



**Village of North Palm Beach
Planning Commission
AGENDA**

**Tuesday, March 7, 2023 at 6:30 pm
Village Council Chambers-501 US Highway 1**

1) Roll Call

- a. Cory Cross, Chair
- b. Donald Solodar, Vice Chair
- c. Thomas Hogarth, Member
- d. Jonathan Haigh, Member
- e. Kathryn DeWitt, Member
- f. Scott Hicks, Member
- g. Nathan Kennedy, Member
- h. Village Staff, Attorney and Council members

2) Public Comment for Non-agenda Items

3) Approval of Minutes

- a. [December 6, 2022 Minutes](#)
- b. [February 14, 2023 Minutes](#)

4) Declaration of Ex-parte Communications

5) Quasi-judicial Matters / Public Hearing

Village Attorney to swear in all persons speaking

a. Site Plan and Appearance Review

- i. [429 Northlake Blvd. Building Paint Colors](#)

Application by the property owner to amend to the existing building paint colors.

- ii. [2545 Northlake Blvd Building Paint Colors and Signage](#)

Application by the property owner for a face change to the existing building and ground signage and amendment to building paint colors.

b. Recommendations to Village Council

- i. [Accessory Structures and Artificial Turf](#)

Village-initiated zoning text amendment to R-1 Single Family Zoning District, codifying the residential ad-hoc committee recommendations to accessory structures and artificial turf regulations.

- 6) Commission Member Comments**
- 7) Staff Updates**
- 8) 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.

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>



**VILLAGE OF NORTH PALM BEACH
PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY DECEMBER 6, 2022**

Present:

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

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

Council Member:

Susan Bickel, President Pro Tem

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. APPROVAL OF MINUTES

Motion by Donald Solodar, Second by Scott Hicks to approve the minutes of the November 1, 2022 regular meeting. Motion Passed 7-0

III. PUBLIC COMMENT FOR NON-AGENDA ITEMS

Chris Ryder (118 Dory Rd S.)- Utility concurrency, SFWMD water works plan and updated population projects needs to be addressed before approving additional projects. Re-address the changes made to the CMU zoning district and comprehensive plan in 2020.

Bob Starkey (36 Yacht Club Dr.)- Clarification needed for the process of C3 zoning district changes.

IV. DECLARATION OF EX PARTE COMMUNICATIONS

There were no Ex Parte Communications declared by the Board.

V. QUASI-JUDICIAL MATTERS / PUBLIC HEARING

Attorney Len Rubin swears in all persons speaking.

A. SITE PLAN AND APPEARANCE REVIEW

1. 2022-1794 420 US Highway 1- Building Paint Colors

Application by SOVS Holdings, LLC for new building paint colors to the existing shopping center.

Item was previously tabled at the October 11, 2022 planning commission meeting. Motion to remove from the table made by Donald Solodar, second by Nathan Kennedy and motion passed 7-0. Staff presentation made by Alex Ahrenholz explaining the changes made to the color palette and staff recommends approval as presented.

The Planning Commissions members clarified whether the signs would be painted as well.

There were no comments from the public.

Motion: Kathryn DeWitt moved to approve the application as submitted with the condition that the signage is painted to match the new building color. Thomas Hogarth seconded the motion, which passed 7-0.

B. RECOMMENDATIONS TO VILLAGE COUNCIL

1. C-3 Regional Business District

Village-initiated zoning text amendment to the existing C3 zoning district

Staff presentation made by Alex Ahrenholz to discuss the changes made from the meeting in November as well as an update to the items of the code that need additional review following the Village Council workshop and discussions with Treasure Coast Regional Planning Council (TCRPC). Staff recommending tabling the item to the next Planning Commission meeting.

Additional presentation was given by Dana Little (427 New York St. West Palm Beach, FL) on behalf of Treasure Coast Regional Planning Council to discuss some recommendations to code changes needed the currently proposed regulations. Most of the changes proposed are for the frontages on US Highway 1 and Palmetto Drive.

Public Comments:

Rita Budnyk- 804 Shore Dr.- spoke in opposition to the changes. Need to follow TCRPC

Tim Hullihan- 840 Country Club Dr.- Spoke in opposition to the changes

Chris Ryder- 118 Dory Rd S.- Spoke in opposition to the changes

Deborah Cross- 2560 Pepperwood Circle S.- hesitant on the changes- need to follow TCRPC

The Planning Commissions members had concerns with the parking reductions permitted, how the breakdown of residential density and FAR would work with the overall massing, new setbacks, landscaping requirements, comparison needed to Lake Park regulations. Also needed clarification on the relationship of the regular C3 and the PUD, including the process for waivers. Concerns were still raised about the building height and the total FAR allowed.

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

Motion: No Motion made, but discussion yielded consensuses to re-advertise the item when it comes back to the planning commission is January or February.

2. Comprehensive Plan Amendment to Future Land Use Element

Village-initiated comprehensive plan amendment to the future land use element affecting density of properties within the C3 zoning district.

Discussion on this item was included with item B.1 above.

Motion: No Motion made, but discussion yielded consensuses to re-advertise the item when it comes back to the planning commission is January or February.

VI. COMMISSION MEMBER COMMENTS

Jonathan Haigh wanted to ensure that the next meeting has clearer information sent out through the Village social media accounts in regard to the zoning changes only being discussed and not a specific project at this time.

Nathan Kennedy asked for an update on 200 Yacht Club project

Donald Solodar asked for update on the FDOT review of the lane-elimination study for US Highway 1

Thomas Hogarth asked if Public Works can provide them an update to the Village utility undergrounding analysis that was completed.

VII. STAFF UPDATES

January meeting date change discussed. Members agreed to change the January 3, 2023 meeting to January 17, 2023. February meeting was subsequently changed from February 7, 2023 to February 14, 2023.

The meeting adjourned at 8:40 PM.

Minutes typed by Alex Ahrenholz



**VILLAGE OF NORTH PALM BEACH
PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY FEBRUARY 14, 2023**

Present:

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

Len Rubin, Village Attorney
Alex Ahrenholz, Principal Planner
Chuck Huff, Village Manager

Absent:

Scott Hicks, Member

I. CALL TO ORDER

Chairman Cross called the meeting to order at 6:33 PM.

A. ROLL CALL

All members of the Planning Commission were present except Scott Hicks

Introduction of new Director of Community Development, Heather Danforth.

