



Town of Lake Park, Florida

Planning and Zoning Board Meeting Agenda

Monday, February 06, 2023 at 6:30 PM

535 Park Avenue Lake Park, Florida

Richard Ahrens	—	Chair
Jon Buechele	—	Vice-Chair
Lauren Paxton	—	Regular Member
Elizabeth Woolford	—	Regular Member

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Planning & Zoning Board, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

1. APPOINTMENT OF CHAIR AND VICE-CHAIR

APPROVAL OF AGENDA:

APPROVAL OF MINUTES:

2. NOVEMBER 7, 2022 PLANNING & ZONING BOARD MEETING MINUTES

PUBLIC COMMENTS ON AGENDA ITEMS:

Any person wishing to speak on an agenda item is asked to complete a Public Comment Card located on either side of the Commission Chambers, and provide it to the Recording Secretary. Cards must be submitted before the agenda item is discussed.

ORDER OF BUSINESS:

The normal order of business for Hearings on agenda items as follows:

- Staff Presentation
- Applicant Presentation (when applicable)
- Board Member questions of Staff and Applicant
- Public Comments -3 minute limit per speaker
- Rebuttal or closing arguments for quasi-judicial items

-Motion on the floor

-Vote of Board

NEW BUSINESS:

- 3.** VILLAGE OF NORTH PALM BEACH C-3 REGIONAL BUSINESS DISTRICT
PRESENTATION

PLANNING & ZONING BOARD MEMBER COMMENTS:

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS AND PROJECT UPDATES:

ADJOURNMENT:

FUTURE MEETING DATE: MARCH 6, 2023



Town of Lake Park, Florida

Planning and Zoning Board Meeting Minutes

Monday, November 07, 2022 at 6:30 PM

535 Park Avenue Lake Park, Florida

Richard Ahrens	—	Chair
Jon Buechele	—	Vice-Chair
Lauren Paxton	—	Regular Member
Elizabeth Woolford	—	Regular Member

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Planning & Zoning Board, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.

CALL TO ORDER

6:48 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Richard Ahrens
Jon Buechele
Lauren Paxton
Elizabeth Woolford

APPROVAL OF AGENDA:

Motion to approve the agenda made by Paxton, Seconded by Woolford.
Voting Yea: Ahrens, Buechele

APPROVAL OF MINUTES:

Motion to approve the September 12, 2022 Planning & Zoning Board Meeting Minutes made by Paxton,
Seconded by Woolford.

Voting Yea: Ahrens, Buechele

1. Special Call Planning & Zoning Board Meeting; September 12, 2022

PUBLIC COMMENTS ON AGENDA ITEMS:

Any person wishing to speak on an agenda item is asked to complete a Public Comment Card located on either side of the Commission Chambers, and provide it to the Recording Secretary. Cards must be submitted before the agenda item is discussed.

Chair Ahrens read the procedures to make Public Comments.

ORDER OF BUSINESS:

The normal order of business for Hearings on agenda items are as follows:

Staff presentation.

Applicant presentation (when applicable).

Board Member questions of staff and applicant.

Public Comments – limited to 3 minutes per speaker.

Rebuttal or closing arguments for quasi-judicial items.

Motion on floor.

Vote of Board.

NEW BUSINESS:

The Board reorder the agenda to hear PZ-22-17 first.

2. PZ-22-17: PROPOSED ORDINANCE AMENDING THE TOWN'S EXISTING REGULATIONS FOR HOME OCCUPATIONS CONTAINED IN SECTION 78-151 OF THE ZONING CODE TO ESTABLISH REGULATIONS IN CONFORMANCE WITH FLORIDA STATUTES 559.995.

Town Planner Karen Golonka made a presentation (see Exhibit "A"). Board Member Woolford asked if childcare be considered a Home Care Business. Town Planner Golonka explained that the Florida State Statute defined childcare separately. The Town's Code allows up to six (6) children. Chair Ahrens had no objections to what Town Planner Golonka presented. Vice-Chair Buechele asked if the Town would know who was applying for a Home Based Business through the Business Tax Receipt. Town Planner Golonka stated "yes" this would be how the Town would know of Home Base Businesses, otherwise they would be in violation of the Town Code.

Motion to approve the proposed Ordinance language was made by Buechele, Seconded by Woolford.

Voting Yea: Ahrens, Paxton

3. **PZ-22-16: PRESENTATION BY NUE URBAN CONCEPTS: TOWN OF LAKE PARK MOBILITY PLAN AND MOBILITY FEE.**

Mr. Jonathan Paul representing NUE Urban Concepts presented to the Board (see Exhibit "B"). Board Member Woolford asked if the pathways would be identified for bicyclists and pedestrians. Mr. Paul stated that markings could be placed identifying for walkways and a bicycle lane. Chair Ahrens expressed concerns with widening roads when structures are built right up to the property line. Mr. Paul explained that these proposed divided medians would only be done where there are currently four-lanes of traffic. He gave an example of 7th Street to US Highway 1 on Park Avenue as a roadway that could be divided with bicycle and pedestrian lanes. Chair Ahrens expressed concerns that this design would end at 7th Street because the roadway has been built out and did not see how this concept would work. Mr. Paul explained that there was a separate study being conducted to allow for this concept. He spoke of a possible round-about on 7th Street and Park Avenue to allow for the transition. Chair Ahrens expressed concern with sharing the road and sidewalk with bicyclists. Mr. Paul explained the next steps of the concept and putting the concept in place by 2045. Chair Ahrens raised concerns with the additional density in Town and how the concept would fit into the Town. Vice-Chair Buechele felt that if the Town modeled Clematis Street, people would drive slower, they would find places to park, and pedestrians would use the roadway more often. He was optimistic that the concept would work in Lake Park. Mr. Paul explained that there would be more input and design over the next 20-years. The Board discussed with Mr. Paul the concept and their concerns.

Chair Ahrens questioned the need for Mobility taxes and double taxation. Mr. Paul explained that there was a provision in the Palm Beach County Ordinance explaining taxes and reduction of their fee. It would be up to the Town Commission to adopt the fees. Mr. Paul explained that the fee, as it was currently constructed, would be in addition to the Palm Beach County Roadway Impact Fee. He explained that the Ordinance would come before the Town Commission on December 7, 2022 for discussion and input. The second reading of the Ordinance would take place on December 21, 2022 should the Town want to move forward.

Chair Ahrens felt that the fee would have a dramatic impact on the Town's projects. He suggested that the Town aggressively pursue Palm Beach County in keeping the fees in Town. He felt that the fees being proposed were a bad idea. Community Development Director DiTommaso explained that when the Town first began the process it was under the same mind frame as it related to the impact fees with Palm Beach County. She explained that the first iteration of the Comprehensive Plan changes aimed to create this program and replace the Palm Beach County

impact fee. As a result, Palm Beach County did not agree, and the plan was reverted back to follow the Palm Beach County impact fees. The Town has then begun the process to create a Mobility Plan and Mobility Fee of its own, structuring this plan with a fee schedule that accounts for the local roads and only 10% of Palm Beach County maintained roadways. The idea was for the Town to still go back to Palm Beach County and strategize that a portion of the impact fees that Palm Beach County receives to be spent on the County roadway projects that are identified in this plan. She explained that the Town was not there yet. However, the Town hopes to get there. She explained that the County does understand that the Town's Mobility Plan addresses County roadways and several projects are possibly within these County roadway areas. Chair Ahrens did not agree and made comments disagreeing with the taxes. Community Development Director DiTommaso stated that his comments would be shared with the Town Commission.

Vice-Chair Buechele asked what the issue was with City of Palm Beach Gardens and the County Mobility Fee. Mr. Paul explained that what the City of Palm Beach Gardens did was to adopt a full Mobility Fee and elected to no longer collect the County's fee. As a result Palm Beach County has been in litigation with the City of Palm Beach Gardens. Vice-Chair Buechele stated that the Town was setting itself up for a similar battle with Palm Beach County. Mr. Paul explained that it was the reason why the Town was taking a different approach.

Board Member Woolford asked if the impact fee currently affects the project in development. Mr. Paul explained that none of the current projects are affected by the proposed impact fees. If the Ordinance were adopted, then the fees would impact any future projects. Board Member Paxton asked if the Ordinance could be reassessed next year and see what happens with the City of Palm Beach Gardens. Mr. Paul stated that the Town Commission could reassess at any point. Chair Ahrens expressed his concerns moving forward with the Mobility Fees.

4. PZ-22-15: COURTESY PRESENTATION BY THE VILLAGE OF NORTH PALM BEACH ON THEIR PROPOSED C-3 DISTRICT LAND DEVELOPMENT REGULATIONS.

Community Development Director DiTommaso requested that the item be postponed until the next meeting.

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS AND PROJECT UPDATES:

Chair Ahrens asked for a status update on the Northlake Blvd and US 1 project. Community Development Director DiTommaso explained that the project was not ready to move forward. She stated that the developer does not have all the authorizations in place from all of the property owners.

Chair Ahrens asked for a status of the Oceana Coffee project. Community Development Director DiTommaso explained that they are in the first stages of their project. She stated that the project would take about 18-months to be completed.

Board Member Paxton asked about the tarp on the Town Hall roof and would that be coming before the Historic Preservation Board. Community Development. Director DiTommaso explained that she did not have all the details about the Town Hall roof. If a roofer were hired the project would come before the Historic Preservation Board for review.

PLANNING & ZONING BOARD MEMBER COMMENTS:

Board Members had no comments.

ADJOURNMENT:

Motion to adjourn was made by Buechele, Seconded by Paxton.

Voting Yea: Ahrens, Woolford

The meeting adjourned at 8:40 P.M.

FUTURE MEETING DATE: December 5, 2022 at 6:30 P.M.



TOWN OF LAKE PARK
PLANNING AND ZONING BOARD
Meeting Date: November 7, 2022
Agenda Item# PZ 22-17

DESCRIPTION: PUBLIC HEARING

PUBLIC HEARING TO CONSIDER A PROPOSED ORDINANCE AMENDING THE TOWN'S EXISTING REGULATIONS FOR HOME OCCUPATIONS CONTAINED IN SECTION 78-151 OF THE ZONING CODE TO ESTABLISH REGULATIONS IN CONFORMANCE WITH FLORIDA STATUTES 559.995.

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE V OF THE TOWN OF LAKE PARK'S CODE OF ORDINANCES BY REPEALING SECTION 78-151, ENTITLED "HOME OCCUPATIONS" AND REPLACING IT WITH A NEW SECTION 78-151 ENTITLED "HOME-BASED BUSINESSES"; PROVIDING FOR THE AMENDMENT OF TABLE 78-1 CONTAINED IN CHAPTER 78, ARTICLE III, SECTION 78-70 AND SECTION 78-78 OF THE TOWN OF LAKE PARK'S CODE OF ORDINANCES TO DELETE THE TERM HOME OCCUPATIONS AND REPLACING IT WITH THE TERM HOME-BASED BUSINESSES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Background

In 2021 the Florida Legislature adopted legislation affecting a local government's ability to regulate home occupations. This is codified as FS section "559.955 Home-based businesses; local government restrictions". (See **Attachment A** for statute)

In summary, State law now prohibits local governments from regulating or restricting home-based businesses any different from other businesses in the local government's jurisdiction, except as provided in the legislation. The legislation does include certain performance standards for neighborhood compatibility.

Review of new ordinances adopted to address the legislation indicates that many communities are basically replacing their current language with that from the state statute itself. This includes West Palm Beach and Palm Beach Gardens. North Palm Beach has not yet amended its code.

The Town's ordinance, as proposed, would also basically utilize the state language, with minor additions to reflect Town ordinances. The current code section (Attachment C) would be repealed and replaced with the new text shown in **Attachment B**.

The ordinance also contains amendments to two zoning districts to replace the term “home occupation” with “home-based business” for consistency with state statute.

Analysis

Major Differences between current code and proposed language

The major differences between the Town’s existing regulations and those mandated by the state are listed below.

Regulation Subject	Town’s Current Code	Proposed Code (per State Statute)
Uses	No retail sales, specific uses listed as prohibited	No prohibition on uses. However residential character must be maintained.
Restriction on Employees	Must reside in home	Resident + up to two non-residents
Maximum area of residence to be used	10 %	No set limitation. However must be secondary to the residential use
Signage	None, unless required by state licensing law and maximum of 24 square inches	Per local code - Therefore, Town current restriction will carry forward.
	See attachment C for current Code	See attachment B for proposed code

Protections for the Neighborhood

While the State clearly opened the door to a number of new types of home businesses, the legislation did include some safeguards for residential neighborhoods. This statutory language is shown below in *blue italics*.

1. Residential Appearance

The following section of the statute can be broadly construed to protect residential neighborhood appearance, by requiring the following:

“As viewed from the street, the use of the residential property is consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business must

conform to the residential character and architectural aesthetics of the neighborhood.”

“The home-based business may not conduct retail transactions at a structure other than the residential dwelling”

This statutory language, included in the Town’s proposed ordinance will serve as a major safeguard, insuring the continuing appearance of a residential neighborhood. In addition to retail transactions, the Town has added service transactions as well.

2. Parking

The Town’s ability to control the type of uses that are allowed depends to a large degree on parking. The legislation states, “... *the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted.*”

Existing Town ordinances relating to parking in driveways and requiring hard surfaces for parking will serve to prohibit customers from parking on the grass. However, unless prohibited by Town Code or quantified, on-street parking would be enforced by making a determination that the volume of vehicles was exceeding what “*would normally be expected at a similar residence where no business is conducted.*”

3. Trucks

The legislation states

“Local governments may regulate the use of vehicles or trailers operated or parked at the business or on a street right-of-way, provided that such regulations are not more stringent than those for a residence where no business is conducted. Local governments may regulate the parking or storage of heavy equipment at the business which is visible from the street or neighboring property. For purposes of this paragraph, the term heavy equipment means commercial, industrial, or agricultural vehicles, equipment, or machinery.”

Therefore the Town will continue to enforce “Section 30-35 - Parking of commercial vehicles in residential districts” which dictates that:

“Commercial vehicles in residential districts— Parking conditions. Commercial vehicles, with the exception of one taxicab, or high-capacity passenger van or work van, or standard vehicle with equipment or commercial signage as defined herein, shall not be parked, stored or left on any street, right-of-way, swale or alley or on any private property in any residential districts, except that commercial vehicles may be parked or stored in an enclosed garage on private property in a residence district when completely screened from public view.”

4. Nuisances such as noise, odors etc.

The legislation allows the enforcement of local regulations in regards to noise, odors, etc. Sections 78-151 (C) 4. and 5. of the proposed code address this. (See attachment B.

Overall Impact on Town Neighborhoods

The above four sections in the statute provide the main tools to limit or prohibit certain uses that are not compatible with a residential neighborhood, and these have been included in the Town's proposed ordinance.

With the limitation on parking many of the uses that the Town currently prohibits would continue to be prohibited based on the parking volume they generate. Included for example would be uses such as restaurants and grocery stores, and high volume retail.

Certain uses that are currently prohibited such as hair salons and barber shops could occur, with limited customers or appointment only. Retail uses such as a bakery or pick up orders deli might also occur.

The requirement that business must be within the residence will eliminate uses that would negatively impact a neighborhood.

The legislation does not supersede any current condominium declaration or any future declaration of condominium adopted pursuant to chapter 718

While it is not anticipated that there will be a large volume of requests for the new types of uses that will be allowable, the possibility that some businesses will not adhere to all the regulations exists and may require greater vigilance for code enforcement.

While an impingement on home rule, the Town has no option but to comply with the State Statute. The proposed ordinance will accomplish that.

The Town currently requires home businesses to have a business tax receipt from the Town, and this will continue.

Staff recommends approval of the proposed ordinance.

Attachments:

- a. State Statute
- b. Proposed Amendments
- c.. Current Town Regulations

Attachment A - State Statute on Home-based Businesses

559.955 Home-based businesses; local government restrictions.—

(1) Local governments may not enact or enforce any ordinance, regulation, or policy or take any action to license or otherwise regulate a home-based business in violation of this section.

(2) A home-based business that operates from a residential property as provided in subsection (3):

(a) May operate in an area zoned for residential use.

(b) May not be prohibited, restricted, regulated, or licensed in a manner that is different from other businesses in a local government's jurisdiction, except as otherwise provided in this section.

(c) Is only subject to applicable business taxes under chapter 205 in the county and municipality in which the home-based business is located.

(3) For purposes of this section, a business is considered a home-based business if it operates, in whole or in part, from a residential property and meets the following criteria:

(a) The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.

(b) Parking related to the business activities of the home-based business complies with local zoning requirements and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. Local governments may regulate the use of vehicles or trailers operated or parked at the business or on a street right-of-way, provided that such regulations are not more stringent than those for a residence where no business is conducted. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. Local governments may regulate the parking or storage of heavy equipment at the business which is visible from the street or neighboring property. For purposes of this paragraph, the term "heavy equipment" means commercial, industrial, or agricultural vehicles, equipment, or machinery.

(c) As viewed from the street, the use of the residential property is consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood. The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.

(d) The activities of the home-based business are secondary to the property's use as a residential dwelling.

(e) The business activities comply with any relevant local or state regulations with respect to signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors. Any local regulations on a business with respect to noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors may not be more stringent than those that apply to a residence where no business is conducted.

(f) All business activities comply with any relevant local, state, and federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids. Any local regulations on a business with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids may not be more stringent than those that apply to a residence where no business is conducted.

(4) Any adversely affected current or prospective home-based business owner may challenge any local government action in violation of this section. The prevailing party in a challenge may recover reasonable attorney fees and costs incurred in challenging or defending the action, including reasonable appellate attorney fees and costs.

(5) The application of this section does not supersede:

(a) Any current or future declaration or declaration of condominium adopted pursuant to chapter 718, cooperative document adopted pursuant to chapter 719, or declaration or declaration of covenant adopted pursuant to chapter 720.

(b) Local laws, ordinances, or regulations related to transient public lodging establishments, as defined in s. [509.013](#)(4)(a)1., that are not otherwise preempted under chapter 509.

History.—s. 1, ch. 2021-202.

Attachment B -Proposed Amendments to Town Code section 78-51

Sec. 78-151. – Home- based business

(a) Definition/ Intent

Home-based businesses are businesses that operate in whole or in part from an improved residential property. It is the intent of this section to provide minimum standards for home-based businesses in order to ensure compatibility with surrounding land uses and consistency with Section 559.955, Florida Statutes.

(b) Applicability

Home-based businesses shall be conducted in accordance with these standards. Community Residential Homes and Family Day Care Homes as defined by Florida Statutes shall be permitted in residential zoning districts in accordance with applicable statutes and are not subject to the requirements of this section.

(c) STANDARDS FOR HOME-BASED BUSINESSES

1. Employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.
2. The activities of the home-based business shall be secondary to the property's use as a residential dwelling. The home-based business may not conduct retail or service transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property in accordance with this section.
3. As viewed from the street, the use of the residential property shall be consistent with the uses of the residential areas that surround the property and there shall be no external evidence of activities of a home based business.

External modifications made to a residential dwelling to accommodate a home-based business shall conform with the residential character and architectural aesthetics of the neighborhood.

