

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

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

WHEREAS, the development regulations applicable to the new Planned Unit Development process, including but not limited to height and floor area ratio, are not, under any circumstances, to be considered permitted as of right; rather, they are maximums that are solely applicable to projects that meet the threshold criteria detailed in Section 45-34.1(10) below as determined by the Village Council; and

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

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

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

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

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

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

Sec. 45-34.1. C-3 regional business district.

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

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

- a. ~~Banks, savings and loans, stockbrokers, and similar financial institutions.~~
- b. ~~Business offices, including medical and professional services.~~
- c. ~~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

	<u>USES PERMITTED</u>	<u>BY PUD ONLY¹</u>	<u>NOT PERMITTED</u>
<u>RESIDENTIAL USES</u>			
<u>Mobile home park</u>			<u>1</u>
<u>Dwelling, one family detached</u>			<u>1</u>
<u>Dwelling, all other dwelling types</u>	<u>1</u>		
<u>Live/work unit</u>		<u>1</u>	

<u>Assisted living facility</u>		<u>1</u>
<u>Community residential home</u>	<u>1</u> ²	
<u>LODGING USES</u>		
<u>Bed-and-breakfast establishment</u>		<u>1</u>
<u>Hotel, including Extended Stay</u>	<u>1</u>	
<u>Motel</u>	<u>1</u>	
<u>Time-share unit</u>		<u>1</u>
<u>BUSINESS USES</u>		
<u>Offices, general</u>	<u>1</u>	
<u>Office or clinic, medical or dental</u>	<u>1</u>	
<u>Stores & services, general</u>	<u>1</u>	
<u>Stores & services, large format</u>	<u>1</u>	
<u>Adult entertainment</u>		<u>1</u>
<u>Convenience store with fuel</u>		<u>1</u>
<u>Dog daycare</u>		<u>1</u>
<u>Drive-through facility (for any use)</u>		<u>1</u>
<u>Garage, parking</u>		<u>1</u>
<u>Heavy commercial and light industrial</u>		<u>1</u>
<u>Medical marijuana treatment center</u>		<u>1</u>
<u>Restaurant</u>	<u>1</u>	
<u>Bar, Night Clubs or Entertainment Establishments</u>	<u>1</u>	
<u>Telecommunications antennas</u>		<u>1</u>
<u>CIVIC & EDUCATION USES</u>		
<u>Child care facility</u>		<u>1</u>
<u>Church or place of worship</u>	<u>1</u>	
<u>Civic space</u>	<u>1</u>	
<u>Family day care</u>		<u>1</u>
<u>Government building</u>	<u>1</u>	
<u>Hospital or medical center</u>		<u>1</u>
<u>Public space</u>	<u>1</u>	
<u>School, public or private</u>		<u>1</u>

¹ See section 10 for additional PUD requirements

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

- (2) *Off-street parking.* All proposed land uses shall provide a sufficient number of parking spaces to accommodate the number of vehicles that can be expected to be attracted to that use. Individual land uses can provide at least the number of spaces listed below on the same parcel of land as the principal building (or on an adjoining parcel under identical ownership) in lieu of using the parking space standards found elsewhere in this Code. However,

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

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

NOTES:

1. All areas are measured as gross floor area except multi-tenant shopping centers and office complexes, which are measured as gross leasable area.
 2. Fractional spaces can be disregarded.
 3. Wherever the term "identical ownership" is used, the land parcels in question must be contiguous and must be owned by or under the unified control of the applicant.
- (3) *Off-street loading and internal circulation.* Requirements for off-street loading, parking lot aisles, accessways, and general internal circulation shall be same as would apply in the C-S zoning district.
- a. *Lighting:* Parking lots shall be fully illuminated during hours of business operation with a minimum standard of illumination from closing to dawn per the Palm Beach County Code or ITE, whichever is more stringent.
- (4) *Landscaping.* Landscaping shall be required along the outer boundary of the C-3 zoning district (irrespective of any municipal boundary) and also in unroofed parking areas whenever a parking area is constructed, reconstructed, or reconfigured. In addition to the other provisions of Chapter 27 of this Code, the following landscaping requirements shall be met:
- a. *Required landscaping adjacent to public rights-of-way:* The required landscaped strip between a public right-of-way and an off-street parking area shall be at least fifteen (15) feet wide and shall contain at least five (5) shade trees and eighteen (18) shrubs for each one hundred (100) lineal feet.
 - b. *Parking area interior landscaping for unroofed parking areas:* At least ten (10) percent of the total paved surface area shall be devoted to landscaped areas. Each area counting toward the ten (10) percent total shall have an average minimum dimension of ten (10) square feet. At least one (1) shade tree shall be planted for every two hundred fifty (250) square feet of required internal planting area. No parking space shall be more than one hundred (100) feet from a shade tree planted in a permeable island, peninsula, or median having a ten-foot minimum width.
 - c. *Indigenous native vegetation:* To reduce maintenance and water consumption, required landscaping shall include at least seventy-

five (75) percent indigenous native trees and fifty (50) percent indigenous native shrubs.

