

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

1
2 WHEREAS, having considered the recommendation of the Planning Commission and conducted
3 all required advertised public hearings, the Village Council determines that the adoption of this
4 Ordinance is in the interests of the health, safety and welfare of the residents of the Village of
5 North Palm Beach.

6
7 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE
8 OF NORTH PALM BEACH, FLORIDA as follows:
9

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

11
12 Section 2. The Village Council hereby amends Article III, "District Regulations," of
13 Appendix C (Chapter 45) of the Village Code of Ordinances by amending Section 45-34.1 to read
14 as follows (additional language underlined and deleted language ~~stricken through~~):
15

16 **Sec. 45-34.1. C-3 regional business district.**
17

18 The C-3 regional business district is designed for the re-use and/or
19 redevelopment of commercial property. It contains special regulations and
20 procedures that are integrated with those of the Town of Lake Park to avoid
21 conflicts that could otherwise be created by the location of the town/village
22 boundary. Within C-3 business districts, the following regulations shall apply:
23

24 (1) *Uses permitted.* ~~Within the C-3 zoning district, no building,~~
25 ~~structure, land, or water shall be used, unless otherwise permitted by~~
26 ~~these regulations, except for any combination of the following~~
27 ~~purposes:~~ Table 1 indicates the allowable uses in the C-3 regional
28 business district:
29

30 a. ~~Banks, savings and loans, stockbrokers, and similar financial~~
31 ~~institutions.~~
32

33 b. ~~Business offices, including medical and professional~~
34 ~~services.~~
35

36 c. ~~Community residential homes, subject to the same~~
37 ~~requirements as apply in the R-2 zoning district, and family~~
38 ~~day care centers as defined in Chapter 402, Florida Statutes.~~
39

40 d. ~~Hotels, motels, and time share units.~~
41

42 e. ~~Multiple family dwellings (each building containing three~~
43 ~~(3) or more units) and customary accessory uses, subject to~~
44 ~~any limitations on residential uses in the adopted~~
45 ~~Comprehensive Plan.~~
46

- 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>Dwelling, one family detached</u>			●
<u>Dwelling, all other dwelling types</u>	●		
<u>Live/work unit</u>		●	
<u>Assisted living facility</u>		●	
<u>Community residential home</u>	● ²		
<u>LODGING USES</u>			
<u>Bed-and-breakfast establishment</u>		●	
<u>Hotel, including Extended Stay</u>	●		
<u>Motel</u>	●		
<u>Time-share unit</u>		●	
<u>BUSINESS USES</u>			
<u>Offices, general</u>	●		
<u>Office or clinic, medical or dental</u>	●		
<u>Stores & services, general</u>	●		
<u>Stores & services, large format</u>	●		
<u>Adult entertainment</u>			●
<u>Convenience store with fuel</u>		●	
<u>Dog daycare</u>		●	
<u>Drive-through facility (for any use)</u>		●	

<u>Garage, parking</u>	<u>●</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.

- 1 b. Banks and other financial institutions — 3 spaces per 1,000 square
2 feet.
3
4 c. Hotels and motels — 1 space per guest room plus 1 space per 2
5 employees during the peak period; parking for restaurants and other
6 guest facilities to be calculated separately.
7
8 d. Offices, medical/dental — 5 spaces per 1,000 square feet.
9
10 e. Offices, all other — 3 spaces per 1,000 square feet.
11
12 f. Residential — 2 spaces per dwelling unit.
13
14 g. Restaurants and nightclubs — 12 spaces per 1,000 square feet,
15 except 6 spaces per 1000 square feet for restaurants offering take-
16 out service.
17
18 h. Retail uses and personal services — 4 spaces per 1,000 square feet,
19 except 1.5 spaces per 1,000 square feet for furniture sales.
20
21 i. Shopping centers — 4 spaces per 1,000 square feet.
22
23 j. Uses not listed above to be determined by the building official using
24 standards found elsewhere in this Code or upon submission of
25 persuasive technical evidence about the number of vehicles that can
26 be expected to be attracted.

27
28 *NOTES:*

- 29 1. All areas are measured as gross floor area except multi-
30 tenant shopping centers and office complexes, which are
31 measured as gross leasable area.
32 2. Fractional spaces can be disregarded.
33 3. Wherever the term "identical ownership" is used, the land
34 parcels in question must be contiguous and must be owned
35 by or under the unified control of the applicant.
36

- 37 (3) *Off-street loading and internal circulation.* Requirements for off-street
38 loading, parking lot aisles, accessways, and general internal circulation shall
39 be same as would apply in the C-S zoning district.
40

- 41 a. *Lighting:* Parking lots shall be fully illuminated during hours of
42 business operation with a minimum standard of illumination from
43 closing to dawn per the Palm Beach County Code or ITE, whichever
44 is more stringent.
45

