

PROPOSED CHANGES TO NORTH PALM BEACH CODES

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1. PROPOSED CHANGES TO APPEARANCE CODE

CHAPTER 6, ARTICLE III

DIVISION 1. - GENERALLY

Sec. 6-30. - Short title.

This article, including any regulation hereafter adopted, shall hereafter be known, cited and referred to as the "Appearance Code."

Sec. 6-31. - Definition.

The term "external architectural feature" is defined to mean the architectural style and general arrangement of such portion of a building or structure as is designed to be open to view from a public street, place or way, or from adjoining premises.

Sec. 6-32. - Intent and purposes.

This appearance code is adopted for the following purposes:

- (1) To promote the public health, safety, morals, comfort and general welfare of the citizens of the village.
- (2) To enhance the values of property throughout the village.
- (3) To protect and to stabilize the general appearance of buildings, structures, landscaping and open areas, in the multiple dwelling, commercial and public zoning districts of the village.
- (4) To insure adequate light, air and privacy for property in the multiple dwelling, commercial and public zoning districts of the village.
- (5) To encourage and promote acceptability, attractiveness, cohesiveness and compatibility of new buildings, developments, remodeling and additions so as to maintain and improve the established standards of property values within the multiple-dwelling, commercial and public zoning districts of the village.

Sec. 6-33. - Appearance plan.

The village hereby adopts by reference thereto the appearance plan attached as exhibit A to Ordinance No. 3-72 of the village. The appearance plan is set forth at length in Appendix A of this Code.

Sec. 6-34. - Reserved.

1. PROPOSED CHANGES TO APPEARANCE CODE

Sec. 6-35. - Appeals and review.

The applicant or any interested party may file an appeal to the village council on any ruling by the planning commission made pursuant to this article. An appeal shall be on forms provided by the village. The appeal shall be filed or made within ten (10) days after decision of the planning commission. Appeals shall set forth the alleged inconsistency or nonconformity with procedures or criteria set forth in this article or standards set forth in or pursuant to this article. The village council shall decide an appeal within thirty (30) days of the filing of such appeal unless an extension of time is consented to by the applicant, and such filing shall suspend any building permit issued pursuant to the ruling of the planning commission until the village council has decided the appeal. The village council may review any decision of the planning commission and their disposition of the matter shall be final.

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

The planning commission shall have the following powers and duties:

- (1) To hold public hearings on and make recommendations for amendments to the appearance plan.
- (2) To consult with and cooperate with the planning and zoning advisory board, the beautification committee and other village departments, and any other municipal or governmental bodies on matters affecting the appearance of the village.
- (3) To study exterior design drawings, landscape and site plans and materials for any proposed public works or public improvements and to make recommendations to the council or village manager as to the architectural or aesthetic aspects thereof.
- (4) To study and review preliminary and final plats and make recommendations to the planning and zoning advisory board and the village council.
- (5) To hold hearings, when required, on the issuance of certificates of appropriateness as provided in section 6-59, in connection with questions pertaining to applications for building permits and to issue or deny such certificates pursuant to the provisions of such section 6-59.
- (6) In the C-A and NB zoning districts only, to hold hearings and make decisions on requests for special exceptions and waivers (see sections 45-16.2 and 45-51).

Secs. 6-37—6-42. - Reserved.

1. PROPOSED CHANGES TO APPEARANCE CODE

DIVISION 2. - RESERVED

Secs. 6-43—6-55. - Reserved.

DIVISION 3. - CERTIFICATE OF APPROPRIATENESS

Sec. 6-56. - Preliminary consideration.

The planning commission shall, at the written request of a prospective applicant for a certificate of appropriateness, give consideration to preliminary exterior drawings, sketches, landscape and site plans and materials on a specific project before a formal application is filed, and shall provide such advice, counsel, suggestions and recommendations on matters pertaining to aesthetics as they may deem necessary to guide such prospective applicant in the development of a plan which would comply with the requirements and purposes of the appearance plan; except that the planning commission shall act in an advisory capacity only, with regard to preliminary plans, and shall provide consultation only on projects for which preliminary drawings and materials are furnished by such prospective applicant, and shall not participate in the development of the basic concept, plans or drawings. Upon finding the preliminary exterior drawings, sketches, landscape and site plans and materials are appropriate to, or compatible with, the character of the immediate neighborhood and will tend to effect the general purposes of the appearance plan, the board will issue a preliminary approval. Such approval will be irrevocable, and makes the issuance of the certificate of appropriateness mandatory upon application, unless the final presentation does not comply in all respects with the preliminary presentation upon which the preliminary approval was based.

Sec. 6-57. - Final hearings.

Upon filing of an application for building permit for a multifamily or commercial building, the community development department shall schedule the application for a hearing before the planning commission. The fact that an application for a certificate of appropriateness has been filed shall not be cause for the community development department to delay the review of plans relating to the building and zoning aspects of the project, while the application is pending. The planning commission shall establish regularly scheduled monthly meetings at which to review all applications. Applications shall be submitted at least fourteen (14) days prior to the scheduled monthly meetings, or as otherwise determined by the community development director, in order to be considered at that scheduled monthly meeting. The community development department shall prepare an agenda containing a list of all applications filed for each scheduled monthly meeting, which shall be submitted to all members of the planning commission at

1. PROPOSED CHANGES TO APPEARANCE CODE

1 least five (5) days prior to the scheduled monthly meetings. The community
2 development department shall further notify each applicant of the date and time of
3 a hearing on his application, in writing, which notice shall be mailed at least five
4 (5) days prior to such hearing. Upon such hearing, the planning commission shall
5 consider the application for building permit and receive additional evidence (such
6 as the exterior renderings) from the applicant or his agent or attorney and from
7 village staff or other persons as to whether the external architectural features of
8 the proposed building or structure comply with the appearance plan.

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

10 Upon consideration of an application, the planning commission shall issue a
11 certificate of appropriateness to the community development department upon a
12 finding that the plan conforms to the village appearance plan and that the
13 proposed building or structure is appropriate to, and compatible with, the
14 character of the immediate neighborhood and will not cause a substantial
15 depreciation in property values. If the planning commission determines that these
16 criteria are not met, the planning commission shall provide such advice, counsel,
17 suggestions and recommendations on matters pertaining to aesthetics as it may
18 deem necessary to guide the prospective applicant in the development of a plan
19 which would comply with the requirements and purposes of the appearance plan.
20 If preliminary hearings have been held on the project for which application is
21 being made, and preliminary approval has been issued by the planning
22 commission as provided in section 6-56, the planning commission shall issue a
23 certificate of appropriateness immediately, provided that the final drawings, plans
24 and material as presented comply in all respects with the preliminary presentation
25 upon which the preliminary approval was based.

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

27 The planning commission shall issue a certificate of appropriateness upon a
28 concurring vote of at least three (3) members. No building or other permit,
29 otherwise required under the ordinances of the village, for the erection,
30 construction, alteration or repair of any building or structure in a multiple-
31 dwelling, commercial or public zoning district shall be approved by the
32 community development director except upon the granting of a certificate of
33 appropriateness by the planning commission. The foregoing requirements shall
34 not preclude the issuance of a building permit without such certificate if the
35 community development director shall determine that no external architectural
36 feature as defined in section 6-31 is involved in the work for which the building
37 permit is sought.

1. PROPOSED CHANGES TO APPEARANCE CODE

Sec. 6-60. - Follow-up by community development department.

Upon the granting of a certificate of appropriateness, the exterior drawings, sketches, landscape and site plans, renderings and materials upon which such certificate was granted shall be turned over to the community development department whose responsibility it shall be to determine, from time to time as the project is in progress and finally upon its completion, that there have been no unauthorized deviations from the evidence upon which the granting of the certificate of appropriateness was originally based. The community development department shall not issue a certificate of occupancy or final inspection approval for any building or structure where there have been any deviations from the certificate of appropriateness

2. PROPOSED CHANGES TO APPEARANCE CODE

APPENDIX A – APPEARANCE CODE

SECTION III – AREAS OF JURISDICTION

AREAS AND ELEMENTS UNDER JURISDICTION

The jurisdictional areas of the Appearance Board are all areas within the Village of North Palm Beach that are zoned:

R-1 SINGLE-FAMILY DWELLING DISTRICT — Applies to all usages except single family and their normal accessory buildings

R-2 MULTIPLE-FAMILY DWELLING DISTRICT

R-3 APARTMENT DWELLING DISTRICT

C-A MIXED-USE US-1 ~~COMMERCIAL~~ DISTRICT

C-1A LIMITED COMMERCIAL DISTRICT

[could eliminate C-1A district by striking it here & in sections 45-16 and 45-32 & rezoning all C-1A land to C-1]

~~CB~~ ~~COMMERCIAL~~ DISTRICT

C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

C-2 AUTOMOTIVE COMMERCIAL DISTRICT

C-3 REGIONAL MIXED-USE ~~PUBLIC~~ DISTRICT

P PUBLIC DISTRICT

C-OS CONSERVATION AND OPEN SPACE

C-C TRANSITIONAL COMMERCIAL DISTRICT

I-1 LIGHT INDUSTRIAL DISTRICT

**NBOZ NORTHLAKE BOULEVARD HIGHWAY BUSINESS
~~OVERLAY ZONING~~ DISTRICT**

3. PROPOSED CHANGES TO DEFINITIONS (§ 45-2)

Sec. 45-2. – Definitions.

For the purpose of this ~~code ordinance~~, certain words and terms are defined as follows: *[amend or add the following definitions in section 45-2]*

Medical or dental office or clinic means a facility providing health care services to the public by physicians, dentists, chiropractors, osteopaths, physical therapists, nurses, acupuncturists, podiatrists, optometrists, psychiatrists, veterinarians, or others who are duly licensed to practice their respective medical or dental profession in the State of Florida, as well as those technicians and assistants who are acting under the supervision and control of a licensed health care practitioner. These uses shall not include establishments where patients are lodged overnight and are subject to additional regulations regarding the dispensing of controlled substances set forth in section 45-36.S of this chapter.

Use group means any of the four groups of allowable uses that certain zoning districts employ to define uses that are permitted by right, permitted by special exception only, or are not permitted in that zoning district. The four groups are Residential Uses, Lodging Uses, Business Uses, and Civic & Education Uses. The following terms are used in these use groups:

RESIDENTIAL USE-GROUP DEFINITIONS:

Mobile home park is defined earlier in section 45-2.

Dwelling, one family detached is a building containing one dwelling unit that is not attached to any other dwelling by any means (see definition of dwelling and dwelling unit earlier in section 45-2).

Dwelling, all other dwelling types (see definition of dwelling and dwelling unit earlier in section 45-2).

Live/work unit is a single dwelling unit in a detached building, or in a multifamily or mixed-use building, that also accommodates limited commercial uses within the dwelling unit. The predominate use of a live/work unit is residential, and commercial activity is a secondary use. See section ____.

Work/live unit is a single dwelling unit in a detached building, or in a multifamily, mixed-use, or commercial building, where the predominate use of the unit is commercial. See section ____.

Assisted living facility is defined earlier in section 45-2.

Community Residence is defined earlier in section 45-2.

Community Residential Home is defined earlier in section 45-2.

3. PROPOSED CHANGES TO DEFINITIONS (§ 45-2)

LODGING USE-GROUP DEFINITIONS:

Bed and breakfast establishment is a dwelling unit or guest rooms personally and physically operated and occupied by an owner or manager where transient guests are permitted to reside in exchange for payment.

Hotel is a facility offering transient lodging accommodation to the general public and which may include additional facilities and services such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

Motel is defined earlier in section 45-2.

Time-share unit is defined earlier in section 45-2.

BUSINESS USE-GROUP DEFINITIONS:

Offices, general is a room or group of rooms used to conduct the affairs of a business, profession, service, or government and generally furnished with desks tables, files, and communication equipment. A medical or dental office or clinic is not considered '**Offices, general**' for purposes of this code.

Office or clinic, medical or dental (see definition of **medical or dental office or clinic** earlier in section 45-2; also see additional regulations in subsections 45-36.S and 45-36.T).

Stores & services, general means establishments that sell food or merchandise or provide personal or professional services, including but not limited to the following uses that are defined earlier in section 45-2: drug store; non-retail commercial; office or clinic, medical or dental; personal care; pharmacy; and retail commercial. The following uses are not considered '**Stores & services, general**' for purposes of this code:

- Stores & services, large format
- Adult entertainment
- Contractor and trade operation
- Convenience store with fuel
- Dog daycare
- Drive-through facility (for any use)
- Garage, parking
- Heavy commercial and light industrial
- Limited access self-storage facilities
- Medical marijuana treatment center
- Restaurant or cocktail lounge
- Telecommunications antenna
- Vehicle sales or repair

3. PROPOSED CHANGES TO DEFINITIONS (§ 45-2)

Stores & services, large format has the same meaning as ‘Stores & services, general’ as defined by this code, except that the establishment contains over 50,000 square feet of enclosed floor area.

Adult Entertainment is defined earlier in section 45-2.

Contractor and trade operation is an establishment that is primarily engaged in providing an off-site service but which maintains a business office and inventory or equipment at a central location, such as a general contractor or subcontractor, pest control operator, caterer, surveyor, etc.

Convenience store with fuel is an establishment that provide limited services primarily to the motoring public such as fuel sales, car washing, or car detailing, and that may also sell merchandise including food and beverages.

Dog daycare is an establishment providing daytime care and training for domestic dogs and other pets.

Drive-through facility is any establishment that provides physical facilities which allow its customers to obtain food or goods, receive services, or be entertained while remaining in their vehicles.

Garage, Parking. A building or structure or portion thereof used exclusively for the storage or parking of automobiles. Service other than storage shall be limited to refueling, lubrication, and detailing.

Heavy commercial and light industrial is any use that the Village of North Palm does not allow or allows only in the C-2 and I-1 zoning districts, including but not limited to:

- Contractor and trade operation
- Junkyard
- Kennel (commercial)
- Limited access self-storage facility
- Light manufacturing
- Vehicle sales or repair
- Warehouse

Limited access self-storage facility is an enclosed structure primarily for indoor storage.

Medical marijuana treatment center includes dispensing facilities (see definition of medical marijuana treatment centers and dispensing facilities earlier in section 45-2).

Restaurant or cocktail lounge is an establishment where food and drink are prepared, served, and consumed mostly within the principal building; outdoor seating is subject to separate provisions in this code.

Telecommunications antenna include antenna towers (see definition of antenna and antenna tower earlier in section 45-2).

3. PROPOSED CHANGES TO DEFINITIONS (§ 45-2)

Vehicle sales or repair includes any establishment that repairs or displays and sells new or used motor vehicles including automobiles, motorcycles, golf carts, trucks, watercraft, recreational vehicles, and trailers.

CIVIC & EDUCATION USE-GROUP DEFINITIONS:

Child care facility is defined earlier in section 45-2. *Civic space* is a small outdoor space that serves as a focal point for civic and recreational uses. Civic spaces are typically constructed by landowners when they build on adjoining property.

Church or place of worship is defined earlier in section 45-2.

Civic space is a small outdoor space that serves as a focal point for civic and recreational uses. Civic spaces are typically constructed by landowners when they build on adjoining property.

Family day care is defined earlier in section 45-2.

Government buildings are provided by village, state, regional, or federal agencies to carry out public --purposes.

Hospital or medical center is defined earlier in section 45-2.

Public space is an outdoor space that is maintained by a government or nonprofit entity as a civic amenity for the general public. Public spaces include plazas, parks, playgrounds, water accesses, etc.

School, public or private is defined earlier in section 45-2.

4. PROPOSED CHANGES TO CONFLICT PROVISIONS (§ 45-4)

Sec. 45-4. - Conflict of provisions.

- (1) It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties.
- (2) That where ~~this~~ village codes and ordinances imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ~~ordinances~~, rules, regulations, ~~or by~~ easements, covenants, or agreements, the provisions of ~~this~~ village codes and ordinances shall control.

5. PROPOSED CHANGES TO DISTRICTS (§ 45-16)

Sec. 45-16. - Division of village into districts; districts enumerated.

In order to classify, regulate and restrict the uses of land and buildings, the height and bulk of buildings, the amount of open spaces about buildings, intensity of land use, the Village of North Palm Beach, Florida is divided into thirteen (13) ~~twelve (12)~~ zoning districts, as follows:

R-1 Single-family dwelling district

R-2 Multiple-family dwelling district

R-3 Apartment dwelling district

C-A Mixed-use US-1 ~~commercial~~ district

C-1A Limited commercial district

[could eliminate C-1A district by striking it here & in sections III and 45-32 & rezoning all C-1A land to C-1]

~~**C-B** Commercial district~~

C-1 Neighborhood commercial district

C-2 Automotive commercial district

C-3 Regional mixed-use ~~business~~ district

P Public district

C-OS Conservation and open space

C-C Transitional commercial district

I-1 Light industrial district

NB Northlake Boulevard highway business district

In the creation of this ordinance of the respective districts, the village council has given due and careful consideration to the peculiar suitability of each district for the particular uses and regulations applied thereto and to the densities of population, all in accordance with the comprehensive development plan of the village.

6. PROPOSED CHANGES TO SIMILAR USES (§ 45-16.1)

Sec. 45-16.1. - Similar uses.

- (a) The community development director shall determine which uses proposed
~~A use~~ within a commercial zoning district have substantially the same
characteristics as a use not specifically listed as a permitted use, but
~~possessing~~ Proposed uses with characteristics that are similar to a permitted
use, but not substantially the same, may be established only upon written
application to the community development director for a special use permit.
- (b) In evaluating an application for a special use permit for the establishment of
a similar use, the community development director shall, in consultation
with other village departments, consider the characteristics of the proposed
use, including, but not limited to, size, intensity, density, operating hours,
demands for public facilities, traffic impacts and business practices.
- (c) Upon review and evaluation of the application, the community development
director shall present his or her recommendation to the village council for
final consideration on the next available council agenda.
- (d) The village council shall conduct a public hearing on the application for
special use permit and determine whether the application meets the criteria
set forth in subsection (b) above. The village council shall grant or deny the
application by written order.
- (e) In granting a special use permit, the village council may impose conditions
necessary to ensure that the proposed use:
- (1) Is compatible with the existing or planned character of the
neighborhood in which it would be located;
 - (2) Will not have an adverse impact upon adjacent properties; and
 - (3) Will not interfere with the use of adjacent properties.
- Such conditions may include restrictions on the size and operating
hours of the proposed use.
- (f) If the conditions imposed by the special use permit are not met, the
community development director may revoke the permit. A permit holder
may appeal the revocation of a special use permit by filing an appeal, in
writing, to the Zoning Board of Adjustment within thirty (30) days of receipt
of written notice of revocation.

7. PROPOSED CHANGES TO SPECIAL EXCEPTIONS (§ 45-16.2)

Sec. 45-16.2. - Special exception uses.

(a) *General provisions.*

(1) ***Purpose.*** The purpose of this section is to provide for review of uses that are generally compatible with use characteristics of a zoning district, but which require individual review of their location, design, intensity, configuration and public facility impact in order to determine the appropriateness of the use on any particular site in the zoning district and their compatibility with adjacent uses. Special exception uses may require the imposition of additional conditions to make uses compatible within their specific contexts.

(2) ***Authority.*** The village council may, in accordance with the procedures, standards and limitations of this section, grant special exception use approvals for those uses enumerated as special exception uses in any zoning district. In the C-A and NB zoning districts only, the planning commission has this same authority.

(3) ***Persons entitled to initiate applications.*** An application for special exception approval may be submitted by the owner of the property or any other person having a contractual interest in the lot or parcel of land proposed for a special exception use.

(b) *Standards for review of special exception use approvals.* A special exception use approval shall be granted only if the applicant demonstrates the following:

(1) ***Consistency with the land development regulations and comprehensive plan.*** The proposed special exception use shall comply with all requirements and be consistent with the general purpose, goals, objectives and standards of the village's land development regulations and comprehensive plan.

(2) *Effect on adjacent properties.*

a. The proposed special exception use will not have an undue adverse effect upon nearby property or generate excessive traffic or noise.

b. The proposed special exception use is compatible with the existing or planned character of the neighborhood or area in which it would be located and is compatible with existing and future development.

c. All reasonable steps have been taken to minimize any adverse effect of the proposed special exception use on the immediate vicinity through building design, site design, landscaping and screening.

7. PROPOSED CHANGES TO SPECIAL EXCEPTIONS (§ 45-16.2)

- d. The proposed special exception use will be constructed, arranged and operated so as not to interfere with the development and use of neighboring properties, in accordance with applicable zoning district regulations.
- (3) **Public welfare.** The proposed special exception use will protect the village's tax base, will not create a financial burden on the village, and will be in the interests of the public health, safety, comfort, convenience and general welfare.
- (c) **Conditions on special exception approvals.** The Village ~~council~~ shall attach such conditions, limitations and requirements to a special exception use approval as are necessary to carry out the spirit and purposes of the village's land development regulations and comprehensive development plan and to prevent or minimize adverse effects upon other properties in the neighborhood or area. These conditions may include, but are not limited to, limitations on size, intensity of use, bulk and location, landscaping, lighting, provision of adequate ingress and egress, and hours of operation. Such conditions shall be set forth expressly in the written order, resolution or ordinance granting the special exception approval. A violation of any condition shall be considered a violation of this Code and is subject to code enforcement proceedings in accordance with Chapter 2 or any or method of enforcement authorized by law.
- (d) **Special exception uses within planned unit developments.** When the proposed special exception use will be located within a planned unit development, the special exception use review shall be conducted concurrently with the planned unit development approval process and any conditions relating to the proposed special exception use shall be set forth in the ordinance approving the planned unit development.
- (e) **Procedure.**
 - (1) The special exception use shall be subject to preliminary review by the community development department. Once the community development director certifies that the application is complete, the director shall forward it to the planning commission for a public hearing.
 - (2) The planning commission shall review the application and forward a recommendation of approval, approval with conditions or denial to the village council. In the C-A and NB zoning districts only, the planning commission has the authority to approve, approve with conditions or deny an application for a special exception; this decision may be appealed to the village council using the same procedures and standards that apply to appeals of waivers (see section 45-51).

7. PROPOSED CHANGES TO SPECIAL EXCEPTIONS (§ 45-16.2)

- 1 (3) Upon receipt of ~~the~~ a recommendation of the planning commission,
2 the village council shall conduct a public hearing and determine
3 whether the proposed special exception use meets the requirements of
4 this section. The village council shall approve, approve with
5 conditions or deny the application at the close of the public hearing.
6 The approval of a special exception use, with or without conditions,
7 shall be in the form of a written order, resolution or ordinance.
- 8 (4) Upon denial of an application for special exception use approval in
9 whole or in part, a period of one (1) year must elapse prior to the filing
10 of a substantially similar application affecting the same property.
- 11 (f) **Public notice.** Public notice of all hearings shall be provided as required by
12 Section 21-3.

8. PROPOSED CHANGES TO BUILDINGS AND USES (§ 45-19)

Sec. 45-19. - Buildings and uses to conform to district regulations.

Except as hereinafter provided:

- A. No building shall be erected, reconstructed or structurally altered, nor shall any building or land be used which does not comply with the regulations for the district in which such building or land is located.
- B. No building shall be erected, reconstructed or structurally altered to exceed the height or bulk limits herein established for the district in which such building is located.
- C. The minimum open spaces around a main building as provided for in this ordinance shall not be encroached upon or be considered as open spaces for any other building.
- ~~D. There shall not be more than one (1) main building and its customary accessory building(s) on a lot as authorized by this chapter.~~
- D. ~~E.~~ The types, location and uses of buildings and land publicly owned and used in the performance of a public function may be permitted in any district, provided such type, location and use is approved by the village council. The village council may limit the length of time of such type, location and use.

9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

Sec. 45-31. - C-A mixed-use US-1 commercial district.

A. **General description.** This mixed-use district will encourage the redevelopment of the US-1 corridor into a vibrant mixed-use place for businesses, visitors, and residents of North Palm Beach. A Citizens Master Plan, adopted in 2016, envisioned the US-1 corridor evolving into a better working and living environment with walkable and bikeable streets, compact mixed-use buildings, and convenient access to many forms of transportation. The C-A zoning district is a form-based code that uses clear and predictable standards to guide redevelopment into this pattern.

~~This tourist commercial district is established to provide areas within which the principal use of land is devoted to commercial establishments and tourist-oriented trade. The intent is to reserve land which, because of particular location and natural features, is adapted to local and tourist uses, and to encourage the development of these locations for such uses and in such a manner as to minimize traffic hazards and interference with other land uses.~~

B. Allowable uses.

1. Table 1 indicates allowable uses in the C-A zoning district.

The following uses be permitted in the C A commercial district:

- a. The uses listed in Table 1 are grouped into four use groups: Residential Uses, Lodging Uses, Business Uses, and Civic & Education Uses.
- b. In one of the columns following each listed use, a symbol is provided to indicate that:
 - i) This use is permitted by right without public hearings; or
 - ii) This use may be approved by the planning commission as a special exception; see section 45-16.2 for standards and procedures; or
 - iii) This use, like other uses not listed in Table 1, is not permitted in the C-A district.
- c. Terms in Table 1 are defined in section 45-2 under “Use Groups.”
- d. Also refer to section 45-16.1 on uses that are similar to uses listed in Table 1.

9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

Table 1 Allowable Uses

	<u>PERMITTED USE</u>	<u>SPECIAL EXCEPTION</u>	<u>NOT PERMITTED</u>
RESIDENTIAL USES			
<u>Mobile home park</u>			●
<u>Dwelling, one family detached</u>			●
<u>Dwelling, all other dwelling types</u>	●		
<u>Live/work unit</u>	●		
<u>Work/live unit</u>	●		
<u>Assisted living facility</u>		●	
<u>Community residence</u>	●		
<u>Community residential home</u>	●		
LODGING USES			
<u>Bed-and-breakfast establishment</u>	●		
<u>Hotel</u>	●		
<u>Motel</u>	●		
<u>Time-share unit</u>	●		
BUSINESS USES			
<u>Offices, general</u>	●		
<u>Office or clinic, medical or dental</u>	●		
<u>Stores & services, general</u>	●		
<u>Stores & 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 or cocktail lounge</u>	●		
<u>Telecommunications antennas</u>		●	
CIVIC & EDUCATION USES			
<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>		●	

9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

2. The Comprehensive Plan establishes restrictions on certain properties through classifications in the future land use atlas or through specific policies. Current examples in the C-A district include the following parcels, which are indicated on the regulating plan:

- a. 639 US Highway 1 (assisted living facility) requires PUD approval as a mixed-use development pursuant to Future Land Use Policy 1.B.2.
- b. 201–230 Mariner Court (condominium) is classified “Medium-Density Residential,” which restricts it to residential uses only, with density restricted by Special Policy 5.18.
- c. 555 US Highway 1 (Faith Lutheran Church) is classified “Public Buildings & Grounds.”
- d. 501 US Highway 1 (Village Hall) and 303 Anchorage Drive (Library) are classified “Public Buildings & Grounds.”
- e. 560 US Highway 1 (Police Station) is classified as “Other Public Facilities.”

- ~~1. Hotel, motels and time share units.~~
- ~~2. Restaurants and cocktail lounges where food and drink may be consumed on the premises only and where eating and serving areas are entirely contained within the building or the premises otherwise qualify under outdoor seating provisions of Appendix C—Zoning not including drive in hamburger, ice cream, soft drink, or other drive in and/or carry out eating establishments.~~
- ~~3. Golf clubs and their accessory uses—such as restaurant, bar cocktail lounges, driving ranges and golf equipment stores.~~
- ~~4. Financial institutions.~~
- ~~5. Professional offices, studios and clinics.~~
- ~~6. Private clubs and lodges.~~
- ~~7. Veterinary establishments, provided that all animals shall be kept inside soundproof and air conditioned buildings; provided there are no animal cemeteries used in connection therewith.~~
- ~~8. Funeral homes; provided that no process for the disposal of bodies is used in connection therewith, including cremation.~~
- ~~9. Churches and/or auditoriums.~~
- ~~10. Personal service establishments, such as barbershops, beauty shops, health salons.~~
- ~~11. Utility company offices.~~
- ~~12. Florist shops.~~
- ~~13. Clothing stores.~~
- ~~14. Stationery stores, book stores and/or art supply shops.~~
- ~~15. Pharmacies or apothecaries.~~
- ~~16. Photographic studios and camera shops.~~
- ~~17. Bakery shops, where products are sold at retail only.~~
- ~~18. Sporting goods stores.~~
- ~~19. Personal gift shops.~~
- ~~20. Jewelry stores.~~
- ~~21. Marinas and their accessory uses, such as wet boat storage facilities, gasoline supplies, minor repair facilities that are incidental to wet boat storage and do not involve large boats and/or engine overhaul.~~

9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

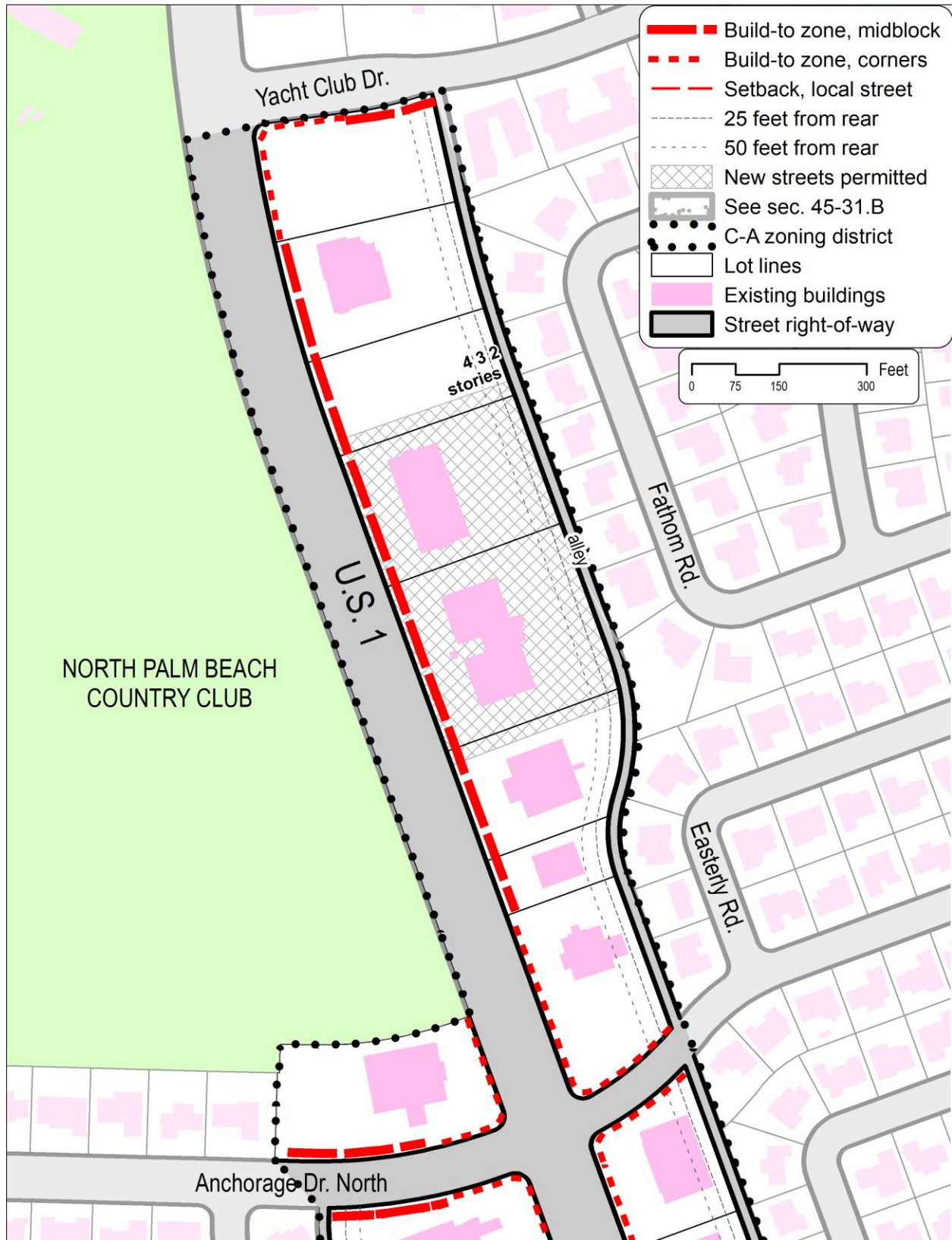
C. Regulating plan and street frontages. ~~Conditions for permitted uses.~~

