MEMORANDUM

TO: Andy Lukasik, Village Manager
FROM: Bill Spikowski
DATE: April 3, 2019
SUBJECT: Code Revisions – Joint Workshop on April 16 at 6:30 PM

Backup material is attached for the April 16th joint workshop of the Village Council and the Planning Commission. During this workshop we will cover chapters 24—28 and 30—31 of the code revisions, plus subjects from other chapters where language has been further revised in response to comments at earlier workshops.

We will focus on the following subjects on April 16th:

1. Building height (in stories) — C-MU & C-3 — chapter 25 (also chapter 14, page 19 only)
2. Building height (in feet) — C-MU & C-3 — chapter 25 (also chapter 14, pages 20/21 only)
3. Outdoor seating — C-MU & C-3 — chapter 26
4. Waivers — C-MU & C-NB — chapter 27 (also chapter 14, page 38 only)
5. Nonconformities — C-MU, C-3, C-NB — chapter 28
6. Comprehensive Plan (text changes) — chapter 31
7. Building frontages — C-MU
8. Land to be rezoned
9. Twin City Mall site — C-3 — chapter 20
10. Architectural styles (in Appearance Plan) — chapter 6
11. Sign regulations (future update needed)

Attached to this memo is a draft of slides we will use to focus on each of these issues.

Also attached is actual text of the relevant code revisions, with new language underlined and deleted language struck through. Yellow highlighting is used to call attention to the most important changes in chapters 24—28 and 30—31. All other chapters have been reviewed previously; grey highlighting on pages from those chapters indicates just the changes since your review at earlier workshops. The latest complete draft of the code revisions is always available from www.villagecodeupdate.org.

Regarding architectural styles, at the end of this packet you will find pages describing the three styles mentioned in the proposed revisions to the Appearance Plan. These pages appeared in the Delray Beach Central Business District Architectural Design Guidelines, prepared by the Treasure Coast Regional Planning Council (available from www.spikowski.com/details/DelrayBeach.html).
CODE UPDATE

VILLAGE OF NORTH PALM BEACH

DOVER, KOHL & PARTNERS
SPIKOWSKI PLANNING

April 16, 2019

CODE UPDATE TIMELINE

2018-19

Team Kick-off
Public Kick-off
Workshop #1: Interactive Public Workshop
Workshop #2: Pin-up Draft Code
Workshop #4: Sections 1-13 & 29
Workshop #5: Sections 14–19
Workshop #6: Sections 20–23
Workshop #7: Sections 24-28, 30-31
Adoption Meetings

January, March, April, Dec., Jan., Feb., Mar., April 16, Summer
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| Waivers (C-MU & C-NB) | Architectural Styles (appearance plan) |
| Nonconformities (C-MU, C-3, C-NB) | Sign Regulations (future update needed) |
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## 1. Building Height (in stories: C-MU & C-3)

Sec. 45-36.M. Building height regulations.

1. Within the area of the Village of North Palm Beach which lies north of the Intracoastal Waterway and west of U.S. Highway No. 1, no building or structure shall exceed sixteen (16) stories or one hundred sixty (160) feet.

2. Within the area of the Village of North Palm Beach which lies north of the Intracoastal Waterway and east of U.S. Highway No. 1, no building or structure shall exceed twenty-two (22) stories or two hundred twenty (220) feet.

3. Within the area of the Village of North Palm Beach which lies south of the Intracoastal Waterway and east of U.S. Highway No. 1, no building or structure shall exceed four (4) stories or forty (40) feet, except in the C-MU zoning district where the four-story height limit and the maximum height in feet is defined in section 45-31.

4. Within the area of the Village of North Palm Beach which lies south and west of the Intracoastal Waterway and west of U.S. Highway No. 1, no building or structure shall exceed four (4) stories or forty (40) feet, except in the C-MU and C-3 zoning districts where the height limits and the maximum height in feet are defined in sections 45-31 and 45-34.1.
1. Building Heights  (in stories: C-MU & C-3)

b. For the purpose of calculating the number of stories in a building, stories shall be defined as the space between finished floor and finished ceiling, adjusted as follows:

i) Each level devoted to parking is considered as individual story when calculating the number of stories in a building, except where parking levels are screened by other rooms in the same building or screened by a liner building that is at least two stories tall with rooms at least 20 feet deep.

ii) When parking levels are constructed on a slope or are connected by sloping or circular ramps, the number of stories will be based on the non-sloped area. If there are no non-sloped areas, the number of stories will be counted as the highest parking level plus each parking level below.

2. Building Heights  (in feet: C-MU & C-3)
2. Building Heights  (in feet: C-MU & C-3)

b. **Ceiling height exceptions.** The minimum and maximum ceiling height standards in Table 9 do not apply in the following circumstances:

i) 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 minimum or maximum ceiling heights in Table 9.

ii) When the total area of mezzanine level is less than 40 percent of the floor area of the story below, the mezzanine level does not need to comply with the minimum ceiling heights in Table 9.

iii) Rooms without finished ceilings, such as utility or storage rooms, do not need to comply with the minimum or maximum ceiling heights in Table 9 provided that the remainder of that story complies with the minimum and maximum heights.

3. Outdoor Seating  (C-MU & C-3)

(6) **Special requirements for C-MU and C-3 zoning districts.** In the C-MU and C-3 zoning districts only, the preceding requirements for outdoor seating are modified as follows:

a. Outdoor seating may be provided on sidewalks that have been constructed on sidewalk easements that were required by this code.

b. Outdoor seating may be provided within build-to zones required by this code.

c. Outdoor seating may be provided on an area designated for parking and/or loading without providing additional parking spaces. However, permission for such outdoor seating would be on a provisional basis and would be subject to revocation as follows:

i. Permission may be revoked by the community development director if there is evidence that the permission is contributing to spillover parking on nearby properties.

ii. Permission would be automatically revoked if the code enforcement special magistrate issues an order confirming a violation of a parking-related provision of this code.
4. Waivers (C-MU & C-NB)

Sec. 45-51. - Waivers.

1) In the C-MU and C-NB zoning districts, waivers may be requested from certain regulations in this code. An application for such waiver may be made by any property owner or tenant or by a governmental office, department,

2) The planning commission will hold a public hearing in conjunction with the site plan and appearance review hearing for the subject property (see sections 6-30–6-60). The planning commission will consider the following factors and any additional criteria set forth in the relevant zoning district:
   a. The extent to which the alternate standard proposed by the applicant differs from the code’s standard that would be waived.
   b. Whether the requested waiver can be granted in the zoning district.
   c. Any unusual circumstances regarding the property or immediate area.
   d. The effect of approving or denying the waiver on the development project and on the surrounding area.
   e. Consistency with the comprehensive plan.
   f. Recommendations of village staff.
   g. Testimony from the applicant.
   h. Testimony from the public.

3) At the end of the public hearing, the planning commission will make a decision on each requested waiver. Approval is contingent on the planning commission making these findings and any additional findings set forth in the relevant zoning district:
   a. The alternate standard proposed by the applicant is acceptable for the specific site and building.
   b. The proposed waiver does not detract from the design principles supporting these zoning districts and the broader intent of this code.
   c. The proposed waiver will not be injurious to surrounding properties or nearby neighborhoods; and
   d. The proposed waiver is not inconsistent with the Comprehensive Plan.

