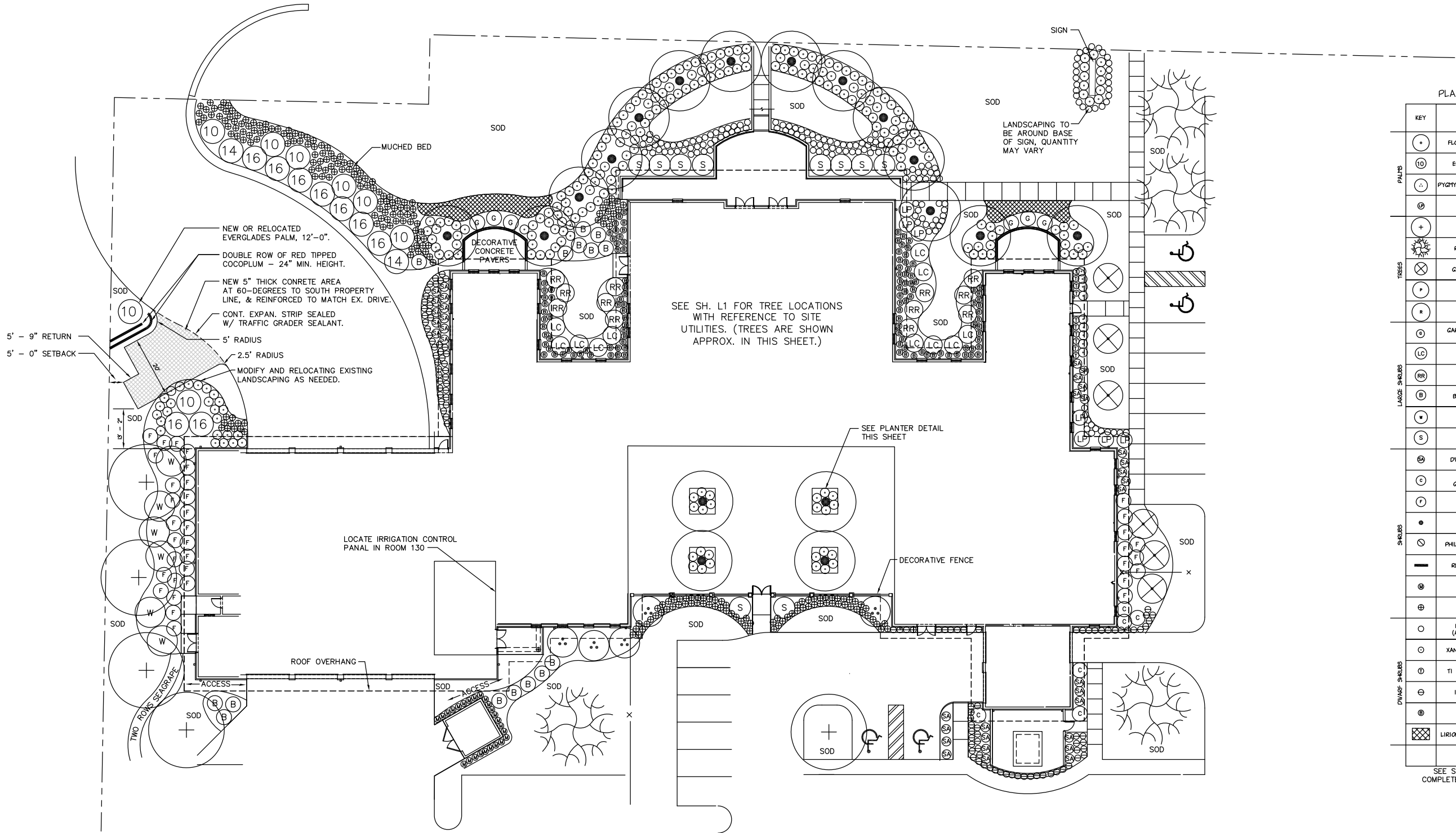
Relevant drawings and specifications are attached for your review.

As our community grows so must our facility modifications to meet our changing requirements.

Public Works staff recommends the addition of these two parking spaces in the interest of public safety.

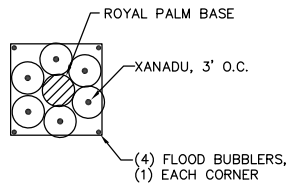
Respectfully,

James Anthony
Facilities Manager
Village of North Palm Beach

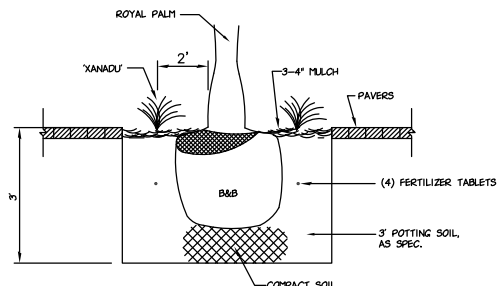


PLANT KEY	
KEY	COMMON NAME
PALMS	FLORIDA ROYAL PALM
	EVERGLADES PALM
	PIGMY DATE PALM CLUSTER
	LADY PALM
TREES	LIVE OAK
	ROYAL POINCIANA
	GLOSSY LIGUSTRUM
	PONGAM
LARGE SHRUBS	RED MAPLE
	GARDENIA JASMINOIDES 'MIAMI SUPREME'
	LOBSTER CLAW
	RICHMOND RED
SHRUBS	BIRD OF PARADISE
	WAX MYRTLE
	EMPEROR SAGO
	DWARF SCHEFFLERA
DIVAR. SHRUBS	'PURPLE LEAF' GIANT SPIDER LILY
	FIREBUSH
	SEAGRAPE
	PHILODENDRON SELLOUM
SMALL SHRUBS	RED TIP COCOPLUM
	MARLBERRY
	PLUMBAGO 'IMPERIAL BLUE'
	DWARF FIREBUSH (ALT. IXORA MAUI)
SMALL TREES	XANADU PHILODENDRON
	TI PLANT 'RED SISTER'
	INDIAN HAWTHORN
	BOSTON FERN
SMALL TREES	LIRIOPE 'EVERGREEN GIANT'
	'PALMETTO' SOD
SEE SH. L3 FOR COMPLETE PLANT LIST	

BUILDING LANDSCAPE PLAN
SCALE: 1/16" = 1'-0"



PLAN



SECTION

PLANTER DETAIL
N.T.S.

REV. — 10/25/22

DATE	APPROVED	DESCRIPTION	DATE	APPROVED	DESCRIPTION
12-2-97	SPAIN	DESIGNED	12-2-97	SPAIN	DESIGNED
12-2-97	SPAIN	DRAWN	12-2-97	SPAIN	DRAWN
12-2-97	SPAIN	CHECKED	12-2-97	SPAIN	CHECKED
12-2-97	SPAIN	APPROVED	12-2-97	SPAIN	APPROVED

PUBLIC SAFETY FACILITY
VILLAGE OF NORTH PALM BEACH
NORTH PALM BEACH, FLORIDA
BUILDING LANDSCAPE PLAN



GEE & JENSON
Engineers-Architects-Planners, Inc.

One Harvard Circle
West Palm Beach, Florida 33409

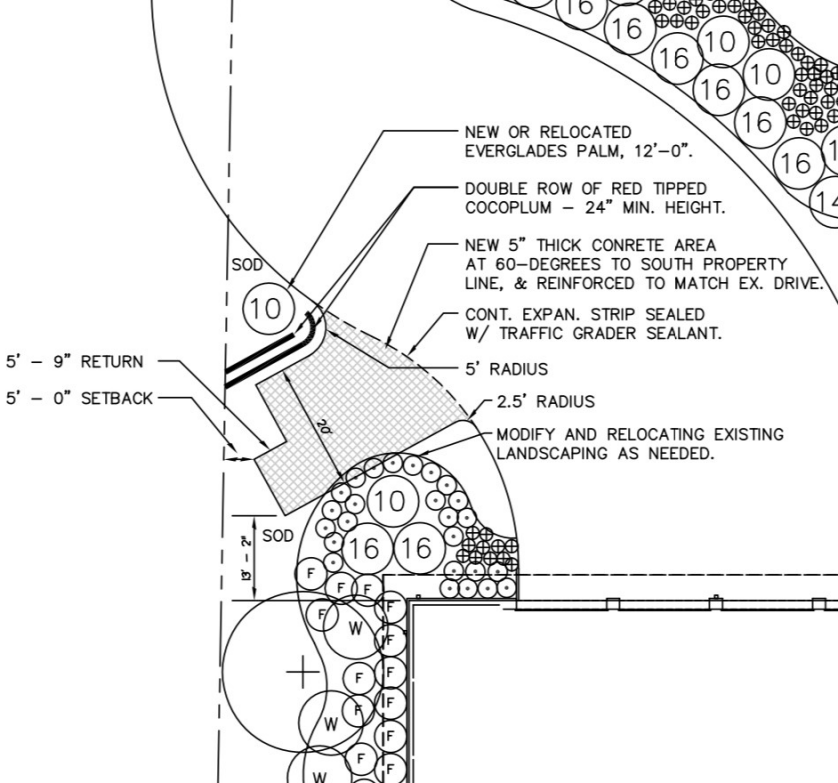
JOB NUMBER 96-188.00

CAD FILE 188-L02

SHEET NUMBER

SHEET OF

L2





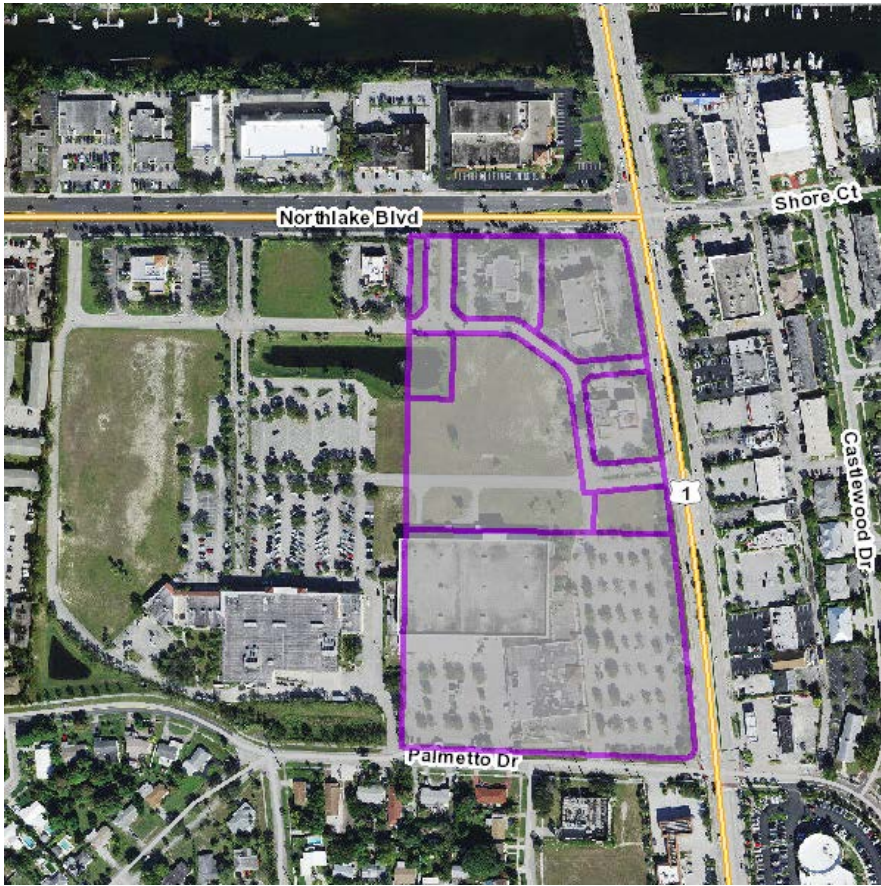
Village of North Palm Beach

Department of Community Development

420 U.S. HIGHWAY ONE, SUITE 21 • NORTH PALM BEACH, FLORIDA 33408
561-882-1156 • FAX 561.841.8242 • WWW.VILLAGE-NPB.ORG

DATE: November 1, 2022
TO: Planning Commission
FROM: Alex Ahrenholz, AICP, Acting Director of Community Development
RE: Comprehensive Plan Amendment to Future Land Use Element
Village initiated Zoning Text Amendment - C3 Regional Business District

I. APPLICATION

Location:	Generally located at the SW corner of US highway 1 and Northlake Blvd
Request:	Amendment to density restriction in future land use element. Zoning text amendment to C3 Regional Business District to establish a new planned unit development process.
	

II. Overview

The old Twin City Mall site has been underutilized for many decades and redevelopment attempts have been in the works during that entire time. The Village of North Palm Beach, in conjunction with the Town of Lake Park, entered into an interlocal agreement in 1993 to collectively address the future of the parcel. The last of the original mall was gone after demolition of the Sears building in 1995. The Northlake Promenade Shoppes PUD was established with the construction of Publix in 2000, mostly situated on the western Lake Park side. The Village Shoppes PUD was created in 2003 on the eastern North Palm Beach side, creating the existing suburban shopping center that exists today.

The two municipalities have worked together over the years to revitalize the properties of the Twin City Mall site with joint review of developments and identical zoning regulations called the C3 Regional Business District. However, both have acknowledged redevelopment was not occurring under those regulations. The Village completed the Citizen's master plan in 2016 with a section dedicated to the redevelopment of the site, showing a more urban, mixed-use development pattern. In efforts to act on the recommendations of the master plan, Dover Kohl and Partners was hired to assist the Village in rewriting the regulations of the commercial zoning districts. Though the consultants created a draft regulation of the new C3 Regional Business District, ultimately it was decided to move forward with the rest of the commercial properties and wait for Lake Park to draft complementary regulations. Commercial regulations were passed in December 2020. Since there was no consensus among Council and the general public on the market needs for development of the parcel, the Treasure Coast Regional Planning Council was contracted to assist in the development of a Market Study to better identify what type of development is economically viable for the properties.