1. The C-A zoning district includes a regulating plan that shows existing conditions (e.g. lot lines, building footprints, and rights-of-way) and then defines how and where certain regulations will apply (e.g. setbacks and height restrictions). The regulating plan for the C-A district is presented in Figures 1 through 4.
2. The regulating plan also defines the street frontages of all lots as either corner, mid-block, or local street. These street frontage types determine allowable building frontages. The building frontage type selected by a landowner determines many of the specific regulations that will apply to redevelopment, including the build-to zone or setback along the street frontage. See subsection 45-31.D for details.
3. The remainder of the C-A code provides standards on these subjects:
 - a. **Site and bulk standards** are provided in subsection 45-31.E, including setbacks, built-to zone, floor-to-area ratio, building frontage standards, building height, density, floor and ceiling height, and landscape standards.
 - b. **Architectural features** are addressed in subsection 45-31.F, including entrances, façade transparency, awnings, balconies, and bay windows.
 - c. **Street, alley, and easement standards** are provided in subsection 45-31.G.
 - d. **Parking and loading standards** are provided in subsection 45-31.H.
 - e. **Review procedures** are provided in subsection 45-31.I.
- ~~1. All activities (except restaurants that qualify under outdoor seating provisions of Appendix C—Zoning, golf clubs, swimming pools and wet boat storage), sales and storage of goods must be conducted entirely within completely enclosed buildings with permanent nonmoving outside walls.~~
- ~~2. No outside sidewalk or parking lot storage or display of merchandise will be permitted.~~
- ~~3. No manufacturing, or production of products for retail or wholesale will be permitted except for bakeries and their related retail sales items.~~
- ~~4. All new marinas and major improvements to existing marinas shall provide sewage pump-out service to boats seven (7) meters (twenty-two and ninety-seven hundredths (22.97) feet) in length or more.~~

9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

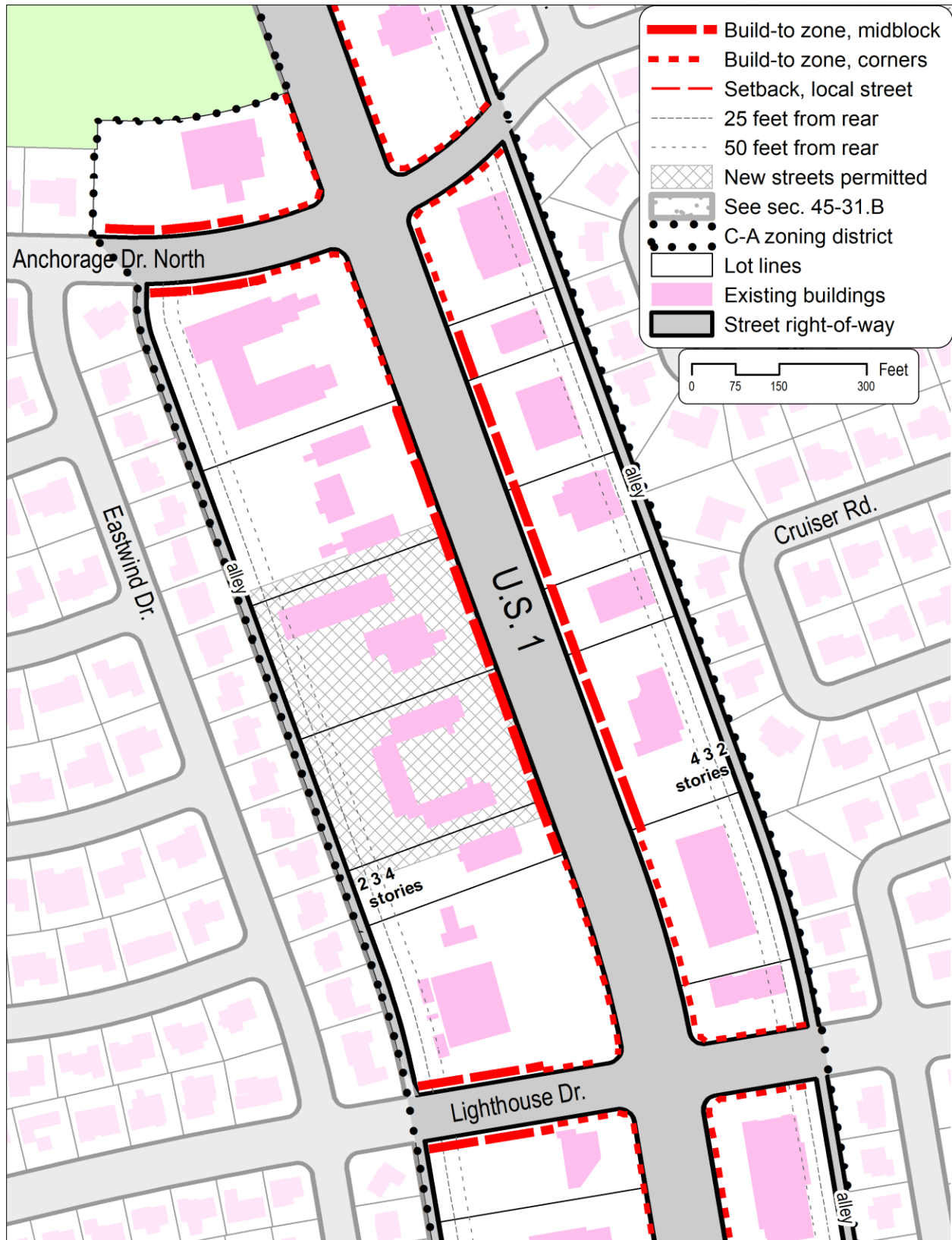
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Figure 1 Regulating Plan, Yacht Club Dr. to Anchorage Dr (north)



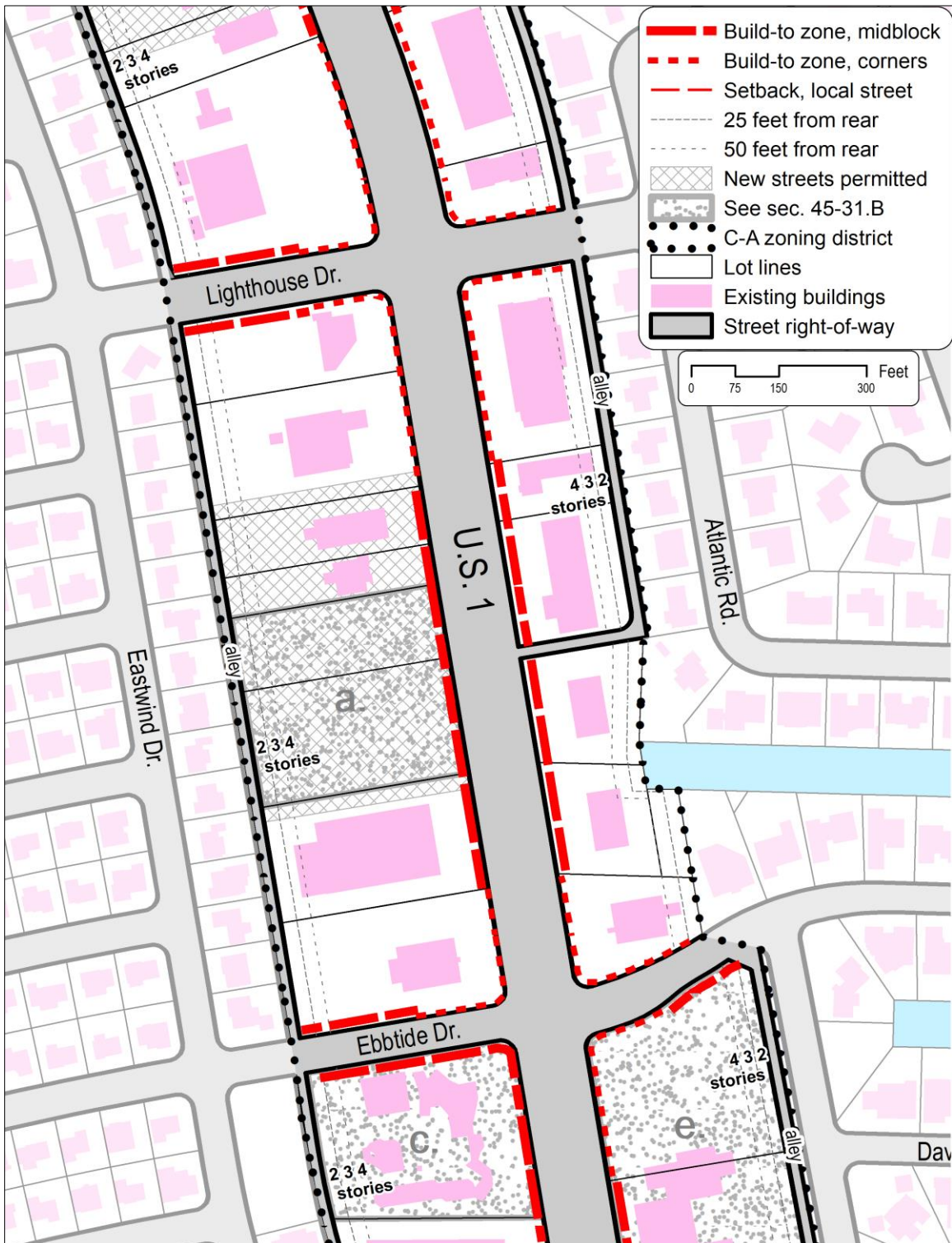
9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

Figure 2 Regulating Plan, Anchorage Dr (north) to Lighthouse Dr.



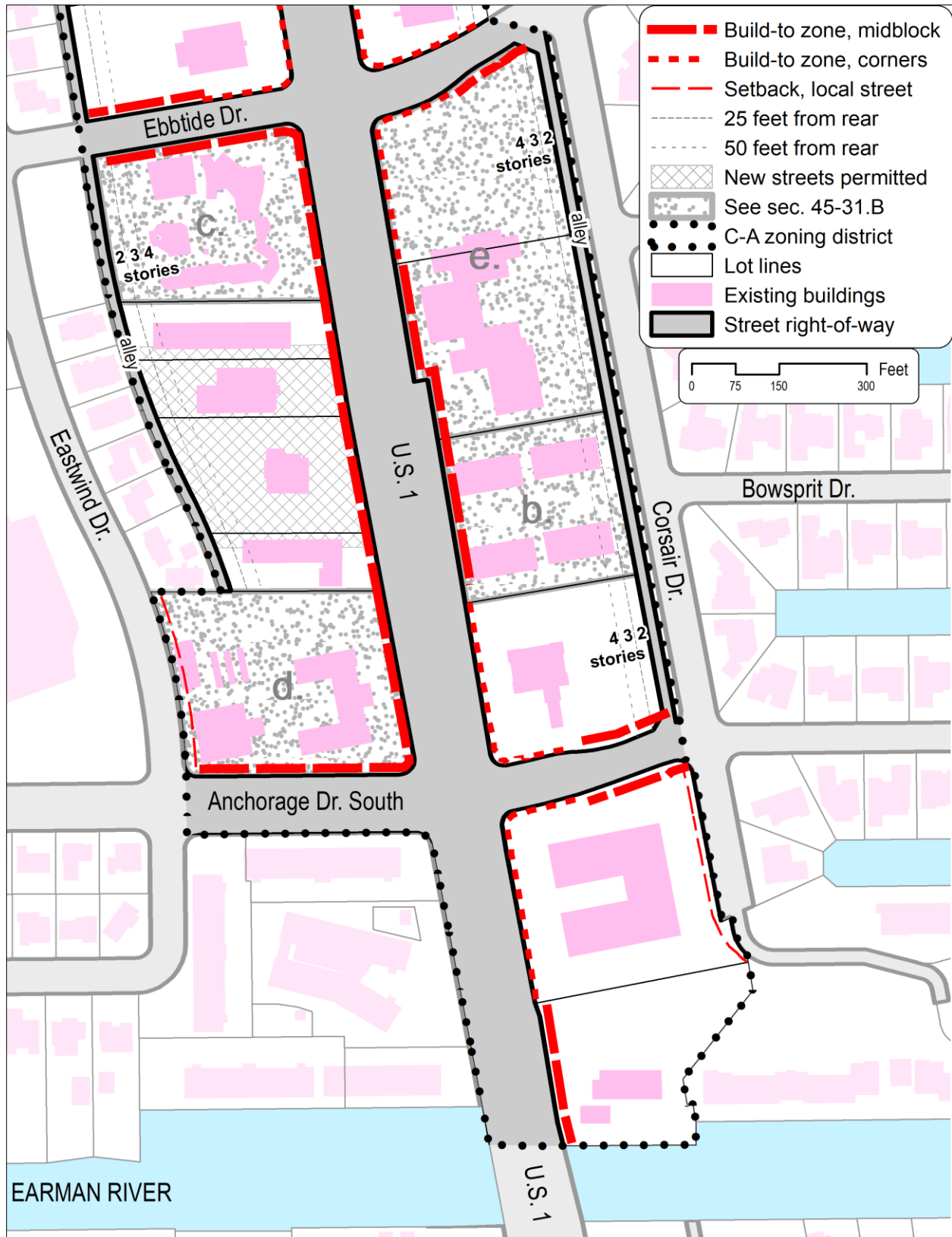
9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

Figure 3 Regulating Plan, Lighthouse Dr. to Ebbtide Dr.



9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

Figure 4 Regulating Plan, Ebbtide Dr. to Earman River



9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

D. Building frontage types.

- 1.** The allowable building frontage types for each lot are determined by the designated street frontage for that lot.
 - a. Three types of street frontages are defined on the regulating plan for existing streets: Corner, Mid-block, or Local Street.
 - b. A landowner may select any of the allowable building frontage types shown on Table 2 for the street frontage shown on the regulating plan.
 - i) For lots with two street frontages, building frontages must be selected for each street frontage.
 - ii) A wide street frontage may use two permitted building frontages on different portions of that street frontage.
 - ii) Regulations for each building frontage are summarized in Table 3 through 8.
 - c. Table 2 also shows a fourth street frontage, which applies only if a landowner chooses to construct a new street between US Highway 1 and the alley in the areas designated on the regulating plan; see subsection 45-31.G for details.

Table 2 Allowable Building Frontages For Each Street Frontage

Building Frontage Types	STREET FRONTAGE TYPES			
	CORNER	MID-BLOCK	LOCAL STREET	NEW STREET
Gallery Frontage <i>(Table 3)</i>	●	●	○	●
Storefront Frontage <i>(Table 4)</i>	●	●	○	●
Forecourt Frontage <i>(Table 5)</i>	○	●	●	○
Stoop Frontage <i>(Table 6)</i>	○	●	●	○
Canopy Frontage <i>(Table 7)</i>	●	●	○	●
Lobby Frontage <i>(Table 8)</i>	○	●	●	○

Key:

- Building frontage permitted ●
 Building frontage not permitted ○

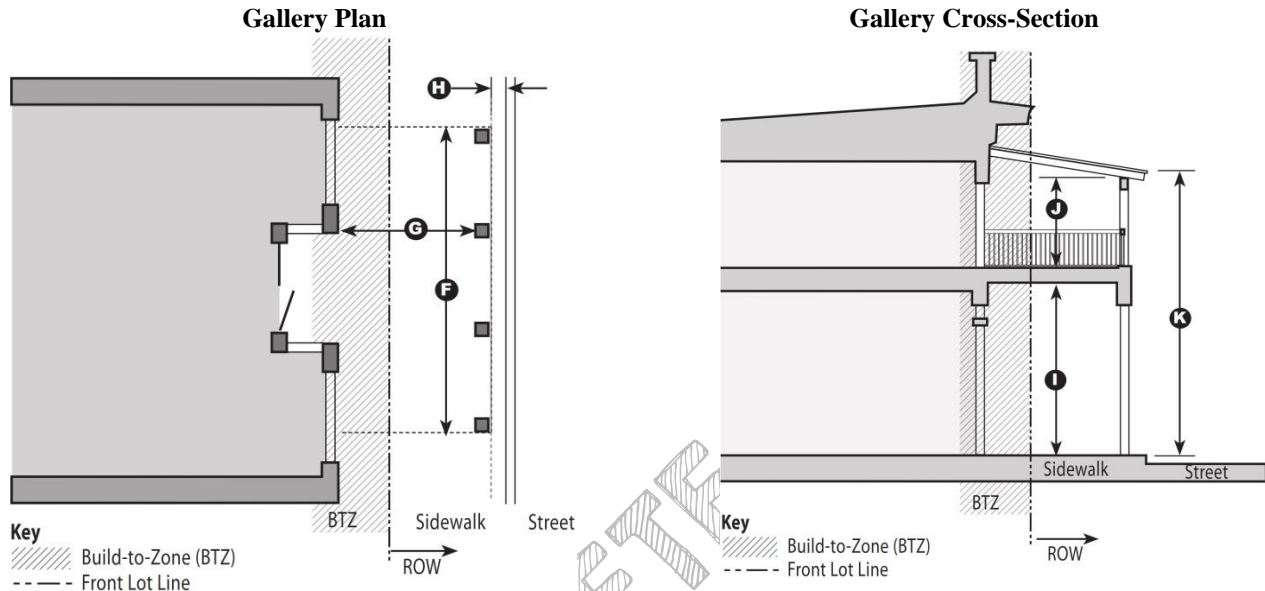
- 2.** Tables 3 through 8 summarize the regulations for each building frontage. Regulations that do not vary by building frontage type, such as permitted uses and building heights, are described throughout section 45-31.

9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

Table 3 Building Frontage: GALLERY

A gallery is a roofed promenade extending along the wall of a building and supported by arches or columns on the outer side. A gallery shields space below like a canopy but provides

usable space above, either private open space or fully enclosed space. Depending on its design, a gallery can be an arcade, a colonnade, or a primarily decorative feature.



Setbacks (see 45-31.E.1.a)

Build-to Zone (see 45-31.E.1.b)

Build-to zone: 0 min., 5' max. **D, E**

Floor-to-Area Ratio (see 45-31.E.1.c)

Building Frontage Standards (see 45-31.E.2)

Percentage: 70% min.

Building Height (see 45-31.E.3)

Floor and Ceiling Height (see 45-31.E.4)

Landscape Standards (see 45-31.E.5)

Streetscape Standards (see 45-31.E.6)

Main Entrance (see 45-31.F.1)

Facade Transparency (see 45-31.F.2)

Ground story: 30% min.

Upper stories: 20% min.

Encroachments (see 45-31.F.3)

Awnings (see 45-31.F.4)

Balconies (see 45-31.F.5)

Bay Windows (see 45-31.F.6)

Parking Standards (see 45-31.H)

Gallery Dimensions

Width: 10' min. **F**
 Depth: 8' min. clear path for pedestrians **G**
 Setback from curb: 2' min. **H**

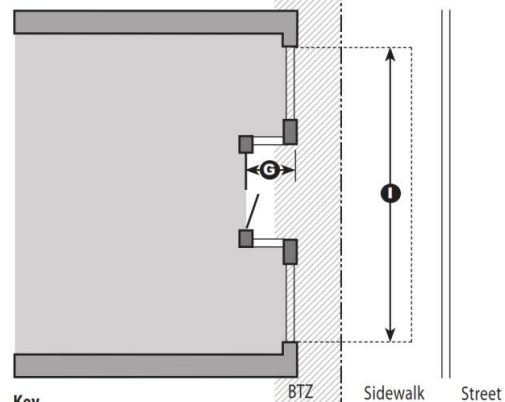

Ceiling height: 10' min. clear for ground story **I**
 9' min. clear for upper story **J**
 Overall height: 10' min., 40' max. **K**
 Cumulative gallery width: 70% of building frontage

9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

Table 4 Building Frontage: STOREFRONT

A storefront is a flexible space at the sidewalk level that is directly accessible by pedestrians and suitable for retail sales. A storefront has a mostly transparent façade and a gallery, canopy, or awning that shades the storefront's windows and doors and the sidewalk.

Main entrances to each storefront open directly onto the sidewalk or onto a forecourt. Storefronts that are part of the storefront frontage type create the best pedestrian and retail experience.

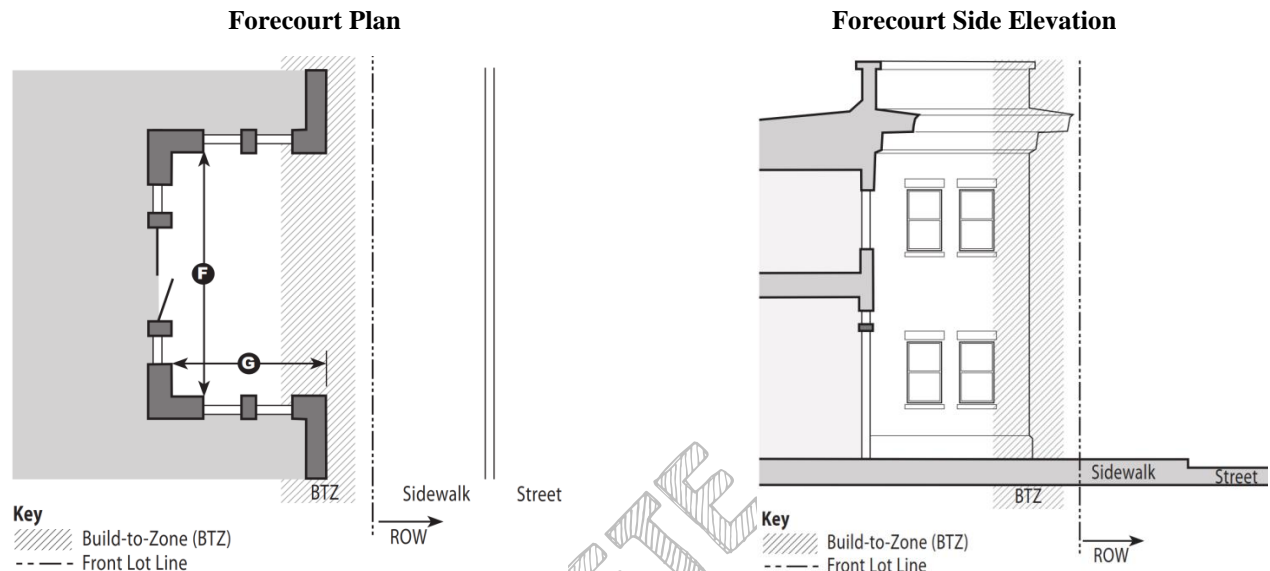
Storefront Plan	Storefront Front Elevation
 <p>Key Build-to-Zone (BTZ) Front Lot Line</p>	
Setbacks (see 45-31.E.1.a)	Main Entrance (see 45-31.F.1)
Build-to Zone (see 45-31.E.1.b)	Façade Transparency (see 45-31.F.2)
Build-to zone: 0' min., 5' max. D, E	Ground story: 70% min.
Floor-to-Area Ratio (see 45-31.E.1.c)	Upper stories: 40% min.
Building Frontage Standards (see 45-31.E.2)	Encroachments (see 45-31.F.3)
Percentage: 60% min.	Awnings (see 45-31.F.4)
Building Height (see 45-31.E.3)	Balconies (see 45-31.F.5)
Floor and Ceiling Height (see 45-31.E.4)	Bay Windows (see 45-31.F.6)
Landscape Standards (see 45-31.E.5)	Parking Standards (see 45-31.H)
Streetscape Standards (see 45-31.E.6)	
Storefront Dimensions	
Cover depth: 4' min.	Door intervals: No more than 50' apart
Cover height: 10' min. clear	Window sill height: 1' min., 3' max. K
Door recess: 5' max. G	Top of windows: 8' min. L
Cumulative storefront width: 70% of building frontage min. I	Expression line: 10' min. and below second story M

9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

Table 5 Building Frontage: FORECOURT

A forecourt is a small private open space that is open to the sidewalk and bounded on two or three sides by the exterior walls of buildings.

Although forecourts are allowed on most building frontages, one or more forecourts are dominant features on the façade in the forecourt building frontage.



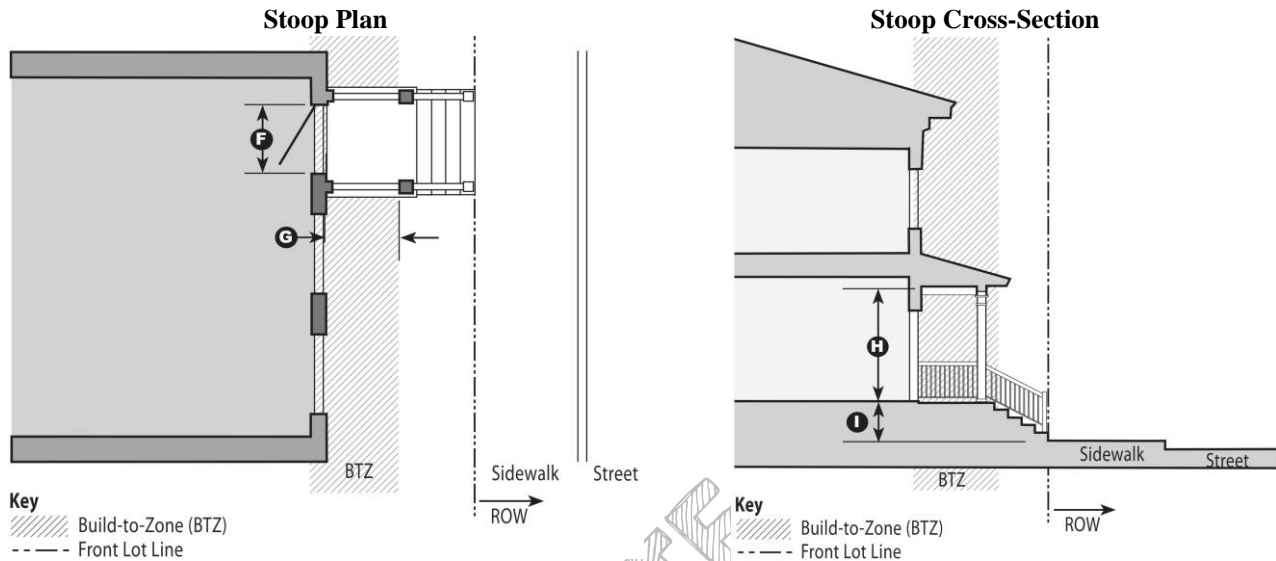
Setbacks	(see 45-31.E.1.a)	Main Entrance	(see 45-31.F.1)
Build-to Zone	(see 45-31.E.1.b)	Façade Transparency	(see 45-31.F.2)
Build-to zone:	0' min., 10' max. D	Ground story:	30% min.
Floor-to-Area Ratio	(see 45-31.E.1.c)	Upper stories:	20% min.
Building Frontage Standards	(see 45-31.E.2)	Encroachments	(see 45-31.F.3)
Percentage:	60% min.	Awnings	(see 45-31.F.4)
Building Height	(see 45-31.E.3)	Balconies	(see 45-31.F.5)
Floor and Ceiling Height	(see 45-31.E.4)	Bay Windows	(see 45-31.F.6)
Landscape Standards	(see 45-31.E.5)	Parking Standards	(see 45-31.H)
Streetscape Standards	(see 45-31.E.6)	Review Procedures	(see 45-31.I)
Forecourt Dimensions			
Width of individual forecourts:	15' min. F		
Depth:	10' min., 40' max. G		
Width of combined forecourts:	10' min., 40% max. of building frontage		

9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

Table 6 Building Frontage: STOOP

Stoops are staircases and elevated entrance platforms that lead to main entrances.

Stoops are generally taller than porches to match the higher ground-story floors that are needed to maintain privacy in urban areas.



Setbacks (see 45-31.E.1.a)

Main Entrance (see 45-31.F.1)

Build-to Zone (see 45-31.E.1.b)

Build-to zone: 5' min., 20' max. **D**

Facade Transparency (see 45-31.F.2)

Ground story: 20% min.

Upper stories: 20% min.

Floor-to-Area Ratio (see 45-31.E.1.c)

Building Frontage Standards (see 45-31.E.2)

Percentage: 60% min.

Encroachments (see 45-31.F.3)

Building Height (see 45-31.E.3)

Awnings (see 45-31.F.4)

Floor and Ceiling Height (see 45-31.E.4)

Balconies (see 45-31.F.5)

Landscape Standards (see 45-31.E.5)

Bay Windows (see 45-31.F.6)

Streetscape Standards (see 45-31.E.6)

Parking Standards (see 45-31.H)

Stoop Dimensions

Spacing of stoops: 28' on center (average)

Width: 5' min., 8' max. **F**

Depth: 5' min., 8' max. **G**

Ceiling height: **H**

Elevation: 3' min. above sidewalk **I**

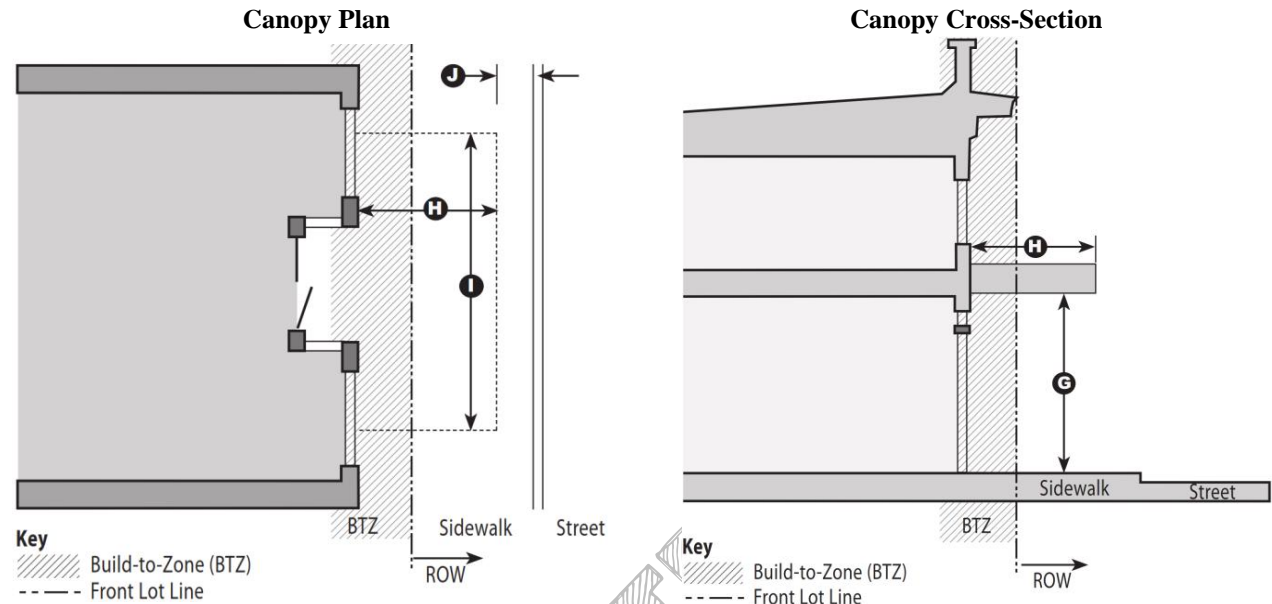
Review Procedures (see 45-31.I)

9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

Table 7 Building Frontage: CANOPY

A canopy frontage contains a permanently attached rigid canopy that projects outward

from the façade to shield the main entrance, windows, and sidewalk from the elements.



Setbacks (see 45-31.E.1.a)

Main Entrance (see 45-31.F.1)

Build-to Zone (see 45-31.E.1.b)

Façade Transparency (see 45-31.F.2)

Build-to zone: 0' min., 10' max. **D, E**

Ground story: 30% min.

Floor-to-Area Ratio (see 45-31.E.1.c)

Upper stories: 20% min.

Building Frontage Standards (see 45-31.E.2)

Encroachments (see 45-31.F.3)

Percentage: 60% min.

