



## VILLAGE OF NORTH PALM BEACH WORKSHOP SESSION AGENDA

VILLAGE HALL COUNCIL CHAMBERS  
501 U.S. HIGHWAY 1

THURSDAY, APRIL 13, 2023  
AFTER REGULAR SESSION

David B. Norris  
Mayor

Susan Bickel  
Vice Mayor

Darryl C. Aubrey  
President Pro Tem

Mark Mullinix  
Councilmember

Deborah Searcy  
Councilmember

Chuck Huff  
Village Manager

Leonard G. Rubin  
Village Attorney

Jessica Green  
Village Clerk

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### INSTRUCTIONS FOR "WATCH LIVE" MEETING

To watch the meeting live please go to our website page (link provided below) and click the "Watch Live" link provided on the webpage:

<https://www.village-npb.org/CivicAlerts.aspx?AID=496>

### ROLL CALL

### DISCUSSION

- 1. OFF STREET PARKING SPACES AND ACCESSORY STORAGE STRUCTURES** Council discussion regarding a proposed ordinance amending the zoning regulations for R-1 Single-Family Dwelling District to require two off-street parking spaces and allow one of two types of accessory storage structures.
- 2. COMPREHENSIVE PLAN AMENDMENT AND C-3 REGIONAL BUSINESS DISTRICT ZONING REGULATIONS** Council discussion regarding amendments to the Future Land Use Element of the Village's Comprehensive Plan and Zoning Regulations for the C-3 Regional Business District (Old Twin City Mall Site)

### ADJOURNMENT

If a person decides to appeal any decision by the Village Council with respect to any matter considered at the Village Council meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes 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 Village Council. Due to the nature of governmental duties and responsibilities, the Village Council reserves the right to make additions to, or deletions from, the items contained in this agenda.

**VILLAGE OF NORTH PALM BEACH**  
**VILLAGE ATTORNEY'S OFFICE**

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TO: Honorable Mayor and Council

THRU: Chuck Huff, Village Manager

FROM: Leonard G. Rubin, Village Attorney

DATE: April 13, 2023

SUBJECT: **WORKSHOP** – Ordinance amending the zoning regulations for R-1 Single-Family Dwelling District to require two off-street parking spaces and allow one of two types of accessory storage structures.

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The Village Council created the Residential Ad Hoc Committee to recommend revisions to the existing Zoning Code regulations for single-family dwellings. Based on recommendations from the Ad Hoc Committee and input and review by the Planning Commission, the Village Council has already adopted amendments to the R-1 Zoning District regulations to address: minimum landscaped area; overall building height; driveway widths; and second-story setbacks/massing.

One of the final topics considered by the Ad Hoc Committee was accessory storage structures. Currently, the Village Code only allows two types of accessory structures on any single-family lot, i.e., detached automobile garages and open-air pavilions. Storage structures or sheds of any type are prohibited unless incorporated into the principal dwelling.

The Ad Hoc Committee recommended the adoption of the attached Ordinance revising the R-1 zoning regulations to allow for one of two types of accessory storage structures, as well as requiring two off-street parking spaces for each single-family dwelling. The proposed Ordinance was considered by the Planning Commission at a duly advertised public hearing held on March 7, 2023, and the Planning Commission recommended approval.

The attached Ordinance amends Section 45-27 as follows:

- A. Amends the parking requirements to require two off-street parking spaces in lieu of one parking space and references the durable surface requirements set forth in Section 15-3(n) of the Village Code. Additionally, the parking spaces must be accessed by a durable surface and be located at least two (2) feet from all property lines. All driveway aprons located within the right-of-way must be constructed of Portland cement concrete as required by Section 24-43 of the Village Code.
- B. Adds a new provision to allow one of two types of accessory storage structures on each single-family lot.
  - 1. The first type of permitted accessory storage structure is a prefabricated shed that does not exceed sixty-four (64) square feet in size and eight (8) feet in overall height and meets the following additional requirements:
    - The shed may only be used for the storage of household items and shall not have plumbing or electrical service.

- The shed may not be placed in the front yard and must be predominantly screened from view of all adjoining properties, abutting rights-of-way and waterways by vegetation, fencing or other visual obstructions as approved by the Community Development Department.
  - The minimum side and rear setbacks are five (5) feet.
  - All roof drainage shall be retained on the lot, and the shed shall be anchored to the ground according to the manufacturer's specifications.
  - No building permit is required; however, the Community Development Department may conduct an inspection to determine that all applicable Code requirements are met and the placement of a shed on a lot constitutes consent to such inspection.
2. The second type of accessory storage structure is a permanent building that exceeds sixty-four (64) feet in size or eight (8) feet in height for which a building permit is required and meets the following additional requirements:
- The structure may be utilized to store household goods, including vehicles, and may have plumbing and electrical service. However, to prevent use as an accessory dwelling unit, the structure may not have a kitchen.
  - Except for an automobile garage (which must still meet all applicable setbacks), the accessory storage structure may not be located in the front yard.
  - The structure must have the same architectural features and the utilize the same materials and colors as the principal structure (the siding shall not be metal or plastic unless consistent with principal structure).
  - The minimum front setback shall be twenty-five (25) feet, the minimum side setback shall be ten (10) feet and the minimum rear setback shall be seven and one-half (7-1/2) feet.
  - The maximum height shall not exceed sixteen (16) feet or the height of the principal structure, whichever is less.
  - The maximum size of the accessory storage structure shall not exceed thirty-five (35) percent of the gross floor area of the principal structure.

The only existing regulation applicable to detached automobile garages is contained in Section 45-36 of the Village Code, which limits the height to one (1) story and the rear setback to seven and one-half (7-1/2) feet with no additional regulations.

There is no fiscal impact.

**Recommendation:**

**Village Staff seeks Council consideration, input and guidance regarding the attached Ordinance amending the zoning regulations for the R-1 Single-Family District to require two off-street parking spaces and allow one of two different types of accessory storage structures.**

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sixty-two 162) square feet) shall be provided. ~~All 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. All driveway aprons shall be constructed of Portland cement concrete as required by section 24-43(a)(1) of this code.

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 tribal 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

1 support posts. If the roof overhang exceeds three (3) feet, the  
2 floor area shall consist of the entire roofed area. For  
3 structures supported by a single-pole, i.e., umbrella shape,  
4 the floor area shall be measured from the drip line of the roof  
5 material.

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

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12 4. *Location and Setbacks.*

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

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27 5. *Use restrictions.*

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29 (a) An open-air pavilion shall be used only for private  
30 recreational activities as an accessory use to the  
31 principal residential use and shall not be used for  
32 habitation, for a tool room, storage room or  
33 workshop, or for any commercial purpose  
34 whatsoever.  
35  
36 (b) Open-air pavilions shall not be used for storage of  
37 items of personal property, including, but not limited  
38 to, the following:  
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40 (1) Operable or inoperable vehicles, boats, boat  
41 trailers, utility trailers or similar items of  
42 personal property;  
43 (2) Building materials, lawn equipment, tools or  
44 similar items; and  
45  
46 (3) Ice boxes, refrigerators and other types of  
47 food storage facilities with the exception of  
48 under-counter units.  
49

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.*  
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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.  
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38 I. *Accessory storage structures.* One accessory storage structure may  
39 be located on any lot within the R-1 single-family dwelling district.  
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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. No kitchens are permitted, and 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             and colors as the principal structure. The siding of  
6             the accessory storage structure shall not be  
7             constructed of metal or plastic unless architecturally  
8             consistent with the principal structure.  
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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.  
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16       e.     The maximum height of the accessory storage  
17             structure shall not exceed sixteen (16) feet or the  
18             height of the principal structure, whichever is less.  
19             Height shall be measured in the same manner as the  
20             principal structure, as specified in section 45-27(B)  
21             above.  
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23       f.     The maximum size of the accessory storage structure  
24             shall not exceed thirty-five (35) percent of the gross  
25             floor area of the principal structure.  
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27     **I J.**    *Mechanical equipment.* All non roof-mounted mechanical equipment  
28             shall be located behind the front building face of the principal  
29             structure in either the side yard or the rear yard. Such equipment shall  
30             be located adjacent to the principal structure whenever practicable,  
31             provided, however, that all mechanical equipment shall be located at  
32             least five (5) feet from the side property line and at least seven and  
33             one-half feet (7½) from the rear property line.  
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35     **I K.**    *Minimum landscaped area.*  
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- 37             1.     All single-family dwellings shall have a minimum  
38             landscaped area of thirty percent (30%).  
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40             2.     All single-family dwellings (both one and two story) shall  
41             provide a minimum landscaped area of fifty percent (50%)  
42             in the required twenty-five-foot (25') front yard setback.  
43             Properties with frontage along urban collector roads  
44             (Lighthouse Drive and Prosperity Farms Road) shall provide  
45             a minimum landscaped area of forty percent (40%) in the  
46             required twenty-five-foot (25') front yard setback. Properties  
47             having an irregular lot shape, meaning a lot which is not  
48             close to rectangular or square and in which the width of the  
49             property at the front property line is less than required by the

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.

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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)

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MAYOR

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20 ATTEST:

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23 VILLAGE CLERK

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26 APPROVED AS TO FORM AND  
27 LEGAL SUFFICIENCY:

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30 VILLAGE ATTORNEY

**VILLAGE OF NORTH PALM BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT**

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TO: Honorable Mayor and Council

THRU: Chuck Huff, Village Manager

FROM: Alex Ahrenholz, Principal Planner

DATE: April 13, 2023

SUBJECT: **WORKSHOP – Amendments to the Future Land Use Element of the Village’s Comprehensive Plan and the Zoning Regulations for the C-3 Regional Business District (Old Twin City Mall Site)**

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**Background:**

The old Twin City Mall site was established as the C-3 Regional Business District pursuant to an Interlocal Agreement executed by the Village and the Town of Lake Park in 1993. The current site is underutilized, with large vacant parcels. In 2016, the Village Council adopted the Citizen’s Master Plan, envisioning the site’s redevelopment into a mixed-use, walkable town center for the Village. After over a year of input and revisions, the proposed amendments provide a process to allow and incentivize the type of development.