With the results of the market study in hand, Lake Park adopted regulations for a much denser mixed-use development pattern in July of 2022. The Town currently has a 250 unit, 5-story apartment building under review for the vacant piece on the west side. The Lake Park code is further described below.

The Village of North Palm Beach completed the market study and was prepared to continue work on the updated land development regulations in early 2022. NP Devland Holdings LLC purchased a thirteen (13) acre section of the old Twin City Mall site in April of 2022 and has since worked closely with the Village to develop regulations that follow the guidelines of the master plan, expound upon some of the concepts created by Dover Kohl and maintain a similarity to the new regulations in Lake Park. The property owner presented the vision for the site at the July 14, 2022 Village Council meeting. With general support, staff has moved forward with an amendment to the zoning regulations for the C3 Regional Business District to facilitate the proposed development. The application is considered a Village initiated text amendment because it is affecting parcels not owned by NP Devland Holdings LLC. The regulations are further detailed below.

III. Citizen's Master Plan

The basis for all of the work to rewrite the C3 zoning district started with the adoption of the Village of North Palm Beach Citizen's Master Plan in 2016. The plan includes the following excerpts pertaining the C-3 District:

- *"Provide shopping, entertainment, restaurant uses within the form of a an urban neighborhood that incorporates residential as an integral use"*
- *"Buildings tall enough to afford water views could be incorporated without impacting existing residences"*
- *"1. An interconnected system of walkable blocks and small streets;*
- *2. Buildings line streets and face parks and open spaces;*
- *3. The grocery store is moved east to have visibility from US 1;*
- *4. A mix of building types is provided including townhouses, low-rise multi-family, high-rise multi-family, retail and mixed-use;*
- *5. Parking is provided on-street, in garages, and behind buildings;*
- *6. Transitions to the adjacent area is designed to be harmonious - like uses face like uses; and*
- *7. Redevelopment is equitably divided between the two municipalities."*

With the development of the C3 district, the currently proposed changes to the code create interconnected, walkable streets with required public spaces, urban building forms and screened parking. Staff has collaborated

with Lake Park to ensure this project is compatible with the Town's zoning regulations, the street connections are maintained and transitions are provided to adjacent uses. The only item that cannot be accomplished is the relocation of Publix, since the grocery store owns its property.

IV. Market Study

The Village coordinated with the Treasure Coast Regional Planning Council and real estate and economic advisor firm WTL+a to complete a redevelopment feasibility analysis of the entire Twin City Mall site. Though it is seen as a snapshot in time of the real estate market at the end of 2021, the data supports the proposed redevelopment regulations at this location.

The study concluded the following:

- Commercial office is not a feasible option with the change in remote work and the high vacancy rates seen around the country after the COVID-19 pandemic.
- The larger parcel of land on the North Palm Beach side will have a significantly high acquisition cost which will "necessitate additional density and building height to justify construction feasibility."
- No current demand for hotel
- No current demand for retail without also adding residential, though there are multiple industries with retail locations in the trade area (along PGA Blvd.) that could be recaptured as tax revenue and local services for residents of Lake Park and North Palm Beach.
- NPB jobs-to-population ratio is 0.48 (48 jobs for every 100 residents). This is much lower than adjacent municipalities that see an influx of commuters.
- Very low current population growth in both municipalities, but ability for 850-1000 residents on this entire site by 2030.

V. Town of Lake Park regulations

The Town of Lake Park has created regulations that greatly increase the developable intensity of the site. The use table is generally consistent with the Village's proposed regulations, with the exception of indoor entertainment and bar uses being permitted by right where they are a special exception use in Lake Park.

The Lake Park C3 zoning regulations have an overall density of 48 dwelling units per acre (du/ac) and a 2.0 floor area ratio (FAR) for non-residential uses. Overall, no building may exceed twelve (12) stories or 160 feet. At twenty-one (21) acres of developable land in the C3 district, 1,009 residential units and 1,833,000 square feet of non-residential can be built. All development site plans are required to go before the Lake Park Planning and Zoning board as well as the Village's Planning Commission for final approval.

Lake Park additionally created new development regulations for properties along US Highway 1, named the Federal Highway Mixed Use Development Overlay. The 7-Eleven site, to the immediate south of the C3 district on the west side of U.S. One, has a development potential of seven (7) stories or 60 feet. On the east side of U.S. One, adjacent to Kelsey Park, buildings can get up to ten (10) stories or 110 feet.

VI. Comprehensive Plan Amendment

The Village is proposing three changes to the Future Land Use Element (Chapter 3) of the Comprehensive Plan. The Plan amendment will require review and a recommendation by Planning Commission, review by the Interlocal Plan Amendment Review Committee (IPARC) and transmittal to the Florida Department of Economic Opportunity before final approval by Village Council.

Language has been added to the Village goal statement, taken in part from the Citizen's Master Plan and in part from similar language included in the US 1 Mixed Use (CMU) zoning district, to establish the intent to redevelop the vacant parcels and older commercial buildings into a pedestrian oriented, mixed-use development.

The second and third changes involve the density restriction of 24 du/ac for all properties with a commercial future land use designation and 36 du/ac if utilizing the workforce housing density bonus. The C3 is proposed to

utilize a restriction on FAR to get the best mixture of residential and commercial uses on the property. Currently, there is no restriction on commercial uses with the FAR exemption for the C3 and CMU districts, so it is completely dependent on the established rules in the zoning district.

VII. Zoning Text Amendment

The proposed text amendment creates an amendment to the Planned Unit Development (PUD) process of the existing C3 district for large-scale development and amends the use table to provide for certain uses that can only be constructed within a PUD. The parcels that do not qualify for the new PUD process due to size constraints will be able to utilize the Village's existing PUD regulations. This approach will allow the outparcels currently occupied by the BP gas station, CVS Pharmacy and TD Bank to remain as conforming structures. These properties will have the option to redevelop as a PUD in the future to conform to the look of the rest of the development if desired.

All PUD applications are required to be presented to both Lake Park Planning and Zoning Board as well as North Palm Beach Planning Commission for recommendation to the Village Council for final approval. The revised PUD process creates a much more urban development pattern, requiring a minimum of 50,000 square feet of commercial and half acre of civic space. The maximum buildable height is fourteen (14) stories or 200 feet. Properties adjacent to US highway 1 and Palmetto Drive are limited to nine (9) stories in height.

The PUD establishes a regulating plan specifying various building frontage types for each street. The frontage types along the new interior roads will have active-use areas to promote nonresidential uses with wide pedestrian spaces. The regulating plan maintains the existing street grid and connections to Northlake Blvd and US Highway One as well as internally to the western Lake Park parcels. There is an allowance for projects going through the PUD process to make amendments to the street locations shown on the regulating plan, as long as the connectivity to the existing street network is maintained.

Floor Area Ratio (FAR)

The overall size of the buildings is limited to a FAR of 2.75 for the properties utilizing the new PUD regulations. Assuming the entire 13 acres owned by NP Devland Holdings LLC is developed, there could be a maximum of 1,566,427 square feet constructed on site. 50,000 square feet of non-residential is required for the project and there is no limitation proposed for residential density. Currently there is approximately 130,000 square feet on commercial space on the site.

There are many potential breakdowns of residential and non-residential uses for the site. If the minimum commercial was constructed and the property owner maximized the residential density with 700 square foot apartments, there could be approximately 1,500 units. If that number is closer to 1,500 square feet per unit, including amenities, there could be 1,000 units built. The total number of dwelling units and commercial space will be reviewed with the master plan and PUD application.

The ultimate buildout out of the property would be based on how much non-residential is constructed and the mixture of different housing types. Another limiting factor to the overall size of the development will be traffic and utilities. The master plan application will determine the actual buildable potential for this site based on those limiting factors. A higher commercial intensive development, utilizing restaurants and retail will have a higher traffic generation rate than residential uses and may be limited to less than the maximum buildable potential provided with the FAR alone.

Utilizing the FAR as a limiting development pattern is typical for urban settings with large capacity roads and access to transit services. Downtown West Palm Beach utilizes FAR and height restrictions solely for the limitation of development. New urbanism and form-based code design principles also utilize FAR as a limiting factor, but focus on human-scaled urban design. These principles help create walkable environments with a mixture of uses in close proximity. If the pedestrian zone within the first two floors of a building is designed as a vibrant, engaging, and comfortable place for people to be, the height of the adjacent buildings (whether 4 stories

or 10 stories) becomes less of a factor. The visual perception of a tall building should not be regulated to the visibility from a car on an adjacent street.

Height

The height and intensity are compatible with the neighborhood, having commercial and major roadways on all sides of the project. The only possible compatibility issue lies along Palmetto Drive against the rental duplexes in Lake Park. This project is proposing to limit the height to nine (9) stories along Palmetto Drive while Lake Park permits up to twelve (12) stories within their zoning district to the immediate west. The closest single-family home within North Palm Beach to a building that could be 14 stories is across the Earman River, approximately 900 feet away.

All proposed structures will not be permitted to utilize parking decks towards the height limit, but small rooftop amenities (40% of the lower floors) can be permitted to exceed the height. For reference, the Water Club Phase 3 tower constructed in 2020 is at a height of 200 feet to the top of the architectural roof element.

VIII. CONCLUSION

In Staff's analysis, the proposed changes to the comprehensive plan and land development regulations are consistent with the vision of the ultimate buildout presented by the property owner, are in line with the standards of the master plan, meet the needs of the market study, and are generally consistent with Lake Park's regulations.

ORDINANCE NO. 2022-____

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING ARTICLE III, "DISTRICT REGULATIONS," OF APPENDIX C (CHAPTER 45) OF THE VILLAGE CODE OF ORDINANCES BY AMENDING SECTION 45-34.1 TO REVISE THE ZONING REGULATIONS FOR THE C-3 REGIONAL BUSINESS DISTRICT TO FACILITATE REDEVELOPMENT AND PROVIDE FOR A NEW PLANNED UNIT DEVELOPMENT PROCEDURE; AMENDING SECTION 45-35.1, "PLANNED UNIT DEVELOPMENT," TO ALLOW FOR USE BY PROPERTIES WITHIN THE C-3 ZONING DISTRICT UNDER SPECIFIED CIRCUMSTANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, through the adoption of Resolution No. 2016-73, the Village Council formally adopted the Citizens' Master Plan Report prepared by the Treasure Coast Regional Planning Council ("Master Plan"), including the recommendations contained therein, as setting forth the guiding principles for future development within the Village; and

WHEREAS, the Master Plan recognized the redevelopment potential of the old Twin City Mall site, the development of which is governed by the Village's C-3 Regional Business District zoning regulations; and

WHEREAS, the Master Plan expressed a preference for a lifestyle center, like CityPlace or Mizner Park, within the C-3 District that would provide "shopping, entertainment, restaurant uses within the form of an urban neighborhood that incorporates residential as an integral use;" and

WHEREAS, as noted in the Master Plan, the site is large enough to accommodate a significant project with buildings tall enough to afford water views and could incorporate the following qualities: (1) an interconnected system of walkable blocks and small streets; (2) buildings lining streets and facing parks and open spaces; (3) a mix of building types such as townhouses, low-rise multi-family, high-rise multi-family, retail and mixed use; and (4) parking provided on-street, in garages and behind buildings; and

WHEREAS, the Village shares the Twin City Mall site with the Town of Lake Park, and the Town has already adopted new zoning regulations with increased density and intensity to facilitate redevelopment as well as a Regulating Plan to maintain interconnectivity; and

WHEREAS, the Village wishes to amend the zoning regulations for the C-3 Regional Business Zoning District to facilitate the type of large-scale development or lifestyle center contemplated by the Master Plan through the use of a new Planned Unit Development process that provides added flexibility and intensity; and

WHEREAS, the Planning Commission, sitting as the Local Planning Agency, conducted a public hearing to review this Ordinance and provide a recommendation to the Village Council; and

1
2 WHEREAS, having considered the recommendation of the Planning Commission and conducted
3 all required advertised public hearings, the Village Council determines that the adoption of this
4 Ordinance is in the interests of the health, safety and welfare of the residents of the Village of
5 North Palm Beach.