Building Height (see 45-31.E.3)

Awnings (see 45-31.F.4)

Floor and Ceiling Height (see 45-31.E.4)

Balconies (see 45-31.F.5)

Landscape Standards (see 45-31.E.5)

Bay Windows (see 45-31.F.6)

Streetscape Standards (see 45-31.E.6)

Parking Standards (see 45-31.H)

Canopy Dimensions

Review Procedures (see 45-31.I)

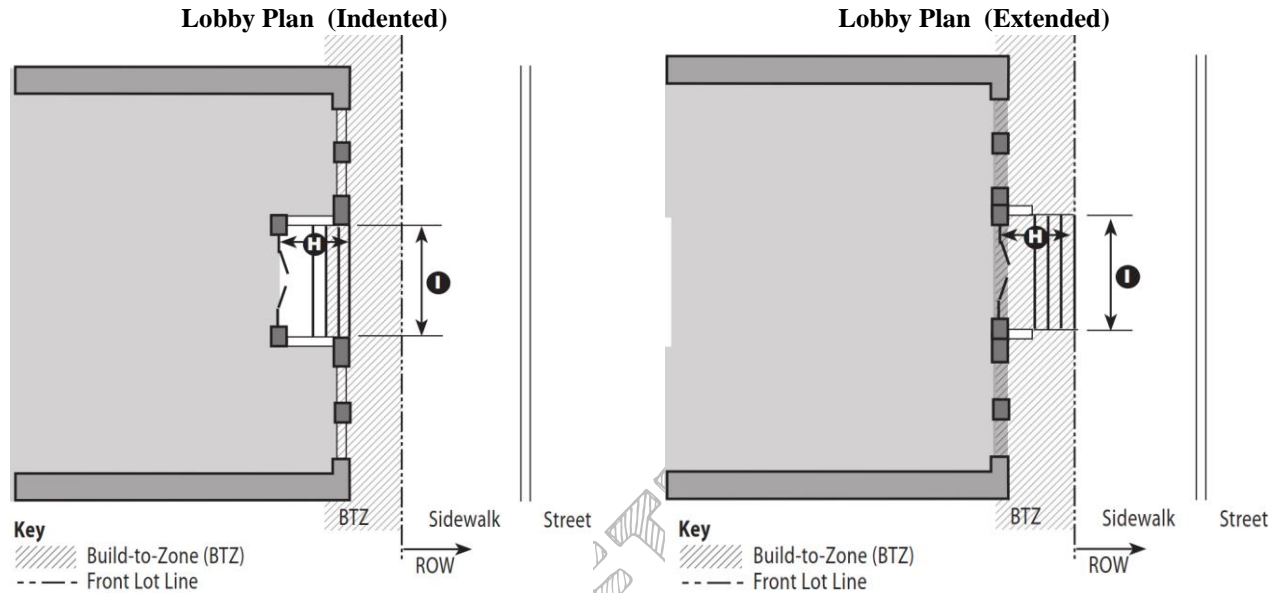
Height: 10' min. clear **G**
 Depth: 8' min. **H**
 Cumulative width: 60% min. of building frontage **I**
 Setback from curb: 2' min. **J**

9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

Table 8 Building Frontage: LOBBY

A forecourt is a small private open space that is open to the sidewalk and bounded on two or three sides by the exterior walls of buildings.

Although forecourts are allowed on most building frontages, one or more forecourts are dominant features on the façade in the forecourt building frontage.



Setbacks (see 45-31.E.1.a)

Build-to Zone (see 45-31.E.1.b)

Build-to zone: 0' min., 20' max. **D**

Floor-to-Area Ratio (see 45-31.E.1.c)

Building Frontage Standards (see 45-31.E.2)

Percentage: 60% min.

Building Height (see 45-31.E.3)

Floor and Ceiling Height (see 45-31.E.4)

Landscape Standards (see 45-31.E.5)

Streetscape Standards (see 45-31.E.6)

Dimensions of Lobby Entrances

Depth: 10' min., 15' max. **H**

Width: 10' min., 30' max. **I**

Main Entrance (see 45-31.F.1)

Facade Transparency (see 45-31.F.2)

Ground story: 30% min.

Upper stories: 20% min.

Encroachments (see 45-31.F.3)

Awnings (see 45-31.F.4)

Balconies (see 45-31.F.5)

Bay Windows (see 45-31.F.6)

Parking Standards (see 45-31.H)

Review Procedures (see 45-31.I)

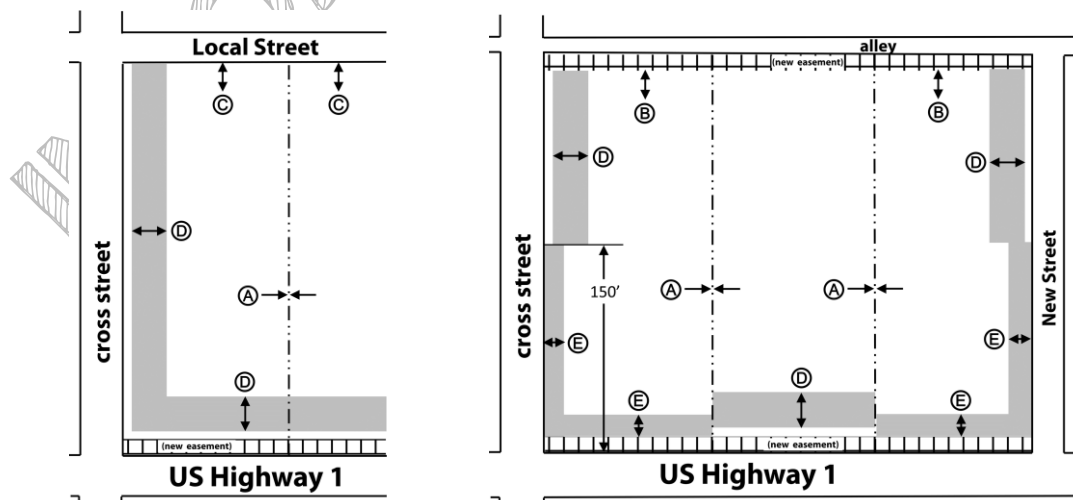
9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

E. ~~Building Site area regulations:~~ and bulk standards.

1. Setbacks, build-to zone, floor-to-area ratio.

- a. **Setbacks.** Minimum setbacks between buildings and side, rear, and Local Street front lot lines are illustrated on Figure 5 and established as follows:
 - i) **Side setbacks** (“A”) are 0 feet
 - ii) **Rear setbacks** (“B”) are 0 feet (measured from the new easement for lots located along alleys).
 - iii) **Local Street front setbacks** (“C”) are 15’ feet
- b. **Build-to zone.** A build-to zone is specified for each frontage type. The build-to zone is parallel to the street frontage and is measured from the front lot line. Figure 5 shows build-to zones as “D” for mid-block lots and as “E” for corner lots and lots facing new streets. A portion of a building’s facade that faces that street frontage must be placed within the specified build-to zone (see explanation in subsection 45-31.E.2).
 - i) For properties facing New Streets as defined in subsection 45-31.G, build-to zones (“D” and “E”) are measured from the outer edges of the new sidewalks (see Figure 12).
 - ii) Allowable encroachments beyond the build-to zone are specified in subsection 45-31.E.3.
 - iii) For properties facing Local Streets, the front setback (“C”) shall be observed instead of the build-to zone.

Figure 5 Setbacks and Build-To Zones



9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

c. **Floor-to-area ratio.** The Comprehensive Plan establishes caps on the ratio of floor area to lot area. The cap that applies to the C-A zoning district is currently 1.10. Floor-to-area ratios are calculated as follows:

- i) **Floor area** is the sum of the gross horizontal area of all stories of all buildings on the site, including walls and non-habitable space but excluding any floor area with a screened roof or no roof. Stories devoted to parking, including ground-story parking under buildings, shall be included in the floor area.
- ii) **Lot area** is the total area enclosed by the lot lines of the site being developed, including existing easements and including any additional land being dedicated for additional right-of-way or easements.

1. ~~Minimum building lot size.~~ The minimum lot of building site area for each commercial building shall be sixteen thousand (16,000) square feet and have a width of not less than eighty (80) feet measured at the front and rear lot lines and at the front building line.
2. ~~Maximum lot coverage.~~ Main and accessory buildings shall cover no more than thirty five (35) percent of the total lot area.
3. ~~Minimum lot coverage.~~ No main and accessory buildings shall be constructed that would occupy less than ten (10) percent of the total lot area or two thousand (2,000) square feet, whichever is greater.

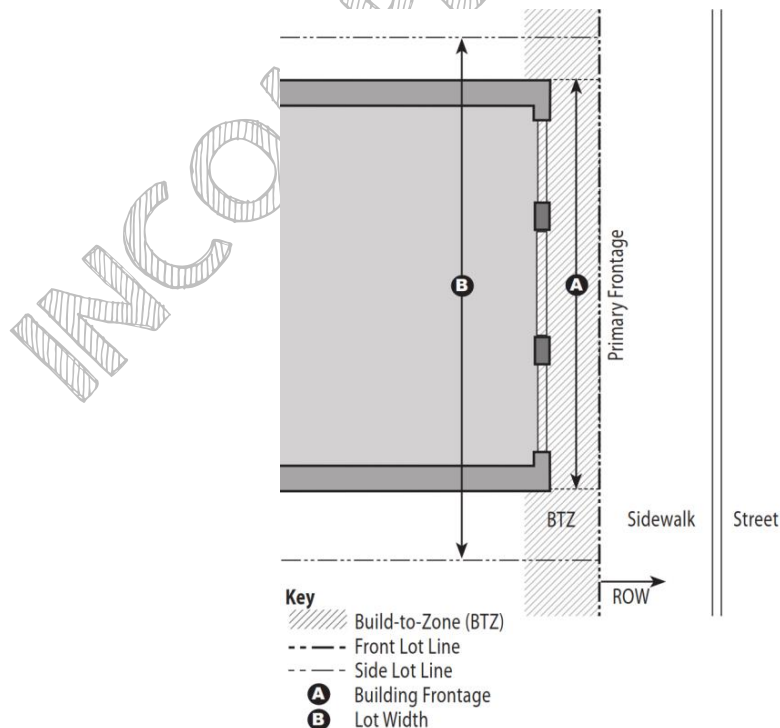
F. ~~Yards.~~

1. ~~Front yards.~~ All buildings facing U.S. [Highway No.] 1 shall set back from the right of way to provide a front yard of not less than seventy (70) feet. All buildings shall [be] set back from the rights of way of streets which intersect with U.S. [Highway No.] 1 providing a yard of not less than twenty five (25) feet.
2. ~~Side yards.~~ All buildings less than twenty five (25) feet in height or two (2) stories in height shall [be] set back from side lot lines so as to provide side yards of not less than twenty (20) feet.
All buildings three (3) stories in height shall [be] set back from side lot lines so as to provide side yards of not less than twenty five (25) feet.
All buildings four (4) stories in height shall [be] set back from side lot lines so as to provide side yards of not less than thirty (30) feet.
3. ~~Rear yard.~~ All buildings less than twenty five (25) feet in height or two (2) stories in height shall be set back from the rear lot line so as to provide a rear yard of not less than thirty (30) feet.
All buildings three (3) stories in height shall [be] set back from the rear lot line so as to provide a rear yard of not less than thirty five (35) feet.
All buildings four (4) stories in height shall [be] set back from the rear lot line so as to provide a rear yard of not less than forty (40) feet.

9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

2. **Building frontage standards.** The portion of a new building's façade that is located in the build-to zone is called the building frontage. The width of the building frontage must comply with the building frontage percentage standards for each building frontage type (see Tables 3 through 8).
- a. Building frontage percentages are calculated by dividing the width of a building or buildings lying within the build-to zone (A) by the width of the lot along the same street frontage (B), as shown in Figure 6.
 - b. Minimum building frontage percentages are specified for each building frontage type in Tables 3 through 8.
 - i) If two building frontage types are used on a wide street frontage, the specified percentages are measured for each type.
 - ii) When buildings are being added or expanded, waivers may be requested in response to specific site limitations.
 - c. For certain architectural features described in this code, a portion of a building's façade that lies outside the build-to zone may be counted as building frontage. Examples are forecourts or lobby entrances that complies with the standards in Tables 5 or 8.
 - d. For properties with multiple street frontages, see Figure 5.

Figure 6 Building Frontage Percentages



9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

3. Building height.

- a. Buildings may up to 4 stories tall in the C-A zoning district, except that:
 - i) Within 25 feet of the rear property line, no portion of a building may exceed 2 stories.
 - ii) Within 50 feet of the rear property line, no portion of a building may not exceed 3 stories.
 - iii) The 25-foot and 50-foot restrictions are depicted on the regulating plan.
- b. For the purpose of calculating the number of stories in a building, stories shall be defined as the habitable building space between finished floor and finished ceiling, adjusted as follows:
 - i) Each level devoted to parking is considered as individual story when calculating the number of stories in a building.
 - ii) A mezzanine will not count towards the number of stories provided that the total area of mezzanine level is less than 40 percent of the floor area of the main story below.
 - iii) Buildings may include a partial story of habitable building space above the maximum number of stories otherwise allowed provided the floor area of the partial story is less than 30% of the floor area on the story below. Developers are encouraged to utilize this allowance on portions of buildings that are closest to street intersections and for architectural features such as towers or cupolas.

~~D. Building height regulations. No building or structure shall exceed four (4) stories or forty-four (44) feet. Elevator towers and mechanical apparatus are not restricted to the forty-four foot limit.~~

- ### 4. Density. Residential density in the C-A zoning district may not exceed 24 units per acre. The acreage in this formula is the total area enclosed by the lot lines of the site being developed, including existing easements and including any land being dedicated for additional right-of-way or easements.

9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

5. Floor and ceiling height.

- a. This code provide standards for minimum/maximum dimensions for floor elevations and minimum dimensions for ceiling heights. Figure 7 and Table 9 illustrate how these standards are measured:
- (i) Floor elevations are measured from the existing or anticipated sidewalk to the top of the finished floor of the ground story.
- (ii) Ceiling heights are measured from the top of the finished floor to the underside of the finished ceiling of each story.
- b. For the maximum height of buildings, see subsection 45-31.D.3.

Figure 7 Floor and Ceiling Measurements

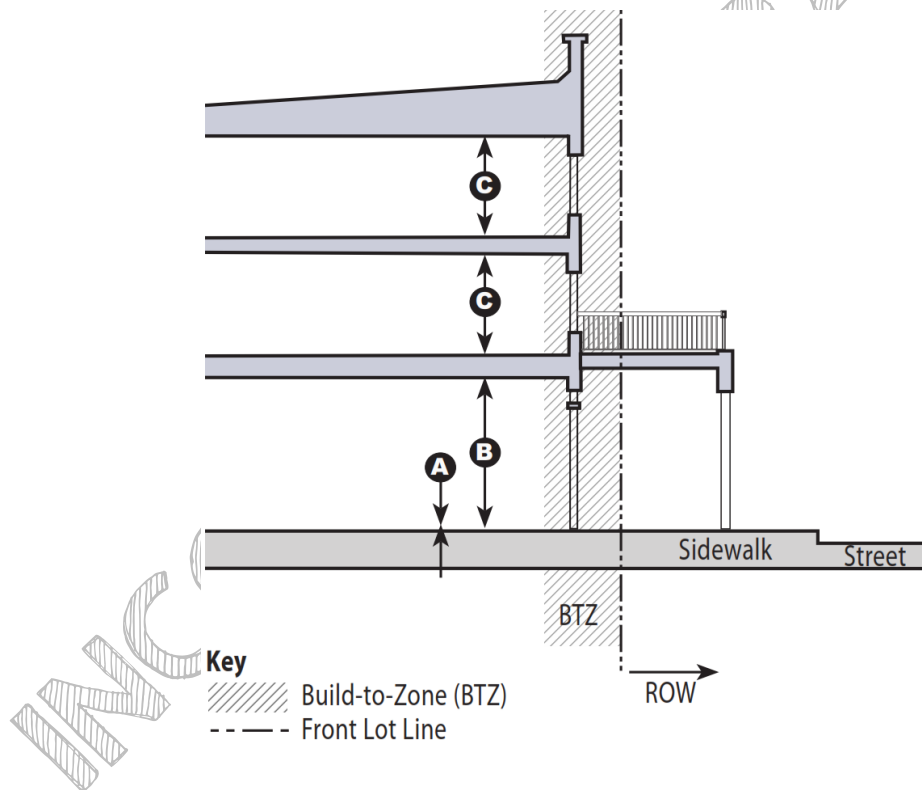


Table 9 Floor and Ceiling Measurements

<u>Elevation of ground-story floor above sidewalk</u>	<u>A</u>
<u>Minimum height of ground-story ceiling</u>	<u>B</u>
<u>Minimum height of upper-story ceilings</u>	<u>C</u>

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6. Landscape standards.

F. Architectural features. *[explain purpose of section E]*

1. Main entrance.

- a. A building's main entrance is its principal point of access for pedestrians. All buildings must have their main entrance facing a street frontage, or a courtyard or forecourt that is entered from a street frontage. Additional entrances are encouraged.
- b. Buildings fronting on two streets must have a pedestrian entrance on both streets.
- c. Additional rules for storefront doors are provided in Table 4.

2. Facade transparency.

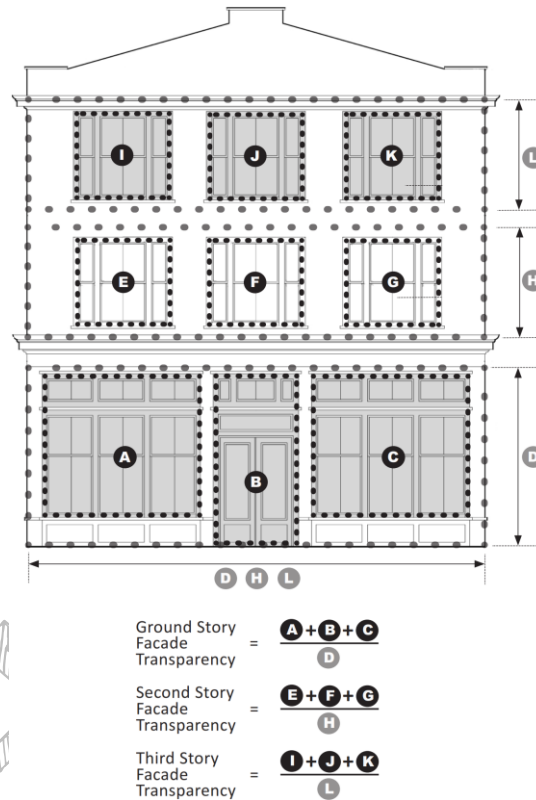
- a. Transparency means the amount of transparent window glass or other openings in a building's facade along a street frontage, relative to the overall surface area of the facade. This ratio is expressed as a percentage and is calculated separately for the ground story of a facade and for each upper story.
- b. Building facades along a street frontage must meet the minimum facade transparency requirements in Table 10 to provide natural surveillance of sidewalks and streets, to provide interior daylight, and to allow clear views into storefronts.
- c. Facade transparency percentages are calculated for the area between the finished floor and finished ceiling of each story along each street frontage; see Figure 8. For the purposes of these measurements:
 - i) Glazed windows and doors with tinted glass or applied films will be considered transparent if they transmit at least 50% of visible daylight.
 - ii) The transparent area of windows and doors includes rails and stiles as well as muntin bars and other separators within primarily glazed areas; but the transparent area excludes outer solid areas such as jambs, sills, and trim.

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Table 10
Façade Transparency Percentages

<u>Building Frontage</u>	<u>Ground Story</u>	<u>Each Upper Story</u>
<u>Gallery</u>	30% min.	20% min.
<u>Storefront</u>	70% min.	40% min.
<u>Forecourt</u>	30% min.	20% min.
<u>Stoop</u>	20% min.	20% min.
<u>Canopy</u>	30% min.	20% min.
<u>Lobby</u>	30% min.	20% min.

Figure 8
Calculating Façade Transparency



3. **Encroachments.** Many architectural elements described in subsections 45-31.D and 45-31.E may project beyond the closest point to a property line where an exterior wall may be constructed. Table 11 identifies the allowable projections; the key column refers to Figure 5.

a. **On private property.** These elements may project into side or rear setbacks and project forward beyond the build-to zone to the extent permitted by Table 11 provided this code's requirements for each element are met.

b. **On public property.** Some of these elements may also extend horizontally over a public right-of-way in accordance with those regulations to the extent permitted by Table 11 provided this code's requirements for each element are met in addition to these general requirements:

- i) Must maintain at least 10' of vertical clearance.
- ii) Must meet any insurance or liability requirements established by the Village Attorney.

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iii) Must obtain prior approval from the responsible entity for any encroachment over a right-of-way not maintained by the Village.

c. Sidewalk cafes with outdoor table service may be provided on public sidewalks when in compliance with all Village codes.

Table 11 Encroachments

	<u>Dimension</u>	<u>Key</u>
<u>Side (interior)</u> (all features)	<u>4' max. into side setback</u>	<u>A</u>
<u>Rear</u> (all features)	<u>4' max. into rear setback</u>	<u>B</u>
<u>Front</u> (on private property facing a local street))	<u>4' max. into front setback</u>	<u>C</u>
<u>Front</u> (on private property facing all other streets)	<u>no max. on private property</u>	<u>D, E</u>
<u>Front</u> (on public property facing all other streets):		<u>D, E</u>
<u>Gallery</u> (Table 3)	<u>up to 2' from curb</u>	
<u>Storefront cover</u> (Table 4)	<u>up to 2' from curb</u>	
<u>Forecourt</u> (Table 5)	<u>no encroachment allowed</u>	
<u>Stoop</u> (Table 6)	<u>no encroachment allowed</u>	
<u>Canopy</u> (Table 7)	<u>up to 2' from curb</u>	
<u>Lobby</u> (Table 8)	<u>no encroachment allowed</u>	
<u>Awning</u> (45-31.E.4)	<u>up to 2' from curb</u>	
<u>Balcony</u> (45-31.E.5)	<u>up to 2' from curb</u>	
<u>Bay window</u> (45-31.E.6)	<u>up to 2' from curb</u>	

9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

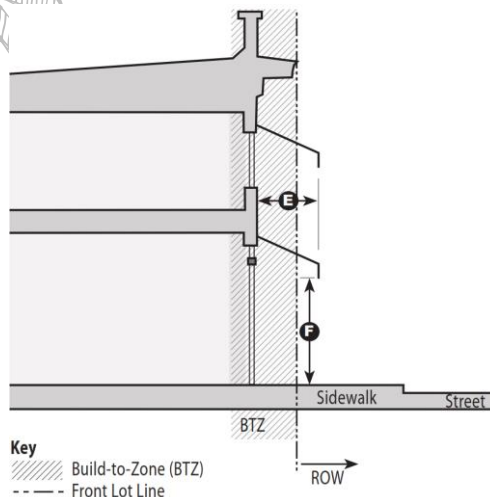
4. Awnings.

- a. An awning is a flexible cover that projects outward from a building's exterior wall to shield a window, door, sidewalk, or other space below from the elements.
- b. To encourage the construction of awnings, awnings are allowed to project horizontally beyond the closest point to a property line where an exterior wall may be constructed, including over a public right-of-way. See subsection 45-31.E.3 for allowances and limitations on such encroachments. To qualify for these encroachments, the awning must meet the following requirements:
- i) The depth of the awning from the face of the building must be at least 4 feet.
 - ii) The height of the awning from the sidewalk to the underside of the awning must be at least 10 feet.
 - iii) High-gloss or plasticized fabrics may not be used.
 - iv) Awnings may not be back-lit.

Table 12 Awning Dimensions

	<u>Dimension</u>	<u>Key</u>
<u>Depth</u>	4' min.	<u>E</u>
<u>Height</u>	10' min. clear	<u>F</u>

Figure 9 Awning



9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

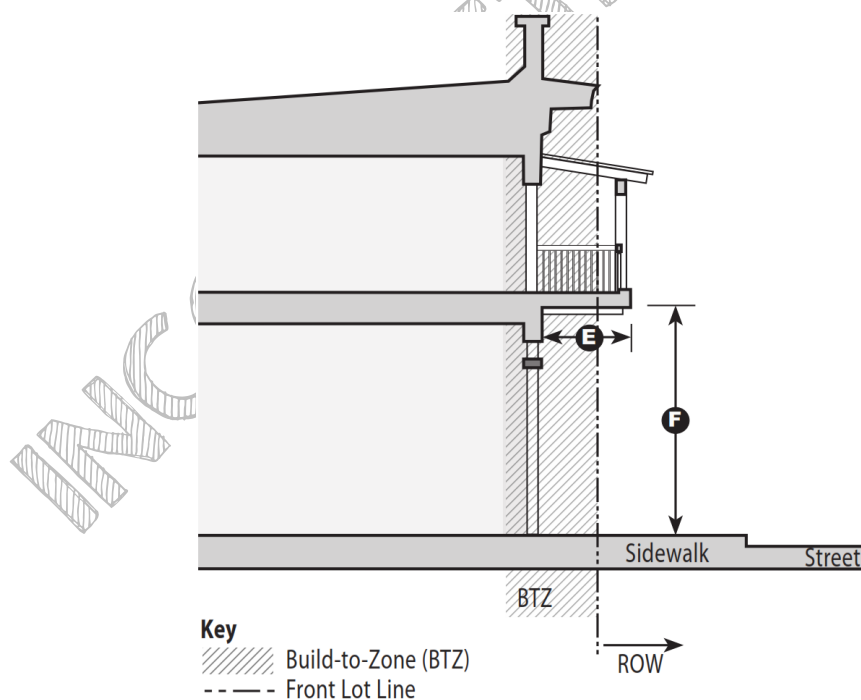
5. Balconies.

- a. A balcony is an unenclosed private open space that typically projects outward from a building's exterior wall.
- b. To encourage the construction of balconies, balconies are allowed to project horizontally beyond the closest point to a property line where an exterior wall may be constructed. Balconies in upper stories may also project horizontally over a public right-of-way. See subsection 45-31.E.3 for allowances and limitations on such encroachments. To qualify for these encroachments, the balcony must meet the requirements in Table 13.

Table 13 Balcony Dimensions

	<u>Dimension</u>	<u>Key</u>
<u>Depth</u>	4' min.	<u>E</u>
<u>Height</u>	10' min. clear	<u>F</u>

Figure 10 Balcony



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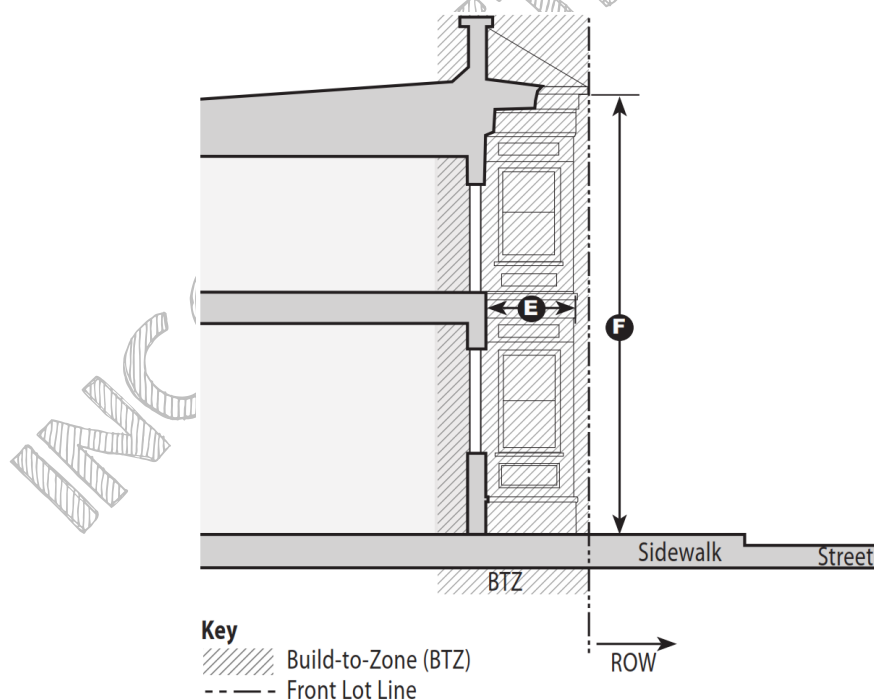
6. Bay windows.

- a. A bay window creates interior space that projects outward from a building's exterior wall.
- b. To encourage the construction of bay windows, bay windows are allowed to project horizontally beyond the closest point to a property line where an exterior wall may be constructed. Bay windows in upper stories may also project horizontally over a public right-of-way. See subsection 45-31.E.3 for allowances and limitations on such encroachments. To qualify for these encroachments, the balcony must meet the requirements in Table 14.

Table 14 Bay Window Dimensions

	<u>Dimension</u>	<u>Key</u>
<u>Depth</u>	4' min.	<u>E</u>
<u>Height</u>	2 stories max.	<u>F</u>

Figure 11 Bay Window

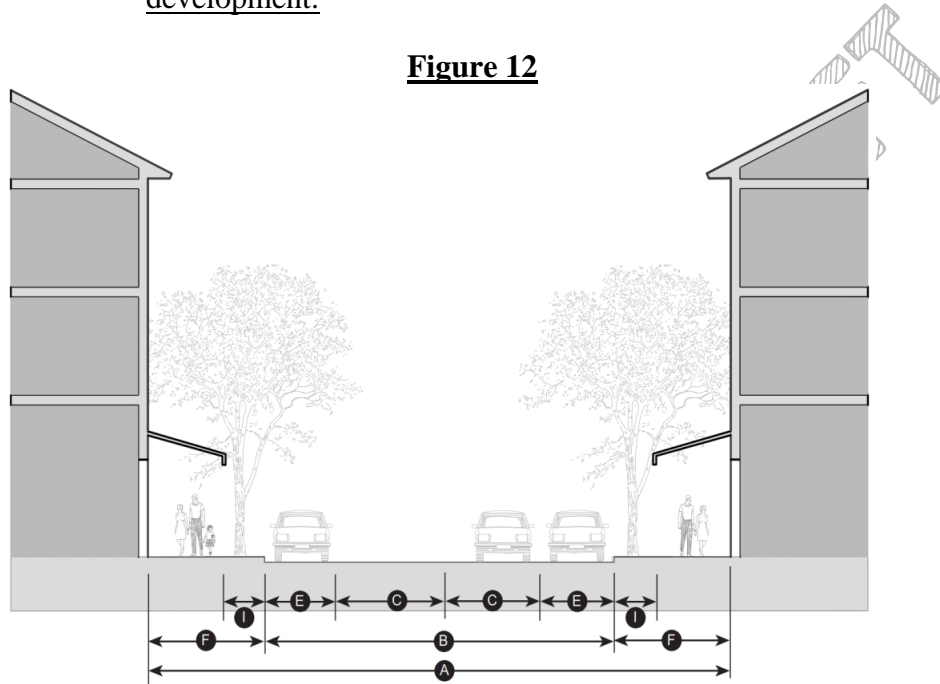


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G. Street, alley, and easement standards.

1. **New streets.** Landowners may choose to construct a new street between US Highway 1 and the alley in the areas designated on the regulating plan. The following standards apply to any such new streets:
 - a. **Cross-section.** New streets shall be designed in accordance with Figure 12 and constructed by the developer concurrently with the development.