4) The planning commission’s action on waivers will be considered a recommendation to the village council instead of a decision if a special exception was requested along with one or more waivers or if the concurrent site plan and appearance decision is appealed in accordance with section 6-35. The village council will make a decision on such waivers at the same time that a decision is made on all other aspects of the application.
4. Waivers (C-MU)

3. **Waivers.** Waivers may be granted by the village to certain standards in the C-MU district in accordance with the applicable village procedures for granting waivers (see section 45-51), with these additional requirements:

   a. The waiver process in the C-MU district cannot be used to:
      i) Increase the allowable residential density.
      ii) Increase the allowable building height.
      iii) Add uses that are not allowable under this code.

   b. These additional findings must be made before the village approves a waiver in the C-MU district:
      i) The proposed waiver meets the intent of the Village of North Palm Beach Citizens’ Master Plan Report, adopted by the village council on October 27, 2016, through Resolution 2016-73.

5. Nonconformities (C-MU, C-3, C-NB)

   (4) However, if an existing structure was legally permitted on its site prior to the creation of the C-MU, C-3, or C-NB zoning districts in 2019 but could not be built under the standards in the new district, that existing structure will continue to be deemed a lawful structure and will not be subject to the restrictions in paragraphs (1) and (2). Such structure may expanded laterally without complying with new requirements for building frontages, build-to-zones, and parking lot setbacks, provided the expansion brings the structure closer to the 2019 requirements than the existing structure.
Comprehensive Plan Issues

• PUD required for any mixed-use development
• PUD required for any waivers to detailed NBOZ rules
• Mixed-use density limited to 12 units/acre
• Concurrency applied individually to every project

Summary of Comprehensive Plan Changes

• Stop requiring PUD for all mixed-use development, and for minor waivers along Northlake Boulevard
• Increase density cap for mixed-use development
• No changes to Future Land Use Atlas
• Begin planning for a concurrency “exception area”
6. Comprehensive Plan  (text changes only)

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

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Policy 1.B.4: Specific additional development limitations and conditions on proposed **Residential and mixed-use developments** may be approved in areas with a Commercial Future Land Use designation in any of the following manners: shall be established, as necessary, by the Village

- Through mixed-use provisions that are being added to the **C-MU** zoning district along US. Highway No. 1 between Yacht Club Drive and the Earman River.
- Through mixed-use provisions that are being added to the **C-3** zoning district in the southwest quadrant of Northlake Boulevard and US Highway No. 1.
- Through mixed-use provisions that are being added to the **C-T** zoning district in the southwest portion of the Village.
- Through the commercial planned unit development process in other zoning districts.
4. **Residential density**: Dwelling units in Commercial designations. The residential component of a mixed-use development shall not exceed a density of 24–42 units per acre or as further limited by zoning district regulations, except in the southwest quadrant of Northlake Boulevard and US Highway No. 1 where density shall not exceed 36 units per acre. Developments that qualify for the workforce housing density bonus described in Policy 1.B.2 may construct up to 12 additional units per acre.
Policy 1.6: The Village intends to establish a transportation concurrency exception area to include non-residential and mixed-use development along the Northlake Boulevard corridor and along the U.S. 1 corridor south of the Parker Bridge, as shown in Figure 4-6. The Village will work with Palm Beach County and the Florida Department of Transportation to establish this exception area by the end of 2019.
7. Building Frontages (C-MU, along US-1)

Citizens Master Plan

LOBBY BUILDING 5’ SETBACK
[additional building frontage diagrams to be inserted here]
8. Land to be Rezoned

Proposed Zoning Map
- R-1 (Residential - Single Family) (no change)
- R-2 (Residential - Multiple Family) (no change)
- R-3 (Residential - Apartments) (no change)
- C-T (Commercial - Transitional) (was C-C)
- C-S (Commercial - Shopping) (was C-1)
- C-G (Commercial - General) (was C-2)
- C-MU (Commercial - Mixed Use) (was C-A)
- C-3 (Commercial - Regional Mixed Use)
- C-NB (Commercial - Northlake Blvd.) (new)
- P (Public)
- OS (Conservation & Open Space) (was C-OS)

- To be rezoned from C-B to C-MU
- To be rezoned from P to C-MU
- To be rezoned from R-2 to C-MU
- To be rezoned from C-1A to C-MU
- To be rezoned from C-1A to C-S
- To be rezoned from C-1 to C-NB
- Village of North Palm Beach
8. Land to be Rezoned (from C-1 into new C-NB zoning district)

Proposed Zoning Map

- R-1 (Residential - Single Family) (no change)
- R-2 (Residential - Multiple Family) (no change)
- R-3 (Residential - Apartments) (no change)
- C-T (Commercial - Transitional) (was C-C)
- C-S (Commercial - Shopping) (was C-1)
- C-G (Commercial - General) (was C-2)
- C-MU (Commercial - Mixed Use) (was C-A)
- C-3 (Commercial - Regional Mixed Use)
- C-NB (Commercial - Northlake Blvd.) (new)
- P (Public)
- OS (Conservation & Open Space) (was C-OS)

- To be rezoned from C-B to C-MU
- To be rezoned from P to C-MU
- To be rezoned from R-2 to C-MU
- To be rezoned from C-1A to C-MU
- To be rezoned from C-1A to C-S
- To be rezoned from C-NB to C-S
- Village of North Palm Beach

8. Land to be Rezoned (from C-1A to C-S)

Proposed Zoning Map

- R-1 (Residential - Single Family) (no change)
- R-2 (Residential - Multiple Family) (no change)
- R-3 (Residential - Apartments) (no change)
- C-T (Commercial - Transitional) (was C-C)
- C-S (Commercial - Shopping) (was C-1)
- C-G (Commercial - General) (was C-2)
- C-MU (Commercial - Mixed Use) (was C-A)
- C-3 (Commercial - Regional Mixed Use)
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- P (Public)
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- To be rezoned from C-B to C-MU
- To be rezoned from P to C-MU
- To be rezoned from R-2 to C-MU
- To be rezoned from C-1A to C-MU
- To be rezoned from C-1A to C-S
- To be rezoned from C-1 to C-NB
- Village of North Palm Beach
Follow-up from March Workshop

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9. Twin City Mall site  (C-3)

[insert new material here]

10. Architectural Styles  (appearance plan)

B. RELATIONSHIP OF BUILDING AND SITE TO ADJOINING AREA

1. Adjacent buildings of different architectural styles or character may shall be made more compatible by such means as screens, site breaks, and materials.

2. Attractive landscape transitions to adjoining properties are encouraged shall be provided.

3. Harmony in texture, lines, and masses is required. Monotony shall be avoided.

4. Buildings shall have similar scale to those in the surrounding area except where redevelopment at higher intensities is anticipated in a particular zoning district.

C. LANDSCAPE AND SITE TREATMENT  [no changes]

D. BUILDING DESIGN

1. Specific architectural styles are is not restricted mandated or banned, but the village encourages new buildings to evolve the distinct local character exemplified by Village Hall and the Public Safety Building. This character is derived from local and regional examples including Anglo-Caribbean architecture, Florida vernacular, and masonry modern.
10. Architectural Styles (appearance plan)

- Anglo-Caribbean
- Florida vernacular
- Masonry modern

Anglo-Caribbean architecture is often considered an eclectic style, common to the British-settled islands of the Caribbean and influenced by Portuguese, Dutch, French, and Spanish colonizations. Anglo-Caribbean architecture is characterized by wooden upper floors and roofs historically added over time to the masonry ground floors of initial settlements. The style today often references this through a change in material between floors or as a predominantly masonry construction with sculptural transitions between horizontal and vertical areas, incorporating wood building features.
10. Architectural Styles -- Florida vernacular

The Florida Vernacular is a style of architecture native to the region, most typically constructed with a wooden frame and finished with wood siding. The origins of the style are adapted from multiple sources, including the Victorian Morehouse common in the northern states, the Southern Plantation home, the Florida Cracker, and Florida Cottage styles. The classical temple is heavily referenced in the Florida Vernacular, as evidenced by gable roof ends facing the street and simplified classical detailing. The front facade is often composed of double-height or stacked porches.