There shall be no external advertising, external display of goods, or any other external evidence of any home-based business, except for non-illuminated signage not to exceed 24 inches of total area affixed to the front of the resident's building

4. No substances or materials shall be stored or used except as they would, in such quantity, be normal and acceptable in a residential setting. All business activities shall comply with any relevant local, state, and federal regulations with respect to the use, storage, and disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids.
5. Such occupation shall not result in any continuous, intermittent, pulsating or other noise or vibration that can be detected by a normal person off the premises. The business activities shall comply with the Town's Land Development Code and Code of Ordinances with respect to equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors.
6. Parking related to the business activities of the home-based business shall comply with the general parking requirements within the Land Development Code and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted.
7. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. Commercial vehicles associated with a home based business shall only be permitted in conformance with requirements of "Section 30-35 - Parking of commercial vehicles in residential districts".
8. Town Business Tax Receipt Required: Prior to opening any home-based business, a Town Business Tax Receipt must be applied for and approved by the Community Development Department.

Attachment C - Current Code

Sec. 78-151. - Home occupations.

(a) *Definition, use limitations.* As used in this section, the term "home occupations" shall mean a business, profession, or trade conducted for gain or support entirely within a main residential building subject to the following use limitations:

- (1) No outside help shall be used for purpose of engaging in such home occupation.
- (2) No commodities except those incidental to said home occupation shall be sold or displayed on the premises.
- (3) No chemical, electrical or mechanical equipment shall be used except that which is normally used for purely domestic or household purposes.
- (4) No external evidence or sign that the dwelling is being used for the home occupation shall be allowed, except as required by state licensing law and no such sign shall exceed 24 square inches of the total area, nor shall said sign be illuminated, and said sign shall be affixed to the front of the resident's building.
- (5) The activity involved shall not noticeably detract from the outward residential character of the neighborhood.
- (6) There shall not be any type of public nuisance as a result of this minor business activity on the resident's property.
- (7) Any equipment shall be stored inside an enclosed shelter, shed or garage.
- (8) There shall be no vehicles over the size of a pickup truck or van parked at the residence.
- (9) No personal physical service shall be performed unless licensed by the state.
- (10) The area devoted to the home occupation shall not be the dominant use and in no case shall the area exceed ten percent of the total square footage of building area.
- (11) Audible evidence of the activity should not be present off the real property line before 9:00 a.m. or after 10:00 p.m.

(b) *Particular home occupations permitted:* Customary home occupations include, but are not limited to, the following list of occupations, provided, however, that each listed occupation is subject to the requirements of subsection (a) of this section:

- (1) Dressmakers, seamstresses, and tailors.
- (2) Music teachers and tutors, provided that instruction shall be limited to not more than five pupils at a time.

(3) Drama instructors, provided that instruction shall be limited to not more than five pupils at one time.

(4) Artists, sculptors, and authors or composers.

(5) Offices for architects, engineers, lawyers, real estate brokers, insurance agents, and stock brokers.

(6) Ministers, rabbis, and priests.

(7) Offices for sales representatives, when no exchange of tangible goods is made on the premises and where business is primarily conducted on telephone lines.

(8) Day care centers or babysitters caring for not more than five unrelated children.

(c) *Particular home occupations prohibited:* Permitted home occupations shall not in any event include the following:

(1) Funeral homes.

(2) Nursery schools, unless specifically permitted by the town regulations.

(3) Restaurants.

(4) Small grocery stores.

(5) Stables or kennels.

(6) Tourist homes, unless specifically permitted by the town regulations.

(7) Renting of trailers or equipment.

(8) Animal kennels or hospitals.

(9) Auto and other vehicle repair.

(10) Barbershops and beauty parlors.

(11) Services such as small appliance, radio and television repair.

(Ord. No. 14-1987, § 1, 9-16-1987; Ord. No. 26-1990, § 8, 10-31-1990; Code 1978, § 32-96)

ORDINANCE NO. _____-22

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE V OF THE TOWN OF LAKE PARK'S CODE OF ORDINANCES BY REPEALING SECTION 78-151, ENTITLED "HOME OCCUPATIONS" AND REPLACING IT WITH A NEW SECTION 78-151 ENTITLED "HOME-BASED BUSINESSES"; PROVIDING FOR THE AMENDMENT OF TABLE 78-1 CONTAINED IN CHAPTER 78, ARTICLE III, SECTION 78-70 AND SECTION 78-78 OF THE TOWN OF LAKE PARK'S CODE OF ORDINANCES TO DELETE THE TERM HOME OCCUPATIONS AND REPLACING IT WITH THE TERM HOME-BASED BUSINESSES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has adopted regulations for home occupations which have been codified in Chapter 78, Article V under Section 78-151 of the Code of Ordinances of the Town of Lake Park (the Code); and

WHEREAS, the Florida Legislature enacted amendments to Section 559.955, Florida Statutes, which became effective on July 1, 2021, preempting local government's regulation of certain areas of the statute pertaining to home-based businesses; and

WHEREAS, the Town's Planning and Zoning Board has conducted a public hearing to review the proposed amendments to the Code and has provided a recommendation to the Town Commission; and

WHEREAS, the Town Commission, after its review of the recommendations from the Planning and Zoning Board, and after due notice and public hearings finds that it is appropriate and necessary to amend Chapter 78, Article V Section 78-151 of the Code so that it is consistent with general law; and

WHEREAS the Town Commission has determined it is appropriate to repeal, in its entirety section 78-151 and to adopt a new section 78-151;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are hereby incorporated as the legislative findings of the Town Commission.

Section 2. Chapter 78, Article V, Section 78-151 of the Code, entitled “Home Occupations ” is hereby repealed in its entirety and shall be replaced with a new section 78-151 as set forth in **Exhibit A**, which is attached hereto and incorporated herein.

Section 3. Chapter 78, Article III, section 78-70, Table 78-1, “Additional Standards for Table 78-1, (3)” is amended as follows:

b. Live-work apartment units are permitted within the upper floors of a structure. The primary use shall remain residential and home-based businesses ~~home occupations~~ are permitted in conjunction with the residential use and pursuant to the town code provisions regulating home-based businesses ~~home occupations~~.

Section 4. Chapter 78, Article III, section 78-78, (e) Permitted uses is amended as follows:

(37) Home-based businesses ~~Home occupations~~.

Section 5. . Codification. The provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Town of Lake Park. The sections of the ordinance may be re-numbered or re-lettered to accomplish such.

Section 6. Severability. If any section, paragraph, sentence, clause, phrase or word of this ordinance is for any reason held by a court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance

Section 7. Effective date. This ordinance shall take effect immediately

upon execution.

Exhibit A

Sec. 78-151. – Home- based business

(a) Definition/ Intent

Home-based businesses are businesses that operate in whole or in part from an improved residential property. It is the intent of this section to provide minimum standards for home-based businesses in order to ensure compatibility with surrounding land uses and consistency with Section 559.955, Florida Statutes.

(b) Applicability

Home-based businesses shall be conducted in accordance with these standards. Community Residential Homes and Family Day Care Homes as defined by Florida Statutes shall be permitted in residential zoning districts in accordance with applicable statutes and are not subject to the requirements of this section.

(c) STANDARDS FOR HOME-BASED BUSINESSES

1. Employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.
2. The activities of the home-based business shall be secondary to the property's use as a residential dwelling. The home-based business may not conduct retail or service transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property in accordance with this section.
3. As viewed from the street, the use of the residential property shall be consistent with the uses of the residential areas that surround the property and there shall be no external evidence of activities of a home based business.

External modifications made to a residential dwelling to accommodate a home-based business shall conform with the residential character and architectural aesthetics of the neighborhood.

There shall be no external advertising, external display of goods, or any other external evidence of any home-based business, except for non-illuminated signage not to exceed 24 inches of total area affixed to the front of the resident's building if required by law.

4. No substances or materials shall be stored or used except as they would, in such quantity, be normal and acceptable in a residential setting.-All business activities shall comply with any relevant local, state, and federal regulations with respect to the use, storage, and disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids.
5. Such occupation shall not result in any continuous, intermittent, pulsating or other noise or vibration that can be detected by a normal person off the premises. The business activities shall comply with the Town's Land Development Code and Code of Ordinances with respect to equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors.
6. Parking related to the business activities of the home-based business shall comply with the general parking requirements within the Land Development Code and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted.
7. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. Commercial vehicles associated with a home based business shall only be permitted in conformance with requirements of "Section 30-35 - Parking of commercial vehicles in residential districts".
8. Prior to opening any home-based business, a Town Business Tax Receipt must be applied for and approved by the Community Development Department.

TOWN OF LAKE PARK: NOTICE OF PROPOSED ZONING TEXT AMENDMENT

Please take Notice and be advised that the Town of Lake Park is proposing to amend its Code of Ordinances pertaining to **home occupations**, to allow for a greater range of uses subject to various performance standards to insure residential character is maintained. This amendments, proposed to be adopted by the ordinance below, are necessary to be consistent with State Statute 559.955 "Home-based businesses; local government restrictions".

ORDINANCE NO. _____-22

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE V OF THE TOWN OF LAKE PARK'S CODE OF ORDINANCES BY REPEALING SECTION 78-151, ENTITLED "HOME OCCUPATIONS" AND REPLACING IT WITH A NEW SECTION 78-151 ENTITLED "HOME-BASED BUSINESSES"; PROVIDING FOR THE AMENDMENT OF TABLE 78-1 CONTAINED IN CHAPTER 78, ARTICLE III, SECTION 78-70 AND SECTION 78-78 OF THE TOWN OF LAKE PARK'S CODE OF ORDINANCES TO DELETE THE TERM HOME OCCUPATIONS AND REPLACING IT WITH THE TERM HOME-BASED BUSINESSES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

TWO PUBLIC HEARINGS WILL BE HELD AS FOLLOWS:

LAKE PARK PLANNING AND ZONING BOARD

Monday, November 7, 2022, immediately following the Historic Resources Board meeting at 6:30 pm, or as soon thereafter as the matter can be heard.

LAKE PARK TOWN COMMISSION – First Reading

Wednesday, December 7, 2022 at 6:30 pm or as soon thereafter as the matter can be heard.

All Hearings will be held in the Town Commission Chambers, located in Town Hall, 535 Park Ave., Lake Park, FL 33403

BE ADVISED: ALL DATES ARE SUBJECT TO CHANGE. Please refer to the Town website and agendas for the most up to date items being presented or call 561-881-3320.

For additional information, or to review any documents related to the proposal described herein, please call the Community Development Department at 561-881-3320, ext. 325.

If a person decides to appeal any decision made by the Planning & Zoning Board or Town Commission with respect to the hearings, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, Town Clerk

PUB Friday, October 28, 2022

Lake Park Planning & Zoning Board - November 7th, 2022

Subject: Lake Park 2045 Mobility Plan and Mobility Fee

Submitted by: Jonathan B. Paul, AICP | Principal | NUE Urban Concepts

Purpose: The purpose of this meeting is to seek feedback from the Planning & Zoning Board on projects and programs proposed in the 2045 Lake Park Draft Mobility Plan and the proposed Mobility Fee.

Presentation information: Up to one (1) hour presentation and workshop presented by Jonathan B. Paul, AICP

Attachments: Draft Mobility Plan, Draft Mobility Fee Technical Report, PowerPoint Presentation, Mobility Plan and Fee Ordinance

Project Summary: In February 2022, the Town of Lake Park contracted NUE Urban Concepts (Consultant) to lead the development of a Mobility Plan and Mobility Fee that would transition Lake Park from a transportation planning and funding process primarily focused on moving cars to a multimodal system that emphasizes people and mobility choices. The 2045 Mobility Plan brings together various City initiatives to enhance Lake Park's history and character as an Olmsted legacy. The plan seeks to further emphasize the historic Downtown as a place for people and improve mobility and accessibility for multimodal travel throughout the City.

In Spring of 2022, the project team began identifying proposed projects and developing the Mobility Plan. The team evaluated existing conditions, conducted a review of the Lake Park's Comprehensive Plan, Capital Improvements Program, and projects planned in the Palm Beach County Transportation Planning Authority's Long Range Transportation Plan. In the Summer, two public meetings were held where residents and stakeholders were invited to share local knowledge and provide feedback that informed the identification of additional projects that will fill existing gaps and create a safe, convenient, and integrated transportation system. On September 7th, 2022, a workshop was held with the Town Commission who contributed more feedback and guidance on proposed projects. The Mobility Plan being presented at the Planning & Zoning Board meeting on November 7th incorporates feedback from these meetings.

The Mobility Plan serves as the basis for the establishment of a Mobility Fee system that functions as an alternative to transportation concurrency enacted by the Florida Legislature. A Mobility Fee is a one-time fee paid to the Town by development activity (e.g. new or expanded homes and businesses) to offset (mitigate) any increases in travel demand and pay for its fair share of the multimodal projects adopted as part of the Mobility Plan. Mobility Fees are one of the funding sources available and provide the Town with greater flexibility to fund a variety of multimodal projects included in the Mobility Plan. Mobility Plans are required by Florida Statute to serve as the basis for the Mobility Fee.

A legal process is necessary to adopt and implement the Mobility Plan and Mobility Fee. The Town has establish legislative intent to develop a mobility plan and fee through an amendment to the Comprehensive Plan. This amendment was adopted at the Town Commission Meeting on October 5th, 2022.

The project team now seeks feedback from the Planning & Zoning Board on projects and programs proposed in the 2045 Lake Park Draft Mobility Plan. This feedback will be incorporated into the final draft Mobility Plan. The Mobility Plan & Mobility Fee Ordinance will undergo a 1st reading by the Town Commission on December 7th, 2022.

After the Mobility Plan and Mobility fee are adopted by ordinance, Mobility Plan project recommendations will need to be prioritized and programmed into the Town's Capital Improvements Plan. The Town's goal is to adopt the Mobility Plan and Mobility Fee by the end of 2022.

ORDINANCE NO. 2022-____

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING ARTICLE III, "DISTRICT REGULATIONS," OF APPENDIX C (CHAPTER 45) OF THE VILLAGE CODE OF ORDINANCES BY AMENDING SECTION 45-34.1 TO REVISE THE ZONING REGULATIONS FOR THE C-3 REGIONAL BUSINESS DISTRICT TO FACILITATE REDEVELOPMENT AND PROVIDE FOR A NEW PLANNED UNIT DEVELOPMENT PROCEDURE; AMENDING SECTION 45-35.1, "PLANNED UNIT DEVELOPMENT," TO ALLOW FOR USE BY PROPERTIES WITHIN THE C-3 ZONING DISTRICT UNDER SPECIFIED CIRCUMSTANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, through the adoption of Resolution No. 2016-73, the Village Council formally adopted the Citizens' Master Plan Report prepared by the Treasure Coast Regional Planning Council ("Master Plan"), including the recommendations contained therein, as setting forth the guiding principles for future development within the Village; and

WHEREAS, the Master Plan recognized the redevelopment potential of the old Twin City Mall site, the development of which is governed by the Village's C-3 Regional Business District zoning regulations; and

WHEREAS, the Master Plan expressed a preference for a lifestyle center, like CityPlace or Mizner Park, within the C-3 District that would provide "shopping, entertainment, restaurant uses within the form of an urban neighborhood that incorporates residential as an integral use;" and

WHEREAS, as noted in the Master Plan, the site is large enough to accommodate a significant project with buildings tall enough to afford water views and could incorporate the following qualities: (1) an interconnected system of walkable blocks and small streets; (2) buildings lining streets and facing parks and open spaces; (3) a mix of building types such as townhouses, low-rise multi-family, high-rise multi-family, retail and mixed use; and (4) parking provided on-street, in garages and behind buildings; and

WHEREAS, the Village shares the Twin City Mall site with the Town of Lake Park, and the Town has already adopted new zoning regulations with increased density and intensity to facilitate redevelopment as well as a Regulating Plan to maintain interconnectivity; and

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

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

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

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

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

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

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

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

- (1) *Uses permitted.* ~~Within the C-3 zoning district, no building, structure, land, or water shall be used, unless otherwise permitted by these regulations, except for any combination of the following purposes:~~ Table 1 indicates the allowable uses in the C-3 regional business district:
 - a. ~~Banks, savings and loans, stockbrokers, and similar financial institutions.~~
 - b. ~~Business offices, including medical and professional services.~~
 - c. ~~Community residential homes, subject to the same requirements as apply in the R-2 zoning district, and family day care centers as defined in Chapter 402, Florida Statutes.~~
 - d. ~~Hotels, motels, and time share units.~~
 - e. ~~Multiple family dwellings (each building containing three (3) or more units) and customary accessory uses, subject to any limitations on residential uses in the adopted Comprehensive Plan.~~

- f. ~~Personal services typically offered in conjunction with shopping facilities, such as laundromats, dry cleaners, barber and beauty shops, child care facilities, health clubs, and shops for the repair, cleaning, or rental of items weighing less than one hundred (100) pounds.~~
- g. ~~Restaurants and other establishments where food and/or beverages are prepared and served.~~
- h. ~~Retail sale of new or antique merchandise that is displayed indoors only, whether in freestanding buildings or in a centrally managed shopping center or enclosed mall.~~
- i. ~~Theaters and other entertainment facilities including nightclubs, game rooms, bowling alleys, and similar establishments, provided they are fully enclosed and provided such uses shall not include adult entertainment establishments.~~

Table 1 - Allowable Uses

	<u>USES PERMITTED</u>	<u>BY PUD ONLY¹</u>	<u>NOT PERMITTED</u>
<u>RESIDENTIAL USES</u>			
<u>Mobile home park</u>			<u>●</u>
<u>Dwelling, one family detached</u>			<u>●</u>
<u>Dwelling, all other dwelling types</u>	<u>●</u>		
<u>Live/work unit</u>		<u>●</u>	
<u>Assisted living facility</u>		<u>●</u>	
<u>Community residential home</u>	<u>●²</u>		
<u>LODGING USES</u>			
<u>Bed-and-breakfast establishment</u>		<u>●</u>	
<u>Hotel, including Extended Stay</u>	<u>●</u>		
<u>Motel</u>	<u>●</u>		
<u>Time-share unit</u>		<u>●</u>	
<u>BUSINESS USES</u>			
<u>Offices, general</u>	<u>●</u>		
<u>Office or clinic, medical or dental</u>	<u>●</u>		
<u>Stores & services, general</u>	<u>●</u>		
<u>Stores & services, large format</u>	<u>●</u>		
<u>Adult entertainment</u>			<u>●</u>
<u>Convenience store with fuel</u>		<u>●</u>	
<u>Dog daycare</u>		<u>●</u>	
<u>Drive-through facility (for any use)</u>		<u>●</u>	

<u>Garage, parking</u>	<u>●</u>	
<u>Heavy commercial and light industrial</u>		<u>●</u>
<u>Medical marijuana treatment center</u>		<u>●</u>
<u>Restaurant</u>	<u>●</u>	
<u>Bar, Night Clubs or Entertainment Establishments</u>	<u>●</u>	
<u>Telecommunications antennas</u>		<u>●</u>
CIVIC & EDUCATION USES		
<u>Child care facility</u>		<u>●</u>
<u>Church or place of worship</u>	<u>●</u>	
<u>Civic space</u>	<u>●</u>	
<u>Family day care</u>		<u>●</u>
<u>Government building</u>	<u>●</u>	
<u>Hospital or medical center</u>		<u>●</u>
<u>Public space</u>	<u>●</u>	
<u>School, public or private</u>		<u>●</u>

1 See section 10 for additional PUD requirements

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

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

- a. Auditoriums of any kind — 1 space per 3 seats.