- 1 (4) *Landscaping.* Landscaping shall be required along the outer boundary of the
2 C-3 zoning district (irrespective of any municipal boundary) and also in
3 unroofed parking areas whenever a parking area is constructed,
4 reconstructed, or reconfigured. In addition to the other provisions of
5 Chapter 27 of this Code, the following landscaping requirements shall be
6 met:
7
8 a. *Required landscaping adjacent to public rights-of-way:* The
9 required landscaped strip between a public right-of-way and an off-
10 street parking area shall be at least fifteen (15) feet wide and shall
11 contain at least five (5) trees and eighteen (18) shrubs for each one
12 hundred (100) lineal feet.
13
14 b. *Parking area interior landscaping for unroofed parking areas:* At
15 least ten (10) percent of the total paved surface area shall be devoted
16 to landscaped areas. Each area counting toward the ten (10) percent
17 total shall have an average minimum dimension of ten (10) feet. At
18 least one (1) tree shall be planted for every two hundred fifty (250)
19 square feet of required internal planting area. No parking space shall
20 be more than one hundred (100) feet from a tree planted in a
21 permeable island, peninsula, or median having a ten-foot minimum
22 width.
23
24 c. *Indigenous native vegetation:* To reduce maintenance and water
25 consumption, required landscaping shall include at least seventy-
26 five (75) percent indigenous native trees and fifty (50) percent
27 indigenous native shrubs.
28
29 d. *Installation:* All required landscaping shall be installed using
30 xeriscape principles including water conservation through the
31 appropriate use of drought-tolerant plants, mulching, and the
32 reduction of turn areas. Irrigation systems shall be designed to
33 operate only when needed and only in those areas that require
34 irrigation.
35
36 e. *Maintenance:* The property owner shall be responsible for the
37 maintenance of all required landscaped areas in a healthy and
38 vigorous condition at all times. Required trees shall not be trimmed
39 or pruned in such a way as to alter or limit their normal mature
40 height or crown spread. If required plants die, they shall be replaced
41 within sixty (60) days.
42
43 (5) *Setbacks and height.* The following setback, height, and spacing regulations
44 apply in the C-3 zoning district:
45

- 1 a. *Perimeter setbacks:* All buildings and structures shall be set back a
2 minimum of thirty (30) feet from the outer boundary of the C-3
3 zoning district, except an interior common municipal boundary. For
4 buildings in excess of two (2) stories or thirty (30) feet in height,
5 one (1) foot shall be added to the required perimeter setback for each
6 extra foot of height over thirty (30) feet.
7
- 8 b. *Additional setbacks to internal property lines:* The need for building
9 setbacks to property lines adjoining other land zoned C-3 is related
10 to the existing or proposed uses of those properties. Unless modified
11 through the special C-3 PUD procedures found below in section 45-
12 34.1(10), all new buildings and structures shall be set back a
13 minimum of twenty-five (25) feet from each of its property lines.
14
- 15 c. *Maximum building height:* The maximum height of any building
16 shall be fifty (50) feet.
17
- 18 d. *Spacing between buildings:* The minimum spacing between
19 individual buildings on the same or adjoining C-3 properties shall
20 be as required by applicable fire and building codes.
21
- 22 (6) *Maximum lot coverage.* There is no fixed cap on lot coverage or floor area
23 ratio. Maximum intensity will be governed by the application of the parking,
24 loading, setback, building height, and surface water management standards
25 found herein.
26
- 27 (7) *Signs.* In addition to the other provisions of sections 6-111 through 6-117
28 of this Code, but notwithstanding any conflicting standards found therein,
29 signs in the C-3 zoning district shall comply with the following regulations
30 unless modified through the special C-3 PUD procedures.
31
- 32 a. *Ground signs* are mounted on a monolithic base and are independent
33 of any building for support. They are permitted only when the sign
34 and base are monolithic and have essentially the same contour from
35 grade to top. Ground signs that meet the following regulations are
36 permitted in the C-3 district only along U.S. Route 1 and Northlake
37 Boulevard:
38
- 39 1. *Maximum number of ground signs:* One (1) ground sign
40 along U.S. Route 1 and one (1) ground sign along Northlake
41 Boulevard, regardless of jurisdiction, North Palm Beach or
42 Lake Park.
43
- 44 2. *Maximum height of ground sign base:* Three (3) feet.
45

3. *Maximum height of ground signs:* Thirteen (13) feet including the base, measured from the finished grade nearest the base (excluding berms).
 4. *Maximum size of ground signs:* One hundred (100) square feet; copy may be placed on two (2) sides of a ground sign without counting the area twice.
- b. *Pole signs* are not attached to any building and are supported upon the ground by poles or braces. Pole signs are not permitted in the C-3 district.
- c. *Wall signs* are those that are attached to the exterior of a building or structure in such a manner that the wall becomes the supporting structure, and may form the background surface, of the sign. Wall signs are permitted in the C-3 district provided they meet the following regulations:
1. *Maximum depth of wall signs:* Wall signs may not be painted directly on the wall and may not project more than two (2) feet from the building to which they are fastened.
 2. *Allowable slope of wall signs:* Wall signs may not be attached to walls that slope more than forty-five (45) degrees from a vertical plane.
 3. *Maximum height of wall signs:* Eighteen (18) feet measured from the finished grade nearest the wall, except that on a building of more than two (2) stories, a single wall sign is allowed above eighteen (18) feet. No wall sign may extend above the top of the wall to which it is attached.
 4. *Maximum number of wall signs:* One (1) permanent wall sign is permitted for each business which has direct ground level walk-in access from a public or private roadway or sidewalk, and one additional permanent wall sign identifying the building is permitted for each multiple occupancy complex.
 5. *Maximum size of wall signs:* Five (5) percent of the area of the wall to which it is attached; or seven (7) percent if the front building setback is greater than seventy (70) feet; or ten (10) percent if the front building setback is greater than one hundred (100) feet. However, in no case shall a wall sign exceed one hundred (100) square feet in size.

d. *Roof signs* are erected and constructed wholly on and over the roof of a building, and are supported by the roof structure or are an integral part of the roof. Roof signs are not permitted in the C-3 district.

e. *Size computations:* When these regulations establish the maximum size of a sign, it shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign any backdrop or structure against which it is placed.

f. *Allowable colors:* Notwithstanding the regulations in Chapter 6 of this Code, color tones utilized for all signs complying with these regulations shall be compatible with surrounding area.

g. *Lighting:* Signs containing illumination shall be turned off by 12:00 a.m. (midnight) each night, or when the business closes, whichever is later.

h. *Appeals:* Notwithstanding conflicting appeal procedures found elsewhere in this Code, all requests for modifications to sign regulations in the C-3 zoning district shall be made through the special C-3 PUD procedures found below in 45-34.1(10).