- d. *Installation:* All required landscaping shall be installed using xeriscape principles including water conservation through the appropriate use of drought-tolerant plants, mulching, and the reduction of turn areas. Irrigation systems shall be designed to operate only when needed and only in those areas that require irrigation.
- e. *Maintenance:* The property owner shall be responsible for the maintenance of all required landscaped areas in a healthy and vigorous condition at all times. Required trees shall not be trimmed or pruned in such a way as to alter or limit their normal mature height or crown spread. If required plants die, they shall be replaced within sixty (60) days.

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

- a. *Perimeter setbacks:* All buildings and structures shall be set back a minimum of thirty (30) feet from the outer boundary of the C-3 zoning district, except an interior common municipal boundary. For buildings in excess of two (2) stories or thirty (30) feet in height, one (1) foot shall be added to the required perimeter setback for each extra foot of height over thirty (30) feet.
- b. *Additional setbacks to internal property lines:* The need for building setbacks to property lines adjoining other land zoned C-3 is related to the existing or proposed uses of those properties. Unless modified through the special C-3 PUD procedures found below in section 45-34.1(10), all new buildings and structures shall be set back a minimum of twenty-five (25) feet from each of its property lines.
- c. *Maximum building height:* The maximum height of any building shall be fifty (50) feet.
- d. *Spacing between buildings:* The minimum spacing between individual buildings on the same or adjoining C-3 properties shall be as required by applicable fire and building codes.

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

- (7) *Signs.* In addition to the other provisions of sections 6-111 through 6-117 of this Code, but notwithstanding any conflicting standards found therein, signs in the C-3 zoning district shall comply with the following regulations unless modified through the special C-3 PUD procedures.
- a. *Ground signs* are mounted on a monolithic base and are independent of any building for support. They are permitted only when the sign and base are monolithic and have essentially the same contour from grade to top. Ground signs that meet the following regulations are permitted in the C-3 district only along U.S. Route 1 and Northlake 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.
 5. *Maximum size of wall signs:* Five (5) percent of the area of the wall to which it is attached; or seven (7) percent if the front building setback is greater than seventy (70) feet; or ten (10) percent if the front building setback is greater than one hundred (100) feet. However, in no case shall a wall sign exceed one hundred (100) square feet in size.
- d. *Roof signs* are erected and constructed wholly on and over the roof of a building, and are supported by the roof structure or are an integral part of the roof. Roof signs are not permitted in the C-3 district.
 - e. *Size computations:* When these regulations establish the maximum size of a sign, it shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign any backdrop or structure against which it is placed.
 - f. *Allowable colors:* Notwithstanding the regulations in Chapter 6 of this Code, color tones utilized for all signs complying with these regulations shall be compatible with surrounding area.
 - g. *Lighting:* Signs containing illumination shall be turned off by 12:00 a.m. (midnight) each night, or when the business closes, whichever is later.
 - h. *Appeals:* Notwithstanding conflicting appeal procedures found elsewhere in this Code, all requests for modifications to sign regulations in the C-3 zoning district shall be made through the special C-3 PUD procedures found below in 45-34.1(10).

- (8) *Surface water management.* A complete surface water management system shall be provided to current standards of the South Florida Water Management District whenever a building or parking area is substantially redeveloped.
- (9) *Location of business for retail sales of alcoholic beverages.*
- a. No licensed retail sales of alcoholic beverages shall be carried on where the proposed place of business is within five hundred (500) feet of a church, synagogue, temple or other place of worship.
 - b. The method of measurement provided for above shall be made or taken from the main front entrance of such church to the main front entrance of the applicants proposed place of business along the route of ordinary pedestrian traffic.
 - c. The restrictions of section 45-34.1(9), (1)[a.] shall not apply to the retail sale of beer, ale or wine for off-premises consumption.
 - d. The restrictions of section 45-34.1(9), (1)[a.] shall not apply to any bona fide restaurant as defined and licensed under Florida Statutes as a restaurant with full kitchen facilities, regardless of size or seating capacity, where alcoholic beverages are served solely as an accessory use to the restaurant and only when such restaurant is open for the sale and service of food.
- (10) *Special C-3 Planned Unit Development (PUD) provisions.* ~~Land in a C-3 zoning district may have fragmented ownership or may adjoin a municipal boundary. Despite these complications, the Village of North Palm Beach desires to provide for an added degree of flexibility in the placement and interrelationship of the buildings and land uses in this district. One (1) or more landowners in the C-3 district may elect to use these special PUD procedures to seek approval of a site development plan that resolves ownership or boundary complications and/or which differs from the literal terms of these zoning and land development regulations. These procedures may also be used to seek approval for certain land uses that are not permitted by right in the C-3 district (see section 45-34.1(1) above) or to request a specific modification to the sign regulations. However, any PUD approval under these procedures must be consistent with the spirit and intent of the C-3 zoning district and must also be consistent with the Comprehensive Plan. It is the intention of the village to provide a mechanism and process to promote the redevelopment of the obsolete and underutilized areas of the C-3 zoning district with large-scale, master-planned projects that promote: a mix of uses; connectivity; pedestrian-oriented development; removal of surface parking; creation of public/civic gathering spaces; and shopping.~~