10. Architectural Styles -- Masonry modern

The Masonry Modern style of architecture is defined by its rational load bearing construction technique, its system of punched openings (vs. large expansive walls of windows) and its limited ornament. Stucco is the prevalent building finish in the Masonry Modern style. Stone and wood details are used to soften the stark modern forms of the building mass.
11. Sign Regulations (future update)

CHAPTER 6. ARTICLE V. — SIGNS AND OUTDOOR DISPLAYS

Footnotes:
— (5) —
Cross reference— Appearance plan, App. A; zoning, App. C.

Sec. 6-110. - Purpose and scope of regulations.
(a) In General. The purpose of this chapter is to establish regulations for the systematic control of signs and advertising displays within the Village of North Palm Beach. The regulations and requirements as herein set forth are intended to provide and maintain active and objective regulations of the appearance and design of signs.

(Ord. No. 31-2001, § 1, 10-25-01)

Sec. 6-111. - General provisions.

(A) Criteria for appearance.
(1) Wall signs shall be part of the architectural concept of the building. Size, color, lettering, location and arrangement shall be harmonious with the building design.
(2) Ground signs shall be designed in harmony with the architectural theme, design style and scale of the principal building on site and incorporate complementary building materials. The same criteria applicable to wall signs shall apply to ground signs.
(3) Identification signs of a prototype design shall conform to the criteria for building and ground signs.
(4) Materials used in signs shall have good architectural character and be harmonious with the building design and surrounding landscape.
11. Sign Regulations (future update)

Sign Regulation After Reed: Suggestions for Coping with Legal Uncertainty

Alan C. Weinstein and Brian J. Connolly

Regulating signs in a content neutral manner satisfying First Amendment limitations will be more difficult for local governments following the U.S. Supreme Court’s 2015 decision in Reed v. Town of Gilbert, Arizona. In Reed, all nine Supreme Court justices agreed that the Town of Gilbert’s sign code violated the guarantee of freedom of speech in the First Amendment, although the justices arrived at that conclusion in different ways.

April Workshop Topics

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5. **MAY 13 at 6:30 PM:**
   a. (available for follow-up discussions on anything covered earlier)

6. **JUNE 6 at 6:30 PM:**
   a. (available for follow-up discussions on anything covered earlier)
3. **Density.** Residential density in the C-MU zoning district may not exceed 24 units per acre. The acreage in this formula is the total area enclosed by the lot lines of the site being developed, including existing easements and including any land being dedicated for additional right-of-way or easements.

4. **Building height.**
   a. Buildings may be up to 4 stories tall in the C-MU zoning district, except that:
      i) Within 25 feet of the rear property line, no portion of a building may exceed 2 stories.
      ii) Within 50 feet of the rear property line, no portion of a building may exceed 3 stories.
      iii) The 25-foot and 50-foot restrictions are depicted on the regulating plan.
   b. For the purpose of calculating the number of stories in a building, stories shall be defined as the space between finished floor and finished ceiling, adjusted as follows:
      i) Each level devoted to parking is considered as individual story when calculating the number of stories in a building, except where parking levels are screened by other rooms in the same building or screened by a liner building that is at least two stories tall with rooms at least 20 feet deep.
      ii) When parking levels are constructed on a slope or are connected by sloping or circular ramps, the number of stories will be based on the non-sloped area. If there are no non-sloped areas, the number of stories will be counted as the highest parking level plus each parking level below.
      iii) A mezzanine will not count towards the number of stories provided that the total area of mezzanine level is less than 40 percent of the floor area of the main story below.
      iv) Buildings may include a partial story above the maximum number of stories otherwise allowed provided the floor area of the partial story is less than 30% of the floor area of the story below. Developers are encouraged to utilize this allowance on portions of buildings that are closest to street intersections and for architectural features such as towers or cupolas.
   c. The maximum height of a building in feet is controlled by the maximum ceiling heights for individual stories, as provided in subsection 45-31.E.5.

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

   a. This code provides standards for the elevation of certain ground-story floors and minimum/maximum dimensions for ceiling heights. Figure 7 and Table 9 illustrate how these standards are measured:

   (i) Floor elevations are measured from the existing or anticipated sidewalk to the top of the finished floor of the ground story.

   (ii) Ceiling heights are measured from the top of the finished floor to the underside of the finished ceiling of each story; see exceptions in subsection b.

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**Figure 7**  
**Floor and Ceiling Measurements**

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**Table 9**  
**Floor and Ceiling Standards**

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<td><strong>Elevation of ground-story floor above sidewalk:</strong></td>
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<tr>
<td>Storefront only</td>
<td>no min.</td>
<td>0.5'</td>
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<tr>
<td>Stoop only</td>
<td>3'</td>
<td>no max.</td>
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<td>All other building frontage types</td>
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<td>no max.</td>
<td>A</td>
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<tr>
<td><strong>Height of ground-story ceiling:</strong></td>
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<tr>
<td>Storefront only</td>
<td>12'</td>
<td>16'</td>
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<td><strong>Height of upper-story ceilings:</strong></td>
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<td>9'</td>
<td>12'</td>
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</table>
b. **Ceiling height exceptions.** The minimum and maximum ceiling height standards in Table 9 do not apply in the following circumstances:
   i) 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 minimum or maximum ceiling heights in Table 9.
   ii) When the total area of mezzanine level is less than 40 percent of the floor area of the story below, the mezzanine level does not need to comply with the minimum ceiling heights in Table 9.
   iii) Rooms without finished ceilings, such as utility or storage rooms, do not need to comply with the minimum or maximum ceiling heights in Table 9 provided that the remainder of that story complies with the minimum and maximum heights.

6. **Landscape standards.**
   a. **Landscaping required.** Landscaping shall be required in the following areas as required by the village’s landscaping requirements:
      i) Miscellaneous landscape elements, as required in section 45-88;
      ii) Off-street parking lots, as required in section 45-89;
      iii) Site perimeters, as required in section 45-90; and
      iv) Base of foundation, as required by section 45-91.
   b. **Special requirements for C-MU zoning district.** The village’s landscaping requirements contain certain special requirements for the C-MU zoning district:
      i) Section 45-90 requires minimum buffer widths for site perimeters.
         - These buffer widths do not apply in front of buildings that meet the standards for a gallery, storefront, or canopy building frontage type. See Table 45-90.
         - Along US Highway 1, buffer strips in front yards may not be planted on a sidewalk easement. See section 45-34.1.G.
      ii) Section 45-91 requires landscaped areas around the base of foundations. This requirement does not apply in front of buildings that meet the standards for a gallery, storefront, or canopy building frontage type.
14. Proposed Changes to C-A Zoning District (§ 45-31)

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

J. Architecture. To provide the village with harmonious development, but without undue restrictions, the following features are required:
   1. All building fronts and sides must be completely enclosed except for necessary doorways for ingress and egress.
   2. No canopies are permitted unless constructed of metal, or other permanent materials and are installed parallel to the store front sidewalks not less than nine (9) feet above the sidewalk.