6
7 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE
8 OF NORTH PALM BEACH, FLORIDA as follows:
9

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

11
12 Section 2. The Village Council hereby amends Article III, "District Regulations," of
13 Appendix C (Chapter 45) of the Village Code of Ordinances by amending Section 45-34.1 to read
14 as follows (additional language underlined and deleted language ~~stricken through~~):
15

16 **Sec. 45-34.1. C-3 regional business district.**
17

18 The C-3 regional business district is designed for the re-use and/or
19 redevelopment of commercial property. It contains special regulations and
20 procedures that are integrated with those of the Town of Lake Park to avoid
21 conflicts that could otherwise be created by the location of the town/village
22 boundary. Within C-3 business districts, the following regulations shall apply:
23

24 (1) *Uses permitted.* ~~Within the C-3 zoning district, no building,~~
25 ~~structure, land, or water shall be used, unless otherwise permitted by~~
26 ~~these regulations, except for any combination of the following~~
27 ~~purposes:~~ Table 1 indicates the allowable uses in the C-3 regional
28 business district:
29

30 a. ~~Banks, savings and loans, stockbrokers, and similar financial~~
31 ~~institutions.~~
32

33 b. ~~Business offices, including medical and professional~~
34 ~~services.~~
35

36 c. ~~Community residential homes, subject to the same~~
37 ~~requirements as apply in the R-2 zoning district, and family~~
38 ~~day care centers as defined in Chapter 402, Florida Statutes.~~
39

40 d. ~~Hotels, motels, and time share units.~~
41

42 e. ~~Multiple family dwellings (each building containing three~~
43 ~~(3) or more units) and customary accessory uses, subject to~~
44 ~~any limitations on residential uses in the adopted~~
45 ~~Comprehensive Plan.~~
46

- f. ~~Personal services typically offered in conjunction with shopping facilities, such as laundromats, dry cleaners, barber and beauty shops, child care facilities, health clubs, and shops for the repair, cleaning, or rental of items weighing less than one hundred (100) pounds.~~
- g. ~~Restaurants and other establishments where food and/or beverages are prepared and served.~~
- h. ~~Retail sale of new or antique merchandise that is displayed indoors only, whether in freestanding buildings or in a centrally managed shopping center or enclosed mall.~~
- i. ~~Theaters and other entertainment facilities including nightclubs, game rooms, bowling alleys, and similar establishments, provided they are fully enclosed and provided such uses shall not include adult entertainment establishments.~~

Table 1 - Allowable Uses

	<u>USES PERMITTED</u>	<u>BY PUD ONLY¹</u>	<u>NOT PERMITTED</u>
<u>RESIDENTIAL USES</u>			
<u>Mobile home park</u>			<u>●</u>
<u>Dwelling, one family detached</u>			<u>●</u>
<u>Dwelling, all other dwelling types</u>	<u>●</u>		
<u>Live/work unit</u>		<u>●</u>	
<u>Assisted living facility</u>		<u>●</u>	
<u>Community residential home</u>	<u>●²</u>		
<u>LODGING USES</u>			
<u>Bed-and-breakfast establishment</u>		<u>●</u>	
<u>Hotel, including Extended Stay</u>	<u>●</u>		
<u>Motel</u>	<u>●</u>		
<u>Time-share unit</u>		<u>●</u>	
<u>BUSINESS USES</u>			
<u>Offices, general</u>	<u>●</u>		
<u>Office or clinic, medical or dental</u>	<u>●</u>		
<u>Stores & services, general</u>	<u>●</u>		
<u>Stores & services, large format</u>	<u>●</u>		
<u>Adult entertainment</u>			<u>●</u>
<u>Convenience store with fuel</u>		<u>●</u>	
<u>Dog daycare</u>		<u>●</u>	
<u>Drive-through facility (for any use)</u>		<u>●</u>	

<u>Garage, parking</u>	<u>●</u>	
<u>Heavy commercial and light industrial</u>		<u>●</u>
<u>Medical marijuana treatment center</u>		<u>●</u>
<u>Restaurant</u>	<u>●</u>	
<u>Bar, Night Clubs or Entertainment Establishments</u>	<u>●</u>	
<u>Telecommunications antennas</u>		<u>●</u>
CIVIC & EDUCATION USES		
<u>Child care facility</u>		<u>●</u>
<u>Church or place of worship</u>	<u>●</u>	
<u>Civic space</u>	<u>●</u>	
<u>Family day care</u>		<u>●</u>
<u>Government building</u>	<u>●</u>	
<u>Hospital or medical center</u>		<u>●</u>
<u>Public space</u>	<u>●</u>	
<u>School, public or private</u>		<u>●</u>

1 See section 10 for additional PUD requirements

2. Subject to the same requirements as apply in the R-2 zoning district

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

- a. Auditoriums of any kind — 1 space per 3 seats.

- 1 b. Banks and other financial institutions — 3 spaces per 1,000 square
2 feet.
3
4 c. Hotels and motels — 1 space per guest room plus 1 space per 2
5 employees during the peak period; parking for restaurants and other
6 guest facilities to be calculated separately.
7
8 d. Offices, medical/dental — 5 spaces per 1,000 square feet.
9
10 e. Offices, all other — 3 spaces per 1,000 square feet.
11
12 f. Residential — 2 spaces per dwelling unit.
13
14 g. Restaurants and nightclubs — 12 spaces per 1,000 square feet,
15 except 6 spaces per 1000 square feet for restaurants offering take-
16 out service.
17
18 h. Retail uses and personal services — 4 spaces per 1,000 square feet,
19 except 1.5 spaces per 1,000 square feet for furniture sales.
20
21 i. Shopping centers — 4 spaces per 1,000 square feet.
22
23 j. Uses not listed above to be determined by the building official using
24 standards found elsewhere in this Code or upon submission of
25 persuasive technical evidence about the number of vehicles that can
26 be expected to be attracted.

27
28 *NOTES:*

- 29 1. All areas are measured as gross floor area except multi-
30 tenant shopping centers and office complexes, which are
31 measured as gross leasable area.
32 2. Fractional spaces can be disregarded.
33 3. Wherever the term "identical ownership" is used, the land
34 parcels in question must be contiguous and must be owned
35 by or under the unified control of the applicant.
36

- 37 (3) *Off-street loading and internal circulation.* Requirements for off-street
38 loading, parking lot aisles, accessways, and general internal circulation shall
39 be same as would apply in the C-S zoning district.
40

- 41 a. *Lighting:* Parking lots shall be fully illuminated during hours of
42 business operation with a minimum standard of illumination from
43 closing to dawn per the Palm Beach County Code or ITE, whichever
44 is more stringent.
45

- 1 (4) *Landscaping.* Landscaping shall be required along the outer boundary of the
2 C-3 zoning district (irrespective of any municipal boundary) and also in
3 unroofed parking areas whenever a parking area is constructed,
4 reconstructed, or reconfigured. In addition to the other provisions of
5 Chapter 27 of this Code, the following landscaping requirements shall be
6 met:
7
8 a. *Required landscaping adjacent to public rights-of-way:* The
9 required landscaped strip between a public right-of-way and an off-
10 street parking area shall be at least fifteen (15) feet wide and shall
11 contain at least five (5) trees and eighteen (18) shrubs for each one
12 hundred (100) lineal feet.
13
14 b. *Parking area interior landscaping for unroofed parking areas:* At
15 least ten (10) percent of the total paved surface area shall be devoted
16 to landscaped areas. Each area counting toward the ten (10) percent
17 total shall have an average minimum dimension of ten (10) feet. At
18 least one (1) tree shall be planted for every two hundred fifty (250)
19 square feet of required internal planting area. No parking space shall
20 be more than one hundred (100) feet from a tree planted in a
21 permeable island, peninsula, or median having a ten-foot minimum
22 width.
23
24 c. *Indigenous native vegetation:* To reduce maintenance and water
25 consumption, required landscaping shall include at least seventy-
26 five (75) percent indigenous native trees and fifty (50) percent
27 indigenous native shrubs.
28
29 d. *Installation:* All required landscaping shall be installed using
30 xeriscape principles including water conservation through the
31 appropriate use of drought-tolerant plants, mulching, and the
32 reduction of turn areas. Irrigation systems shall be designed to
33 operate only when needed and only in those areas that require
34 irrigation.
35
36 e. *Maintenance:* The property owner shall be responsible for the
37 maintenance of all required landscaped areas in a healthy and
38 vigorous condition at all times. Required trees shall not be trimmed
39 or pruned in such a way as to alter or limit their normal mature
40 height or crown spread. If required plants die, they shall be replaced
41 within sixty (60) days.
42
43 (5) *Setbacks and height.* The following setback, height, and spacing regulations
44 apply in the C-3 zoning district:
45

- 1 a. *Perimeter setbacks:* All buildings and structures shall be set back a
2 minimum of thirty (30) feet from the outer boundary of the C-3
3 zoning district, except an interior common municipal boundary. For
4 buildings in excess of two (2) stories or thirty (30) feet in height,
5 one (1) foot shall be added to the required perimeter setback for each
6 extra foot of height over thirty (30) feet.
7
- 8 b. *Additional setbacks to internal property lines:* The need for building
9 setbacks to property lines adjoining other land zoned C-3 is related
10 to the existing or proposed uses of those properties. Unless modified
11 through the special C-3 PUD procedures found below in section 45-
12 34.1(10), all new buildings and structures shall be set back a
13 minimum of twenty-five (25) feet from each of its property lines.
14
- 15 c. *Maximum building height:* The maximum height of any building
16 shall be fifty (50) feet.
17
- 18 d. *Spacing between buildings:* The minimum spacing between
19 individual buildings on the same or adjoining C-3 properties shall
20 be as required by applicable fire and building codes.
21
- 22 (6) *Maximum lot coverage.* There is no fixed cap on lot coverage or floor area
23 ratio. Maximum intensity will be governed by the application of the parking,
24 loading, setback, building height, and surface water management standards
25 found herein.
26
- 27 (7) *Signs.* In addition to the other provisions of sections 6-111 through 6-117
28 of this Code, but notwithstanding any conflicting standards found therein,
29 signs in the C-3 zoning district shall comply with the following regulations
30 unless modified through the special C-3 PUD procedures.
31
- 32 a. *Ground signs* are mounted on a monolithic base and are independent
33 of any building for support. They are permitted only when the sign
34 and base are monolithic and have essentially the same contour from
35 grade to top. Ground signs that meet the following regulations are
36 permitted in the C-3 district only along U.S. Route 1 and Northlake
37 Boulevard:
38
- 39 1. *Maximum number of ground signs:* One (1) ground sign
40 along U.S. Route 1 and one (1) ground sign along Northlake
41 Boulevard, regardless of jurisdiction, North Palm Beach or
42 Lake Park.
43
- 44 2. *Maximum height of ground sign base:* Three (3) feet.
45

3. *Maximum height of ground signs:* Thirteen (13) feet including the base, measured from the finished grade nearest the base (excluding berms).
 4. *Maximum size of ground signs:* One hundred (100) square feet; copy may be placed on two (2) sides of a ground sign without counting the area twice.
- b. *Pole signs* are not attached to any building and are supported upon the ground by poles or braces. Pole signs are not permitted in the C-3 district.
- c. *Wall signs* are those that are attached to the exterior of a building or structure in such a manner that the wall becomes the supporting structure, and may form the background surface, of the sign. Wall signs are permitted in the C-3 district provided they meet the following regulations:
1. *Maximum depth of wall signs:* Wall signs may not be painted directly on the wall and may not project more than two (2) feet from the building to which they are fastened.
 2. *Allowable slope of wall signs:* Wall signs may not be attached to walls that slope more than forty-five (45) degrees from a vertical plane.
 3. *Maximum height of wall signs:* Eighteen (18) feet measured from the finished grade nearest the wall, except that on a building of more than two (2) stories, a single wall sign is allowed above eighteen (18) feet. No wall sign may extend above the top of the wall to which it is attached.
 4. *Maximum number of wall signs:* One (1) permanent wall sign is permitted for each business which has direct ground level walk-in access from a public or private roadway or sidewalk, and one additional permanent wall sign identifying the building is permitted for each multiple occupancy complex.
 5. *Maximum size of wall signs:* Five (5) percent of the area of the wall to which it is attached; or seven (7) percent if the front building setback is greater than seventy (70) feet; or ten (10) percent if the front building setback is greater than one hundred (100) feet. However, in no case shall a wall sign exceed one hundred (100) square feet in size.

d. *Roof signs* are erected and constructed wholly on and over the roof of a building, and are supported by the roof structure or are an integral part of the roof. Roof signs are not permitted in the C-3 district.

e. *Size computations:* When these regulations establish the maximum size of a sign, it shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign any backdrop or structure against which it is placed.

f. *Allowable colors:* Notwithstanding the regulations in Chapter 6 of this Code, color tones utilized for all signs complying with these regulations shall be compatible with surrounding area.

g. *Lighting:* Signs containing illumination shall be turned off by 12:00 a.m. (midnight) each night, or when the business closes, whichever is later.

h. *Appeals:* Notwithstanding conflicting appeal procedures found elsewhere in this Code, all requests for modifications to sign regulations in the C-3 zoning district shall be made through the special C-3 PUD procedures found below in 45-34.1(10).

(8) *Surface water management.* A complete surface water management system shall be provided to current standards of the South Florida Water Management District whenever a building or parking area is substantially redeveloped.

(9) *Location of business for retail sales of alcoholic beverages.*

a. No licensed retail sales of alcoholic beverages shall be carried on where the proposed place of business is within five hundred (500) feet of a church, synagogue, temple or other place of worship.

b. The method of measurement provided for above shall be made or taken from the main front entrance of such church to the main front entrance of the applicants proposed place of business along the route of ordinary pedestrian traffic.

c. The restrictions of section 45-34.1(9), (1)[a.] shall not apply to the retail sale of beer, ale or wine for off-premises consumption.

d. The restrictions of section 45-34.1(9), (1)[a.] shall not apply to any bona fide restaurant as defined and licensed under Florida Statutes as a restaurant with full kitchen facilities, regardless of size or seating capacity, where alcoholic beverages are served solely as an accessory use to the restaurant and only when such restaurant is open for the sale and service of food.

(10) *Special C-3 Planned Unit Development (PUD) provisions.* ~~Land in a C-3 zoning district may have fragmented ownership or may adjoin a municipal boundary. Despite these complications, the Village of North Palm Beach desires to provide for an added degree of flexibility in the placement and interrelationship of the buildings and land uses in this district. One (1) or more landowners in the C-3 district may elect to use these special PUD procedures to seek approval of a site development plan that resolves ownership or boundary complications and/or which differs from the literal terms of these zoning and land development regulations. These procedures may also be used to seek approval for certain land uses that are not permitted by right in the C-3 district (see section 45-34.1(1) above) or to request a specific modification to the sign regulations. However, any PUD approval under these procedures must be consistent with the spirit and intent of the C-3 zoning district and must also be consistent with the Comprehensive Plan. It is the intention of the village to provide a mechanism and process to promote the redevelopment of the obsolete and underutilized areas of the C-3 zoning district with large-scale, master-planned projects that promote: a mix of uses; connectivity; pedestrian-oriented development; removal of surface parking; creation of public/civic gathering spaces; and shopping, entertainment and restaurant uses within the form of an urban neighborhood incorporating residential development as an integral use. These projects promote the economic and redevelopment goals of the village, and the village has created these planned unit development (PUD) provisions to facilitate these goals. Properties in the C-3 zoning district that do not meet the threshold criteria set forth below may utilize the general PUD provisions of section 45-35.1 of this code as set forth in section 45-35.1(D). Properties in the C-3 zoning district that do meet the threshold criteria below may, at the option of the property owner, utilize the following special PUD regulations:~~

a. The threshold criteria for use of these special provisions are as follows:

1. The development parcel includes a minimum of at least five (5) contiguous acres of land that will be initially reviewed and approved as one overall development project. Any subsequent amendments to such plan or individual phases of such plan shall also be subject to these special provisions.