II. PUBLIC COMMENT FOR NON-AGENDA ITEMS

Lisa Jensen (606 Shore Rd.)- Wanted clarification why the meeting was held on valentine's day. Commission members provided a response.

Pat Friedman (1208 Marine Way.)- Congratulating Chuck Huff for promotion to Village Manager.

III. DECLARATION OF EX PARTE COMMUNICATIONS

There were no Ex Parte Communications declared by the Board.

IV. QUASI-JUDICIAL MATTERS / PUBLIC HEARING

Attorney Len Rubin swears in all persons speaking.

A. SITE PLAN AND APPEARANCE REVIEW

- 2022-1971; 749 Kityhawk Way Utility Trailer Exemption**
Application by Dianne Tallon for exemption to the screening requirements of the Village Code of ordinances.

Staff presentation made by Alex Ahrenholz explaining the requirements and current site conditions and staff recommends approval of the application

The Planning Commissions members asked when the trailer was added to the site, confirmation of the ownership, temporary nature of the storage, time limitations, and registration.

There were no comments from the public.

Motion: Motion made by Thomas Hogarth to deny the application. Seconded by Kathryn DeWitt. Motion passed 5-1 with Nathan Kennedy dissenting.

B. RECOMMENDATIONS TO VILLAGE COUNCIL

1. C-3 Regional Business District

Village-initiated zoning text amendment to the existing C3 zoning district

Staff presentation made by Alex Ahrenholz and Heather Danforth to discuss the regulations and updates to the code made from the feedback received by Planning Commission and Treasure Coast Regional Planning Council (TCRPC).

Public Comments:

Tim Hullihan- 840 Country Club Dr.- Spoke in opposition to the changes with a brief presentation.

Christian Searcy- 654 Shore Rd- Spoke in favor of the regulations

Mary Phillips- 525 Ebbtide Dr- Spoke in opposition to the regulations

Deborah Cross- 2560 Pepperwood Circle S.- hesitant on the changes, follow Lake Park.

Benjamin Shrier- 137 Cruiser Rd S- Spoke in support of the regulations

The Planning Commissions members had questions on the process moving forward and when the details for the project will be provided, parking changes, setbacks and landscaping along US Highway 1, height limitations and a possible incentive process to get larger buildings with public benefits.

Dana Little with TCRPC spoke about the report created and recommendations made to the code amendments.

Motion: Motion made by Kathryn DeWitt to recommend approval to Village Council with the following conditions:

1. The building frontage types graphics be updated to remove the maximum height at 9 and 14 floors.
2. Adding language clarifying the public benefit required to achieve the maximum heights.

Second by Donald Solodar. Motion passed 6-0.

2. Comprehensive Plan Amendment to Future Land Use Element

Village-initiated comprehensive plan amendment to the future land use element affecting density of properties within the C3 zoning district.

Discussion on this item was included with item B.1 above.

Motion: Motion made by Nathan Kennedy recommending approval to Village Council. Second by Jonathan Haigh. Motion Passed 6-0.

VI. COMMISSION MEMBER COMMENTS

Donald Solodar provided some condolences for the passing of Community Development Administrative Assistant, Jane Lerner.

VII. STAFF UPDATES

No additional updates

The meeting adjourned at 8:38 PM.

Minutes typed by Alex Ahrenholz



Village of North Palm Beach

Department of Community Development

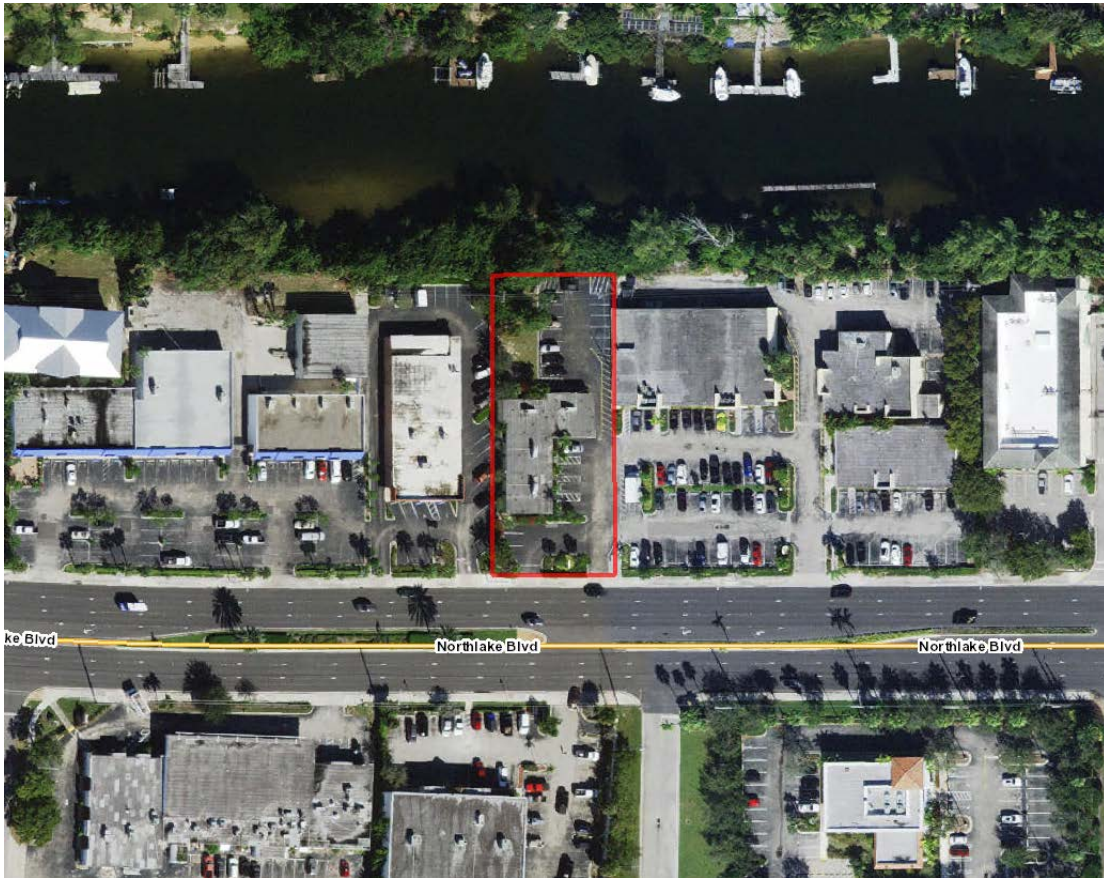
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DATE: March 7, 2023
TO: Planning Commission
FROM: Alex Ahrenholz, AICP, Principal Planner
RE: 429 Northlake Blvd- Paint Colors
March 7, 2023 Meeting
P&Z# 2022-1794