Figure 12



<u>Description:</u>	<u>Details:</u>	<u>Key:</u>
<u>Width of right-of-way</u>	<u>60'</u>	<u>A</u>
<u>Movement type</u>	<u>Slow</u>	
<u>Target speed</u>	<u>25 mph</u>	
<u>Width of pavement</u>	<u>36'</u>	<u>B</u>
<u>Travel lanes</u>	<u>2 – 10' travel lanes</u>	<u>C</u>
<u>Bicycle facilities</u>	<u>shared travel lanes</u>	<u>C</u>
<u>On-street parking</u>	<u>8' parallel parking</u>	<u>D</u>
<u>Pedestrian facilities</u>	<u>2 – 12' sidewalks</u>	<u>E</u>
<u>Furnishing strip:</u>		<u>F</u>
<u>Planter type</u>	<u>5' by 5' tree grates</u>	
<u>Tree spacing</u>	<u>30' average</u>	

9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

- b. **Other design and construction standards.** On subjects where Figure 12 does not provide design guidance, for instance driveway widths and curb radii at intersections, design shall be in accordance with NACTO's *Urban Street Design Guide*.
- i) Pavement, subgrade, drainage, and utilities must meet construction specifications of the Village of North Palm Beach.
- ii) The construction specifications for sidewalks and driveways in section 27-43 apply along new streets.
- iii) Street trees must be planted and maintained on both sides of new streets.
- c. **Ownership and maintenance.** New streets shall be owned and maintained privately unless another entity acceptable to the Village of North Palm accepts this responsibility. Irrespective of ownership and maintenance, landowners must guarantee perpetual public access to new streets in a form suitable to the Village Attorney.
- d. **Build-to zones.** Build-to zones for buildings facing a new street will be determined in accordance with subsection 45-31.E.1 irrespective of the new street's ownership.
- e. **Building frontage standards.** Building frontage standards for buildings facing a new street will be determined in accordance with subsection 45-31.E.2.
2. **Existing alleys.** The C-A district is served by alleys on both sides of US Highway 1 that are essential for general circulation and for access for services. To protect and enhance these functions, the following standards apply during the development process to all properties that abut an existing alley:
- a. A 7-foot perpetual transportation and utility easement must be dedicated to the Village along the alley, in a form acceptable to the Village Attorney.
- b. Setbacks for buildings along alleys are specified in subsection 45-31.E.1.
- c. Setbacks for surface parking along alleys are specified in Table 15 (subsection 45-31.H).
- d. The 5-foot landscaped strip required by section 27-63 must be planted and maintained adjoining the new easement.
- e. Refuse containers and other service or utility equipment must meet the same setbacks as for surface parking. Refuse container areas must be screened in accordance with section 27-41.

9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

H. ~~G. Off-street Parking and loading standards, regulations.~~ [in preparation]

Figure 13 Setbacks for Surface Parking Lots

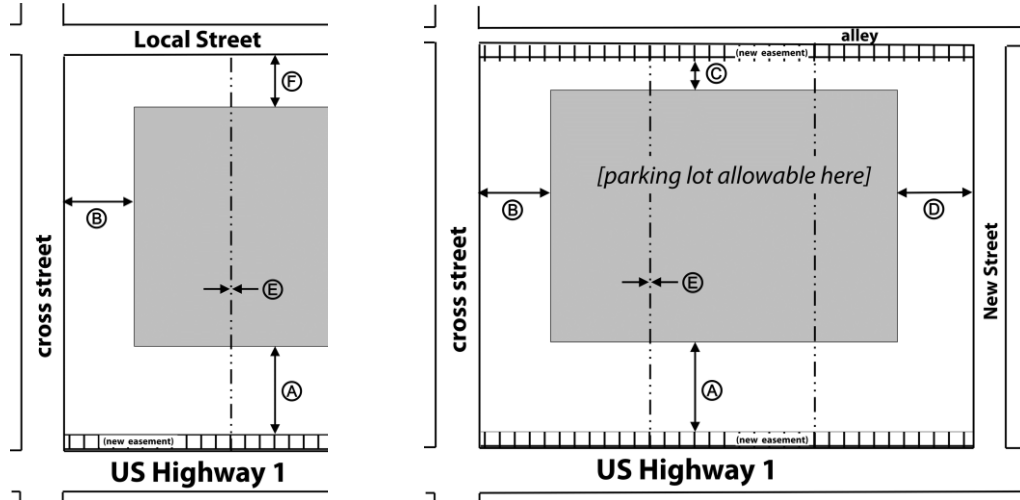


Table 15 Setbacks for Surface Parking Lots

<u>Parking lot setback, US Highway 1</u>	<u>50' min.</u>	<u>A</u>
<u>Parking lot setback, cross street</u>	<u>30' min.</u>	<u>B</u>
<u>Parking lot setback, alley</u>	<u>5' min.</u>	<u>C</u>
<u>Parking lot setback, New Street</u>	<u>30' min.</u>	<u>D</u>
<u>Parking lot setback, side lot lines</u>	<u>0' min.</u>	<u>E</u>
<u>Parking lot setback, Local Street</u>	<u>25' min.</u>	<u>F</u>

1. Off street parking shall be either on the same lot or within two hundred (200) feet of the building it is intended to serve measured from the nearest point of the building to the nearest point of the off street parking lot, without crossing any major thoroughfare.
2. Any area once designated as required off street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
3. Off street parking existing at the effective date of these regulations in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.
4. Two (2) or more buildings or uses may collectively provide the required off street parking, in which case the required number of parking spaces shall be not less than the sum of the requirements for the several individual uses computed separately.
5. The required off street parking shall be for occupants, employees, visitors, patrons and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited.

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Table of Parking Spaces Required

Uses	Parking Spaces Required
Banks; business or professional offices excluding doctors and dentists	One (1) per three hundred (300) square feet of usable floor area, plus one (1) per each three (3) employees
Barbershop or beauty shop	Two (2) per barber or three (3) per beautician based on the design capacity of the structure
Churches	One (1) per four (4) seats; or one (1) per thirty (30) square feet of usable floor area of auditorium, whichever is greater
Country club	One (1) per five (5) members
Restaurants and cocktail lounges where food and drink may be consumed on the premises only and where eating and serving areas are entirely contained within the building, not including drive-in hamburger, ice cream, soft drink, or other drive-in and/or carry-out eating establishments	One (1) space for each seventy five (75) square feet of area devoted to patron use, or one (1) space per three (3) fixed seats, whichever is the greater, plus one (1) space for each one and one half (1½) projected employees who would be actually working during peak employment hours.
Hotels, motels and tourist courts	Three (3) spaces, plus an additional space for each guest bedroom, plus an additional space for each fifteen (15) rooms or portions thereof. For example, a fifteen room motel would need nineteen (19) parking spaces
Marina	Two (2) for each three (3) boat mooring or storage space, boat for rent, as based on the design capacity of the facility. If public boat launching facilities are provided, the parking spaces shall be increased fifty (50) percent of that number as computed above
Medical and dental clinics; doctors and dentists offices	One (1) space for each one hundred fifty (150) square feet of floor area up to three thousand (3,000); one (1) additional space for each additional two hundred (200) square feet up to five thousand (5,000); one (1) additional space for each additional two hundred fifty (250) square feet over five thousand (5,000)
Mortuaries or funeral parlors	Five (5) spaces per parlor or chapel unit; or one (1) per four (4) seats, whichever is greater
Private clubs, lodge or union headquarters	One (1) per three (3) members based on the maximum design capacity of the facility
Retail stores and personal service establishments except as otherwise specified herein	One (1) per two hundred (200) square feet of retail floor space
Shopping centers containing five (5) or more stores, or fifteen thousand (15,000) square feet of building	There shall be a ratio of four (4) square feet of parking (including driveways required for ingress and egress and circulation) to each one (1) square foot of retail floor space
Time shares	Off street parking regulations. For each time share unit structure, there shall be provided two (2) or more parking spaces measuring at least nine (9) feet by eighteen (18) feet (one hundred sixty two (162) square feet) each, in accordance with the following formula: Two (2) such spaces shall be provided for each dwelling unit containing not more than two (2) bedrooms, and two and one half (2½) of such spaces shall be provided for each dwelling unit containing three (3) or more bedrooms, with the provision that for an uneven number of

9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

	units, the fractional space result produced by the application of such formula shall count as a full space; provided, however, that in multiple family dwellings containing more than thirty (30) dwellings units, for each dwelling units in excess of thirty (30) units and up to sixty (60) units one (1) such space shall be provided for each dwelling unit containing not more than two (2) bedrooms, and for each dwelling unit in excess of sixty (60) dwelling units one and one half (1½) such spaces shall be provided for each dwelling unit containing not more than two (2) bedrooms, and two and one half (2½) of such spaces shall be provided for each dwelling unit containing three (3) or more bedrooms, with the provision that for an uneven number of units, the fractional space result produced by the application of such formula shall count as a full space (For examples: Thirty (30) dwellings units containing two (2) bedrooms each shall require sixty (60) off street parking spaces; sixty (60) dwelling units containing two (2) bedrooms each shall require ninety (90) off street parking spaces; and ninety (90) dwelling units containing two (2) bedrooms each shall require one hundred thirty-five (135) off street parking spaces).
Auditoriums and places of assembly without fixed seats	One (1) per three (3) people based on the maximum design capacity of the structure
Veterinary establishments	Five (5) spaces per veterinarian based on the maximum design capacity of the facility or five (5) spaces for every four hundred (400) square feet of usable floor space, whichever is greater

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9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

~~H. Off-street parking lot layout, construction and maintenance. [in preparation]~~

Whenever the required off-street parking requires the building of a parking lot, and wherever a parking lot is built, such parking lot shall be laid out, constructed and maintained in accordance with the following regulations:

1. Each parking space shall measure at least nine (9) feet by eighteen (18) feet (one hundred sixty-two (162) square feet) and shall be a definitely designated and marked stall adequate for one (1) motor vehicle.
2. All areas devoted to permanent off-street parking as required under this section shall be built in accordance with specifications for streets and parking of the Village of North Palm Beach and maintained in such manner that no dust will result from continuous use.
3. The parking lot shall be drained to eliminate surface water.
4. Where parking lot abuts a residential district which has common frontage in the same block with the parking lot, there shall be established a setback line of twenty five (25) feet from the street lot line for the first twenty five (25) feet from the residential zone.
5. Plans for the layout of a parking lot must be approved by the village engineer based on design standards approved by the Institute of Traffic Engineers.
6. The parking lot shall not have access from a more restrictive zoning district.
7. No parking shall be permitted in the first ten (10) feet of the required front yard depth, measured from the front property line or the first ten (10) feet of a side or rear yard when the side or rear yard abuts a residential zoning district, except as modified in paragraph 4 above. The restriction against parking in the first ten (10) feet of the required front yard depth measured from the front property line shall not apply to those properties which have complied in full with the landscaping provisions of Chapter 41-16 through 41-25 [chapter 27, article III] both inclusive.
8. Clearly defined driveways entering on U.S. [Highway No.] 1 shall be constructed using a raised curb of at least six (6) inches in height to delineate the driveways. All streets intersecting with U.S. [Highway No.] 1, currently designed driveways shall be constructed using both concrete button markers of at least four (4) inches in height placed twenty four (24) inches apart to delineate the driveways. Such driveways shall have separate ingress and egress lanes not to exceed twenty (20) feet in width, exclusive of curb returns.
The ingress and egress driveways shall be separated by [a] six inch raised curb island of not less than three (3) feet in width and ten (10) feet in depth back from the right of way. Driveways for two (2) adjacent, separately owned parcels may be located on their joint property line. In all cases, driveways may not be located closer than

9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

forty (40) feet to an intersection. Except in cases where driveways are located on joint property lines, all driveways must be not less than twenty five (25) feet from the adjacent property line. Only one (1) such combined driveway shall be permitted for each lot with a width of one hundred (100) feet or less.

9. The rear yard of all lots in the C-1A district shall be designed and improved to facilitate loading and unloading. There shall be adequate space for standing, loading and unloading services to avoid undue interference with public use of streets or alleys.

I. ~~Time share structures; floor area.~~ In time share structures, each dwelling unit having one (1) bedroom shall have a minimum floor area of seven hundred fifty (750) square feet; an additional one hundred fifty (150) square feet of floor area shall be required for each additional bedroom provided.

J. ~~Architecture.~~ To provide the village with harmonious development, but without undue restrictions, the following features are required:

1. All building fronts and sides must be completely enclosed except for necessary doorways for ingress and egress.

2. No canopies are permitted unless constructed of metal, or other permanent materials and are installed parallel to the store front sidewalks not less than nine (9) feet above the sidewalk.

9. PROPOSED CHANGES TO C-A ZONING DISTRICT (§ 45-31)

I. **Review procedures.** *[in preparation]*

- 1.** **Submittal and review procedures.** Compliance with the standards of the C-A district shall be demonstrated by submittal of architectural drawings and a site development plan or site improvement plan in accordance with village regulations, which generally require a certificate of appropriateness from the planning commission before building and other permits may be issued (see sections 6-30–6-60).
- 2.** **Variances.** Variances may be granted by the village to standards in the C-A district using the same procedures and criteria the village uses in granting variances from other regulations (see section 45-50).
- 3.** **Waivers.** Waivers may be granted by the village to certain standards in the NB district in accordance with the applicable village procedures for granting waivers (see section 45-51), with these additional requirements:
 - a. Waivers in the C-A district are **limited to**
 - b. The planning commission must make these additional findings before approving a waiver in the C-A district:
 - i)
 - ii)
 - iii)
 - iv)
- 4.** **Non-conformities.** *[specify changes from existing regulations]*
- 5.** _____

10 PROPOSED CHANGES TO C-B ZONING DISTRICT (§ 45-32)

Sec. 45-31.1. – C-B commercial district.

- A. **General description.** This tourist-commercial district is established to provide areas within which the principal use of land is devoted to commercial establishments and tourist-oriented trade. The intent is to reserve lands which, because of particular location and natural features, are adapted to local and tourist uses, and to encourage the development of these locations for such uses and in such manner as to minimize traffic hazards and interference with other land uses.
- B. **Uses permitted.** The following uses are permitted in the CB commercial district:
1. Reserved.
 2. Restaurants and cocktail lounges where food and drink may be consumed on the premises only and where eating and serving areas are entirely contained within the building or the premises otherwise qualify under outdoor seating provisions of Appendix C—Zoning, not including drive-in hamburger, ice cream, soft drink or other drive-in and/or carry-out eating establishments.
 3. Financial institutions.
 4. Professional offices.
 5. Churches.
 6. Personal service establishments, such as barbershops, beauty shops and health salons.
 7. Florist shops.
 8. Clothing stores.
 9. Stationery stores, bookstores and/or art supply shops.
 10. Pharmacies or apothecaries.
 11. Photographic studios and camera shops.
 12. Sporting goods stores.
 13. Personal gift shops.
 14. Jewelry stores.
 15. Bakery shop, retail.
 16. Candy shop, retail.
 17. Cigar/tobacco shop.
 18. Seamstress.
 19. Shoe repair shop.
 20. Tailor shop.
- C. **Conditions for permitted uses:**
1. All activities (except restaurants that qualify under outdoor seating provisions of Appendix C—Zoning), sales and storage of goods must be conducted entirely within completely enclosed buildings with permanent nonmoving outside walls.

10 PROPOSED CHANGES TO C-B ZONING DISTRICT (§ 45-32)

2. No outside sidewalk or parking lot storage [or] display of merchandise will be permitted.

3. No manufacturing or production of products for retail or wholesale will be permitted.

D. **Building height regulations.** No building or structure shall exceed two (2) stories or twenty-five (25) feet. Elevator towers and mechanical apparatus are not restricted to the twenty-five-foot limit.

E. **Building site area regulations:**

1. **Minimum building lot size.** The minimum lot of building site area for each commercial building shall be fifty thousand (50,000) square feet and have a width of not less than two hundred fifty (250) feet measured at the front and rear lot lines and at the front building line.

2. **Maximum lot coverage.** Main and accessory buildings shall cover no more than thirty-five (35) percent of the total lot area.

3. **Minimum lot coverage.** No main and accessory buildings shall be constructed that would occupy less than ten (10) percent of the total lot area or five thousand (5,000) square feet, whichever is greater.

F. **Yards.**

1. **Front yards.** All buildings facing U.S. [Highway No.] 1 shall set back from the right-of-way to provide a front yard of not less than twenty-five (25) feet. All buildings shall [be] set back from the right-of-way of streets which intersect with U.S. [Highway No.] 1 providing a yard of not less than twenty-five (25) feet.

2. **Side yards.** All buildings one (1) or two (2) stories in height or less than twenty-five (25) feet in height shall have a combined side yard minimum width of forty (40) feet.

Zero side yard setbacks are permitted provided all other requirements of this section are complied with.

3. **Rear yard.** All buildings less than twenty-five (25) feet in height or two (2) stories in height shall be set back from the rear lot line so as to provide a rear yard of not less than thirty (30) feet.

G. **Off-street parking and loading regulations.**

1. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.

2. Off-street parking existing at the effective date of these regulations in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

10 PROPOSED CHANGES TO C-B ZONING DISTRICT (§ 45-32)

3. Two (2) or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
4. The required off-street parking shall be for occupants, employees, visitors, patrons, and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale or the repair of vehicles is prohibited.

Table of Parking Spaces Required

Uses	Parking Spaces Required
Banks; business or professional offices excluding doctors and dentists	One (1) per three hundred (300) square feet of usable floor area, plus one (1) per each three (3) employees
Barbershop or beauty shop	Two (2) per barber or three (3) per beautician based on the design capacity of the structure
Churches	One (1) per four (4) seats; or one (1) per thirty (30) square feet of usable floor area of auditorium, whichever is greater
Restaurants and cocktail lounges where food and drink may be consumed on the premises only and where eating and serving areas are entirely contained within the building, not including drive-in hamburger, ice cream, soft drink, or other drive-in and/or carry-out eating establishments	One (1) space for each seventy-five (75) square feet of area devoted to patron use, or one (1) space per three (3) fixed seats, whichever is the greater, plus one (1) space for each one and one-half (1½) projected employees who would be actually working during peak employment hours.
Hotels, motels and tourist courts	Three (3) spaces, plus an additional space for each guest bedroom, plus an additional space for each fifteen (15) rooms or portions thereof. For example, a fifteen-room motel would need nineteen (19) parking spaces
Medical and dental clinics; doctors and dentists offices	One (1) space for each one hundred fifty (150) square feet of floor area up to three thousand (3,000); one (1) additional space for each additional two hundred (200) square feet up to five thousand (5,000); one (1) additional space for each additional two hundred fifty (250) square feet over five thousand (5,000)

10 PROPOSED CHANGES TO C-B ZONING DISTRICT (§ 45-32)

Retail stores and personal service establishments except as otherwise specified herein	One (1) per two hundred (200) square feet of retail floor space
Time shares	<p>Off-street parking regulations. For each time-share unit structure, there shall be provided two (2) or more parking spaces measuring at least nine (9) feet by eighteen (18) feet (one hundred sixty-two (162) square feet) each, in accordance with the following formula: Two (2) such spaces shall be provided for each dwelling unit containing not more than two (2) bedrooms, and two and one-half (2½) of such spaces shall be provided for each dwelling unit containing three (3) or more bedrooms, with the provision that for an uneven number of units, the fractional space result produced by the application of such formula shall count as a full space; provided, however, that in multiple-family dwellings containing more than thirty (30) dwellings units, for each dwelling units in excess of thirty (30) units and up to sixty (60) units one (1) such space shall be provided for each dwelling unit containing not more than two (2) bedrooms, and for each dwelling unit in excess of sixty (60) dwelling units one and one-half (1½) such spaces shall be provided for each dwelling unit containing not more than two (2) bedrooms, and two and one-half (2½) of such spaces shall be provided for each dwelling unit containing three (3) or more bedrooms, with the provision that for an uneven number of units, the fractional space result produced by the application of such formula shall count as a full space (For examples: Thirty (30) dwellings units containing two (2) bedrooms each shall require sixty (60) off-street parking spaces; sixty (60) dwelling units containing two (2) bedrooms each shall require ninety (90) off-street parking spaces; and ninety (90) dwelling units containing two (2) bedrooms each shall require one hundred thirty-five (135) off-street parking spaces).</p>
Building lots containing five (5) or more stores, or fifteen thousand (15,000) square feet of building	There shall be a ratio of four (4) square feet of parking (including driveways required for ingress and egress and circulation) to each one (1) square foot of retail floor space.
Veterinary establishments	Five (5) spaces per veterinarian based on the maximum design capacity of the facility or five (5) spaces for every

10 PROPOSED CHANGES TO C-B ZONING DISTRICT (§ 45-32)

	four hundred (400) square feet of usable floor space, whichever is greater
--	--

1 H. ***Off-street parking lot layout, construction and maintenance.*** Whenever
2 the required off-street parking requires the building of a parking lot, and
3 wherever a parking lot is built, such parking lot shall be laid out, constructed
4 and maintained in accordance with the following regulations:

- 5 1. Each parking space shall measure at least nine (9) feet by eighteen (18)
6 feet (one hundred sixty-two (162) square feet) and shall be a definitely
7 designated and marked stall adequate for one (1) motor vehicle.
- 8 2. All areas devoted to permanent off-street parking as required under
9 this section shall be built in accordance with specifications for streets
10 and parking of the Village of North Palm Beach and maintained in
11 such manner that no dust will result from continuous use.
- 12 3. The parking lot shall be drained to eliminate surface water.
- 13 4. Where parking lot abuts a residential district which has common
14 frontage in the same block with the parking lot, there shall be
15 established a setback line of twenty-five (25) feet from the street lot
16 line for the first twenty-five (25) feet from the residential zone.
- 17 5. Plans for the layout of a parking lot must be approved by the village
18 engineer based on design standards approved by the Institute of Traffic
19 Engineers.
- 20 6. The parking lot shall not have access from a more restrictive zoning
21 district.
- 22 7. No parking shall be permitted in the front yard or the side yard.

23 I. ***Time-share structures; floor area.*** In time-share structures, each dwelling
24 unit having one (1) bedroom shall have a minimum floor area of seven
25 hundred fifty (750) square feet; an additional one hundred fifty (150) square
26 feet of floor area shall be required for each additional bedroom provided.

27 J. ***Architecture.*** To provide the village with harmonious development, but
28 without undue restrictions, the following features are required:

- 29 1. All building fronts and sides must be completely enclosed except for
30 necessary doorways for ingress and egress.
- 31 2. No canopies are permitted unless constructed of metal or other
32 permanent materials and [unless the canopies] are installed parallel to
33 the store front sidewalks not less than nine (9) feet above the sidewalk.

11. PROPOSED CHANGES TO C-1A ZONING DISTRICT (§ 45-32)

Sec. 45-32. - C-1A limited commercial district.

- A. *Uses permitted.* Within any C-1A limited commercial district, no building, structure, land or water shall be used, except for one (1) or more of the following uses:
1. Reserved.
 2. Hotels, motels and time-share units.
 3. Restaurants other than drive-in restaurants, including cocktail lounges.
 4. Nursery and private schools.
 5. Golf club and its accessory uses such as restaurant, bar, driving range and equipment store.
 6. Professional offices including real estate offices, finance offices, medical and dental clinics and the like, providing same are architecturally and structurally in harmony with the spirit of the community.
 7. Marinas and their accessory uses such as wet boat storage facilities, indoor dry boat storage facilities, gasoline supplies and such minor repair facilities as are incidental to boat storage and which do not involve major boat and/or engine overhaul, provided all facilities are architecturally and structurally in harmony with the spirit of the community. Provided further that:
 - a. For each three thousand (3,000) cubic feet of designated boat storage space connected with indoor dry boat storage facilities and for each five hundred (500) square feet of indoor retail boat display floor area, there shall be provided one (1) two hundred-square-foot parking space, exclusive of workshop and office areas.
 - b. For each one and one-half (1½) designated boat storage spaces connected with wet boat storage facilities, there shall be provided one (1) two hundred-square-foot parking space, exclusive of workshop and office areas.
 - c. For each one hundred (100) square feet of workshop floor area, there shall be provided one (1) two hundred-square-foot parking space, and for each two hundred (200) square feet of workshop area above the first floor, there shall be provided one (1) two hundred-square-foot parking space.
 - d. For each three hundred (300) square feet of floor area used for office purposes, there shall be provided one (1) two hundred-square-foot parking space.
 - e. All new marinas and major improvements to existing marinas shall provide sewage pump-out service to boats seven (7) meters (twenty-two and ninety-seven hundredths (22.97) feet) in length or more.

11. PROPOSED CHANGES TO C-1A ZONING DISTRICT (§ 45-32)

8. Multiple-family dwelling structures as a component of a commercial planned unit development containing a commercial component including retail and non-retail commercial facing a primary street frontage with a depth to be determined by the village council.
9. Assisted living facilities approved as a commercial planned unit development.

B. ***Building height regulations.*** No main building shall exceed two (2) stories or thirty (30) feet in height at the required front, rear and side building lines. For structures in excess of two (2) stories in height, five (5) feet shall be added to the required front, rear and side yards for each story added to the building in excess of two (2). No main building, however, shall occupy more than thirty-five (35) percent of the site area so required.

C. ***Building site area regulations.***

1. For single- and multiple-family dwelling structures, the same as required in the R-1 and R-3 districts, respectively.
2. For assisted living facilities, a minimum of one (1) acre.

D. ***Yard space regulations.***

1. ***Front yards.***

- (a) For main structures of two (2) stories or less, there shall be a front yard of not less than fifty (50) feet measured from the street line to the front line of the main building.
- (b) For structures in excess of two (2) stories in height, the front yard depth required shall be controlled by the provisions defined in paragraph B of this section.

2. ***Rear yard.***

- (a) For main structures of two (2) or less stories, the same as for R-1 and R-2 district.
- (b) For structures in excess of two (2) stories in height, the rear depth required shall be controlled by the provisions defined in paragraph B of this section.

3. ***Side yards.***

- (a) For structures of two (2) stories or less, the same as for R-1 and R-2 districts.
- (b) For structures in excess of two (2) stories in height, the side yard requirements shall be controlled by the provisions defined in paragraph B of this section.
- (c) For a distance of one (1) block on streets intersecting U.S. [Highway No.] 1, measured from the right-of-way line of said U.S. [Highway No.] 1, side yards of at least twenty-five (25) feet in depth shall be provided.

11. PROPOSED CHANGES TO C-1A ZONING DISTRICT (§ 45-32)

E. *Off-street parking regulations.*

1. For single- and multiple-family structures, the same as for the R-1 and R-3 districts, respectively.
2. Churches, the same as for the R-2 multiple-family dwelling district.
3. For hotels, one (1) space for each three (3) bedrooms, plus one (1) additional space for each five (5) employees.
4. Hotel apartments, one (1) space for each dwelling unit.
- 4.1. Time-sharing units, the same as for C-A commercial district.
5. Motels, one (1) space for each guest bedroom, plus one (1) space for the resident manager or owner.
6. Restaurants, one (1) space for each seventy-five (75) square feet of floor area devoted to patron use, or one (1) space per three (3) fixed seats, whichever is the greater, and one (1) space for each one and one-half (1½) projected employees who would be actually working during peak employment hours.
7. No parking shall be permitted in the first ten (10) feet of the required front yard depth, measured from the front property line. The restriction against parking in the first ten (10) feet of the required front yard depth measured from the front property line shall not apply to those properties which have complied in full with the landscaping provisions of Sections 41-16 through 41-25 [Chapter 27, Article III], both inclusive.

Each convalescent hospital and nursing home shall be provided with one (1) parking space measuring at least nine (9) feet by eighteen (18) feet (one hundred sixty-two (162) square feet) for each six (6) beds in the establishment, plus one (1) parking space for each three hundred (300) square feet of administrative and service area within the building (kitchen, service halls, chapel, dining room, lounge, visiting areas and treatment rooms).

Each assisted living facility shall be provided with one (1) parking space measuring at least nine (9) feet by eighteen (18) feet (one hundred sixty-two (162) square feet) for each residential living area or two (2) beds whichever is greater, plus one (1) parking space for each three hundred (300) square feet of administrative and service area within the building (kitchen, service halls, chapel, dining room, lounge, visiting areas and treatment rooms).

F. *Floor area regulations.*

1. In multiple-family dwelling structures, each dwelling unit having one (1) bedroom shall have a minimum floor area of seven hundred fifty (750) square feet. An additional one hundred fifty (150) square feet of floor area shall be required for each additional bedroom provided.
2. In time-share structures, each dwelling unit having one (1) bedroom shall have a minimum floor area of seven hundred fifty (750) square

11. PROPOSED CHANGES TO C-1A ZONING DISTRICT (§ 45-32)

feet; an additional one hundred fifty (150) square feet of floor area shall be required for each additional bedroom provided.

3. In assisted living facilities, each residential living area containing one (1) bed shall have a minimum floor area of one hundred fifty (150) square feet. An additional one hundred (100) square feet of floor area shall be required for each additional bed provided within the same residential living area. The maximum number of beds allowed in an assisted living facility shall be determined by multiplying the gross acreage of the site by forty-seven and twenty-eight-hundredths (47.28) beds per acre.

G. *Conditions for permitted uses:*

1. All activities, sales and storage of goods must be conducted entirely within completely enclosed buildings with permanent nonmoving outside walls. The following exceptions apply:
 - (a) Restaurants that qualify under outdoor seating provisions of Appendix C—Zoning.
 - (b) Marinas with enclosed new boat retail display area may utilize outdoor rear and side yard site area for ground level new boat storage, rigging, minor repair and display subject to the following conditions:
 - (i) Outdoor storage, rigging, minor repair and display areas shall be completely screened from the view of the street right-of-way and adjacent properties with an opaque wall or fence to a height of six (6) feet.
 - (ii) The area of outdoor storage, rigging and display area shall not exceed the enclosed retail display floor area, including retail display area office space, or fifteen (15) percent of the total site area, whichever is less.

12. PROPOSED CHANGES TO C-C ZONING DISTRICT (§ 45-32.1)

Sec. 45-32.1. – C-C Transitional commercial district.

A. **General description.** This residential/ commercial transitional district is to provide for the development of low-intensity business offices and other complementary uses. The C-C district shall serve as a transition between residential areas and intense commercial development.

B. **Uses permitted.** The following uses are permitted in the C-C transitional commercial district:

1. Financial institutions
2. Professional and business offices, not including medical and dental clinics
3. Florists
4. Clothing stores
5. Stationery stores
6. Photo studios/camera shops
7. Sporting goods stores
8. Gift shops
9. Candy shops
10. Seamstress/tailor shop
11. Personal service establishments, such as barber shops, ~~12.~~ hair salons, and ~~13.~~ nail salons
12. ~~14.~~ Instructional dance/music studios
13. Single-family dwellings with accessory buildings customarily incident thereto
14. Community residential homes of six (6) or fewer residents which otherwise meet the definition of a community residential home, provided that such homes shall not be located within a radius of one thousand (1,000) feet of another existing such home with six (6) or fewer residents.
15. Family day care home.
16. Multiple-family dwelling structures of not more than four (4) dwelling units, provided that residential density does not exceed 12 units per acre.

C. **Conditions for permitted uses:**

1. All activities, sales and storage of goods must be conducted entirely within completely enclosed buildings with permanent nonmoving outside walls.
2. No outside sidewalk of parking lot storage (or) display of merchandise will be permitted.
3. No manufacturing or production of products for retail or wholesale will be permitted.

12. PROPOSED CHANGES TO C-C ZONING DISTRICT (§ 45-32.1)

- 1 D. **Building height regulations.** No building or structure shall exceed two (2)
2 stories or twenty five (25) feet.
- 3 E. **Building site area regulations:**
- 4 1. ~~Maximum floor-area-ratio: 0.70 Maximum lot coverage. Main and~~
5 ~~accessory buildings shall cover no more than thirty five (35) percent of~~
6 ~~the total lot area.~~
- 7 2. ~~Reserved.~~
- 8 F. **Yards.**
- 9 1. **Front yards.**
- 10 (a) All buildings shall be constructed from the Alternate A-I-A or
11 Prosperity Farms Road right-of-way to provide a front yard of
12 not less than twenty (20) ~~thirty (30)~~ feet.
- 13 (b) All buildings shall be set back from the right-of-way of streets
14 which intersect with Alternate A-I-A or Prosperity Farms Road
15 providing a yard of not less than ten (10) ~~twenty five (25)~~ feet.
- 16 (c) The ground story of each building facade that faces a front yard
17 must have at least 20% of its surface area in transparent glass
18 that will transmit at least 50% of visible daylight.
- 19 2. **Side and rear yards.** All buildings shall be set back from side and rear
20 lot lines so as to provide side and rear yards of not less than:
- 21 (a) Ten (10) Fifteen (15) feet when abutting a lot with residential
22 zoning.
- 23 (b) Zero (0) feet when abutting a lot with commercial zoning.
- 24 3. ~~Rear yards.~~ All buildings shall be set back from rear lot lines so as to
25 provide a rear yard of not less than fifteen (15) feet.
- 26 G. **Off-street parking regulations.** Off-street parking shall be provided at half
27 of the number of parking spaces required in:
- 28 1. the C-1 zoning district for commercial uses; and the same as for the
29 CA commercial district.
- 30 2. the R-2 zoning district for residential uses.
- 31 H. **Off-street parking layout, construction and maintenance** shall be as
32 provided in section 45-36.J. the same as for the CA commercial district.
- 33 I. **Landscaped Buffers.**
- 34 1. Adjacent to public rights-of-way – as required by section 27-63.
- 35 2. Other perimeter landscaping – as required by section 27-64, except
36 that no perimeter landscaping is required along a lot line that abuts
37 commercial zoning.
- 38 3. Parking area interior landscaping – as required by section 27-65.

13. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

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

A. General description and intent.

1. The C-3 regional mixed-use district encourages the redevelopment of the former Twin City Mall site into a vibrant mixed-use place for businesses, visitors, and residents of North Palm Beach, Lake Park, and surrounding areas.
2. A Citizens Master Plan, adopted by the Village of North Palm Beach in 2016, envisioned this site being enhanced with new walkable and bikeable streets and compact mixed-use buildings that are served by varied forms of public and private transportation. This C-3 district and its special PUD procedures were modified in 2018 to carry out the concepts set forth in the Citizens Master Plan for this site.
3. This site is bisected by the Village's municipal boundary with the Town of Lake Park. The two municipalities entered into an interlocal agreement in 1993 committing to consistent planning and permitting that would foster coordinated redevelopment of the entire site. This agreement requires that both municipalities maintain compatible zoning for the site and that each will review all zoning applications. Procedural details for PUD modifications and site plan approvals are provided in subsection 45-34.1.J.
 - a. Redevelopment proposals within the Lake Park portion of the site will be reviewed in a timely manner by the Village according to the standards in subsection 45.34.1 and other portions of this code, with the results of that review forwarded to Lake Park within ten days of its completion.
 - b. Redevelopment proposals within the North Palm Beach portion of the site will be reviewed by the Village according to the same standards as soon as possible after receiving review comments from Lake Park.

~~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:~~

13. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

B. Allowable Uses. Table 1 indicates allowable uses in the North Palm Beach C-3 zoning district.

- 1.** The uses listed in Table 1 are grouped into four use groups: Residential Uses, Lodging Uses, Business Uses, and Civic & Education Uses.
- 2.** In one of the columns following each listed use, a symbol is provided to indicate that:
 - a.** This use is permitted by right without public hearings; or
 - b.** This use may be approved by the village council through the special PUD procedures in the C-3 district (see subsection 45-34-1.J); or
 - c.** This use, like other uses not listed in Table 1, is not permitted in the C-3 district.
- 3.** Terms in Table 1 are defined in section 45-2 under “Use Groups.”
- 4.** Also refer to section 45-16.1 on uses that are similar to uses listed in Table 1.

- (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:~~
- ~~**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.~~

13. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

1

Table 1 Allowable Uses

	<u>PERMITTED USE</u>	<u>BY PUD ONLY</u>	<u>NOT PERMITTED</u>
RESIDENTIAL USES			
<u>Mobile home park</u>			●
<u>Dwelling, one family detached</u>			●
<u>Dwelling, all other dwelling types</u>	●		
<u>Live/work unit</u>	●		
<u>Work/live unit</u>	●		
<u>Assisted living facility</u>		●	
<u>Community residence</u>	●		
<u>Community residential home</u>	●		
LODGING USES			
<u>Bed-and-breakfast establishment</u>	●		
<u>Hotel</u>	●		
<u>Motel</u>	●		
<u>Time-share unit</u>	●		
BUSINESS USES			
<u>Offices, general</u>	●		
<u>Office or clinic, medical or dental</u>	●		
<u>Stores & services, general</u>	●		
<u>Stores & services, large format</u>		●	
<u>Adult entertainment</u>			●
<u>Convenience store with fuel</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 or cocktail lounge</u>	●		
<u>Telecommunications antennas</u>		●	
CIVIC & EDUCATION USES			
<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>		●	

2

13. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

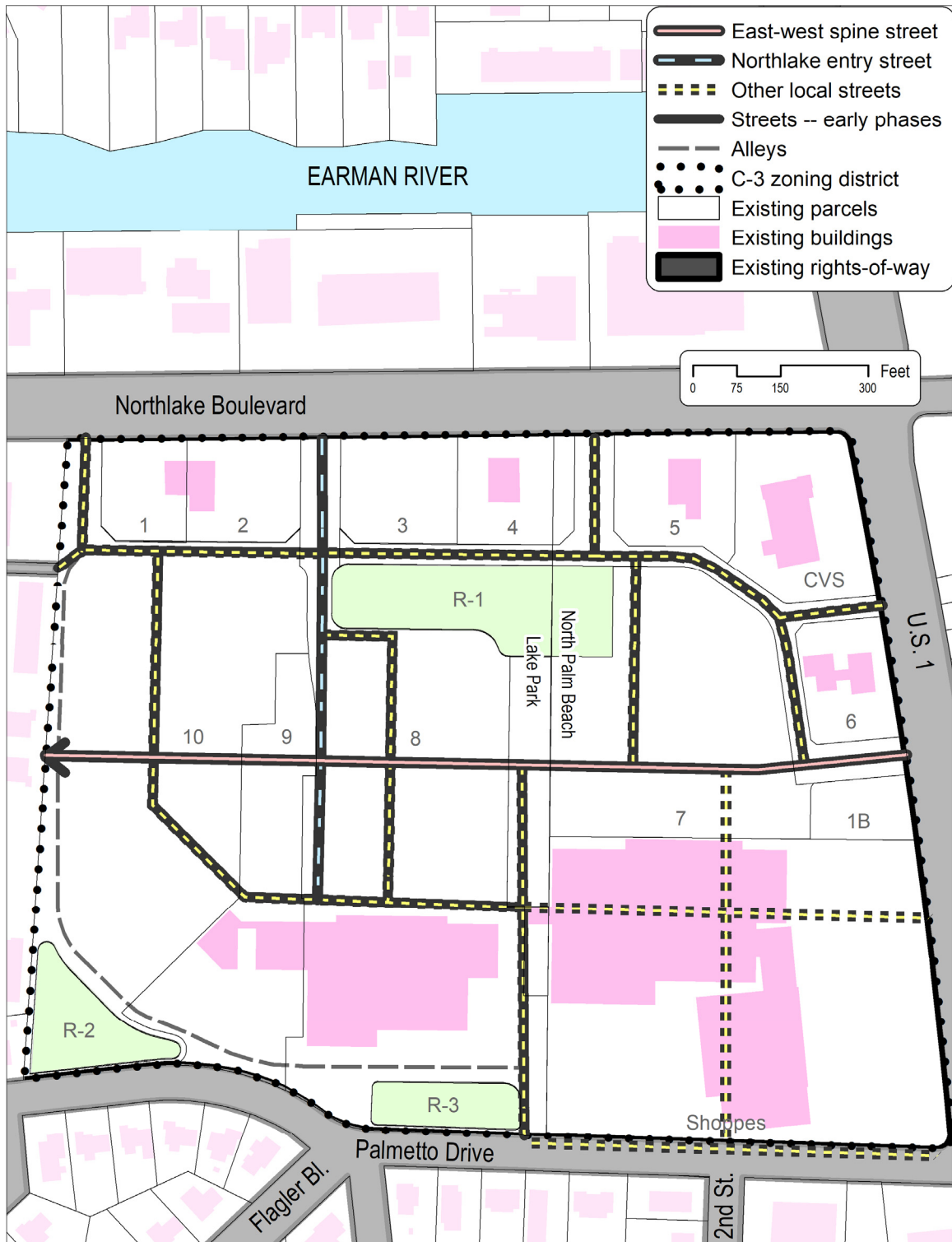
C. *Regulating and illustrative plans; street types.*

1. The C-3 zoning district includes a regulating plan that shows existing conditions (e.g. existing parcel boundaries and building footprints) and then defines how and where certain C-3 standards will apply (e.g. build-to zones and building frontage percentages). The regulating plan for the C-3 district is presented in Figure 1.
2. The regulating plan also identifies the approximate alignment of existing and future local streets and alleys.
 - a. Some local streets are indicated as being constructed in early phases of redevelopment (solid lines) and others as being constructed in later phases (dashed lines).
 - b. Most local streets are also identified as one of three types:
 - i) An east-west spine street that bisects the C-3 district, beginning at US-1 and ultimately connecting to Crescent Circle.
 - ii) A north-south entry street beginning at Northlake Boulevard.
 - iii) Other local streets.
3. The remainder of the C-3 district provides standards on the following subjects:
 - a. ***Building frontages*** are provided in subsection 45-34.1.D. Landowners in the C-3 district may select any one or more of six building frontage types; many of the standards in the C-3 district are specific to the selected building frontage type.
 - b. ***Site and bulk standards*** are provided in subsection 45-34.1.E, including setbacks, built-to zone, floor-to-area ratio, building frontage standards, building height, and density.
 - c. ***Architectural features*** are addressed in subsection 45-34.1.F, including entrances, façade transparency, allowable encroachments, and floor and ceiling heights.
 - d. ***Street, alley, and sidewalk easement standards*** are provided in subsection 45-34.1.G.
 - e. ***Parking and loading standards*** are provided in subsection 45-34.1.H.
 - f. ***Landscaping standards*** are provided in subsection 45-34.1.I.
 - g. ***Review procedures*** are provided in subsection 45-34.1.J.
4. Figure 2 provides an illustrative plan that shows hypothetical building footprints that would implement the standards in this code for the entire C-3 district.

13. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

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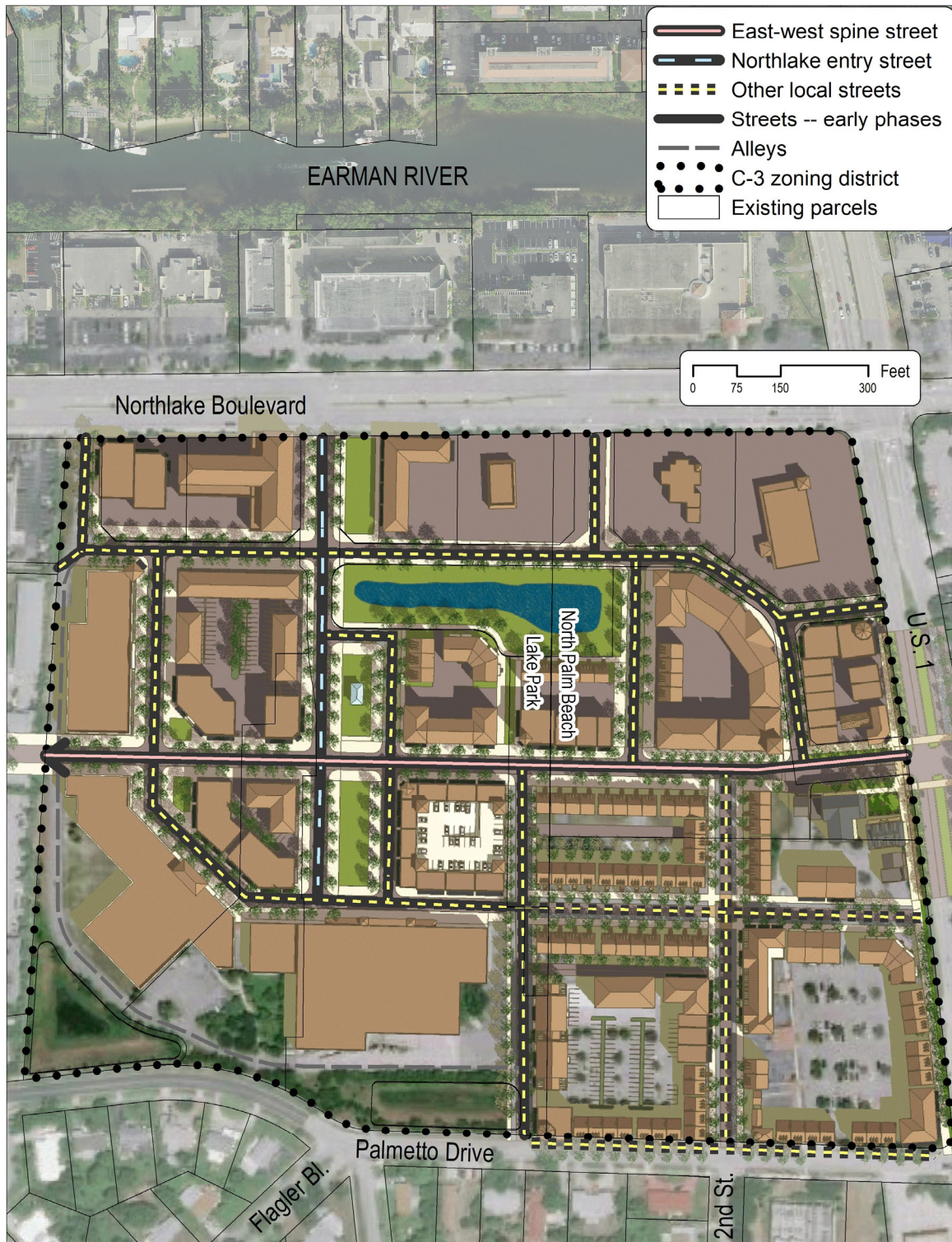
Figure 1 Regulating Plan



13. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

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Figure 2 Illustrative Plan



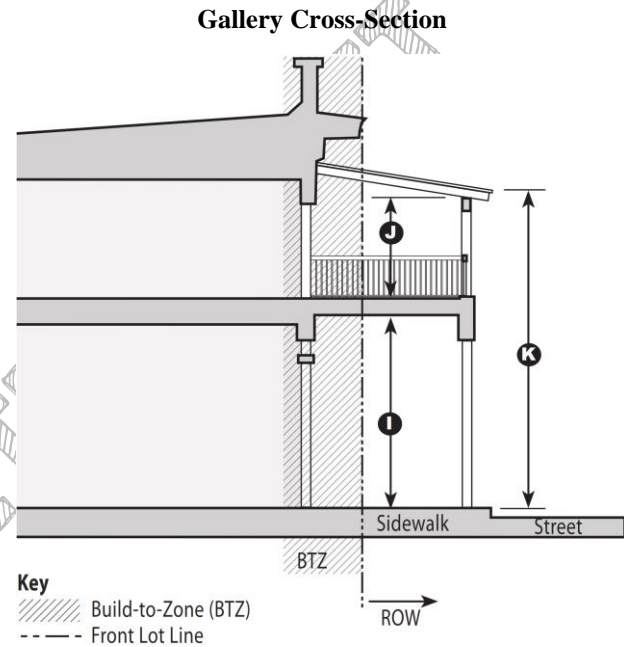
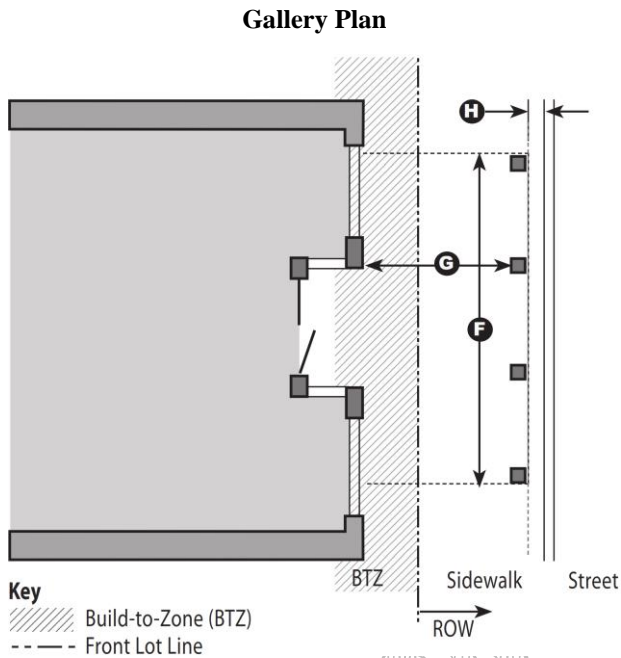
13. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

D. Building frontages.

Table 2 Building Frontage: GALLERY

A gallery is a roofed promenade extending along the wall of a building and supported by arches or columns on the outer side. A gallery shields space below like a canopy but provides

usable space above, either private open space or fully enclosed space. Depending on its design, a gallery can be an arcade, a colonnade, or a primarily decorative feature.



Build-to Zone (see 45-34.1.E.1.b)

US-1 & Northlake Blvd:	5' min., 10' max.	C
East-west spine:	0' min., 5' max.	D
Northlake entry (west side):	0' min., 5' max.	D
Other local streets:	0' min., 5' max.	D

Building Frontage Percentage (see 45-34.1.E.2)

US-1 & Northlake Blvd:	70% min.
East-west spine:	80% min.
Northlake entry (west side):	80% min.
Other local streets:	70% min.

Facade Transparency (see 45-34.1.F.2)

Ground story:	30% min.
Upper stories:	20% min.

Gallery Dimensions

Width:	10' min.	F
Depth:	8' min. clear path for peds.	G
Setback from curb:	2' min.	H
Ceiling height:	10' min. clear for ground story 9' min. clear for upper story	I J
Overall height:	10' min., 40' max.	K
Cumulative gallery width:	70% of building frontage	

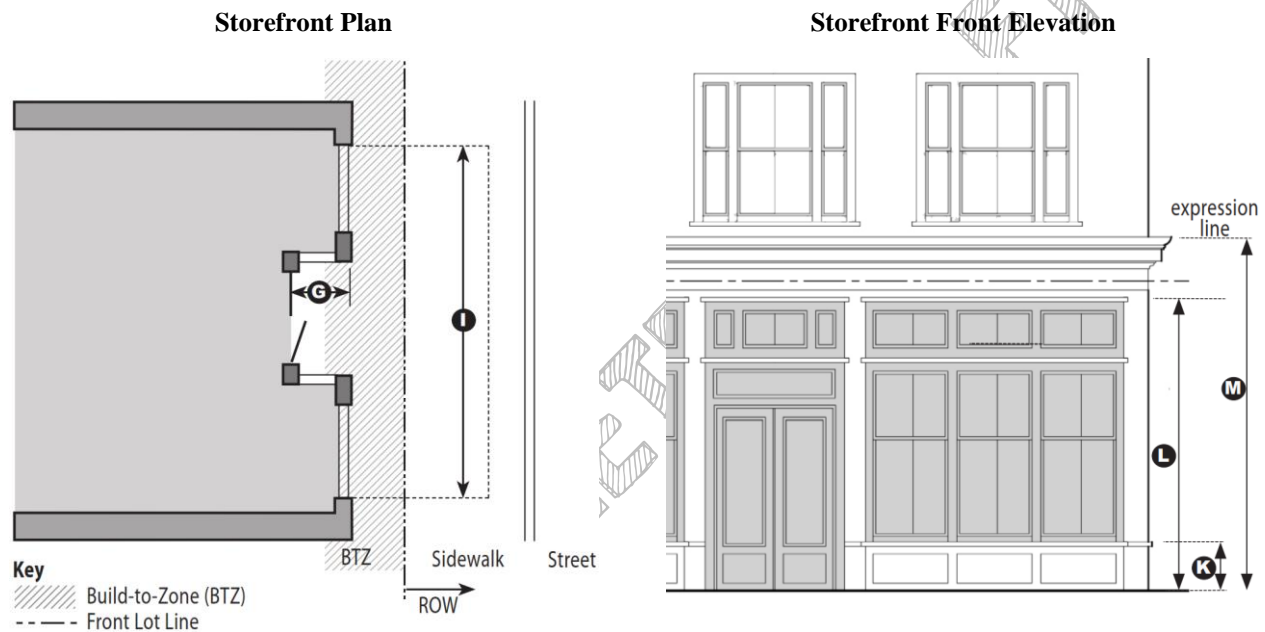
13. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

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Table 3 Building Frontage: STOREFRONT

A storefront is a flexible space at the sidewalk level that is directly accessible by pedestrians and suitable for retail sales. A storefront has a mostly transparent façade and a gallery, canopy, or awning that shades the storefront's windows and doors and the sidewalk.

Main entrances to each storefront open directly onto the sidewalk or onto a forecourt. Storefronts that are part of the storefront frontage type create the best pedestrian and retail experience.



Build-to Zone (see 45-34.1.E.1.b)

US-1 & Northlake Blvd:	5' min., 10' max.	C
East-west spine:	0' min., 5' max.	D
Northlake entry (west side):	0' min., 5' max.	D
Other local streets:	0' min., 5' max.	D

Building Frontage Percentage (see 45-34.1.E.2)

US-1 & Northlake Blvd:	60% min.
East-west spine:	80% min.
Northlake entry (west side):	80% min.
Other local streets:	70% min.

Façade Transparency (see 45-34.1.F.2)

Ground story:	70% min.
Upper stories:	40% min.

Storefront Dimensions

Cover depth:	4' min.
Cover height:	10' min. clear
Door recess:	5' max. G
Cumulative storefront width:	70% of building frontage min. I
Door intervals:	No more than 50' apart
Window sill height:	1' min., 3' max. K
Top of windows:	8' min. L
Expression line:	10' min. and below second story M

2

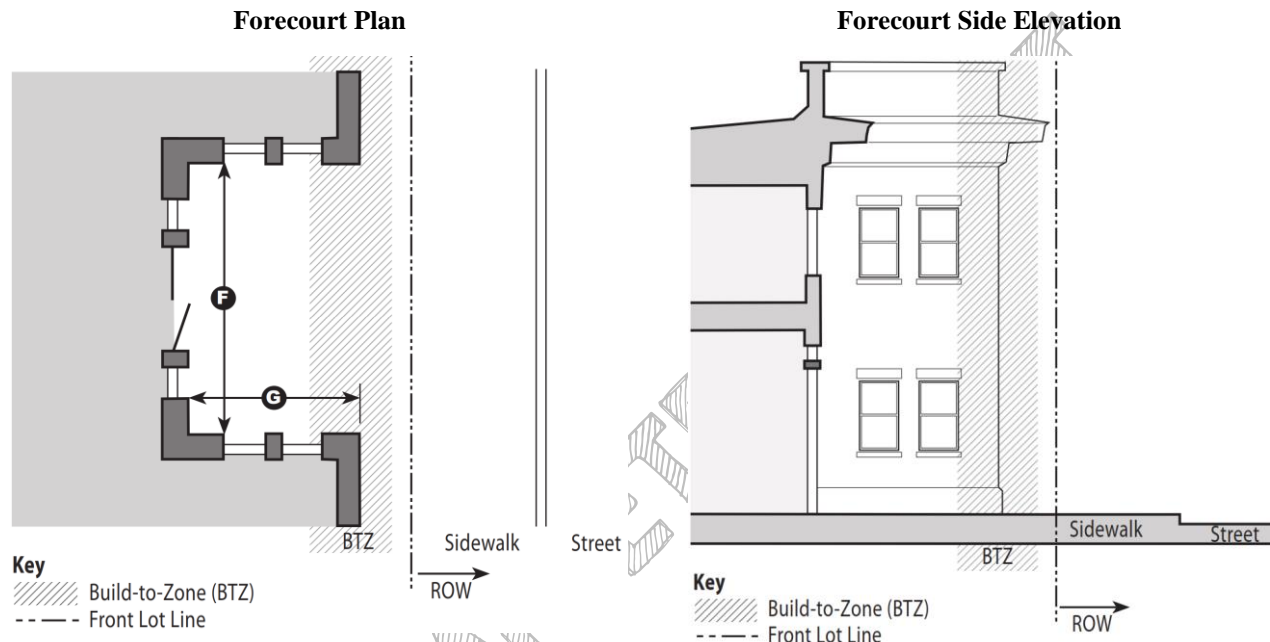
13. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

1

Table 4 Building Frontage: FORECOURT

A forecourt is a small private open space that is open to the sidewalk and bounded on two or three sides by the exterior walls of buildings.

Although forecourts are allowed on most building frontages, one or more forecourts are dominant features on the façade in the forecourt building frontage.



Build-to Zone (see 45-34.1.E.1.b)		
US-1 & Northlake Blvd:	5' min., 30' max.	C
East-west spine:	0' min., 15' max.	D
Northlake entry (west side):	0' min., 15' max.	D
Other local streets:	0' min., 20' max.	D

Building Frontage Percentage (see 45-34.1.E.2)		
US-1 & Northlake Blvd.	50% min.	
East-west spine:	80% min.	
Northlake entry (west side):	80% min.	
Other local streets:	70% min.	

Facade Transparency (see 45-34.1.F.2)		
Ground story:	30% min.	
Upper stories:	20% min.	

Forecourt Dimensions		
Width of individual forecourts:	15' min.	F
Depth:	10' min., 40' max.	G
Width of combined forecourts:	10' min., 40% max. of building frontage	

2

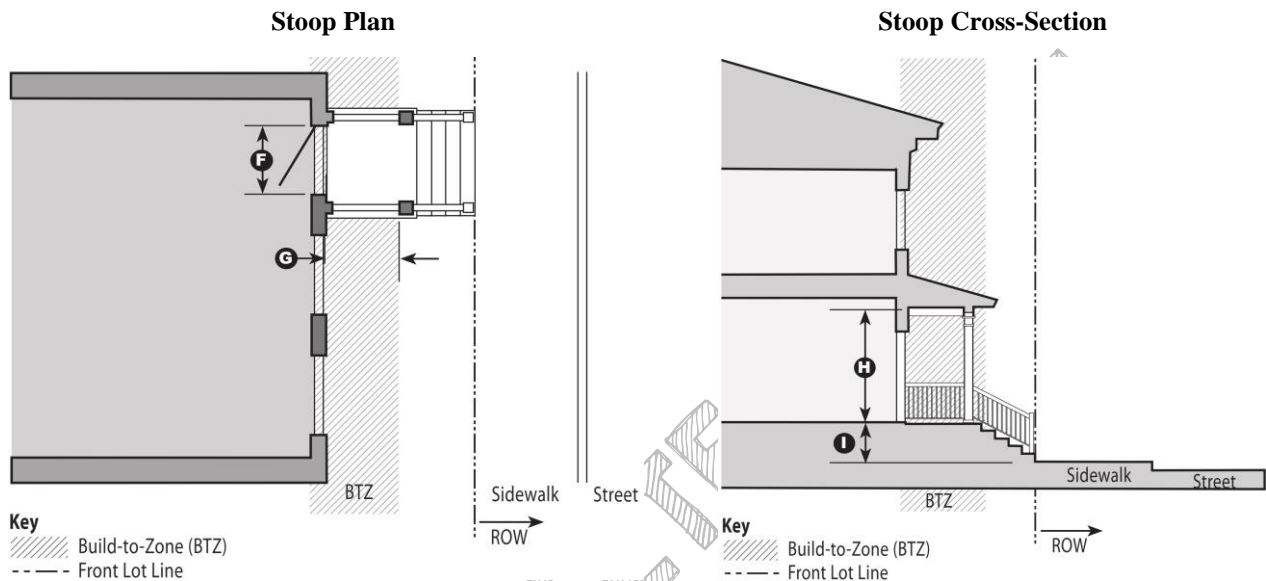
13. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

1

Table 5 Building Frontage: STOOP

Stoops are staircases and elevated entrance platforms that lead to main entrances.

Stoops are generally taller than porches to match the higher ground-story floors that are needed to maintain privacy in urban areas.



Build-to Zone (see 45-34.1.E.1.b)	
US-1 & Northlake Blvd:	(stoops not allowed) C
East-west spine:	0' min., 15' max. D
Northlake entry (west side):	0' min., 20' max. D
Other local streets:	5' min., 20' max. D

Building Frontage Percentage (see 45-34.1.E.2)	
US-1 & Northlake Blvd:	(stoops not allowed)
East-west spine:	80% min.
Northlake entry (west side):	80% min.
Other local streets:	80% min.

Facade Transparency (see 45-34.1.F.2)	
Ground story:	20% min.
Upper stories:	20% min.

Stoop Dimensions		
Spacing of stoops:	28' on center (average)	
Width:	5' min., 8' max.	F
Depth:	5' min., 8' max.	G
Ceiling height:		H
Elevation:	3' min. above sidewalk	I

2

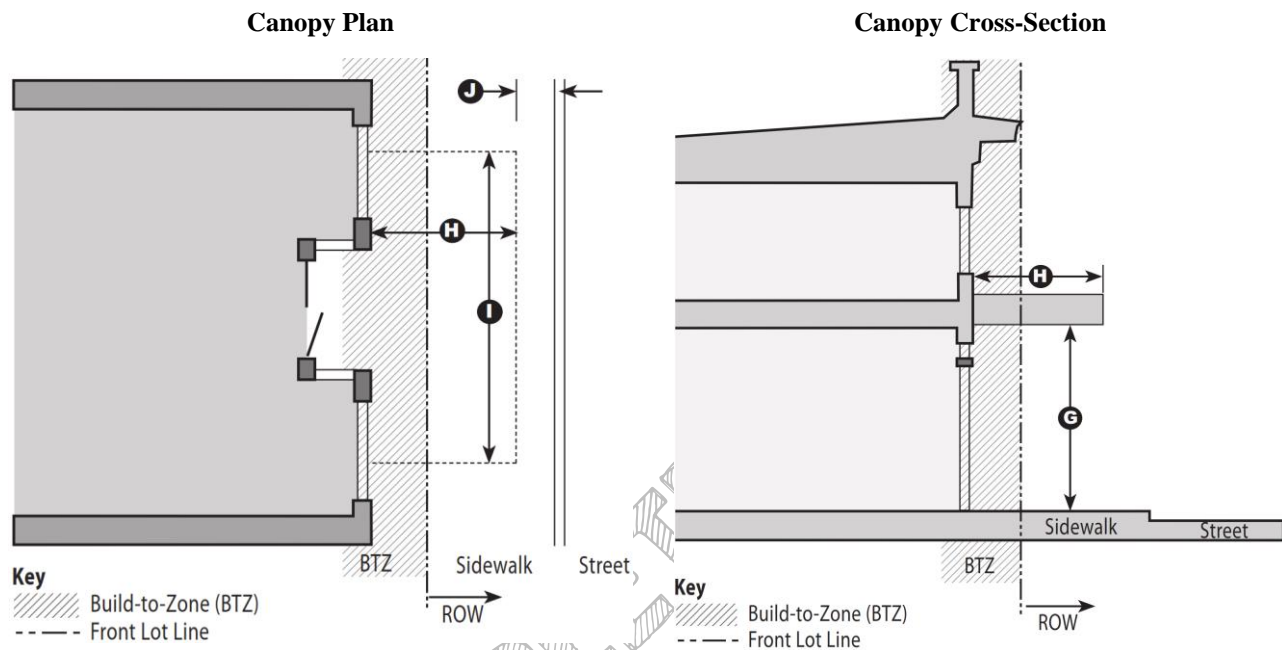
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Table 6 Building Frontage: CANOPY

A canopy frontage contains a permanently attached rigid canopy that projects outward

from the façade to shield the main entrance, windows, and sidewalk from the elements.



Build-to Zone (see 45-34.1.E.1.b)

US-1 & Northlake Blvd:	5' min., 30' max.	C
East-west spine:	0' min., 15' max.	D
Northlake entry (west side):	0' min., 15' max.	D
Other local streets:	0' min., 20' max.	D

Building Frontage Percentage (see 45-34.1.E.2)

US-1 & Northlake Blvd:	40% min.
East-west spine:	70% min.
Northlake entry (west side):	70% min.
Other local streets:	60% min.

Façade Transparency (see 45-34.1.F.2)

Ground story:	30% min.
Upper stories:	20% min.