I. Review procedures.
   1. Submittal and review procedures. Compliance with the standards of the C-MU district shall be evaluated during the site plan and appearance review process before building and other permits may be issued (see sections 6-30–6-60).
   2. Variances. Variances may be granted by the village to standards in the C-MU district using the same procedures and criteria the village uses in granting variances from other regulations (see section 45-50).
   3. Waivers. Waivers may be granted by the village to certain standards in the C-MU district in accordance with the applicable village procedures for granting waivers (see section 45-51), with these additional requirements:
      a. The waiver process in the C-MU district cannot be used to:
         i) Increase the allowable residential density.
         ii) Increase the allowable building height.
         iii) Add uses that are not allowable under this code.
      b. These additional findings must be made before the village approves a waiver in the C-MU district:
         i) The proposed waiver meets the intent of the Village of North Palm Beach Citizens’ Master Plan Report, adopted by the village council on October 27, 2016, through Resolution 2016-73.
Sec. 45-36.J. Whenever, by this ordinance, off-street parking is required in any commercial or mixed-use district or in any R-3 apartment dwelling district, no such parking facilities shall be hereafter constructed as follows, in addition to any specific requirements of the zoning district: until a permit therefor shall have been issued by the building inspector, and until the plans and specifications therefor are such that:

a. Such off-street parking area is designed with appropriate means of vehicular access to a public street or alley. [the remainder of subsection a. is existing language that is being relocated from section 27-36]

b. Such off-street parking area is designed with appropriate vehicular maneuvering areas. Each required parking space shall measure at least 9 feet by 18 feet.

c. Such off-street parking area is paved with an asphaltic or concrete surfacing, or other material designed to prevent dust.

d. Such off-street parking area is so constructed, graded and surfaced as to prevent surface water from draining onto public right-of-way, or on adjoining properties, the outlets for such surface waters to be connected directly or indirectly to storm sewer conduits terminating in
e. Such off-street parking areas shall be used for vehicular traffic only, with no sales, dead storage, repair work, dismantling or servicing of any kind unless expressly permitted by the zoning of the district in question.

f. If lighting of such areas is to be provided, the plans therefor shall be such that such lighting shall reflect away from any public street and at such an angle as to prevent glare or undue illumination of residential properties in the neighborhood.

g. Parking lots shall be landscaped as provided in the landscaping regulations in Article VIII (section 45-81 et seq.).

h. Parking lots shall be designed and improved to facilitate loading and unloading. There shall be adequate space for standing, loading and unloading services to avoid undue interference with public use of streets or alleys.
Sec. 45-36.M. Building height regulations.

(1) Within the area of the Village of North Palm Beach which lies north of the Intracoastal Waterway and west of U.S. Highway No. 1, no building or structure shall exceed sixteen (16) stories or one hundred sixty (160) feet.

(2) Within the area of the Village of North Palm Beach which lies north of the Intracoastal Waterway and east of U.S. Highway No. 1, no building or structure shall exceed twenty-two (22) stories or two hundred twenty (220) feet.

(3) Within the area of the Village of North Palm Beach which lies south of the Intracoastal Waterway and east of U.S. Highway No. 1, no building or structure shall exceed four (4) stories or forty (40) feet, except in the C-MU zoning district where the four-story height limit and the maximum height in feet is defined in section 45-31.

(4) Within the area of the Village of North Palm Beach which lies south and west of the Intracoastal Waterway and west of U.S. Highway No. 1, no building or structure shall exceed four (4) stories or forty (40) feet, except in the C-MU and C-3 zoning districts where the height limits and the maximum height in feet are defined in sections 45-31 and 45-34.1.
Sec. 45-36.Q.  Outdoor seating.

(1) **Applicability.** Outdoor seating shall be permitted as an accessory use to a building in which a food service establishment is operated, provided that:

a. The outdoor seating area is adjacent to that portion of the food service establishment which is inside the building.

b. The outdoor seating is located on property which is either owned or leased by the adjacent food service establishment or the landlord of such food service establishment. (See exceptions in subsection (6).)

c. The outdoor seating can be accommodated without impeding the access of the general public, including persons with disabilities, to the portion of the food service establishment which is located inside the building, or to any other commercial business or other use.

d. The outdoor seating can be accommodated without creating a need for additional parking spaces which could not be provided on the same site as the building for which the outdoor seating would be an accessory use or would create a non-conforming status for existing parking provided for such building. (See exceptions in subsection (6).)

e. No outdoor seating shall be permitted for adult entertainment establishments.

(2) **Permitting process.** An applicant for approval of outdoor seating shall include the proposed outdoor seating as part of an overall application for a building permit and/or site plan and appearance approval certificate of appropriateness or shall seek amendment of an existing building permit and/or site plan and appearance approval certificate of appropriateness to allow for outdoor seating, pursuant to the applicable provisions of this Code. Every application involving outdoor seating shall include the following, in addition to and not in place of anything else which may otherwise be required by any other provision of this Code:

a. A site plan, drawn to scale, which shows at least the building for which outdoor seating will be an accessory use; the location of the food service establishment which will use the outdoor seating; the location of the outdoor seating and all related fencing screening, or dividing materials; the location of any sidewalks or other pedestrian walkways or passageways which are adjacent to or will be affected by the outdoor seating; and the location of all existing or additional parking for such building.
b. A copy of the written consent of any person or business who other
than the applicant owns or leases any property, including any sidewalk
or other public passageway, upon [which] the outdoor seating would
be located.

c. Photographs, renderings, or samples showing the style and color of all
furnishings, fencing, screening, or dividing material to be used for or
in conjunction with the outdoor seating.

3. Conditions of outdoor seating. Outdoor seating shall comply at all times
with the following conditions:

a. Outdoor seating shall be arranged, when in use, in a manner that
allows a pedestrian walkway in compliance with applicable
accessibility, building, codes and fire codes.

b. Outdoor seating located on a pedestrian walkway which provides
access to more than one (1) occupant of a building, as in a shopping
center, shall be arranged, when in use, in a manner that maintains a
passage of not less than five (5) feet in width.

c. Outdoor seating of an applicant shall not be located on any sidewalk,
passageway, or other property adjacent to any other business.

d. Outdoor seating shall not occupy any area designated for parking. (See
exceptions in subsection (6).)

e. Outdoor seating which is used for the service and sale of food or
beverages of any kind within the outdoor seating area, shall be
physically separated and visually distinct from any immediately
adjacent public passageway or walkway by means of approved fencing
or screening material which is not less than two (2) feet in height, by
means of one (1) or more planter boxes and other plant container, by
means of some other approved divider, or any combination of such
means, but not including tables, chairs or other seating.

f. Outdoor seating areas may only contain tables, chairs, umbrellas
and/or awnings and required fencing or screening materials. All such
equipment shall be compatible in color and style with the exterior of
the building and shall not contain or have affixed to it any sign,
lettering or advertising of any kind.

g. Outdoor seating shall be maintained in a secure manner, whenever the
food service establishment is closed to the public.

h. Establishments with outdoor seating with food and beverage service
shall meet all health code and other applicable code requirements of
restaurants.
26. PROPOSED CHANGES TO OUTDOOR SEATING (§ 45-36.Q)

i. Any permanent or temporary structures associated with outdoor seating, including, but not limited to, awnings and covered roofs shall not encroach into the required building setback areas. Tables, chairs, umbrellas, fencing, screening and dividing materials shall not be located closer to the property line than two-thirds (2/3) of the required front, side or rear building setback. (See exceptions in subsection (6).)