Upon completion of numerous workshops, input from consultants, and additional studies, the Planning Commission recommended approval (6-0) of the proposed Comprehensive Plan Amendments and the proposed revisions to the C-3 Regional Business District zoning regulations. The proposed regulations are compatible with regulations already adopted by the Town of Lake Park and provide a framework to guide future development.

The proposed amendments address Village Council’s concerns raised during the November 2022 workshop, which focused primarily on height and setbacks. The proposed amendments reduced the maximum overall height within the PUD to 175 feet, less than the 220 feet allowable north of the Parker Bridge. The maximum height will only be permitted in the site’s interior. Additionally, the setbacks were significantly increased from public rights-of-way. Most notably, the building setback adjacent to U.S. Highway One and Northlake Boulevard has been increased to twenty-five (25) feet, thereby requiring the buildings to be set back past the existing vegetation. Furthermore, the regulations require a ten (10) foot building “step-back” along the public rights-of-way after the fourth story to assist with the reduction of building massing. These items have been addressed with the recommendations and input from the Treasure Coast Regional Planning Council (TCRPC).

**Summary of Comprehensive Plan Amendments:**

The proposed Ordinance amends the Future Land Use Element of the Village’s Comprehensive Plan. The Village is proposing additional language to the Village Goal Statement, taken in part from the Citizen’s Master Plan, to establish the Village’s intent to redevelop vacant parcels and older commercial structures into pedestrian-oriented, mixed-use development. The Village is also proposing revisions to supporting Policies to exempt the C-3 zoning district from the maximum residential density otherwise applicable to properties with a commercial land use designation.

The overall development potential would be limited to a maximum Floor Area Ratio (FAR) established in the zoning regulations. This gives the Village a better understanding of allowable massing because the utilization of maximum density does not provide square footage limitations.

### **Summary of Revisions to the C-3 Regional Business District Zoning Regulations:**

The proposed amendments to the C-3 zoning regulations create an updated process for an applicant to request approval of a Planned Unit Development. In order to utilize this process, a potential developer would be required to meet the minimum threshold requirements, namely:

- A five-acre development parcel;
- A minimum of one-half acre of civic space;
- A minimum of 50,000 square feet of non-residential uses; and
- Additional public benefits in the form of enhanced landscaping, the creation of a functional living, shopping and/or working environments, or innovative architectural design.

The last criterion was added to address the Planning Commission's concern that the maximum allowances under the PUD regulations were granted not "by right." With input from the Planning Commission, the Village Council will have ultimate authority to approve any proposed master plan and subsequent site plans.

With the inclusion of the TCRPC recommendations, the amendments include a framework for development with a regulating plan, frontage types, and street and sidewalk standards. These standards create connectivity, ensure that building massing relates to its surroundings and provide minimum street standards.

The proposed amendments allow for a maximum FAR of 2.75, which is generally consistent with the regulations adopted by the Town of Lake Park. The Town of Lake Park allows for a maximum FAR of 2.0 for non-residential uses **plus** a residential density of 48 units per acre. Because a maximum density does not limit square footage, Lake Park's regulations actually allow more square footage on its portion of the old Twin City Mall site than the Village's proposed regulations.

### **Next Steps:**

The proposed amendments to the Future Land Use Element of the Comprehensive Plan has been approved by the State of Florida Department of Economic Opportunity (DEO). No comments were received from DEO and as such will bring the proposed Ordinances back to the Village Council for consideration and adoption on second reading. Once the Ordinances are adopted, applicants may submit a PUD application and proposed master plan for review by the Planning Commission and the Village Council.

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AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE VILLAGE OF NORTH PALM BEACH COMPREHENSIVE PLAN TO FACILITATE REDEVELOPMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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, the proposed modification amends the Future Land Element to promote mixed use projects and allow for the regulation of density and intensity through the adoption of land development regulations applying a maximum Floor Area Ratio (FAR); and

WHEREAS, on February 14, 2023, 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

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 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 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 \_\_\_\_\_, 2023.

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3 PLACED ON SECOND, FINAL READING AND PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_,  
4 2023.

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6 (Village Seal)

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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

## ORDINANCE NO. 2023-06

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; AMENDING ARTICLE VII, "NONCONFORMING USES OF LAND AND STRUCTURES," BY AMENDING SECTION 45-65 TO REMOVE A REFERENCE TO THE C-3 ZONING DISTRICT; AMENDING ARTICLE VIII, "LANDSCAPING," BY AMENDING SECTIONS 45-90, "LANDSCAPE REQUIREMENTS FOR SITE PERIMETERS," AND SECTION 45-91, "LANDSCAPE REQUIREMENTS FOR BASE OF FOUNDATION," TO MODIFY THE REQUIREMENTS FOR THE C-3 ZONING DISTRICT; 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



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

5  
6 WHEREAS, the Village also wishes to amend certain other provisions of its Zoning Code to  
7 implement the revised C-3 regulations and eliminate conflicts; and

8  
9 WHEREAS, the Planning Commission, sitting as the Local Planning Agency, conducted a public  
10 hearing to review this Ordinance and provide a recommendation to the Village Council; and

11  
12 WHEREAS, having considered the recommendation of the Planning Commission and conducted  
13 all required advertised public hearings, the Village Council determines that the adoption of this  
14 Ordinance is in the interests of the health, safety and welfare of the residents of the Village of  
15 North Palm Beach.

16  
17 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE  
18 OF NORTH PALM BEACH, FLORIDA as follows:

19  
20 Section 1. The foregoing recitals are ratified as true and correct and are incorporated herein.

21  
22 Section 2. The Village Council hereby amends Article III, "District Regulations," of  
23 Appendix C (Chapter 45) of the Village Code of Ordinances by amending Section 45-34.1 to read  
24 as follows (additional language underlined and deleted language ~~stricken through~~):

25  
26 **Sec. 45-34.1. C-3 regional business district.**

27  
28 The C-3 regional business district is designed for the re-use and/or  
29 redevelopment of commercial property. It contains special regulations and  
30 procedures that are integrated with those of the Town of Lake Park to avoid  
31 conflicts that could otherwise be created by the location of the town/village  
32 boundary. Within C-3 business districts, the following regulations shall apply:

33  
34 (1) *Uses permitted.* ~~Within the C-3 zoning district, no building,~~  
35 ~~structure, land, or water shall be used, unless otherwise permitted by~~  
36 ~~these regulations, except for any combination of the following~~  
37 ~~purposes:~~ Table 1 indicates allowable uses in the C-3 regional  
38 business district:

39  
40 a. ~~Banks, savings and loans, stockbrokers, and similar financial~~  
41 ~~institutions.~~

42  
43 b. ~~Business offices, including medical and professional~~  
44 ~~services.~~

- e. ~~Community residential homes, subject to the same requirements as apply in the R-2 zoning district, and family day care centers as defined in Chapter 402, Florida Statutes.~~
- d. ~~Hotels, motels, and time share units.~~
- e. ~~Multiple family dwellings (each building containing three (3) or more units) and customary accessory uses, subject to any limitations on residential uses in the adopted Comprehensive Plan.~~
- 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**

	<b><u>USES</u></b> <b><u>PERMITTED</u></b>	<b><u>BY PUD</u></b> <b><u>ONLY<sup>1</sup></u></b>	<b><u>NOT</u></b> <b><u>PERMITTED</u></b>
<b><u>RESIDENTIAL USES</u></b>			
<u>Mobile home park</u>			●
<u>Dwelling, one family detached</u>			●
<u>Dwelling, all other dwelling types</u>	●		
<u>Live/work unit</u>		●	
<u>Assisted living facility</u>		●	
<u>Community residential home</u>	● <sup>2</sup>		
<b><u>LODGING USES</u></b>			
<u>Bed-and-breakfast establishment</u>		●	
<u>Hotel, including Extended Stay</u>	●		
<u>Motel</u>	●		
<u>Time-share unit</u>		●	

<b>BUSINESS USES</b>			
<u>Offices, general</u>	●		
<u>Office or clinic, medical or dental</u>	●		
<u>Stores &amp; services, general</u>	●		
<u>Stores &amp; services, large format</u>	●		
<u>Adult entertainment</u>			●
<u>Convenience store with fuel</u>		●	
<u>Dog daycare</u>		●	
<u>Drive-through facility (for any use)</u>		●	
<u>Garage, parking</u>		●	
<u>Heavy commercial and light industrial</u>			●
<u>Medical marijuana treatment center</u>			●
<u>Restaurant</u>	●		
<u>Bar, Night Clubs or Entertainment Establishments</u>	●		
<u>Telecommunications antennas</u>		●	
<b>CIVIC &amp; EDUCATION USES</b>			
<u>Child care facility</u>		●	
<u>Church or place of worship</u>	●		
<u>Civic space</u>	●		
<u>Family day care</u>		●	
<u>Government building</u>	●		
<u>Hospital or medical center</u>		●	
<u>Public space</u>	●		
<u>School, public or private</u>		●	

*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

1 by consensus national codes or standards or after submission of persuasive  
2 technical evidence (such as publications of the Institute of Transportation  
3 Engineers (ITE)). Modifications that involve shared parking on parcels of  
4 land that are not under identical ownership, or parking in a different  
5 municipality than the principal building regardless of ownership, may be  
6 approved through the special C-3 PUD procedures found below in section  
7 45-34.1(10).  
8

- 9 a. Auditoriums of any kind — 1 space per 3 seats.
- 10
- 11 b. Banks and other financial institutions — 3 spaces per 1,000 square  
12 feet.
- 13
- 14 c. Hotels and motels — 1 space per guest room plus 1 space per 2  
15 employees during the peak period; parking for restaurants and other  
16 guest facilities to be calculated separately.
- 17
- 18 d. Offices, medical/dental — 5 spaces per 1,000 square feet.
- 19
- 20 e. Offices, all other — 3 spaces per 1,000 square feet.
- 21
- 22 f. Residential — 2 spaces per dwelling unit.
- 23
- 24 g. Restaurants and nightclubs — 12 spaces per 1,000 square feet,  
25 except 6 spaces per 1000 square feet for restaurants offering take-  
26 out service.
- 27
- 28 h. Retail uses and personal services — 4 spaces per 1,000 square feet,  
29 except 1.5 spaces per 1,000 square feet for furniture sales.
- 30
- 31 i. Shopping centers — 4 spaces per 1,000 square feet.
- 32
- 33 j. Uses not listed above to be determined by the building official using  
34 standards found elsewhere in this Code or upon submission of  
35 persuasive technical evidence about the number of vehicles that can  
36 be expected to be attracted.