Canopy Dimensions

Height:	10' min. clear	G
Depth:	8' min.	H
Cumulative width:	60% min. of building frontage	I
Setback from curb:	2' min.	J

2

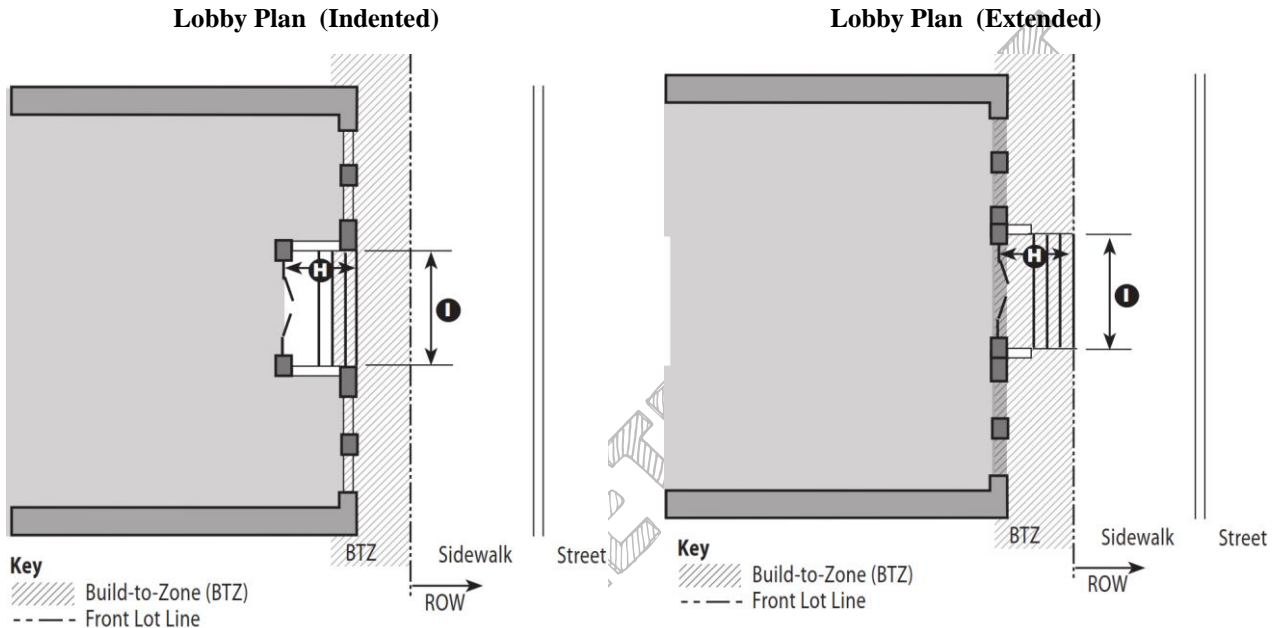
13. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

1

Table 7 Building Frontage: LOBBY

A forecourt is a small private open space that is open to the sidewalk and bounded on two or three sides by the exterior walls of buildings.

Although forecourts are allowed on most building frontages, one or more forecourts are dominant features on the façade in the forecourt building frontage.



Build-to Zone (see 45-34.1.E.1.b)		
US-1 & Northlake Blvd:	5' min., 30' max.	C
East-west spine:	0' min., 15' max.	D
Northlake entry (west side):	0' min., 15' max.	D
Other local streets:	5' min., 20' max.	D

Building Frontage Percentage (see 45-34.1.E.2)	
US-1 & Northlake Blvd:	40% min.
East-west spine:	70% min.
Northlake entry (west side):	70% min.
Other local streets:	60% min.

Façade Transparency (see 45-34.1.F.2)	
Ground story:	30% min.
Upper stories:	20% min.

Dimensions of Lobby Entrances		
Depth:	10' min., 15' max.	H
Width:	10' min., 30' max.	I

2

13. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

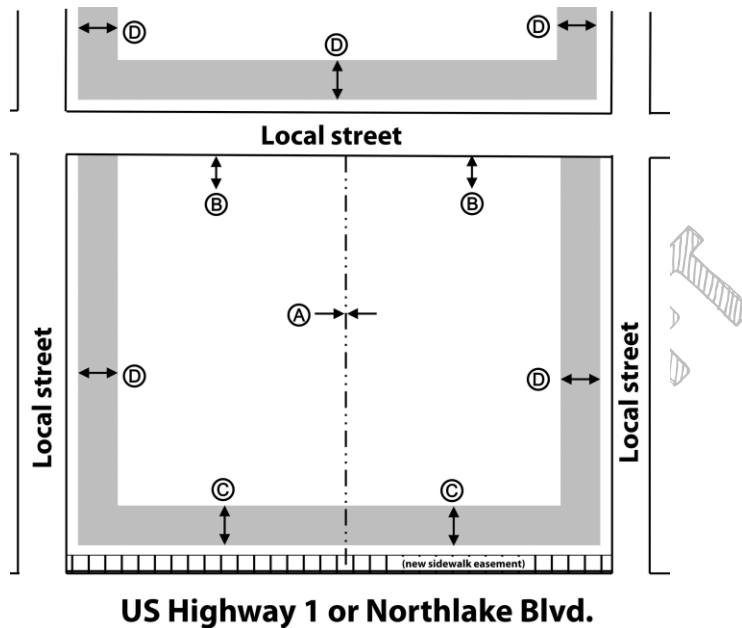
E. Site and bulk standards.

1. Setbacks, build-to zone, floor-to-area ratio.

- a. Setbacks. Minimum setbacks between buildings and side and rear lot lines are illustrated on Figure 3 and established as follows:
 - i) Side setbacks are shown as “A.”
 - ii) Rear setbacks are shown as “B.”
 - b. Build-to zone. A build-to zone parallel to each street frontage is specified for each building frontage in subsection 45-34.1.D. A portion of a building’s facade that faces that street frontage must be placed within the specified build-to zone (see explanation in subsection 45-34.1.E.2).
 - i) For properties facing US-1 and Northlake Boulevard, the main build-to zone (“C” in Figure 3) is measured from the new sidewalk easement which is required by subsection 45-34.1.G. The rear of these lots faces a local street configured as a reverse access street; buildings are required to comply with the minimum rear setbacks (“B”) instead of the build-to zone that otherwise applies to properties facing that local street. For corner properties, the build-to zone facing the second street is measured from the lot line (“D”).
 - ii) For all other properties, the build-to zone and is measured from the front lot line. For corner properties, the build-to zone facing the second street is also measured from the lot line. Both are indicated as “D” in Figure 3.
 - iii) Allowable encroachments beyond the build-to zone are specified in subsection 45-34.1.F.3.
- (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.

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Figure 3 Setbacks and Build-To Zones

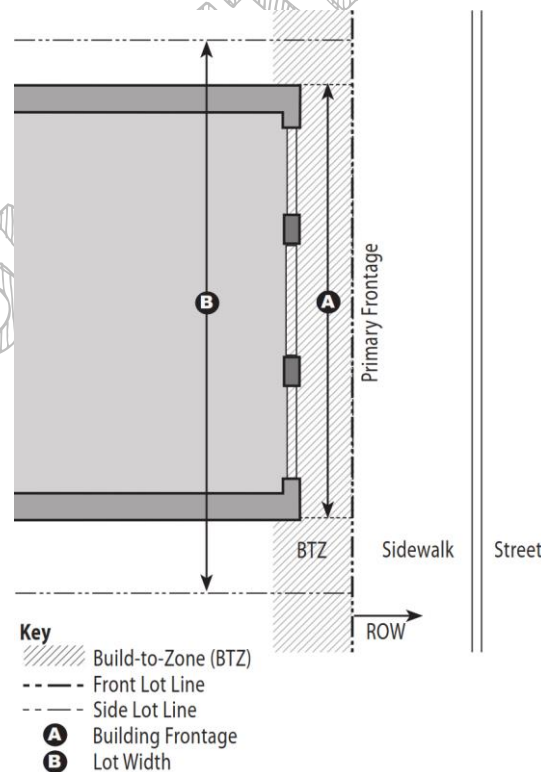


- c. **Floor-to-area ratio.** The Comprehensive Plan establishes caps on the ratio of floor area to lot area. The cap that applies to the C-3 district is currently 1.10. Floor-to-area ratios are calculated as follows:
- Floor area** is the sum of the gross horizontal area of all stories of all buildings on the site, including walls and non-habitable space but excluding any floor area with a screened roof or no roof. Stories devoted to parking, including ground-story parking under buildings, shall be included in the floor area.
 - Lot area** is the total area enclosed by the lot lines of the site being developed, including existing easements and including any land being dedicated for additional right-of-way or easements.
- (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.~~

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- 2. Building frontage standards.** The portion of a new building's façade that is located in the build-to zone is called the building frontage. The width of the building frontage must comply with the building frontage percentage standards for each building frontage type (see Tables 2 through 7).
- Building frontage percentages are calculated by dividing the width of a building or buildings lying within the build-to zone (A) by the width of the lot along the same street frontage (B), as shown in Figure 4.
 - Minimum building frontage percentages are specified for each building frontage type in Tables 2 through 7.
 - For certain architectural features described in this code, a portion of a building's façade that lies outside the build-to zone may be counted as building frontage. Examples are forecourts or lobby entrances that complies with the standards in Tables 4 or 7.
 - For properties with multiple street frontages, see Figure 3.

Figure 4 Building Frontage Percentages



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3. Building height.

- a. Buildings may be up to 4 stories tall in the C-3 zoning district, with the following exceptions that apply to properties in the Village of North Palm Beach:
 - i) Within 100 feet of Palmetto Drive, no portion of a building may exceed 3 stories.
 - ii) Buildings may be up to 5 stories tall beginning immediately north of this 100-foot strip and continuing to the east-west spine street.
- b. For the purpose of calculating the number of stories in a building, stories shall be defined as the habitable building space between finished floor and finished ceiling, adjusted as follows:
 - i) Each level devoted to parking is considered as individual story when calculating the number of stories in a building.
 - ii) A mezzanine will not count towards the number of stories provided that the total area of mezzanine level is less than 40 percent of the floor area of the main story below.
- c. Except within 100 feet of Palmetto Drive, buildings may include a partial story of habitable building space above the maximum number of stories otherwise allowed provided the floor area of the partial story is less than 30% of the floor area on the story below. Developers are encouraged to utilize this allowance on portions of buildings that are closest to street intersections and for architectural features such as towers or cupolas.

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

- ~~c. Maximum building height: The maximum height of any building shall be fifty (50) feet.~~

4. Density. Residential density in the C-3 zoning district may not exceed 24 units per acre. The acreage in this formula is the total area enclosed by the lot lines of the site being developed, including existing easements and including any land being dedicated for additional right-of-way or easements.

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F. Architectural features. *[explain purpose of section F here]*

1. Main entrance.

- a. A building's main entrance is its principal point of access for pedestrians. All buildings must have their main entrance facing a street frontage, or a courtyard or forecourt that is entered from a street frontage. Additional entrances are encouraged.
- b. Buildings fronting on two streets must have a pedestrian entrance on both streets.
- c. Additional rules for storefront doors are provided in Table 3.

2. Façade transparency.

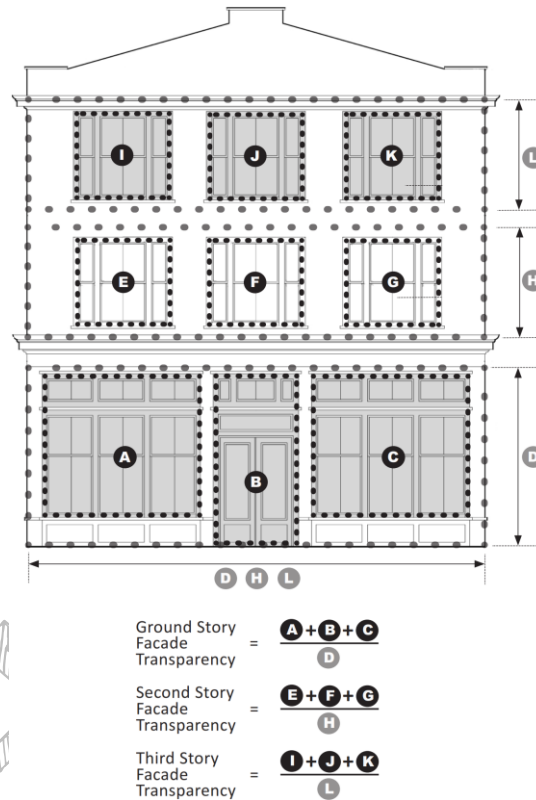
- a. Transparency means the amount of transparent window glass or other openings in a building's facade along a street frontage, relative to the overall surface area of the façade. This ratio is expressed as a percentage and is calculated separately for the ground story of a façade and for each upper story.
- b. Building façades along a street frontage must meet the minimum façade transparency requirements in Table 8 to provide natural surveillance of sidewalks and streets, to provide interior daylight, and to allow clear views into storefronts.
- c. Façade transparency percentages are calculated for the area between the finished floor and finished ceiling of each story along each street frontage; see Figure 5. For the purposes of these measurements:
 - i) Glazed windows and doors with tinted glass or applied films will be considered transparent if they transmit at least 50% of visible daylight.
 - ii) The transparent area of windows and doors includes rails and stiles as well as muntin bars and other separators within primarily glazed areas; but the transparent area excludes outer solid areas such as jambs, sills, and trim.

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Table 8
Façade Transparency Percentages

<u>Building Frontage</u>	<u>Ground Story</u>	<u>Each Upper Story</u>
<u>Gallery</u>	<u>30% min.</u>	<u>20% min.</u>
<u>Storefront</u>	<u>70% min.</u>	<u>40% min.</u>
<u>Forecourt</u>	<u>30% min.</u>	<u>20% min.</u>
<u>Stoop</u>	<u>20% min.</u>	<u>20% min.</u>
<u>Canopy</u>	<u>30% min.</u>	<u>20% min.</u>
<u>Lobby</u>	<u>30% min.</u>	<u>20% min.</u>

Figure 5
Calculating Façade Transparency



3. **Encroachments.** Many architectural elements described in subsections 45-34.1.D and 45-31.E may project beyond the closest point to a property line where an exterior wall may be constructed. Table 9 identifies the allowable projections; the key column refers to Figure 3.

a. **On private property.** These elements may project into side or rear setbacks and project forward beyond the build-to zone to the extent permitted by Table 9 provided this code's requirements for each element are met.

b. **On public property.** Some of these elements may also extend horizontally over a public or private right-of-way in accordance with those regulations to the extent permitted by Table 9 provided this code's requirements for each element are met in addition to these general requirements:

- i) Must maintain at least 10' of vertical clearance.
- ii) Must meet any insurance or liability requirements established by the Village Attorney.

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iii) Must obtain prior approval from the responsible entity for any encroachment over a right-of-way not maintained by the Village.

c. Sidewalk cafes with outdoor table service may be provided on public sidewalks when in compliance with all Village codes.

Table 9 Encroachments

	<u>Dimension</u>	<u>Key</u>
<u>Side (interior)</u> (all features)	<u>4' max. into side setback</u>	<u>A</u>
<u>Rear</u> (all features)	<u>4' max. into rear setback</u>	<u>B</u>
<u>Front</u> (on private property)	<u>no max. on private property</u>	<u>C, D</u>
<u>Front</u> (on public property):		<u>C, D</u>
<u>Gallery</u> (Table 2)	<u>up to 2' from curb</u>	
<u>Storefront cover</u> (Table 3)	<u>up to 2' from curb</u>	
<u>Forecourt</u> (Table 4)	<u>no encroachment allowed</u>	
<u>Stoop</u> (Table 5)	<u>no encroachment allowed</u>	
<u>Canopy</u> (Table 6)	<u>up to 2' from curb</u>	
<u>Lobby</u> (Table 7)	<u>no encroachment allowed</u>	
<u>Awning</u> (45-31.E.4)	<u>up to 2' from curb</u>	
<u>Balcony</u> (45-31.E.5)	<u>up to 2' from curb</u>	
<u>Bay window</u> (45-31.E.6)	<u>up to 2' from curb</u>	

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4. Floor and ceiling height.

- a. This code provide standards for minimum/maximum dimensions for floor elevations and minimum dimensions for ceiling heights. Figure 6 and Table 10 illustrate how these standards are measured:
- (i) Floor elevations are measured from the existing or anticipated sidewalk to the top of the finished floor of the ground story.
- (ii) Ceiling heights are measured from the top of the finished floor to the underside of the finished ceiling of each story.
- b. For the maximum height of buildings, see subsection 45-34.1.E.3

Figure 6 Floor and Ceiling Measurements

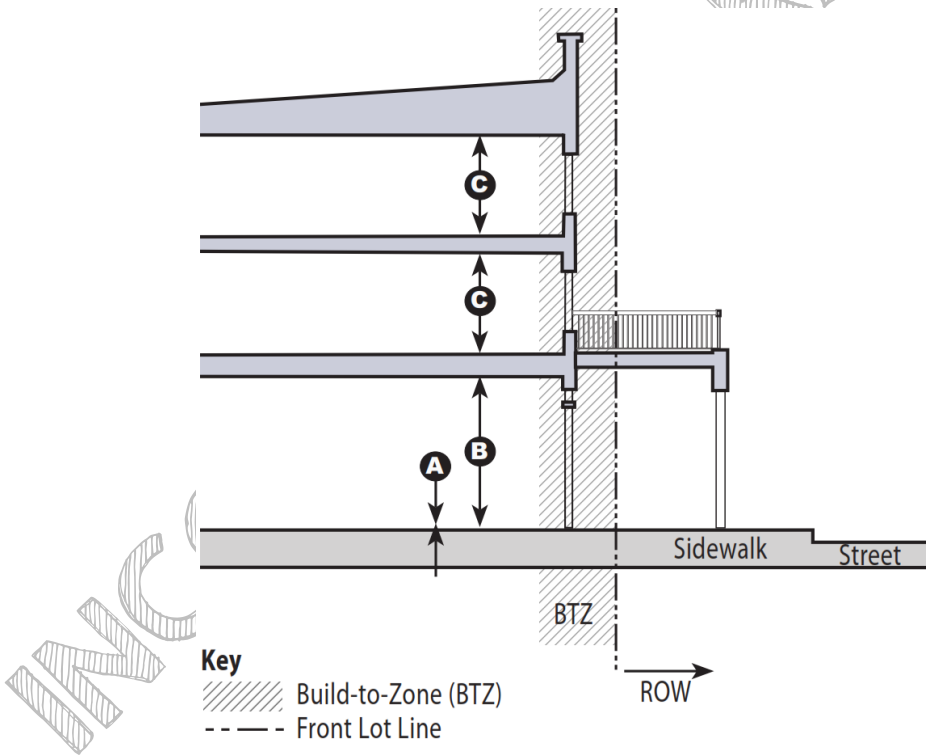


Table 10 Floor and Ceiling Measurements

<u>Elevation of ground-story floor above sidewalk</u>	<u>A</u>
<u>Minimum height of ground-story ceiling</u>	<u>B</u>
<u>Minimum height of upper-story ceilings</u>	<u>C</u>

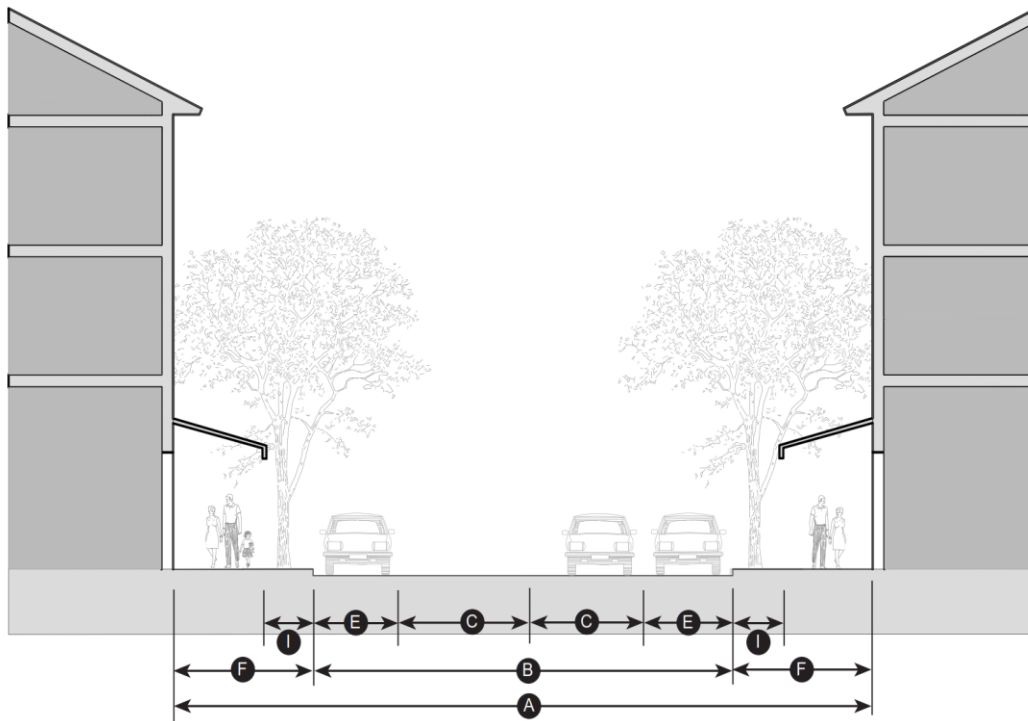
13. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

G. Street, alley, and sidewalk easement standards.

1. **Streets and blocks.** The regulating plan in Figure 1 indicates the block structure that will be created by existing and new streets within the C-3 district. Developers seeking site plan approval must create the streets shown in Figure 1. Developers may propose slight modifications to the alignment of those streets if the modified location would provide equivalent access and functionality and would not negatively affect abutting landowners or diminish the usefulness of the street network shown on the regulating plan. Modifications may be requested only through the special PUD procedures in subsection J below.
2. **Standards for internal streets.** Streets shall be designed in accordance with Figure 7 and constructed by the developer along all property borders concurrently with the development. On subjects where Figure 7 does not provide design guidance, for instance driveway widths and curb radii at intersections, design shall be in accordance with NACTO's *Urban Street Design Guide*. Pavement, subgrade, drainage, and utilities must meet construction specifications of the Village of North Palm Beach.
3. **Ownership and maintenance.** All streets within the C-3 district shall be owned and maintained privately unless another entity acceptable to the Village of North Palm and the Town of Lake Park accepts this responsibility. Irrespective of ownership and maintenance, landowners must guarantee perpetual public access to all street within the C-3 district in a form suitable to the attorneys of both municipalities.
4. **Alleys.** Several alleys are shown on the regulating plan in Figure 1 to provide service access to adjoining parcels. Additional alleys may be provided.
5. **Sidewalk easements.** Properties adjoining US Highway 1 and Northlake Boulevard must dedicate to the Village a 7-foot perpetual sidewalk easement along those frontages, in a form acceptable to the Village Attorney. This easement must be paved to the same standards and elevation as the adjoining sidewalks at the time of development. The landscaping required by subsection 45-34.1 shall be planted on the remainder of the property beyond the sidewalk easement. *[but not on internal streets...]*

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Figure 7



<u>Description:</u>	<u>Details:</u>	<u>Key:</u>
<u>Width of right-of-way</u>	<u>60'</u>	<u>A</u>
<u>Movement type</u>	<u>Slow</u>	
<u>Target speed</u>	<u>25 mph</u>	
<u>Width of pavement</u>	<u>36'</u>	<u>B</u>
<u>Travel lanes</u>	<u>2 – 10' travel lanes</u>	<u>C</u>
<u>Bicycle facilities</u>	<u>shared travel lanes</u>	<u>C</u>
<u>On-street parking</u>	<u>8' parallel parking</u>	<u>D</u>
<u>Pedestrian facilities</u>	<u>2 – 12' sidewalks</u>	<u>E</u>
<u>Furnishing strip:</u>		<u>F</u>
<u>Planter type</u>	<u>5' by 5' tree grates</u>	
<u>Tree spacing</u>	<u>30' average</u>	

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H. Landscaping standards. (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:***

- i) The required landscaped strip between ~~streets~~ a public right-of-way and any off-street parking area shall be at least five (5) fifteen (15) feet wide and shall contain at least five (5) trees and eighteen (18) shrubs for each one hundred (100) lineal feet. This strip may be planted in the setback required for surface parking lots.
- ii) The required landscaped strip between US Highway 1 or Northlake Boulevard and a building shall be at least five (5) feet wide beginning at the inside of the 7' sidewalk easement and shall contain at least 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) feet. At least one (1) 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 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.

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I. Parking and loading standards.

- (1) Setbacks for surface parking lots. Surface parking lots must be set back from streets at least the distances provided in Table 11, as illustrated in Figure 7. Surface parking lots must be screened from streets as provided in subsection H above, except where buildings provide the screening.

Figure 7 Setbacks for Surface Parking Lots

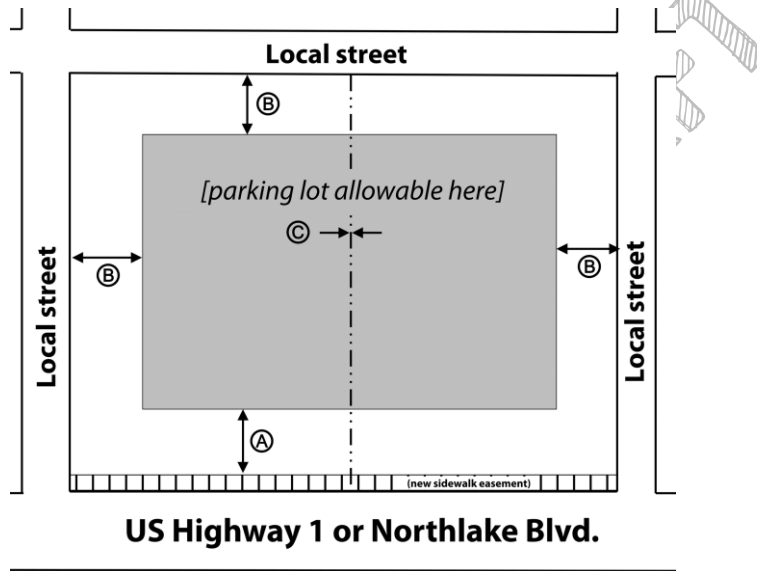


Table 11 Setbacks for Surface Parking Lots

Parking lot setback, US Highway 1 or Northlake Blvd.	50' min.	<u>A</u>
Parking lot setback, local streets	30' min.	<u>B</u>
Parking lot setback, side lot lines	0' min.	<u>C</u>
Parking lot setback, alley	0' min.	

- (2) ~~(3)~~ Access, off-street loading, and internal circulation. Except for these minimum setbacks and minimum number of parking spaces, requirements for off-street loading, parking lot aisles, accessways, and general internal circulation shall be same as would apply in the C-1 zoning district.
- (3) Parking structures. Instead of being provided in uncovered surface parking lots, parking spaces may be provided under or in buildings or in dedicated parking structures. Such parking spaces need not comply with the minimum setbacks for surface parking lots, but must be screened from view from local streets including Palmetto Drive.

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Screening may be provided by habitable building space in the same building or with a liner building that is at least two stories tall with habitable building space at least 20 feet deep.

(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 1,000 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.
- 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.

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- (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

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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.~~

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- 1 e. ~~The restrictions of section 45-34.1(9), (1)[a.] shall not apply to the~~
2 ~~retail sale of beer, ale or wine for off premises consumption.~~
- 3 d. ~~The restrictions of section 45-34.1(9), (1)[a.] shall not apply to any~~
4 ~~bona fide restaurant as defined and licensed under Florida Statutes as a~~
5 ~~restaurant with full kitchen facilities, regardless of size or seating~~
6 ~~capacity, where alcoholic beverages are served solely as an accessory~~
7 ~~use to the restaurant and only when such restaurant is open for the sale~~
8 ~~and service of food.~~

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13. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

J. Review procedures. ~~(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,

(1) Generally: The Village of North Palm Beach desires to provide a ~~for~~ an added degree of flexibility in the placement and interrelationship of the buildings, streets, and land uses in the C-3 ~~this~~ district.

- a. One (1) or more landowners in the C-3 district may elect to use these special C-3 PUD procedures described here 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.
- b. These special PUD 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.~~
- c. Landowners with no boundary complications and no desire to modify regulations or add uses may seek approval of a site development plan in accordance with their current approvals and the standards in this code without using these special PUD procedures.
- d. Whether or not the special PUD procedures are requested, all proposed site development plans in the C-3 district shall be forwarded to the Town of Lake Park for their review and comment prior to approval or rejection by the Village of North Palm Beach.

(2) a. Allowable changes to existing regulations, except uses: No PUD approval can permit any development that is inconsistent with the Comprehensive Plan. Subject to this limitation, changes may be considered through ~~this~~ the special C-3 PUD process to any other zoning and land development regulations, including sign regulations and specific requirements of the C-3 zoning district, that the village council finds would meet the special PUD standards set forth below. ~~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.

(3) b. Additional land uses: ~~The following~~ Certain land uses are not permitted by right but may be approved by the Village Council in response to a specific special C-3 PUD application. Those uses are listed in Table 1 (see section 45-34.1.B).

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- ~~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.~~

(4) e. Minimum special C-3 PUD requirements:

- a. There is no minimum parcel size for special C-3 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.~~
- b. All parcels submitted in a single PUD application must be contiguous and must be owned by or under the unified control of the applicant.
- c. If the parcel being submitted has been or is proposed to be subdivided from a larger parcel that had been approved through a previous C-3 site development plan or PUD approval, the new application must include formal authorization to seek the requested approval from all current owners of the previously approved larger parcel.

(5) d. PUD application procedures: PUD applications made under this section shall be accompanied by the applicable fee and shall contain the following:

- a. ~~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.
- b. ~~2.~~ A proposed site development plan in sufficient detail to show the approximate locations of buildings, parking areas and structures, and stormwater management facilities. This plan shall also show the exact locations of all streets and alleys and all access points to public streets and to any abutting land zoned C-3, whether in Lake Park or North Palm Beach.
- c. ~~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.
- d. ~~4.~~ A specific list describing any of the additional land uses listed in section 45-34.1 B (10) ~~b.~~ for which the applicant is requesting approval.

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- e. Any special PUD application that proposes to modify or replace an allowable building frontage in 45-31.4.D must identify the proposed alternate building frontage using the same format as Tables 2 through 7.
- f. Any special PUD application that proposes to move, modify, or eliminate a proposed street or alley shown on the regulating plan in Figure 1 must identify the alternate location or design of streets and alleys.
- g. 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.
- h. 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.

(6) e. PUD 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 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. Unless the application is disapproved in full, this action shall be by ordinance. The applicant may then proceed to obtain all other needed development permits in accordance with the village's regulations.

(7) PUD approval standards: The following standards shall be analyzed by the Village Council when considering PUD requests:

- a. PUD modifications must further or at least not interfere with achieving the intent of the C-3 district.
- b. PUD modifications including additional uses must not interfere with legitimate rights of other C-3 property owners and must be compatible with surrounding neighborhoods.
- c. Modified building frontages must further or at least not interfere with the mixed-use and pedestrian-oriented character the C-3 district.
- d. Modified street alignments and street designs must provide equivalent access and functionality and must not negatively affect abutting landowners or diminish the usefulness of the street network shown on the regulating plan.

(8) f. PUD applications 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

13. PROPOSED CHANGES TO C-3 ZONING DISTRICT (§ 45-34.1)

1 on the PUD application shall be made by the village council only at a
2 joint meeting with the Lake Park Town Commission.

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14. PROPOSED CHANGES TO PUD (§ 45-35.1)

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 of five (5) or more acres, 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. ~~The village council hereby determines that the regulations pertaining to intensity of land use, density of population and required open space are the minimum requirements for the protection and promotion of the public health, safety and general welfare.~~ 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 the 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-A – the C-A zoning district allows waivers (see the C-A 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.J).
3. NB – the NB zoning district allows waivers (see the NB zoning district and section 45-51).

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II. *Filing of application.*

- A. Any person may file an application with the village council for minor modifications of the provisions of this chapter. This application shall contain at least the following:
1. All application and review procedures shall comply with section 21-12, Changes to zoning ordinances and section 45-49, Application for rezoning, of this Code.
 2. A statement listing and fully explaining the specific modifications of the provisions of this chapter 45 which are desired, as well as the purposes for which the modifications are intended.
 3. All application procedures for residential planned unit developments shall be as required by the subdivision provisions of this Code.
 4. Compliance with the village comprehensive plan is required.
 5. Land covered by the development plan shall be platted concurrently with final approval of the development plan.
 6. The fee for filing an application for a planned unit development shall be established in the master fee scheduled adopted annually as part of the village budget.
 7. The final approved development plan shall include the plat drawings and necessary submittals demonstrating acceptability of all factors and standards evaluated in subsection IV(A).
 8. All dwelling unit sizes, parking criteria and building site coverage must meet the requirements of the zoning code for each type of proposed use.