(8) *Surface water management.* A complete surface water management system shall be provided to current standards of the South Florida Water Management District whenever a building or parking area is substantially redeveloped.

(9) *Location of business for retail sales of alcoholic beverages.*

a. No licensed retail sales of alcoholic beverages shall be carried on where the proposed place of business is within five hundred (500) feet of a church, synagogue, temple or other place of worship.

b. The method of measurement provided for above shall be made or taken from the main front entrance of such church to the main front entrance of the applicants proposed place of business along the route of ordinary pedestrian traffic.

c. The restrictions of section 45-34.1(9), (1)[a.] shall not apply to the retail sale of beer, ale or wine for off-premises consumption.

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

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

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

8
9 3. To achieve a mixed-use project, a minimum of 50,000
10 square feet of the total project development shall be
11 allocated to non-residential uses.

12
13 ~~b. *Additional land uses:* The following land uses are not permitted by~~
14 ~~right but may be approved in response to a specific PUD application:~~

15
16 1. ~~Automobile, truck, or motorcycle dealers (new or used).~~

17
18 2. ~~Cultural, civic, educational, health care, and religious~~
19 ~~facilities.~~

20
21 3. ~~Nursing or convalescent homes.~~

22
23 4. ~~Offices for non-profit, religious, or governmental activities.~~

24
25 5. ~~Automobile service stations, not involving automobile~~
26 ~~repairs or maintenance, including ancillary uses of~~
27 ~~convenience store and car wash.~~

28
29 a b. *Allowable changes to existing regulations:* No PUD approval can
30 permit any development that is inconsistent with the Comprehensive
31 Plan. Subject to this limitation, changes may be considered through
32 this process to any other zoning and land development regulation
33 that the village council finds would unduly constrain desirable re-
34 use and/or redevelopment of land in the C-3 zoning district. After
35 any such changes are made by the village council, those changes
36 shall govern to the extent of conflict with these regulations.

37
38 c. ~~*Minimum PUD requirements Unified control:* There is no minimum~~
39 ~~parcel size for PUD applications. However, most favorable~~
40 ~~consideration will be given to applications that encompass the~~
41 ~~largest possible land area, and no parcel that is smaller than its size~~
42 ~~when this section was adopted (March, 1995) may be submitted~~
43 ~~unless it was properly platted through the provisions of these land~~
44 ~~development regulations. All parcels submitted in a single PUD~~
45 ~~application must be contiguous and must be owned by or be under~~
46 ~~the unified control of the applicant. All common areas shall be~~

1 subject to joint maintenance by all of the property owners within the
2 PUD, and the unified control documents shall provide for reciprocal
3 easements over all driveways, parking areas and pedestrian areas in
4 favor of all properties within the PUD. While the village shall
5 always treat the PUD as one project, portions of the PUD may be
6 conveyed to third parties by metes and bounds once the unified
7 control documents have been approved by the village attorney and
8 recorded in the public records.
9

10 d. *Application procedures:* PUD applications made under this section
11 shall be accompanied by the applicable fee and shall contain the
12 following:
13

- 14 1. Satisfactory evidence of unified control of the entire area
15 within the proposed PUD; agreement to abide by the
16 conditions of approval, if granted; and ability to bind
17 successors in title to these conditions if the proposed
18 development is built.
19
- 20 2. A proposed master site development plan in sufficient detail
21 to show the approximate locations of buildings, parking
22 areas, and stormwater management facilities. This plan shall
23 also show the exact locations of all access points to public
24 streets and to any abutting land zoned C-3, whether in Lake
25 Park or North Palm Beach. The master plan shall also
26 include intensity of each use, floor area ratio (FAR), and
27 building heights. The master plan may include phased
28 development.
29
- 30 3. ~~Unless clearly shown directly on the site development plan,~~
31 ~~an explicit list of zoning and land development regulations~~
32 ~~for which changes are sought, and the proposed alternate~~
33 ~~standards. An application and justification statement~~
34 ~~describing land uses proposed, waivers required, and~~
35 ~~volunteered limiting conditions to further the intent of the C-~~
36 ~~3 district.~~
37
- 38 4. ~~A specific list describing any of the additional land uses~~
39 ~~listed in section 45-34.1(10)b. for which the applicant is~~
40 ~~requesting approval. Vehicular circulation plan and traffic~~
41 ~~impact study completed by a certified transportation~~
42 ~~engineer.~~
43
- 44 5. ~~Any volunteered limiting conditions that could provide~~
45 ~~assurances that the development as proposed would further~~
46 ~~the intent and spirit of the C 3 district and the~~

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

3
4 6. Conceptual landscape design completed by a registered
5 landscape architect.