1 2. The project provides a minimum of one-half (1/2) acre
2 (including all adjacent pedestrian amenities, including
3 sidewalks, of the total project site area) for a civic space
4 within the project site. "Civic space" shall be defined as an
5 open space that is available for public use. The civic space
6 may be owned, maintained and/or operated either publicly
7 or privately.

8
9 3. To achieve a mixed-use project, a minimum of 50,000
10 square feet of the total project development shall be
11 allocated to non-residential uses.

12
13 ~~b. *Additional land uses:* The following land uses are not permitted by~~
14 ~~right but may be approved in response to a specific PUD application:~~

15
16 1. ~~Automobile, truck, or motorcycle dealers (new or used).~~

17
18 2. ~~Cultural, civic, educational, health care, and religious~~
19 ~~facilities.~~

20
21 3. ~~Nursing or convalescent homes.~~

22
23 4. ~~Offices for non-profit, religious, or governmental activities.~~

24
25 5. ~~Automobile service stations, not involving automobile~~
26 ~~repairs or maintenance, including ancillary uses of~~
27 ~~convenience store and car wash.~~

28
29 a b. *Allowable changes to existing regulations:* No PUD approval can
30 permit any development that is inconsistent with the Comprehensive
31 Plan. Subject to this limitation, changes may be considered through
32 this process to any other zoning and land development regulation
33 that the village council finds would unduly constrain desirable re-
34 use and/or redevelopment of land in the C-3 zoning district. After
35 any such changes are made by the village council, those changes
36 shall govern to the extent of conflict with these regulations.

37
38 c. ~~*Minimum PUD requirements Unified control:* There is no minimum~~
39 ~~parcel size for PUD applications. However, most favorable~~
40 ~~consideration will be given to applications that encompass the~~
41 ~~largest possible land area, and no parcel that is smaller than its size~~
42 ~~when this section was adopted (March, 1995) may be submitted~~
43 ~~unless it was properly platted through the provisions of these land~~
44 ~~development regulations. All parcels submitted in a single PUD~~
45 ~~application must be contiguous and must be owned by or be under~~
46 ~~the unified control of the applicant. All common areas shall be~~

1 subject to joint maintenance by all of the property owners within the
2 PUD, and the unified control documents shall provide for reciprocal
3 easements over all driveways, parking areas and pedestrian areas in
4 favor of all properties within the PUD. While the village shall
5 always treat the PUD as one project, portions of the PUD may be
6 conveyed to third parties by metes and bounds once the unified
7 control documents have been approved by the village attorney and
8 recorded in the public records.
9

10 d. *Application procedures:* PUD applications made under this section
11 shall be accompanied by the applicable fee and shall contain the
12 following:
13

- 14 1. Satisfactory evidence of unified control of the entire area
15 within the proposed PUD; agreement to abide by the
16 conditions of approval, if granted; and ability to bind
17 successors in title to these conditions if the proposed
18 development is built.
19
- 20 2. A proposed master site development plan in sufficient detail
21 to show the approximate locations of buildings, parking
22 areas, and stormwater management facilities. This plan shall
23 also show the exact locations of all access points to public
24 streets and to any abutting land zoned C-3, whether in Lake
25 Park or North Palm Beach. The master plan shall also
26 include intensity of each use, floor area ratio (FAR), and
27 building heights. The master plan may include phased
28 development.
29
- 30 3. ~~Unless clearly shown directly on the site development plan,~~
31 ~~an explicit list of zoning and land development regulations~~
32 ~~for which changes are sought, and the proposed alternate~~
33 ~~standards. An application and justification statement~~
34 ~~describing land uses proposed, waivers required, and~~
35 ~~volunteered limiting conditions to further the intent of the C-~~
36 ~~3 district.~~
37
- 38 4. ~~A specific list describing any of the additional land uses~~
39 ~~listed in section 45-34.1(10)b. for which the applicant is~~
40 ~~requesting approval. Vehicular circulation plan and traffic~~
41 ~~impact study completed by a certified transportation~~
42 ~~engineer.~~
43
- 44 5. ~~Any volunteered limiting conditions that could provide~~
45 ~~assurances that the development as proposed would further~~
46 ~~the intent and spirit of the C 3 district and the~~

1 Comprehensive Plan. Conceptual drainage plan and
2 statement by a certified civil engineer.

3
4 6. Conceptual landscape design completed by a registered
5 landscape architect.

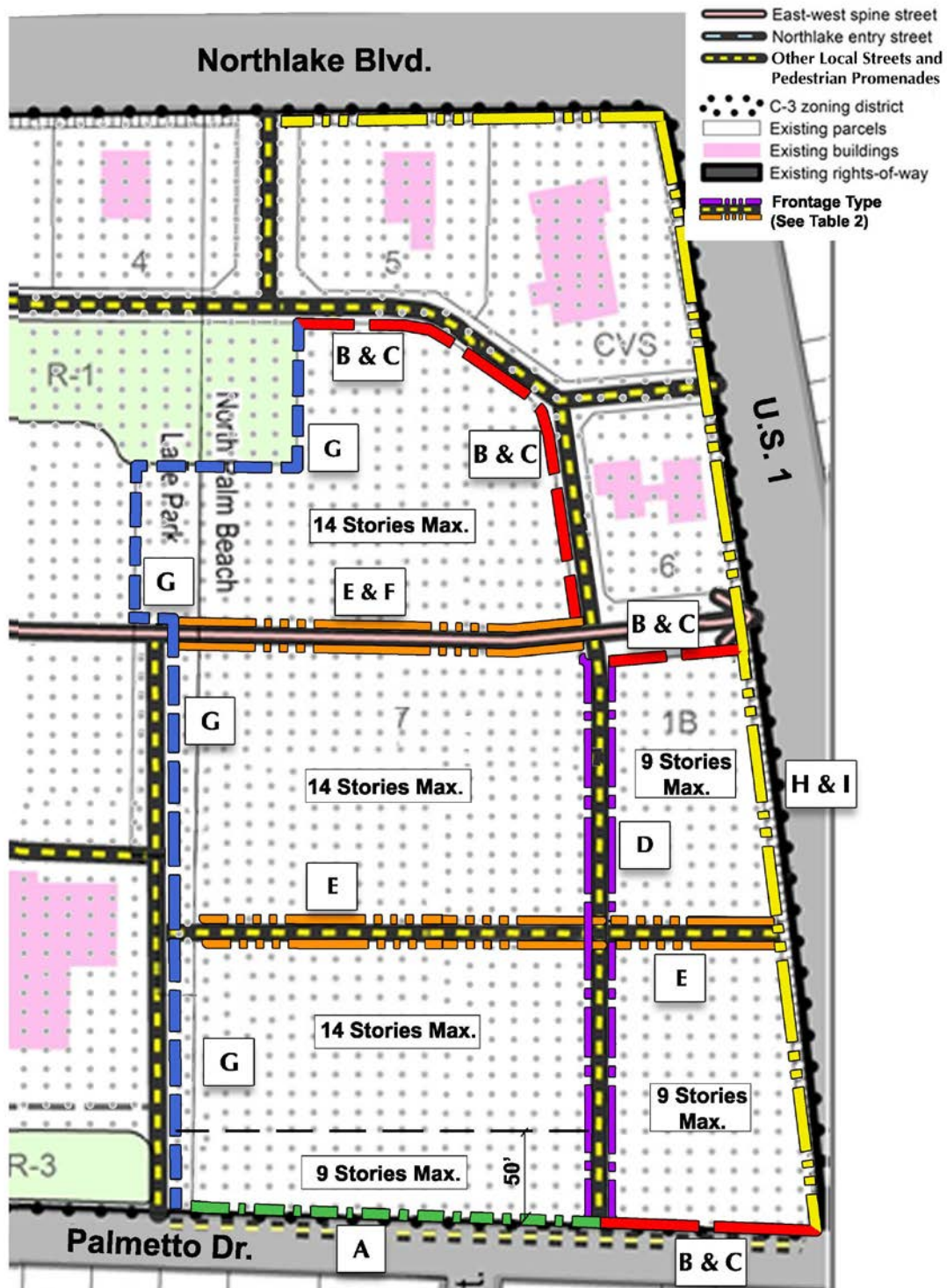
6
7 ~~The site development plan, lists of alternate standards and~~
8 ~~additional land uses, and volunteered conditions should be~~
9 ~~submitted in a format suitable for attachment to an ordinance~~
10 ~~approving the requests.~~

11
12 e. *Approval process:* PUD applications under this section shall be
13 forwarded along with recommendations from staff to the planning
14 commission, which after holding a public hearing shall make a
15 formal recommendation to the village council of approval, partial
16 approval, or disapproval. The village council shall also hold a public
17 hearing and ~~decide whether to approve, partially approve, or~~
18 ~~disapprove the PUD application.~~ to take final action on the
19 application. ~~Unless the application is disapproved in full, this action~~
20 ~~shall be by ordinance.~~ The applicant may then proceed to obtain
21 final site plan and appearance approval for specific phases of the
22 project (if applicable) as indicated in the approved master plan. ~~all~~
23 ~~other needed development permits in accordance with the village's~~
24 ~~regulations.~~

25
26 f. *Application review procedures abutting or crossing a municipal*
27 *boundary:* ~~Any PUD application for property abutting or crossing~~
28 ~~the Lake Park town boundary shall meet all of the above~~
29 ~~requirements. In addition, to protect the interests of other C-3~~
30 ~~landowners and the town, a decision on the PUD application shall~~
31 ~~be made by the village council only at a joint meeting with the Lake~~
32 ~~Park Town Commission.~~ Regardless of the final governing body
33 approving the project, joint municipal staff review and a joint
34 meeting of the North Palm Beach planning commission and the
35 Lake Park planning and zoning board shall be required for approval.
36 Both municipalities shall review the master plan and subsequent site
37 plan and appearance approvals, unless otherwise provided for as part
38 of the master plan approval process. For projects proposed within
39 the jurisdictional boundaries of both Lake Park and North Palm
40 Beach, the project shall be reviewed in accordance with the
41 governing standards of whichever jurisdiction contains 80% or more
42 of the project area. The governing body of the same jurisdiction,
43 instead of both governing bodies, shall make final approval, with
44 recommendations from both advisory planning boards.

g. Regulating Plan. Figure 1, Regulating Plan, identifies the properties, frontage types and street locations for properties developing under the special PUD regulations.

Figure 1 – Regulating Plan



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i Perimeter setbacks: All buildings fronting public rights-of-way shall meet the front setbacks as indicated in the regulating plan and further described in Table 2.

ii. *Additional setbacks to internal property lines, parcel lines or private internal streets, drives or alleys:* All internal buildings shall meet the building frontages as indicated on the regulating plan and described in Table 2.

iii. Spacing between buildings: The minimum spacing between individual buildings on the same property, same parcel or adjoining C-3 properties shall be determined by applicable fire and building codes.

- i. For all properties, the build-to-zone is measured from the property line or development parcel line.

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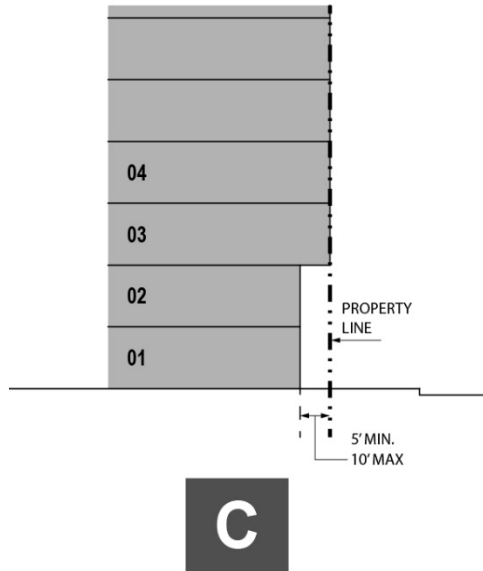
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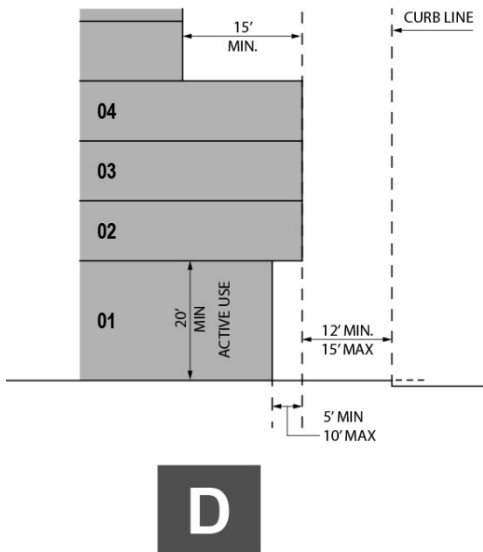
<u>Build to Zone</u>	
<u>Ground Thru 4th Floors</u>	<u>0' min.</u>
	<u>10' max</u>
<u>Above 4th Floor</u>	<u>6' min.</u>