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

NOTES:

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

- (3) *Off-street loading and internal circulation.* Requirements for off-street loading, parking lot aisles, accessways, and general internal circulation shall be same as would apply in the C-S zoning district.

- a. *Lighting:* Parking lots shall be fully illuminated during hours of business operation with a minimum standard of illumination from closing to dawn per the Palm Beach County Code or ITE, whichever is more stringent.

- (4) *Landscaping.* Landscaping shall be required along the outer boundary of the C-3 zoning district (irrespective of any municipal boundary) and also in unroofed parking areas whenever a parking area is constructed, reconstructed, or reconfigured. In addition to the other provisions of Chapter 27 of this Code, the following landscaping requirements shall be met:
- a. *Required landscaping adjacent to public rights-of-way:* The required landscaped strip between a public right-of-way and an off-street parking area shall be at least fifteen (15) feet wide and shall contain at least five (5) trees and eighteen (18) shrubs for each one hundred (100) lineal feet.
 - b. *Parking area interior landscaping for unroofed parking areas:* At least ten (10) percent of the total paved surface area shall be devoted to landscaped areas. Each area counting toward the ten (10) percent total shall have an average minimum dimension of ten (10) 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.
- (5) *Setbacks and height.* The following setback, height, and spacing regulations apply in the C-3 zoning district:

- a. *Perimeter setbacks:* All buildings and structures shall be set back a minimum of thirty (30) feet from the outer boundary of the C-3 zoning district, except an interior common municipal boundary. For buildings in excess of two (2) stories or thirty (30) feet in height, one (1) foot shall be added to the required perimeter setback for each extra foot of height over thirty (30) feet.
 - b. *Additional setbacks to internal property lines:* The need for building setbacks to property lines adjoining other land zoned C-3 is related to the existing or proposed uses of those properties. Unless modified through the special C-3 PUD procedures found below in section 45-34.1(10), all new buildings and structures shall be set back a minimum of twenty-five (25) feet from each of its property lines.
 - c. *Maximum building height:* The maximum height of any building shall be fifty (50) feet.
 - d. *Spacing between buildings:* The minimum spacing between individual buildings on the same or adjoining C-3 properties shall be as required by applicable fire and building codes.
- (6) *Maximum lot coverage.* There is no fixed cap on lot coverage or floor area ratio. Maximum intensity will be governed by the application of the parking, loading, setback, building height, and surface water management standards found herein.
- (7) *Signs.* In addition to the other provisions of sections 6-111 through 6-117 of this Code, but notwithstanding any conflicting standards found therein, signs in the C-3 zoning district shall comply with the following regulations unless modified through the special C-3 PUD procedures.
- a. *Ground signs* are mounted on a monolithic base and are independent of any building for support. They are permitted only when the sign and base are monolithic and have essentially the same contour from grade to top. Ground signs that meet the following regulations are permitted in the C-3 district only along U.S. Route 1 and Northlake Boulevard:
 1. *Maximum number of ground signs:* One (1) ground sign along U.S. Route 1 and one (1) ground sign along Northlake Boulevard, regardless of jurisdiction, North Palm Beach or Lake Park.
 2. *Maximum height of ground sign base:* Three (3) feet.

3. *Maximum height of ground signs:* Thirteen (13) feet including the base, measured from the finished grade nearest the base (excluding berms).

4. *Maximum size of ground signs:* One hundred (100) square feet; copy may be placed on two (2) sides of a ground sign without counting the area twice.

b. *Pole signs* are not attached to any building and are supported upon the ground by poles or braces. Pole signs are not permitted in the C-3 district.

c. *Wall signs* are those that are attached to the exterior of a building or structure in such a manner that the wall becomes the supporting structure, and may form the background surface, of the sign. Wall signs are permitted in the C-3 district provided they meet the following regulations:

1. *Maximum depth of wall signs:* Wall signs may not be painted directly on the wall and may not project more than two (2) feet from the building to which they are fastened.

2. *Allowable slope of wall signs:* Wall signs may not be attached to walls that slope more than forty-five (45) degrees from a vertical plane.

3. *Maximum height of wall signs:* Eighteen (18) feet measured from the finished grade nearest the wall, except that on a building of more than two (2) stories, a single wall sign is allowed above eighteen (18) feet. No wall sign may extend above the top of the wall to which it is attached.

4. *Maximum number of wall signs:* One (1) permanent wall sign is permitted for each business which has direct ground level walk-in access from a public or private roadway or sidewalk, and one additional permanent wall sign identifying the building is permitted for each multiple occupancy complex.

5. *Maximum size of wall signs:* Five (5) percent of the area of the wall to which it is attached; or seven (7) percent if the front building setback is greater than seventy (70) feet; or ten (10) percent if the front building setback is greater than one hundred (100) feet. However, in no case shall a wall sign exceed one hundred (100) square feet in size.

- 1 d. *Roof signs* are erected and constructed wholly on and over the roof
2 of a building, and are supported by the roof structure or are an
3 integral part of the roof. Roof signs are not permitted in the C-3
4 district.
5
6 e. *Size computations:* When these regulations establish the maximum
7 size of a sign, it shall be computed by means of the smallest square,
8 circle, rectangle, triangle, or combination thereof that will
9 encompass the extreme limits of the writing, representation,
10 emblem, or other display, together with any material or color
11 forming an integral part of the background of the display or used to
12 differentiate the sign any backdrop or structure against which it is
13 placed.
14
15 f. *Allowable colors:* Notwithstanding the regulations in Chapter 6 of
16 this Code, color tones utilized for all signs complying with these
17 regulations shall be compatible with surrounding area.
18
19 g. *Lighting:* Signs containing illumination shall be turned off by 12:00
20 a.m. (midnight) each night, or when the business closes, whichever
21 is later.
22
23 h. *Appeals:* Notwithstanding conflicting appeal procedures found
24 elsewhere in this Code, all requests for modifications to sign
25 regulations in the C-3 zoning district shall be made through the
26 special C-3 PUD procedures found below in 45-34.1(10).
27
28 (8) *Surface water management.* A complete surface water management system
29 shall be provided to current standards of the South Florida Water
30 Management District whenever a building or parking area is substantially
31 redeveloped.
32
33 (9) *Location of business for retail sales of alcoholic beverages.*
34
35 a. No licensed retail sales of alcoholic beverages shall be carried on
36 where the proposed place of business is within five hundred (500)
37 feet of a church, synagogue, temple or other place of worship.
38
39 b. The method of measurement provided for above shall be made or
40 taken from the main front entrance of such church to the main front
41 entrance of the applicants proposed place of business along the route
42 of ordinary pedestrian traffic.
43
44 c. The restrictions of section 45-34.1(9), (1)[a.] shall not apply to the
45 retail sale of beer, ale or wine for off-premises consumption.
46

- d. The restrictions of section 45-34.1(9), (1)[a.] shall not apply to any bona fide restaurant as defined and licensed under Florida Statutes as a restaurant with full kitchen facilities, regardless of size or seating capacity, where alcoholic beverages are served solely as an accessory use to the restaurant and only when such restaurant is open for the sale and service of food.

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

- a. The threshold criteria for use of these special provisions are as follows:

1. The development parcel includes a minimum of at least five (5) contiguous acres of land that will be initially reviewed and approved as one overall development project. Any subsequent amendments to such plan or individual phases of such plan shall also be subject to these special provisions.

2. The project provides a minimum of one-half (1/2) acre (including all adjacent pedestrian amenities, including sidewalks, of the total project site area) for a civic space within the project site. "Civic space" shall be defined as an open space that is available for public use. The civic space may be owned, maintained and/or operated either publicly or privately.

3. To achieve a mixed-use project, a minimum of 50,000 square feet of the total project development shall be allocated to non-residential uses.

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

~~1. — Automobile, truck, or motorcycle dealers (new or used).~~

~~2. — Cultural, civic, educational, health care, and religious facilities.~~

~~3. — Nursing or convalescent homes.~~

~~4. — Offices for non-profit, religious, or governmental activities.~~

~~5. — Automobile service stations, not involving automobile repairs or maintenance, including ancillary uses of convenience store and car wash.~~

a b. *Allowable changes to existing regulations:* No PUD approval can permit any development that is inconsistent with the Comprehensive Plan. Subject to this limitation, changes may be considered through this process to any other zoning and land development regulation that the village council finds would unduly constrain desirable re-use and/or redevelopment of land in the C-3 zoning district. After any such changes are made by the village council, those changes shall govern to the extent of conflict with these regulations.

c. ~~*Minimum PUD requirements Unified control:* There is no minimum parcel size for PUD applications. However, most favorable consideration will be given to applications that encompass the largest possible land area, and no parcel that is smaller than its size when this section was adopted (March, 1995) may be submitted unless it was properly platted through the provisions of these land development regulations. All parcels submitted in a single PUD application must be contiguous and must be owned by or be under the unified control of the applicant. All common areas shall be~~

subject to joint maintenance by all of the property owners within the PUD, and the unified control documents shall provide for reciprocal easements over all driveways, parking areas and pedestrian areas in favor of all properties within the PUD. While the village shall always treat the PUD as one project, portions of the PUD may be conveyed to third parties by metes and bounds once the unified control documents have been approved by the village attorney and recorded in the public records.

- d. *Application procedures:* PUD applications made under this section shall be accompanied by the applicable fee and shall contain the following:
1. Satisfactory evidence of unified control of the entire area within the proposed PUD; agreement to abide by the conditions of approval, if granted; and ability to bind successors in title to these conditions if the proposed development is built.
 2. A proposed master site development plan in sufficient detail to show the approximate locations of buildings, parking areas, and stormwater management facilities. This plan shall also show the exact locations of all access points to public streets and to any abutting land zoned C-3, whether in Lake Park or North Palm Beach. The master plan shall also include intensity of each use, floor area ratio (FAR), and building heights. The master plan may include phased development.
 3. ~~Unless clearly shown directly on the site development plan, an explicit list of zoning and land development regulations for which changes are sought, and the proposed alternate standards. An application and justification statement describing land uses proposed, waivers required, and volunteered limiting conditions to further the intent of the C-3 district.~~
 4. ~~A specific list describing any of the additional land uses listed in section 45-34.1(10)b. for which the applicant is requesting approval. Vehicular circulation plan and traffic impact study completed by a certified transportation engineer.~~
 5. ~~Any volunteered limiting conditions that could provide assurances that the development as proposed would further the intent and spirit of the C 3 district and the~~

Comprehensive Plan. Conceptual drainage plan and statement by a certified civil engineer.

6. Conceptual landscape design completed by a registered landscape architect.

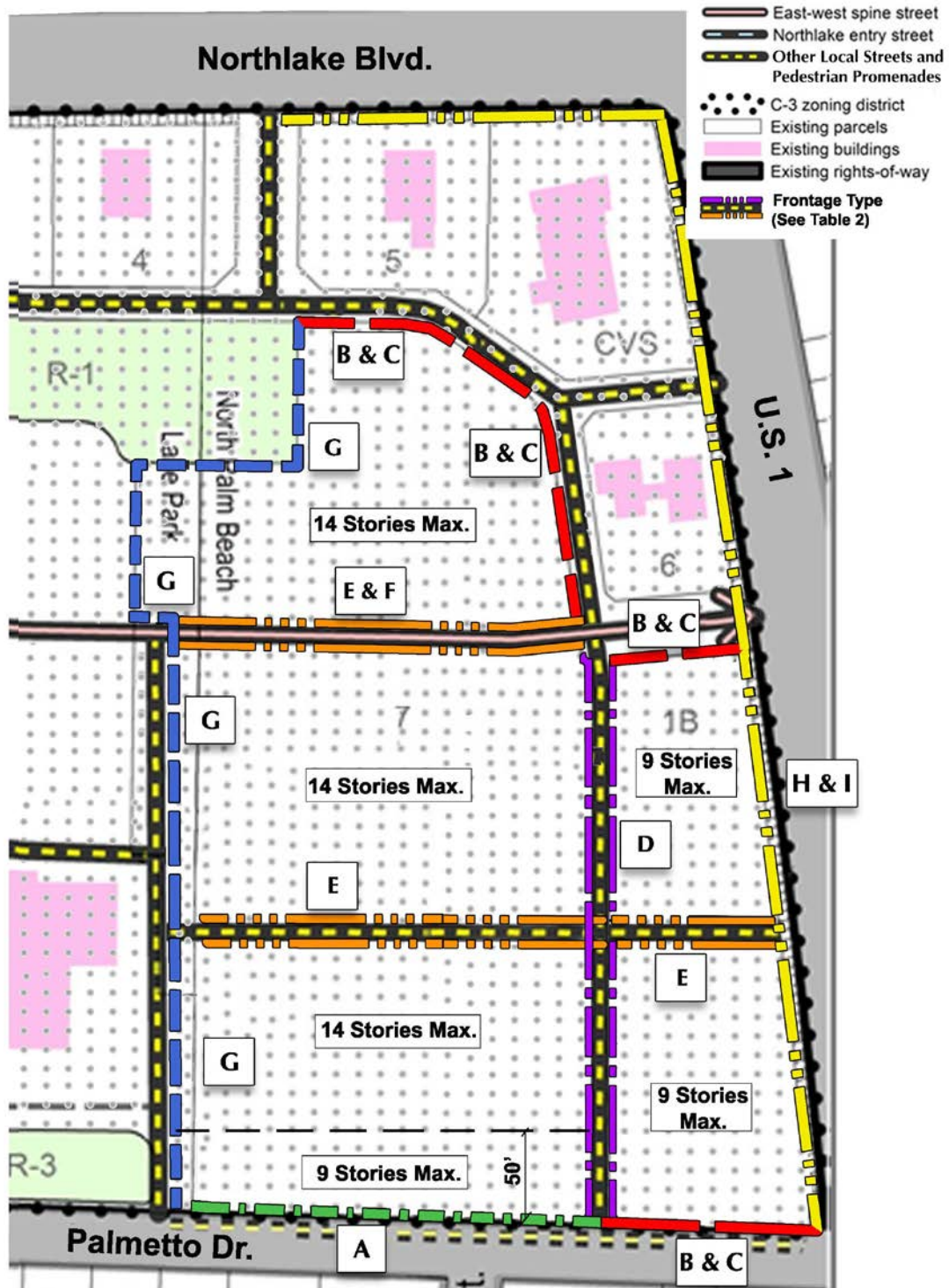
~~The site development plan, lists of alternate standards and additional land uses, and volunteered conditions should be submitted in a format suitable for attachment to an ordinance approving the requests.~~

e. *Approval process:* PUD applications under this section shall be forwarded along with recommendations from staff to the planning commission, which after holding a public hearing shall make a formal recommendation to the village council of approval, partial approval, or disapproval. The village council shall also hold a public hearing and ~~decide whether to approve, partially approve, or disapprove the PUD application.~~ to take final action on the application. ~~Unless the application is disapproved in full, this action shall be by ordinance.~~ The applicant may then proceed to obtain final site plan and appearance approval for specific phases of the project (if applicable) as indicated in the approved master plan. ~~all other needed development permits in accordance with the village's regulations.~~

f. *Application review procedures abutting or crossing a municipal boundary:* ~~Any PUD application for property abutting or crossing the Lake Park town boundary shall meet all of the above requirements. In addition, to protect the interests of other C-3 landowners and the town, a decision on the PUD application shall be made by the village council only at a joint meeting with the Lake Park Town Commission.~~ Regardless of the final governing body approving the project, joint municipal staff review and a joint meeting of the North Palm Beach planning commission and the Lake Park planning and zoning board shall be required for approval. Both municipalities shall review the master plan and subsequent site plan and appearance approvals, unless otherwise provided for as part of the master plan approval process. For projects proposed within the jurisdictional boundaries of both Lake Park and North Palm Beach, the project shall be reviewed in accordance with the governing standards of whichever jurisdiction contains 80% or more of the project area. The governing body of the same jurisdiction, instead of both governing bodies, shall make final approval, with recommendations from both advisory planning boards.

- g. Regulating Plan. Figure 1, Regulating Plan, identifies the properties, frontage types and street locations for properties developing under the special PUD regulations.

Figure 1 – Regulating Plan



h. Building frontage types.

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

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

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

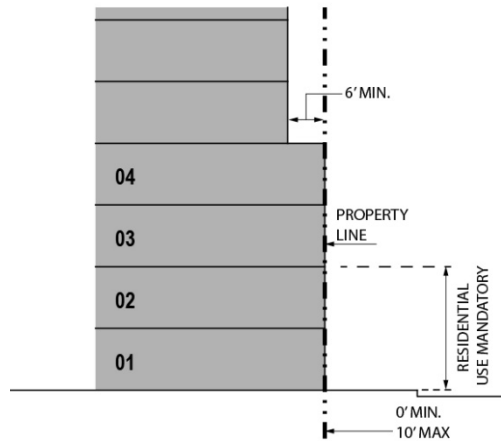
iii. Spacing between buildings: The minimum spacing between individual buildings on the same property, same parcel or adjoining C-3 properties shall be determined by applicable fire and building codes.

2. Build to Zone.

i. For all properties, the build-to-zone is measured from the property line or development parcel line.

Table 2 - Building Frontage Types

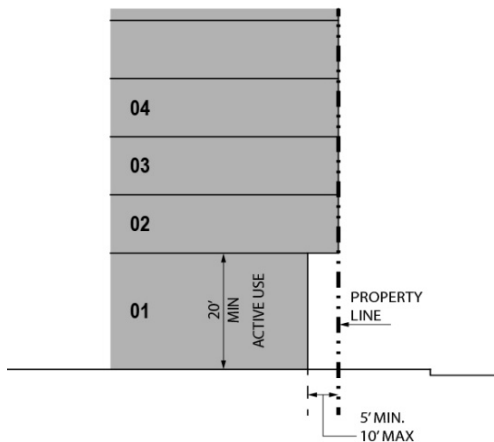
The following frontage configurations shall be used within the properties designated on the regulating plan. See Figure 1 for permitted frontage locations.



A

Build to Zone

Ground Thru 4th Floors 0' min.
10' max
Above 4th Floor 6' min.



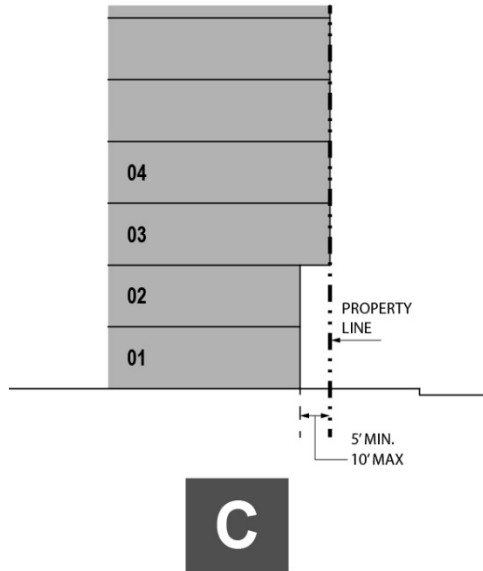
B

Build to Zone

Active Use setback 5' min.
10' max
Above active use 0' min.

