



**The Village of North Palm Beach
Planning, Zoning and Adjustment Board**

AGENDA

**Tuesday, March 5, 2024 at 6:30 pm
Village Hall Council Chambers**

1. Roll Call

Donald Solodar, Chair
Cory Cross, Vice-Chair
Thomas Hogarth, Member
Jonathan Haigh, Member
Scott Hicks, Member
Nathan Kennedy, Member
Village Staff, Attorney, and Councilmember

2. Deletions, Additions or Modifications to the Agenda

3. Public Comment for Non-Agenda Items

4. Approval of Minutes

5. Declaration of Ex-parte Communications

6. Quasi-judicial Matters / Public Hearing

The Village Attorney is to swear in all persons speaking.

a. Public Hearing

1. [Screening Mechanical Equipment Zoning Text Amendment](#)

Request by Village Staff to amend Article VIII, “Landscaping” of Appendix C (Chapter 45, “Zoning” of the Village Code of Ordinances by amending Section 45-88, “Miscellaneous Landscape Elements” to require the screening of mechanical equipment located in the side yards.

7. Staff Updates

- a. Joint Meeting with Lake Park – March 25, 2024**
- b. April meeting – April 2, 2024**

8. Adjournment

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

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

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

VILLAGE OF NORTH PALM BEACH COMMUNITY DEVELOPMENT DEPARTMENT

TO: Members of the Planning, Zoning, and Adjustment Board

FROM: Caryn Gardner-Young, Community Development Director

CC: Leonard G. Rubin, Village Attorney

DATE: March 5, 2024

SUBJECT: **Proposed Ordinance Amending Zoning Regulations to Require Screening of Mechanical Equipment Located in Side Yard Setback**

Background:

The Village Code does not currently address the screening of mechanical equipment such as HVAC systems, pool equipment, and generators located in the side yard setback. The Village Staff is proposing to adopt such regulations to address the potential negative impacts of mechanical equipment.

Discussion:

With dwelling units being located so close to each other, many jurisdictions are now requiring screening of mechanical equipment. Mechanical equipment is generally defined as equipment, devices, and accessories that relate to water supply, heating, ventilating, air conditioning, and similar purposes. Screening can be accomplished in many ways such as landscaping, a fence or a wall, or a combination of these. Many jurisdictions, including Jupiter, Palm Beach Gardens, and Lake Park, already have such screening requirements in place.

There are several reasons why the screening of mechanical equipment is necessary. First, it is essential to place noise-producing mechanical equipment such as heat pumps, air conditioners, and generators carefully so that the noise produced during their operation is not excessive for neighboring properties. The Village has maximum sound levels which must be met at each property line. These levels apply to equipment located on the roof, on the ground, outside the building, at an exterior wall, and inside a building where noise may be transmitted to an exterior wall through a duct and/or louver. Typically, noise problems occur between mid-evening and sunrise when ambient sound levels in the neighborhood are low due to less outdoor activity and traffic.

Next, screening of mechanical equipment will block the view of anything unflattering that meets the eye when viewed from the right-of-way. Mechanical equipment has an industrial appearance that can disrupt streetscapes. Screening, especially landscaping, can soften the appearance of unsightly structures and equipment, while adding to the architectural aesthetics of the dwelling unit and property, without compromising the function of the mechanical equipment that it conceals.

Village staff is proposing to require visual screening of mechanical equipment from the right-of-way and adjacent properties in the form of a vegetation, a fence, or a wall. The screening will be opaque in nature.

Walls and fences must be constructed in conformity with the Florida Building Code, and walls must blend in with the architecture of the building. If the approved side setback is less than ten feet, standby generators are only required to be screened with vegetation to the extent possible.

Recommendation:

The Village Staff requests that the Planning, Zoning, and Adjustment Board review the proposed Ordinance amending the Village's Zoning Code to require screening of mechanical equipment and provide a recommendation to the Village Council.