I. APPLICATION

Location:	429 Northlake Blvd, 0.25 miles west of US Highway 1
PCN:	68-43-42-16-07-000-0240
Request:	Application by property owner for building paint colors



II. SUMMARY OF REQUEST

The subject property is a commercial building along Northlake Blvd. The entire building was renovated in 2004 and the landscaping was completed to meet to Northlake Blvd Overlay District regulations in 2014. The building is currently yellow with stone accents. The newly proposed exterior wall color will be Benjamin Moore Chantilly Lace (OC-65) with no proposed changes to the door color, stone accents, landscape or signage.

Pictures reflecting the existing color scheme of the building and the proposed white color have been included as attachments to this staff report for reference. The new color is generally consistent with the building design guidelines the appearance plan which specifies "Colors shall be harmonious, with bright or brilliant colors used only for accent".

The current Future Land Use (FLU) and current Zoning designations for the property are summarized in the table below.

Future Land Use (FLU) Designation	Zoning Designation
Commercial	C-NB Commercial Northlake Blvd

The following table summarizes the uses, FLU designations, and zoning districts of the surrounding properties:

	Existing Use	FLU	Zoning
North	Residential	Low-density residential	R-1 Single Family
East	Commercial	Commercial	C-NB Commercial Northlake Blvd
South	Commercial	Commercial (Lake Park)	General Commercial (Lake Park)
West	Commercial	Commercial	C-NB Commercial Northlake Blvd

III. APPEARANCE CODE – PLANNING COMMISSION ROLE & RESPONSIBILITIES

Sec. 6-36. - Powers and duties of planning commission concerning the appearance code.

The planning commission shall have the following powers and duties:

- (1) To hold public hearings on and make recommendations for amendments to the appearance plan.
- (2) To consult with and cooperate with other committees and village departments, and any other municipal or governmental bodies on matters affecting the appearance of the village.
- (3) To study exterior design drawings, landscape and site plans and materials for any proposed public buildings, public works or other public improvements and to make recommendations to the council or village manager as to the architectural or aesthetic aspects thereof.
- (4) To study and review preliminary and final plats and make recommendations to the village council.
- (5) To hold site plan and appearance review hearings, when required, and to issue or deny site plan and appearance approval for multiple-dwelling, commercial, mixed-use, and industrial buildings pursuant to the provisions of this division and the appearance plan in Appendix A of this code.

Sec. 6-58. - Action of planning commission.

Upon consideration of an application, the planning commission shall issue site plan and appearance approval upon a finding that the plan conforms to the village appearance plan and other applicable land development regulations. This approval may contain special conditions in response to unusual aspects of the application or to ensure that the approval carries out Village policies and code without undue permitting delays. If the planning

commission determines that these criteria are not met, the planning commission may provide such advice, counsel, suggestions and recommendations as it may deem necessary to guide the prospective applicant in the development of a plan which would comply with the requirements and purposes of the appearance plan and other village land development regulations.

Sec. 6-59. - Approval by planning commission.

No building or other permit, otherwise required under the ordinances of the village, shall be approved by the community development director except upon the granting of site plan and appearance approval by the planning commission, or on appeal, approval by the Village Council (see section 6-35). The foregoing requirements shall not preclude the issuance of permits without such approval if the community development director determine that any of the following apply: Permits for single-family dwellings, permits for a village-owned facility, no external architectural features as defined in section 6-31, and any deviation from valid site plan and appearance approval are minor and not substantial.

CODE OF ORDINANCES APPENDIX A, SECTION IV CRITERIA FOR APPEARANCE

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

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

D BUILDING DESIGN

1. Specific architectural styles are not mandated or banned, but the village encourages new buildings to reflect or evolve the distinct local character exemplified by the North Palm Beach Country Club Clubhouse, Village Hall and the Public Safety Building. This character is derived from local and regional examples including Anglo-Caribbean architecture, Florida vernacular, and masonry modern.
2. Evaluation of appearance of a project shall be based on quality of its design and relationship to surroundings.
3. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
4. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.
 - a. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those which are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways and adjoining properties.
 - b. Inappropriate materials and methods, and those which will produce inconsistency with the structure of the building, shall be avoided.
 - c. Materials shall be of durable quality.
 - d. In any design in which the structural frame is exposed to view, the structural materials shall meet the other criteria for materials.
5. Building components—such as windows, doors, eaves, and parapets—shall have good proportions and relationship to one another.
6. The village discourages walls without windows or with too few windows; all-glass walls; and facades without visual interest or with entrances that are concealed or absent.
7. **Colors shall be harmonious, with bright or brilliant colors used only for accent.**

8. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so as not to be visible from any public ways, including waterways, service alleys, and adjoining properties.
9. Exterior lighting shall be part of the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with building design.
10. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from public ways, including waterways, service alleys, and adjoining properties, using materials as stated in criteria for equipment screening.
11. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.
12. Inappropriate, incompatible, bizarre, and exotic designs shall be avoided.
13. The provisions of the North Palm Beach Village Code in regard to bulk regulations and standards, and those portions of the Village Code which directly affect appearance, shall be part of the criteria of this subsection.

G MAINTENANCE—PLANNING AND DESIGN FACTORS

1. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
2. Materials and finishes shall be selected for their durability and wear as well as for their beauty.
Proper measures and devices shall be incorporated for protection against the elements, neglect, damage and abuse.
3. Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design. Such configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.

H FACTORS FOR EVALUATION

The following factors and characteristics relating to a development, and which affect appearance, will govern the Appearance Board's evaluation of a design submission after the Board has been advised by the Office of the Building Official that the plan conforms to Village ordinances:

LOGIC OF DESIGN

EXTERIOR SPACE UTILIZATION

ARCHITECTURAL CHARACTER

ATTRACTIVENESS

MATERIAL SELECTION

HARMONY AND COMPATIBILITY

CIRCULATION—VEHICULAR AND PEDESTRIAN

MAINTENANCE ASPECTS

IV. CONCLUSION & FINDING OF FACT

In Staff's analysis, the proposed application is consistent with the appearance plan and other code requirements. Should the Planning Commission determine that the Applicant has met the prerequisites for the granting of site plan and appearance approval, staff recommends approval with no conditions.