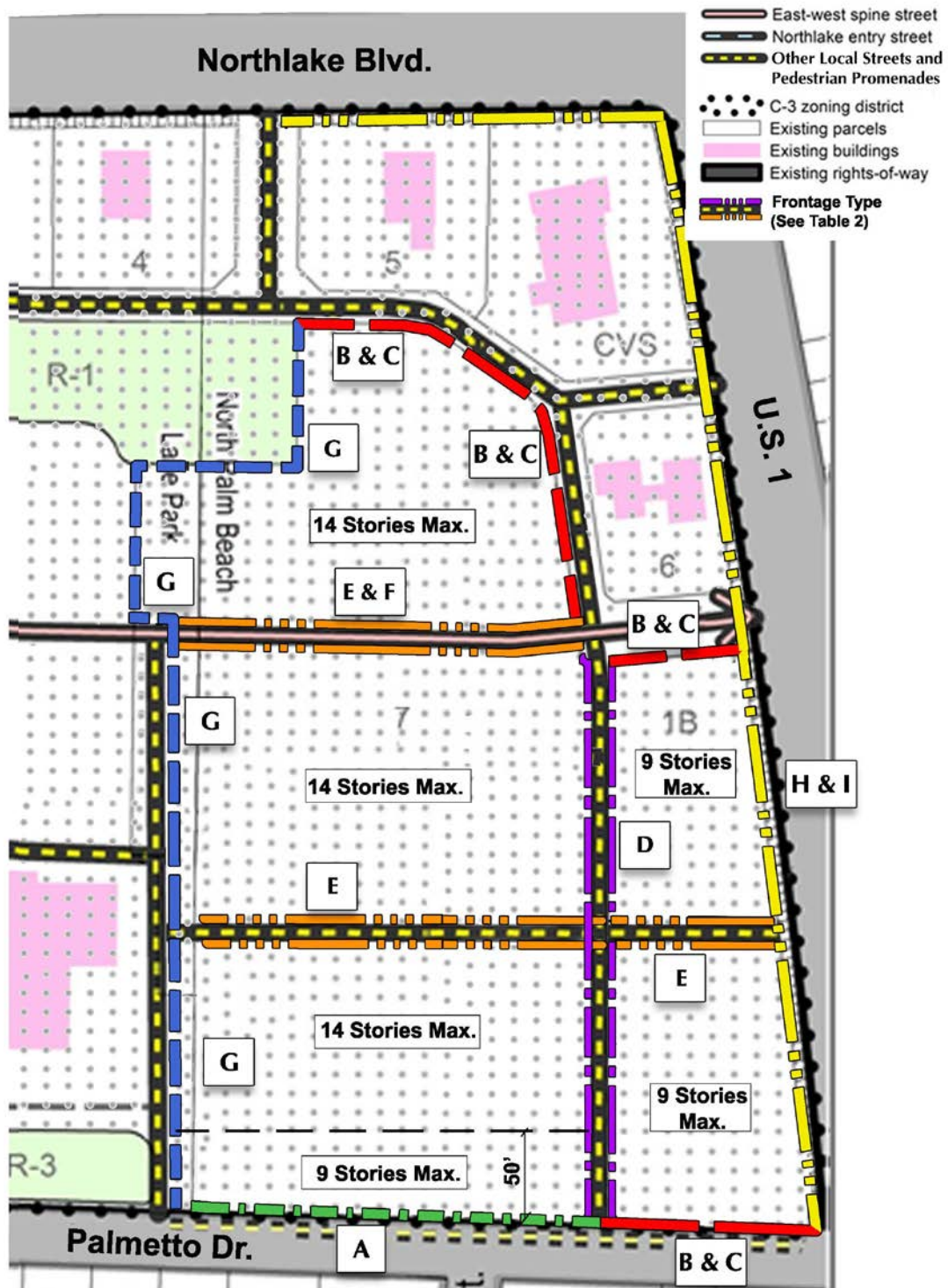
6
7 ~~The site development plan, lists of alternate standards and~~
8 ~~additional land uses, and volunteered conditions should be~~
9 ~~submitted in a format suitable for attachment to an ordinance~~
10 ~~approving the requests.~~

11
12 e. *Approval process:* PUD applications under this section shall be
13 forwarded along with recommendations from staff to the planning
14 commission, which after holding a public hearing shall make a
15 formal recommendation to the village council of approval, partial
16 approval, or disapproval. The village council shall also hold a public
17 hearing and ~~decide whether to approve, partially approve, or~~
18 ~~disapprove the PUD application.~~ to take final action on the
19 application. ~~Unless the application is disapproved in full, this action~~
20 ~~shall be by ordinance.~~ The applicant may then proceed to obtain
21 final site plan and appearance approval for specific phases of the
22 project (if applicable) as indicated in the approved master plan. ~~all~~
23 ~~other needed development permits in accordance with the village's~~
24 ~~regulations.~~

25
26 f. *Application review procedures abutting or crossing a municipal*
27 *boundary:* ~~Any PUD application for property abutting or crossing~~
28 ~~the Lake Park town boundary shall meet all of the above~~
29 ~~requirements. In addition, to protect the interests of other C-3~~
30 ~~landowners and the town, a decision on the PUD application shall~~
31 ~~be made by the village council only at a joint meeting with the Lake~~
32 ~~Park Town Commission.~~ Regardless of the final governing body
33 approving the project, joint municipal staff review and a joint
34 meeting of the North Palm Beach planning commission and the
35 Lake Park planning and zoning board shall be required for approval.
36 Both municipalities shall review the master plan and subsequent site
37 plan and appearance approvals, unless otherwise provided for as part
38 of the master plan approval process. For projects proposed within
39 the jurisdictional boundaries of both Lake Park and North Palm
40 Beach, the project shall be reviewed in accordance with the
41 governing standards of whichever jurisdiction contains 80% or more
42 of the project area. The governing body of the same jurisdiction,
43 instead of both governing bodies, shall make final approval, with
44 recommendations from both advisory planning boards.
45

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



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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.

