

1 **ORDINANCE NO. 2024-__**
2

3 AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH
4 PALM BEACH, FLORIDA, AMENDING APPENDIX C (CHAPTER 45), "ZONING,"
5 OF THE VILLAGE CODE OF ORDINANCES TO READOPT CERTAIN
6 REGULATIONS RELATING TO THE VOLUME AND MASSING OF SINGLE-
7 FAMILY DWELLINGS; AMENDING SECTION 45-27, "R-1 SINGLE-FAMILY
8 DWELLING DISTRICT," TO REQUIRE ADDITIONAL SETBACKS FOR SECOND
9 STORIES, LIMIT THE FLOOR AREA OF THE SECOND STORY, AND PROHIBIT
10 BLANK WALLS; PROVIDING FOR CODIFICATION; PROVIDING FOR
11 SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN
12 EFFECTIVE DATE; AND FOR OTHER PURPOSES.
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14 WHEREAS, through the adoption of Ordinance No. 2022-18 on October 27, 2022, the Village Council
15 implemented the recommendations of the Ad Hoc Committee and adopted new regulations to address the
16 volume and massing of two-story single-family dwellings, including additional second-story setbacks,
17 building wall articulation requirements, and a limitation on the floor area of the second story; and
18

19 WHEREAS, through the enactment of Section 14 of Chapter 2023-304, Laws of Florida (Senate Bill 250),
20 the Florida Legislature prohibited the Village from proposing or adopting more restrictive or burdensome
21 amendments to its land development regulations retroactive to September 28, 2022 and declared any such
22 amendments void ab initio; and
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24 WHEREAS, through the adoption of Ordinance No. 2023-17 on October 12, 2023, the Village Council
25 formally recognized the statutory preemption, repealed the new regulations, and adopted a guidance
26 statement encouraging voluntary compliance; and
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28 WHEREAS, through the enactment of Chapter 2023-349, Laws of Florida (House Bill 1C), the Florida
29 Legislature amended Section 14 of Chapter 2023-14 to remove Palm Beach County from the prohibition
30 against proposing or adopting more restrictive or burdensome amendments to its land development
31 regulations; and
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33 WHEREAS, due to the removal of the statutory preemption, the Village Council wishes to formally readopt
34 the regulations relating to the volume and massing of two-story single-family dwellings with certain
35 modifications; and
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37 WHEREAS, on January 2, 2024, the Planning, Zoning and Adjustment Board, sitting as the Local Planning
38 Agency, conducted a public hearing to review this Ordinance and provided a recommendation to the Village
39 Council; and
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41 WHEREAS, having considered the recommendation of the Planning, Zoning and Adjustment Board and
42 conducted all required advertised public hearings, the Village Council determines that the adoption of this
43 Ordinance is in the interests of the health, safety, and welfare of the residents of the Village of North Palm
44 Beach.
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46 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF
47 NORTH PALM BEACH, FLORIDA as follows:
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49 Section 1. The foregoing recitals are ratified as true and correct and are incorporated herein.
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51 Section 2. The Village Council hereby amends Article III, "District Regulations," of Appendix C
52 (Chapter 45), "Zoning," of the Village Code of Ordinances by amending Section 45-27, "R-1 Single-Family
53 District," to read as follows (additional language is underlined and deleted language is ~~stricken through~~):

1
2 **Sec. 45-27. R-1 single-family dwelling district.**
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4 A. *Uses permitted.* Within any R-1 single-family dwelling district no
5 building, structure, land or water shall be used except for one (1) or more
6 of the following uses:
7

- 8 1. Single-family dwellings with accessory buildings customarily
9 incident thereto, subject to each of the requirements set forth in
10 this section and throughout this chapter.
11
12 2. Public schools.
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14 3. Parks and recreation facilities owned or leased by or operated
15 under the supervision of the Village of North Palm Beach.
16
17 4. Detached fence storage areas.
18
19 5. Satellite dish antenna.
20
21 6. Community residential homes. Community residential homes of
22 six (6) or fewer residents which otherwise meet the definition of a
23 community residential home, provided that such homes shall not
24 be located within a radius of one thousand (1,000) feet of another
25 existing such home with six (6) or fewer residents.
26
27 7. Family day care home.
28
29 8. Lamp post.
30
31 9. Decorative post structure.
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33 B. *Building height regulations.* All single-family dwellings shall be limited
34 to two (2) stories and thirty feet (30') in height. For the purposes of this
35 subsection, height shall be measured from the average elevation of the
36 existing grade prior to land alteration for properties outside of special flood
37 hazard areas and from the required design flood elevation for properties
38 within special flood hazard areas. Height shall be measured to the highest
39 point of the following:
40