Village of North Palm Beach

Department of Community Development

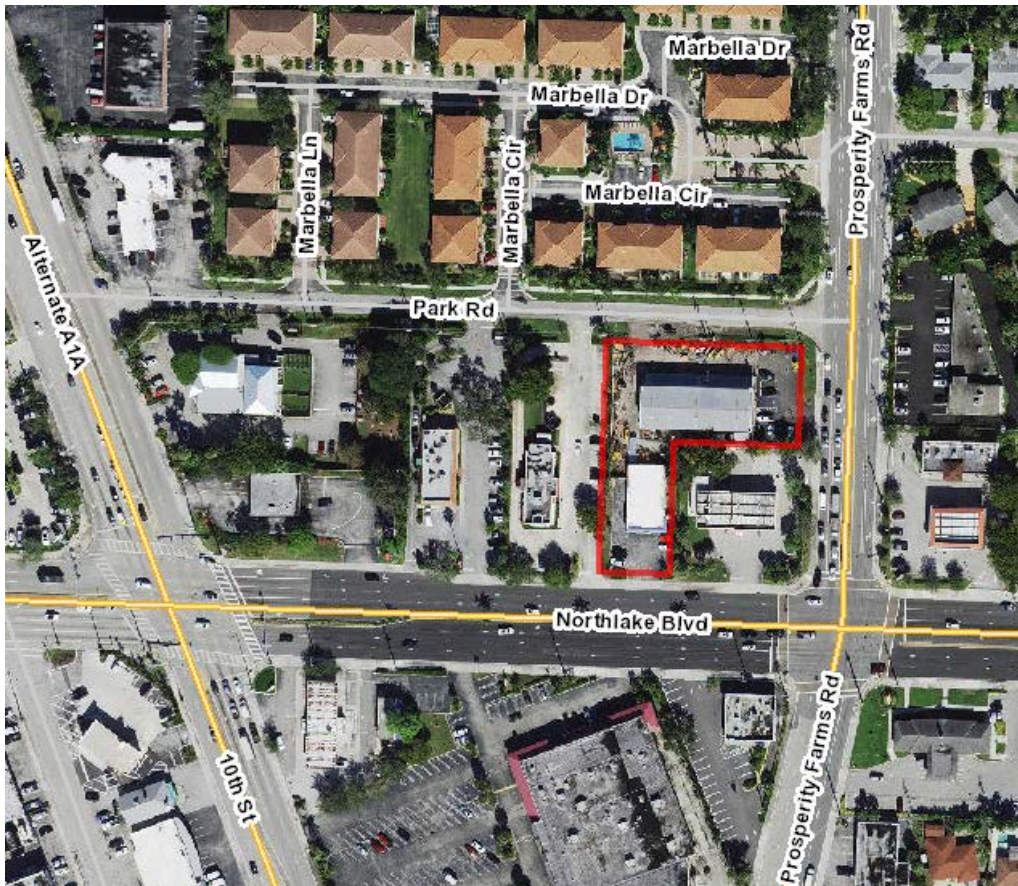
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561-882-1156 • FAX 561.841.8242 • WWW.VILLAGE-NPB.ORG

DATE: March 7, 2023
TO: Planning Commission
FROM: Alex Ahrenholz, AICP, Principal Planner
RE: 2545 Northlake Blvd- Paint Colors and signage
March 7, 2023 Meeting
P&Z# 2023-0176

I. APPLICATION

Location:	2545 Northlake Blvd
PCN:	68-43-42-17-06-000-0061
Request:	Application by property owner for building paint colors and signage



II. SUMMARY OF REQUEST

The subject property is a commercial building along Northlake Blvd. that shares a parcel with the All Tool rental building on 9043 Prosperity Farms Rd. The subject building has been owned by the same entity that operates All Tool rental since it was purchased in 1987. It was operated as Aldrich Rent-All until a name change in 2020. The subject building was previously leased by the World of Sound, but All Tool is seeking to expand their business to this structure as a landscaping and rental equipment office.

The building is currently green with yellow columns and a blue roof (see attached images). The roof was recently painted Stihl orange (Behr custom color) to match the branding of the logo color. The painting was placed on hold by Code Enforcement to receive approval from planning commission prior to finishing. The proposed exterior wall color will be Stihl Grey (Behr custom color) with no proposed changes to the doors or landscaping.

Pictures reflecting the existing colors have been included, with swatches of what is proposed. Staff does not think the proposed orange on the roof meets the appearance standards, specified below, as "Colors shall be harmonious, with bright or brilliant colors used only for accent".

The signage is proposed to remain the in the current location with just a face change to the existing cabinets with a sticker. Proposed renderings are attached for reference. The signs do meet the minimum dimensions, setbacks for their size and are not being amended. The building sign is not considered a roof sign since the pitch of the roof is greater than a 45 degree angle. The landscaping and internal illumination for the signage is not proposed to change.

The current Future Land Use (FLU) and current Zoning designations for the property are summarized in the table below.

Future Land Use (FLU) Designation	Zoning Designation
Commercial	C-NB Commercial Northlake Blvd

The following table summarizes the uses, FLU designations, and zoning districts of the surrounding properties:

	Existing Use	FLU	Zoning
North	Residential	Medium-density residential	R-2 Multiple Family Dwelling District
East	Commercial	Commercial	C-NB Commercial Northlake Blvd
South	Commercial	Commercial (Lake Park)	General Commercial (Lake Park)
West	Commercial	Commercial	C-NB Commercial Northlake Blvd

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- (4) To study and review preliminary and final plats and make recommendations to the village council.
- (5) To hold site plan and appearance review hearings, when required, and to issue or deny site plan and appearance approval for multiple-dwelling, commercial, mixed-use, and industrial buildings pursuant to the provisions of this division and the appearance plan in Appendix A of this code.

Sec. 6-58. - Action of planning commission.

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Sec. 6-59. - Approval by planning commission.