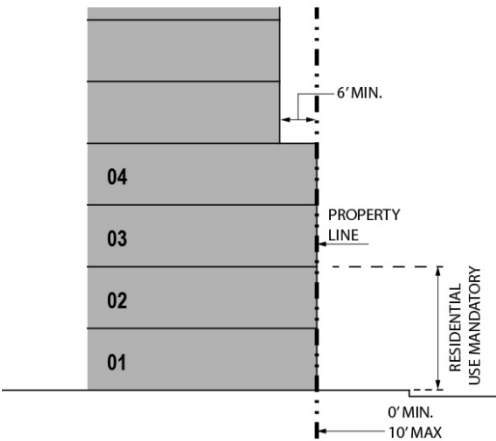
iii. Spacing between buildings: The minimum spacing between individual buildings on the same property, same parcel or adjoining C-3 properties shall be determined by applicable fire and building codes.

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

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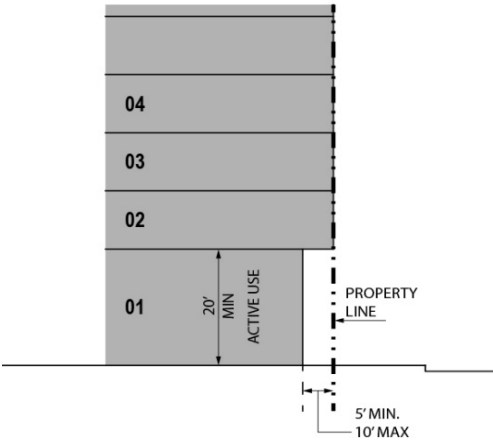
Table 2 - Building Frontage Types

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



A

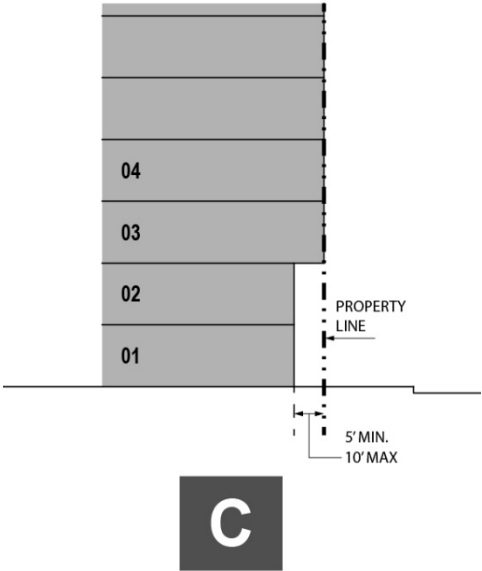
<u>Build to Zone</u>	
Ground Thru 4 th Floors	0' min. 10' max
Above 4 th Floor	6' min.



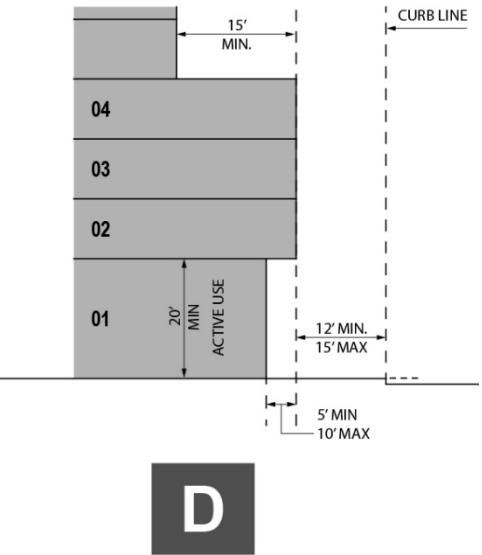
B

<u>Build to Zone</u>	
Active Use setback	5' min. 10' max
Above active use	0' min.

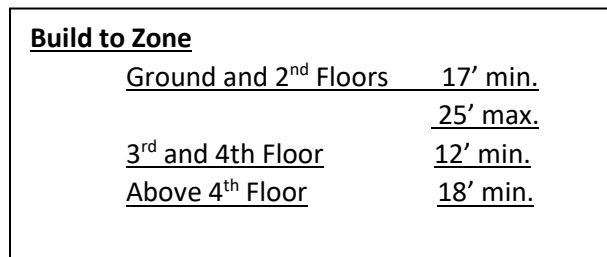
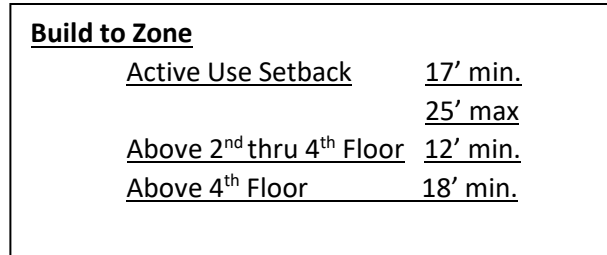
Table 2 - Building Frontages Cont.