entertainment, and restaurant uses within the form of an urban neighborhood incorporating residential development as an integral use. These projects promote the economic and redevelopment goals of the village, and the village has created these planned unit development (PUD) provisions to facilitate these goals. The development regulations applicable within the PUD are not permitted or allowed by right and shall only apply if the village council determines that each of the threshold criteria is met. Properties located in the C-3 zoning district that do not meet the threshold criteria set forth below may utilize the general PUD provisions of section 45-35.1 of this code as set forth in section 45-35.1(D). Properties located in the C-3 zoning district that do meet each of the threshold criteria below may, at the option of the property owner, utilize the following special PUD regulations:

- a. The threshold criteria for use of these special provisions are as follows:
 1. The development parcel includes a minimum of at least five (5) contiguous acres of land that will be initially reviewed and approved as one overall development project. Any subsequent amendments to such plan or individual phases of such plan shall also be subject to these special provisions.
 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 over and above code requirements; enhanced pedestrian amenities (such as awnings canopies, outdoor art, or seating areas); the creation of functional living, shopping and/or working environments; or innovative architectural design. The village council reserves the right to approve alternate public benefits.

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

1. A waiver request in the C-3 zoning district cannot be used to:
 - i. Add uses that are not allowable under this code;
 - ii. Increase the allowable floor area ratio; or
 - iii. Increase the allowable building height.
2. When evaluating waiver requests, the village will consider the following factors and any additional criteria set forth in the relevant zoning district:
 - i. The extent to which the alternate standard proposed by the applicant differs from the code's standard that would be waived;

- ii. Whether the granting of the waiver will lead to innovative design in which other minimum standards are exceeded;
 - iii. Whether the request clearly demonstrates sufficient public benefits;
 - iv. Whether the request furthers the goals of the village master plan, and exemplifies the architectural, building, and site design techniques desired within the village's appearance plan;
 - v. Whether the requested waiver can be granted in the zoning district;
 - vi. Any unusual circumstances regarding the property or immediate area, including the location of power 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.