(4) Limitations on use. Except for outdoor seating located in an inner court:

a. All sales and service of food and beverages in an outdoor seating area are prohibited between the hours of 10:30 p.m. and 7:00 a.m., Sunday through Thursday, and between the hours of 11:00 p.m. and 7:00 a.m., Friday through Saturday.

b. Outdoor seating areas shall be in compliance with the village's noise regulations.

(5) General requirements. Outdoor seating which increases the total number of seats available at a food service establishment shall be considered an expansion of use. Such outdoor seating shall be included in any calculation of the total number of seats provided by the food service establishment but not limited to parking, restroom facilities and business taxes.

(6) Special requirements for C-MU and C-3 zoning districts. In the C-MU and C-3 zoning districts only, the preceding requirements for outdoor seating are modified as follows:

a. Outdoor seating may be provided on sidewalks that have been constructed on sidewalk easements that were required by this code.

b. Outdoor seating may be provided within build-to zones required by this code.

c. Outdoor seating may be provided on an area designated for parking and/or loading without providing additional parking spaces. However, permission for such outdoor seating would be on a provisional basis and would be subject to revocation as follows:

i. Permission may be revoked by the community development director if there is evidence that the permission is contributing to spillover parking on nearby properties.

ii. Permission would be automatically revoked if the code enforcement special magistrate issues an order confirming a violation of a parking-related provision of this code.
CHAPTER 45, ARTICLE VI

REZONINGS; VARIANCES; WAIVERS

AMENDMENTS—FEES; WAITING PERIODS

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

(1) All applications for rezoning and all applications to amend, supplement, modify or repeal the boundaries, districts, regulations or restrictions established by this chapter shall be done by application to the planning commission of the village. The application to the planning commission may be made by any property owners to rezone their own property or by the village manager, tenant or by a governmental office, department, board or bureau. Such applications shall be filed with the community development department of the village, which shall transmit the same, together with all the plans, specifications, application blank and other papers pertaining to the application, to the planning commission. Any such application, except by the village manager, a governmental agency, must be accompanied by the filing fee established in the master fee schedule adopted annually as part of the village budget together with a deposit of the estimated cost of the village processing the application. Upon the village determining the actual costs, applicants shall pay the balance, if any, in full of such costs including advertising prior to final consideration of the application. If the deposit exceeds actual costs, the balance shall be refunded to applicant.

(2) All applications to the planning commission concerning rezoning shall be upon forms to be supplied by the community development department.

(3) Whenever, after review, investigation and hearing, any application for a change of district classification has been denied, an application for a like change cannot be reinstated for a period of at least one (1) year after said denial.

(4) Public notice of all hearings shall be provided as required by section 21-3 of the village Code.

Sec. 45-50. - Application for Variances.

(1) All applications for variances to regulations or restrictions established by this ordinance shall be done by application to the board of adjustment of the village. The application to the board of adjustment may be made by any property owner or tenant or by a governmental office, department, board or bureau. Such applications shall be and filed with the community development department, director of the village, who shall transmit the
Proposed Changes to Rezoning (§ 45-49), Variances (§ 45-50) & Waivers (§ 45-51)

same, together with all the plans, specifications, application blank and other papers pertaining to the application, to the board of adjustment. Any such application, except by a governmental agency, must be accompanied by the filing fee established in the master fee schedule adopted annually as part of the village budget.

(2) All applications to the board of adjustment concerning variances shall be upon forms to be supplied by the community development department.

(3) Criteria for decisions on variance applications are provided in section 21-21 of the village code.

(4) Public notice of all hearings shall be provided as required by section 21-3 of the village code.

Sec. 45-51. - Waivers.

(1) In the C-MU and C-NB zoning districts, waivers may be requested from certain regulations in this code. An application for such waiver may be made by any property owner or tenant or by a governmental office, department, board or bureau. Such applications shall be filed with the community development director of the village, using forms supplied by the director, who shall transmit the same, together with all the plans, specifications, application blank and other papers pertaining to the application, to the planning commission.

(2) The planning commission will hold a public hearing in conjunction with the site plan and appearance review hearing for the subject property (see sections 6-30–6-60). The planning commission will consider the following factors and any additional criteria set forth in the relevant zoning district:

   a. The extent to which the alternate standard proposed by the applicant differs from the code’s standard that would be waived.

   b. Whether the requested waiver can be granted in the zoning district.

   c. Any unusual circumstances regarding the property or immediate area.

   d. The effect of approving or denying the waiver on the development project and on the surrounding area.

   e. Consistency with the comprehensive plan.

   f. Recommendations of village staff.

   g. Testimony from the applicant.

   h. Testimony from the public.
(3) At the end of the public hearing, the planning commission will make a decision on each requested waiver. Approval is contingent on the planning commission making these findings and any additional findings set forth in the relevant zoning district:

a. The alternate standard proposed by the applicant is acceptable for the specific site and building;

b. The proposed waiver does not detract from the design principles supporting these zoning districts and the broader intent of this code;

c. The proposed waiver will not be injurious to surrounding properties or nearby neighborhoods; and

d. The proposed waiver is not inconsistent with the Comprehensive Plan.

(4) The planning commission’s action on waivers will be considered a recommendation to the village council instead of a decision if a special exception was requested along with one or more waivers or if the concurrent site plan and appearance decision is appealed in accordance with section 6-35. The village council will make a decision on such waivers at the same time that a decision is made on all other aspects of the application.

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

(6) Public notice of all waiver hearings shall be provided as required by section 21-3 of this code.

Secs. 45-521—45-59. - Reserved.
CHAPTER 45, ARTICLE VII

NONCONFORMING USES OF LAND AND STRUCTURES

Sec. 45-60. - Intent.

(1) Within the districts established by this ordinance, or amendments that may later be adopted, there exist lots, structures, uses of land and structures and characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments.

(2) Except as explicitly provided in this article, it is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their continuation. Such nonconformities are declared by this ordinance to be incompatible with permitted uses in the district involved. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Sec. 45-61. - Extension and enlargement of nonconforming uses.

(1) A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved. If an existing use was legally permitted on its site prior to the creation of the C-MU, C-3, or C-NB zoning districts in 2019 but is not listed as a permitted use in the new district, that existing use will continue to be deemed a permitted use and will not be subject to the restrictions in this paragraph.

(2) To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.
Sec. 45-62. - Nonconforming lots of record.

(1) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width, or yard requirements shall be obtained only through action of the board of adjustment.

(2) If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements in this ordinance.

Sec. 45-63. - Nonconforming uses of land.

Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, and where such use involves no individual structure with a replacement cost exceeding one thousand dollars ($1,000.00), such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

(1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance; unless such use is changed to a use permitted in the district in which such use is located;

(2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance;

(3) If any such nonconforming use of land ceases for any reason for a period of more than ninety (90) consecutive days, any subsequent use of such land
shall conform to the regulations specified by this ordinance for the district in which such land is located;

(4) No additional structure which does not conform to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.