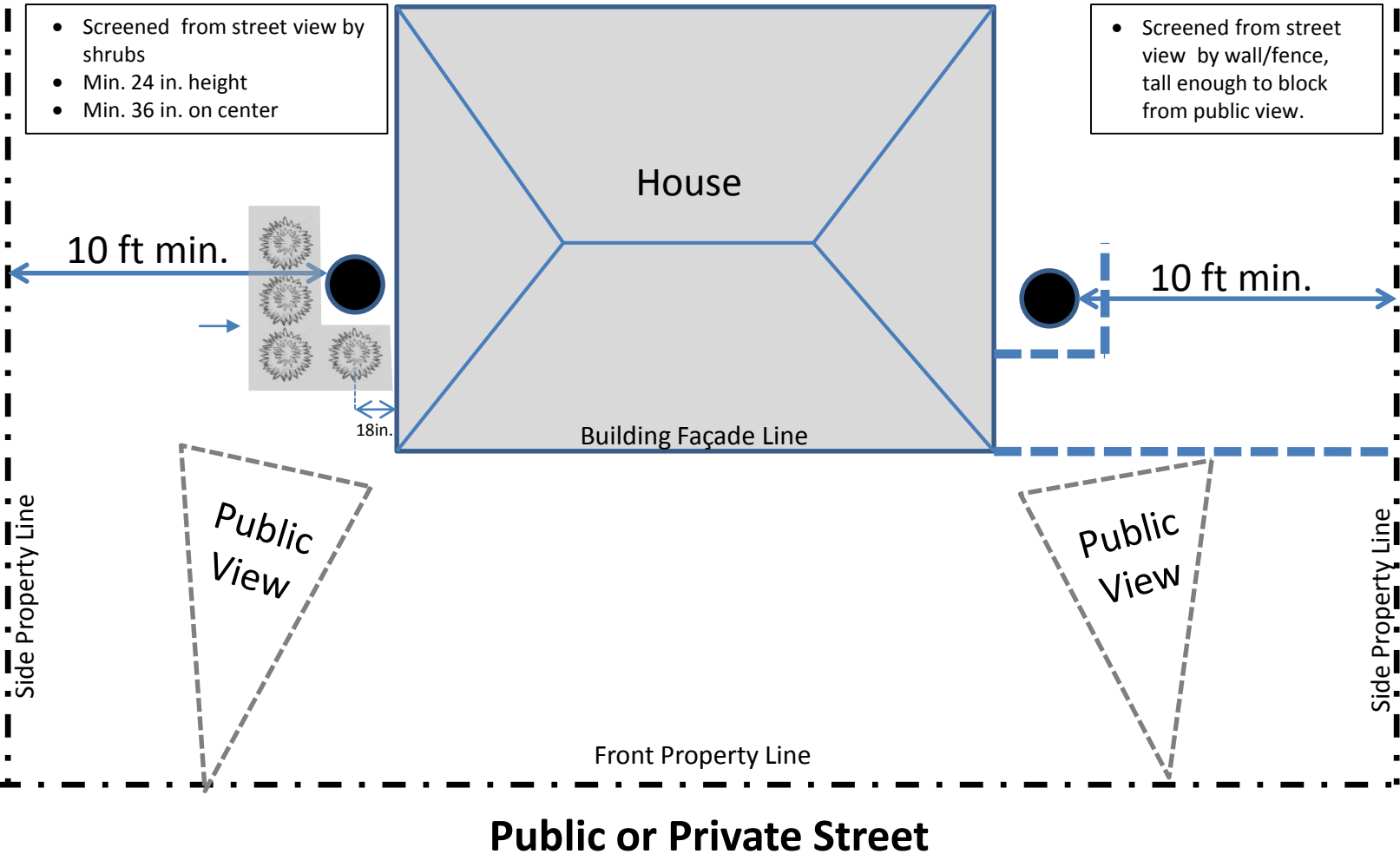
Minimum Setback and Screening for Outdoor Equipment or Facilities

☐ Option 1

- Screened from street view by shrubs
- Min. 24 in. height
- Min. 36 in. on center

☐ Option 2

- Screened from street view by wall/fence, tall enough to block from public view.