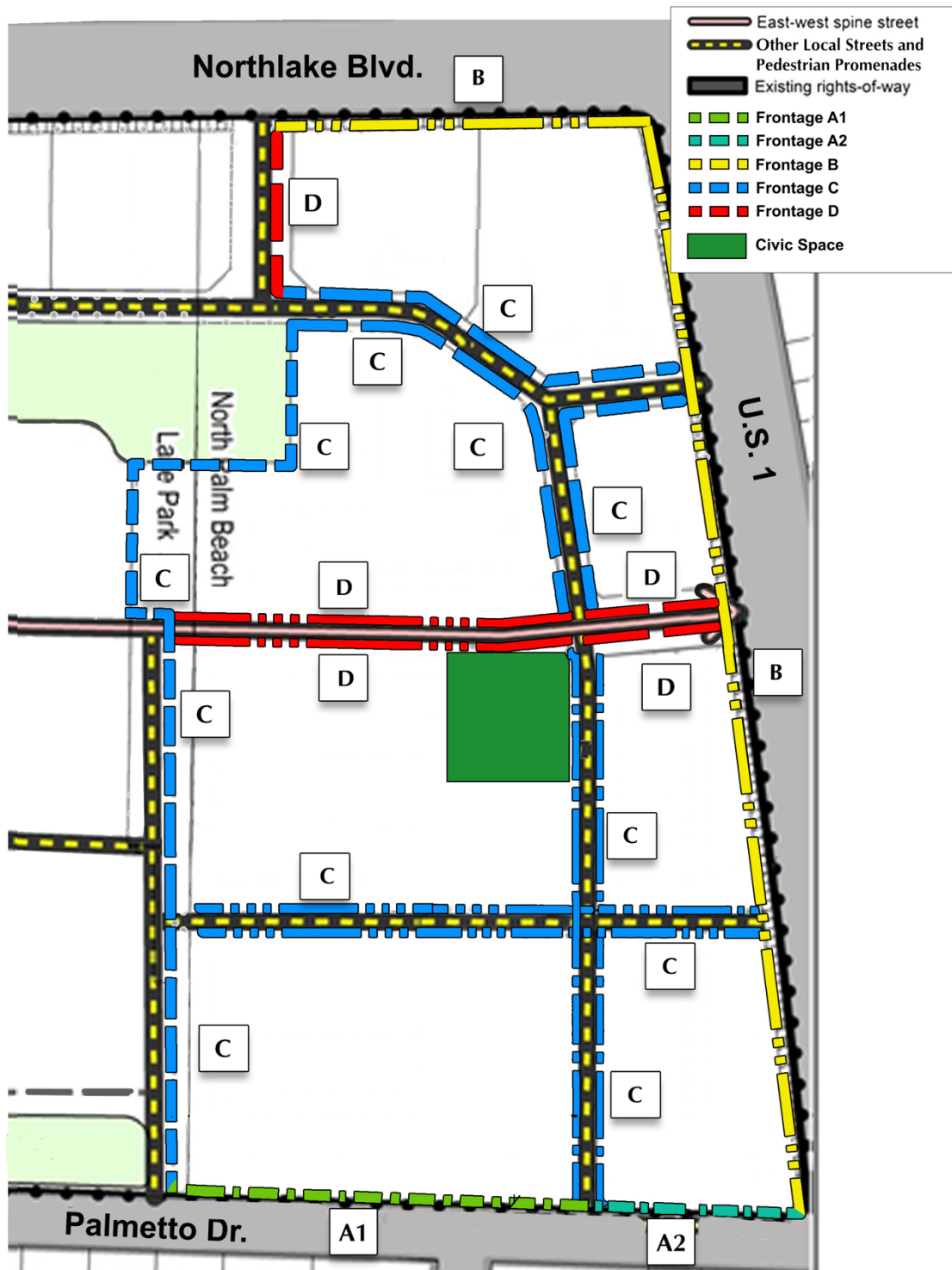
2. A proposed master site development plan in sufficient detail to show the approximate locations of buildings, parking areas, and stormwater management facilities. This plan shall also show the exact locations of all access points to public streets and to any abutting land zoned C-3, whether in Lake 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 waivers, demonstrating compliance with all code requirements, and setting for any volunteered limited conditions furthering the intent of the C-3 zoning district.~~
4. ~~A specific list describing any of the additional land uses listed in section 45-34.1(10)b. for which the applicant is requesting approval. Vehicular circulation plan and traffic impact study completed by a certified transportation engineer.~~
5. ~~Any volunteered limiting conditions that could provide assurances that the development as proposed would further the intent and spirit of the C-3 district and the Comprehensive Plan. Conceptual drainage plan and statement prepared by a certified civil engineer.~~
6. Conceptual landscape design completed by a registered landscape architect.
7. Preliminary plat
8. Conceptual architecture elevations and/or renderings and any other information requested by the community development director.

~~The site development plan, lists of alternate standards and additional land uses, and volunteered conditions should be submitted in a~~

~~format suitable for attachment to an ordinance approving the requests.~~

- e. *Approval process:* PUD applications under this section shall be forwarded along with recommendations from staff to the planning commission, which after holding a public hearing shall make a formal recommendation to the village council of approval, partial approval, or disapproval. The village council shall also hold a public hearing and ~~decide whether to approve, partially approve, or disapprove the PUD application.~~ to take final action on the application. ~~Unless the application is disapproved in full, this action shall be by ordinance.~~ The applicant may then proceed to obtain final site plan and appearance approval for specific phases of the project (if applicable) as indicated in the approved master plan. ~~all other needed development permits in accordance with the village's regulations.~~
- f. *Application review procedures abutting or crossing a municipal boundary:* ~~Any PUD application for property abutting or crossing the Lake Park town boundary shall meet all of the above requirements. In addition, to protect the interests of other C-3 landowners and the town, a decision on the PUD application shall be made by the village council only at a joint meeting with the Lake Park Town Commission. Regardless of the final governing body approving the project, joint municipal staff review and a joint meeting of the North Palm Beach planning commission and the Lake Park planning and zoning board shall be required for approval. Both municipalities shall review the master plan and subsequent site plan and appearance approvals, unless otherwise provided for as part of the master plan approval process. For projects proposed within the jurisdictional boundaries of both Lake Park and North Palm Beach, the project shall be reviewed in accordance with the governing standards of whichever jurisdiction contains eighty percent (80%) or more of the project area. The governing body of the same jurisdiction, instead of both governing bodies, shall make final approval, with recommendations from both advisory planning boards.~~
- g. *Regulating Plan.* Figure 1, Regulating Plan, identifies the properties, frontage types and street locations for properties developing under the special PUD regulations.