**Sec. 45-64. - Nonconforming structures.**

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

(1) No such structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;

(2) Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, as determined by the village engineer or village building official, it shall not be reconstructed except in conformity with the provisions of this ordinance;

(3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

(4) However, if an existing structure was legally permitted on its site prior to the creation of the C-MU, C-3, or C-NB zoning districts in 2019 but could not be built under the standards in the new district, that existing structure will continue to be deemed a lawful structure and will not be subject to the restrictions in paragraphs (1) and (2). Such structure may expanded laterally without complying with new requirements for building frontages, build-to zones, and parking lot setbacks, provided the expansion brings the structure closer to the 2019 requirements than the existing structure.
Sec. 45-65. - Nonconforming uses of structures or of structures and premises in combination.
(1) If a lawful use involving individual structures with a replacement cost of one thousand dollars ($1,000.00) or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
(a) No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
(b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building;
(c) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed;
(d) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located;
(e) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at time of destruction.
(2) However, if an existing use of a structure was legally permitted on its site prior to the creation of the C-MU, C-3, or C-NB zoning districts in 2019 but is not listed as a permitted use in the new district, that existing use will continue to be deemed a permitted use and will not be subject to the restrictions in section 45-65(1).
(3) Nonconformities not involving the use of a principal structure, e.g., open storage, building supplies, vehicle, mobile home, implement and machinery storage, signs, billboards, junkyards, commercial animal yards and the like, shall be discontinued within two (2) years of the effective date of this ordinance or amendment.
28. Nonconformities (§§ 45-60–45-67)

Sec. 45-66. - Repairs and maintenance.
(1) On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten (10) percent of the current replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased.

(2) Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Sec. 45-67. – Temporary uses.
The casual, intermittent, temporary or illegal use of land or structures shall not be sufficient to establish the existence of a nonconforming use. Such use shall not be validated by the adoption of this ordinance unless it complies with the terms of this ordinance.

Sec. 45-68. - Reserved.
ALL CROSS-REFERENCES TO ZONING DISTRICT NAMES ARE HEREBY UPDATED, INCLUDING THOSE IN SECTIONS 45-20, 45-21, 45-36, AND ANY OTHER SECTIONS THAT REFERRED TO THE PRIOR NAMES FOR ZONING DISTRICTS, AS FOLLOWS:

- All references to C-1A, C1A, C-B, or CB shall be deleted.
- All references to C-A or CA shall be changed to C-MU.
- All references to C-C or CC shall be changed to C-T.
- All references to C-1 or C1 shall be changed to C-S.
- All references to C-2 or C2 shall be changed to C-G.
- All references to C-OS or COS shall be changed to OS.
- All references to NBOZ shall be changed to C-NB.
31. Proposed Changes to Comprehensive Plan

3.0 FUTURE LAND USE ELEMENT

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

a. **Location** shall be in accordance with the Future Land Use Map.
   Commercial uses shall not be permitted within areas designated for residential development on the Future Land Use Map Series;

b. **Maximum lot coverage** ratio shall be governed by applicable land development regulations;

c. **Maximum building height** shall be governed by applicable land development regulations and shall be consistent with the Village of North Palm Beach Citizens’ Master Plan Report, adopted by Resolution 2016-73 on October 27, 2016, and compatible with neighboring land uses; and

d. **Adequate off-street parking** and loading facilities.

e. **Maximum Floor-Area-Ratios** for non-residential land uses shall be established as follows:
   1. **Commercial, religious, and institutional land uses**: A maximum of 0.35 along U.S. Highway No. 1, north of the Parker Bridge; a maximum of 1.10 along U.S. Highway No. 1, from the Parker Bridge, south to Northlake Boulevard; a maximum of 0.70 along U.S. Highway No. 1, south of Northlake Boulevard; and a maximum of 0.70 along Northlake Boulevard and S.R. Alternate A-1-A. The following areas Twin City Mall site shall be exempt from this requirement to implement the 2016 Citizens’ Master Plan:
      - The Twin City Mall site, and subject to the updated land development regulations of the C-3 zoning district, which had been jointly developed by the Village and the Town of Lake Park.
      - The C-MU zoning district along U.S. Highway No. 1, also 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. **Public Buildings And Grounds Uses**: A maximum of 0.25.

   3. **Educational Uses**: A maximum of 0.15;

   4. **Other Public Facilities Uses**: A maximum of 0.30.

   5. **Recreation and Open Space Uses**: A maximum of 0.05

   6. **Light Industrial/Business Uses**: A maximum of 0.45.

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

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

1. **Maximum development potential:** Maximum commercial mixed-use development potential is subject to the floor-area limitations established in Policy 1.A.4, subject to the application of the Village’s land development regulations.

2. **Permitted uses:** Permitted uses shall be specified in each zoning district that allows mixed-use development (see Policy 1.B.4). Each mixed-use development must contain a residential component, together with at least one non-residential component consisting of uses authorized in the assigned underlying commercial zoning district, subject to conditions of approval.

3. **Mix of uses:** The non-residential component of a mixed-use development must comprise a minimum of 10% the gross floor area. The residential component of a mixed-use development must contain a minimum of 25% of the gross floor area.

4. **Residential density:** Dwelling units in Commercial designations shall not exceed a density of 24 42 units per acre or as further limited by zoning district regulations, except in the southwest quadrant of Northlake Boulevard and US Highway No. 1 where density shall not exceed 36 units per acre. Developments that qualify for the workforce housing density bonus described in Policy 1.B.2 may construct up to 12 additional units per acre.

5. **Height limitations:** With the exception of those properties located along U.S. Highway 1, the maximum height of a mixed-use development shall be limited to that allowed by the underlying commercial or mixed-use zoning district. The maximum height for mixed-use developments with frontage along U.S. Highway 1 is related to the depth of the property, as measured from the U.S. Highway 1 right-of-way, as follows:
   - 250 feet or less: Maximum height of 2 stories
   - Greater than 250 feet to 300 feet: Maximum height of 3 stories
   - Greater than 300 feet: Maximum height of 4 stories
Policy 1.B.2: Workforce housing density bonus: The residential density of a mixed-use development may be increased from 12 to 24 units per acre provided that either: (a) bonus units are constructed on-site; or (2) funding is provided to assist in an affordable housing program in another jurisdiction. If alternative (a) is selected, 50% of the bonus units shall be affordable as defined by the County’s Workforce Housing Program income guidelines. If alternative (b) is selected, an amount equal to 5% of the cost of construction of the bonus units shall be contributed to the Palm Beach County Affordable Housing Trust Fund, or other appropriate alternative, as determined by the Village of North Palm Beach.

Policy 1.B.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:** Specific additional development limitations and conditions on proposed Residential and mixed-use developments may be approved in areas with a Commercial Future Land Use designation in any of the following manners: shall be established, as necessary, by the Village

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

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

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

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

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

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

**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 C-C transitional Commercial District.

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

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

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

**Policy 6.2:** Mixed-use development and redevelopment is encouraged
along the U.S. Highway No.1 corridor by the Village through the
provisions of the C-MU, C-T, and C-3 zoning districts and may also be
permitted through the commercial planned unit development approval
process, consistent with the density and intensity criteria stated in
Objective 1.B.