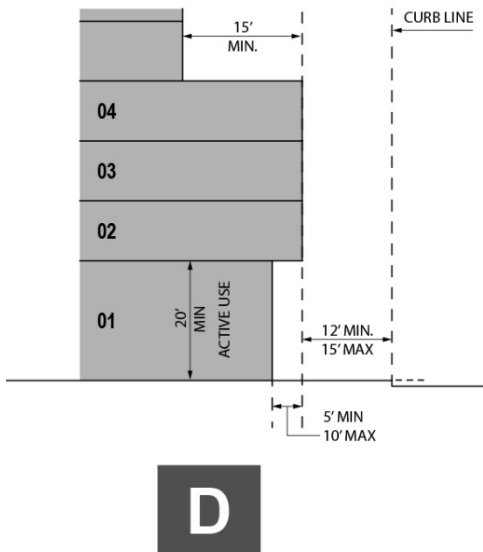
1

Table 2 - Building Frontages Cont.



Build to Zone

<u>Ground and 2nd Floors</u>	<u>5' min.</u> <u>10' max</u>
<u>Above 2nd Floor</u>	<u>0' min.</u>



Build to Zone

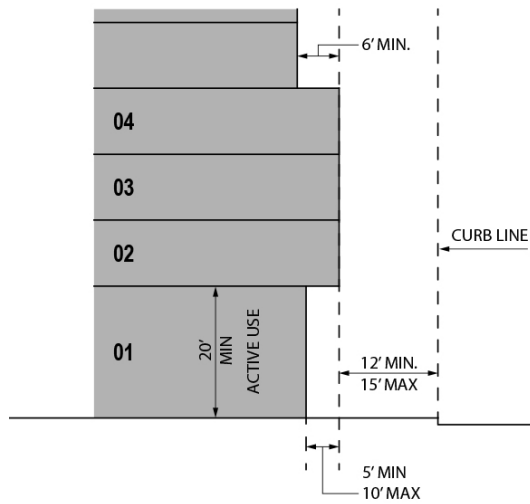
<u>Active Use Setback</u>	<u>17' min.</u> <u>25' max</u>
<u>2nd 3rd & 4rd Floor</u>	<u>12' min.</u>
<u>Above 4rd Floor</u>	<u>27' min.</u>

2

3

1

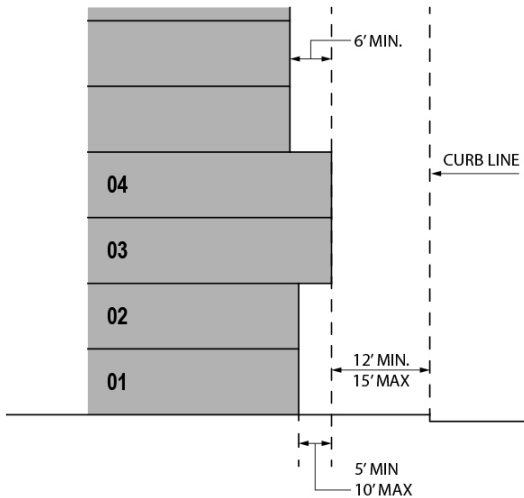
Table 2 - Building Frontages Cont



E

Build to Zone

<u>Active Use Setback</u>	<u>17' min.</u>
	<u>25' max</u>
<u>Above 2nd thru 4th Floor</u>	<u>12' min.</u>
<u>Above 4th Floor</u>	<u>18' min.</u>



F

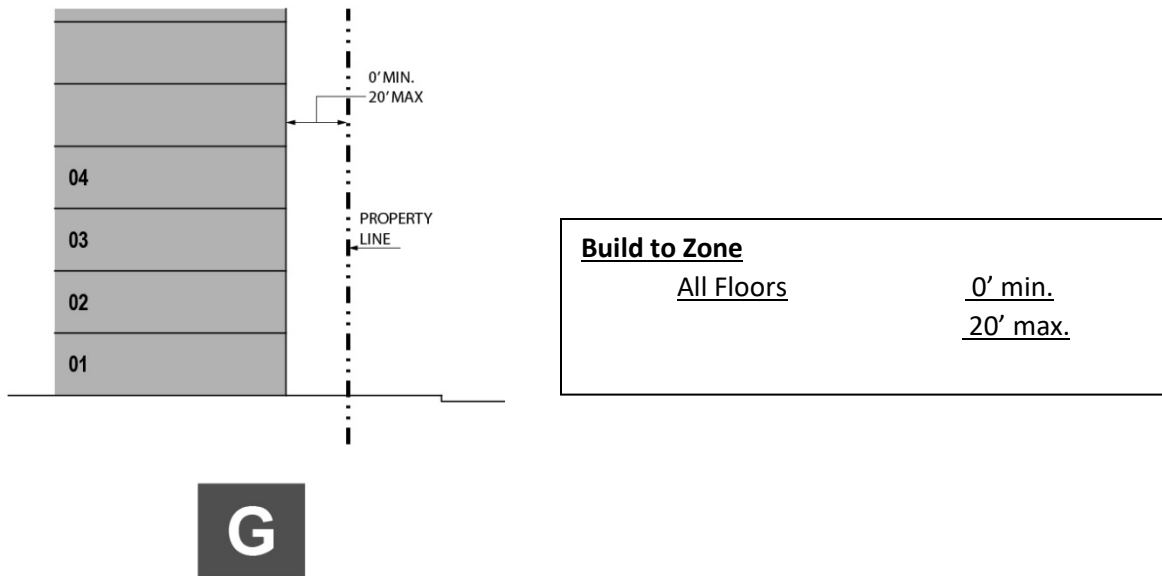
Build to Zone

<u>Ground and 2nd Floors</u>	<u>17' min.</u>
	<u>25' max.</u>
<u>3rd and 4th Floor</u>	<u>12' min.</u>
<u>Above 4th Floor</u>	<u>18' min.</u>

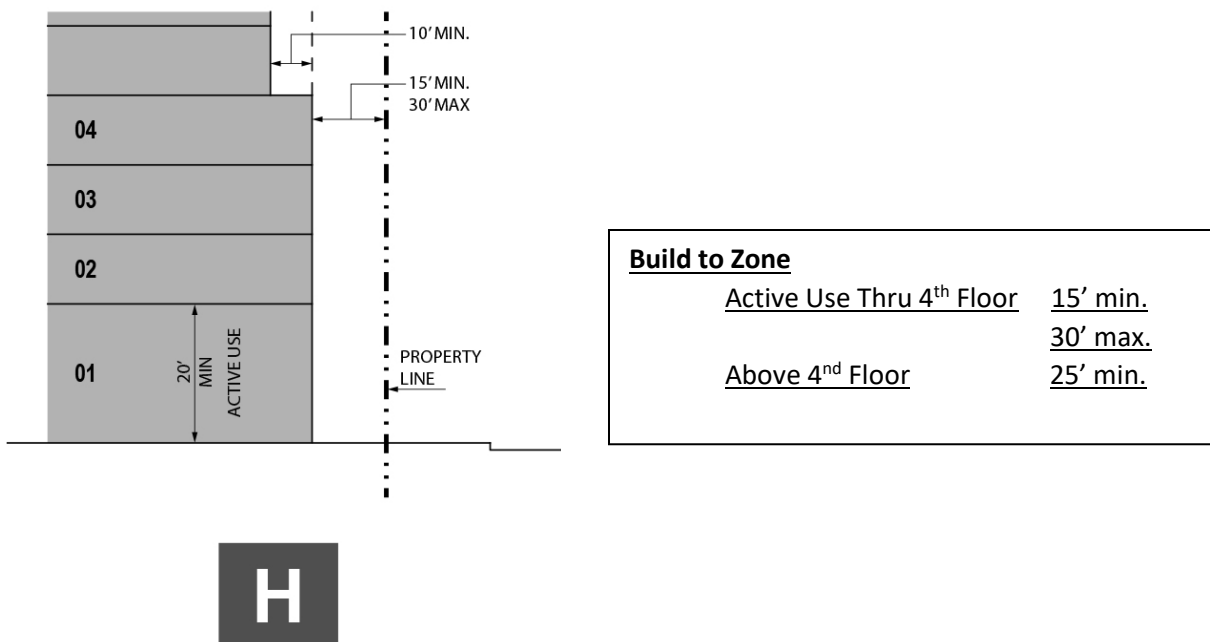
2

1

Table 2- Building Frontages Cont.

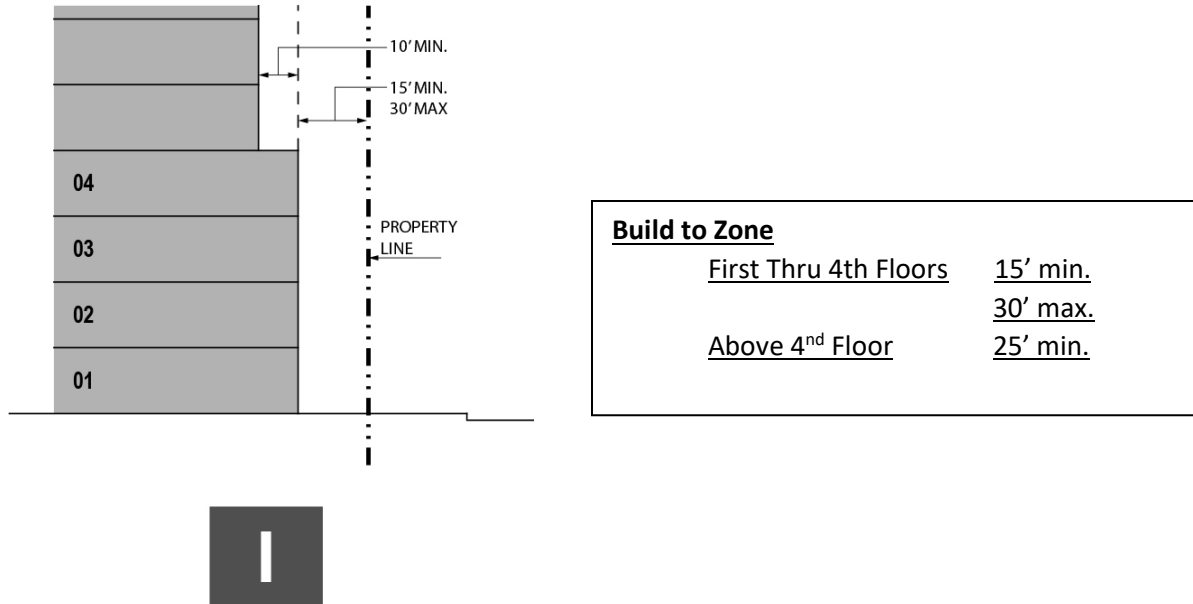


2



3

1

Table 2 - Building Frontages Cont.

2

i. Building Frontage percentage: The building frontage percentage is calculated by dividing the width of the building or building lying within the build-to-zone by the width of the lot along the same street frontage. All buildings shall have a minimum frontage of seventy (70) percent.

j. Development Intensities: Master site development plans proposed through this process shall have a maximum Floor Area Ratio (FAR) of 2.75. The FAR is calculated by the total gross area of the property, including existing and proposed easements and proposed public and private streets and alleys multiplied by the FAR. The maximum building area is limited by the maximum allowable FAR. "Building Area" means the total air-conditioned leasable or saleable floor area of a building, excluding fully enclosed storage spaces, non-habitable enclosed areas on the rooftop, stairs and elevator areas, and external unenclosed circulation areas. The building area does not include: parking areas; unenclosed colonnades, porches and balconies; mechanical and electrical spaces; and trash rooms. Storage spaces without windows and enclosed by surfaces that allow for natural ventilation or outside air circulation shall not be

1 included. The building area shall be measured from the
2 center of exterior walls.

- 3
4 k. *Building Height:* Buildings meeting the criteria of these
5 special PUD provisions may have buildings up to fourteen
6 (14) stories in height, and a maximum of two hundred feet
7 (200'), not including roof-top amenities. Buildings fronting
8 U.S. Highway One and Palmetto Drive shall not exceed nine
9 (9) stories within fifty (50) feet of the right-of-way.

10
11 For the purposes of calculating the number of stories in a
12 building, stories shall be defined as the space between
13 finished floor and the top of the structural slab and adjusted
14 as follows:

- 15
16 1. Each level devoted to parking is considered as an
17 individual story when calculating the number of
18 stories in a building except where parking levels are
19 screened by a liner building that is a minimum of
20 twenty feet (20') deep and at least two (2) stories tall
21 or an architectural feature that screens the parking.
22
23 2. When parking levels are constructed on a slope or are
24 connected by sloping or circular ramps, the number
25 of stories will be based on the non-sloped areas. If
26 there are no non-sloped areas, the number of stories
27 will be counted as the highest parking level plus each
28 parking level below.
29
30 3. A mezzanine will not count towards the number of
31 stories provided the total area of the mezzanine level
32 is less than forty percent (40%) of the floor area of
33 the main story below.
34
35 4. Rooftop amenities shall not count as a story so long
36 as no more than forty percent (40%) of the rooftop
37 shall be fully enclosed, air-conditioned space. None
38 of the space is habitable for residential purposes.

- 39
40 1. *Floor to Floor Heights:* Development may use the following
41 standards for the elevation of ground-floors and minimum/
42 maximum dimensions for floor heights. These standards are
43 measured as follows in Table 3.
44

Table 3 - Floor to Floor Standards

	<u>Max.</u>
<u>Height of ground-story:</u>	<u>25'</u>
<u>Height of upper-story:</u>	<u>14'</u>

Exceptions: The maximum floor to floor height standards in Table 3 do not apply in the following circumstances:

1. A story in or under a building that is devoted to parking is counted as a story when calculating the number of stories in a building, but does not need to comply with the maximum floor to floor heights in Table 3.
2. When the total area of mezzanine level is less than forty percent (40%) of the floor area of the story below, the mezzanine level does not need to comply with the maximum floor to floor heights in Table 3.
3. Any story that exceeds the height limitation of table 3 will count as an additional story.

m. Architectural Features:

1. Main Entrances:
 - i. Main entrances for all buildings in these special provisions is its principal point of access for pedestrians. Main entrances must face a street, alley, or civic space.
 - ii. Buildings fronting on two streets may have a pedestrian entrance on both streets.
2. Facade Transparency:
 - i. Transparency means the amount of transparent window glass or other openings in a building's façade along a street frontage. The transparency ratio requirement is expressed as the percentage of the transparent area divided by the entire façade area. It is calculated separately for the ground story of a façade and all upper story floors above the first floor.

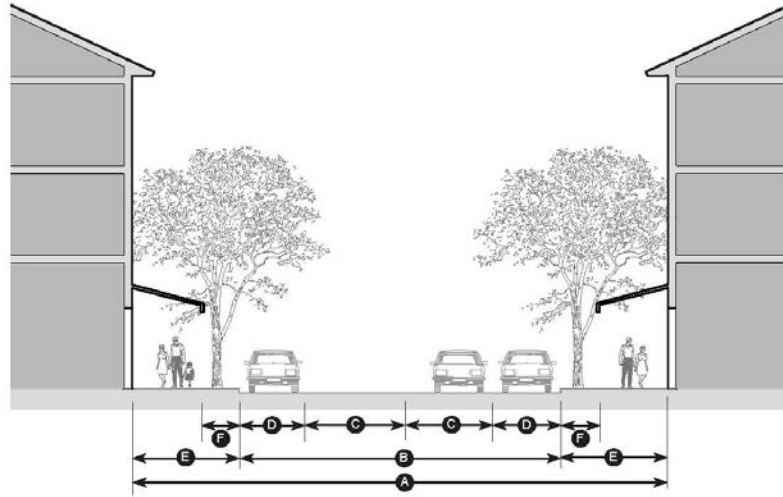
- ii. A minimum of sixty percent (60%) transparency shall be provided for all ground floor non-residential building frontage and all non-residential uses above the ground floor, with the exception of garage structures and floors above the ground floor that are part of a parking structure which are exempt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

n. Street and Sidewalk Standards:

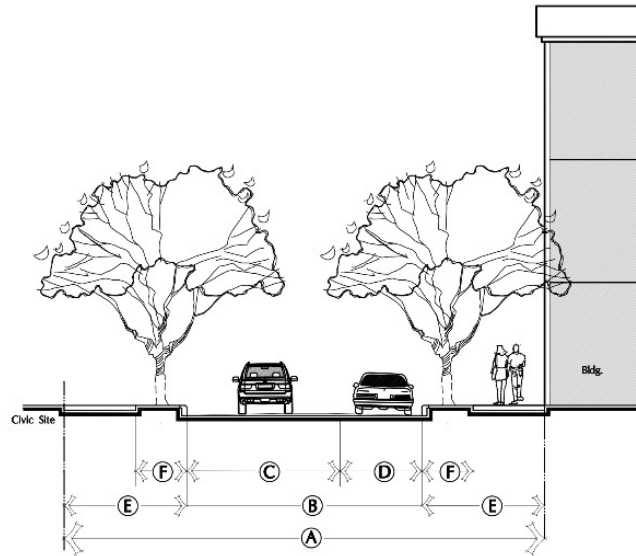
- 1. Streets and blocks are indicated on the Regulating Plan, Figure 1. Final development plans may deviate from the alignment of those streets provided the modification provides equivalent functionality to intersections with U.S. Highway One and roads within the Town of Lake Park. Modifications shall be requested through the PUD application process.
- 2. Streets shall be designed in accordance with Figure 2 or Figure 3 (Option A, B or C) and shall be built concurrently with development or a phasing plan approved by the village.
- 3. To encourage pedestrian circulation, minor streets may be designed primarily for pedestrian use with the ability to accommodate service and emergency vehicles when required.
- 4. All streets within the C-3 Regional Business District shall be owned and maintained privately unless otherwise approved by the village.
- 5. Alleys may be proposed between streets shown on the regulating plan.

6. Sidewalks adjacent to the U.S. Highway One right-of-way shall be a minimum of eight feet (8') in width. For a non-residential use fronting that right-of-way, the sidewalk shall be a minimum of twelve feet (12') in width.