37  
38 *NOTES:*

- 39 1. All areas are measured as gross floor area except multi-  
40 tenant shopping centers and office complexes, which are  
41 measured as gross leasable area.
- 42 2. Fractional spaces can be disregarded.
- 43 3. Wherever the term "identical ownership" is used, the land  
44 parcels in question must be contiguous and must be owned  
45 by or under the unified control of the applicant.  
46

- 1 (3) *Off-street loading and internal circulation.* Requirements for off-street  
2 loading, parking lot aisles, accessways, and general internal circulation shall  
3 be same as would apply in the C-S zoning district.  
4
- 5 a. *Lighting:* Parking lots shall be fully illuminated during hours of  
6 business operation with a minimum standard of illumination from  
7 closing to dawn per the Palm Beach County Code or ITE, whichever  
8 is more stringent.  
9
- 10 (4) *Landscaping.* Landscaping shall be required along the outer boundary of the  
11 C-3 zoning district (irrespective of any municipal boundary) and also in  
12 unroofed parking areas whenever a parking area is constructed,  
13 reconstructed, or reconfigured. In addition to the other provisions of  
14 Chapter 27 of this Code, the following landscaping requirements shall be  
15 met:  
16
- 17 a. *Required landscaping adjacent to public rights-of-way:* The  
18 required landscaped strip between a public right-of-way and an off-  
19 street parking area shall be at least fifteen (15) feet wide and shall  
20 contain at least five (5) trees and eighteen (18) shrubs for each one  
21 hundred (100) lineal feet.  
22
- 23 b. *Parking area interior landscaping for unroofed parking areas:* At  
24 least ten (10) percent of the total paved surface area shall be devoted  
25 to landscaped areas. Each area counting toward the ten (10) percent  
26 total shall have an average minimum dimension of ten (10) feet. At  
27 least one (1) tree shall be planted for every two hundred fifty (250)  
28 square feet of required internal planting area. No parking space shall  
29 be more than one hundred (100) feet from a tree planted in a  
30 permeable island, peninsula, or median having a ten-foot minimum  
31 width.  
32
- 33 c. *Indigenous native vegetation:* To reduce maintenance and water  
34 consumption, required landscaping shall include at least seventy-  
35 five (75) percent indigenous native trees and fifty (50) percent  
36 indigenous native shrubs.  
37
- 38 d. *Installation:* All required landscaping shall be installed using  
39 xeriscape principles including water conservation through the  
40 appropriate use of drought-tolerant plants, mulching, and the  
41 reduction of turn areas. Irrigation systems shall be designed to  
42 operate only when needed and only in those areas that require  
43 irrigation.  
44
- 45 e. *Maintenance:* The property owner shall be responsible for the  
46 maintenance of all required landscaped areas in a healthy and

1                   vigorous condition at all times. Required trees shall not be trimmed  
2                   or pruned in such a way as to alter or limit their normal mature  
3                   height or crown spread. If required plants die, they shall be replaced  
4                   within sixty (60) days.

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

8  
9                   a.     *Perimeter setbacks:* All buildings and structures shall be set back a  
10                  minimum of thirty (30) feet from the outer boundary of the C-3  
11                  zoning district, except an interior common municipal boundary. For  
12                  buildings in excess of two (2) stories or thirty (30) feet in height,  
13                  one (1) foot shall be added to the required perimeter setback for each  
14                  extra foot of height over thirty (30) feet.

15  
16                  b.     *Additional setbacks to internal property lines:* The need for building  
17                  setbacks to property lines adjoining other land zoned C-3 is related  
18                  to the existing or proposed uses of those properties. Unless modified  
19                  through the special C-3 PUD procedures found below in section 45-  
20                  34.1(10), all new buildings and structures shall be set back a  
21                  minimum of twenty-five (25) feet from each of its property lines.

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

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

29  
30                  (6)   *Maximum lot coverage.* There is no fixed cap on lot coverage or floor area  
31                  ratio. Maximum intensity will be governed by the application of the parking,  
32                  loading, setback, building height, and surface water management standards  
33                  found herein.

34  
35                  (7)   *Signs.* In addition to the other provisions of sections 6-111 through 6-117  
36                  of this Code, but notwithstanding any conflicting standards found therein,  
37                  signs in the C-3 zoning district shall comply with the following regulations  
38                  unless modified through the special C-3 PUD procedures.

39  
40                  a.     *Ground signs* are mounted on a monolithic base and are independent  
41                  of any building for support. They are permitted only when the sign  
42                  and base are monolithic and have essentially the same contour from  
43                  grade to top. Ground signs that meet the following regulations are  
44                  permitted in the C-3 district only along U.S. Route 1 and Northlake  
45                  Boulevard:

1. *Maximum number of ground signs:* One (1) ground sign along U.S. Route 1 and one (1) ground sign along Northlake Boulevard, regardless of jurisdiction, North Palm Beach or Lake Park.
  2. *Maximum height of ground sign base:* Three (3) feet.
  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.

- 1                               5.     *Maximum size of wall signs:* Five (5) percent of the area of  
2   the wall to which it is attached; or seven (7) percent if the  
3   front building setback is greater than seventy (70) feet; or ten  
4   (10) percent if the front building setback is greater than one  
5   hundred (100) feet. However, in no case shall a wall sign  
6   exceed one hundred (100) square feet in size.  
7
- 8                               d.     *Roof signs* are erected and constructed wholly on and over the roof  
9   of a building, and are supported by the roof structure or are an  
10    integral part of the roof. Roof signs are not permitted in the C-3  
11    district.  
12
- 13                              e.     *Size computations:* When these regulations establish the maximum  
14    size of a sign, it shall be computed by means of the smallest square,  
15    circle, rectangle, triangle, or combination thereof that will  
16    encompass the extreme limits of the writing, representation,  
17    emblem, or other display, together with any material or color  
18    forming an integral part of the background of the display or used to  
19    differentiate the sign any backdrop or structure against which it is  
20    placed.  
21
- 22                              f.     *Allowable colors:* Notwithstanding the regulations in Chapter 6 of  
23    this Code, color tones utilized for all signs complying with these  
24    regulations shall be compatible with surrounding area.  
25
- 26                              g.     *Lighting:* Signs containing illumination shall be turned off by 12:00  
27    a.m. (midnight) each night, or when the business closes, whichever  
28    is later.  
29
- 30                              h.     *Appeals:* Notwithstanding conflicting appeal procedures found  
31    elsewhere in this Code, all requests for modifications to sign  
32    regulations in the C-3 zoning district shall be made through the  
33    special C-3 PUD procedures found below in 45-34.1(10).  
34
- 35                              (8)    *Surface water management.* A complete surface water management system  
36    shall be provided to current standards of the South Florida Water  
37    Management District whenever a building or parking area is substantially  
38    redeveloped.  
39
- 40                              (9)    *Location of business for retail sales of alcoholic beverages.*  
41
- 42                              a.     No licensed retail sales of alcoholic beverages shall be carried on  
43    where the proposed place of business is within five hundred (500)  
44    feet of a church, synagogue, temple or other place of worship.  
45



- 1                   b.       The method of measurement provided for above shall be made or  
2                   taken from the main front entrance of such church to the main front  
3                   entrance of the applicants proposed place of business along the route  
4                   of ordinary pedestrian traffic.  
5  
6                   c.       The restrictions of section 45-34.1(9), (1)[a.] shall not apply to the  
7                   retail sale of beer, ale or wine for off-premises consumption.  
8  
9                   d.       The restrictions of section 45-34.1(9), (1)[a.] shall not apply to any  
10                  bona fide restaurant as defined and licensed under Florida Statutes  
11                  as a restaurant with full kitchen facilities, regardless of size or  
12                  seating capacity, where alcoholic beverages are served solely as an  
13                  accessory use to the restaurant and only when such restaurant is open  
14                  for the sale and service of food.  
15

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

- 45           a.       The threshold criteria for use of these special provisions are as  
46           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.
2. The project provides a minimum of one-half (1/2) acre for a civic space within the project site. "Civic space" shall be defined as an open space that is dedicated for public use including all adjacent pedestrian amenities. The civic space may include, parks, plazas, courtyards, playgrounds, or similar uses. The civic space may be owned, maintained and/or operated either publicly or privately. The civic space may be reconfigured or relocated from the orientation shown on the regulating plan. Civic space provided pursuant to this subsection shall be credited towards the public sites and open spaces requirements of section 36-23 of this code.
3. To achieve a mixed-use project, a minimum of 50,000 square feet of the total project development shall be allocated to non-residential uses.
4. The project provides additional public benefits in the form of enhanced landscaping, the creation of a functional living, shopping and/or working environments, or innovative architectural design.