No building or other permit, otherwise required under the ordinances of the village, shall be approved by the community development director except upon the granting of site plan and appearance approval by the planning commission, or on appeal, approval by the Village Council (see section 6-35). The foregoing requirements shall not preclude the issuance of permits without such approval if the community development director determine that any of the following apply: Permits for single-family dwellings, permits for a village-owned facility, no external architectural features as defined in section 6-31, and any deviation from valid site plan and appearance approval are minor and not substantial.

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2. Evaluation of appearance of a project shall be based on quality of its design and relationship to surroundings.
3. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
4. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.
 - a. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those which are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways and adjoining properties.
 - b. Inappropriate materials and methods, and those which will produce inconsistency with the structure of the building, shall be avoided.

- c. Materials shall be of durable quality.
 - d. In any design in which the structural frame is exposed to view, the structural materials shall meet the other criteria for materials.
5. Building components—such as windows, doors, eaves, and parapets—shall have good proportions and relationship to one another.
 6. The village discourages walls without windows or with too few windows; all-glass walls; and facades without visual interest or with entrances that are concealed or absent.
 - 7. Colors shall be harmonious, with bright or brilliant colors used only for accent.**
 8. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so as not to be visible from any public ways, including waterways, service alleys, and adjoining properties.
 9. Exterior lighting shall be part of the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with building design.
 10. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from public ways, including waterways, service alleys, and adjoining properties, using materials as stated in criteria for equipment screening.
 11. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.
 12. Inappropriate, incompatible, bizarre, and exotic designs shall be avoided.
 13. The provisions of the North Palm Beach Village Code in regard to bulk regulations and standards, and those portions of the Village Code which directly affect appearance, shall be part of the criteria of this subsection.

G MAINTENANCE—PLANNING AND DESIGN FACTORS

1. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
2. Materials and finishes shall be selected for their durability and wear as well as for their beauty.
Proper measures and devices shall be incorporated for protection against the elements, neglect, damage and abuse.
3. Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design. Such configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.

H FACTORS FOR EVALUATION

The following factors and characteristics relating to a development, and which affect appearance, will govern the Appearance Board's evaluation of a design submission after the Board has been advised by the Office of the Building Official that the plan conforms to Village ordinances:

LOGIC OF DESIGN

EXTERIOR SPACE UTILIZATION

ARCHITECTURAL CHARACTER

ATTRACTIVENESS

MATERIAL SELECTION

HARMONY AND COMPATIBILITY

CIRCULATION—VEHICULAR AND PEDESTRIAN
MAINTENANCE ASPECTS

IV. CONCLUSION & FINDING OF FACT

In Staff's analysis, the proposed application is generally consistent with the appearance plan and other code requirements with the exception of the Stihl Orange roof color. Should the Planning Commission determine that the Applicant has met the prerequisites for the granting of site plan and appearance approval, staff recommends approval with the following condition:

1. The orange color shall be used for accent only.

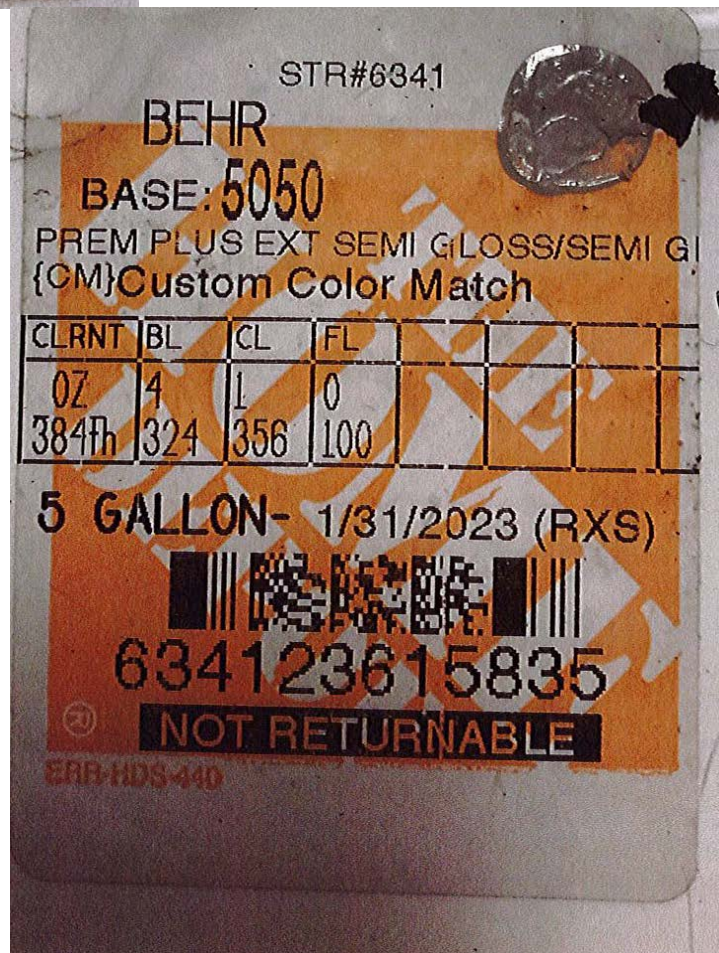






Blue roof proposed to be
Stihl Orange

Walls proposed to be Stihl Grey





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: March 7, 2023
TO: Planning Commission
FROM: Alex Ahrenholz, AICP, Principal Planner
RE: Village Initiated Zoning Text Amendment- Accessory Structures and Artificial Turf

I. SUMMARY OF REQUEST

The Village Council created the residential Ad-Hoc committee in August of 2021 with the intent to make recommendations for updates to the R-1 Single Family Zoning District. After adoption of the zoning in progress and subsequent meetings, the final ordinance was adopted in October of 2022 to address building height, minimum landscape area and second story maximum percentage. The Ad-hoc Committee was then directed by Village Council to look into additional regulations that have arisen from residents. Among the items raised, sheds, artificial turf and parking standards have been recommended by the committee for consideration by the Planning Commission and Village Council.

The sheds have been named “accessory storage structures” and placed within a new section “I” of the R-1 single family zoning district, so it will only be applicable to those homes zoned R-1. After multiple meetings, it was agreed that a two-tiered process would be the most successful and easier to enforce. Since there are many unpermitted sheds currently being used in residents’ back yards, they would be able to remain as long as they are screened and under sixty-four (64) square feet. No utilities or vehicle storage can occur there, but it is large enough for most lawn equipment and household items that is typically purchased from a home improvement store.