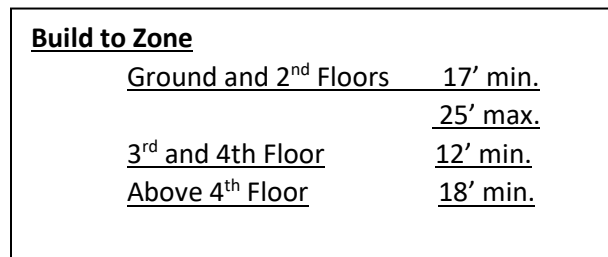
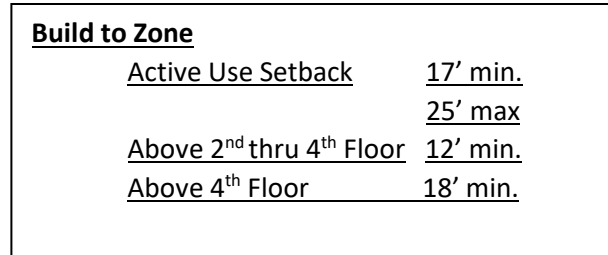
Build to Zone	
<u>Active Use setback</u>	<u>5' min.</u>
	<u>10' max</u>
<u>Above active use</u>	<u>0' min.</u>

Table 2 - Building Frontages Cont.**Build to Zone**

<u>Ground and 2nd Floors</u>	<u>5' min.</u>
	<u>10' max</u>
<u>Above 2nd Floor</u>	<u>0' min.</u>

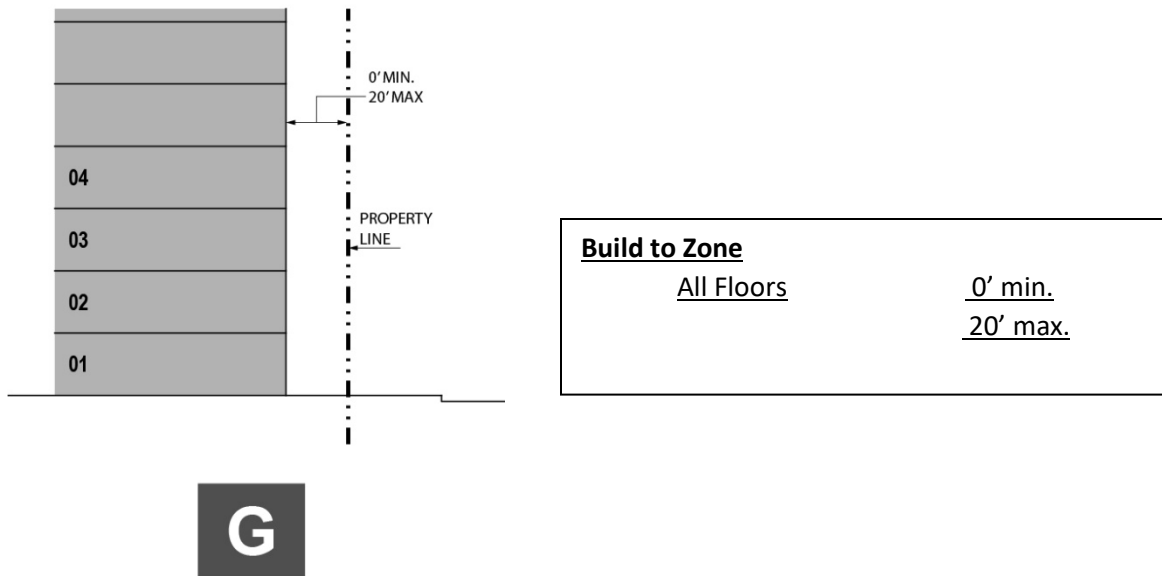
**Build to Zone**

<u>Active Use Setback</u>	<u>17' min.</u>
	<u>25' max</u>
<u>2nd 3rd & 4rd Floor</u>	<u>12' min.</u>
<u>Above 4rd Floor</u>	<u>27' min.</u>

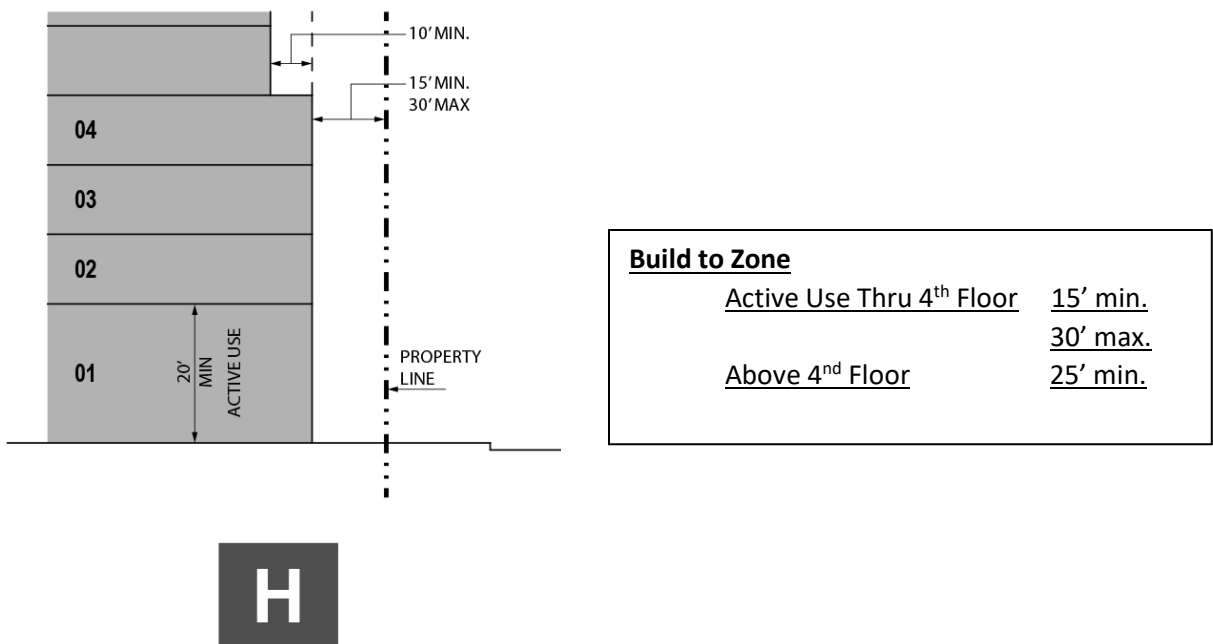


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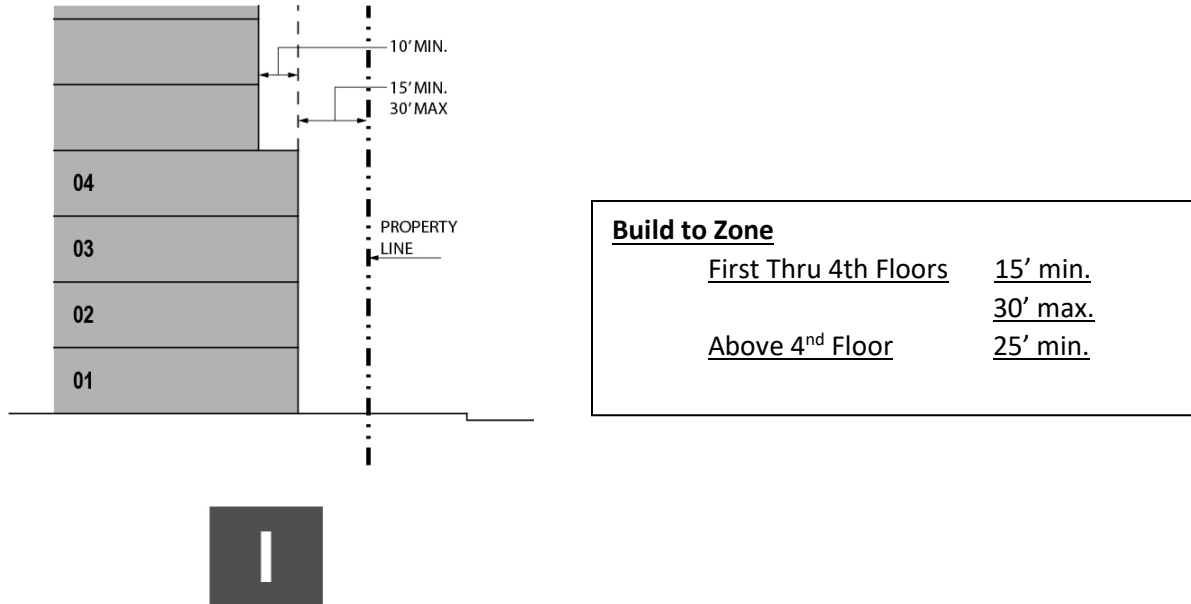
Table 2- Building Frontages Cont.



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Table 2 - Building Frontages Cont.

i. Building Frontage percentage: The building frontage percentage is calculated by dividing the width of the building or building lying within the build-to-zone by the width of the lot along the same street frontage. All buildings shall have a minimum frontage of seventy (70) percent.

j. Development Intensities: Master site development plans proposed through this process shall have a maximum Floor Area Ratio (FAR) of 2.75. The FAR is calculated by the total gross area of the property, including existing and proposed easements and proposed public and private streets and alleys multiplied by the FAR. The maximum building area is limited by the maximum allowable FAR. "Building Area" means the total air-conditioned leasable or saleable floor area of a building, excluding fully enclosed storage spaces, non-habitable enclosed areas on the rooftop, stairs and elevator areas, and external unenclosed circulation areas. The building area does not include: parking areas; unenclosed colonnades, porches and balconies; mechanical and electrical spaces; and trash rooms. Storage spaces without windows and enclosed by surfaces that allow for natural ventilation or outside air circulation shall not be

1 included. The building area shall be measured from the
2 center of exterior walls.

- 3
4 k. *Building Height:* Buildings meeting the criteria of these
5 special PUD provisions may have buildings up to fourteen
6 (14) stories in height, and a maximum of two hundred feet
7 (200'), not including roof-top amenities. Buildings fronting
8 U.S. Highway One and Palmetto Drive shall not exceed nine
9 (9) stories within fifty (50) feet of the right-of-way.

10
11 For the purposes of calculating the number of stories in a
12 building, stories shall be defined as the space between
13 finished floor and the top of the structural slab and adjusted
14 as follows:

- 15
16 1. Each level devoted to parking is considered as an
17 individual story when calculating the number of
18 stories in a building except where parking levels are
19 screened by a liner building that is a minimum of
20 twenty feet (20') deep and at least two (2) stories tall
21 or an architectural feature that screens the parking.
22
23 2. When parking levels are constructed on a slope or are
24 connected by sloping or circular ramps, the number
25 of stories will be based on the non-sloped areas. If
26 there are no non-sloped areas, the number of stories
27 will be counted as the highest parking level plus each
28 parking level below.
29
30 3. A mezzanine will not count towards the number of
31 stories provided the total area of the mezzanine level
32 is less than forty percent (40%) of the floor area of
33 the main story below.
34
35 4. Rooftop amenities shall not count as a story so long
36 as no more than forty percent (40%) of the rooftop
37 shall be fully enclosed, air-conditioned space. None
38 of the space is habitable for residential purposes.
39

- 40 1. *Floor to Floor Heights:* Development may use the following
41 standards for the elevation of ground-floors and minimum/
42 maximum dimensions for floor heights. These standards are
43 measured as follows in Table 3.
44

Table 3 - Floor to Floor Standards

	<u>Max.</u>
<u>Height of ground-story:</u>	<u>25'</u>
<u>Height of upper-story:</u>	<u>14'</u>

Exceptions: The maximum floor to floor height standards in Table 3 do not apply in the following circumstances:

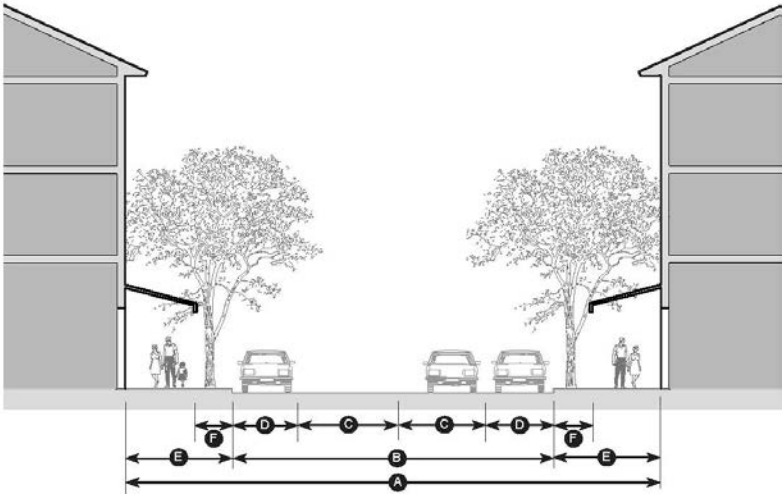
1. A story in or under a building that is devoted to parking is counted as a story when calculating the number of stories in a building, but does not need to comply with the maximum floor to floor heights in Table 3.
2. When the total area of mezzanine level is less than forty percent (40%) of the floor area of the story below, the mezzanine level does not need to comply with the maximum floor to floor heights in Table 3.
3. Any story that exceeds the height limitation of table 3 will count as an additional story.

m. Architectural Features:

1. Main Entrances:
 - i. Main entrances for all buildings in these special provisions is its principal point of access for pedestrians. Main entrances must face a street, alley, or civic space.
 - ii. Buildings fronting on two streets may have a pedestrian entrance on both streets.
2. Facade Transparency:
 - i. Transparency means the amount of transparent window glass or other openings in a building's façade along a street frontage. The transparency ratio requirement is expressed as the percentage of the transparent area divided by the entire façade area. It is calculated separately for the ground story of a façade and all upper story floors above the first floor.