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

- ~~1. Automobile, truck, or motorcycle dealers (new or used).~~
- ~~2. Cultural, civic, educational, health care, and religious facilities.~~
- ~~3. Nursing or convalescent homes.~~
- ~~4. Offices for non-profit, religious, or governmental activities.~~
- ~~5. Automobile service stations, not involving automobile repairs or maintenance, including ancillary uses of convenience store and car wash.~~

~~a b. *Allowable changes to existing regulations:* No PUD approval can permit any development that is inconsistent with the Comprehensive~~

1 Plan. Subject to this limitation, ~~changes may be considered through~~  
2 ~~this process to any zoning and land development regulation that the~~  
3 ~~village council finds would unduly constrain desirable re-use and/or~~  
4 ~~redevelopment of land in the C-3 zoning district. After any such~~  
5 ~~changes are made by the village council, those changes shall govern~~  
6 ~~to the extent of conflict with these regulations~~ the village council  
7 may grant waivers to the applicable regulations set forth in this  
8 section and as otherwise provided in this chapter subject to the  
9 following:

- 10  
11 1. A waiver request in the C-3 zoning district cannot be used  
12 to:
  - 13  
14 i. Add uses that are not allowable under this code;
  - 15  
16 ii. Increase the allowable floor area ratio; or
  - 17  
18 iii. Increase the allowable building height.
- 19  
20 2. When evaluating waiver requests, the village will consider  
21 the following factors and any additional criteria set forth in  
22 the relevant zoning district:
  - 23  
24 i. The extent to which the alternate standard proposed  
25 by the applicant differs from the code's standard that  
26 would be waived;
  - 27  
28 ii. Whether the granting of the waiver will lead to  
29 innovative design in which other minimum standards  
30 are exceeded;
  - 31  
32 iii. Whether the request clearly demonstrates the public  
33 benefits to be derived;
  - 34  
35 iv. Whether the request furthers the goals of the village  
36 master plan, and exemplifies the architectural,  
37 building, and site design techniques desired within  
38 the village's appearance plan;
  - 39  
40 v. Whether the requested waiver can be granted in the  
41 zoning district;
  - 42  
43 vi. Any unusual circumstances regarding the property or  
44 immediate area, including the location of power  
45 lines, specimen trees, or shade trees; and

vii. The effect of approving or denying the waiver on the development project and on the surrounding area.

c. ~~Minimum PUD requirements~~ Unified control: There is no minimum parcel size for PUD applications. However, most favorable consideration will be given to applications that encompass the largest possible land area, and no parcel that is smaller than its size when this section was adopted (March, 1995) may be submitted unless it was properly platted through the provisions of these land development regulations. All parcels submitted in a single PUD application must be contiguous and must be owned by or be under the unified control of the applicant. All common areas shall be subject to joint maintenance by all of the property owners within the PUD, and the unified control documents shall provide for reciprocal easements over all streets, driveways, parking areas, pedestrian areas and civic space in favor of all properties within the PUD. While the village shall always treat the PUD as one project, portions of the PUD may be conveyed to third parties by metes and bounds once the unified control documents have been approved by the village attorney and recorded in the county public records.

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

1. Satisfactory evidence of unified control of the entire area within the proposed PUD; agreement to abide by the conditions of approval, if granted; and ability to bind successors in title to these conditions if the proposed development is built.
2. A proposed master site development plan in sufficient detail to show the approximate locations of buildings, parking areas, and stormwater management facilities. This plan shall also show the exact locations of all access points to public streets and to any abutting land zoned C-3, whether in Lake Park or North Palm Beach. The master plan shall also include intensity of each use, maximum floor area ratio (FAR), and building heights. The master plan may include phased development.
3. ~~Unless clearly shown directly on the site development plan, an explicit list of zoning and land development regulations for which changes are sought, and the proposed alternate standards. An application and justification statement describing the proposed land uses, identifying requested~~

1                    waivers, demonstrating compliance with all code  
2                    requirements, and setting for any volunteered limited  
3                    conditions furthering the intent of the C-3 zoning district.

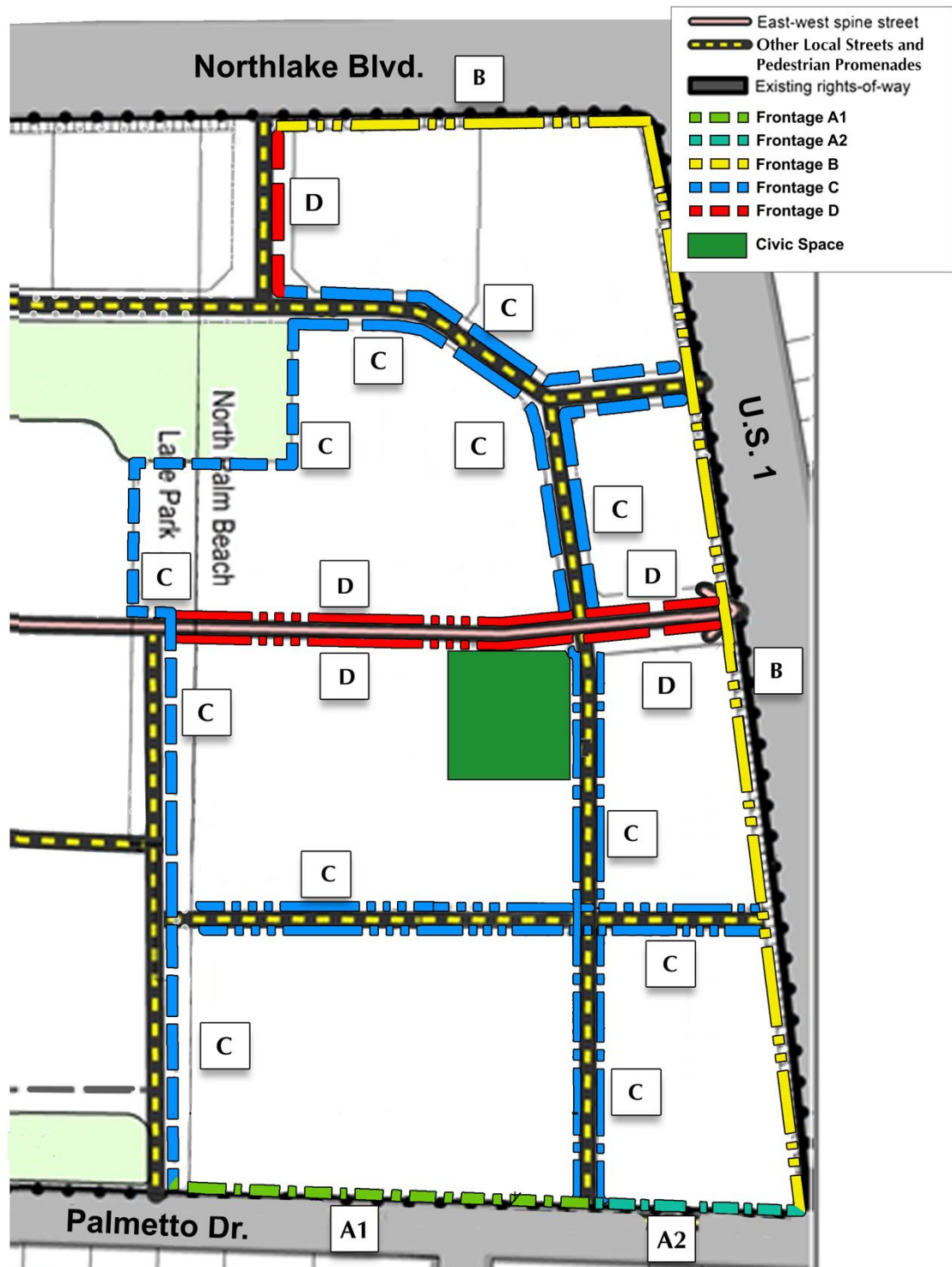
- 4
- 5                    4.    ~~A specific list describing any of the additional land uses~~  
6                    ~~listed in section 45-34.1(10)b. for which the applicant is~~  
7                    ~~requesting approval. Vehicular circulation plan and traffic~~  
8                    ~~impact study completed by a certified transportation~~  
9                    ~~engineer.~~  
10
- 11                    5.    ~~Any volunteered limiting conditions that could provide~~  
12                    ~~assurances that the development as proposed would further~~  
13                    ~~the intent and spirit of the C-3 district and the~~  
14                    ~~Comprehensive Plan. Conceptual drainage plan and~~  
15                    ~~statement prepared by a certified civil engineer.~~  
16
- 17                    6.    Conceptual landscape design completed by a registered  
18                    landscape architect.  
19
- 20                    7.    Preliminary plat  
21
- 22                    8.    Conceptual architecture elevations and/or renderings and  
23                    any other information requested by the community  
24                    development director.  
25

26                    ~~The site development plan, lists of alternate standards and additional~~  
27                    ~~land uses, and volunteered conditions should be submitted in a~~  
28                    ~~format suitable for attachment to an ordinance approving the~~  
29                    ~~requests.~~  
30