All structures over sixty-four (64) square feet shall receive a building permit, be architecturally consistent with the principal structure and can have some utilities which would treat the structure similar to the existing regulations for accessory garages. This would allow the currently constructed accessory garages to retain the regulations they were approved under. Though utilities are allowed, this does not include a kitchen which would turn the structure into an additional dwelling unit. All structures are proposed to be limited to 35% of the size of the principal structure and 16 feet in height.

The proposed parking regulations arose from the proliferation of parking on the swales as well as the pavement of entire front yards. The two (2) foot setback will only apply to a required parking space within the driveway of a single family home, so other impervious surfaces in the back or side yards are not affected. The two (2) minimum parking spaces can be provided in the garage or carport, as well as the driveway, so the vast majority of homes will be able to meet this regulation without becoming non-compliant.

Artificial turf has become increasingly popular in new home construction. The proposed regulations come from best industry practices that have been adopted by multiple local municipalities and requirement of a building

permit will ensure it is installed to be pervious, as designed. The turf will only be permitted in the side or rear of the home, or between pavers of a driveway. In all instances, turf shall be screened from the right-of-way, not to exceed a maximum square footage totaling 25% of the total provided site landscape area. Finally, all existing artificial turf that was installed prior to this ordinance shall be allowed to be in conflict with this provision until it is replaced by more than 50% or 10 years from ordinance adoption.

After the final meeting of the residential ad-hoc committee, staff made one minor update to the language for the artificial turf regulations. Putting green standards were added to section b.1, as the design varies from a typical turf installation. The putting greens have a lower pile height and impervious material which eliminates them from being permitted as landscape area.

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sixty-two 162) square feet) shall be provided. ~~All p~~ Parking spaces shall consist of a durable surfaced area as approved by the community development director, and may be enclosed in the dwelling, in an accessory building or in an unenclosed area or a driveway. All vehicles parking on a lot within the R-1 single-family dwelling district must be parked on a durable surface, as specified in section 15-3(n) of the village code. The off street parking spaces required by this section shall be accessed via a durable surface and shall be located a minimum of two (2) feet from all property lines.

H. ~~Accessory structures~~ Open-air pavilions. ~~One detached automobile garage and~~ One open-air pavilion may be constructed on any lot within the R-1 single-family dwelling district provided that all requirements of this chapter are met. Open air pavilions shall be subject to the following additional conditions and restrictions:

1. *Permitting.*

- (a) All open-air pavilions must be permitted in accordance with all Florida Building Code and Village Code requirements.
- (b) Open-air pavilions meeting the definition of a traditional chickee hut are exempt from the Florida Building Code but shall be subject to consistency review by the village. Consistency shall be demonstrated through the issuance of a zoning permit and shall require the submittal of the following information:
 - (1) A survey that includes scaled dimensions of the proposed structure, including setbacks;
 - (2) Proof that the builder of the chickee hut is a member of either the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida (such proof consisting of a copy of the trial member's identification card); and
 - (3) Drawings of the proposed structure depicting, at a minimum, the overall design, dimensions, roof materials, and height.

2. *Dimensions.* Open-air pavilions shall not exceed two hundred (200) square feet in floor area. The floor area shall be measured from outside the support posts, provided that the roof overhang does not exceed three (3) feet from the support posts. If the roof overhang exceeds three (3) feet, the floor area shall consist of the entire roofed area. For

1 structures supported by a single-pole, i.e., umbrella shape,
2 the floor area shall be measured from the drip line of the roof
3 material.
4

- 5 3. *Height.* Open-air pavilions shall not exceed twelve (12) feet
6 in height or the height of the principal building located on
7 the lot, whichever is more restrictive. For sloped roofs, the
8 height shall be measured at the mean roof height.
9

10 4. *Location and Setbacks.*
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- 12 (a) No open-air pavilion may be erected within ten (10)
13 feet of the side property line. This side setback shall
14 be increased to twenty (20) feet for corner lots.
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16 (b) No open-air pavilion may be erected within seven
17 and one-half (7½) feet of the rear property line.
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19 (c) No open-air pavilion or any portion thereof may be
20 erected between the front line of the principal
21 building and the front property lot line, within a
22 utility or drainage easement, or within a required
23 landscape buffer.
24

25 5. *Use restrictions.*
26

- 27 (a) An open-air pavilion shall be used only for private
28 recreational activities as an accessory use to the
29 principal residential use and shall not be used for
30 habitation, for a tool room, storage room or
31 workshop, or for any commercial purpose
32 whatsoever.
33
34 (b) Open-air pavilions shall not be used for storage of
35 items of personal property, including, but not limited
36 to, the following:
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38 (1) Operable or inoperable vehicles, boats, boat
39 trailers, utility trailers or similar items of
40 personal property;
41 (2) Building materials, lawn equipment, tools or
42 similar items; and
43
44 (3) Ice boxes, refrigerators and other types of
45 food storage facilities with the exception of
46 under-counter units.
47

1 (c) No gas, charcoal or propane grills, stoves or other
2 types of cooking devices may be stored or utilized
3 within a traditional chickee hut.
4

5 6. *Maintenance.* Open-air pavilions shall be maintained in
6 good repair and in sound structural condition. Painted or
7 stained surfaces shall be free of peeling paint, mold and
8 mildew and void of any evidence of deterioration.
9

10 7. *Design.*
11

12 (a) Open-air pavilions, with the exception of traditional
13 chickee huts, pergolas and other structures with only
14 partial or slatted roofs, shall incorporate the same
15 types of building materials and be consistent with the
16 architectural theme or style of the main or principal
17 building.
18

19 (b) At the request of a property owner, the community
20 development director may approve the use of
21 different building materials or alternate architectural
22 themes or styles when such materials, themes or
23 styles are complementary to the main or principal
24 building.
25

26 (c) Should the community development director deny
27 the request for different building materials or
28 alternate architectural themes or styles, a property
29 owner may appeal this decision to the planning
30 commission by submitting a written request for a
31 hearing to the community development director
32 within thirty (30) calendar days of the date of the
33 determination. The appeal shall be placed on the next
34 available agenda and the decision of the planning
35 commission shall be final, subject only to judicial
36 review by writ of certiorari.
37

38 I. *Accessory storage structures.* One accessory storage structure may
39 be located on any lot within the R-1 single-family dwelling district.
40

41 1. The following regulations shall apply to prefabricated
42 accessory storage buildings/utility sheds that do not exceed
43 sixty-four (64) square feet in size and eight (8) feet in overall
44 height:
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46 a. The accessory storage building/utility shed shall only
47 be used for the storage of household items, supplies
48 and equipment (no vehicles) and shall not have
49 plumbing or electrical service.