- 41 1. the coping of a flat roof and the deck lines on a mansard roof;
42
43 2. the average height level between the eaves and roof ridges or peak
44 for gable, hip or gambrel roofs; or
45
46 3. the average height between high and low points for a shed roof.
47

48 Decorative architectural elements, chimneys, mechanical equipment, non-
49 habitable cupolas, elevator shafts or similar appurtenances shall be
50 excluded from the foregoing height restrictions. Rooftops shall not be used
51 for pools, decks, or other spaces to congregate.
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C. *Building site area regulations.* The minimum lot or building site area for each single-family dwelling shall be seven thousand five hundred (7,500) square feet and have a width of not less than seventy-five (75) feet, measured at the building line.

D. *Yard space regulations.*

1. *Front yard.* There shall be a front yard of not less than twenty-five (25) feet for the first story and thirty (30) feet for the second story measured from the street line to the front building line.

2. *Rear yard.* There shall be a rear yard of not less than twenty (20) feet for the first story and twenty-five (25) feet for the second story measured from the rear building line to the rear lot line.

3. *Side yards.* There shall be a side yard on each side of the side building line of not less than ten (10) feet for the first story and fifteen (15) feet for the second story. In the case of corner lots, no building and no addition to any building shall be erected or placed nearer than twenty (20) feet to the side street line of any such lot.

(a) For a distance of one block on streets intersecting U.S. #1, measured from the right-of-way line of said U.S. #1, side yards of at least twenty-five (25) feet in depth shall be provided.

4. *Applicability of second story setback.* The second story setback shall apply only to the roofed portion of the second story of a two-story, single-family dwelling and shall not apply to non-roofed second story patios or balconies.

E. *Wall treatment.* All exterior walls shall contain articulation creating visual interest utilizing at least four (4) features in accordance with the following:

1. At least two (2) different features listed below must be included; however, windows may be used for all four (4) features so long as each window meets the requirements of subsection E.4:

(a) Projecting cornice.

(b) Projecting metal canopy.

(c) Opaque, translucent, or transparent glass windows.

(d) Vertical articulation.

(e) Recesses.

2. The following features listed below may also be included and count toward the required four (4) features:

(a) Masonry (but not flat concrete block).

- (b) Concrete or masonry plinth at wall base.
- (c) Belt courses of a different texture and color.
- (d) Decorative tile work.
- (e) Medallions.
- (f) Lighting fixtures.

- 3. One of the above features may be replaced by an architectural element or feature not listed above, as approved by the village, that meets the intent of this section.
- 4. Each wall treatment feature must be no less than nine (9) square feet.
- 5. If the single-family dwelling is more than one story, at least thirty-five percent (35%) of the wall treatment features must be located above the first story.

Figure 1 Building Wall Articulation (Figure Deleted)

F. Second-story floor area. The floor area of the second story of a single-family dwelling shall not exceed seventy-five percent (75%) of the floor area of the first story. For the purposes of this subsection, floor area shall include all areas lying within the building perimeter established by the interior side of the exterior walls of the building, including garages, covered patios, and other open-air exterior areas that are under roof. The floor area for the second story shall include areas open to below.

~~E. — Guidance on volume and massing of single family dwellings. Due to the legislature’s enactment of Chapter 2023-304, Laws of Florida (Senate Bill No. 250), the village was required to repeal recently adopted regulations relating to the volume and massing of single family dwellings. However, to preserve the character of the village’s existing single family neighborhoods, the village encourages the use of the following guidelines when constructing or substantially altering single family dwellings:~~