Figure 2

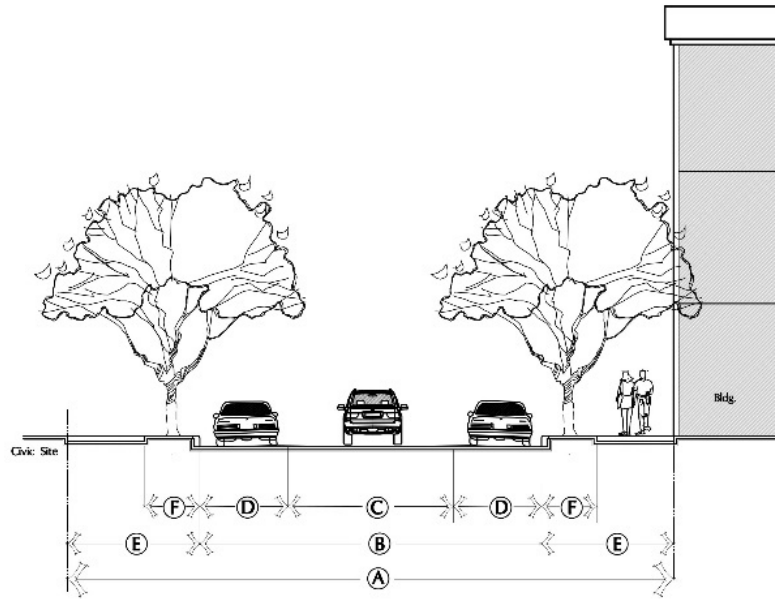


<u>Description:</u>	<u>Details:</u>	<u>Key:</u>
<u>Width of right-of-way</u>	<u>60' min.</u>	<u>A</u>
<u>Movement type</u>	<u>Slow</u>	
<u>Target speed</u>	<u>25 mph</u>	
<u>Width of pavement</u>	<u>36' min.</u>	<u>B</u>
<u>Travel lanes</u>	<u>10' min. travel lanes</u>	<u>C</u>
<u>Bicycle facilities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

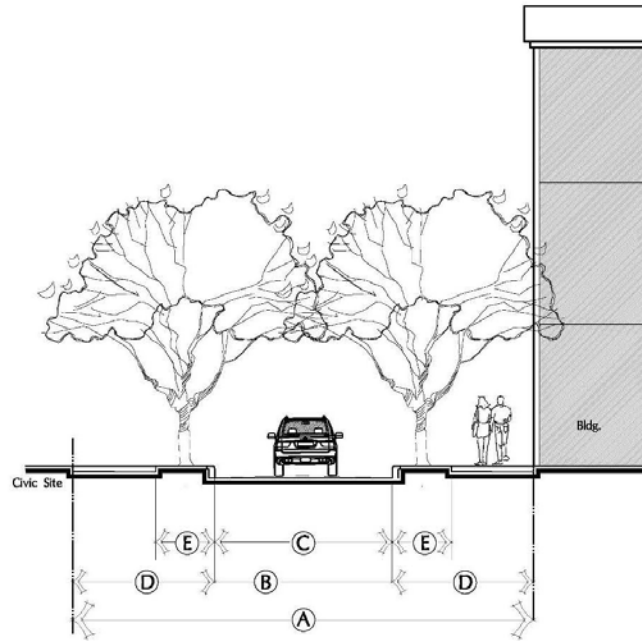
Figure 3**Option A**

<u>Description:</u>	<u>Details:</u>	<u>Key:</u>
<u>Width of right-of-way</u>	<u>47' min.</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>28' min.</u>	<u>B</u>
<u>Travel lanes</u>	<u>20' min. 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' min parallel parking</u>	<u>D</u>
<u>Pedestrian facilities</u>	<u>12' min. 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>	

Option B



Description:	Details:	Key: ⁴
<u>Width of right-of-way</u>	<u>55' min.</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' min.</u>	<u>B</u>
<u>Travel lanes</u>	<u>20' min. 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' min parallel parking</u>	<u>D</u>
<u>Pedestrian facilities</u>	<u>12' min. 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>	

Option C

<u>Description:</u>	<u>Details:</u>	<u>Key:</u>
Width of right-of-way	39' min.	<u>A</u>
Movement type	Slow	
Target speed	25 mph	
Width of pavement	20' min.	<u>B</u>
Travel lanes	15' min. travel lanes	<u>C</u>
Bicycle facilities	shared travel lanes	<u>C</u>
Pedestrian facilities	12' min. sidewalks	<u>D</u>
Furnishing strip:		<u>E</u>
Planter type	5' by 5' tree grates	
Tree spacing	30' average	

o. Landscape Standards. Landscaping shall meet the requirements of the Article VIII (Landscaping) of this chapter unless a modification is requested through the PUD process.

p. Parking Standards. Parking shall meet the requirements of this subsection. Dimensions and specifications for parking shall meet section 45-36.J of this code.

1. Parking space ratios: Table 4 provides parking space ratios for various uses on a site within the PUD. These ratios establish the minimum number of on-

1 site parking spaces. Ratios based on square feet refer
 2 to the gross floor area.

Table 4 - Parking Space Ratios

<u>PROPOSED USE</u>	<u>PARKING SPACE</u>
<u>RESIDENTIAL USES</u>	
<u>Dwelling, all other dwelling types</u>	<u>1.25 per unit</u>
<u>Live/work unit</u>	<u>1 per 1,000 sq. feet</u>
<u>Assisted living facility</u>	<u>0.5 per resident</u>
<u>Community residential home</u>	<u>0.5 per resident</u>
<u>LODGING USES</u>	
<u>Bed-and-breakfast establishment</u>	<u>1 per guest room</u>
<u>Hotel</u>	<u>1 per guest room</u>
<u>Motel</u>	<u>1 per guest room</u>
<u>Time-share unit</u>	<u>1.25 per unit</u>
<u>BUSINESS USES</u>	
<u>Offices, general</u>	<u>2 per 1,000 sq. feet</u>
<u>Office or clinic, medical or dental</u>	<u>3 per 1,000 sq. feet</u>
<u>Stores & services, general</u>	<u>2 per 1,000 sq. feet</u>
<u>Stores & services, large format</u>	<u>3 per 1,000 sq. feet</u>
<u>Convenience store with fuel</u>	<u>5 per 1,000 sq. feet</u>
<u>Dog daycare</u>	<u>3 per 1,000 sq. feet</u>
<u>Drive-through facility (for any use)</u>	<u>---</u>
<u>Garage, parking</u>	<u>---</u>
<u>Restaurant or cocktail lounge</u>	<u>10 per 1,000 sq. feet</u>
<u>Telecommunications antennas</u>	<u>---</u>
<u>CIVIC & EDUCATION USES</u>	
<u>Child care facility</u>	<u>1 per 12 students</u>
<u>Church or place of worship</u>	<u>1 per 4 peak attendees</u>
<u>Civic space</u>	<u>---</u>
<u>Family day care</u>	<u>(no additional parking)</u>
<u>Government building</u>	<u>2 per 1,000 sq. feet</u>
<u>Public space</u>	<u>---</u>
<u>School, public or private</u>	<u>1 per 12 students</u>

2. *Parking space adjustments.* The number of on-site parking spaces calculated in accordance with Table 4 shall be adjusted under any one or more of the following circumstances:

- i. *Mixed-use developments qualify for the shared-parking percentage reductions specified in Table 5 provided the development includes at least ten percent (10%) of its gross floor area in a second category of Figure 4 (residential, lodging, office, business, and civic/education uses).*
- ii. *Each on-street parking space provided by the developer within one-quarter (1/4) mile of the on-site parking area will be counted as two (2) required parking spaces.*
- iii. *No on-site parking spaces are required for an office, business, or civic/education use that occupies less than one thousand five hundred (1,500) square feet (up to three (3) such uses per acre).*
- iv. *Up to half of the required spaces may be located up to five hundred (500) feet off-site in a dedicated or joint-use parking lot provided that permission to use those spaces is specified in a binding agreement that is reviewed and approved during the site plan and appearance review process.*
- v. *Golf cart parking spaces may be counted as one (1) space, provided they meet the minimum dimensions of five (5) feet wide by ten (10) feet long. Up to ten (10) percent of a development's required parking spaces may be met by golf cart parking spaces.*
- vi. *The required number of on-site parking spaces may also be reduced through the waiver process (see section 45-51) or may be increased by a special condition applied during the site plan and appearance review process (see sections 6-30 through 6-60).*

Table 5 - Shared Parking Reductions

Residential									Residential
Lodging									Lodging
Offices									Offices
Business (other)									Business (other)
Civic / Educ.									Civic / Educ.
				0%					
			10%	10%					
		30%	0%	30%					
	20%	20%	20%	20%					
	30%	15%	0%	15%	30%				
	20%	10%	10%	20%					
	10%	0%	10%						
	10%	10%							
	0%								

3. A deferred parking plan may be approved by the village if a parking study is provided that demonstrates the need for parking is less than what is required by code, or the owner has demonstrated that an alternative means of access to the uses on the site justifies the deferral of the construction of a portion of the required parking spaces. The deferred parking plan shall:
- i. Be designed to contain sufficient space to meet the full parking requirements of the code. The plan shall illustrate the layout for the full number of parking spaces, and shall designate which parking spaces are to be deferred.
 - ii. Be designed so that the deferred parking spaces are not located in areas required for landscaping, buffer zones, or areas that would otherwise be unsuitable for parking spaces because of the physical characteristics of the land or other requirements of this code.
4. Physical standards for parking lots, driveways, and loading: Physical standards for outdoor parking lots, driveways and loading are contained herein or as maybe modified by a request through the PUD process.

5. Standards for parking garages: Parking spaces may be provided under or in buildings or in dedicated parking garages instead of being provided in uncovered surface parking lots. Such parking spaces need not comply with the minimum setbacks for surface parking lots. These parking spaces must be screened from view from all streets. Screening may be provided by rooms in the same building or with a liner building that is at least two (2) stories tall with space at least twenty feet (20') feet deep or an architectural feature screening the same two (2) stories.

q. Sign Standards: All projects shall provide a master sign plan that shall be reviewed and approved by the village during site plan approval. Any deviations from the subsection (7) of this section shall be addressed through the waiver process.

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

Sec. 45-35.1. - Planned unit development.

I. *Statement of intent.*

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

located, except as may be permitted through subsection 45-35.1.VIII.

B. Subject to the foregoing statement of intent, the village council may, in the case of commercial, industrial and residential planned unit developments, allow for minor modification of the provisions of this chapter or other land development regulations in accordance with the procedure set forth in subsections II, III, IV and V.

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

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

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

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

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

Section 4. The provisions of this Ordinance shall become and be made a part of the Code of the Village of North Palm Beach, Florida.

Section 5. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 6. All ordinances or parts of ordinances and resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. This Ordinance shall take effect upon the effective date of Ordinance No. ____.

1 PLACED ON FIRST READING THIS ____ DAY OF _____, 2022.

2
3 PLACED ON SECOND, FINAL READING AND PASSED THIS ____ DAY OF _____,
4 2022.

5
6
7 (Village Seal)

MAYOR

8
9
10 ATTEST:

11
12 _____
13 VILLAGE CLERK

14
15 APPROVED AS TO FORM AND
16 LEGAL SUFFICIENCY:

17
18 _____
VILLAGE ATTORNEY

ORDINANCE NO. 2022-_____

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

WHEREAS, the Village wishes to amend the Future Land Use Element of its Comprehensive Plan to facilitate redevelopment within the Village, particularly the former Twin City Mall site; and

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

WHEREAS, on November 1, 2022, the Planning Commission, sitting as the Local Planning Agency, conducted a public hearing to review the proposed amendments to the Village Comprehensive Plan and provide a recommendation to the Village Council; and

WHEREAS, having conducted all of the duly advertised public hearings required by Chapter 163, Florida Statutes, the Village Council wishes to amend its Comprehensive Plan and determines that the adoption of this Ordinance is in the interests of the health, safety and welfare of the residents of the Village of North Palm Beach.

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

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

Section 2. The Village Council hereby adopts the revisions to the Village of North Palm Comprehensive Plan attached hereto as Composite Exhibit "A" and incorporated herein by reference (additional language underlined and deleted language ~~stricken through~~).

Section 3. All ordinances or parts of ordinances and resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

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

Section 5. This Ordinance shall be effective thirty-one (31) days after the Department of Economic Opportunity notifies the Village that the plan amendment package is complete or, if timely challenged, this Ordinance shall be effective upon entry of a final order by the Department of Economic Opportunity or the Administration Commission determining the adopted amendment to be in compliance.

1 PLACED ON FIRST READING THIS ____ DAY OF _____, 2022.

2
3 PLACED ON SECOND, FINAL READING AND PASSED THIS ____ DAY OF _____,
4 2020.

5
6 (Village Seal)

MAYOR

7
8
9
10 ATTEST:

11
12 _____
13 VILLAGE CLERK

14
15
16 APPROVED AS TO FORM AND
17 LEGAL SUFFICIENCY:

18
19 _____
20 VILLAGE ATTORNEY

3.0 FUTURE LAND USE

3.1 INTRODUCTION

The Future Land Use element is required to be included within the Comprehensive Plan per requirements of state planning law and rule criteria. Specifically, Chapter 163.3177(6) (a), Florida Statutes, establishes the Future Land Use element requirement and Chapter 9J-5.006 Florida Administrative Code, establishes minimum criteria to guide its preparation.

A summary of the data, analysis and support documentation necessary to form the basis for Future Land Use goal, objectives and policies is presented in Chapter 3 of the Village of North Palm Beach, Florida Comprehensive Plan Support Documentation report dated 1999, Village of North Palm Beach Evaluation and Appraisal Report dated 2007, the U.S. Highway 1 Corridor Study, dated 2008, and the EAR-Based Amendment Support Documentation dated 2009.

3.2 VILLAGE GOAL STATEMENT

Ensure that the current character of North Palm Beach is maintained, while allowing remaining vacant parcels to be developed and redeveloped in a manner consistent with present residential neighborhoods and commercial areas.

Further, ensure that the Village remains primarily a residential community offering: (1) a full range of municipal services; (2) diversity of housing alternatives consistent with existing residential neighborhoods; (3) commercial development opportunities compatible with established location and intensity factors; and (4) a variety of recreational activities and community facilities oriented to serving the needs and desires of the Village.

Various land use activities, consistent with these Village character guidelines, will be located to maximize the potential for economic benefit and the enjoyment of natural and man-made resources by residents and property owners, while minimizing potential threats to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

It is also the intention of the Village to provide mechanisms and processes to promote the redevelopment of obsolete, underutilized, and underproductive areas of the Village. The Village shall provide flexibility in the land development regulations to promote such redevelopment, including but not limited to encouraging mixed-use development, connectivity, pedestrian-oriented development, reduction of dependence on vehicles, creation of open/public/civic gathering spaces, and otherwise promoting the economic, development, housing, and other public policy goals of the Village.

3.3 OBJECTIVES AND POLICIES

OBJECTIVE 1.A.: Future growth and development shall be managed through the preparation and adoption of land development regulations which: (1) coordinate future development with the appropriate natural features (i.e. topography, soil conditions, flood

prone areas and natural habitats) and the availability of facilities and services; (2) prevent uses inconsistent with the Village Goal Statement and Future Land Use Map Series; (3) require the maintenance of the Village building stock; and (4) discourage the proliferation of urban sprawl; and promote energy-efficient land use patterns accounting for existing and future power generation and transmission systems.

Policy 1.A.1: Maintain land development regulations that shall contain specific and detailed provisions required to implement the adopted Comprehensive Plan, and which as a minimum:

- a. Regulate the subdivision of land;
- b. Regulate the use and intensity of land development consistent with this element in a manner to ensure the compatibility of adjacent land uses consistent with the Future Land Use Map Series and provide for recreation and open space consistent with levels-of-service established in the Recreation and Open Space Element by requiring all new developments to donate or provide 5% of the residential site for recreational purposes;
- c. Protect environmentally sensitive lands designated on Figures 3A and 3B of the Future Land Use Map Series;
- d. Regulate areas subject to seasonal and periodic flooding by requiring a minimum first floor elevation of 8.5 feet NGVD and a drainage system which meets adopted Level-of-Service Standards;
- e. Regulate signage;
- f. Ensure safe and convenient on-site traffic flow and vehicle parking needs;
- g. Ensure that public facility, utility and service authorization has been procured prior to issuing any development order;
- h. Provide that development orders and permits, consistent with Policies 5.1 and 5.2 of the Capital Improvements Element, shall not be issued which result in a reduction of the levels of service for the affected public facilities below the Level-of-Service (LOS) Standards adopted in the Capital Improvements element (Ref: Table 11-1);
- i. Provide for the proper maintenance of building stock and property by continually updating and enforcing adopted building, housing and related codes;
- j. Designate an urban service area (Ref: Objective 6; Capital Improvements element); and
- k. Regulate the development of sites containing historic sites, as per the Future Land Use Map Series, to assure their protection, preservation and/or sensitive reuse.

Policy 1.A.2: An official zoning map shall be adopted and maintained which assures that the location and extent of non-residential land uses is consistent with the Future Land

Use Map Series. Planning Areas may include non-residential uses such as schools, public facilities, other public facilities, and recreational uses, etc., as indicated on the Future Land Use Map Series and/or as allowed as special exception uses in the Village Zoning Code.

Policy 1.A.3: Land development regulations adopted to implement this Comprehensive Plan shall be based on and be consistent with the following standards for residential land use densities as indicated below.

- a. Conservation/Open Space - Maximum of one unit per upland acre;
- b. Low density residential - fewer than 5.80 residential units per gross acre;
- c. Medium density residential - 5.81 to 11.0 residential units per gross acre; and
- d. High density residential - 11.1 to 24.0 residential units per gross acre.

In any event, specific entitled residential densities within the ranges listed above shall be subject to the application of the site development criteria (e.g. setbacks, height limitations and site dedications, etc.) promulgated in the Village Land Development Regulations.

Policy 1.A.4: Land Development regulations adopted to implement this Comprehensive Plan shall be based on and be consistent with the following standards for non-residential land use intensities as indicated below:

- a. **Location** shall be in accordance with the Future Land Use Map. Commercial uses shall not be permitted within areas designated for residential development on the Future Land Use Map Series;
- b. **Maximum lot coverage** ratio shall be governed by applicable land development regulations;
- c. **Maximum building height** shall be governed by applicable land development regulations and shall be consistent with the Village of North Palm Beach Citizens' Master Plan Report, adopted by Resolution 2016-73 on October 27, 2016, and compatible with neighboring land uses; and
- d. **Adequate off-street parking** and loading facilities.
- e. **Maximum Floor-Area-Ratios** for non-residential land uses shall be established as follows:
 - 1. **Commercial, religious, and institutional land uses:** A maximum of 0.70 for mixed-use development and 0.35 for all other non-residential land uses along U.S. Highway No. 1, north of the Parker Bridge; a maximum of 1.10 along U.S. Highway No. 1, from the Parker Bridge, south to Northlake Boulevard; a maximum of 0.70 along U.S. Highway No. 1, south of Northlake Boulevard; and a maximum of 0.70 along Northlake Boulevard and S.R. Alternate A-1-A. The following areas shall be exempt from this requirement to implement the 2016 Citizens' Master Plan:
 - The Twin City Mall site, and subject to the latest land development regulations of the C-3 zoning district, which have been jointly developed by the Village and the Town of Lake Park.

- The C-MU zoning district along U.S. Highway No. 1, updated in accordance with the Citizens' Master Plan.
 - Other key redevelopment sites that are explicitly identified in the Village's land development regulations to carry out the Citizens' Master Plan.
2. **Educational Uses:** A maximum of 0.15;
 3. **Recreation and Open Space Uses:** A maximum of 0.05
 4. **Light Industrial/Business Uses:** A maximum of 0.45.

Policy 1.A.5: Land development regulations shall contain performance standards which address:

- a. Buffering and open space requirements;
- b. Landscaping requirements; and
- c. A requirement for the environmental assessment of development proposals, including eliminating exotic plant species.

Policy 1.A.6: Land development regulations shall contain planned unit development provisions which allow design flexibility within projects under unity of title as a means of preserving natural resources delineated on Figures 3A and 3B, and protecting Conservation Use lands designated on the Future Land Use Map.

Policy 1.A.7: Future development shall be permitted only when central water and wastewater systems are available or will be provided concurrent with the impacts of development.

Policy 1.A.8: Residential subdivisions shall be designated to include an efficient system of internal circulation, including the provision of collector streets to feed traffic to arterial roads and highways.

Policy 1.A.9: In 2020, the Village revised its land development regulations and this Comprehensive Plan to implement the provisions and guiding principles of the Village of North Palm Beach Citizens' Master Plan Report, adopted by Resolution 2016-73 on October 27, 2016.

OBJECTIVE 1.B: The Village desires to enhance certain aging commercial corridors that have a Commercial Future Land Use designation, into walkable and bikeable centers of vibrant activity. Current business uses along these corridors will be supplemented with new residential and mixed-use development as described in Policy 1.B.4.