6. Sidewalks adjacent to the U.S. Highway One right-of-way shall be a minimum of eight feet (8') in width. For a non-residential use fronting that right-of-way, the sidewalk shall be a minimum of twelve feet (12') in width.

Figure 2

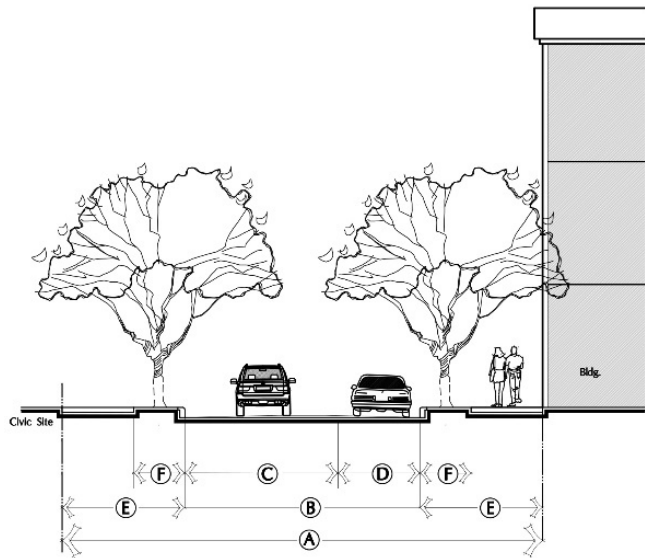


<u>Description:</u>	<u>Details:</u>	<u>Key:</u>
<u>Width of right-of-way</u>	<u>60' min.</u>	<u>A</u>
<u>Movement type</u>	<u>Slow</u>	
<u>Target speed</u>	<u>25 mph</u>	
<u>Width of pavement</u>	<u>36' min.</u>	<u>B</u>
<u>Travel lanes</u>	<u>10' min. travel lanes</u>	<u>C</u>
<u>Bicycle facilities</u>	<u>shared travel lanes</u>	<u>C</u>
<u>On-street parking</u>	<u>8' min parallel parking</u>	<u>D</u>
<u>Pedestrian facilities</u>	<u>12' min. 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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Figure 3

Option A

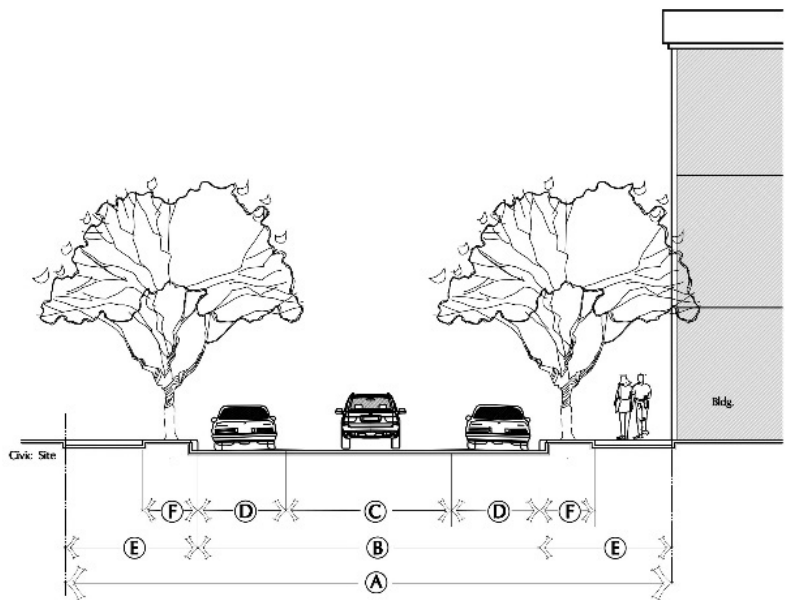


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<u>Description:</u>	<u>Details:</u>	<u>Key:</u>
<u>Width of right-of-way</u>	<u>47' min.</u>	<u>A</u>
<u>Movement type</u>	<u>Slow</u>	
<u>Target speed</u>	<u>25 mph</u>	
<u>Width of pavement</u>	<u>28' min.</u>	<u>B</u>
<u>Travel lanes</u>	<u>20' min. 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' min parallel parking</u>	<u>D</u>
<u>Pedestrian facilities</u>	<u>12' min. 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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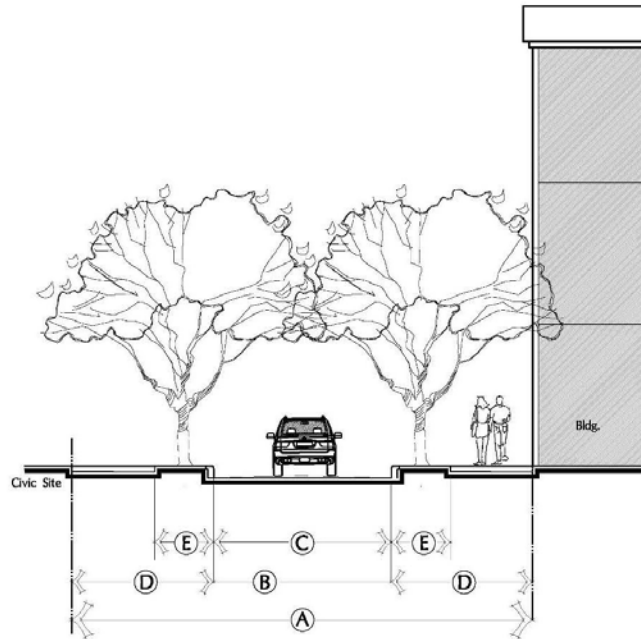
Option B



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Description:	Details:	Key: ⁴
<u>Width of right-of-way</u>	<u>55' min.</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' min.</u>	<u>B</u>
<u>Travel lanes</u>	<u>20' min. 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' min parallel parking</u>	<u>D</u>
<u>Pedestrian facilities</u>	<u>12' min. 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>	

Option C



<u>Description:</u>	<u>Details:</u>	<u>Key:</u>
<u>Width of right-of-way</u>	<u>39' min.</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>20' min.</u>	<u>B</u>
<u>Travel lanes</u>	<u>15' min. travel lanes</u>	<u>C</u>
<u>Bicycle facilities</u>	<u>shared travel lanes</u>	<u>C</u>
<u>Pedestrian facilities</u>	<u>12' min. sidewalks</u>	<u>D</u>
<u>Furnishing strip:</u>		<u>E</u>
<u>Planter type</u>	<u>5' by 5' tree grates</u>	
<u>Tree spacing</u>	<u>30' average</u>	

o. Landscape Standards. Landscaping shall meet the requirements of the Article VIII (Landscaping) of this chapter unless a modification is requested through the PUD process.

p. Parking Standards. Parking shall meet the requirements of this subsection. Dimensions and specifications for parking shall meet section 45-36.J of this code.

1. Parking space ratios: Table 4 provides parking space ratios for various uses on a site within the PUD. These ratios establish the minimum number of on-

1
2

site parking spaces. Ratios based on square feet refer to the gross floor area.

Table 4 - Parking Space Ratios

<u>PROPOSED USE</u>	<u>PARKING SPACE</u>
<u>RESIDENTIAL USES</u>	
<u>Dwelling, all other dwelling types</u>	<u>1.25 per unit</u>
<u>Live/work unit</u>	<u>1 per 1,000 sq. feet</u>
<u>Assisted living facility</u>	<u>0.5 per resident</u>
<u>Community residential home</u>	<u>0.5 per resident</u>
<u>LODGING USES</u>	
<u>Bed-and-breakfast establishment</u>	<u>1 per guest room</u>
<u>Hotel</u>	<u>1 per guest room</u>
<u>Motel</u>	<u>1 per guest room</u>
<u>Time-share unit</u>	<u>1.25 per unit</u>
<u>BUSINESS USES</u>	
<u>Offices, general</u>	<u>2 per 1,000 sq. feet</u>
<u>Office or clinic, medical or dental</u>	<u>3 per 1,000 sq. feet</u>
<u>Stores & services, general</u>	<u>2 per 1,000 sq. feet</u>
<u>Stores & services, large format</u>	<u>3 per 1,000 sq. feet</u>
<u>Convenience store with fuel</u>	<u>5 per 1,000 sq. feet</u>
<u>Dog daycare</u>	<u>3 per 1,000 sq. feet</u>
<u>Drive-through facility (for any use)</u>	<u>---</u>
<u>Garage, parking</u>	<u>---</u>
<u>Restaurant or cocktail lounge</u>	<u>10 per 1,000 sq. feet</u>
<u>Telecommunications antennas</u>	<u>---</u>
<u>CIVIC & EDUCATION USES</u>	
<u>Child care facility</u>	<u>1 per 12 students</u>
<u>Church or place of worship</u>	<u>1 per 4 peak attendees</u>
<u>Civic space</u>	<u>---</u>
<u>Family day care</u>	<u>(no additional parking)</u>
<u>Government building</u>	<u>2 per 1,000 sq. feet</u>
<u>Public space</u>	<u>---</u>
<u>School, public or private</u>	<u>1 per 12 students</u>

2. *Parking space adjustments.* The number of on-site parking spaces calculated in accordance with Table 4 shall be adjusted under any one or more of the following circumstances:

- i. *Mixed-use developments qualify for the shared-parking percentage reductions specified in Table 5 provided the development includes at least ten percent (10%) of its gross floor area in a second category of Figure 4 (residential, lodging, office, business, and civic/education uses).*
- ii. *Each on-street parking space provided by the developer within one-quarter (1/4) mile of the on-site parking area will be counted as two (2) required parking spaces.*
- iii. *No on-site parking spaces are required for an office, business, or civic/education use that occupies less than one thousand five hundred (1,500) square feet (up to three (3) such uses per acre).*
- iv. *Up to half of the required spaces may be located up to five hundred (500) feet off-site in a dedicated or joint-use parking lot provided that permission to use those spaces is specified in a binding agreement that is reviewed and approved during the site plan and appearance review process.*
- v. *Golf cart parking spaces may be counted as one (1) space, provided they meet the minimum dimensions of five (5) feet wide by ten (10) feet long. Up to ten (10) percent of a development's required parking spaces may be met by golf cart parking spaces.*
- vi. *The required number of on-site parking spaces may also be reduced through the waiver process (see section 45-51) or may be increased by a special condition applied during the site plan and appearance review process (see sections 6-30 through 6-60).*

[illegible]

- Page 30 of 33

5. Standards for parking garages: Parking spaces may be provided under or in buildings or in dedicated parking garages instead of being provided in uncovered surface parking lots. Such parking spaces need not comply with the minimum setbacks for surface parking lots. These parking spaces must be screened from view from all streets. Screening may be provided by rooms in the same building or with a liner building that is at least two (2) stories tall with space at least twenty feet (20') feet deep or an architectural feature screening the same two (2) stories.

q. Sign Standards: All projects shall provide a master sign plan that shall be reviewed and approved by the village during site plan approval. Any deviations from the subsection (7) of this section shall be addressed through the waiver process.

Section 3. The Village Council hereby amends Article III, "District Regulations," of Appendix C (Chapter 45) of the Village Code of Ordinances by amending Section 45-35.1 to read as follows (additional language underlined and deleted language ~~stricken through~~):

Sec. 45-35.1. - Planned unit development.

I. *Statement of intent.*

A. The intent of this section is to provide, in the case of a commercial planned unit development consisting of one (1.0) or more acres, in the case of an industrial planned unit development consisting of one (1.0) or more acres, and in the case of a residential planned unit development, an added degree of flexibility in the placement and interrelationship of the buildings and uses within the planned unit development, together with the implementation of new design concepts. At the same time the intensity of land use, density of population and amounts of light, air, access and required open space will be maintained for the zoning district in which the proposed project is to be located, except as may be permitted for key redevelopment sites through subsection 45-35.1.VIII. Nothing herein should be construed as allowing deviation for uses other than those specified as permitted uses, nor any greater intensity of use or density of population nor any less required open space than that which is specified in this chapter for the zoning district in which a proposed project is

1 located, except as may be permitted through subsection 45-
2 35.1.VIII.

3
4 B. Subject to the foregoing statement of intent, the village
5 council may, in the case of commercial, industrial and
6 residential planned unit developments, allow for minor
7 modification of the provisions of this chapter or other land
8 development regulations in accordance with the procedure
9 set forth in subsections II, III, IV and V.

10
11 C. The Planned Unit Development procedures in section 45-
12 35.1 may not be used in the following zoning districts which
13 provide a different process for considering minor
14 modifications:

15
16 1. C-MU the C-MU zoning district allows waivers (see
17 the C-MU zoning district and section 45-51).

18
19 ~~2. C-3 the C-3 zoning district contains special PUD~~
20 ~~procedures that apply only to that district (see~~
21 ~~subsection 45-34.1.K).~~

22
23 ~~3~~ 2. C-NB the C-NB zoning district allows waivers (see
24 the C-NB zoning district and section 45-51).

25
26 D. The Planned Unit Development procedures in section 45-
27 35.1 may be used in the C-3 zoning district where the
28 property does not meet the threshold criteria for use of the
29 special Planned Unit Development procedure set forth in
30 section 45-34.1(10) of this code. The minimum size
31 requirement set forth in subsection A above shall not be
32 applicable to such Planned Unit Developments within the C-
33 3 zoning district.

34
35 Section 4. The provisions of this Ordinance shall become and be made a part of the Code of
36 the Village of North Palm Beach, Florida.

37
38 Section 5. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for
39 any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void,
40 such holding shall not affect the remainder of this Ordinance.

41
42 Section 6. All ordinances or parts of ordinances and resolutions or parts of resolutions in
43 conflict herewith are hereby repealed to the extent of such conflict.

44
45 Section 7. This Ordinance shall take effect upon the effective date of Ordinance No. ____.