- ~~1. — Second story setbacks should be five (5) feet greater than the required first story setbacks. These enhanced setbacks should apply to the roofed portion of the second story of a two-story, single family dwelling.~~
- ~~2. — Building wall articulation should be provided on all walls with an unbroken plane in excess of fifteen (15) feet in height and thirty (30) feet in length. The articulation should be in the form of a wall perpendicular to the property line at a minimum distance of two (2) feet, extending parallel to the property line a minimum of ten (10) feet, and should extend evenly over the entire height of the building wall (see Figure 1 above).~~

1 ~~3. The second story of a single family dwelling should not exceed~~
2 ~~seventy five percent (75%) of the floor area of the first story.~~
3 ~~Floor area includes all areas lying within the building perimeter~~
4 ~~established by the interior side of the exterior walls of the~~
5 ~~building, including garages, covered patios and open air exterior~~
6 ~~areas under roof. The floor area of the second story should include~~
7 ~~areas open to below.~~
8

9 The village council intends to readopt these regulations as of October 1,
10 2024.
11

12 G.F. *Off street parking regulations.* At least one parking space measuring at
13 least nine (9) feet by eighteen (18) feet (one hundred sixty-two (162)
14 square feet) shall be provided. All parking spaces shall consist of a durable
15 surfaced area as approved by the community development director, and
16 may be enclosed in the dwelling, in an accessory building or in an
17 unenclosed area or a driveway. All vehicles parking on a lot must be
18 parked on a durable surface.
19

20 H.G. *Accessory structures.* One detached automobile garage and one open-air
21 pavilion may be constructed on any lot within the R-1 single-family
22 dwelling district provided that all requirements of this chapter are met.
23 Open air pavilions shall be subject to the following additional conditions
24 and restrictions:
25

26 1. *Permitting.*

27
28 (a) All open-air pavilions must be permitted in accordance
29 with all Florida Building Code and Village Code
30 requirements.
31

32 (b) Open-air pavilions meeting the definition of a traditional
33 chickee hut are exempt from the Florida Building Code
34 but shall be subject to consistency review by the village.
35 Consistency shall be demonstrated through the issuance
36 of a zoning permit and shall require the submittal of the
37 following information:
38

39 (1) A survey that includes scaled dimensions of the
40 proposed structure, including setbacks;
41

42 (2) Proof that the builder of the chickee hut is a
43 member of either the Miccosukee Tribe of
44 Indians of Florida or the Seminole Tribe of
45 Florida (such proof consisting of a copy of the
46 trial member's identification card); and
47

48 (3) Drawings of the proposed structure depicting, at
49 a minimum, the overall design, dimensions, roof
50 materials, and height.
51

52 2. *Dimensions.* Open-air pavilions shall not exceed two hundred
53 (200) square feet in floor area. The floor area shall be measured

1 from outside the support posts, provided that the roof overhang
2 does not exceed three (3) feet from the support posts. If the roof
3 overhang exceeds three (3) feet, the floor area shall consist of the
4 entire roofed area. For structures supported by a single-pole, i.e.,
5 umbrella shape, the floor area shall be measured from the drip line
6 of the roof material.
7

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

13 4. *Location and Setbacks.*

14 (a) No open-air pavilion may be erected within ten (10) feet
15 of the side property line. This side setback shall be
16 increased to twenty (20) feet for corner lots.
17

18 (b) No open-air pavilion may be erected within seven and
19 one-half (7½) feet of the rear property line.
20

21 (c) No open-air pavilion or any portion thereof may be
22 erected between the front line of the principal building
23 and the front property lot line, within a utility or drainage
24 easement, or within a required landscape buffer.
25

26 5. *Use restrictions.*

27 (a) An open-air pavilion shall be used only for private
28 recreational activities as an accessory use to the principal
29 residential use and shall not be used for habitation, for a
30 tool room, storage room or workshop, or for any
31 commercial purpose whatsoever.
32

33 (b) Open-air pavilions shall not be used for storage of items
34 of personal property, including, but not limited to, the
35 following:
36

37 (1) Operable or inoperable vehicles, boats, boat
38 trailers, utility trailers or similar items of personal
39 property;

40 (2) Building materials, lawn equipment, tools or
41 similar items; and
42

43 (3) Ice boxes, refrigerators and other types of food
44 storage facilities with the exception of under-
45 counter units.
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47 (c) No gas, charcoal or propane grills, stoves or other types
48 of cooking devices may be stored or utilized within a
49 traditional chickee hut.
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6. *Maintenance.* Open-air pavilions shall be maintained in good repair and in sound structural condition. Painted or stained surfaces shall be free of peeling paint, mold and mildew and void of any evidence of deterioration.