- 31                    e.    *Approval process:* PUD applications under this section shall be  
32                    forwarded along with recommendations from staff to the planning  
33                    commission, which after holding a public hearing shall make a  
34                    formal recommendation to the village council of approval, partial  
35                    ~~approval, or disapproval.~~ The village council shall also hold a public  
36                    hearing and ~~decide whether to approve, partially approve, or~~  
37                    ~~disapprove the PUD application.~~ to take final action on the  
38                    application. ~~Unless the application is disapproved in full, this action~~  
39                    ~~shall be by ordinance.~~ The applicant may then proceed to obtain  
40                    final site plan and appearance approval for specific phases of the  
41                    project (if applicable) as indicated in the approved master plan. ~~all~~  
42                    ~~other needed development permits in accordance with the village's~~  
43                    ~~regulations.~~  
44
- 45                    f.    *Application review procedures abutting or crossing a municipal*  
46                    *boundary:* Any PUD application for property abutting or crossing

1 the Lake Park town boundary shall meet all of the above  
2 requirements. In addition, to protect the interests of other C-3  
3 landowners and the town, a decision on the PUD application shall  
4 be made by the village council only at a joint meeting with the Lake  
5 Park Town Commission. Regardless of the final governing body  
6 approving the project, joint municipal staff review and a joint  
7 meeting of the North Palm Beach planning commission and the  
8 Lake Park planning and zoning board shall be required for approval.  
9 Both municipalities shall review the master plan and subsequent site  
10 plan and appearance approvals, unless otherwise provided for as part  
11 of the master plan approval process. For projects proposed within  
12 the jurisdictional boundaries of both Lake Park and North Palm  
13 Beach, the project shall be reviewed in accordance with the  
14 governing standards of whichever jurisdiction contains eighty  
15 percent (80%) or more of the project area. The governing body of  
16 the same jurisdiction, instead of both governing bodies, shall make  
17 final approval, with recommendations from both advisory planning  
18 boards.

19  
20 g. Regulating Plan. Figure 1, Regulating Plan, identifies the  
21 properties, frontage types and street locations for properties  
22 developing under the special PUD regulations.  
23

**Figure 1 – Regulating Plan**

1                    h.      *Building frontage types.*

2  
3                    1.      *Setbacks.* The following setbacks shall apply to development  
4                    parcels approved through the site and appearance review  
5                    process:

6  
7                    i.      *Perimeter setbacks:* All buildings fronting public  
8                    rights-of-way shall meet the front setbacks as  
9                    indicated in the regulating plan and further described  
10                   in Table 2.

11  
12                   ii.     *Additional setbacks to internal property lines, parcel*  
13                   *lines or private internal streets, drives or alleys:* All  
14                   internal buildings shall meet the building frontages  
15                   as indicated on the regulating plan and described in  
16                   Table 2.

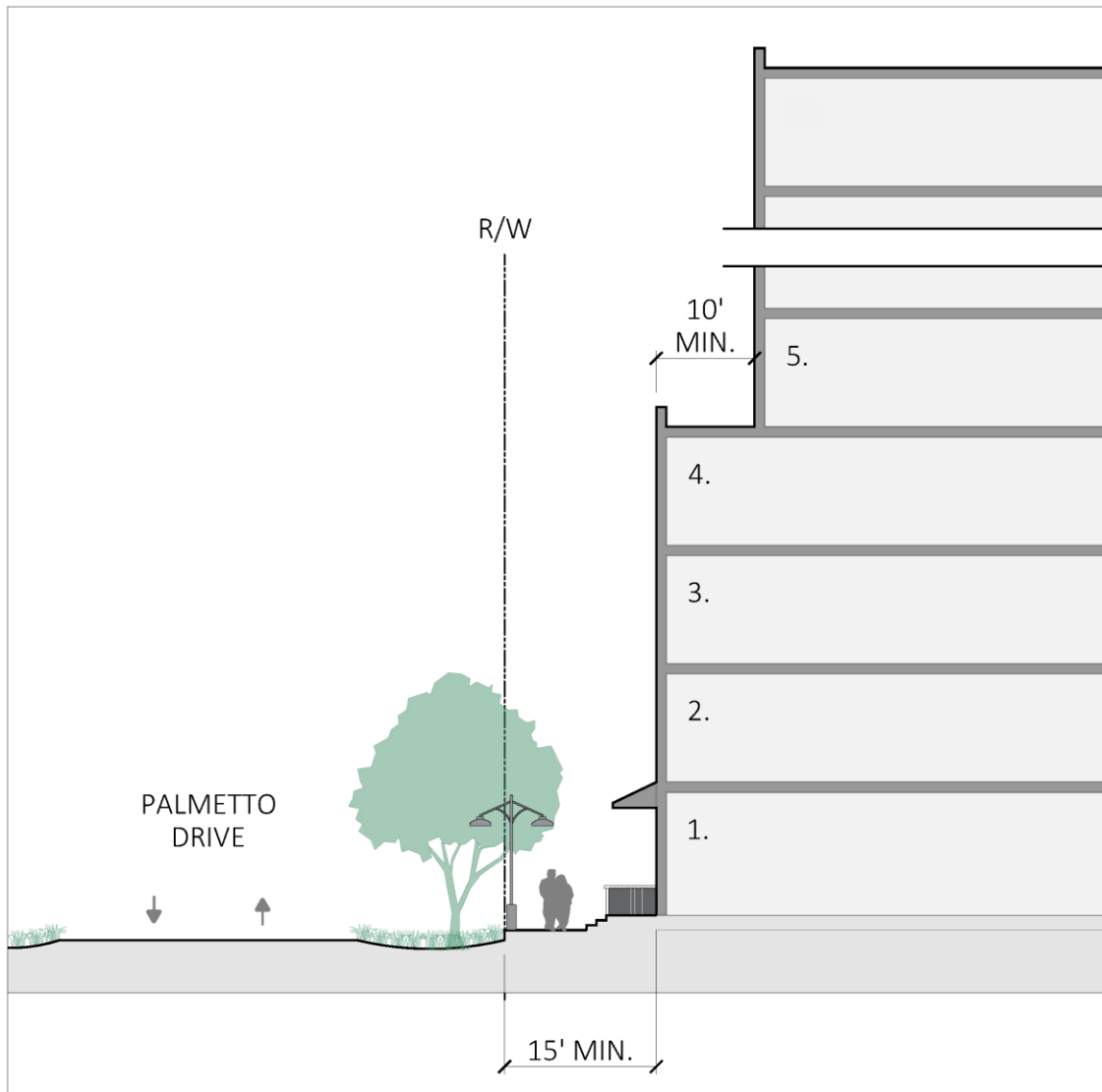
17  
18                   iii.    *Spacing between buildings:* The minimum spacing  
19                   between individual buildings on the same property,  
20                   same parcel or adjoining C-3 properties shall be  
21                   determined by applicable fire and building codes.  
22  
23



**Table 2 - Building Frontage Types**

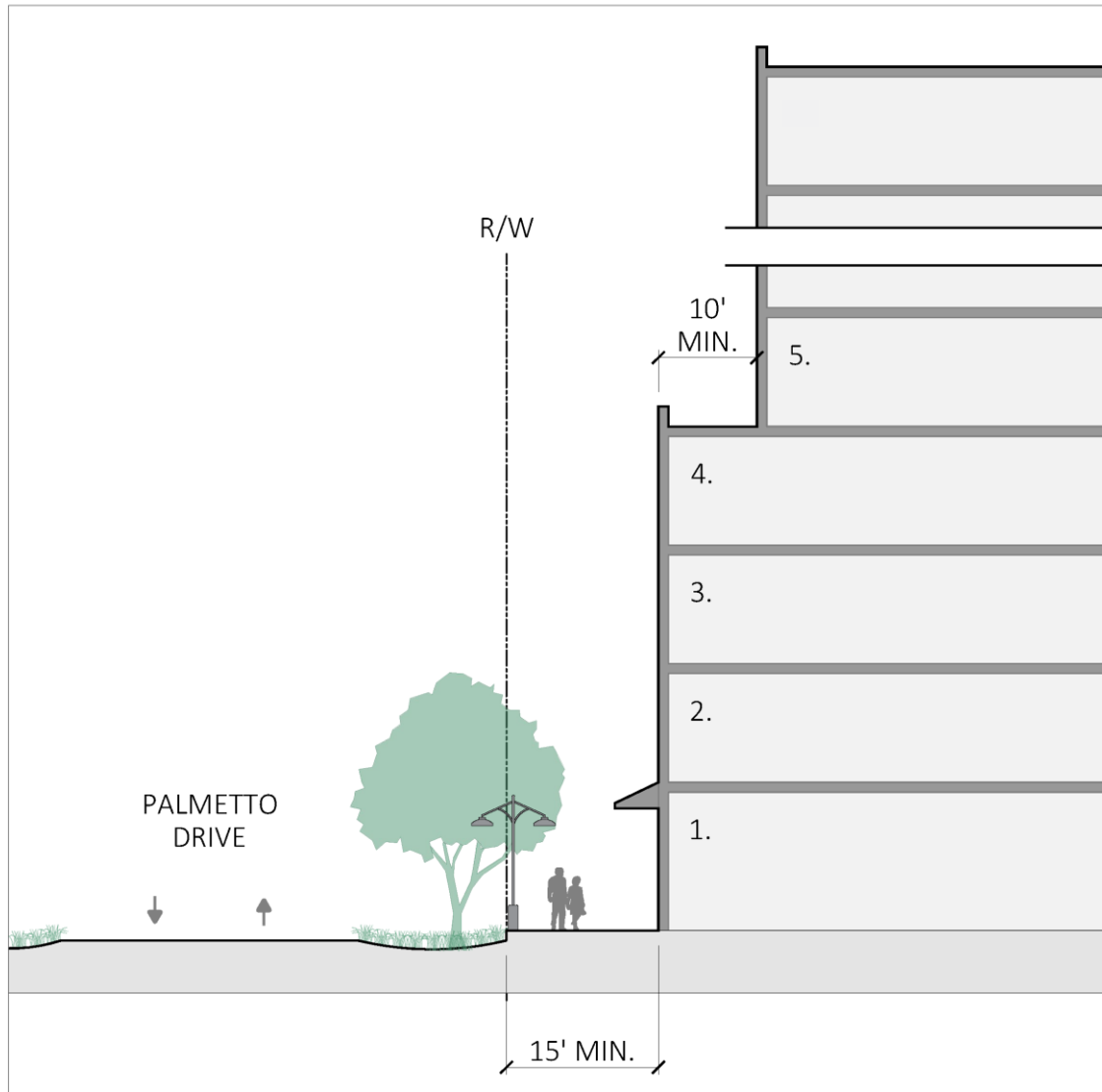
*The following frontage configurations shall be used within the properties designated on the regulating plan. See Figure 1 for permitted frontage locations.*