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

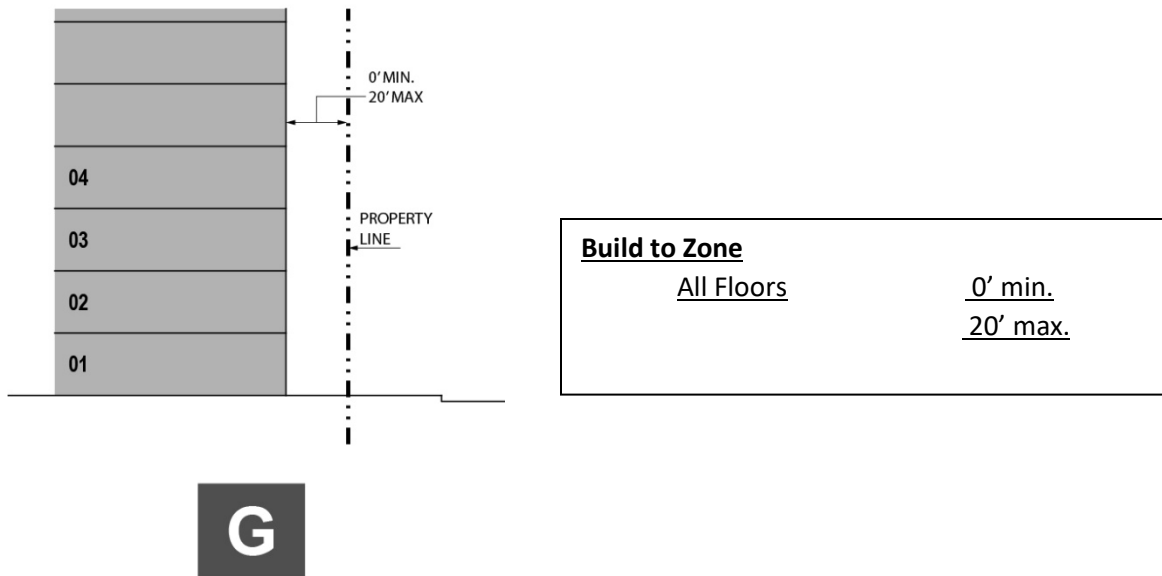


<u>Build to Zone</u>	
<u>Active Use Setback</u>	<u>17' min.</u> <u>25' max</u>
<u>2nd 3rd & 4rd Floor</u>	<u>12' min.</u>
<u>Above 4rd Floor</u>	<u>27' min.</u>