1 PLACED ON FIRST READING THIS ____ DAY OF _____, 2022.

2
3 PLACED ON SECOND, FINAL READING AND PASSED THIS ____ DAY OF _____,
4 2022.

5
6
7 (Village Seal)

MAYOR

8
9
10 ATTEST:

11
12 _____
13 VILLAGE CLERK

14
15 APPROVED AS TO FORM AND
16 LEGAL SUFFICIENCY:

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18 _____
VILLAGE ATTORNEY

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WHEREAS, the Village wishes to amend the Future Land Use Element of its Comprehensive Plan to facilitate redevelopment within the Village, particularly the former Twin City Mall site; and

WHEREAS, on November 1, 2022, the Planning Commission, sitting as the Local Planning Agency, conducted a public hearing to review the proposed amendments to the Village Comprehensive Plan and provide a recommendation to the Village Council; and

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

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

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

Page 1 of 2

1 PLACED ON FIRST READING THIS ____ DAY OF _____, 2022.

2
3 PLACED ON SECOND, FINAL READING AND PASSED THIS ____ DAY OF _____,
4 2020.

5
6 (Village Seal)

MAYOR

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10 ATTEST:

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12 _____
13 VILLAGE CLERK

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16 APPROVED AS TO FORM AND
17 LEGAL SUFFICIENCY:

18
19 _____
20 VILLAGE ATTORNEY

3.0 FUTURE LAND USE

3.1 INTRODUCTION

The Future Land Use element is required to be included within the Comprehensive Plan per requirements of state planning law and rule criteria. Specifically, Chapter 163.3177(6) (a), Florida Statutes, establishes the Future Land Use element requirement and Chapter 9J-5.006 Florida Administrative Code, establishes minimum criteria to guide its preparation.

A summary of the data, analysis and support documentation necessary to form the basis for Future Land Use goal, objectives and policies is presented in Chapter 3 of the Village of North Palm Beach, Florida Comprehensive Plan Support Documentation report dated 1999, Village of North Palm Beach Evaluation and Appraisal Report dated 2007, the U.S. Highway 1 Corridor Study, dated 2008, and the EAR-Based Amendment Support Documentation dated 2009.

3.2 VILLAGE GOAL STATEMENT

Ensure that the current character of North Palm Beach is maintained, while allowing remaining vacant parcels to be developed and redeveloped in a manner consistent with present residential neighborhoods and commercial areas.

Further, ensure that the Village remains primarily a residential community offering: (1) a full range of municipal services; (2) diversity of housing alternatives consistent with existing residential neighborhoods; (3) commercial development opportunities compatible with established location and intensity factors; and (4) a variety of recreational activities and community facilities oriented to serving the needs and desires of the Village.

Various land use activities, consistent with these Village character guidelines, will be located to maximize the potential for economic benefit and the enjoyment of natural and man-made resources by residents and property owners, while minimizing potential threats to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

It is also the intention of the Village to provide mechanisms and processes to promote the redevelopment of obsolete, underutilized, and underproductive areas of the Village. The Village shall provide flexibility in the land development regulations to promote such redevelopment, including but not limited to encouraging mixed-use development, connectivity, pedestrian-oriented development, reduction of dependence on vehicles, creation of open/public/civic gathering spaces, and otherwise promoting the economic, development, housing, and other public policy goals of the Village.

3.3 OBJECTIVES AND POLICIES

OBJECTIVE 1.A.: Future growth and development shall be managed through the preparation and adoption of land development regulations which: (1) coordinate future development with the appropriate natural features (i.e. topography, soil conditions, flood

prone areas and natural habitats) and the availability of facilities and services; (2) prevent uses inconsistent with the Village Goal Statement and Future Land Use Map Series; (3) require the maintenance of the Village building stock; and (4) discourage the proliferation of urban sprawl; and promote energy-efficient land use patterns accounting for existing and future power generation and transmission systems.

Policy 1.A.1: Maintain land development regulations that shall contain specific and detailed provisions required to implement the adopted Comprehensive Plan, and which as a minimum:

- a. Regulate the subdivision of land;
- b. Regulate the use and intensity of land development consistent with this element in a manner to ensure the compatibility of adjacent land uses consistent with the Future Land Use Map Series and provide for recreation and open space consistent with levels-of-service established in the Recreation and Open Space Element by requiring all new developments to donate or provide 5% of the residential site for recreational purposes;
- c. Protect environmentally sensitive lands designated on Figures 3A and 3B of the Future Land Use Map Series;
- d. Regulate areas subject to seasonal and periodic flooding by requiring a minimum first floor elevation of 8.5 feet NGVD and a drainage system which meets adopted Level-of-Service Standards;
- e. Regulate signage;
- f. Ensure safe and convenient on-site traffic flow and vehicle parking needs;
- g. Ensure that public facility, utility and service authorization has been procured prior to issuing any development order;
- h. Provide that development orders and permits, consistent with Policies 5.1 and 5.2 of the Capital Improvements Element, shall not be issued which result in a reduction of the levels of service for the affected public facilities below the Level-of-Service (LOS) Standards adopted in the Capital Improvements element (Ref: Table 11-1);
- i. Provide for the proper maintenance of building stock and property by continually updating and enforcing adopted building, housing and related codes;
- j. Designate an urban service area (Ref: Objective 6; Capital Improvements element); and
- k. Regulate the development of sites containing historic sites, as per the Future Land Use Map Series, to assure their protection, preservation and/or sensitive reuse.

Policy 1.A.2: An official zoning map shall be adopted and maintained which assures that the location and extent of non-residential land uses is consistent with the Future Land

Use Map Series. Planning Areas may include non-residential uses such as schools, public facilities, other public facilities, and recreational uses, etc., as indicated on the Future Land Use Map Series and/or as allowed as special exception uses in the Village Zoning Code.

Policy 1.A.3: Land development regulations adopted to implement this Comprehensive Plan shall be based on and be consistent with the following standards for residential land use densities as indicated below.

- a. Conservation/Open Space - Maximum of one unit per upland acre;
- b. Low density residential - fewer than 5.80 residential units per gross acre;
- c. Medium density residential - 5.81 to 11.0 residential units per gross acre; and
- d. High density residential - 11.1 to 24.0 residential units per gross acre.

In any event, specific entitled residential densities within the ranges listed above shall be subject to the application of the site development criteria (e.g. setbacks, height limitations and site dedications, etc.) promulgated in the Village Land Development Regulations.

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

- a. **Location** shall be in accordance with the Future Land Use Map. Commercial uses shall not be permitted within areas designated for residential development on the Future Land Use Map Series;
- b. **Maximum lot coverage** ratio shall be governed by applicable land development regulations;
- c. **Maximum building height** shall be governed by applicable land development regulations and shall be consistent with the Village of North Palm Beach Citizens' Master Plan Report, adopted by Resolution 2016-73 on October 27, 2016, and compatible with neighboring land uses; and
- d. **Adequate off-street parking** and loading facilities.
- e. **Maximum Floor-Area-Ratios** for non-residential land uses shall be established as follows:
 - 1. **Commercial, religious, and institutional land uses:** A maximum of 0.70 for mixed-use development and 0.35 for all other non-residential land uses along U.S. Highway No. 1, north of the Parker Bridge; a maximum of 1.10 along U.S. Highway No. 1, from the Parker Bridge, south to Northlake Boulevard; a maximum of 0.70 along U.S. Highway No. 1, south of Northlake Boulevard; and a maximum of 0.70 along Northlake Boulevard and S.R. Alternate A-1-A. The following areas shall be exempt from this requirement to implement the 2016 Citizens' Master Plan:
 - The Twin City Mall site, and subject to the latest land development regulations of the C-3 zoning district, which have been jointly developed by the Village and the Town of Lake Park.

- The C-MU zoning district along U.S. Highway No. 1, updated in accordance with the Citizens' Master Plan.
 - Other key redevelopment sites that are explicitly identified in the Village's land development regulations to carry out the Citizens' Master Plan.
2. ***Educational Uses:*** A maximum of 0.15;
 3. ***Recreation and Open Space Uses:*** A maximum of 0.05
 4. ***Light Industrial/Business Uses:*** A maximum of 0.45.

Policy 1.A.5: Land development regulations shall contain performance standards which address:

- a. Buffering and open space requirements;
- b. Landscaping requirements; and
- c. A requirement for the environmental assessment of development proposals, including eliminating exotic plant species.

Policy 1.A.6: Land development regulations shall contain planned unit development provisions which allow design flexibility within projects under unity of title as a means of preserving natural resources delineated on Figures 3A and 3B, and protecting Conservation Use lands designated on the Future Land Use Map.

Policy 1.A.7: Future development shall be permitted only when central water and wastewater systems are available or will be provided concurrent with the impacts of development.

Policy 1.A.8: Residential subdivisions shall be designated to include an efficient system of internal circulation, including the provision of collector streets to feed traffic to arterial roads and highways.

Policy 1.A.9: In 2020, the Village revised its land development regulations and this Comprehensive Plan 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.

OBJECTIVE 1.B: The Village desires to enhance certain aging commercial corridors that have a Commercial Future Land Use designation, into walkable and bikeable centers of vibrant activity. Current business uses along these corridors will be supplemented with new residential and mixed-use development as described in Policy 1.B.4.

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

1. **Maximum development potential:** Maximum commercial development potential is subject to the floor-area limitations established in Policy 1.A.4, subject to the application of the Village's land development regulations.
2. **Permitted uses:** Permitted uses shall be specified in each zoning district that allows mixed-use development (see Policy 1.B.4).
3. **Residential density:** Dwelling units in Commercial designations shall not exceed a density of 24 units per acre or as further limited by except where density and intensity are regulated solely through the application of a maximum floor area ratio (FAR) as set forth in the applicable zoning district regulations. Developments that qualify for the workforce housing density bonus described in Policy 1.B.2 may construct up to 12 additional units per acre).
4. **Height limitations:** The maximum height shall be limited to that allowed by the underlying commercial or mixed-use zoning district.

Policy 1.B.2: Workforce housing density bonus: Except where density and intensity are regulated solely through the application of a maximum floor area ratio (FAR), ~~the~~ maximum residential density of a mixed-use development shall be increased from 24 to 36 units per acre provided that either: (a) bonus units are constructed on-site; or (b) funding is provided to assist in an workforce housing program in another jurisdiction or an appropriate alternative, as determined by the Village of North Palm Beach. If alternative (a) is selected, 50% of the bonus units shall qualify for any of the four (4) eligible income group categories based on Average Median Income (AMI) set forth in the County's Workforce Housing Program income guidelines. No more than 50% of the workforce housing units shall be in the 120-140% category. If alternative (b) is selected, an amount equal to 5% of the cost of the vertical construction of the bonus units shall be contributed to the Palm Beach County Affordable Housing Trust Fund, or other appropriate alternative, as determined by the Village of North Palm Beach.

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

1. **A mixed-use Assisted Living Facility** shall provide assistance with activities of daily living, as defined in Section 429.02(1) of the Florida Statutes and special care for persons with memory disorders, as regulated by Section 429.178 of the Florida Statutes.
2. **Required uses:** Each mixed-use Assisted Living Facility shall contain a residential component, together with a non-residential component consisting of administrative offices, central kitchen and communal dining facilities, and separate or shared spaces for the provision of medical, recreation, social, religious, and personal services.
3. **Mix of required uses:** The residential component shall comprise a minimum of 50% and the non-residential component shall comprise a maximum of 20% of the gross floor area of a mixed-use Assisted Living Facility.
4. **Maximum floor area:** Maximum mixed-use Assisted Living Facility development potential is subject to the floor-area limitations established in Policy 1.A.4, subject to the application of the Village's land development regulations.

5. **Maximum resident occupancy:** The residential density of a mixed-use Assisted Living Facility may be increased by the Village Council to an equivalent of 24 units per acre. The maximum resident occupancy shall then be determined by multiplying the equivalent residential density by 1.97 residents per unit. Maximum resident occupancy shall be determined on a project-by-project basis based upon an assessment of site characteristics and the application of Village land development regulations.

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

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

Policy 1.B.4: Residential and mixed-use developments may be approved in areas with a Commercial Future Land Use designation in order to achieve a mixed-use development pattern. The Village may use any of the following mechanisms to achieve the desired pattern:

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

OBJECTIVE 2: Development and redevelopment activities shall be undertaken in a manner to ensure the protection of natural and historic resources and the Village character as prescribed in the Future Land Use Element Goal Statement and the Village Character Statement (Ref: Chapter 2.0).

Policy 2.1: The developer/owner of any site shall be responsible for the on-site management of stormwater runoff in a manner so that post-development runoff rates, volumes and pollutant loads to not exceed pre-development conditions and preserve existing natural drainage features, as per Chapters 40E-4, 40E-40 and/or 40E-41, Florida Administrative Code.

Policy 2.2: The Village land development regulations shall regulate business activities which have the potential to contaminate land and water resources by requiring said businesses to notify the Palm Beach County Department of Environmental Resources Management regarding the storage, use and/or disposal of potentially hazardous or toxic substances. This requirement shall be implemented by the Village through the Palm Beach County Wellfield Protection Ordinance (Ref: Section 9.3, Palm Beach County Unified Land Development Code).

Policy 2.3: The Village shall encourage, through its participation on the Seacoast Utility Authority Governing Board, protection of potable water wellfields by regulatory authorities having land use jurisdiction in aquifer recharge areas serving Seacoast Utility Authority systems.

Policy 2.4: The clearing of any wetlands vegetation or land assigned a Conservation Land Use Category on the Future Land Use Map Series shall not be approved by the Village until such time that appropriate permits have been procured, by the developer, from the Palm Beach County Environmental Resources Management or Health Departments and the Florida Department of Environmental Protection.

Policy 2.5: At the time of each required Evaluation and Appraisal Report and Comprehensive Plan update, the Village shall consider the need for the identification, designation and protection of additional historically significant properties under the provisions of the Standard Housing Code.