Policy 1.B.1: The following use and intensity standards shall be used to promote land use efficiency in mixed-use infill and redevelopment activities, and determine maximum development potential on a given parcel of land:

1. **Maximum development potential:** Maximum commercial development potential is subject to the floor-area limitations established in Policy 1.A.4, subject to the application of the Village's land development regulations.
2. **Permitted uses:** Permitted uses shall be specified in each zoning district that allows mixed-use development (see Policy 1.B.4).
3. **Residential density:** Dwelling units in Commercial designations shall not exceed a density of 24 units per acre or as further limited by except where density and intensity are regulated solely through the application of a maximum floor area ratio (FAR) as set forth in the applicable zoning district regulations. Developments that qualify for the workforce housing density bonus described in Policy 1.B.2 may construct up to 12 additional units per acre).
4. **Height limitations:** The maximum height shall be limited to that allowed by the underlying commercial or mixed-use zoning district.

Policy 1.B.2: Workforce housing density bonus: Except where density and intensity are regulated solely through the application of a maximum floor area ratio (FAR), ~~The~~ maximum residential density of a mixed-use development shall be increased from 24 to 36 units per acre provided that either: (a) bonus units are constructed on-site; or (b) funding is provided to assist in an workforce housing program in another jurisdiction or an appropriate alternative, as determined by the Village of North Palm Beach. If alternative (a) is selected, 50% of the bonus units shall qualify for any of the four (4) eligible income group categories based on Average Median Income (AMI) set forth in the County's Workforce Housing Program income guidelines. No more than 50% of the workforce housing units shall be in the 120-140% category. If alternative (b) is selected, an amount equal to 5% of the cost of the vertical construction of the bonus units shall be contributed to the Palm Beach County Affordable Housing Trust Fund, or other appropriate alternative, as determined by the Village of North Palm Beach.

Policy 1.B.3: Assisted Living Facilities, as defined in Section 429.02(5) of the Florida Statutes and licensed by the Florida Agency for Health Care Administration may be permitted as mixed-use developments through the commercial planned unit development approval process, or the special exception process if authorized by the Village's land development regulations, subject to the following use and intensity standards:

1. **A mixed-use Assisted Living Facility** shall provide assistance with activities of daily living, as defined in Section 429.02(1) of the Florida Statutes and special care for persons with memory disorders, as regulated by Section 429.178 of the Florida Statutes.
2. **Required uses:** Each mixed-use Assisted Living Facility shall contain a residential component, together with a non-residential component consisting of administrative offices, central kitchen and communal dining facilities, and separate or shared spaces for the provision of medical, recreation, social, religious, and personal services.
3. **Mix of required uses:** The residential component shall comprise a minimum of 50% and the non-residential component shall comprise a maximum of 20% of the gross floor area of a mixed-use Assisted Living Facility.
4. **Maximum floor area:** Maximum mixed-use Assisted Living Facility development potential is subject to the floor-area limitations established in Policy 1.A.4, subject to the application of the Village's land development regulations.

5. Maximum resident occupancy: The residential density of a mixed-use Assisted Living Facility may be increased by the Village Council to an equivalent of 24 units per acre. The maximum resident occupancy shall then be determined by multiplying the equivalent residential density by 1.97 residents per unit. Maximum resident occupancy shall be determined on a project-by-project basis based upon an assessment of site characteristics and the application of Village land development regulations.

6. Height limitations: The maximum height of a mixed-use Assisted Living Facility shall be determined by the application of Policy 1.B.1.6.

7. Waivers for reductions in minimum dwelling unit size and parking requirements may be requested during the commercial planned unit development or other authorized approval process.

Policy 1.B.4: Residential and mixed-use developments may be approved in areas with a Commercial Future Land Use designation in order to achieve a mixed-use development pattern. The Village may use any of the following mechanisms to achieve the desired pattern:

- The mixed-use provisions in the C-MU zoning district along US. Highway No. 1 between Yacht Club Drive and the Earman River, which are intended to evolve that district into a mixed-use development pattern that remains predominately commercial along US Highway No. 1.
- The mixed-use provisions in the C-T zoning district in the southwest portion of the Village.
- The commercial planned unit development process in other zoning districts.

OBJECTIVE 2: Development and redevelopment activities shall be undertaken in a manner to ensure the protection of natural and historic resources and the Village character as prescribed in the Future Land Use Element Goal Statement and the Village Character Statement (Ref: Chapter 2.0).

Policy 2.1: The developer/owner of any site shall be responsible for the on-site management of stormwater runoff in a manner so that post-development runoff rates, volumes and pollutant loads to not exceed pre-development conditions and preserve existing natural drainage features, as per Chapters 40E-4, 40E-40 and/or 40E-41, Florida Administrative Code.

Policy 2.2: The Village land development regulations shall regulate business activities which have the potential to contaminate land and water resources by requiring said businesses to notify the Palm Beach County Department of Environmental Resources Management regarding the storage, use and/or disposal of potentially hazardous or toxic substances. This requirement shall be implemented by the Village through the Palm Beach County Wellfield Protection Ordinance (Ref: Section 9.3, Palm Beach County Unified Land Development Code).

Policy 2.3: The Village shall encourage, through its participation on the Seacoast Utility Authority Governing Board, protection of potable water wellfields by regulatory authorities having land use jurisdiction in aquifer recharge areas serving Seacoast Utility Authority systems.

Policy 2.4: The clearing of any wetlands vegetation or land assigned a Conservation Land Use Category on the Future Land Use Map Series shall not be approved by the Village until such time that appropriate permits have been procured, by the developer, from the Palm Beach County Environmental Resources Management or Health Departments and the Florida Department of Environmental Protection.

Policy 2.5: At the time of each required Evaluation and Appraisal Report and Comprehensive Plan update, the Village shall consider the need for the identification, designation and protection of additional historically significant properties under the provisions of the Standard Housing Code.

Policy 2.6: Within 18 months after the South Florida Water Management District updates the Lower East Coast Regional Water Supply Plan, the Village shall update the Water Supply Facilities Work Plan to determine whether or not adequate water supply is available to meet projected needs of the ensuing 10-year period.

OBJECTIVE 3: All development orders and permits for future development and redevelopment activities shall be issued only if public facilities necessary to meet Level of Service (LOS) standards are available concurrent with the impacts of the development. Further, require that all on-site lands for rights-of-way, easement, etc., be conveyed to the proper authority prior to the issuance of building permits.

Policy 3.1: The development of residential and commercial land shall be timed and staged in conjunction with the provision of supporting community facilities, such as streets, utilities, police and fire protection service, emergency medical service, and public schools.

Policy 3.2: Public facilities and utilities shall be located to: (1) Maximize service efficiency; (2) minimize public costs; and (3) minimize impacts upon the natural environment.

Policy 3.3: Remaining properties currently not utilizing central water and wastewater systems shall be governed by the provisions of: (1) Chapter 381.272, Florida Statutes; (2) Chapter 10D-6, Florida Administrative Code; and (3) Palm Beach County Environmental Control Rule - 1. These codes regulate the use and installation of individual sewage disposal systems.

Policy 3.4: The Village shall update its population projections at the time of the approval of a Comprehensive Plan amendment or development order permitting an increase in residential units.

OBJECTIVE 4: The Village shall coordinate with appropriate governments and agencies to minimize and mitigate potential mutual adverse impacts of future development and redevelopment activities.

Policy 4.1: Requests for development orders, permits or project proposals shall be coordinated by the Village, as appropriate, with adjacent municipalities by participating in

IPARC, Metropolitan Planning Organization, Palm Beach County, School District of Palm Beach County, Treasure Coast Regional Planning Council, Special Districts, South Florida Water Management District and state and federal agencies.

Policy 4.2: All future high density residential development, with the following exceptions, shall be directed to areas west of U.S. Highway No. 1 as a means of coordinating coastal area population densities with the County Hurricane Evacuation Plan:

1. Properties located east of U.S. Highway No. 1 that are currently assigned a High Density Residential future land use designation;
2. Properties that have frontage on and access to the east side of U.S. Highway No. 1, provided a determination is made by the Village, based upon a professionally competent study, that the hurricane evacuation provisions of F.S. 163.3178(9)(a) are complied with.

Policy 4.3: Although there are currently no resource planning and management plans prepared pursuant to Chapter 380, Florida Statutes, in effect within North Palm Beach, the Village shall participate in the preparation and implementation of said plans should they become necessary.

Policy 4.4: In the event of a proposed future annexation of sufficient size to site a school, or co-locate a school with public facilities (e.g. parks, libraries, and community centers), the Village shall coordinate with the Palm Beach County School Board to determine the need for an additional school site in the area. If it is determined that there is a need, and that a school site can be accommodated, the proposed annexation shall provide for the school site.

Policy 4.5: The Village shall promote mixed-use development along its major transportation corridors, and cooperate with Palm Beach County to develop new and improved forms of transit as a means of reducing greenhouse gas emissions resulting from traffic congestion.

Policy 4.6: During the review of any development or redevelopment proposal, the Village shall determine the feasibility of cross-access with neighboring parcels as a means to promote more efficient travel.

Policy 4.7: The Village shall educate the public regarding the placement and maintenance of canopy trees and other landscape materials to strategically provide shade and reduce energy consumption.

OBJECTIVE 5: Special land use policies shall be developed by North Palm Beach when necessary to address site-specific issues related to implementing the Village Goal Statement. Refer to the Future Land Use Map Atlas for parcel locations which are the subject of specific special policies.

Special Policy 5.1: Historic properties with an assigned Florida Master Site File reference number shall be identified on Planning Area maps located in the Future Land Use Map Atlas.

Special Policy 5.2: Utilize the mixed-use provisions of the Village's Commercial Planned Unit Development (CPUD) Ordinance as a means of developing the property delineated as "Special Policy 5.2 on Map 2 of the Future Land Use Map Atlas in a transition mode from Commercial (i.e. compatible to the C-B Zoning District) to Residential (i.e. compatible to the R2 Zoning District) running from U.S. Highway No. 1 east to Lake Worth. Maximum gross density shall not exceed 10-11 DU/AC. Non- residential development pods shall comply with the Floor-Area-Ratio standards listed in Policy 1.4 of the Future Land Use element. Development of the property shall be subject to the Village Council approval of site plan and PUD applications. The following uses shall be excluded from this development: (1) Golf club and its accessory uses such as restaurant, bar, driving range and equipment store; (2) bowling alley; (3) filling stations; (4) dry cleaning plants; (5) mobile home park; and (6) adult entertainment establishment.

Special Policy 5.3: As a means of preserving native vegetative species in Planning Area 6A, encourage the use of the Planned Unit Development by allowing the clustering of residential units in defined buildable areas (i.e. all areas in Planning Area 6A are as "buildable", with the exception of those delineated on Figure 3-3.

Special Policy 5.4: Require all new developments in Planning Areas 1 and 6A to perform an environmental assessment to define potential impacts upon the viability of vegetative species and/or habitats delineated on Figure 3. The impact assessment shall include necessary techniques and/or controls to maintain species and/or habitats in their current condition or mitigate potential impacts.

Special Policy 5.5: (Reserved).

Special Policy 5.6: As a means of enhancing the commercial character of the area along Northlake Boulevard through renovation and/or redevelopment, maintain a waiver process which may allows proposed projects to depart from the strict interpretations of the Zoning Code if, after review by the Village, it is found that said projects are in compliance with the North Palm Beach Comprehensive Plan and meet standards in the Zoning Code.

Special Policy 5.7: The Village shall review proposed Future Land Use Map Series amendments to determine whether or not they discourage the proliferation of Urban Sprawl based upon the application of standards contained in Chapter 9J-5, F.A.C. (No Future Land Use Map Atlas reference.)

Special Policy 5.8: Residential development on the property delineated as "Special Policy 5.8" on Map 6A of the Future Land Use Map Atlas shall be limited to a maximum of 98 residential units.

Special Policy 5.9: Residential development on the property delineated as "Special Policy 5.9" on Map 6A of the Future Land Use Map Atlas shall be limited to a maximum of 232 residential units.

Special Policy 5.10: Residential development on the property delineated as "Special Policy 5.10" on Map 6A of the Future Land Use Map Atlas shall be limited to a maximum of 184 residential units.

Special Policy 5.11: Residential development on the property delineated as "Special Policy 5.11" on Map 6A of the Future Land Use Map Atlas shall be limited to a maximum of 108 residential units.

Special Policy 5.12: Residential development on the property delineated as "Special Policy 5.12" Map 2 of the Future Land Use Map Atlas shall be limited to the existing 197 residential units.

Special Policy 5.13: Residential development on the property delineated as "Special Policy 5.13" on Map 7 of the Future Land Use Map Atlas shall be limited to the existing 48 residential units.

Special Policy 5.14: Residential development on Planning Area 1 shall be clustered in the least environmentally sensitive portion of the parcel which is the subject of an application for a development order. (No Future Land Use Map Atlas reference.)

Special Policy 5.15: Year-round, permanent resident residential development within the area defined by the current extent of John D. MacArthur Beach State Park shall be limited to that provided for Park personnel. (No Future Land Use Map Atlas reference.)

Special Policy 5.16: The 0.43 acre lot located at the southwest corner of Prosperity Farms Road and Honey Road (Map 5 of the Future Land Use Map Atlas) shall be assigned a Commercial Future Land Use Map designation in order to support its current use. The current use may be maintained consistent with the provisions of Sections 45-63 (non-conforming uses) and 45-64 (non-conforming structures) of the Village Code; however, any future change in use shall be consistent with those uses permitted in the C-T transitional Commercial District.

Special Policy 5.17: Non-residential land uses within Protection Zone 4 of the Richard Road wellfield (Ref: Map 5, 6B, and 7 of the Future Land Use Map Atlas) which store, handle, use or produce any regulated substance are prohibited, unless they qualify as a general exemption or receive an operating permit from Palm Beach County ERM, pursuant to Section 9.3 of the Palm Beach County Land Development Code.

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

Special Policy 5.19: Public School development on the property delineated as Special Policy 5.19 on Map 4b of the Future Land Use Map Atlas shall be limited to a maximum 0.35 Floor-Area-Ratio.

OBJECTIVE 6: The Village shall encourage infill development and redevelopment along the Northlake Boulevard and U.S. Highway No.1 corridors.

Policy 6.1: Development and redevelopment activities in the Northlake Boulevard Overlay Zone, as illustrated on Figure 3-8, shall conform with the special land development regulations adopted by the Village of North Palm Beach for the Northlake Boulevard corridor as well as the requirements of the Village's Comprehensive Plan and underlying zoning districts.

Policy 6.2: Mixed-use development and redevelopment is encouraged along the U.S. Highway No.1 corridor by the Village through the provisions of the C-MU and C-T and may also be permitted through the commercial planned unit development approval process, consistent with the density and intensity criteria stated in Objective 1.B.

Policy 6.3: Development and redevelopment activities shall be transit-ready by maintaining access to Palm Tran, pedestrian accessibility by sidewalks and bikeways, and connectivity with neighboring residential and commercial areas.

3.4. FUTURE LAND USE CLASSIFICATION SYSTEM

The land use Classification System presented on Table 3-1 is adopted as the "Future Land Use Classification System" of the Village of North Palm Beach. Subject to the land use compatibility and application review provisions of Section 163.3208, Florida Statutes, and electric distribution substations are permitted in all land use categories listed in Table 3-1 except Conservation/Open Space.

3.5 FUTURE LAND USE MAP SERIES

3.5.1 Future Land Use Maps

Village of North Palm Beach Planning Areas are delineated on Figure 3-1, while 2020 Future Land Use Plan is displayed on Figure 3-2. Recreation/Open Space areas are identified on Figure 3-2; however, due to their character and Village-wide appeal, the delineation of specific service areas is not appropriate. Each facility is deemed to serve the Village as a whole.

3.5.2 Future Land Use Map Atlas

For the purposes of identifying properties subject to the conditions of a special policy described in Objective 5 and tracking Future Land Use Map amendment and annexation activities, the Village of North Palm Beach Future Land Use Map Atlas, on file with the Village Clerk, is hereby incorporated by reference.

Designated historic districts or significant properties meriting protection within the Village, along with appropriate Florida Master File references are located, as appropriate, on Maps 1-7 of the Future Land Use Map Atlas.

3.5.3 Natural Resource Maps

The following natural resources data are exhibited on Figures 3-3 through 3-7:

1. Natural Habitat, Wetlands, Coastal Vegetation and Beaches (Ref: Figure 3-3 and Tables 3-2 and 3-3);
2. Surface Water Features (Ref: Figure 3-4);
3. Generalized Soils Map (Ref: Figure 3-5 and Table 3-4);
4. Flood Zones (Ref: Figure 3-6 and Table 3-5); and
5. The Coastal High Hazard Area (Ref: Figure 3-7), defined as the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

There are no existing or planned potable water wells in the Village of North Palm Beach, nor are there any minerals of determined value. A portion of the Village, within Planning Area 5, is located within Protection Zone 4 of the Richard Road wellfield. The extent of Protection Zone 4 within Planning Area 5 is indicated on Maps 5, 6B and 7 of the Future Land Use Map Atlas.

3.5.4 Northlake Boulevard Overlay Zone Map

The Northlake Boulevard Overlay Zone is illustrated on Maps 3C and 5 in the Future Land Use Map Atlas. Development and redevelopment activities are subject to the special land development regulations adopted by the Village of North Palm Beach for the Northlake Boulevard corridor.

TABLE 3 - 1

**TABLE 3-1
LAND USE CLASSIFICATION SYSTEM**

For purposes of the Comprehensive Plan, the following land use classifications, which are applicable to North Palm Beach, are used to describe existing land uses in the Village. The classifications are consistent with those defined in Chapter 9J5, F.A.C. and concurrent with the Village's perception of use.

Residential: Land uses and activities within land areas used predominantly for housing and excluding all tourist accommodations.

Commercial: Land uses and activities within land areas which are predominantly related to the sale, rental and distribution of products and the provision or performance of services. Within the Commercial classification, residential and other uses may also be permitted in accordance with the mixed-use policies of the Comprehensive Plan and the Village's land development regulations.

Light Industrial/Business: Land uses which are predominantly related to providing office, flex, light industrial and warehouse space for the purposes of light manufacturing, assembly and processing of products, office uses, research and development, and wholesale distribution and storage of products. In addition, commercial uses that serve the projected workforce and neighboring residential populations and which encourage internal automobile trip capture may also be permitted."

Recreation/Open Space: Land uses and activities within land areas where recreation occurs and lands are either developed or vacant and concerned with active or passive recreational use.

Conservation/Open Space: Land uses and activities within land areas "designated" for the primary purpose of conserving or protecting natural resources or environmental quality, and includes areas designated for such purposes, or combinations thereof, as primary recreation, flood control, protection of quality or quantity of ground water or surface water, flood plain management, fisheries management, and/or protection of vegetative community or wildlife habitats. Permitted land uses shall include single-family units.

Public Buildings & Grounds: Lands and structures that are owned, leased, or operated by a government entity, such as libraries, police stations, fire stations, post offices, government administration buildings, and areas used for associated storage of vehicles and equipment. Also, lands and structures owned or operated by a private entity and used for a public purpose such as a privately held but publicly regulated utility.

Educational: Land use activities and facilities of public or private primary or secondary schools, vocational and technical schools, and colleges and universities licensed by the Florida Department of Education, including the areas of buildings, campus open space, dormitories, recreational facilities or parking.

Other Public Facilities: Land uses and activities within land areas concerned with other public or private facilities and institutions such as churches, clubs, fraternal organizations, homes for the aged and infirm, and other similar uses.

Transportation: Land areas and uses devoted to the movement of goods and people including streets and associated rights-of-way.