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- b. No accessory storage building/utility shed or portion thereof shall be located between the front line of the principal building and the front property lot line nor shall it be located within a utility or drainage easement.
- c. The accessory storage building/utility shed shall be predominately screened from view from all adjoining properties, abutting rights-of-way and waterways by vegetation, fencing or other visual obstructions, as approved by the community development department.
- d. The minimum side interior setback shall be five (5) feet and minimum rear setback shall be five (5) feet.
- e. All roof drainage shall be retained on the lot and shall not adversely impact adjoining properties.
- f. The accessory storage building/utility shed shall be anchored to the ground according to the manufacturer's specifications.
- g. No building permit shall be required; however, the community development department may conduct an inspection to confirm that the above requirements are met, and the placement of an accessory storage building/utility shed on a lot constitutes the property owner's consent to such an inspection. An administrative fee may be charged as set forth in the village's adopted fee schedule.

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2. The following regulations shall apply to utility sheds, storage buildings and other accessory structures that exceed sixty-four (64) square feet in size or eight (8) feet in overall height:

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- a. The accessory storage structure may be utilized to store any type of household goods, including vehicles, and may have plumbing and electrical service. A building permit is required.
- b. With the exception of an automobile garage, no accessory storage structure or any portion thereof may be erected between the front line of the principal building and the front property lot line nor shall it be located within a utility or drainage easement.

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3 c. The accessory storage structure shall have the same
4 architectural features and utilize the same materials
5 as the principal structure. The siding of the accessory
6 storage structure shall not be constructed of metal or
7 plastic unless architecturally consistent with the
8 principal structure.
- 9
10 d. All accessory storage structures, including an
11 automobile garage, shall maintain a minimum front
12 setback of twenty-five (25) feet, a minimum side
13 setback of (10) feet and a minimum rear setback of
14 seven and one-half (7½) feet.
- 15
16 e. The maximum height of the accessory storage
17 structure shall not exceed sixteen (16) feet. Height
18 shall be measured in the same manner as the
19 principal structure, as specified in section 45-27(B)
20 above.
- 21
22 f. The maximum size of the accessory storage structure
23 shall not exceed thirty-five (35) percent of the gross
24 floor area of the principal structure.

25 I.J. *Mechanical equipment.* All non roof-mounted mechanical equipment
26 shall be located behind the front building face of the principal
27 structure in either the side yard or the rear yard. Such equipment shall
28 be located adjacent to the principal structure whenever practicable,
29 provided, however, that all mechanical equipment shall be located at
30 least five (5) feet from the side property line and at least seven and
31 one-half feet (7½) from the rear property line.

32
33 J.K. *Minimum landscaped area.*

- 34
35 1. All single-family dwellings shall have a minimum
36 landscaped area of thirty percent (30%).
- 37
38 2. All single-family dwellings (both one and two story) shall
39 provide a minimum landscaped area of fifty percent (50%)
40 in the required twenty-five-foot (25') front yard setback.
41 Properties with frontage along urban collector roads
42 (Lighthouse Drive and Prosperity Farms Road) shall provide
43 a minimum landscaped area of forty percent (40%) in the
44 required twenty-five-foot (25') front yard setback. Properties
45 having an irregular lot shape, meaning a lot which is not
46 close to rectangular or square and in which the width of the
47 property at the front property line is less than required by the
48 underlying zoning district, shall provide a minimum

landscaped area of twenty-five percent (25%) in the required twenty-five-foot (25') front yard setback.

3. A property owner who meets the overall minimum landscaped area requirement set forth in subsection (1) above and who does not meet the minimum landscaped area requirement in the twenty-five-foot (25') front yard setback set forth in subsection (2) above may request a waiver of up to five percent (5%) of the minimum required area by filing a request with the Community Development Department. The request shall be forwarded to the Planning Commission for final action. A property owner seeking such a waiver shall be required to demonstrate to the Planning Commission that he or she has made a reasonable attempt to comply with the required minimum landscaped area within the front yard setback and has mitigated any deficiency through the installation of enhanced landscaping materials, the use of permeable hardscape materials or some other acceptable means.

For the purposes of this subsection, the term minimum landscaped area shall mean a pervious landscaped area unencumbered by structures, buildings, paved parking lots, sidewalks, sports courts, pools, decks, or any impervious surface. Landscape material shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, or decorative rock or bark. No landscape material shall be used for parking. However, pervious surfaces used for the parking of recreational equipment in side and rear yards shall be included in the calculation of the minimum landscaped area.

With respect to building permits for renovations of existing single-family dwellings, the minimum landscaped area standards shall apply only to the extent that the proposed scope of work impacts the applicable standard.

- ~~K~~ L. *Maximum driveway width in swale.* The total width of driveways from the edge of the public roadway to the abutting privately-owned property shall not exceed a total of thirty-two feet (32') in width at the property line, excluding flares. For lots with ninety (90) or more feet of public roadway frontage, the total width of driveways from the edge of the public roadway to the abutting privately-owned private shall not exceed a total of forty feet (40') in width at the property line, excluding flares. Each side of a flared driveway shall be no more than three feet (3') wider than the rest of the driveway.

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

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

4
5 Section 5. All ordinances or parts of ordinances in conflict with this Ordinance are hereby
6 repealed to the extent of such conflict.

7
8 Section 6. This Ordinance shall become effective immediately upon adoption.

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10 PLACED ON FIRST READING THIS ____ DAY OF _____, 2023.

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12 PLACED ON SECOND, FINAL READING AND PASSED THIS ____ DAY OF _____,
13 2023.