**Frontage A1**



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**Frontage A2**



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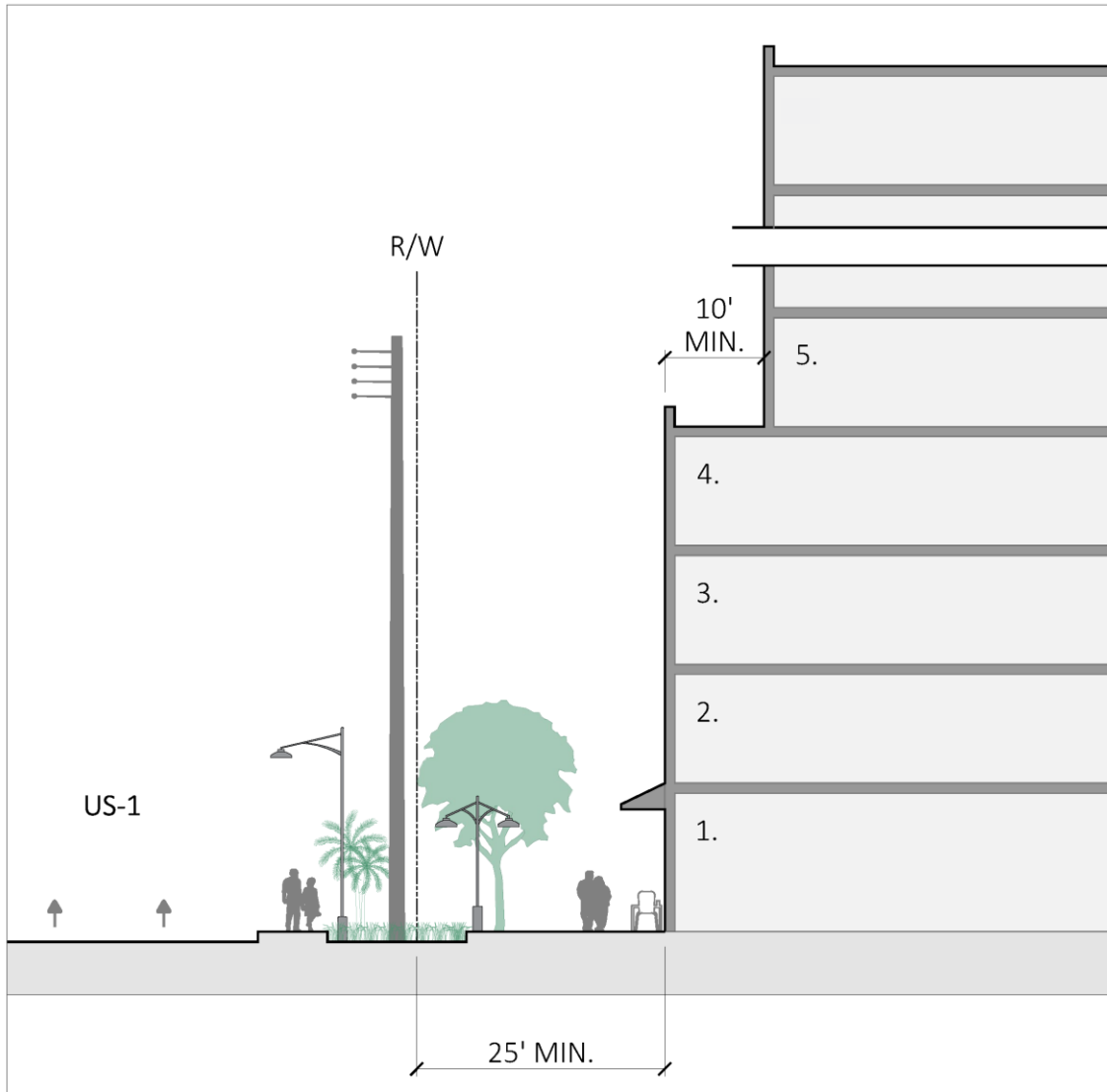
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14

15

1

**Frontage B**



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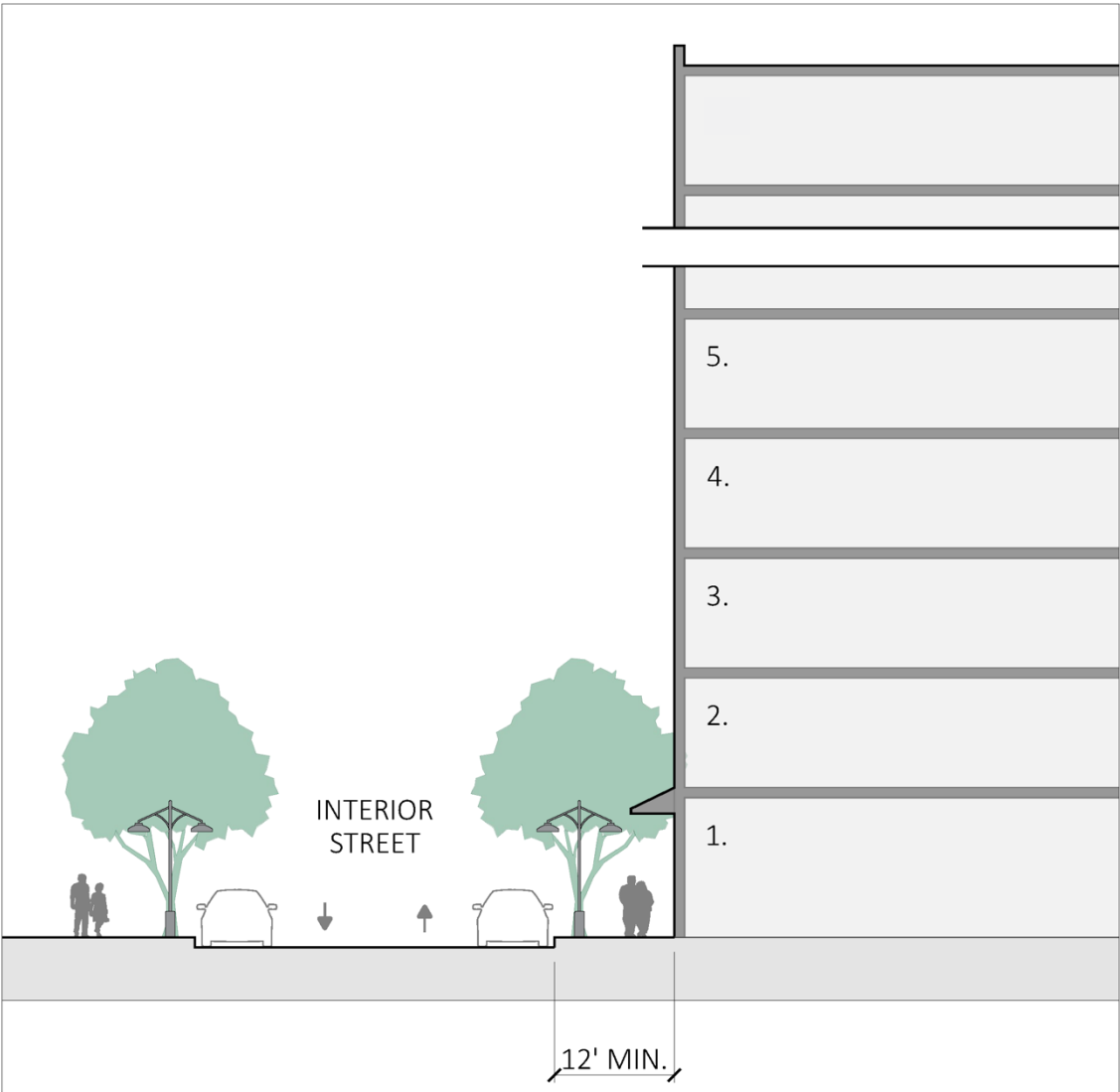
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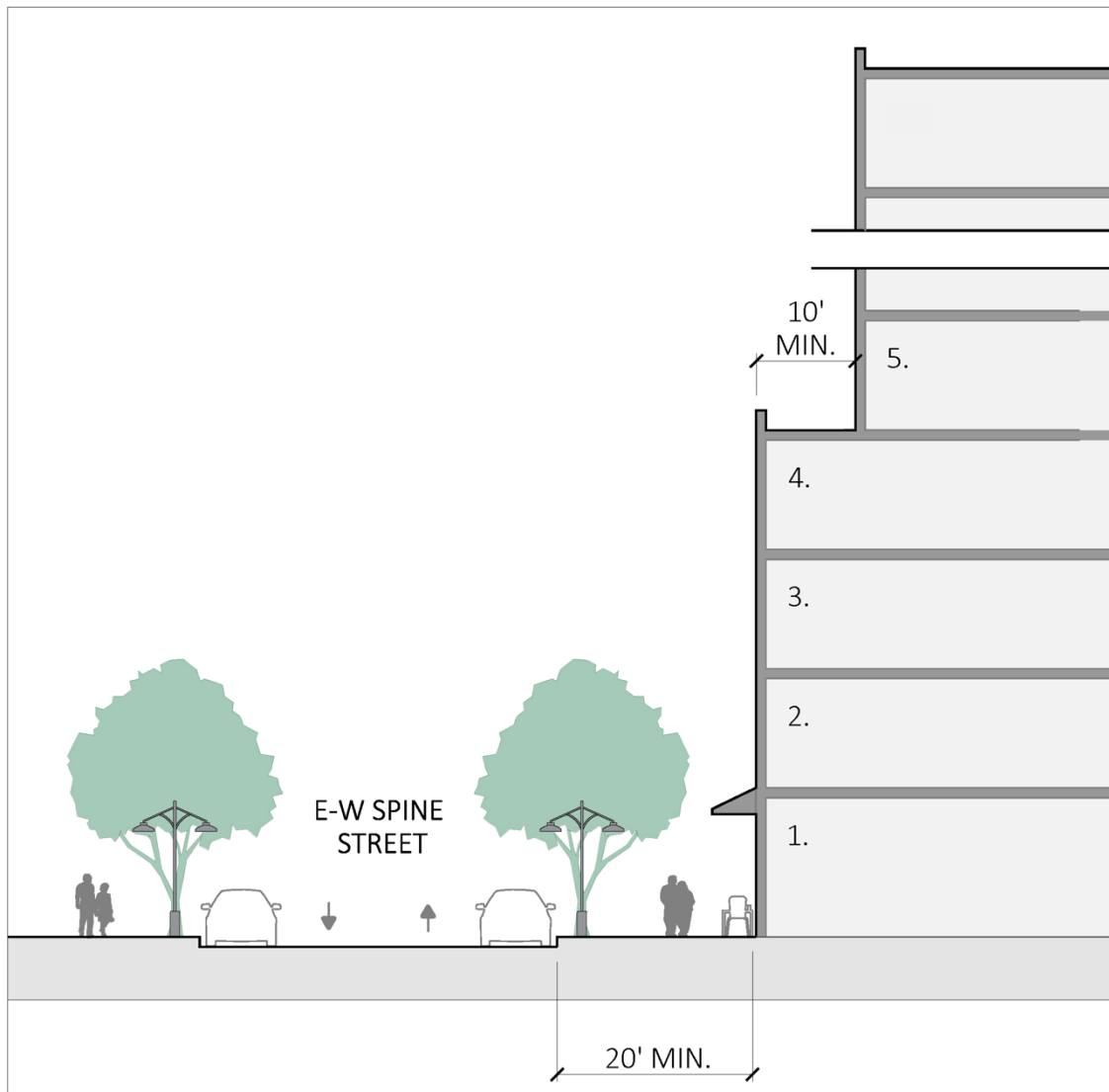
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15