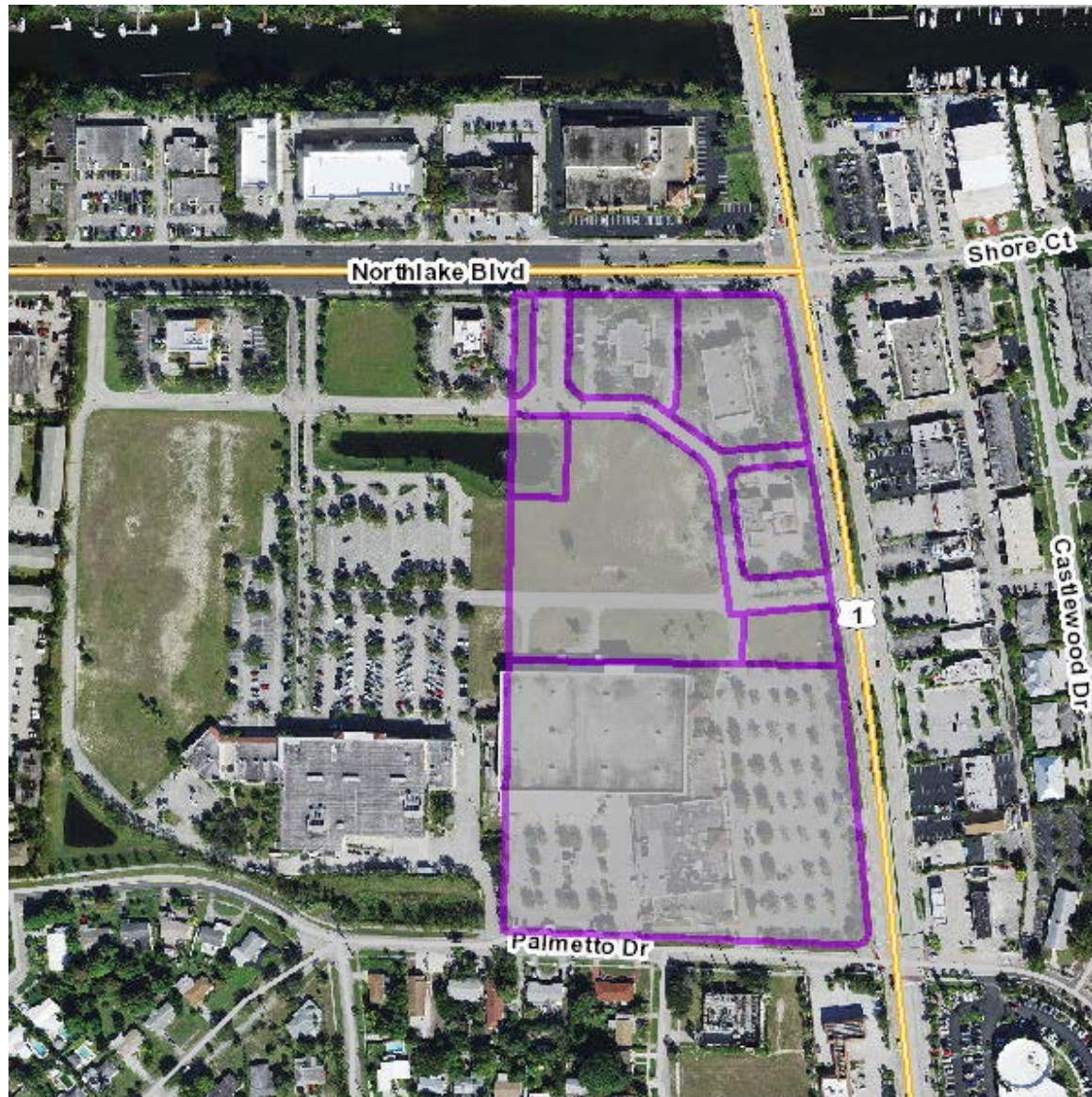
Water: All areas covered by water or any right-of-way for the purpose of conveying or storing water.

SOURCE: Florida Administrative Code: LRM, Inc. 2009; Rev. NPBCP Amendments 92-2 and 09-1.

**C3 Regional Business District
Village initiated Zoning Text Amendment
Lake Park Planning and Zoning
Board 2/6/2023**



Location



Zoning District



Only location
of C3 Zoning
district

History

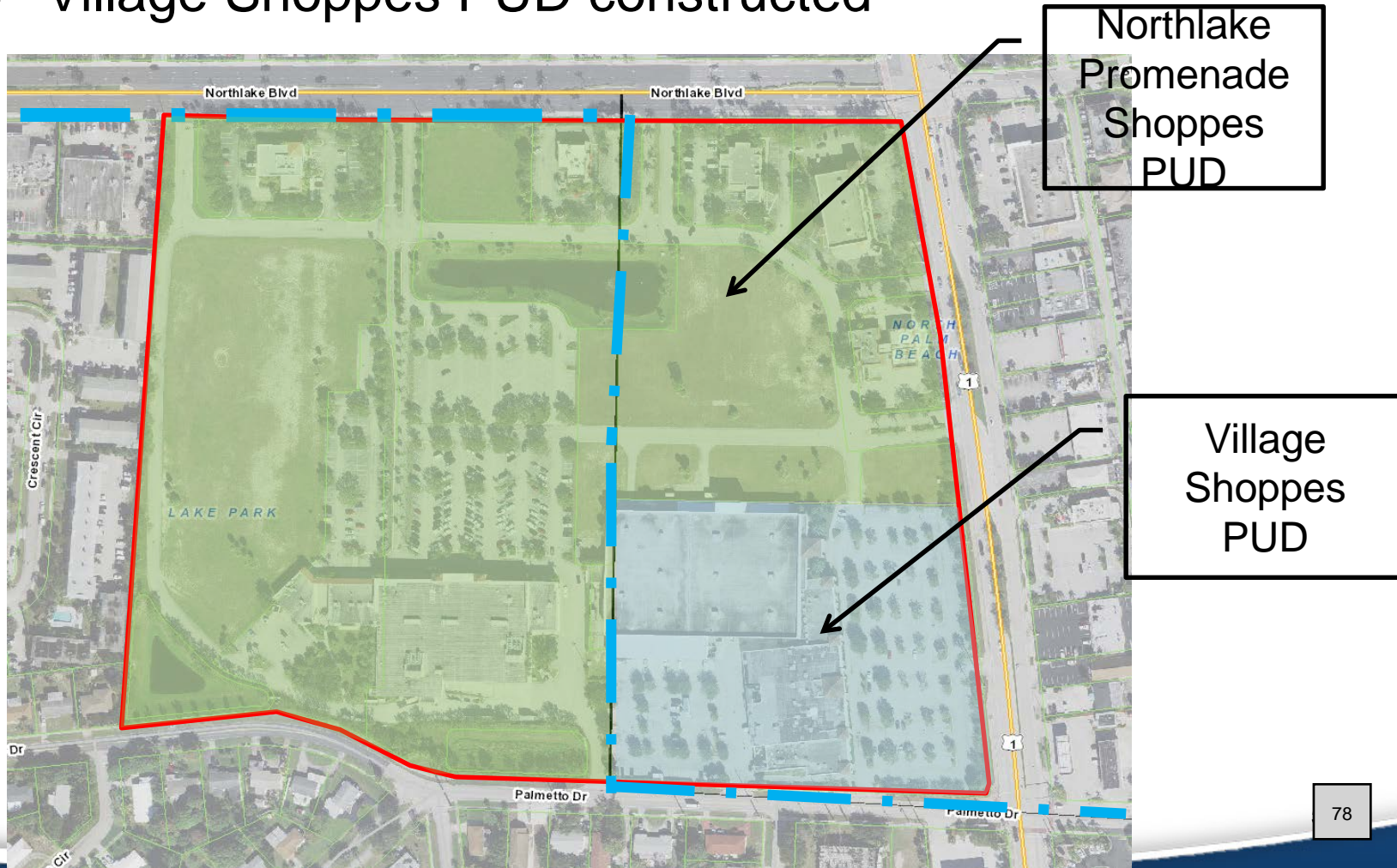
- 1971- Twin City mall building was shared by both North Palm Beach and the Town of Lake Park
- 1993- Interlocal agreement established between NPB and Lake Park as portions were demolished
- 1995- Final demolition of Sears building



History

2000- Publix constructed and Northlake Promenade Shoppes PUD established

2003- Village Shoppes PUD constructed



Existing Site



Existing Site

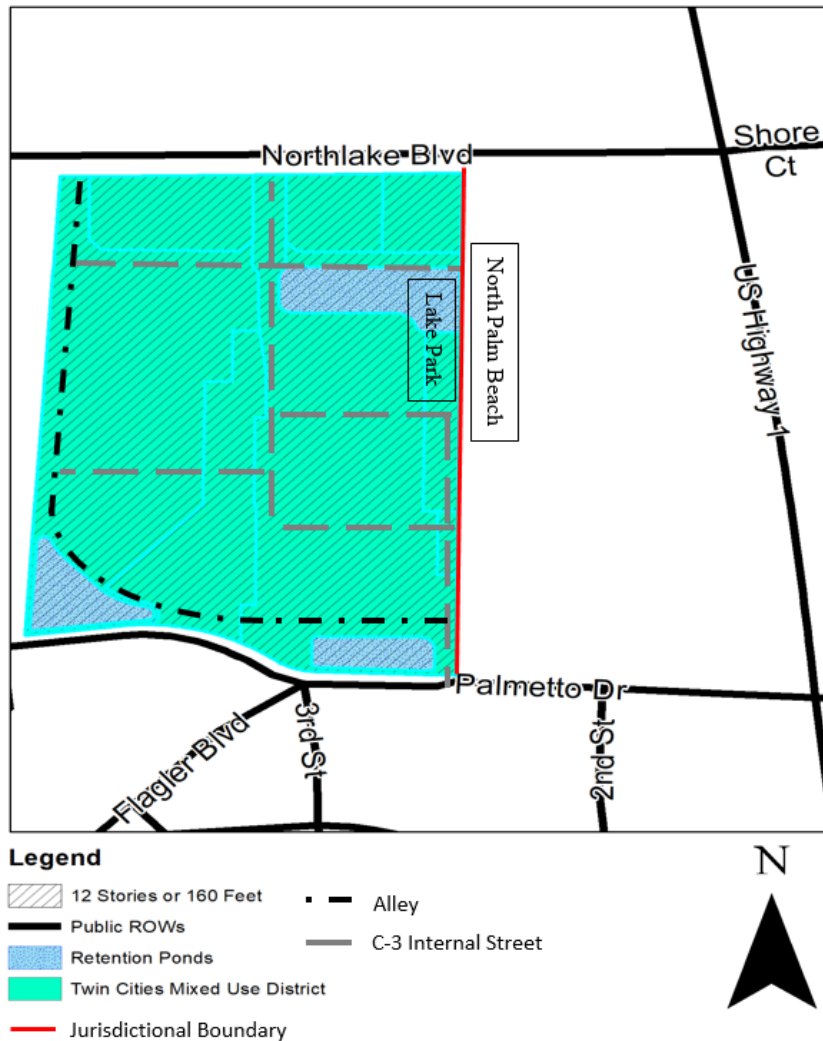


Existing Site



Lake Park regulations

Figure 1 - District Regulating Plan



- 48 Du/ac- residential
- 2.0 FAR for non-residential
- Maximum height of 12 stories, 160 feet. Can Include up to 3 floors of parking
- 30 setback from residential uses
- Restricted bars and nightclubs

Maximum buildout-

1,009 residential units AND
1,833,000 sq. ft. commercial

Land Development Regulations

Definitions

Floor Area Ratio (FAR)- total gross area of the property, including existing and proposed easements and proposed public and private streets and alleys, multiplied by the FAR number.

(ex. Lot area 1000 sq. ft. with FAR of 1.5= 1,500 sq. ft. of possible building)

Building area- total air-conditioned leasable or saleable floor area of a building, excluding fully enclosed storage spaces, non-habitable enclosed areas on the rooftop, stairs and elevator areas, mechanical and electrical rooms, parking areas, colonnades, porches or balconies.

Planned Unit Development

Height

- 200 feet- Needed for class-A office
- 14 stories
 - 9 stories within 50 feet of US Highway 1 and Palmetto Dr.

FAR

- 2.75
 - 13 acre area- 569,610 sq. ft.
 - **1,566,427** sq ft. maximum
- Lake Park (1,833,000 sq. ft commercial only)

There is no proposed residential density limit
Everything will be limited by the FAR

Renderings

4

MASTER PLAN
SITE AERIAL

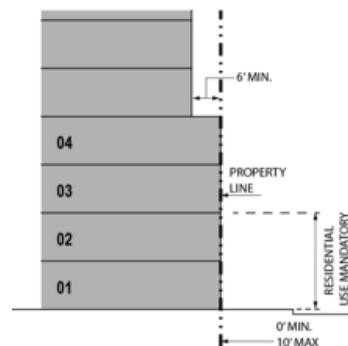
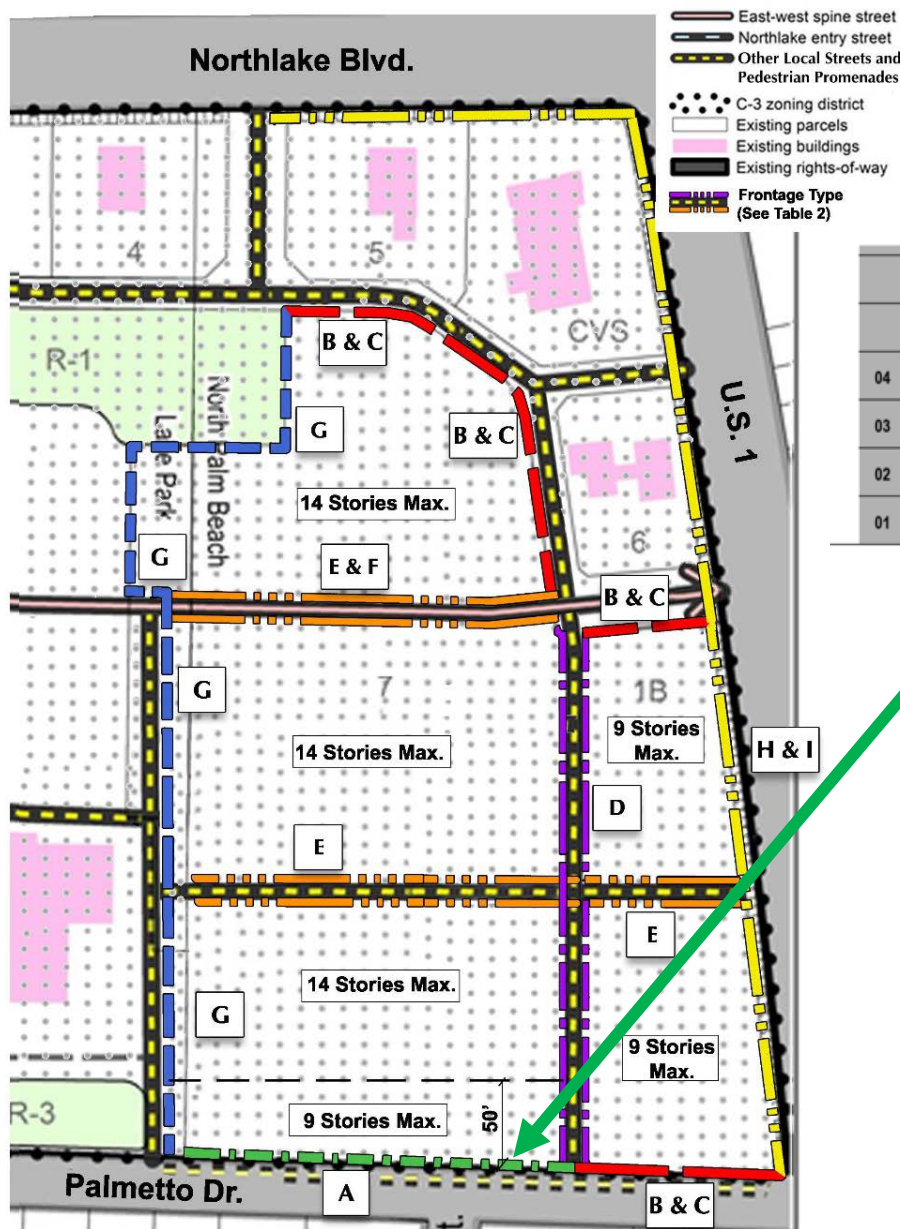
CONCEPTUAL
2.75 FAR

Not possible to build 14 stories across majority of site because of FAR square footage limitation

VILLAGE SHOPS | JULY 14, 2021 | PG.

Regulating Plan

Item 3.



Build to Zone

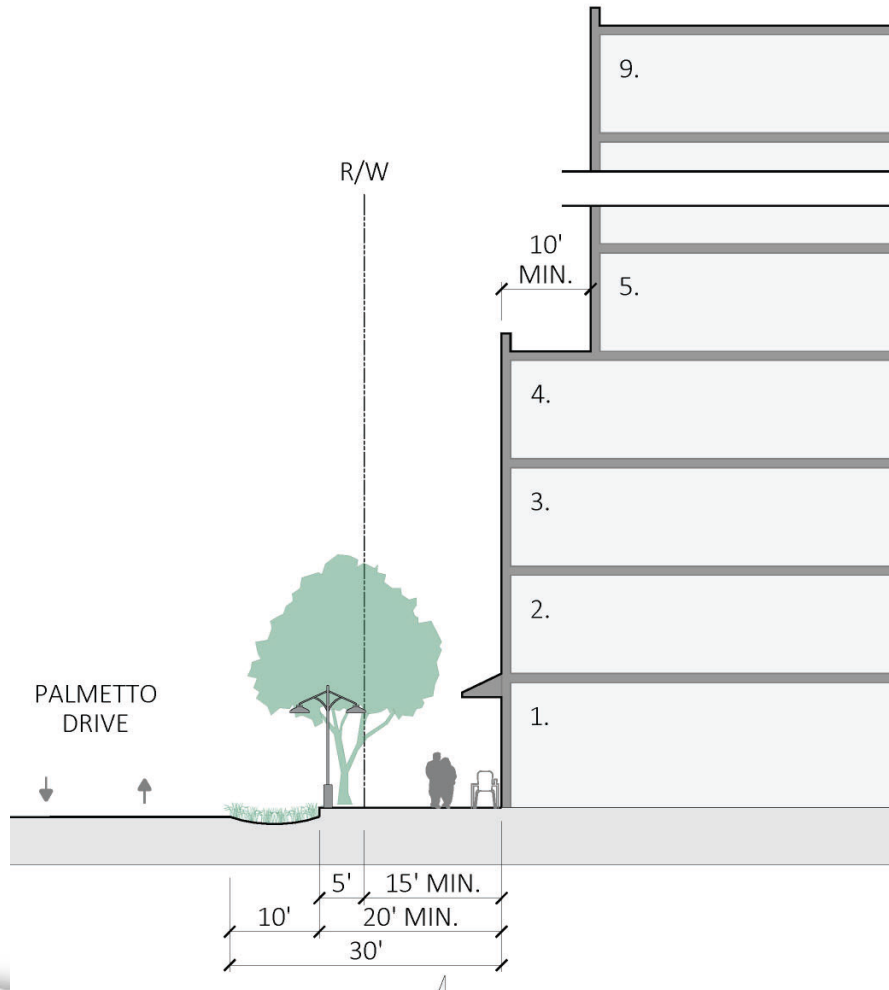
Ground Thru 4th Floors 0' min. 10' max

Above 4th Floor 6' min.