Exception A: applicants for assisted living facilities may, when accompanied by a justification statement, apply for relief from the off-street parking and minimum dwelling unit size requirements.

Exception B: applications submitted through subsection 45-35.1.VIII for key redevelopment sites may, when accompanied by a justification statement, apply for relief from the off-street parking, minimum dwelling unit size, and building site coverage requirements.
 9. All land included for the purpose of development within a planned unit development shall be owned or under the unified control of the applicant for such zoning designation, whether the applicant is an individual, partnership, corporation, trust or group of individuals, partnerships, trusts or corporations. The applicant

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shall present satisfactory evidence of the unified control of the entire area by applicant within the proposed planned unit development and shall state agreement that, if he proceeds with the proposed development, he will:

- a. Do so in accordance with the officially approved development plan and such other conditions or modifications as may be attached to the conditional use.
- b. Provide agreements, covenants, contracts, deed restrictions or sureties acceptable to the village council, both for completion of the undertaking in accordance with the adopted development plan, and also for the continuing operation and maintenance of areas, functions and facilities which the plan shows are not to be operated or maintained at general public expense.
- c. Bind his development successors in title to any commitments made under subsections a. and b., preceding.

10. Any tract of land for which a planned unit development is made shall contain sufficient width, depth and frontage on a public dedicated arterial or major street or appropriate access which will accommodate the proposed use and design.

11. In the event any building or structure built under this section is destroyed or removed by or for any cause, said building or structure, if replaced, shall be replaced with a building or structure of similar size and type not exceeding the dimensions of the original building or structure. The developer shall include the appropriate deed restrictions and/or covenants so as to require replacement as outlined above.

III. Referral to planning commission. The village council shall refer each application for a planned unit development to the planning commission for study and recommendation.

IV. Action of planning committee [commission.]

A. After a study of an application for a planned unit development and the required public hearing, the planning commission shall make a recommendation to the village council to approve, approve as modified, or reject the application based upon the following standards:

1. The proposed use or uses shall be of such location, size and character as to be in harmony with the appropriate and orderly development of the zoning district in which situated and shall not be detrimental to the orderly development of adjacent zoning districts.
2. The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site

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layout and its relation to streets giving access to it, shall be such that traffic to and from the use or uses, and the assembly of persons in connection therewith, will not be hazardous or inconvenient to the neighborhood nor conflict with the normal traffic of the neighborhood. In applying this standard, the commission shall consider, among other things: convenient routes for pedestrian traffic, particularly of children; the relationship of the proposed project to main traffic thoroughfares and to street and road intersections; and, the general character and intensity of the existing and potential development of the neighborhood. In addition, where appropriate, the commission shall determine that noise, vibration, odor, light, glare, heat, electromagnetic or radioactive radiation, or other external effects, from any source whatsoever which is connected with the proposed use, will not have a detrimental effect upon neighboring property or the neighboring area in general.

3. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping of the site shall be such that they will not hinder or discourage the proper development and use of adjacent land and buildings nor impair the value thereof.
4. The standards of density and required open space in the proposed project are at least equal to those required by this ordinance in 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.
5. There shall be no uses within the proposed project which are not permitted uses in the zoning district in which the proposed project is to be located.

Exception: A Mixed uses ~~occupancy~~ may be allowed if the existing zoning district usage is commercial. The mixed ~~uses usage-occupancy~~ shall only be residential and mercantile or residential and business.

- B. The commission may recommend such changes or modifications in the proposed plan as are needed to achieve conformity to the standards as herein specified. The reasons for the changes or modifications shall be included in the recommendation.
- C. The commission shall not recommend the project unless it finds that all of the standards as herein specified have been met. If there are minor modifications to the provisions of this chapter, the commission may recommend its approval at the same time. It shall also, where it deems appropriate and necessary, recommend to the village council

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those conditions to be imposed upon the project, its operation, or both, that are needed to assure adherence to the aforesaid standards.

V. *Action of village council.* The village council, upon the receipt from the planning commission of the report on the planned unit development and the minor modifications to the provisions of this chapter may, after the required public hearing, approve or reject such project and modifications, incorporating with an approval such conditions as the council deems appropriate. The approval shall be by ordinance.

VI. *Effect of approval of village council.* The approval of the application by the village council shall allow the building official to issue a building permit in conformity with the application as approved. This permit shall specify with particularity the exact modifications to the provisions of this chapter which have been approved. The holder of this permit may then proceed with his project in conformity with said permit. No deviations from the conditions of the permit shall be allowed except those which shall be in conformity with the basic provisions of this ordinance as they apply to the zoning district in which the project is located.

VII. *Public notice.* Public notice of all hearings conducted in accordance with this section shall be provided as required by section 21-3 of the village Code.

VIII. *Key redevelopment sites.* The Village has identified key sites in need of redevelopment and encourages the use of this Planned Unit Development process to redevelop those sites in accordance with design concepts developed by the Village. Minor modifications to the provisions of this chapter or other land development regulations may be requested through the Planned Unit Development process for eligible sites. The following additional standards apply during this process:

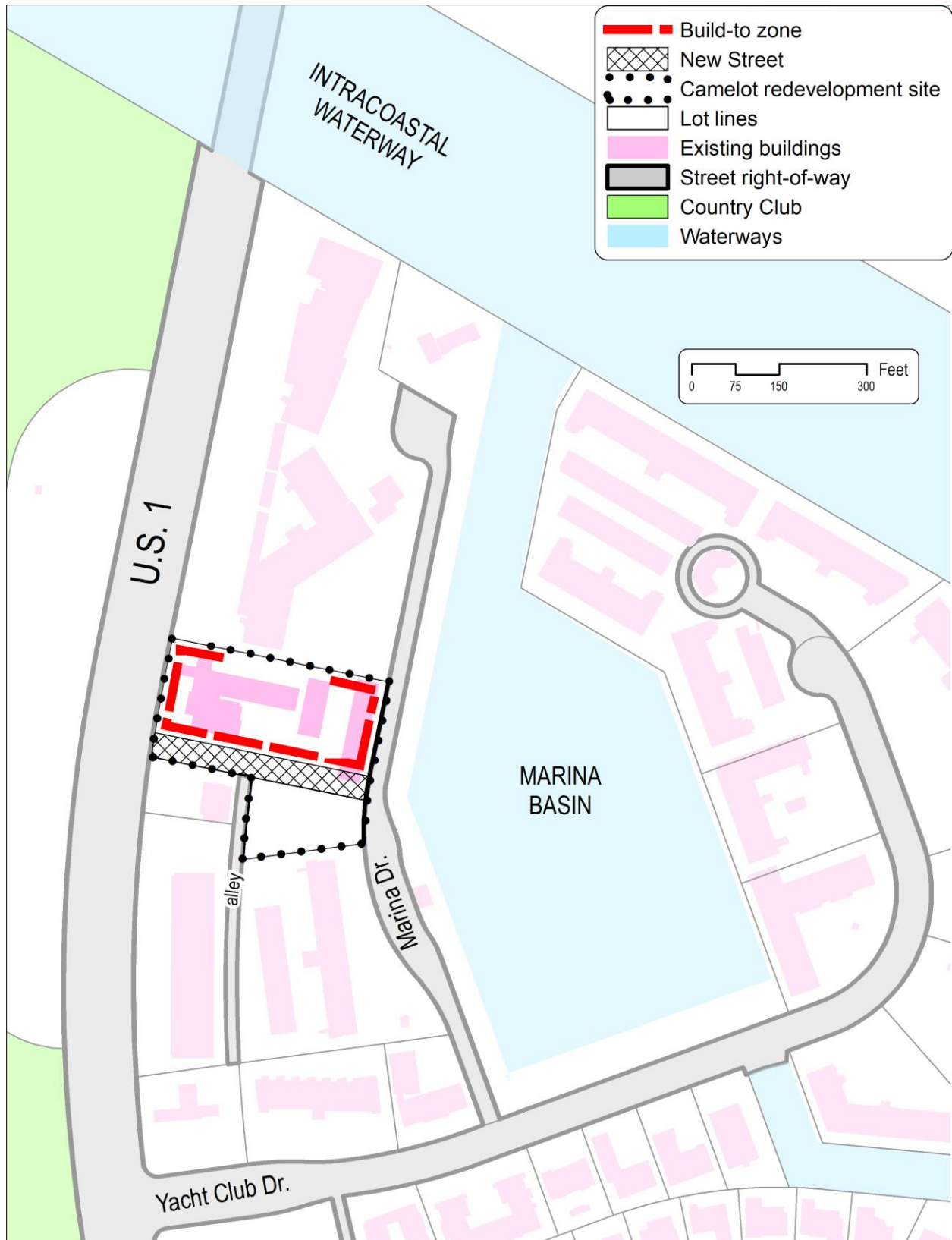
- 1. *Regulating plans.*** Eligible sites are depicted on regulating plans in this subsection.
- 2. *Illustrative plans.*** Renderings or illustrative plans may be provided in this subsection to show hypothetical buildings on eligible sites using these standards.
- 3. *Build-to zone.*** Where build-to zones are shown on the regulating plan, the build-to zone is 5 feet minimum and 20 feet maximum using the methodology in the C-A zoning district (unless different distances are specified on the regulating plan). Build-to zones supersede setback requirements in the underlying zoning district.
- 4. *Building frontage standards.*** Where build-to zones are shown on the regulating plan, building frontages must be at least 60% of the lot width, measured using the methodology in the C-A zoning district (unless a different percentage is specified on the regulating plan).

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- 1 **5. Building height.** Buildings may be up to 4 stories tall. For the purpose
2 of calculating the number of stories in a building, see the methodology
3 in the C-A zoning district. This height limitation supersedes height
4 limitations in the underlying zoning district.
- 5 **6. Façade transparency.** Where build-to zones are shown on the
6 regulating plan, facades must be at least 30% transparent at the ground
7 story and 20% transparent at each upper story, measured using the
8 methodology in the C-A zoning district (unless different percentages
9 are specified on the regulating plan).
- 10 **7. Encroachments.** Architectural elements may project beyond the
11 closest point to a property line where an exterior wall may be
12 constructed to the same extent as allowed in the C-A zoning district,
13 irrespective of setback requirements in the underlying zoning district.
- 14 **8. Parking setbacks.** Surface parking lots must be set back at least 50
15 feet from US Highway 1 and at least 30 feet from all other existing and
16 new streets. Parking structures.
- 17 **9. New streets.** Where a new street is shown on the regulating plan, the
18 new street must be constructed using the standards in the C-A zoning
19 district (unless different standards are specified on the regulating plan).
20

14. PROPOSED CHANGES TO PUD (§ 45-35.1)

Figure 1 Camelot Regulating Plan



14. PROPOSED CHANGES TO PUD (§ 45-35.1)

Figure 2 **Camelot Illustrative Plan**



15. PROPOSED CHANGES TO NBOZ OVERLAY (§ 45-35.3)

Sec. 45-35.3. - Northlake Boulevard Highway Business Overlay Zoning District (NBOZ).

ARTICLE 1 ESTABLISHED.

The Northlake Boulevard highway business overlay zoning district (NBOZ) shall consist of that portion of real properties within the village on the north side of that front upon or are adjacent to Northlake Boulevard between Alternate A1A and US Highway 1 as indicated on the official zoning map.

ARTICLE 2 CONSISTENCY WITH COMPREHENSIVE LAND USE PLAN

The establishment of the NBOZ district is hereby declared consistent with the village comprehensive plan.

ARTICLE 3 GENERAL PROVISIONS

Sec. 3-1 Applicability.

- A. ***Applicability.*** The provisions of the NBOZ district shall apply to all existing and future development within the boundaries of the NBOZ district as follows:
1. All new development.
 2. All renovations, additions, or redevelopment to existing structures where the cost of such is greater than fifty (50) percent of the assessed improvement value of the parcel, indicated on the most recent tax roll of Palm Beach County Property Appraiser, or an increase of greater than twenty (20) percent of the square footage of the existing structure shall conform to one hundred (100) percent of the NBOZ Regulations.
 3. When the use of an existing structure ceases for one hundred eighty (180) consecutive days, or as otherwise determined to be a discontinued or abandoned use by the local zoning code.
- B. ***Invalid approvals.*** Invalid development orders or permits of projects, which have been revoked or have expired shall be subject to all applicable provisions of the NBOZ district.
- C. ***Conflict with other applicable regulations.***
1. When the provisions of the NBOZ district clearly conflict with other village regulations applicable to the site, the NB district ~~the most~~ restrictive provisions shall prevail.
 2. Provisions addressed within the village regulations that are not addressed within the NBOZ district remain applicable in the development or redevelopment of a site in the NBOZ district.

15. PROPOSED CHANGES TO NBOZ OVERLAY (§ 45-35.3)

Sec. 3-2 Procedures, variances, and waivers. and regulations.

A. Submittal and review procedures. Development or redevelopment within the corridor shall adhere to the regulations imposed by the NBOZ district. Compliance with the standards of the NBOZ district shall be demonstrated by submittal of architectural drawings and a site development plan or site improvement plan in accordance with village regulations, which generally require a certificate of appropriateness from the planning commission before building and other permits may be issued. The certificate of appropriateness development order shall reflect the restrictions imposed by the NBOZ district.

~~B. Use regulations. Restrictions which may be imposed in the NBOZ district shall be limited to the following:~~

- ~~1. Reducing the number of land uses permitted by right and permitted by conditional use within the NBOZ district;~~
- ~~2. Eliminating inappropriate land use within the NBOZ district;~~
- ~~3. Limiting maximum building or impervious coverage permitted;~~
- ~~4. Management of access to abutting and nearby roadways, including specific design features intended to reduce adverse traffic impacts; or~~
- ~~5. Any other specific site development regulations required or authorized by these provisions.~~

~~C. Review procedures. Unless otherwise stated within these provisions, the review procedures for development and redevelopment of applicable sites within the NBOZ district shall be pursuant to the village's review procedures and approval process.~~

~~D. Waivers and variances. Waivers and variances from the NBOZ regulations may be granted by the village: reviewing projects which are subject to the NBOZ regulations.~~

B. 2. Variances. Variances may be granted by the village to standards in the NB district using the same procedures and criteria, which the village uses in granting variances from other regulations (see section 45-50). ~~its code.~~

C. 1. Waivers. ~~Waivers from the NBOZ regulations~~ may be granted by the village to certain standards in the NB district in accordance with the applicable village procedures for granting waivers (see section 45-51), with these additional requirements: from its own code of ordinances.

1. Waivers in the NB district are limited to

2. The planning commission must make these additional findings before approving a waiver in the NB district:

15. PROPOSED CHANGES TO NBOZ OVERLAY (§ 45-35.3)

ARTICLE 4 ZONING REGULATIONS

Sec. 4-1 Development review regulations.

A. Allowable Uses. Table 1 indicates allowable uses in the NB district.

- 1.** The uses listed in Table 1 are grouped into four use groups: Residential Uses, Lodging Uses, Business Uses, and Civic & Education Uses.
- 2.** In one of the columns following each listed use, a symbol is provided to indicate that:
 - a.** This use is permitted by right without public hearings; or
 - b.** This use may be approved by the planning commission as a special exception; see section 45-16.2 for standards and procedures; or
 - c.** This use, like other uses not listed in Table 1, is not permitted in the NB district.
- 3.** Terms in Table 1 are defined in section 45-2 under “Use Groups.”
- 4.** Also refer to section 45-16.1 on uses that are similar to uses listed in Table 1.

~~A. **Conditional use and special permit use.** Conditional uses and special permit uses are generally compatible with the other uses permitted in the district, but which require individual review as to their location, design, configuration, intensity and/or density of use, buildings and structures, and may require the imposition of conditions in order to ensure the appropriateness of the use at a particular location. The supplemental regulations outlined in section 4-3 of this article are to be considered in addition to the existing village standards; however, the most restrictive regulations apply. Special permit uses are generally temporary for a specified fixed period of time.~~

- ~~1. **Standards for conditional uses and special permit uses.** These uses shall be permitted only if the applicant for conditional use or special permit use approval demonstrates the following:~~
 - ~~a. The proposed use is in compliance with all requirements of and is consistent with the general purpose, goals, objectives and standards of the village's land development regulations and comprehensive development plan;~~
 - ~~b. The proposed use will not have an undue adverse effect on nearby properties;~~
 - ~~c. The proposed use is compatible with the existing or planned character of the neighborhood in which it would be located; and~~
 - ~~d. All reasonable steps have been taken to minimize any adverse effect of the proposed use on the immediate vicinity through site design, landscaping and screening.~~

15. PROPOSED CHANGES TO NBOZ OVERLAY (§ 45-35.3)

Table 1 Allowable Uses

	<u>PERMITTED USE</u>	<u>SPECIAL EXCEPTION</u>	<u>NOT PERMITTED</u>
RESIDENTIAL USES			
<u>Mobile home park</u>			●
<u>Dwelling, one family detached</u>			●
<u>Dwelling, all other dwelling types</u>	●		
<u>Live/work unit</u>	●		
<u>Work/live unit</u>	●		
<u>Assisted living facility</u>		●	
<u>Community residence</u>	●		
<u>Community residential home</u>	●		
LODGING USES			
<u>Bed-and-breakfast establishment</u>	●		
<u>Hotel</u>	●		
<u>Motel</u>	●		
<u>Time-share unit</u>	●		
BUSINESS USES			
<u>Offices, general</u>	●		
<u>Office or clinic, medical or dental</u>	●		
<u>Stores & services, general</u>	●		
<u>Stores & services, large format</u>		●	
<u>Adult entertainment</u>			●
<u>Convenience store with fuel</u>		●	
<u>Drive-through facility (for any use)</u>		●	
<u>Garage, parking</u>		●	
<u>Heavy commercial and light industrial:</u>			
<u>Contractor and trade operation</u>		●	
<u>Vehicle sales or repair</u>		●	
<u>All other</u>			●
<u>Medical marijuana treatment center</u>			●
<u>Restaurant or cocktail lounge</u>	●		
<u>Telecommunications antennas</u>		●	
CIVIC & EDUCATION USES			
<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>		●	

15. PROPOSED CHANGES TO NBOZ OVERLAY (§ 45-35.3)

2. ~~*Conditions on conditional uses and special permit uses.*~~ The village council shall attach such conditions, limitations and requirements as are necessary to carry out the purpose of the village's land development regulations and comprehensive development plan and to prevent or minimize adverse impacts on adjacent properties, including, but not limited to, conditions relating to the size and intensity of the use, landscaping, lighting, adequate ingress and egress, traffic circulation and hours of operation. Such conditions shall be set forth expressly in the resolution granting the conditional use or special permit use.

3. ~~*Review by village council.*~~ The village council shall conduct a public hearing on a conditional use or special permit use application and determine whether the request meets the criteria established in this section. At the close of the public hearing, the village council shall either adopt a resolution granting the application, with or without conditions, or deny the application.

~~B. *Prohibited uses.*~~ Uses not listed in the use chart are prohibited unless it is determined by the village that the requested use is similar in nature to a listed use and not contrary to the intent of the NBOZ.

B. ***Building height.*** Building height is regulated through the architectural standards in Article 5; in no case may a building in the NB zoning district exceed 4 stories in height. For the purpose of calculating the number of stories in a building, stories shall be defined as the habitable building space between finished floor and finished ceiling, adjusted as follows:

1. Each level devoted to parking is considered as individual story when calculating the number of stories in a building.
2. A mezzanine will not count towards the number of stories provided that the total area of mezzanine level is less than 40 percent of the floor area of the main story below.

C. ***Existing planned development districts.*** Properties within the jurisdiction of the village, which have a PUD designation at the time of adoption of the original NBOZ overlay in 2003, shall be permitted to have uses and design guidelines in accordance with the development order for that planned development district so long as the development order is in effect. Any amendment to the PUD will have to comply with the design guidelines of the current NBOZ district.

~~D. *Variances.*~~ A variance from the supplementary use standards established in this article shall not be granted by the village.

D. ***Accessory use.*** An accessory use is customarily associated with the principal use, incidental to the principal use, and subordinate in area, extent or purpose, and serves only the principal use. Accessory uses shall be subject to the following:

1. All accessory uses shall be located on the same lot as the principal use.

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1 2. A use that is an accessory to a nonresidential principal use shall not
2 exceed thirty (30) percent of the floor area or business receipts of the
3 principal use.

4 ~~F. *Parking and loading.* All parking and loading standards are governed by the~~
5 ~~village.~~

6 E. ~~G.~~ *Measuring distances.* All required distances between structures and/or
7 uses within this article shall be measured and determined irrespective of
8 existing municipal boundaries.

INCOMPLETE DRAFT

15. PROPOSED CHANGES TO NBOZ OVERLAY (§ 45-35.3)

1

Sec. 4-2—Land use chart.

NBOZ District Underlying Land Use	Central Commercial	Central Industrial	East Commercial
NBOZ Land Use			
Retail			
Convenience Store	CU		CU
Convenience Store with Gas Sales	CU	CU	CU
Drug Store with Drive-Through	CU		CU
Nursery, Retail and Garden Supplies	CU	CU	
Retail Sales	P		P
Personal Service			
Dry-Cleaning	P		P
Emergency Health-Care Facility	P		P
Laundry Service	P		P
Personal Services	P		P
Veterinary Clinic	P		P
Professional Office			
Broadcast Studio	P	P	P
Financial Institution	P		P
Laboratory, General	P		P
Laboratory, Medical or Dental	P	P	P
—Type II	P		CU
Medical or Dental Office or Clinic	P		P
—Type II	P		CU
Office, Business and Professional	P	P	P
Residential			
Dwelling Unit	CU		CU
Nursing or Convalescent Facility	CU		

15. PROPOSED CHANGES TO NBOZ OVERLAY (§ 45-35.3)

Auto/Boat			
Automotive Service Station	CU	CU	CU
Car Wash, Automatic	CU	CU	CU
Tire Sales and Installation	P		P
Vehicle Sales and Rental	CU		
Restaurant			
Restaurant	P		P
Restaurant, Fast Food	CU	CU	CU
Nightclub, Bar or Lounge	CU		CU
Recreation			
Commercial Recreation, Indoor	P	P	P
Commercial Recreation, Outdoor	CU		
Marina/Private Mooring			CU
Theater, Indoor	P	P	P
Assembly			
Church or Place of Worship	CU		CU
College/University	CU		
School, Public or Private	CU		CU
Other			
Adult Entertainment	SP	SP	SP
Day Care, Adult and Child	CU	CU	CU
Funeral Home	CU	CU	CU
Hospital or Medical Center	CU		
Hotel/Motel	P		P
Temporary Sales, Amusements, and Special Events	SP	SP	SP
Utility, Public and Private (minor)	P		P

CU: Conditional Use

SP: Special Permit

P: Permitted

15. PROPOSED CHANGES TO NBOZ OVERLAY (§ 45-35.3)

District Boundaries:

Central: From Interstate 95 to Alternate A1A (north side) and Prosperity Farms Road (south side).

East: From Alternate A1A (north side) and Prosperity Farms Road (south side) to U.S. Highway One.

E. Notwithstanding anything contained elsewhere within this code ordinance, the properties covered by the NBOZ district which have approved uses under the immediately prior existing underlying zoning district of the village that are considered or deemed not approved uses in the land use chart above, shall retain their permitted status rather than being deemed not be non-conforming.

Sec. 4-3 — Use definitions and supplemental regulations.

~~**Adult entertainment** shall have the definition ascribed to it by the village in other section or sections of the Code.~~

~~**Automotive service station** means an establishment engaged in the retail sale of gasoline or other motor fuels, which may include accessory activities such as the sale of automotive accessories or supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of motor vehicles. An automotive service station shall be subject to the following supplementary use standards:~~

- ~~a. Bay doors shall not be oriented toward residential zoning districts. If oriented to a public right of way, bay doors must be completely and permanently screened from the right of way by a building, opaque masonry wall or similar fixed structures.~~
- ~~b. All repair work shall occur within an enclosed structure.~~
- ~~c. There shall be a minimum separation distance of five hundred (500) feet from the nearest points of property lines for a parcel developed for use as an automobile service station and a parcel occupied by a church, school or hospital.~~
- ~~d. There shall be no outdoor storage or display of merchandise, use of outdoor speakers, nor vehicular testing on residential streets.~~
- ~~e. The following accessory uses shall be permitted at an automotive service station:~~
 - ~~1) Convenience store subject to the convenience store regulations.~~
 - ~~2) Automatic car wash subject to the car wash regulations.~~

~~**Broadcast studio** means an establishment engaged in the provision of commercial broadcasting services accomplished through the use of electronic mechanisms.~~

~~**Car wash, automatic**, full or self-service means a building or area, which provides facilities for washing and cleaning motor vehicles. An automatic, full or~~

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self-service car wash shall comply with the following supplementary use standards:

- a. In approving a car wash, the reviewing board shall make a finding that the use is appropriately located, considering the following guidelines:
 - 1) Proper functioning of the site as related to vehicular stacking, circulation, and turning movements.
 - 2) Adequate buffering from residential areas.
 - 3) Adequate access, ingress and egress.
- b. The use of outdoor speakers shall be prohibited.
- c. Car washes/detailing shall be located at least one hundred (100) feet from any residential district, use, or structure.
- d. Car wash openings must be oriented away from residential zoning districts or public rights of way. If oriented to a public right of way, bay doors must be completely and permanently screened from the right of way by a building, opaque masonry wall or similar fixed structures.

Church or place of worship means a premises or structure used primarily or exclusively for religious worship and related religious services on a permanent basis by a tax-exempt religious group, sect, or denomination registered as a not-for-profit organization pursuant to Section 501(C)(3) of the United States Internal Revenue Code, as amended. A church or place of worship may include retreat site camp, convent, seminary or similar facilities operated for religious activities. A church or place of worship shall comply with the following supplementary use standards:

- a. Churches or places of worship, which include accessory uses such as a rectory, day care center, school, academy, congregational living facility, community center, or similar accessory facilities shall be subject to approval as a conditional use.

College/university means an institution of higher learning offering undergraduate or graduate degrees and including the buildings required for education or support services such as classrooms, laboratories, dormitories, and the like. In approving a university or college, the reviewing board shall make a finding that the use is appropriately located, based on the following guidelines:

- a. Property functioning of the site as related to parking;
- b. Adequate buffering from residential areas; and
- c. Adequate access, ingress and egress.

Commercial recreation, indoor means an establishment offering entertainment or games of skill to the general public for a fee or charge and wholly enclosed in the building. Typical uses include bingo parlors, pool halls, indoor swimming pools, billiard parlors and video game arcades, but excluding gun clubs.

Commercial recreation, outdoor means an establishment providing entertainment or games of skill to the general public for a fee or charge where any

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portion of the activity takes place in the open, excluding golf courses and public parks. Typical uses include: archery ranges, athletic fields, batting cages, gold driving ranges, miniature golf, swimming pools, and tennis courts. An Outdoor commercial recreation use shall be subject on the following supplementary use standards:

- a. ~~An outdoor commercial recreation facility shall not be located within five hundred (500) feet of an existing residential district, use or structure;~~
- b. ~~Access to such facilities shall be from an arterial or major collector road; and~~
- c. ~~The reviewing board may require additional buffers, safety fences or walls, or limitation on hours of operation in order to protect neighboring property and residential activity. In approving a conditional use for an outdoor commercial recreation use, the reviewing board shall make a finding that the use is appropriately located such that neighboring property is protected from potential loss of use, noise or other diminution of land value.~~

Convenience store ~~means an establishment not exceeding three thousand (3,000) square feet of gross floor area serving a limited marketed area and primarily engaged in the retail sale of food, beverages and other frequently or recurrently needed items for household use. The following accessory uses shall be permitted:~~

- a. ~~Gasoline sales subject to the use regulations governing automotive service stations, however automobile repairs, including oil change are prohibited where the convenience store is the principle use.~~
- b. ~~Automatic car washes subject to the use regulations governing car washes.~~

Day care, adult and child ~~means an establishment licensed by the Florida Department of Children and Family Services. An adult or child day care center shall comply with the following supplementary use standards:~~

- a. ~~A pickup and drop off area shall be provided, as well as a sufficient number of parking spaces for drop off located outside of the main travel way. Drop off parking stalls shall be a minimum of twelve (12) feet wide x twenty (20) feet in length. A minimum four foot (4) wide sidewalk running from the drop off parking spaces to the day care entrance shall be provided. The number of parking drop off spaces shall be determined by the review board, but shall, in no case, be less than two (2) spaces.~~
- b. ~~In making an approval for an adult or child day care center the [review board] shall make a finding that the use is appropriately located, based on the following guidelines:~~
 - 1) ~~Proper functioning of the site as related to vehicular stacking, circulation and turning, including pickup and drop off areas;~~
 - 2) ~~Adequate screening and buffering from residential districts, uses and structures; and~~
 - 3) ~~Adequate access, ingress and egress.~~

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Dry cleaning means an establishment that provides for cleaning of fabrics with solvents.

Dwelling unit.

- a. A dwelling unit shall not be located on the ground floor of any building or structure.
- b. Parking shall be provided at a minimum of one and one half (1½) spaces per dwelling unit, exclusive of parking required for nonresidential uses.

Emergency health care facility means an establishment not affiliated with a hospital or hospital emergency room, providing walk-up emergency medical care.

Financial institution means an establishment open to the general public and engaged in deposit banking. Typical uses include commercial banks, savings institutions and credit unions, and may include outdoor automated teller machine and drive-through facilities. A financial institution shall comply with the following supplementary use standards:

- a. A financial institution with more than three (3) drive-up units or two (2) drive-up units and a drive-up automated teller machine shall be approved only as a conditional use. In approving a conditional use, the reviewing board shall make a finding that the use is appropriately located, considering the following guidelines:
 - 1) Proper functioning of the site as related to vehicular stacking, circulation and turning movements;
 - 2) Adequate buffering from residential areas; and
 - 3) Provision of adequate ingress, egress, and access.

Funeral home means an establishment engaged in preparing deceased human beings for burial, and managing and arranging funerals. A funeral home shall comply with the following supplementary use standards:

- a. A funeral home use shall not include a crematory.
- b. In approving a conditional use for a funeral home, the village shall make a determination the use is appropriately located, considering the following guidelines:
 - 1) Proper functioning of the site as related to vehicular stacking, circulation and turning movements;
 - 2) Adequate buffering from residential areas; and
 - 3) Provision of adequate ingress, egress, and access.

Hospital or medical center means a facility which provides primary, secondary or tertiary medical care, emergency medical services, including preventive medicine, diagnostic medicine, treatment and rehabilitative service, medical training programs, medical research, and may include association with medical schools or medical institutions. A hospital or medical center shall be subject to the following supplementary use standards:

- a. The minimum lot area shall be three acres;

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b. ~~The number of patient rooms for the hospital or medical center shall not exceed one patient room for each one thousand (1,000) feet of lot area; and~~

c. ~~If ambulance service is required, access shall be from an arterial or major collector road.~~

Hotel/motel means a commercial establishment used, maintained or advertised as a place where sleeping accommodations are supplied for short term rent to tenants. The establishment may be constructed in a building or a group of buildings and may include one or more accessory uses such as dining rooms or convenience stores. A hotel/motel use shall comply with the following supplementary use standards:

a. ~~The number of sleeping units shall not exceed one (1) per thousand (1,000) square feet of lot area.~~

b. ~~Accessory uses, including lounges, dining and retail sales shall not exceed thirty (30) percent of the entire gross floor area of the principal structures.~~

Laboratory, general means a facility used for testing, research, experimentation, quality control or prototype construction, excluding routine manufacturing, repair, maintenance, or similar activities.

Laboratory, medical or dental means an establishment which performs medical tests, or the construction or repair of prosthetic devices, provided such testing or work is performed at the written order of a licensed physician or dentist.

Laundry service means an establishment that provides home type washing, drying, dry cleaning, or ironing machines for hire to be used by customers on the premises, or that is engaged in providing laundry and dry cleaning service with customer drop-off and pickup.