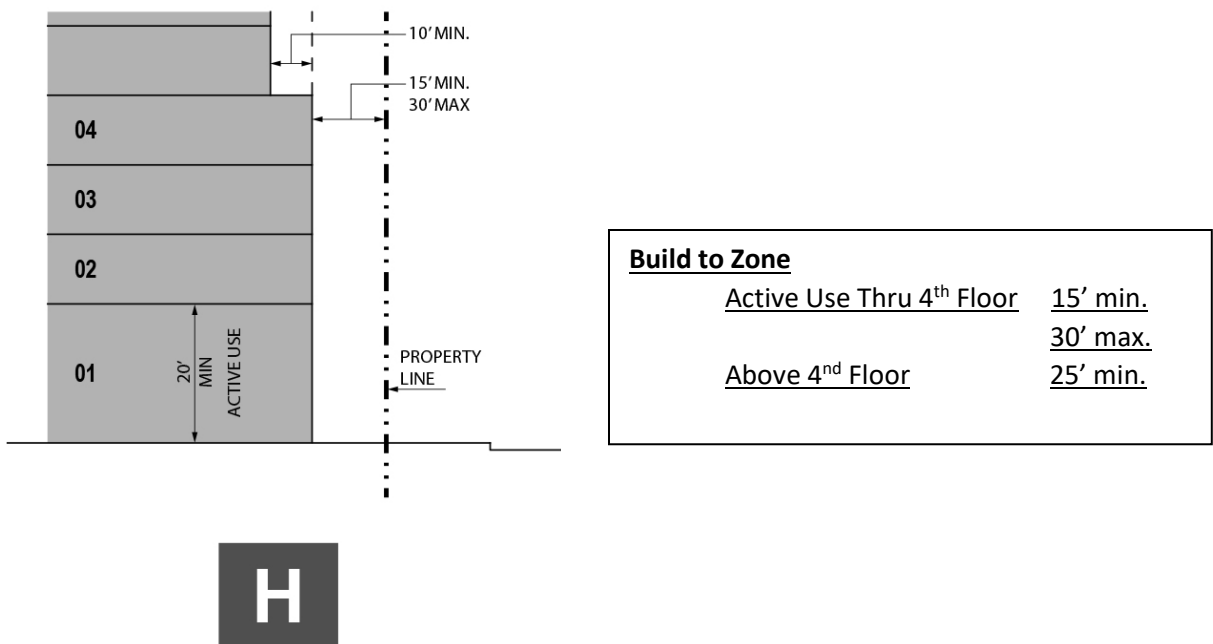


1

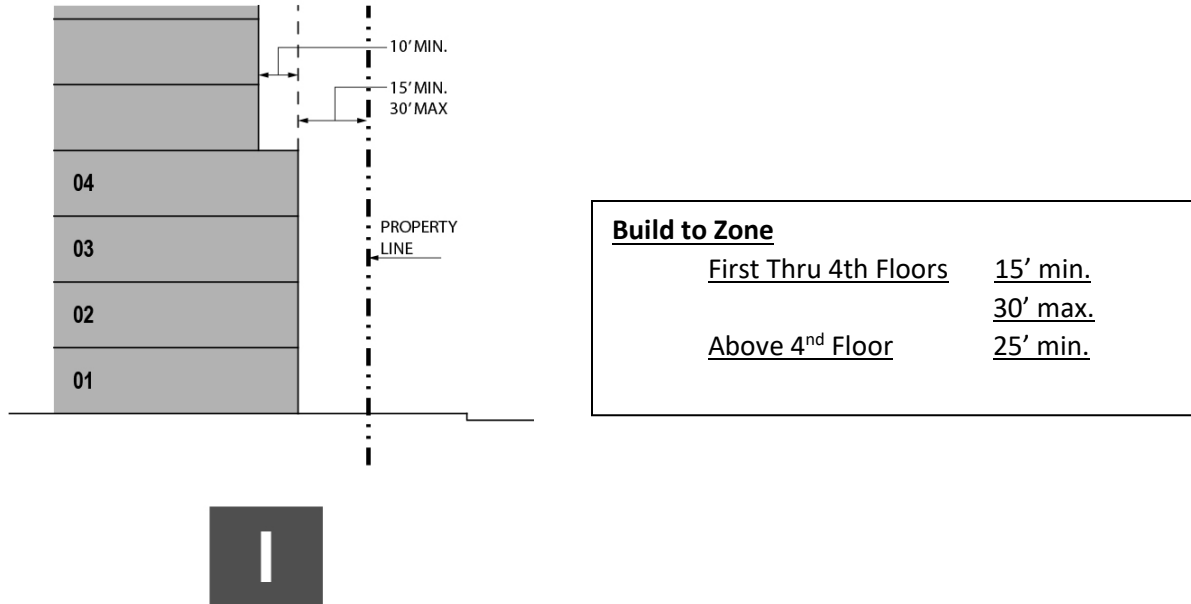
Table 2- Building Frontages Cont.



2



3

Table 2 - Building Frontages Cont.

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.

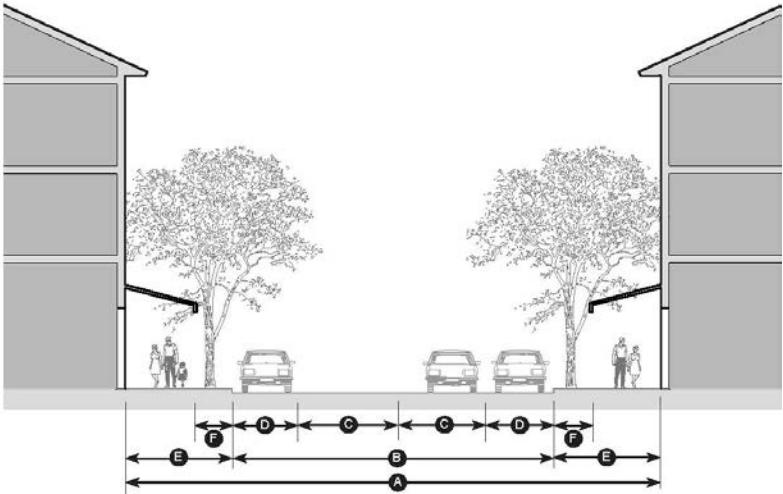
- ii. A minimum of sixty percent (60%) transparency shall be provided for all ground floor non-residential building frontage and all non-residential uses above the ground floor, with the exception of garage structures and floors above the ground floor that are part of a parking structure which are exempt 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

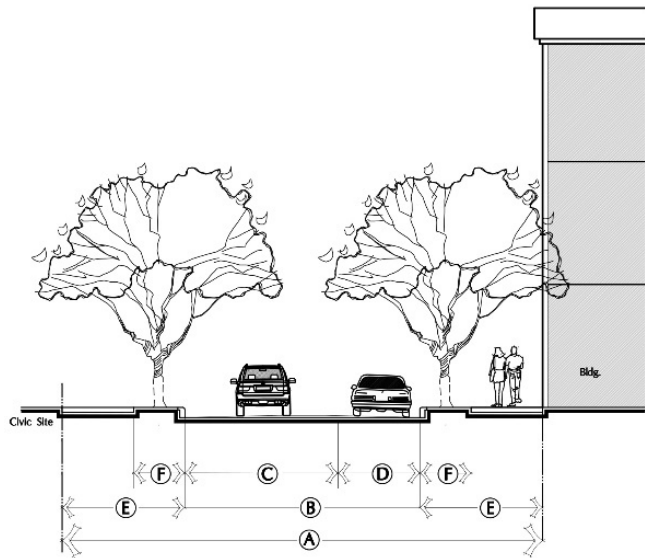


<u>Description:</u>	<u>Details:</u>	<u>Key:</u>
<u>Width of right-of-way</u>	<u>60' min.</u>	<u>A</u>
<u>Movement type</u>	<u>Slow</u>	
<u>Target speed</u>	<u>25 mph</u>	
<u>Width of pavement</u>	<u>36' min.</u>	<u>B</u>
<u>Travel lanes</u>	<u>10' min. travel lanes</u>	<u>C</u>
<u>Bicycle facilities</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>	