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WHEREAS, the Village Code does not currently address the screening of mechanical equipment, including, but not limited to, HVAC equipment, pool equipment, and generators located in the side yard setback; and

WHEREAS, as required by Section 21-12 of the Village Code of Ordinances, the Village's Planning, Zoning and Adjustment Board conducted a duly advertised public hearing on this Ordinance and provided its recommendation to the Village Council; and

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

Section 2. The Village Council hereby amends Article VIII, “Landscaping,” of Appendix C (Chapter 45), “Zoning,” of the Village Code of Ordinances by amending Section 45-88 to read as follows (additional language is underlined):

A. *Alternative landscape materials.* A landscape plan may utilize one (1) or more materials not specifically authorized in this article and must be demonstrated to be consistent with the purposes and intent of this article.

C. Perimeter walls and fences.

- Page 1 of 4

1 screening. The heights of walls and fences are limited by section 45-
2 36.

3
4 2. Approved walls or fences shall be set back from property lines
5 adjoining streets sufficiently to include landscape on the street side of
6 the wall or fence. Chain link fences shall have a green or black vinyl
7 covering.

8
9 3. Maintenance of the wall or fence and associated landscaping by the
10 property owner is required.

11
12 D. *Storage and garbage collection sites.* All outside storage and trash or garbage
13 collection sites shall be completely screened from view, utilizing any approved
14 combination of walls and fences (a minimum of six (6) feet in height) that will
15 fully screen the area from view except for gates.

16
17 E. *Service areas.*

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19 1. Service areas of nonresidential buildings, when visible from the street
20 right-of-way or adjacent residential land use, shall have barriers and/or
21 a hedge at a minimum of six (6) feet in height to screen the service area.
22 A hedge that is planted meet this requirement must achieve this height
23 within two (2) years of planting.

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

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

32
33 G. *Reserved.*

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

41
42 I. *Landscape area around signs.*

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44 1. A three (3) foot wide planting area shall be required around the base of
45 all signs except signs that are mounted on buildings.

46
47 2. One (1) shrub for each ten (10) square feet of sign surface area shall be
48 installed within the three (3) foot planting area at the base of the sign.

3. Ground/monument signs may be surrounded by ground cover instead of shrubs.

4. Landscaping and trees which interfere with signage may be relocated to the rear of the sign planting area.

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

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

1. Berms five (5) feet or less in height shall have a maximum slope of 2:1. Berms greater than five (5) feet in height shall not exceed a ratio of 3:1 in slope.

2. Hedges used in combination with earth berms to meet the six (6) foot screen requirements in section 45-88 shall be installed at the height necessary to provide the total six (6) foot screen at time of planting.

L. *Heating, ventilation, air conditioning units, including compressors and condensers, pool equipment, pumps, heating units and related mechanical equipment in the side yard setback.* Visual screening from the right-of-way and adjacent property on residential lots shall be provided. Screening shall be opaque in nature and may consist of vegetation, a fence, or a wall. Walls and fences shall be constructed in conformity with the Florida Building Code, and walls shall blend in with the architecture of the building.

M. *Permanent standby generators consistent with the building, electrical and manufacturer's installation and maintenance requirements in the side yard setback.* Visual screening from the right-of-way and adjacent property shall be provided on single family lots with a ten (10) foot side yard setback. Screening shall be opaque in nature and may consist of vegetation, a fence, or a wall. Walls and fences shall be constructed in conformity with the Florida Building Code, and walls shall blend in with the architecture of the building. If the approved side setback for a single-family lot is less than ten (10) feet, screening shall be accomplished through the use of vegetation to the extent possible.

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

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

Section 5. All ordinances or parts of ordinances and resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

1 Section 6. This Ordinance shall take effect immediately upon adoption.

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3 PLACED ON FIRST READING THIS ____ DAY OF _____, 2024.

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5 PLACED ON SECOND, FINAL READING AND PASSED THIS ____ DAY OF _____,
6 2024.

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9 (Village Seal)

MAYOR

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12 ATTEST:

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14 _____
15 VILLAGE CLERK

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17 APPROVED AS TO FORM AND
18 LEGAL SUFFICIENCY:

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20 _____
21 VILLAGE ATTORNEY