7. *Design.*

(a) Open-air pavilions, with the exception of traditional chickee huts, pergolas and other structures with only partial or slatted roofs, shall incorporate the same types of building materials and be consistent with the architectural theme or style of the main or principal building.

(b) At the request of a property owner, the community development director may approve the use of different building materials or alternate architectural themes or styles when such materials, themes or styles are complementary to the main or principal building.

(c) Should the community development director deny the request for different building materials or alternate architectural themes or styles, a property owner may appeal this decision to the planning commission by submitting a written request for a hearing to the community development director within thirty (30) calendar days of the date of the determination. The appeal shall be placed on the next available agenda and the decision of the planning commission shall be final, subject only to judicial review by writ of certiorari.

I H. *Mechanical equipment.* All non-roof-mounted mechanical equipment shall be located behind the front building face of the principal structure in either the side yard or the rear yard. Such equipment shall be located adjacent to the principal structure whenever practicable, provided, however, that all mechanical equipment shall be located at least five (5) feet from the side property line and at least seven and one-half feet (7½) from the rear property line.

J I. *Minimum landscaped area.*

1. All single-family dwellings shall have a minimum landscaped area of thirty percent (30%).

2. All single-family dwellings (both one and two story) shall provide a minimum landscaped area of fifty percent (50%) in the required twenty-five-foot (25') front yard setback. Properties with frontage along urban collector roads (Lighthouse Drive and Prosperity Farms Road) shall provide a minimum landscaped area of forty percent (40%) in the required twenty-five-foot (25') front yard setback. Properties having an irregular lot shape, meaning a lot which is not close to rectangular or square and in which the width of the property at the front property line is less than required by the underlying zoning district, shall provide a minimum

landscaped area of twenty-five percent (25%) in the required twenty-five-foot (25') front yard setback.

3. A property owner who meets the overall minimum landscaped area requirement set forth in subsection (1) above and who does not meet the minimum landscaped area requirement in the twenty-five-foot (25') front yard setback set forth in subsection (2) above may request a waiver of up to five percent (5%) of the minimum required area by filing a request with the Community Development Department. The request shall be forwarded to the Planning Commission for final action. A property owner seeking such a waiver shall be required to demonstrate to the Planning Commission that he or she has made a reasonable attempt to comply with the required minimum landscaped area within the front yard setback and has mitigated any deficiency through the installation of enhanced landscaping materials, the use of permeable hardscape materials or some other acceptable means.

For the purposes of this subsection, the term minimum landscaped area shall mean a pervious landscaped area unencumbered by structures, buildings, paved parking lots, sidewalks, sports courts, pools, decks, or any impervious surface. Landscape material shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, or decorative rock or bark. No landscape material shall be used for parking. However, pervious surfaces used for the parking of recreational equipment in side and rear yards shall be included in the calculation of the minimum landscaped area.

With respect to building permits for renovations of existing single-family dwellings, the minimum landscaped area standards shall apply only to the extent that the proposed scope of work impacts the applicable standard.

- I J. *Maximum driveway width in swale.* The total width of driveways from the edge of the public roadway to the abutting privately-owned property shall not exceed a total of thirty-two feet (32') in width at the property line, excluding flares. For lots with ninety (90) or more feet of public roadway frontage, the total width of driveways from the edge of the public roadway to the abutting privately-owned private shall not exceed a total of forty feet (40') in width at the property line, excluding flares. Each side of a flared driveway shall be no more than three feet (3') wider than the rest of the driveway.

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

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

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

Section 6. This Ordinance shall take effect February 9, 2024.

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2 PLACED ON FIRST READING THIS 11th DAY OF JANUARY, 2024.
3
4 PLACED ON SECOND, FINAL READING AND PASSED THIS 25th DAY OF JANUARY, 2024.
5

6
7 (Village Seal) _____
8 MAYOR
9

10 ATTEST:
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12 _____
13 VILLAGE CLERK

14 APPROVED AS TO FORM AND
15 LEGAL SUFFICIENCY:
16
17 _____
18 VILLAGE ATTORNEY
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