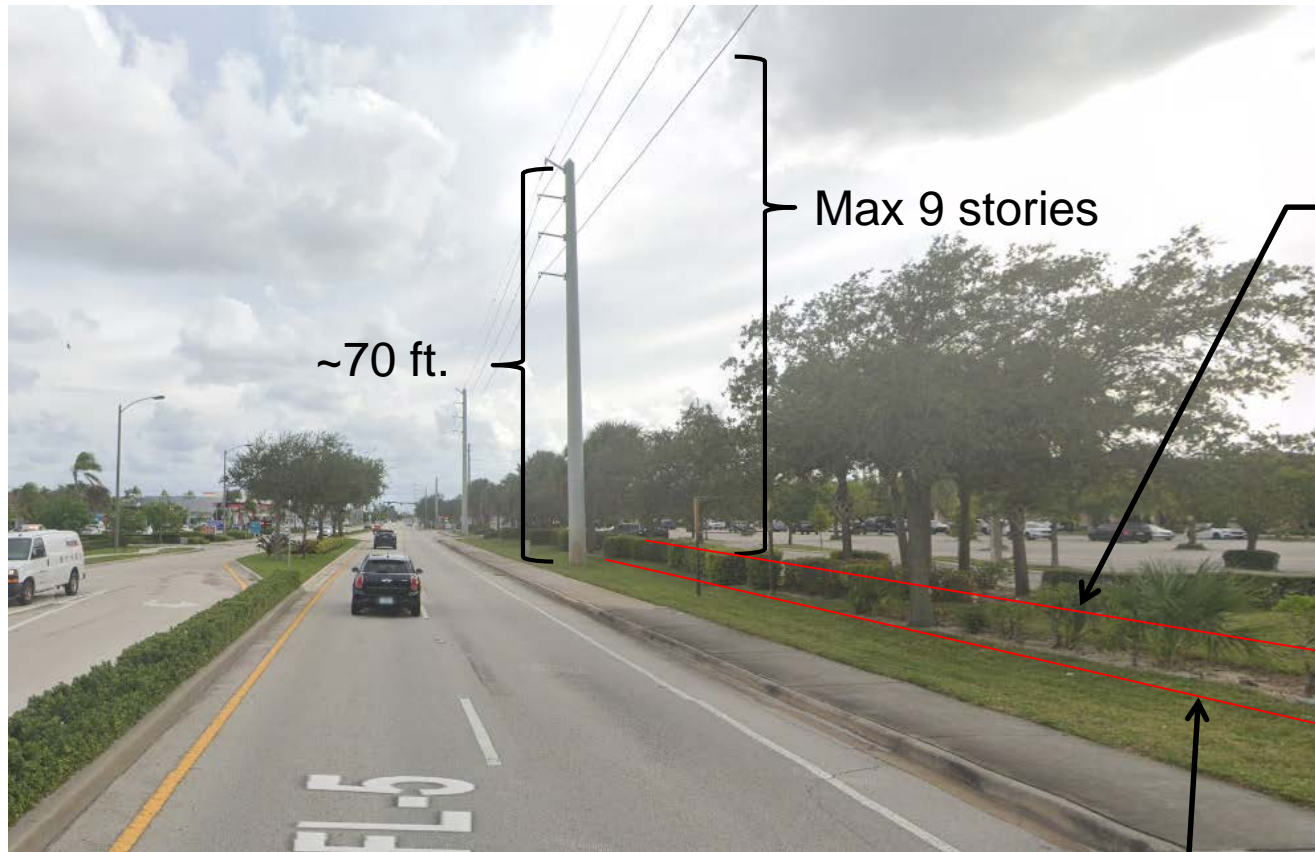
Lake Park Town Council suggested additional setback for frontage A to duplexes across Palmetto

Proposed Palmetto Cross section

Treasure Coast Regional Planning Council provided guidance and graphics yet to be added to the code.

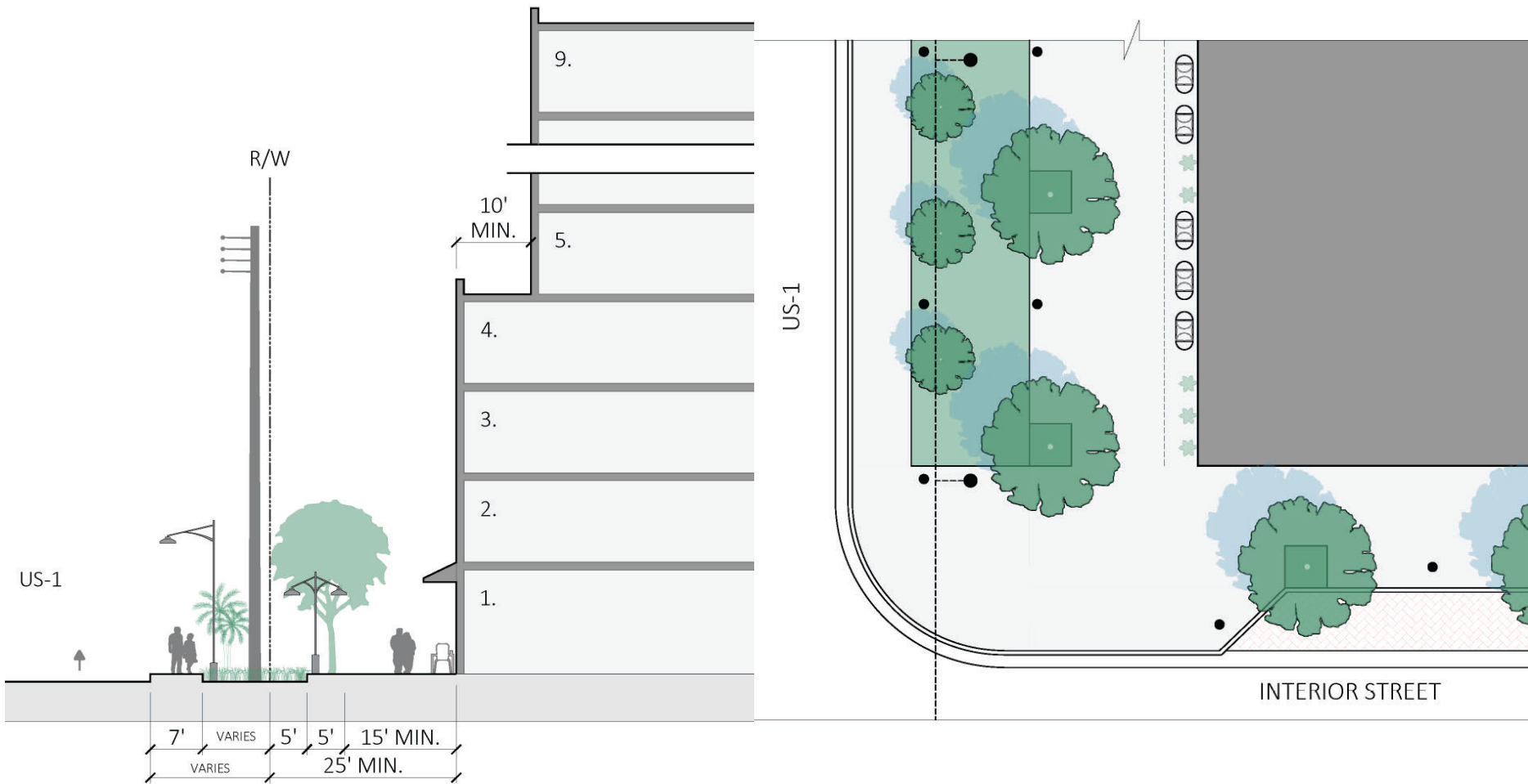


Regulating Plan



Undergrounding not feasible

Proposed US 1 Cross Section



Height

3 Water Club-

- 185 ft tower overall height
- 16 stories
- 190 ft Setback

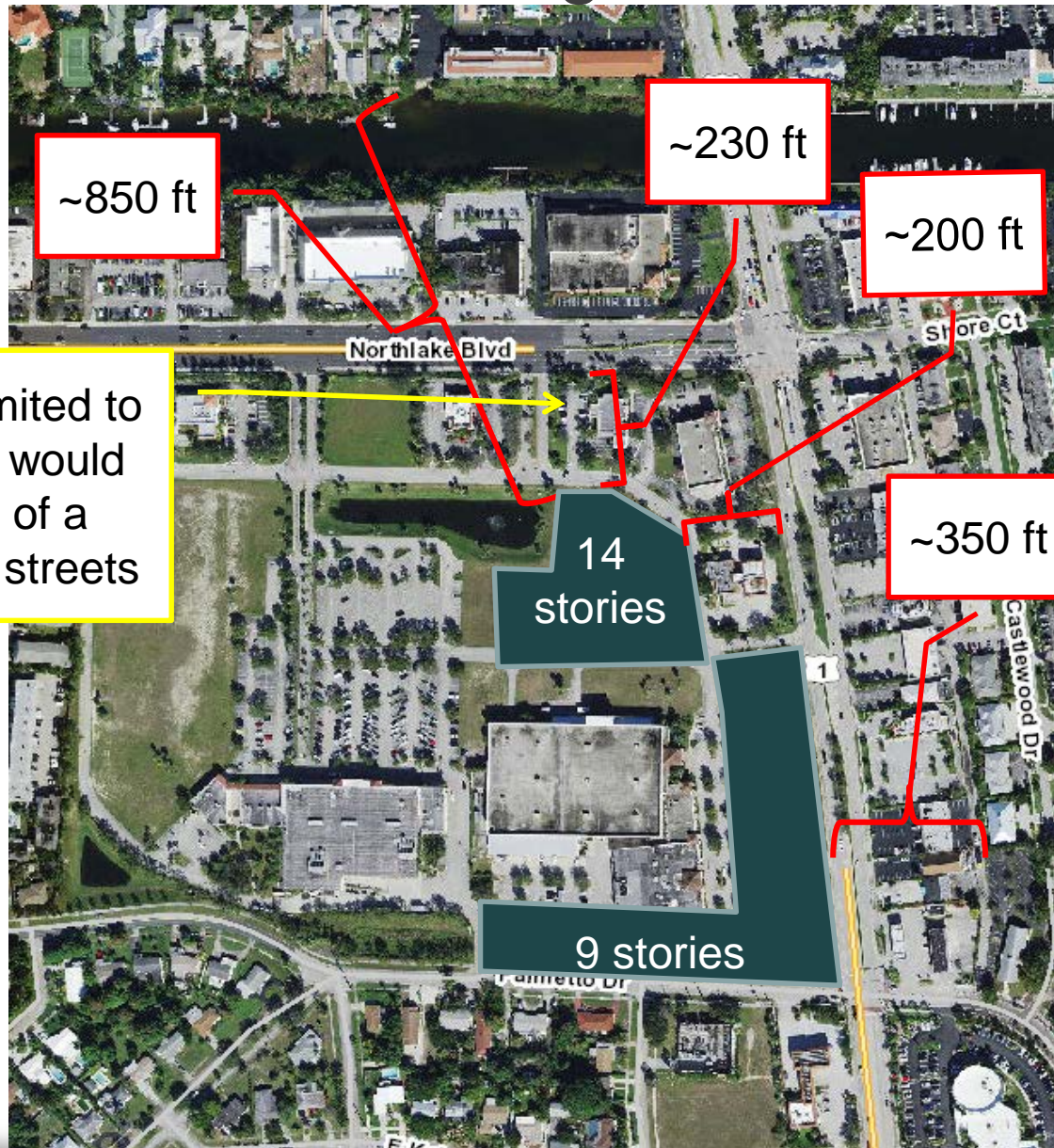


Height



Landmark Palm Beach Gardens
Tallest- 17 stories, 200 ft to peak
Shorter- 14 stories, 170 ft to peak

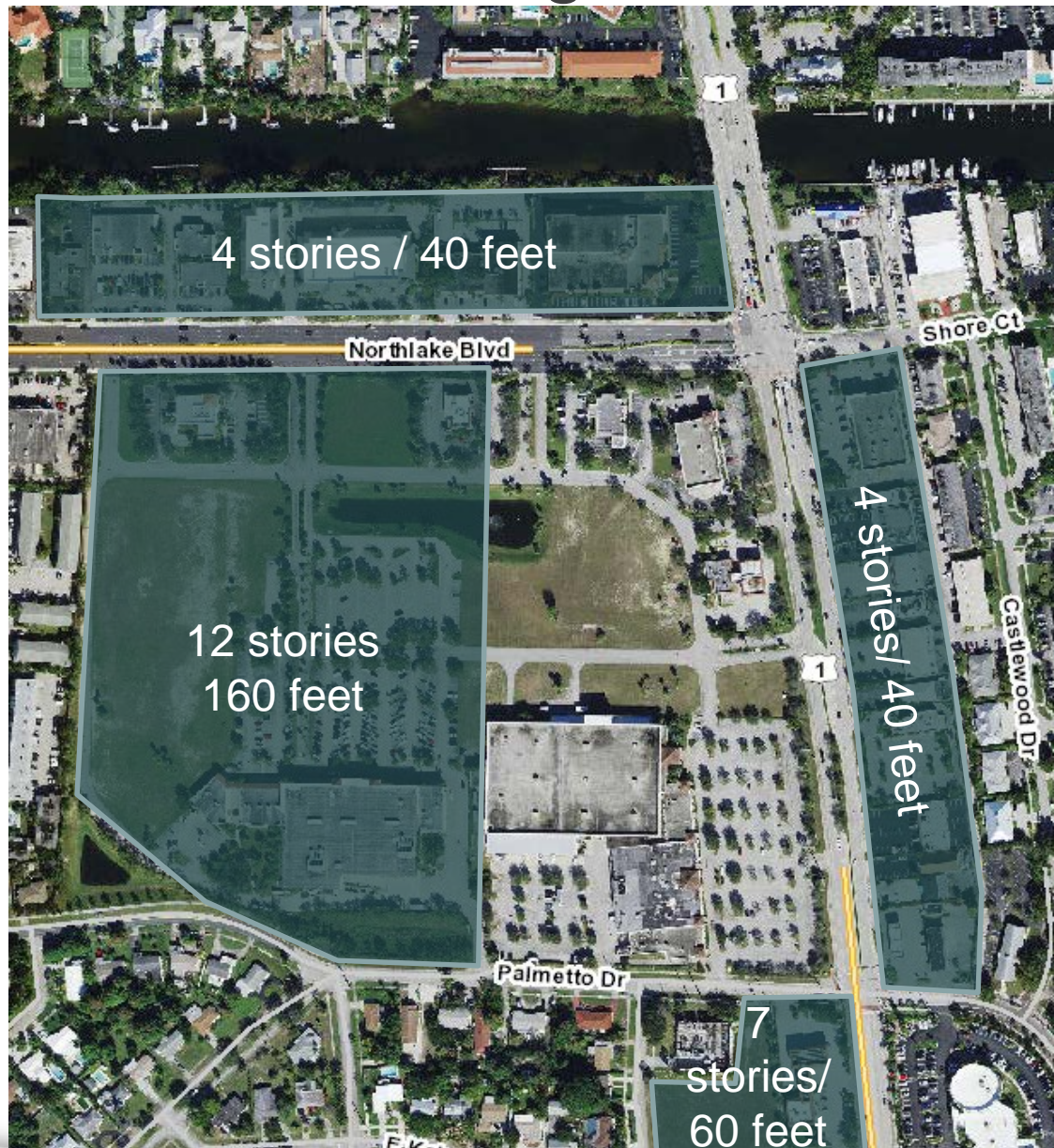
Height



Outparcels limited to 50 feet high, would block most of a building from streets

Height

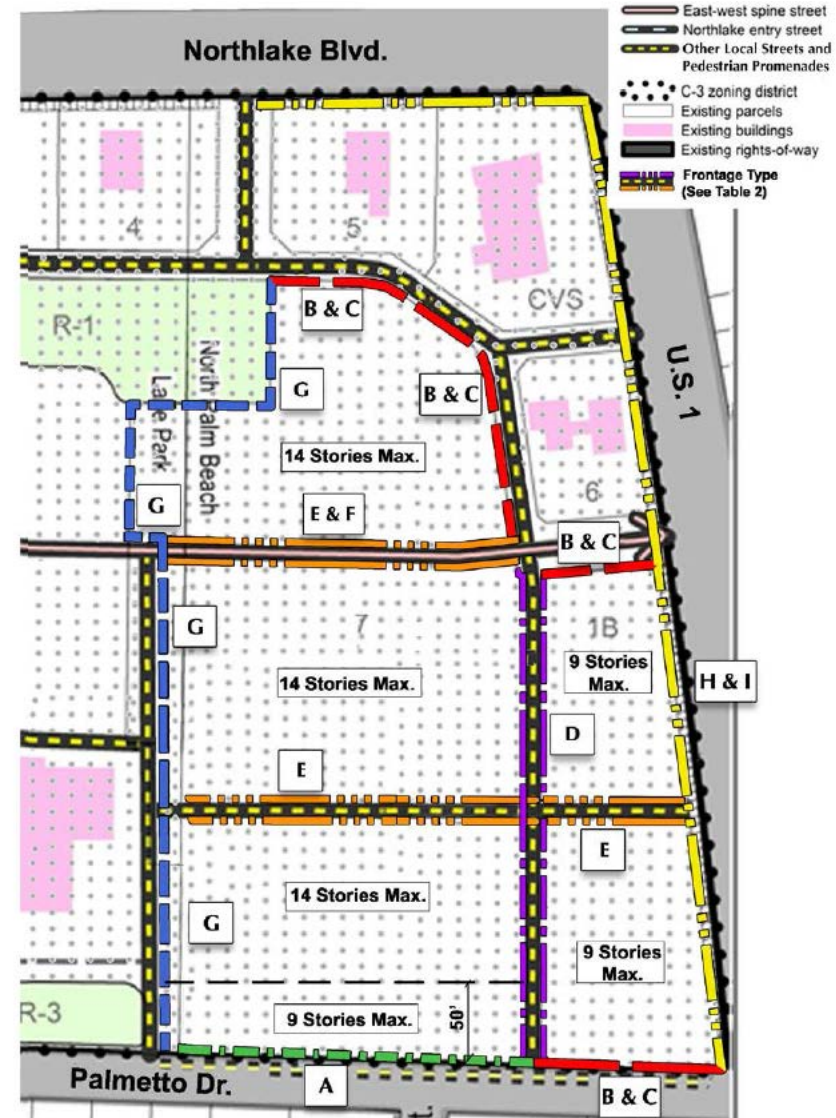
Item 3.



Pending Updates

Proposed Amendments

- Regulating Plan updates
 - Reduction in overall number of frontage types
 - Eliminate buildings and extra graphics
- Assurance that the civic space will be provided with the allowance to permit changes to location.
- Further limit the location of 14 story buildings



Pending Updates

Proposed Amendments (Cont.)

- Elimination of some parking reductions. Shared parking still allowed.
- Reduction of overall building height to 175 feet
- Include site lighting provisions
- One-way traffic cross sections eliminated and only able to be added if additional to connections shown on regulating plan

Schedule

- Planning Commission February 14th
- First Reading Village Council
- Transmittal of comprehensive plan changes to the State of Florida
- Second Reading Village Council for final approval of C3 code amendment
- THEN, PUD application can be submitted