1
2
3
4

Figure 3

Option A

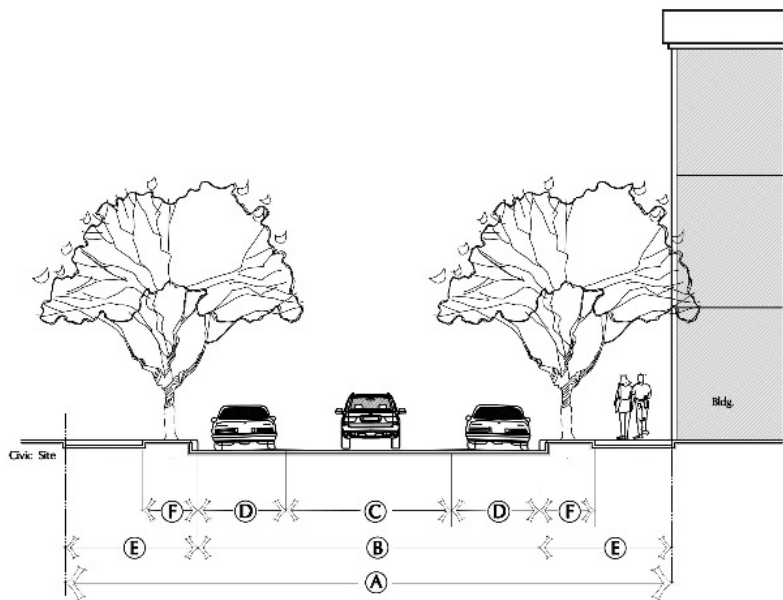


5
6

<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>	

1
2

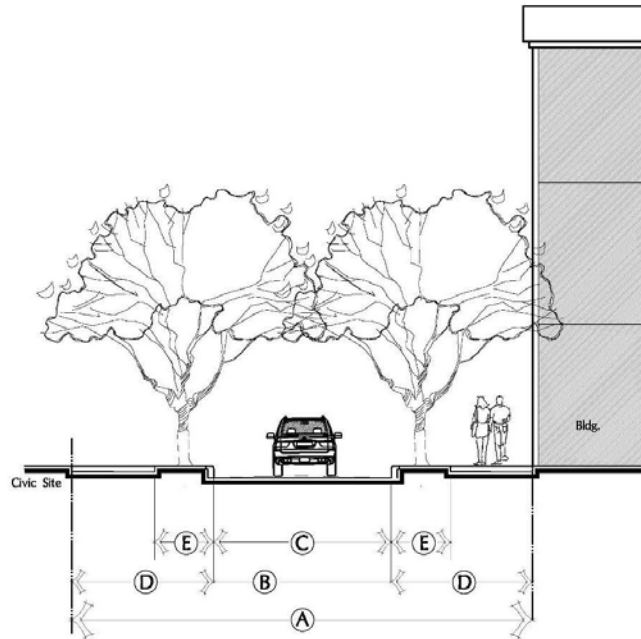
Option B



3
5

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>
<u>Width of right-of-way</u>	<u>39' 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>20' min.</u>	<u>B</u>
<u>Travel lanes</u>	<u>15' min. travel lanes</u>	<u>C</u>
<u>Bicycle facilities</u>	<u>shared travel lanes</u>	<u>C</u>
<u>Pedestrian facilities</u>	<u>12' min. sidewalks</u>	<u>D</u>
<u>Furnishing strip:</u>		<u>E</u>
<u>Planter type</u>	<u>5' by 5' tree grates</u>	
<u>Tree spacing</u>	<u>30' average</u>	

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
2

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

Table 4 - Parking Space Ratios

<u>PROPOSED USE</u>	<u>PARKING 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).

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

- Page 30 of 33

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.

1 Section 3. The Village Council hereby amends Article III, "District Regulations," of
2 Appendix C (Chapter 45) of the Village Code of Ordinances by amending Section 45-35.1 to read
3 as follows (additional language underlined and deleted language ~~stricken through~~):
4

5 **Sec. 45-35.1. - Planned unit development.**
6

7 I. *Statement of intent.*
8

9 A. The intent of this section is to provide, in the case of a
10 commercial planned unit development consisting of one
11 (1.0) or more acres, in the case of an industrial planned unit
12 development consisting of one (1.0) or more acres, and in
13 the case of a residential planned unit development, an added
14 degree of flexibility in the placement and interrelationship of
15 the buildings and uses within the planned unit development,
16 together with the implementation of new design concepts. At
17 the same time the intensity of land use, density of population
18 and amounts of light, air, access and required open space will
19 be maintained for the zoning district in which the proposed
20 project is to be located, except as may be permitted for key
21 redevelopment sites through subsection 45-35.1.VIII.
22 Nothing herein should be construed as allowing deviation for
23 uses other than those specified as permitted uses, nor any
24 greater intensity of use or density of population nor any less
25 required open space than that which is specified in this
26 chapter for the zoning district in which a proposed project is

1 located, except as may be permitted through subsection 45-
2 35.1.VIII.

3
4 B. Subject to the foregoing statement of intent, the village
5 council may, in the case of commercial, industrial and
6 residential planned unit developments, allow for minor
7 modification of the provisions of this chapter or other land
8 development regulations in accordance with the procedure
9 set forth in subsections II, III, IV and V.

10
11 C. The Planned Unit Development procedures in section 45-
12 35.1 may not be used in the following zoning districts which
13 provide a different process for considering minor
14 modifications:

15
16 1. C-MU the C-MU zoning district allows waivers (see
17 the C-MU zoning district and section 45-51).

18
19 ~~2. C-3 the C-3 zoning district contains special PUD~~
20 ~~procedures that apply only to that district (see~~
21 ~~subsection 45-34.1.K).~~

22
23 ~~3~~ 2. C-NB the C-NB zoning district allows waivers (see
24 the C-NB zoning district and section 45-51).

25
26 D. The Planned Unit Development procedures in section 45-
27 35.1 may be used in the C-3 zoning district where the
28 property does not meet the threshold criteria for use of the
29 special Planned Unit Development procedure set forth in
30 section 45-34.1(10) of this code. The minimum size
31 requirement set forth in subsection A above shall not be
32 applicable to such Planned Unit Developments within the C-
33 3 zoning district.

34
35 Section 4. The provisions of this Ordinance shall become and be made a part of the Code of
36 the Village of North Palm Beach, Florida.

37
38 Section 5. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for
39 any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void,
40 such holding shall not affect the remainder of this Ordinance.

41
42 Section 6. All ordinances or parts of ordinances and resolutions or parts of resolutions in
43 conflict herewith are hereby repealed to the extent of such conflict.

44
45 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