Figure 1 – Regulating Plan



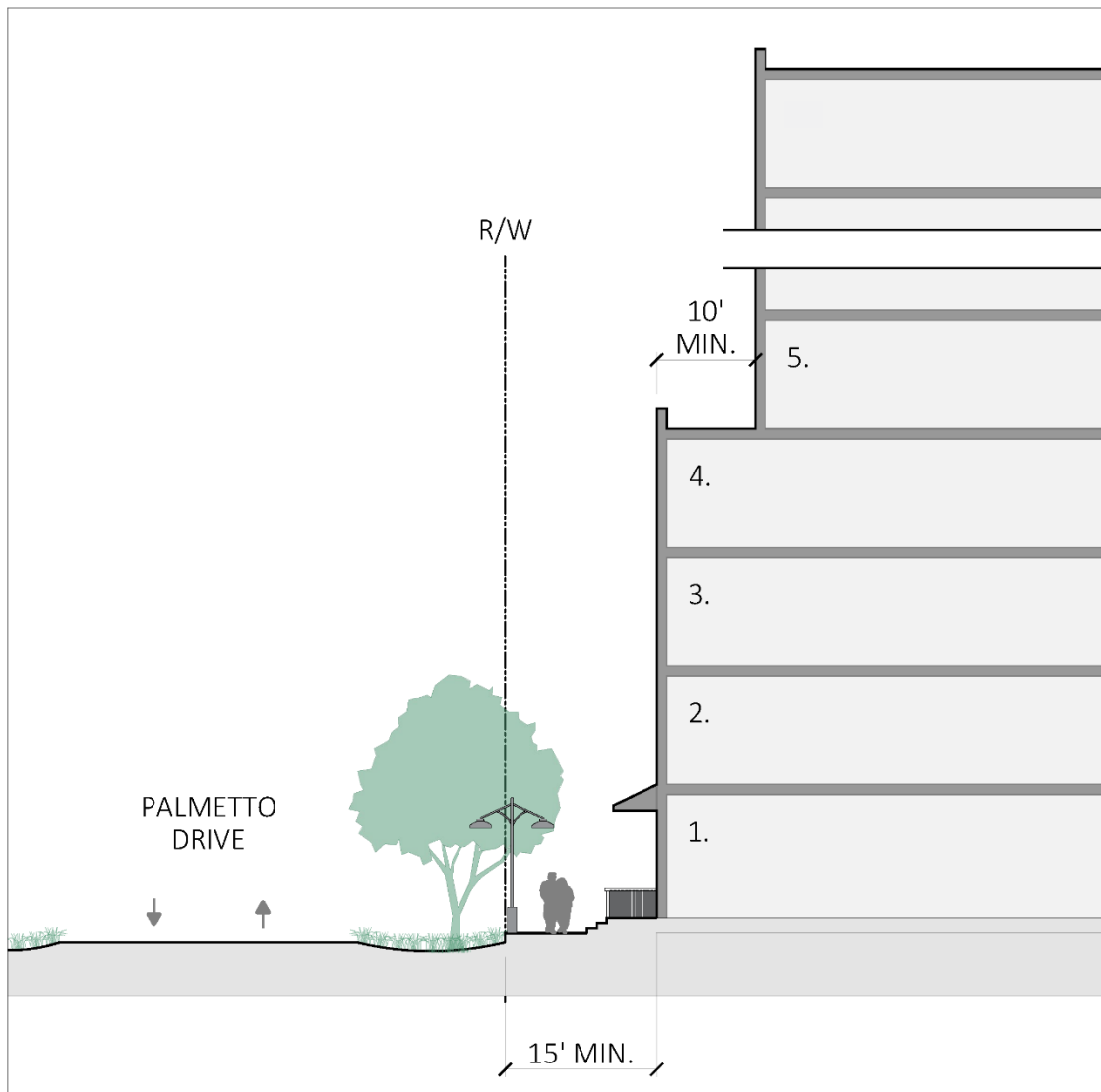
h. Building frontage types.

1. Setbacks. The following setbacks shall apply to development parcels approved through the site and appearance review process:
 - i. Perimeter setbacks: All buildings fronting public rights-of-way shall meet the front setbacks as indicated in the regulating plan and further described in Table 2.
 - ii. Additional setbacks to internal property lines, parcel lines or private internal streets, drives or alleys: All internal buildings shall meet the building frontages as indicated on the regulating plan and described in Table 2.
 - iii. Spacing between buildings: The minimum spacing between individual buildings on the same property, same parcel or adjoining C-3 properties shall be determined by applicable fire and building codes.