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

**3.5.4 Northlake Boulevard Overlay Zone Map** The Northlake Boulevard
Overlay Zone is illustrated on Maps 3C and 5 of the Future Land Use Map Atlas. All properties within the overlay zone are illustrated on
Maps 3C and 5 of the Future Land Use Map Atlas Development and
redevelopment activities are subject to the special land development regulations
adopted by the Village of North Palm Beach for the Northlake Boulevard corridor,
adopted under the Overlay Zone ordinance.
TABLE 3-1
LAND USE CLASSIFICATION SYSTEM

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

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

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

[remainder of Table 3-1 deleted for brevity]

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

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

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

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

4.4 FUTURE TRANSPORTATION MAP SERIES

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

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

Figure 4-6 Potential Transportation Concurrency Exception
5.0 HOUSING ELEMENT

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

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

11.0 CAPITAL IMPROVEMENTS ELEMENT

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

<table>
<thead>
<tr>
<th>Facility</th>
<th>Level-Of-Service Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Traffic Circulation:</td>
<td></td>
</tr>
<tr>
<td>1. Arterial and Collector Roadways within the corporate limits: Peak-hour Level-of-Service (LOS) “D”, with the exception of item #2 and item #3, below.</td>
<td></td>
</tr>
<tr>
<td>2. Prosperity Farms Road, between Northlake Boulevard and Burns Road is hereby designated as a Constrained Roadway at a Lower Level of Service (CRALLS) facility. Its level of service shall be: 20,950 trips on a daily basis; and 1,948 trips on a peak hour basis, subject to Transportation Element Policy 1.4.</td>
<td></td>
</tr>
<tr>
<td>3. Transportation concurrency exception area(s) that are designated in the comprehensive plans of the Village of North Palm Beach and Palm Beach County.</td>
<td></td>
</tr>
<tr>
<td>B. Sanitary Sewer:yses</td>
<td>[no changes required]</td>
</tr>
<tr>
<td>C. Potable Water:yses</td>
<td>[no changes required]</td>
</tr>
<tr>
<td>D. Solid Waste:yses</td>
<td>[no changes required]</td>
</tr>
<tr>
<td>E. Drainage:yses</td>
<td>[no changes required]</td>
</tr>
<tr>
<td>F. Groundwater Recharge:yses</td>
<td>[no changes required]</td>
</tr>
<tr>
<td>G. Recreation/Open Space:yses</td>
<td>[no changes required]</td>
</tr>
</tbody>
</table>

Footnotes: [no changes required]
Anglo-Caribbean architecture is often considered an eclectic style, common to the British-settled isles of the Caribbean and influenced by Portuguese, Dutch, French, and Spanish colonizations. Anglo-Caribbean architecture is characterized by wooden upper floors and roofs historically added over time to the masonry ground floors of initial settlements. The style today often references this through a change in material between floors or as a predominantly masonry construction with sculptural transitions between horizontal and vertical areas, incorporating wood building features.

72 MAIN STREET, ROSEMARY BEACH, FL.
Roofs are typically hipped with slopes are between 4:12 and 8:12. Parapet walls are used to contain roof ends and are common sculptural features on front facades.

Roofing materials consist of standing seam or “V” crimp metal, wood or asphalt shingles, or slate.

Roof overhangs are usually deep with exposed rafter tails and thin eaves. Often, the overhang will extend from the beam at a more shallow slope creating a canted roof. Brackets are often used to support the overhang.

Anglo-Caribbean architecture expresses weight and compression, therefore the corners are thick to reflect solidity of the structure.

The exterior finish is predominantly smooth stucco. Colors tend to be subtle with an emphasis on natural materials and earth tones.

Second story balconies and two-story porches are distinguishing features of the Anglo-Caribbean style. Balconies are generally made of wood and are supported by brackets. The balcony is usually roofed and may support another balcony above it.

Detailing and ornamentation is very simple and tectonic in its usage.

Windows and doors are vertically proportioned. Openings for doors and windows are recessed, casting shadows and revealing the thickness and solidity of the structure. Windows can have divided lights, single lights, and may borrow light configuration from the Florida Vernaculars style. Windows are most commonly double-hung or casement type (though single-hung is also appropriate) and have a stone or stucco sill. Window surrounds are minimal; when they exist, surrounds are made of stucco or stone. Doors surrounds are more prominent and sculptural in design.

Columns, posts, railings, brackets, louvered openings, and shutters are all elements definitive of the style.
Roof slope: Approximately 8:12; roof material: galvanized metal.

Parapet walls contain roof ends

Sculptural parapet wall

Double height wood balcony

Vertically proportioned openings

Wood-framed balcony

Vertically proportioned and aligned openings

Wood brackets and floor joists

Ground-story french doors facing the street as part of a storefront

Visually strengthened corners

ANGLO-CARIBBEAN

An Example in the Style
57 GOVERNORS COURT, ALYS BEACH, FL. Anglo-Caribbean architecture typically elaborates and sculptural shapes masonry elements. Generally this detailing occurs on the parapets, chimneys, entries, and stairways.

WILLEMSTAD, CURACAO. The origin of the style has European roots and vernacular adaptations from the Caribbean. Curacao shows some of the Dutch and Portuguese influence that was introduced to the region in the colonial era. The embellished parapet walls and steeper roof pitches remain central compositional features of the style.

WATERCOLOR, FL. Designed by Cooper Robertson, this is an excellent example of a recently constructed Anglo-Caribbean building. The building clearly expresses the base, middle, and top. The design incorporates varied detailing adding richness to the simple facade.

FRENCH QUARTER, NEW ORLEANS, LA. New Orleans was founded by the French, and occupied by the Spanish before being part of the Louisiana purchase. This eclectic style includes stacked porches, surrounding masonry structures, awnings, and expressive parapet and end walls.
Anglo-Caribbean architecture may be symmetrical or asymmetrical in composition and is typically composed of multiple building volumes of varying heights, widths, and functions assembled to form a single structure. The purposeful arrangement of multiple architectural forms creates small courtyards and passageways within the mass of the building that allow access to additional units or amenities beyond the primary elevation. Volumetric setbacks and intentional misalignment between building masses often result in opportunities for balconies, porches, and terraces. These elements help define the style and create an interesting, memorable composition.

The walls of the buildings are generally stuccoed masonry, though upper floors may be finished in wood. The wall openings are relatively small compared to the expanse of the building's facade. Elements such as exterior stairs, chimneys, stoops and benches are sculptural in nature and help provide visual interest to the otherwise straightforward, sober forms of the building. Details such as terrace roofs, railings, and balconies are commonly finished in wood, however, metal railings are also common, with more decorative designs found on buildings with French influences.
The Florida Vernacular is a style of architecture native to the region, most typically constructed with wood siding. The origins of the style are adapted from multiple sources, including the Victorian (more common in the northern states), the Southern plantation home, the Florida Cracker, and Florida Craftsman styles. The classical temple is heavily referenced in the Florida vernacular, as evidenced by gable roof ends facing the street and simplified classical detailing. The front facade is often composed of double-height or stacked porches.
Defining Characteristics

Roofs of the primary structure are typically gabled with a slope between 6:12 and 12:12.

Roofing materials consist of standing seam or “V” crimp metal, asphalt shingles or wooden shakes.

Roof overhangs are typically deep, between two and four feet, and have exposed rafter tails. Fascias on the gabled ends are deeper than those exposed along the eaves.

When attic spaces exist, they are vented at the gable ends underneath the ridge and/or where the rafters meet the wall under the eaves.

Exterior finishes are usually horizontal wood lap-siding, vertical board and batten, or wood shingles. Siding typically exposes 4”-6” to the weather, which is terminated with corner boards at building edges. Stucco finishes are also appropriate, though less common. Modern day building materials also include fiber cement siding.

Doors and windows are vertically proportioned with wooden surrounds and sills. Horizontally proportioned openings are made of groupings of vertical windows. Windows are always operable and historically double-hung, though casements and single-hung are also appropriate. The style uses a small palette of window and door sizes.

Porches are integral to the style and prominent on the front facades. Porches extend along a large percentage of the ground floor elevations, often wrapping the corners to continue at some length along side facades. Porch roofs are supported by posts positioned to create vertical or square openings between them. Porches are typically quite deep (at least 8 feet), creating outdoor rooms. The porch roof may have a different slope than that of the primary building, however, detailing and overhang depths should be consistent.