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16 (Village Seal)

MAYOR

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20 ATTEST:

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22 _____
23 VILLAGE CLERK

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26 APPROVED AS TO FORM AND
27 LEGAL SUFFICIENCY:

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29 _____
30 VILLAGE ATTORNEY

ORDINANCE NO. 2023-_____

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 ADOPTING A NEW SECTION 45-29, "ARTIFICIAL TURF/SYNTHETIC GRASS;" PROVIDING FOR PERMITTED LOCATIONS; PROVIDING FOR MATERIAL STANDARDS AND SPECIFICATIONS; PROVIDING REGULATIONS FOR INSTALLATION, MAINTENANCE AND REPAIR; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, while Section 45-85 of the Village Code prohibits the use of artificial plants or vegetation to meet the mandated landscaping requirements set forth in Article VIII, "Landscaping," of Appendix C (Chapter 45), the provisions of Article VIII are inapplicable to the construction, renovation or replacement of single-family or two-family dwellings; and

WHEREAS, based on a recommendation from the Ad Hoc Committee, the Village wishes to allow the installation of artificial turf on lots occupied by single-family and two-family dwellings subject to the adoption of regulations governing: minimum material standards; installation, maintenance and repair; permitted locations; and existing artificial turf; and

WHEREAS, on March 7, 2023, 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

WHEREAS, having considered the recommendation of the Planning Commission and conducted all required advertised public hearings, the Village Council 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 "Whereas" clauses are hereby ratified and incorporated herein.

Section 2. The Village Council hereby amends Article III, "District Regulations," of Appendix C (Chapter 45) of the Village Code of Ordinances by adopting a new Section 45-29 to read as follows (additional language is underlined):

Sec. 45-29. Artificial turf/synthetic grass.

(a) Locations permitted.

(1) Artificial turf (also referred to as synthetic grass) shall only be permitted on lots improved with a single-family or two-family dwelling.

(2) Artificial turf is limited to rear and side yards and shall not exceed twenty-five (25) percent of the total landscaped area.

(3) Artificial turf shall not be permitted in the front yard or in any area visible from a public right-of-way (even if in the rear or side yard), unless it is placed in between paver blocks or similar materials in a manner where the area for the artificial turf does not exceed four (4) inches in width and it does not exceed fifty (50) percent of the total area using the paver blocks or similar materials. Screening, as approved by the community development department, may be used in order to comply with visibility requirement.

(4) No artificial turf shall be placed in any public right-of-way.

(b) Minimum material standards. All artificial turf shall comply with the following minimum standards:

(1) Artificial turf shall consist of green lifelike individual blades of grass that emulate natural turf in look and color, as approved by the Village building official, and shall have a minimum pile height of one and one-half (1-1/2) inches, unless otherwise approved by the Village building official, and shall have a minimum tufted weight of fifty-six (56) ounces per square yard. Putting greens shall be permitted with a minimum pile height of one-quarter (1/4) inch; however, putting greens shall be located in the rear yard only, shall not count toward the minimum landscaped area as set forth in subsection (e) below and shall require submission of a drainage plan along with the building permit application.

(2) Artificial turf installations shall have a minimum permeability of thirty (30) inches per hour per square yard.

(3) All artificial turf shall have a minimum fifteen (15) year manufacturer's warranty that protects against color fading and a decrease in pile height.

(4) Artificial turf shall be lead-free.

(5) All materials must include test documentation which declares that the artificial turf yarn and backing materials are disposable under normal conditions, at any U.S. landfill station (Total Content Leach Protocol (TCLP) test).

(6) The use of indoor or outdoor plastic or nylon carpeting as a replacement for artificial turf or natural turf shall be prohibited.

(c) Installation, maintenance and repair.

- (1) All artificial turf shall, at a minimum, be installed according to the manufacturer's specifications.
- (2) All artificial turf installations shall be anchored to ensure that the turf withstands the effects of wind.
- (3) All seams shall be nailed and glued, not sewn, and edges shall be trimmed to fit against all regular and irregular edges to resemble a natural look.
- (4) If artificial turf is planned to be installed immediately adjacent to a seawall, the artificial turf shall be pinned or staked behind the seawall. No artificial turf or installation mechanism shall be attached directly to or placed on a seawall or seawall cap.
- (5) Proper drainage shall be provided for all artificial turf installations to prevent excess runoff or the pooling of water.
- (6) Artificial turf shall be visually level, with the grain pointing in a single direction.
- (7) An appropriate barrier device (e.g., concrete mow strip, bender board, brick pavers, river rock, landscaping) is required to separate artificial turf from soil and live vegetation.
- (8) Precautions for installation around existing trees shall be monitored and may be restricted to ensure tree roots are not damaged with the installation of the base material and that the overall health of the tree will not be compromised.
- (9) All artificial turf shall be maintained in a green, fadeless condition free of dirt, mud, stains, weeds, debris, tears, holes, and impressions. Maintenance shall include, but not be limited to cleaning, brushing and debris removal; repairing of depressions and ruts to maintain a visually-level surface; elimination of any odors, flat or matted areas, weeds, and evasive roots; and all edges of the artificial turf shall not be loose and must be maintained with appropriate edging or stakes.
- (10) All artificial turf must be replaced if it falls into disrepair with fading or holes or loose areas. Replacement and/or repairs shall be performed with like for like materials from the same manufacturer, if possible, and done so in a manner that results in a repair that blends in with the existing artificial turf.
- (11) An owner or applicant shall obtain a building permit from the community development department prior to the installation of any artificial turf.

(12) The village or other public entity or utility company may remove artificial turf located within an easement at any time for any reason, including, but not limited to, providing underground access for utility work. The property owner shall bear and pay any and all costs to replace or reinstall the artificial turf.

(d) Existing artificial turf. For those properties where artificial turf is currently installed and the artificial turf does not meet the requirements of this section, full compliance shall be required when the existing artificial turf is repaired or replaced in an amount exceeding fifty (50) percent. However, all existing artificial turf shall comply with the requirements of this section within ten (10) years of the effective date of this section.

(e) Pervious area. Artificial turf installed in compliance with the requirements of this section shall be considered as one hundred percent (100%) pervious area and shall count toward the required minimum landscaped area.

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

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

Section 5. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6. This Ordinance shall become effective immediately upon adoption.

PLACED ON FIRST READING THIS ____ DAY OF _____, 2023.

PLACED ON SECOND, FINAL READING AND PASSED THIS ____ DAY OF _____, 2023.

(Village Seal)

MAYOR

ATTEST:

VILLAGE CLERK

APPROVED AS TO FORM AND

1 LEGAL SUFFICIENCY:

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VILLAGE ATTORNEY