**Frontage C**



## Frontage D



- i. Building Frontage percentage: The building frontage percentage is calculated by dividing the width of the building by the width of the lot along the same street frontage. All buildings shall have a minimum frontage of seventy percent (70%) for internal streets and eighty percent (80%) along Palmetto Drive, U.S. Highway One and Northlake Boulevard.
- 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

1 and alleys multiplied by the FAR. The maximum building  
2 area is limited by the maximum allowable FAR. “Building  
3 area” means the total air-conditioned leasable or saleable  
4 floor area of a building, including hallways, stairs, elevators  
5 and storage spaces. The building area does not include: non-  
6 habitable enclosed areas on the rooftop; external unenclosed  
7 circulation areas; parking areas and parking garages;  
8 unenclosed colonnades, porches and balconies; and un-air-  
9 conditioned storage spaces.

10  
11 k. *Building Height:* Buildings meeting each of the criteria of  
12 these special PUD provisions set forth in subsection (10)(a)  
13 above may have up to fourteen (14) stories and a maximum  
14 height of one hundred seventy-five feet (175’), not including  
15 roof-top amenities. However, buildings fronting U.S.  
16 Highway One, Northlake Boulevard and Palmetto Drive  
17 shall not exceed nine (9) stories or one hundred twenty feet  
18 (120’) in height within fifty feet (50’) feet of the right-of-  
19 way.

20  
21 For the purposes of calculating the number of stories in a  
22 building, stories shall be defined as the space between the  
23 finished floor and the top of the structural slab and adjusted  
24 as follows:

- 25  
26 1. Each level devoted to parking is considered as an  
27 individual story when calculating the number of  
28 stories in a building, except where parking levels are  
29 screened by a liner building that is a minimum of  
30 twenty feet (20’) deep and at least two (2) stories tall  
31 or an enhanced and aesthetically pleasing  
32 architectural feature that screens the parking.  
33  
34 2. When parking levels are constructed on a slope or are  
35 connected by sloping or circular ramps, the number  
36 of stories will be based on the non-sloped areas. If  
37 there are no non-sloped areas, the number of stories  
38 will be counted as the highest parking level plus each  
39 parking level below.  
40  
41 3. A mezzanine will not count towards the number of  
42 stories provided the total area of the mezzanine level  
43 is less than forty percent (40%) of the floor area of  
44 the main story below.  
45

4. Rooftop amenities shall not count as a story so long as no more than forty percent (40%) of the rooftop shall be fully enclosed, air-conditioned space. None of the rooftop space is habitable for residential purposes.

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

**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. The main entrance 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.
- ii. A minimum of sixty percent (60%) transparency shall be provided for all ground floor non-residential building frontage and all non-residential uses above the ground floor, with the exception of garage structures and floors above the ground floor that are part of a parking structure which are exempt from this requirement.
- iii. Glazed windows and doors with tinted glass or applied films will be considered transparent if they transmit at least fifty percent (50%) of visible daylight.
- iv. The transparent area of windows and doors include rails and stiles as well as muntin bars and other separators within primarily glazed areas; however, the transparent area excludes outer solid areas such as jambs, sills and trim.

n. Street and Sidewalk Standards:

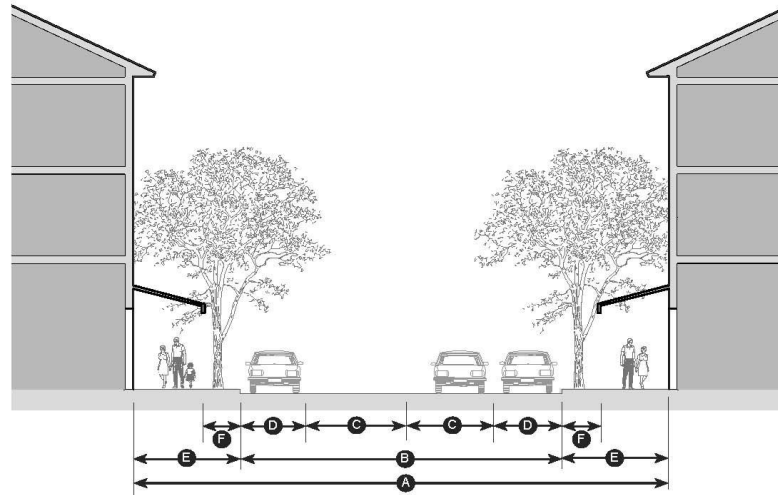
1. Streets and blocks are indicated on the Regulating Plan, Figure 1. Final development plans may deviate from the alignment of those streets provided the modification provides equivalent functionality to intersections with U.S. Highway One and roads within the Town of Lake Park. Modifications shall be requested through the PUD application process.
2. Streets shall be designed in accordance with Figure 2 and shall be built concurrently with the development or a phasing plan approved by the village.



3. To encourage pedestrian circulation, minor streets may be designed primarily for pedestrian use with the ability to accommodate service and emergency vehicles when required.
4. All streets within the C-3 zoning district shall be owned and maintained privately unless otherwise approved by the village.
5. Alleys may be proposed between streets shown on the regulating plan.
6. Sidewalks adjacent to the U.S. Highway One and Northlake Boulevard rights-of-way shall be a minimum of eight feet (8') in width. All sidewalks shall be a minimum of six feet (6') in width.
7. One-way streets shall only be permitted adjacent to a civic space, following the lane width, parking and planter dimensions shown in Figure 2. All one-way streets shall be in addition to the proposed streets shown on the regulating plan. A traffic circulation plan shall be included with the master plan application to ensure anticipated connections are maintained.

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**Figure 2**



<b>Description:</b>	<b>Details:</b>	<b>Key:</b>
<u>Width of right-of-way</u>	<u>60' min.</u>	<u><b>A</b></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>B</b></u>
<u>Travel lanes</u>	<u>10' min. travel lanes</u>	<u><b>C</b></u>
<u>Bicycle facilities</u>	<u>shared travel lanes</u>	<u><b>C</b></u>
<u>On-street parking</u>	<u>8' min parallel parking</u>	<u><b>D</b></u>
<u>Pedestrian facilities</u>	<u>12' min.</u>	<u><b>E</b></u>
<u>Furnishing strip:</u>		<u><b>F</b></u>
<u>Tree spacing</u>	<u>30' average</u>	

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- o. Landscape Standards. All landscaping shall meet the requirements of the Article VIII (Landscaping) of this chapter unless a waiver 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-site parking spaces. Ratios based on square feet refer to the gross floor area.