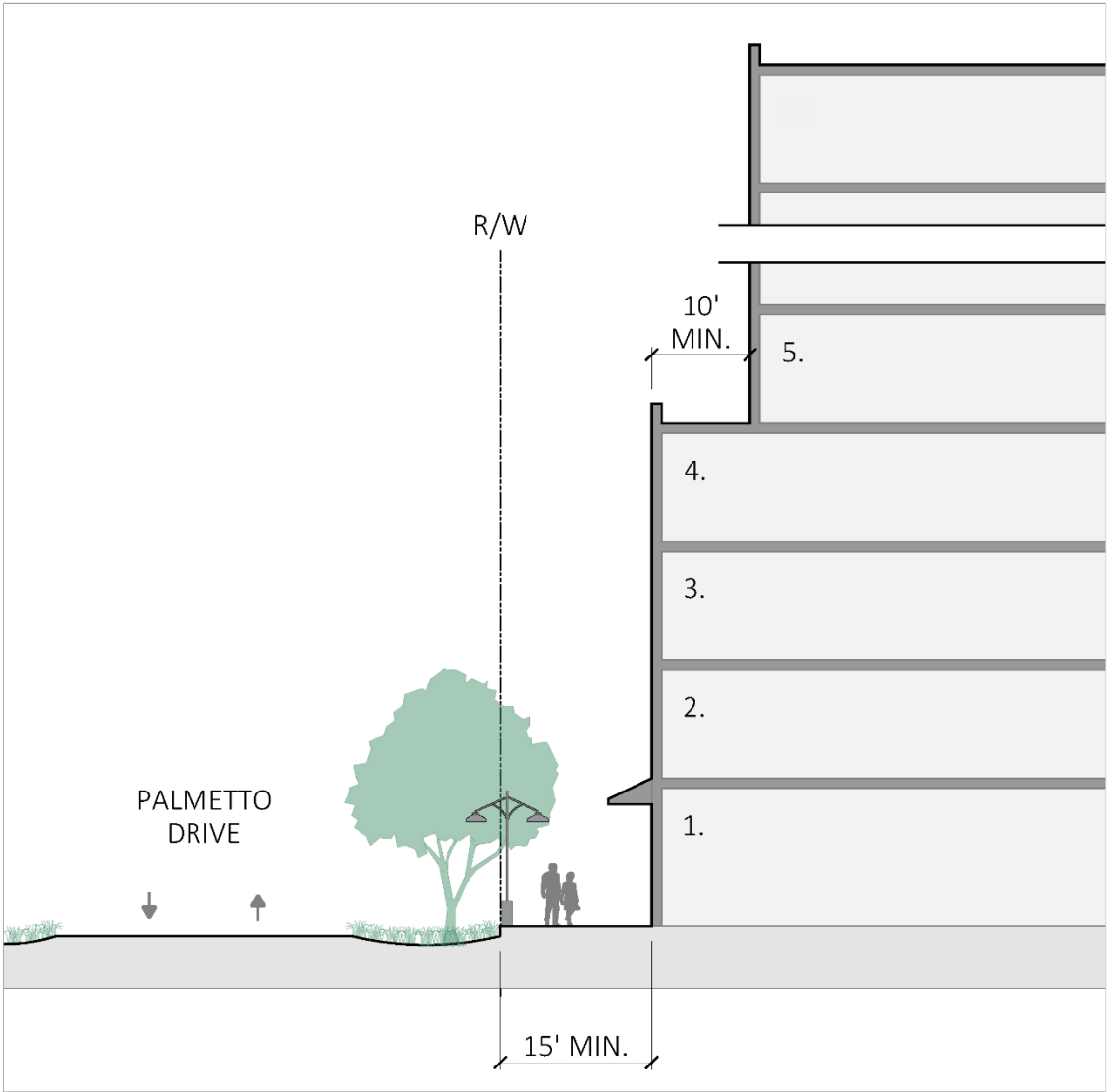
Table 2 - Building Frontage Types

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

Frontage A1



Frontage A2



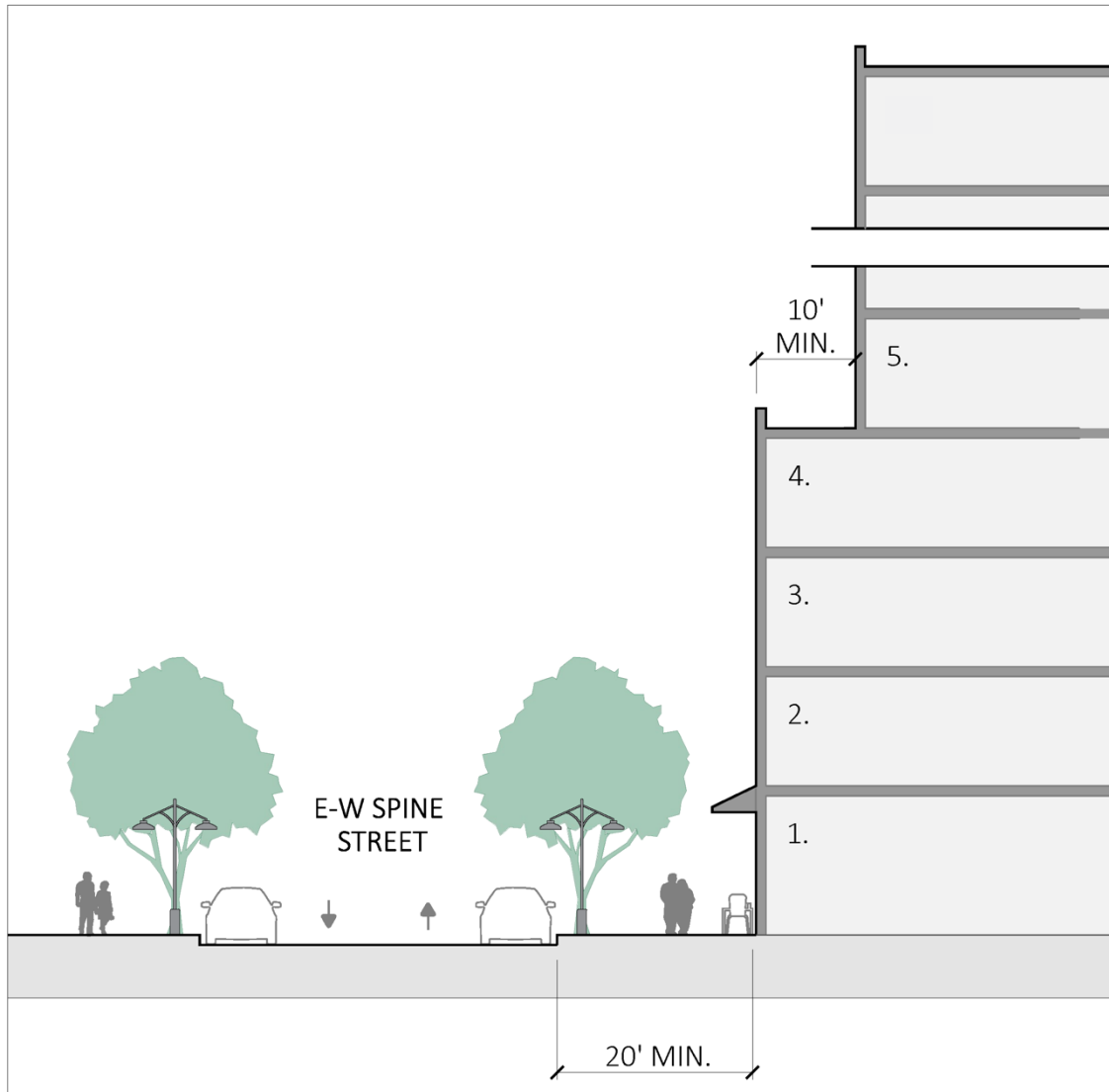
Frontage B



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, and meeting the minimum development thresholds, shall have a maximum Floor Area Ratio (FAR) of 2.75. The FAR is calculated by the total gross area of the property, including existing and proposed

easements and proposed public and private streets and alleys multiplied by the FAR. The maximum building area is limited by the maximum allowable FAR. "Building area" means the total air-conditioned leasable or saleable floor area of a building, including hallways, stairs, elevators and storage spaces. The building area does not include: non-habitable enclosed areas on the rooftop; external unenclosed circulation areas; parking areas and parking garages; unenclosed colonnades, porches and balconies; and un-air-conditioned storage spaces.

k. Building Height

1. Buildings meeting each of the criteria of these special PUD provisions set forth in subsection (10)(a) are subject to the following height restrictions:

- a. For master site development plans of at least five (5) acres and with at least 50,000 square feet of non-residential uses, buildings may have up to six (6) stories and a maximum height of seventy-five feet (75'), not including roof-top amenities;
- b. For master site development plans of at least seven and one-half (7-1/2) acres and with at least 70,000 square feet of non-residential uses, buildings may have up to ten (10) stories and a maximum of one hundred and twenty-five feet (125'), not including roof-top amenities; and
- c. For master site development plans of at least ten (10) acres and with at least 90,000 square feet of non-residential uses, buildings may have up to fourteen (14) stories and a maximum height of one hundred seventy-five feet (175'), not including roof-top amenities.

In no event shall buildings fronting U.S. Highway One, Northlake Boulevard and Palmetto Drive exceed nine (9) stories or one hundred twenty feet (120') in height within fifty feet (50') feet of the right-of-way.

2. For the purposes of calculating the number of stories in a building, stories shall be defined as the space between the finished floor and the top of the structural slab and adjusted as follows:

- a. Each level devoted to parking is considered as an individual story when calculating the number of stories in a building, except where parking levels are screened by a liner building that is a minimum of twenty feet (20') deep and at least two (2) stories tall or an enhanced and aesthetically pleasing architectural feature that screens the parking.
- b. When parking levels are constructed on a slope or are connected by sloping or circular ramps, the number of stories will be based on the non-sloped areas. If there are no non-sloped areas, the number of stories will be counted as the highest parking level plus each parking level below.
- c. A mezzanine will not count towards the number of stories provided the total area of the mezzanine level is less than forty percent (40%) of the floor area of the main story below.
- d. 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.