Marina/private mooring means a dock or basin supplying secure moorings for boats. Marinas shall comply with the following supplementary use standards:

a. ~~A marina shall provide at each boat slip an individual sewer and water hook up that shall be connected to a sewage and potable water supply system approved by the Palm Beach County Health Department.~~

b. ~~All docks shall extend beyond the shallow water depth.~~

c. ~~An accessory marine store shall be permitted.~~

Medical or dental office or clinic means a facility providing health care services to the public by physicians, dentists, chiropractors, osteopaths, physical therapists, nurses, acupuncturists, podiatrists, optometrists, psychiatrists or others who are duly licensed to practice their respective medical or dental profession in the State of Florida, as well as those technicians and assistants who are acting under the supervision and control of a licensed health care practitioner. These uses shall not include establishments where patients are lodged overnight and are subject to additional regulations regarding the dispensing of controlled substances set forth in section 45-36.S of this chapter.

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~~*Nightclub, bar or lounge* means an establishment engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges and similar other uses. A nightclub, bar or lounge may include live entertainment. The establishment shall not sell liquor or alcoholic beverages for off-premises consumption. The restrictions of this section shall not apply to any bona fide restaurant as defined and licensed under Florida Statutes as a restaurant with full kitchen facilities. A nightclub, bar or lounge shall be subject to the following supplementary use standards:~~

- ~~a. A night club, bar or lounge shall not be located within two hundred fifty (250) feet of a residential district, use or structure, nor within seven hundred fifty (750) feet of another nightclub, bar or lounge use as measured by the nearest points of property lines on any two (2) parcels of land occupied or to be occupied for a night club, bar or lounge.~~
 - ~~1) The distance to residential may be reduced for those properties adjacent to the Earman River upon application to the village as part of the conditional use application.~~
 - ~~2) Conditional use approval may be subject to additional site design requirements to reduce impacts on neighboring residential districts or uses.~~
- ~~b. Outdoor or open areas shall be permitted subject to a finding by the reviewing board that the location or design of the outdoor or open area shall not have a negative impact on neighboring residential districts, uses or structures.~~
- ~~c. A nightclub, bar or lounge contained within an office, hotel or motel structure shall be considered as an accessory use and shall not exceed thirty (30) percent of the gross floor area of the entire structure.~~

~~*Nursery, retail and garden supplies* means an establishment which sells trees, shrubs, groundcover, sod, and other types of plants, tools, lawnmowers and related power equipment, fertilizer and pesticides, garden furniture, mulch and other types of groundcover and similar items used for landscape lawn maintenance and landscape purposes. Retail landscape nursery and garden supplies shall comply with the following supplementary use standards:~~

- ~~a. Aerial application of any pesticides, fungicides, fertilizer or any other chemical shall be prohibited.~~
- ~~b. Operation of heavy equipment shall be prohibited.~~
- ~~c. Outdoor storage and display of landscape plant materials (excluding elements such as mulch, pebbles, gravel stone, fertilizer, wood, sculptures, furniture, etc.) is permitted, but shall not be located in the required setbacks. Chain link fences, with black or green vinyl covering, are permitted for security purposes.~~
- ~~d. Stored materials other than landscape plant materials shall be completely screened by walls or buildings and shall not protrude above the height of the enclosing walls or buildings or be visible from a public right-of-way~~

15. PROPOSED CHANGES TO NBOZ OVERLAY (§ 45-35.3)

or adjacent residential districts or use and shall not be located in any of the required setbacks.

Nursing or convalescent facility means a facility licensed and regulated by the State of Florida that provides lodging and long term skilled nursing care for aged, chronically ill or convalescent patients, but excluding hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. A nursing or convalescent facility shall be subject to the following supplementary use standards:

- a. The minimum lot area for a nursing and convalescent center shall be two (2) acres.
- b. The number of patient rooms shall not exceed one for each one thousand (1,000) square feet of lot area.
- c. Access required for ambulance service shall be from an arterial or major collector so as to minimize the adverse effects on adjacent or nearby residential property.

Office, business and professional means an establishment providing executive management, administrative, business or professional services, but not involving medical or dental services or the sale of merchandise except as incidental to a permitted use. A business or professional office may have a convenience store not exceeding five hundred (500) square feet or twenty-five (25) percent of the gross floor area, whichever is less. All such uses shall be completely internal to the office and shall not have a separate entrance or any exterior signage.

Personal services means an establishment engaged in the provision of frequently or recurrently needed services of a personal nature, but excluding those services specifically classified and regulated in the use chart as a separate use. Personal services as may include, but are not limited to, barber shops, beauty salons, nail salons, and tanning salons, and art and music schools. Such services may include the accessory retail sales of items related to the services rendered.

Restaurant means an establishment where food and beverages are prepared, served and consumed primarily on the premises. The restaurant may include cafeteria or buffet style service. A restaurant shall be subject to the following supplementary use standards:

- a. Outdoor dining areas under a solid roof shall be considered a part of the gross floor area and shall comply with district setback requirements for structures.
- b. Catering may be permitted as an accessory use to a restaurant.

Restaurant, fast food means an establishment where food and beverages are primarily precooked, prepackaged, served in disposable wrapping and containers and where orders are taken at a counter or drive through. A fast food restaurant shall be subject to the following supplementary use standards:

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1 a. ~~Outdoor dining areas under a solid roof shall be considered a part of the~~
2 ~~gross floor area and shall comply with district setback requirements for~~
3 ~~structures.~~

4 b. ~~A fast food restaurant with a drive-through shall be approved as a~~
5 ~~conditional use. In approving a conditional use for fast food restaurant, the~~
6 ~~reviewing board shall make a finding that the use is appropriately located,~~
7 ~~based on the following guidelines:~~

- 8 1) ~~Proper functioning of the site as related to vehicular stacking,~~
9 ~~circulation and turning movements;~~
10 2) ~~Adequate buffering from residential areas; and~~
11 3) ~~Provision of adequate ingress, egress and access.~~

12 ~~**Retail sales** means the sale, incidental repair and rental of goods on a retail~~
13 ~~basis excluding those uses specifically classified and regulated as a separate use in~~
14 ~~the use chart. Uses shall include the sale of bulky goods such as household~~
15 ~~appliances. Outdoor storage or display of merchandise shall be prohibited.~~

16 ~~**School, public or private** means an institution of learning which conducts~~
17 ~~regular classes and courses of study required for accreditation as an elementary or~~
18 ~~secondary school by the State Department of Education of Florida. In approving a~~
19 ~~conditional use for a school, the reviewing board shall make a finding that the use~~
20 ~~is appropriately located, based on the following guidelines:~~

- 21 a. ~~Proper functioning of the site as related to vehicular stacking, circulation~~
22 ~~and turning movements;~~
23 b. ~~Adequate buffering from residential areas; and~~
24 c. ~~Provision of adequate ingress, egress and access.~~

25 ~~**Temporary sales, amusements, and special events** means an activity, which~~
26 ~~includes amusements, food, games, crafts, performances or retail sales outside of~~
27 ~~permanent structures. Typical uses include: carnivals, circuses, temporary~~
28 ~~auctions and tent revivals. A temporary sales and amusement use shall comply~~
29 ~~with the following supplementary use standards.~~

- 30 a. ~~The temporary amusement or special event use shall not be permitted for~~
31 ~~a period exceeding seven (7) consecutive calendar days. A site shall be~~
32 ~~issued no more than three (3) permits per year.~~
33 b. ~~All mobile homes, trailers, vehicles, tents, mechanical devices, carnival~~
34 ~~rides or animals related to the use shall comply with the following~~
35 ~~minimum setbacks:~~
36 1) ~~Fifty (50) feet from a public right of way.~~
37 2) ~~Two hundred (200) feet from any property line adjacent to a~~
38 ~~residential district, use or structure; and~~
39 3) ~~One hundred (100) feet from any right of way for carnival rides.~~
40 c. ~~Access for a temporary sales, amusement or special event use shall be~~
41 ~~from an arterial or major collector road.~~

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~~**Theater indoor** means an establishment for showing motion pictures or live performances in an enclosed structure.~~

~~**Tire sales and installation** means an establishment engaged primarily in the sale and installation of tires for automobiles, trucks, sport utility vehicles and similar vehicles and may include minor adjustments and repairs. Tire sales and installation uses shall be subject to the following supplementary use standards:~~

- ~~a. All activities related to tire sales and installation shall be conducted within an enclosed structure.~~
- ~~b. Outside storage or display of tires or other products or merchandise shall be prohibited.~~
- ~~c. Overhead bay doors shall not be oriented toward any adjacent property in a residential district or adjacent public street.~~
- ~~d. Repair activities and tire installation shall be located at least one hundred (100) feet from any residential district, use, or structure.~~
- ~~e. Outdoor speakers are prohibited.~~

~~**Utility, public and private (minor)** means one (1) or more elements of utility distribution, collection or transmission, networks or facilities, which provide utility service to a relatively limited geographical area. Typical uses include: electrical distribution substations, sewage lift stations, manned or unmanned telephone exchange buildings and substations. A utility, public, and private (minor) use shall comply with the following supplementary use standards:~~

- ~~a. The use shall be located within a reasonable proximity of the area to be served by the facility;~~
- ~~b. Structures, buildings and appurtenances shall not exceed two thousand five hundred (2,500) square feet of gross enclosed floor area.~~

~~**Vehicle sales and rental** means an establishment engaged in the sale or rental from the premises of motor vehicles or equipment, watercraft, recreational vehicles or mobile homes, with or without incidental service, maintenance or repair. Typical uses include new and used automobile sales, automobile rental, boat sales, boat rental, and mobile home sales. The sale or rental of industrial or agricultural vehicles is prohibited. Vehicle sales and rental uses shall be subject to the following supplementary use standards:~~

- ~~a. The minimum lot area for vehicle sales and rental is three acres.~~
- ~~b. Repair facilities, paint and body, and sales of parts may be provided as accessory uses:~~
 - ~~1. Repair facilities shall be located at least one hundred (100) feet from any residential district, use or structure.~~
 - ~~2. Service bay doors shall not be oriented towards any adjacent property in a residential district or adjacent public street.~~
 - ~~3. All repair and maintenance shall be conducted in a completely enclosed structure. Outside storage or display of disassembled vehicles or parts shall be prohibited.~~

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- ~~e. A mobile home, recreational vehicle or other vehicle shall not be used as a sales office, storage space, or for sleeping purposes. Sales offices and storage shall be contained in buildings in conformance with applicable building codes.~~
- ~~d. If an accessory car wash facility is installed, it shall adhere to the regulations governing car washes.~~
- ~~e. Outdoor speakers or public address systems that are audible from the exterior of the site shall be prohibited.~~
- ~~f. Outdoor display and storage of motor vehicles is permitted provided that the vehicles are not elevated or mechanically rotated nor parked with their hoods or trunks open.~~

~~**Veterinary clinic** means an establishment engaged in providing medical care and treatment for animals, and which may provide overnight facilities. Outdoor runs or facilities are prohibited.~~

ARTICLES 5 THROUGH ARTICLE 8

In addition to the specific changes to Articles 5 through 8 identified on the following pages, the following general changes are being made throughout these articles:

- Every occurrence of the acronym “NBOZ” is being changed to “NB district”*
- Every occurrence of the phrase “conditional use” is being changed to “special exception”*
- Every occurrence of the word “overlay” or the phrase “overlay zone” is being changed to “NB district”*

ARTICLE 5 ARCHITECTURAL ELEMENTS

No additional changes are being made to Article 5.

ARTICLE 6 LANDSCAPE ELEMENTS

The landscape requirements in Article 6 are ____.

ARTICLE 7 SIGNAGE AND OUTDOOR DISPLAYS

The row in Table 7-6 that applies to the Central/West District is being deleted.

The signage and outdoor display requirements in Article 7 are ____.

15. PROPOSED CHANGES TO NBOZ OVERLAY (§ 45-35.3)

ARTICLE 8 SITE PLAN ELEMENTS

Sec. 8-2 Building orientation and placement.

A. through C. and E. through F. *[no changes]*

D. Building envelope, bulk and setback requirement. In order to establish overall building envelope, bulk, and setback provisions within the NBOZ district, the following regulations are established for the purposes of this section.

Table 8-2 --- Proposed Setbacks

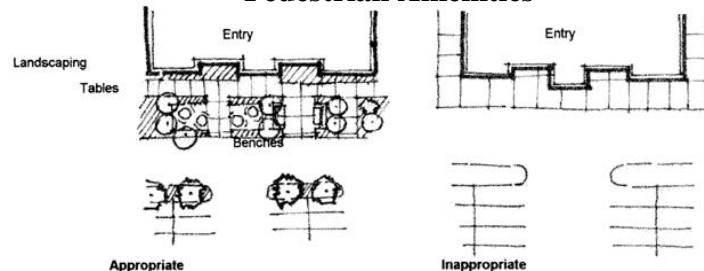
[delete columns headed West, Central and Marine]

Sec. 8-4 Pedestrian amenities.

A. General design. Uses shall contribute to pedestrian-friendly focal spaces through the provision of aesthetic walking paths, pedestrian spaces with furnishings, public art, generous plantings, marked crosswalks, and vehicular parking and circulation areas clearly separated from such pedestrian amenities.

1. Sidewalks shall be of barrier-free design to the greatest extent possible.
2. Pedestrian circulation systems shall include gathering/sitting areas.

Pedestrian Amenities



B. Width and materials. Sidewalks shall be a minimum of five (5) feet in width and shall be constructed of stone, textured cement, concrete pavers, or brick.

C. Pedestrian entrances.

1. Major public entrances shall be located along Northlake Blvd.
2. A clearly designated pedestrian walkway and similar pedestrian-oriented facilities shall be provided from public sidewalks to public entrance or walkways within a commercial site, as well as between abutting commercial properties.

D. Pedestrian walkway to Earman River (C-17 Canal). A clearly designated pedestrian walkway shall be provided from public sidewalks to the rear lot line on all properties located between US Highway 1 and a point 200 feet east of the centerline of Southwind Drive.

16. PROPOSED CHANGES TO HEIGHT REGULATIONS (§ 45-36)

45-36.M. Building height regulations.

- (1) Within the area of the Village of North Palm Beach which lies north of the Intracoastal Waterway and west of U.S. Highway No. 1, no building or structure shall exceed sixteen (16) stories or one hundred sixty (160) feet.
- (2) Within the area of the Village of North Palm Beach which lies north of the Intracoastal Waterway and east of U.S. Highway No. 1, no building or structure shall exceed twenty-two (22) stories or two hundred twenty (220) feet.
- (3) Within the area of the Village of North Palm Beach which lies south of the Intracoastal Waterway and east of U.S. Highway No. 1, no building or structure shall exceed four (4) stories or forty (40) feet.
- (4) Within the area of the Village of North Palm Beach which lies south and west of the Intracoastal Waterway and west of U.S. Highway No. 1, no building or structure shall exceed four (4) stories or forty (40) feet, except as may be permitted in parts of the C-3 zoning district.

17. PROPOSED CHANGES TO VARIANCES (§ 45-50) AND WAIVERS (§ 45-51)

CHAPTER 45, ARTICLE VI

REZONINGS; VARIANCES; WAIVERS

AMENDMENTS---FEES; WAITING PERIODS

Sec. 45-49. – Applications for rezoning, etc.

- (1) All applications for rezoning and all applications to amend, supplement, modify or repeal the boundaries, districts, regulations or restrictions established by this chapter shall be done by application to the planning commission of the village. The application to the planning commission may be made by any property owner or tenant or by a governmental office, department, board or bureau. Such applications shall be filed with the community development department of the village, which shall transmit the same, together with all the plans, specifications, application blank and other papers pertaining to the application, to the planning commission. Any such application, except by a governmental agency, must be accompanied by the filing fee established in the master fee schedule adopted annually as part of the village budget together with a deposit of the estimated cost of the village processing the application. Upon the village determining the actual costs, applicants shall pay the balance, if any, in full of such costs including advertising prior to final consideration of the application. If the deposit exceeds actual costs, the balance shall be refunded to applicant.
- (2) All applications to the planning commission concerning rezoning shall be upon forms to be supplied by the community development department.
- (3) Whenever, after review, investigation and hearing, any application for a change of district classification has been denied, an application for a like change cannot be reinstated for a period of at least one (1) year after said denial.
- (4) Public notice of all hearings shall be provided as required by section 21-3 of the village Code.

Sec. 45-50. - Application for Variances.

- (1) All applications for variances to regulations or restrictions established by this ordinance shall be done by application to the board of adjustment of the village. The application to the board of adjustment may be made by any property owner or tenant or by a governmental office, department, board or bureau. Such applications shall be filed with the community development director of the village, who shall transmit the same, together with all the plans, specifications, application blank and other papers pertaining to the application, to the board of adjustment. Any such application, except by a

17. PROPOSED CHANGES TO VARIANCES (§ 45-50) AND WAIVERS (§ 45-51)

governmental agency, must be accompanied by the filing fee established in the master fee schedule adopted annually as part of the village budget.

- (2) All applications to the board of adjustment concerning variances shall be upon forms to be supplied by the community development department.
- (3) Criteria for decisions on variance applications are provided in section 21-21 of the village Code.
- (4) ~~(3)~~ Public notice of all hearings shall be provided as required by section 21-3 of the village Code.

Sec. 45-51. - Waivers.

- (1) In the C-A and NB zoning districts, waivers may be requested from certain regulations in this code. An application for such waiver may be made by any property owner or tenant or by a governmental office, department, board or bureau. Such applications shall be filed with the community development director of the village, using forms supplied by the director, who shall transmit the same, together with all the plans, specifications, application blank and other papers pertaining to the application, to the planning commission. Any such application, except by a governmental agency, must be accompanied by the filing fee established in the master fee schedule adopted annually as part of the village budget.
- (2) The planning commission will hold a public hearing in conjunction with consideration of a certificate of appropriateness for the subject property (see sections 6-58 and 6-59). The planning commission will consider the following factors and any additional criteria set forth in the relevant zoning district:
 - a. The extent to which the alternate standard proposed by the applicant differs from the standard in the code.
 - b. Any unusual circumstances regarding the property or immediate area.
 - c. The effect of approving or denying the waiver on the development project and on the surrounding area.
 - d. Recommendations of village staff.
 - e. Testimony from the applicant.
 - f. Testimony from the public.

17. PROPOSED CHANGES TO VARIANCES (§ 45-50) AND WAIVERS (§ 45-51)

- 1 (3) At the end of the public hearing, the planning commission will make a
2 decision on each requested waiver. Approval is contingent on the planning
3 commission making these findings and any additional findings set forth in
4 the relevant zoning district:
- 5 a. The alternate standard proposed by the applicant is acceptable for the
6 specific site and building;
- 7 b. The proposed waiver does not detract from the design principles
8 supporting these zoning districts and the broader intent of this code;
- 9 c. The proposed waiver will not be injurious to surrounding properties or
10 nearby neighborhoods; and
- 11 d. The proposed waiver is not inconsistent with the Comprehensive Plan.
- 12 (4) The applicant or any interested party may file an appeal to the village
13 council on any ruling on waivers. An appeal shall be on forms provided by
14 the village. The appeal shall be filed or made within ten (10) days after
15 decision of the planning commission. Appeals shall set forth the alleged
16 inconsistency or nonconformity with procedures, criteria, or standards set
17 forth in this code. The village council shall decide an appeal within thirty
18 (30) days of the filing of such appeal unless an extension of time is
19 consented to by the applicant, and such filing shall suspend any building
20 permit issued pursuant to the ruling of the planning commission until the
21 village council has decided the appeal. The village council may review any
22 decision of the planning commission and their disposition of the matter shall
23 be final.
- 24 (5) Public notice of all hearings shall be provided as required by section 21-3 of
25 the village Code.

26 **~~Secs. 45-521—45-59.~~ - Reserved.**

18. PROPOSED CHANGES TO COMPREHENSIVE PLAN

3.0 FUTURE LAND USE ELEMENT

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 0.35 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 Twin City Mall site shall be exempt from this requirement, and subject to the land development regulations of the C-3 zoning district, which was jointly developed by the Village and the Town of Lake Park.
 2. ~~**Public Buildings And Grounds Uses:** A maximum of 0.25.~~
 3. **Educational Uses:** A maximum of 0.15;
 4. ~~**Other Public Facilities Uses:** A maximum of 0.30.~~
 5. **Recreation and Open Space Uses:** A maximum of 0.05
 6. **Light Industrial/Business Uses:** A maximum of 0.45.

Policy 1.A.9: In 2019, the Village shall revised its land development regulations and this Comprehensive Plan ~~no later than 2019~~ 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.

18. PROPOSED CHANGES TO COMPREHENSIVE PLAN

OBJECTIVE 1.B: Compact mixed-use developments may be permitted through the commercial planned unit development approval process in specified areas with a Commercial Future Land Use designation, as depicted on the Future Land Use Map Series, to further the Village's goal of revitalizing aging commercial corridor by creating walkable and bikeable centers of vibrant activity. Policy 1.B.4 describes the approval processes and certain limitations on mixed-use development.

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 ~~mixed-use~~ development potential on a given parcel of land:

1. **Maximum development potential:** Maximum mixed-use 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 are specified in each of the zoning districts that allow mixed-use development (see Policy 1.B.4). ~~Each mixed-use development must contain a residential component, together with at least one non-residential component consisting of uses authorized in the assigned underlying commercial zoning district, subject to conditions of approval.~~
3. **Mix of uses:** ~~The non-residential component of a mixed-use development must comprise a minimum of 10% the gross floor area. The residential component of a mixed-use development must contain a minimum of 25% of the gross floor area.~~
3. **Residential density:** Dwelling units within The residential component of a mixed-use development shall not exceed a density of 24 12 units per acre or as further limited by 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:** ~~With the exception of those properties located along U.S. Highway 1, The maximum height of a mixed-use development shall be limited to that allowed by the underlying commercial zoning district. The maximum height for mixed-use developments with frontage along U.S. Highway 1 is related to the depth of the property, as measured from the U.S. Highway 1 right-of-way, as follows:~~
 - ~~250 feet or less: Maximum height of 2 stories~~
 - ~~Greater than 250 feet to 300 feet: Maximum height of 3 stories~~
 - ~~Greater than 300 feet: Maximum height of 4 stories~~

18. PROPOSED CHANGES TO COMPREHENSIVE PLAN

Policy 1.B.2: Workforce housing density bonus: The residential density of a mixed-use development may be increased from 12 to 24 units per acre provided that either: (a) bonus units are constructed on-site; or (2) funding is provided to assist in an affordable housing program in another jurisdiction. If alternative (a) is selected, 50% of the bonus units shall be affordable as defined by the County's Workforce Housing Program income guidelines. If alternative (b) is selected, an amount equal to 5% of the cost of 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.4: ~~Specific additional development limitations and conditions on proposed Mixed-use developments may be approved in areas with a Commercial Future Land Use designation in any of the following manners: shall be established, as necessary, by the Village~~

- Through the mixed-use provisions that are being added to the C-A zoning district along US. Highway No. 1 between Yacht Club Drive and the Earman River.
- Through the mixed-use provisions that are being added to the C-3 zoning district in the southwest quadrant of US Highway No.1 and Northlake Boulevard.
- Through the mixed-use provisions that are being added to the C-C zoning district in the southwest portion of the Village.
- Through the commercial planned unit development process in other zoning districts.

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 4.5: 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.

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 ~~the Commercial Planned Unit~~

18. PROPOSED CHANGES TO COMPREHENSIVE PLAN

Development (CPUD) ordinance 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. (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-C-Transitional Commercial District.

Special Policy 5.18: Residential development on the property delineated as "Special Policy 5.18 5.16" on Map 3B of the Future Land Use Map Atlas shall be limited to a maximum of 16 residential units.

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 ~~along the Northlake Boulevard corridor shall conform to the requirements of 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-A, C-C, and C-3 zoning districts 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.

3.5.4 Northlake Boulevard Overlay Zone Map The Northlake Boulevard Overlay Zone is illustrated on Maps 3C and 5 ~~appropriate maps in the Future Land Use Map Atlas. All properties within the overlay zone are illustrated on Maps 3C and 5 of 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. ~~adopted under the Overlay Zone ordinance.~~

18. PROPOSED CHANGES TO COMPREHENSIVE PLAN

**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.

[remainder of Table 3-1 deleted for brevity]

*[the identical changes are being made
to Table 1 in the Future Land Use Atlas]*

18. PROPOSED CHANGES TO COMPREHENSIVE PLAN

4.0 TRANSPORTATION ELEMENT

Policy 1.2: Consistent with the adopted Palm Beach County traffic performance standards, the Village shall maintain a peak hour Level-Of-Service (LOS) standard of "D" for all Arterial and Collector roadways within the corporate limits, consistent with Article 12, Chapter B of the Palm Beach County Unified Land Development Code (Ref: Table 4-1)- with these exceptions:

- Prosperity Farms Road between Northlake Boulevard and Burns Road, which is designated as a Constrained Roadway at a Lower Level of Service (CRALLS) facility (see Figure 4-5, Policies 1.3 and 1.4, and Table 11-1).
- Transportation concurrency exception area(s) that are designated in the comprehensive plans of the Village of North Palm Beach and Palm Beach County.

Policy 1.6: The Village intends to establish a transportation concurrency exception area to include non-residential and mixed-use development along the Northlake Boulevard corridor and along the U.S. 1 corridor south of the Parker Bridge, as shown in Figure 4-6. The Village will work with Palm Beach County and the Florida Department of Transportation to establish this exception area by the end of 2019.

4.4 FUTURE TRANSPORTATION MAP SERIES

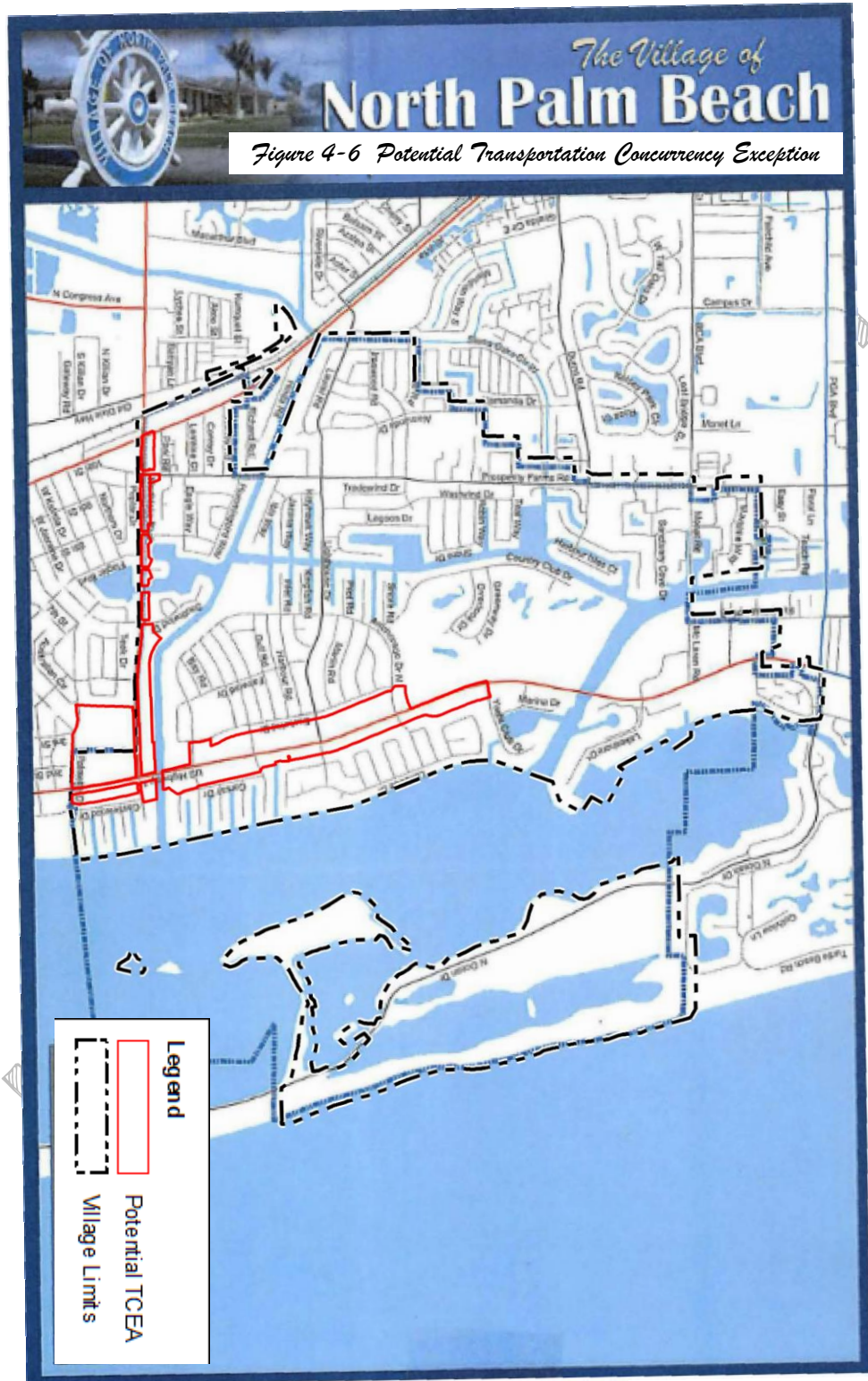
The Village Future Road System Map is displayed on Figure 4-1. The public transit system, consisting of designated bus routes, and bus stops, is illustrated on Figure 4-2. Designated Palm Beach County Bikeway Corridors are illustrated on Figure 4-3. Designated local and regional transportation facilities within the Village critical to the evacuation of coastal population prior to an impending natural disaster are illustrated on Figure 4-4. The Prosperity Farms Road CRALLS designation is illustrated on Figure 4-5. The following are not currently located within the Village, nor are they planned:

1. Limited and controlled access facilities;
2. Parking facilities that are required to achieve mobility goals;
3. Public Transit rights-of-way, or exclusive public transit corridors;
4. Transportation concurrency management areas, pursuant to Chapter 9J-5
5. ~~Reserved. Transportation concurrency exception areas, pursuant to Chapter 9J-5~~
6. Port Facilities;
7. Airport facilities, including clear zones, and obstructions; and
8. Intermodal terminals.

[area]

18. PROPOSED CHANGES TO COMPREHENSIVE PLAN

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18. PROPOSED CHANGES TO COMPREHENSIVE PLAN

5.0 HOUSING ELEMENT

Policy 3.12: Mixed-use developments shall be encouraged to contain alternative living accommodations such as lofts, second story apartments and live-work arrangements to facilitate the supply of workforce housing.

Policy 3.13: Density bonuses within mixed-use projects shall be considered by the Village, consistent with Policy 18.2 of the Future Land Use Element.

11.0 CAPITAL IMPROVEMENTS ELEMENT

Policy 5.1: Prior to issuing a development order or permit, the Village shall use Level-of-Service (LOS) Standards adopted in the various elements of this Comprehensive Plan to review the impacts of new development and redevelopment upon public facility provision. The Village shall not issue a development order or permit which results in a reduction in service for affected facilities below these Level-of-Service Standards. A listing of LOS Standards is exhibited on Table 11-1.

**TABLE 11-1
NORTH PALM BEACH LEVEL OF SERVICE (LOS) STANDARDS**

Facility	Level-Of-Service Standard
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A. Traffic Circulation:

1. Arterial and Collector Roadways within the corporate limits: Peak-hour Level-of-Service (LOS) "D", with the exception of item #2 and item #3, below.
2. Prosperity Farms Road, between Northlake Boulevard and Burns Road is hereby designated as a Constrained Roadway at a Lower Level of Service (CRALLS) facility. Its level of service shall be: 20,950 trips on a daily basis; and 1,948 trips on a peak hour basis, subject to Transportation Element Policy 1.4.
3. Transportation concurrency exception area(s) that are designated in the comprehensive plans of the Village of North Palm Beach and Palm Beach County.

B. Sanitary Sewer: *[no changes required]*

C. Potable Water: *[no changes required]*

D. Solid Waste: *[no changes required]*

E. Drainage: *[no changes required]*

F. Groundwater Recharge: *[no changes required]*

G. Recreation/Open Space: *[no changes required]*

Footnotes: *[no changes required]*