**Table 4 - Parking Space Ratios**

<b><u>PROPOSED USE</u></b>	<b><u>PARKING SPACE</u></b>
<b><u>RESIDENTIAL USES</u></b>	
<u>Dwelling, all other dwelling types</u>	
<u>Efficiency</u>	<u>1 per unit</u>
<u>1 bedroom</u>	<u>1.25 per unit</u>
<u>2 or more bedrooms</u>	<u>1.75 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>
<b><u>LODGING USES</u></b>	
<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>
<b><u>BUSINESS USES</u></b>	
<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 &amp; services, general</u>	<u>2 per 1,000 sq. feet</u>
<u>Stores &amp; 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>
<b><u>CIVIC &amp; EDUCATION USES</u></b>	
<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. 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.
- iii. Golf cart parking spaces may be provided with minimum dimensions of five (5) feet wide by ten (10) feet long. However, none of the development's required parking spaces may be met by golf cart parking spaces.

### **Table 5 - Shared Parking Reductions**

Land Use	Level 1	Level 2	Level 3	Level 4	Level 5
Residential	0%	10%	30%	20%	10%
Lodging	0%	10%	20%	15%	10%
Offices	0%	10%	20%	10%	10%
Business (other)	0%	10%	20%	10%	10%
Civic / Educ.	0%	10%	20%	10%	10%

3. A deferred parking plan may be approved by the village if a parking study is provided that demonstrates the need for parking is less than what is required by code, or the owner has demonstrated that an alternative means of access to the uses on the site justifies the deferral of the construction of a portion of the required parking spaces. The deferred parking plan shall:
  - i. Be designed to contain sufficient space to meet the full parking requirements of the code. The plan shall illustrate the layout for the full number of parking spaces, and shall designate which parking spaces are to be deferred.
  - ii. Be designed so that the deferred parking spaces are not located in areas required for landscaping, buffer zones, or areas that would otherwise be unsuitable for parking spaces because of the physical characteristics of the land or other requirements of this code.
4. Physical standards for parking lots, driveways, and loading: Physical standards for outdoor parking lots, driveways and loading are contained herein or as modified by a request through the PUD process. No parking shall be located within the building frontage setback.
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 enhanced and aesthetically-pleasing architectural feature screening the same two (2) stories.

- q. Sign Standards: All projects shall provide a sign plan that shall be reviewed and approved by the village during site plan and appearance approval. Pedestrian oriented signs are strongly encouraged and no ground signs shall be permitted as part of the PUD.
- r. Lighting Standards: A photometric plan shall be provided during site plan and appearance review. The plan shall include all luminaire specifications, pole locations, and foot-candle levels on directly adjacent properties. Light trespass shall be limited to the largest extent possible.

1 Section 3. The Village Council hereby amends Article III, "District Regulations," of  
2 Appendix C (Chapter 45) of the Village Code of Ordinances by amending Section 45-35.1 to read  
3 as follows (additional language underlined and deleted language ~~stricken through~~):  
4

5 **Sec. 45-35.1. - Planned unit development.**  
6

7 I. *Statement of intent.*  
8

9 A. The intent of this section is to provide, in the case of a  
10 commercial planned unit development consisting of one  
11 (1.0) or more acres, in the case of an industrial planned unit  
12 development consisting of one (1.0) or more acres, and in  
13 the case of a residential planned unit development, an added  
14 degree of flexibility in the placement and interrelationship of  
15 the buildings and uses within the planned unit development,  
16 together with the implementation of new design concepts. At  
17 the same time the intensity of land use, density of population  
18 and amounts of light, air, access and required open space will  
19 be maintained for the zoning district in which the proposed  
20 project is to be located, except as may be permitted for key  
21 redevelopment sites through subsection 45-35.1.VIII.  
22 Nothing herein should be construed as allowing deviation for  
23 uses other than those specified as permitted uses, nor any  
24 greater intensity of use or density of population nor any less  
25 required open space than that which is specified in this  
26 chapter for the zoning district in which a proposed project is  
27 located, except as may be permitted through subsection 45-  
28 35.1.VIII.  
29

30 B. Subject to the foregoing statement of intent, the village  
31 council may, in the case of commercial, industrial and  
32 residential planned unit developments, allow for minor  
33 modification of the provisions of this chapter or other land

development regulations in accordance with the procedure set forth in subsections II, III, IV and V.

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

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

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

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

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

Section 4. The Village Council hereby amends Article VII, “Nonconforming Uses of Land and Structures,” of Appendix C (Chapter 45) of the Village Code of Ordinances by amending Section 45-65 to read as follows (deleted language ~~stricken through~~):

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

(1) If a lawful use involving individual structures with a replacement cost of one thousand dollars (\$1,000.00) or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered

1 except in changing the use of the structure to a use permitted in the  
2 district in which it is located;

3  
4 (b) Any nonconforming use may be extended throughout any parts of a  
5 building which were manifestly arranged or designed for such use  
6 at the time of adoption or amendment of this ordinance, but no such  
7 use shall be extended to occupy any land outside such building;

8  
9 (c) Any structure, or structure and land in combination, in or on which  
10 a nonconforming use is superseded by a permitted use, shall  
11 thereafter conform to the regulations for the district in which such  
12 structure is located, and the nonconforming use may not thereafter  
13 be resumed;

14  
15 (d) When a nonconforming use of a structure, or structure and premises  
16 in combination, is discontinued or abandoned for six (6) consecutive  
17 months or for eighteen (18) months during any three-year period  
18 (except when government action impedes access to the premises),  
19 the structure, or structure and premises in combination, shall not  
20 thereafter be used except in conformance with the regulations of the  
21 district in which it is located;

22  
23 (e) Where nonconforming use status applies to a structure and premises  
24 in combination, removal or destruction of the structure shall  
25 eliminate the nonconforming status of the land. Destruction for the  
26 purpose of this subsection is defined as damage to an extent of more  
27 than fifty (50) percent of the replacement cost at time of destruction.

28  
29 (2) If an existing use of a structure was legally permitted on its site prior to  
30 changes in the C-MU, ~~C-3~~, or C-NB zoning districts in 2020 but is not listed  
31 as a permitted use in the new district, that existing use will continue to be  
32 deemed a permitted use and will not be subject to the restrictions in section  
33 45-65(1)(a)-(c) and 45-65(1)e. Notwithstanding the foregoing, these uses  
34 will not be allowed to continue if discontinued or abandoned as defined  
35 by 45-65(1)(d).

36  
37 (3) Nonconformities not involving the use of a principal structure, e.g., open  
38 storage, building supplies, vehicle, mobile home, implement and machinery  
39 storage, signs, billboards, junkyards, commercial animal yards and the like,  
40 shall be discontinued within two (2) years of the effective date of this  
41 ordinance or amendment.

42  
43 Section 5. The Village Council hereby amends Article VIII, "Landscaping," of Appendix C  
44 (Chapter 45) of the Village Code of Ordinances to read as follows (additional language underlined  
45 and deleted language ~~stricken through~~):



\* \* \*

**Sec. 45-90. Landscape requirements for site perimeters.**

- A. *Minimum buffer width for site perimeters.* A landscape buffer of the widths specified in Table 45-90 shall be provided around the perimeter of all parcels in the specified zoning districts.

**Table 45-90 – Minimum Buffer Widths**

	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>
<b><i>R-3</i></b>	8 feet	5 feet <sup>1</sup>	5 feet
<b><i>C-MU</i></b>	5 feet <sup>2</sup>	-	5 feet
<b><i>C-2 G</i></b>	8 feet	10 feet	5 feet <sup>3</sup>
<b><i>C-3</i></b>	5 feet <sup>2</sup>	-	5 feet <sup>4</sup>
<b><i>C-NB</i></b>	5 feet	-	5 feet
<b><i>All other commercial</i></b>	5 feet	5 feet <sup>5 4</sup>	5 feet
<b><i>I-1</i></b>	see section 45-38		

**NOTES:**

<sup>1</sup> Only required in side yards that adjoin R-1 or R-2 districts

<sup>2</sup> Does not apply to all building frontage types; along U.S. Highway 1 and Northlake Boulevard, the front yard landscape buffer may not be placed on a sidewalk easement (see subsections 45-31.E.6 and 45-34.1.H)

<sup>3</sup> Not required on parcels that adjoin the railroad right-of-way

<sup>4</sup> Only required on parcels that adjoin U.S. Highway 1 or Northlake Boulevard (see subsection 45-34.1.H)

<sup>5 4</sup> Only required in side yards that adjoin less intense zoning districts (any residential district)

\* \* \*

**Sec. 45-91. Landscape requirements for base of foundation.**

- A. *Location and width.*

1. There shall be foundation landscaping within five (5) feet of all buildings and structures.

a. These landscape areas shall be provided along all four (4) facades of all structures, excluding rear service areas not visible by a public road right-of-way or not generally traveled by the public or visible from adjacent structures.

b. The combined length of the required foundation planting shall be no less than forty (40) percent of the total length of the applicable side of the structure.

2. This requirement shall not apply in the C-MU ~~and C-3 zoning~~ districts in front of buildings that meet the standards for a gallery, storefront, or canopy building frontage type.

B. *Minimum standards.*

1. When required, foundation landscaping shall always extend along the portions of a facade that directly abut a street, a parking lot, and other vehicular use areas, excluding doorways.

2. A minimum of one (1) tree shall be planted for each seventy-five (75) linear feet of building perimeter, using a species suitable for this location. The remainder of the landscape area shall be treated appropriately with plantings which may include shrubs, vines, flower boxes, ground cover, and mulch, and with pedestrian accessways.

Section 6. The provisions of this Ordinance shall become and be made a part of the Code of the Village of North Palm Beach, Florida.

Section 7. 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 8. 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 9. This Ordinance shall take effect upon the effective date of Ordinance No. 2023-05.

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

1 APPROVED AS TO FORM AND  
2 LEGAL SUFFICIENCY:

3

4

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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 a 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.