Policy 2.6: Within 18 months after the South Florida Water Management District updates the Lower East Coast Regional Water Supply Plan, the Village shall update the Water Supply Facilities Work Plan to determine whether or not adequate water supply is available to meet projected needs of the ensuing 10-year period.

OBJECTIVE 3: All development orders and permits for future development and redevelopment activities shall be issued only if public facilities necessary to meet Level of Service (LOS) standards are available concurrent with the impacts of the development. Further, require that all on-site lands for rights-of-way, easement, etc., be conveyed to the proper authority prior to the issuance of building permits.

Policy 3.1: The development of residential and commercial land shall be timed and staged in conjunction with the provision of supporting community facilities, such as streets, utilities, police and fire protection service, emergency medical service, and public schools.

Policy 3.2: Public facilities and utilities shall be located to: (1) Maximize service efficiency; (2) minimize public costs; and (3) minimize impacts upon the natural environment.

Policy 3.3: Remaining properties currently not utilizing central water and wastewater systems shall be governed by the provisions of: (1) Chapter 381.272, Florida Statutes; (2) Chapter 10D-6, Florida Administrative Code; and (3) Palm Beach County Environmental Control Rule - 1. These codes regulate the use and installation of individual sewage disposal systems.

Policy 3.4: The Village shall update its population projections at the time of the approval of a Comprehensive Plan amendment or development order permitting an increase in residential units.

OBJECTIVE 4: The Village shall coordinate with appropriate governments and agencies to minimize and mitigate potential mutual adverse impacts of future development and redevelopment activities.

Policy 4.1: Requests for development orders, permits or project proposals shall be coordinated by the Village, as appropriate, with adjacent municipalities by participating in

IPARC, Metropolitan Planning Organization, Palm Beach County, School District of Palm Beach County, Treasure Coast Regional Planning Council, Special Districts, South Florida Water Management District and state and federal agencies.

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

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

Policy 4.3: Although there are currently no resource planning and management plans prepared pursuant to Chapter 380, Florida Statutes, in effect within North Palm Beach, the Village shall participate in the preparation and implementation of said plans should they become necessary.

Policy 4.4: In the event of a proposed future annexation of sufficient size to site a school, or co-locate a school with public facilities (e.g. parks, libraries, and community centers), the Village shall coordinate with the Palm Beach County School Board to determine the need for an additional school site in the area. If it is determined that there is a need, and that a school site can be accommodated, the proposed annexation shall provide for the school site.

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

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

Policy 4.7: The Village shall educate the public regarding the placement and maintenance of canopy trees and other landscape materials to strategically provide shade and reduce energy consumption.

OBJECTIVE 5: Special land use policies shall be developed by North Palm Beach when necessary to address site-specific issues related to implementing the Village Goal Statement. Refer to the Future Land Use Map Atlas for parcel locations which are the subject of specific special policies.

Special Policy 5.1: Historic properties with an assigned Florida Master Site File reference number shall be identified on Planning Area maps located in the Future Land Use Map Atlas.

Special Policy 5.2: Utilize the mixed-use provisions of the Village's Commercial Planned Unit Development (CPUD) Ordinance as a means of developing the property delineated as "Special Policy 5.2 on Map 2 of the Future Land Use Map Atlas in a transition mode from Commercial (i.e. compatible to the C-B Zoning District) to Residential (i.e. compatible to the R2 Zoning District) running from U.S. Highway No. 1 east to Lake Worth. Maximum gross density shall not exceed 10-11 DU/AC. Non- residential development pods shall comply with the Floor-Area-Ratio standards listed in Policy 1.4 of the Future Land Use element. Development of the property shall be subject to the Village Council approval of site plan and PUD applications. The following uses shall be excluded from this development: (1) Golf club and its accessory uses such as restaurant, bar, driving range and equipment store; (2) bowling alley; (3) filling stations; (4) dry cleaning plants; (5) mobile home park; and (6) adult entertainment establishment.

Special Policy 5.3: As a means of preserving native vegetative species in Planning Area 6A, encourage the use of the Planned Unit Development by allowing the clustering of residential units in defined buildable areas (i.e. all areas in Planning Area 6A are as "buildable", with the exception of those delineated on Figure 3-3.

Special Policy 5.4: Require all new developments in Planning Areas 1 and 6A to perform an environmental assessment to define potential impacts upon the viability of vegetative species and/or habitats delineated on Figure 3. The impact assessment shall include necessary techniques and/or controls to maintain species and/or habitats in their current condition or mitigate potential impacts.

Special Policy 5.5: (Reserved).

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

Special Policy 5.7: The Village shall review proposed Future Land Use Map Series amendments to determine whether or not they discourage the proliferation of Urban Sprawl based upon the application of standards contained in Chapter 9J-5, F.A.C. (No Future Land Use Map Atlas reference.)

Special Policy 5.8: Residential development on the property delineated as "Special Policy 5.8" on Map 6A of the Future Land Use Map Atlas shall be limited to a maximum of 98 residential units.

Special Policy 5.9: Residential development on the property delineated as "Special Policy 5.9" on Map 6A of the Future Land Use Map Atlas shall be limited to a maximum of 232 residential units.

Special Policy 5.10: Residential development on the property delineated as "Special Policy 5.10" on Map 6A of the Future Land Use Map Atlas shall be limited to a maximum of 184 residential units.

Special Policy 5.11: Residential development on the property delineated as "Special Policy 5.11" on Map 6A of the Future Land Use Map Atlas shall be limited to a maximum of 108 residential units.

Special Policy 5.12: Residential development on the property delineated as "Special Policy 5.12" Map 2 of the Future Land Use Map Atlas shall be limited to the existing 197 residential units.

Special Policy 5.13: Residential development on the property delineated as "Special Policy 5.13" on Map 7 of the Future Land Use Map Atlas shall be limited to the existing 48 residential units.

Special Policy 5.14: Residential development on Planning Area 1 shall be clustered in the least environmentally sensitive portion of the parcel which is the subject of an application for a development order. (No Future Land Use Map Atlas reference.)

Special Policy 5.15: Year-round, permanent resident residential development within the area defined by the current extent of John D. MacArthur Beach State Park shall be limited to that provided for Park personnel. (No Future Land Use Map Atlas reference.)

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

Special Policy 5.17: Non-residential land uses within Protection Zone 4 of the Richard Road wellfield (Ref: Map 5, 6B, and 7 of the Future Land Use Map Atlas) which store, handle, use or produce any regulated substance are prohibited, unless they qualify as a general exemption or receive an operating permit from Palm Beach County ERM, pursuant to Section 9.3 of the Palm Beach County Land Development Code.

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

Special Policy 5.19: Public School development on the property delineated as Special Policy 5.19 on Map 4b of the Future Land Use Map Atlas shall be limited to a maximum 0.35 Floor-Area-Ratio.

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

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

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

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

3.4. FUTURE LAND USE CLASSIFICATION SYSTEM

The land use Classification System presented on Table 3-1 is adopted as the "Future Land Use Classification System" of the Village of North Palm Beach. Subject to the land use compatibility and application review provisions of Section 163.3208, Florida Statutes, and electric distribution substations are permitted in all land use categories listed in Table 3-1 except Conservation/Open Space.

3.5 FUTURE LAND USE MAP SERIES

3.5.1 Future Land Use Maps

Village of North Palm Beach Planning Areas are delineated on Figure 3-1, while 2020 Future Land Use Plan is displayed on Figure 3-2. Recreation/Open Space areas are identified on Figure 3-2; however, due to their character and Village-wide appeal, the delineation of specific service areas is not appropriate. Each facility is deemed to serve the Village as a whole.

3.5.2 Future Land Use Map Atlas

For the purposes of identifying properties subject to the conditions of a special policy described in Objective 5 and tracking Future Land Use Map amendment and annexation activities, the Village of North Palm Beach Future Land Use Map Atlas, on file with the Village Clerk, is hereby incorporated by reference.

Designated historic districts or significant properties meriting protection within the Village, along with appropriate Florida Master File references are located, as appropriate, on Maps 1-7 of the Future Land Use Map Atlas.

3.5.3 Natural Resource Maps

The following natural resources data are exhibited on Figures 3-3 through 3-7:

1. Natural Habitat, Wetlands, Coastal Vegetation and Beaches (Ref: Figure 3-3 and Tables 3-2 and 3-3);
2. Surface Water Features (Ref: Figure 3-4);
3. Generalized Soils Map (Ref: Figure 3-5 and Table 3-4);
4. Flood Zones (Ref: Figure 3-6 and Table 3-5); and
5. The Coastal High Hazard Area (Ref: Figure 3-7), defined as the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

There are no existing or planned potable water wells in the Village of North Palm Beach, nor are there any minerals of determined value. A portion of the Village, within Planning Area 5, is located within Protection Zone 4 of the Richard Road wellfield. The extent of Protection Zone 4 within Planning Area 5 is indicated on Maps 5, 6B and 7 of the Future Land Use Map Atlas.

3.5.4 Northlake Boulevard Overlay Zone Map

The Northlake Boulevard Overlay Zone is illustrated on Maps 3C and 5 in the Future Land Use Map Atlas. Development and redevelopment activities are subject to the special land development regulations adopted by the Village of North Palm Beach for the Northlake Boulevard corridor.

TABLE 3 - 1

**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.

Light Industrial/Business: Land uses which are predominantly related to providing office, flex, light industrial and warehouse space for the purposes of light manufacturing, assembly and processing of products, office uses, research and development, and wholesale distribution and storage of products. In addition, commercial uses that serve the projected workforce and neighboring residential populations and which encourage internal automobile trip capture may also be permitted."

Recreation/Open Space: Land uses and activities within land areas where recreation occurs and lands are either developed or vacant and concerned with active or passive recreational use.

Conservation/Open Space: Land uses and activities within land areas "designated" for the primary purpose of conserving or protecting natural resources or environmental quality, and includes areas designated for such purposes, or combinations thereof, as primary recreation, flood control, protection of quality or quantity of ground water or surface water, flood plain management, fisheries management, and/or protection of vegetative community or wildlife habitats. Permitted land uses shall include single-family units.

Public Buildings & Grounds: Lands and structures that are owned, leased, or operated by a government entity, such as libraries, police stations, fire stations, post offices, government administration buildings, and areas used for associated storage of vehicles and equipment. Also, lands and structures owned or operated by a private entity and used for a public purpose such as a privately held but publicly regulated utility.

Educational: Land use activities and facilities of public or private primary or secondary schools, vocational and technical schools, and colleges and universities licensed by the Florida Department of Education, including the areas of buildings, campus open space, dormitories, recreational facilities or parking.

Other Public Facilities: Land uses and activities within land areas concerned with other public or private facilities and institutions such as churches, clubs, fraternal organizations, homes for the aged and infirm, and other similar uses.

Transportation: Land areas and uses devoted to the movement of goods and people including streets and associated rights-of-way.

Water: All areas covered by water or any right-of-way for the purpose of conveying or storing water.

SOURCE: Florida Administrative Code: LRM, Inc. 2009; Rev. NPBCP Amendments 92-2 and 09-1.



Village of North Palm Beach

Department of Community Development

420 U.S. HIGHWAY ONE, SUITE 21 • NORTH PALM BEACH, FLORIDA 33408
561-882-1156 • FAX 561.841.8242 • WWW.VILLAGE-NPB.ORG

DATE: November 1, 2022
TO: Planning Commission
FROM: Alex Ahrenholz, AICP, Acting Director of Community Development
RE: Village Initiated Comprehensive Plan Amendment- Property Rights Element

I. SUMMARY OF REQUEST

The Florida State legislature passed bill SB 59 (Fla. Stat. 163.3177(6)(i)) in 202 requiring each municipality in the state include a Property Rights Element to its comprehensive plan. According to the statute every municipality must adopt this new element “by the earlier of the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan”.

With the passage of comprehensive plan changes affecting the Twin City Mall site, the Village is required to transmit a property right element at this time. The statute required specific language, at a minimum, be included into the new element and we have included that proposed language verbatim.

14.0 PROPERTY RIGHTS

14.1 INTRODUCTION

Section 166.3177(6)(i)1, Florida Statutes, requires each local government to include in its Comprehensive Plan a Property Rights Element to ensure that private property rights are considered in local decision making.

14.2 VILLAGE GOAL STATEMENT

The Village will make planning and development decisions with respect for property rights and with respect for people's rights to participate in decisions that affect their lives and property.

14.3 OBJECTIVE AND POLICY

OBJECTIVE 1: The Village will respect judicially acknowledged and constitutionally protected private property rights.

Policy 1.1: The Village will consider the following rights in its decision making:

- a. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- b. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
- c. The right of property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- d. The right of a property owner to dispose of his or her property through sale or gift.

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WHEREAS, the Florida Legislature recently updated Section 163.3177(6)(i)1, Florida Statutes, to require each local government to include in its Comprehensive Plan a Property Rights Element to ensure that private property rights are considered in local decision-making; and

WHEREAS, on November 1, 2022, the Planning Commission, sitting as the Local Planning Agency, conducted a public hearing to review the proposed amendment to the Village Comprehensive Plan and provide a recommendation to the Village Council; and

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

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

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

Section 2. The Village Council hereby revises the Village of North Palm Beach Comprehensive Plan by adopting a new Property Rights Elements attached hereto as Exhibit “A” and incorporated herein by reference.

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

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

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

1 PLACED ON FIRST READING THIS ____ DAY OF _____, 2022.

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3 PLACED ON SECOND, FINAL READING AND PASSED THIS ____ DAY OF _____,
4 2020.

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6 (Village Seal)

MAYOR

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10 ATTEST:

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13 VILLAGE CLERK

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16 APPROVED AS TO FORM AND
17 LEGAL SUFFICIENCY:

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20 VILLAGE ATTORNEY