The Florida Wood Vernacular building frequently has a raised, continuous base. Historically, the raised base protected the building from potential flooding, provided a measure of privacy for residences, and concealed a crawl space that allowed for ventilation.
FLORIDA VERNACULAR

An Example in the Style

- Roof slope: Approximately 6:12; roof material: galvanized metal
- Gable end of roof facing the street
- Attic vent centered on gable ends for cross ventilation
- Porch facing the street, commonly 2 stories in height or stacked
- Vertically proportioned and aligned openings
- Decorative railing
- Horizontal siding with vertical wood trim at the corners
- Square posts establishing a vertical bay spacing
- Large windows with operable shutters, appropriately sized to cover the opening, and classically inspired decorative trim work
- Simplified classical detailing and trim
- Elevated base for privacy for residences and, historically, for air flow
MIXED-USE BUILDING, KEY WEST, FL. The composition of this building places the commercial use at the corner to ensure visibility and access from two streets, emphasized by the gable end. The body of the building has an elevated two-story porch setback from the sidewalk. The roof space is habitable and is naturally lit with dormer windows.

THE GRAND FLORIDIAN, LAKE BUENA VISTA, FL. This hotel is more expressive of its Victorian origins than most Florida Vernacular examples. This example demonstrates a three-story composition, with the fourth story contained within roof space, an appropriate method for this type of architecture to implement the required upper setback.

AUDUBON HOUSE, KEY WEST, FL. This building has a classical, symmetrical composition. The ground-story porch has simplified classical columns. Operable shutters are sized proportionally to the openings they cover.

HOUSE IN NASSAU, BAHAMAS. In this example from Nassau, a balcony provides shade by projecting over the front entrance. The balcony is supported by brackets. A common detail is demonstrated in the roof; the slope changes as the second-story porch roof engages the primary building’s roof.
Key Massing Elements of the Florida Vernacular language display one to three volumetric components and can be symmetrically or asymmetrically composed. If more than one building volume is used, different roof pitch orientation and building placement distinguish among them. Massing utilizing three building volumes frequently establishes a symmetrical composition.

Historically constructed of wood, the Florida Vernacular style is generally more appropriate for smaller scale, free-standing buildings no more than three stories high. Florida Vernacular architecture is composed of a first story base, a one or two-story middle, with a pitched roof, typically occupiable, defining the top. The base always incorporates a porch or arcade, or provides shade from a projecting second story balcony or awning that are integral elements of the building.

The main building facade has a regular rhythmic pattern set by the intercolumniation of the porch and continued by the vertically proportioned windows and doors. The facade is composed of repetitive bays and a limited palette of window and door sizes.

Distinguishing elements of the Florida Vernacular Architecture can also be found at the top. Elements such as feature windows, viewing terraces, articulated chimney caps, attic vents, and dormers generally populate the tops of buildings.

The building form prescribed in the Central Business District requires the fourth story setback to reduce visual impact to the street. This type of shift in building form is not common to the Florida Vernacular. In the Florida Vernacular style, this recess is more appropriately achieved by utilizing the occupiable area under a pitched roof as the fourth story to achieve the same intent.
MASONRY MODERN

The Masonry Modern style of architecture is defined by its rational load bearing construction technique, its system of punched openings (vs. large expansive walls of windows) and its limited ornament. Stucco is the prevalent building finish in the Masonry Modern style. Stone and wood details are used to soften the stark modern forms of the building mass.
MASONRY MODERN

Defining Characteristics

Roofs of the primary structure are often flat or based on pure geometric form.

Flat roofs are frequently utilized for terraces. Stairway access rooms are often embellished and sculptural in nature.

Masonry Modern architecture emphasizes the solidity of the mass. The geometry of the building appears to be carved from a solid volume.

Exterior finishes in the Masonry Modern language are typically stucco. In Florida, the color palette reference Art Deco, comprised primarily of whites and creams, with sea greens and blues highlighting details. Darker hues may highlight the bases of buildings, or emphasize deeper recesses of porches or loggias.

The ratio of glass to wall emphasizes the solidity of the structure.

Windows are typically recessed back from the exterior face of the building, producing deep shadows and revealing the thickness of the wall.

Window types are typically casement or fixed-pane with transom openings, though single or double-hung may be used.

The tripartite composition (lower, middle, upper) characteristic of other styles is present in the Masonry Modern language. The public nature of the ground floor of a commercial building is emphasized with more glass, middle portions of the building are more solid, and the top often incorporates usable exterior spaces including loggias and terraces.

The Masonry Modern architecture of South Florida is a rationally composed style of architecture. The structural system of the building is clearly expressed in the building’s exterior.
The upper part of building is marked with special features such as rooftop terraces or sculptural stairwell roofs. Parapet wall extends to enclose accessible roof terrace.

Window proportion is vertical, when aggregated, the masonry opening can be square or horizontal; divided lites can create square or vertical proportions.

Composition of building reflects solidity of structural system, uses simple geometries, and includes spaces carved from the mass to create entries or terraces.

Smooth stucco; precast and stone are also appropriate.

Railings are metal, wood, or extensions of solid walls.

Eyebrows, terraces, arcades, or deep roof overhangs provide shade.

Entrance to building is clearly identifiable.

Like more classically inspired buildings, the Modern Masonry building has an articulated base, middle, and top.
This house by Suzanne Martinson illustrates a tripartite composition with punched openings and carved spaces creating outdoor terraces. Photograph by Steven Brooks Architectural Photography and Prints.

This pair of buildings designed by Cure & Perehad (left) and Khoury & Vogt (right) help frame a new street in the design district. Both demonstrate how good proportions, elegant detailing, and sensitivity to the public realm can produce a beautiful street composition.

Designed by Steven Holl Architects, the building has a continuous arcade facing the central town square. The building houses a broad mix of uses with retail located along the sidewalk, offices in the second story, and residential uses in upper stories. The main roof geometry is curved.

AQUA, MIAMI BEACH, FL. This house by Suzanne Martinson illustrates a tripartite composition with punched openings and carved spaces creating outdoor terraces. Photograph by Steven Brooks Architectural Photography and Prints.

The BDA Island home is located in Aqua on Allison Island, an 8.5 acre private island. This home has simple, elegant geometries and incorporates deep overhangs and outdoor spaces. Image Source: aqua.net
In Florida, Masonry Modern architecture refers to a global building style adapted to the environmental context of South Florida. It is an architectural language noteworthy for its rationally expressed structural system and its minimal use of building ornamentation. Pure geometric forms are emphasized in the overall volumetric layout.

Buildings in the Masonry Modern style maintain an organizing framework of a base and a top for two-story structures and a base, middle, and top for taller buildings.

Exterior spaces are frequently incorporated into the facade, creating articulations in the volume and composition of the building. Walls are often extended as columns or railings, though simple metal pipe railings are also common. Shading devices including louvers, cantilevered eyebrows, and vertical sun shades are elements of the architecture. Boxing around windows should be avoided as it can result in a dated, rather than modern look.

The exterior finish in a Masonry Modern building is almost exclusively stucco. Stone or wood accents are common.

Masonry openings can be vertical or horizontal, but the windows themselves should be vertically proportioned.

Windows maintain simple geometries but can be larger, with fewer dividing lights than found in other styles and curtain walls are appropriate in this style, though limited to upper stories.

The volumetric layout of a Modern Masonry building starts with a solid mass and is “carved” away, creating outdoor spaces.