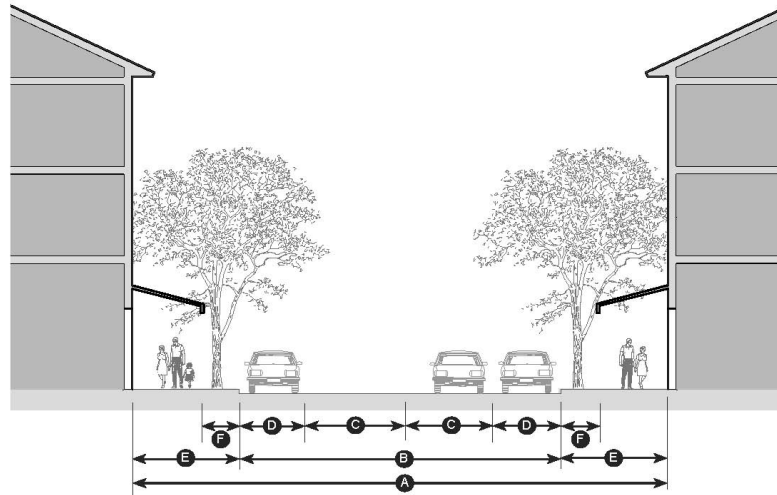
4. All streets within the C-3 zoning district shall be owned and maintained privately unless otherwise approved by the village.

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 other 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.

Figure 2



Description:	Details:	Key:
<u>Width of right-of-way</u>	<u>60' min.</u>	A
<u>Movement type</u>	<u>Slow</u>	
<u>Target speed</u>	<u>25 mph</u>	
<u>Width of pavement</u>	<u>36' min.</u>	B
<u>Travel lanes</u>	<u>10' min. travel lanes</u>	C
<u>Bicycle facilities</u>	<u>shared travel lanes</u>	C
<u>On-street parking</u>	<u>8' min parallel parking</u>	D
<u>Pedestrian facilities</u>	<u>12' min.</u>	E
<u>Furnishing strip:</u>		F
<u>Tree spacing</u>	<u>30' average</u>	

- 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

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

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 and the timetable for construction.
 - 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.

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

Sec. 45-35.1. - Planned unit development.

I. *Statement of intent.*

- A. The intent of this section is to provide, in the case of a commercial planned unit development consisting of one (1.0) or more acres, in the case of an industrial planned unit development consisting of one (1.0) or more acres, and in the case of a residential planned unit development, an added degree of flexibility in the placement and interrelationship of the buildings and uses within the planned unit development, together with the implementation of new design concepts. At the same time the intensity of land use, density of population and amounts of light, air, access and required open space will be maintained for the zoning district in which the proposed project is to be located, except as may be permitted for key redevelopment sites through subsection 45-35.1.VIII. Nothing herein should be construed as allowing deviation for uses other than those specified as permitted uses, nor any greater intensity of use or density of population nor any less required open space than that which is specified in this chapter for the zoning district in which a proposed project is located, except as may be permitted through subsection 45-35.1.VIII.
- B. Subject to the foregoing statement of intent, the village council may, in the case of commercial, industrial and residential planned unit developments, allow for minor 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 except in changing the use of the structure to a use permitted in the district in which it is located;
 - (b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building;
 - (c) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed;

- (d) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located;
 - (e) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at time of destruction.
- (2) If an existing use of a structure was legally permitted on its site prior to changes in the C-MU, ~~C-3~~, or C-NB zoning districts in 2020 but is not listed as a permitted use in the new district, that existing use will continue to be deemed a permitted use and will not be subject to the restrictions in section 45-65(1)(a)-(c) and 45-65(1)e. Notwithstanding the foregoing, these uses will not be allowed to continue if discontinued or abandoned as defined by 45-65(1)(d).
 - (3) Nonconformities not involving the use of a principal structure, e.g., open storage, building supplies, vehicle, mobile home, implement and machinery storage, signs, billboards, junkyards, commercial animal yards and the like, shall be discontinued within two (2) years of the effective date of this ordinance or amendment.

Section 5. The Village Council hereby amends Article VIII, “Landscaping,” of Appendix C (Chapter 45) of the Village Code of Ordinances to read as follows (additional language underlined 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>
<i>R-3</i>	8 feet	5 feet ¹	5 feet
<i>C-MU</i>	5 feet ²	-	5 feet
<i>C-2 <u>G</u></i>	8 feet	10 feet	5 feet ³
<i>C-3</i>	5 feet ²	-	5 feet ⁴
<i>C-NB</i>	5 feet	-	5 feet
<i>All other commercial</i>	5 feet	5 feet ^{5 4}	5 feet
<i>I-1</i>	see section 45-38		

NOTES:

- ¹ Only required in side yards that adjoin R-1 or R-2 districts
- ² 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~~)
- ³ Not required on parcels that adjoin the railroad right-of-way
- ⁴ ~~Only required on parcels that adjoin U.S. Highway 1 or Northlake Boulevard (see subsection 45-34.1.H)~~
- ⁵⁴ 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 9TH DAY OF MARCH, 2023.

PLACED ON SECOND, FINAL READING AND PASSED THIS 13TH DAY OF JULY, 2023.

(Village Seal)

MAYOR

ATTEST:

VILLAGE CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

VILLAGE ATTORNEY