

ORDINANCE NO. 2021-10

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ESTABLISHING A ZONING IN PROGRESS FOR THE CONSTRUCTION OF SINGLE-FAMILY HOMES IN THE R-1 SINGLE-FAMILY DWELLING ZONING DISTRICT; PROVIDING FOR EXPIRATION AND EXTENSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, through the adoption of Resolution No. 2016-73 on October 27, 2016, the Village Council formally adopted “The Village of North Palm Beach Citizens’ Master Plan Report dated October 20, 2016” (“Master Plan”) prepared by the Treasure Coast Regional Planning Council, including the recommendations contained therein, as setting forth the guiding principles for future development and redevelopment within the Village; and

WHEREAS, the Master Plan identified ensuring “the mass of new houses is compatible with adjacent houses” as a major concern and included establishing “regulations for infill single-family that ensure compatibility in the neighborhoods” as a high priority task; and

WHEREAS, since adoption of the Master Plan, the Village Council has identified review of the Residential Zoning Code as a high priority in its Strategic Plan; and

WHEREAS, the Village is experiencing a building boom, where smaller homes are being torn down and replaced by larger homes, and while many of the new homes are in scale with the community, a number of residents have raised concerns that larger, massive homes built to the current setbacks are permanently altering the character of the Village; and

WHEREAS, the common concerns raised about larger homes are too much massing, height, lot coverage and impervious area, together with the lack of architectural character; and

WHEREAS, to address these issues, the Village Council has created an ad-hoc committee to review and evaluate changes to the zoning regulations for the R-1 Single-Family Dwelling Zoning District and to declare a Zoning in Progress that would allow homes to be constructed and renovated within the R-1 District subject to certain parameters relating to the height of two-story homes, the massing of the second story and the amount of landscaped open space; and

WHEREAS, the Village Council further wishes to allow for waivers from these standards to be reviewed by the Planning Commission; and

WHEREAS, the Village Council determines that the adoption of this Ordinance is in the best interests of the residents and citizens of the Village of North Palm Beach.

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

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

Section 2. As of the effective date of this Ordinance, all applications for building permits relating to the construction or renovation of single-family homes in the R-1 Single-Family Dwelling Zoning District shall comply with the following requirements:

A. Minimum landscaped area.

- (1) All one-story single-family homes shall have a minimum landscaped area of thirty-five percent (35%).
- (2) All two-story single-family homes shall have a minimum landscaped area of forty percent (40%).
- (3) All single-family homes (both one and two story) shall provide a minimum landscaped area of fifty percent (50%) in the required twenty-five foot (25') front yard setback. Properties with frontage along collector roads (Lighthouse Drive and Prosperity Farms Road) shall provide a minimum landscaped area of forty percent (40%) in the required twenty-five foot (25') front setback. Properties that have an irregular lot shape, meaning a lot which is not close to rectangular or square, and in which the width of the property at the front property line is less than required by the underlying zoning district shall provide a minimum landscaped area of twenty-five percent (25%) in the required twenty-five foot (25') front setback.

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

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

B. Building height

All single-family homes shall be limited to two stories and thirty feet (30') in height for flat roofs and thirty-five feet (35') feet for all other types of roofs, including gable, hip, gambrel and shed roofs.

For the purposes of this subsection, height shall be measured from the average elevation of the existing grade prior to land alteration for properties outside of special flood hazard areas and from the required design flood elevation for properties within special flood hazard areas. Height shall be measured to the highest point of the following:

- (1) the coping of a flat roof and the deck lines on a mansard roof;
- (2) the average height level between the eaves and roof ridges or peak for gable, hip or gambrel roofs; or
- (3) the average height between high and low points for a shed roof.

Decorative architectural elements, chimneys, mechanical equipment, non-habitable cupolas, elevator shafts or similar appurtenances shall be excluded from the foregoing height restrictions.

C. Second-story floor area

The floor area of the second story of a single-family home shall be limited to seventy-five percent (75%) of the floor area of the first story.

For the purposes of this subsection, floor area shall mean all space within the exterior walls of a structure and shall include roofed patios or balconies for the second story.

D. Waivers

An applicant for a building permit for a single-family residence may seek one or more waivers from the standards set forth in this Ordinance. The Planning Commission may approve waivers to these standards provided that the proposed residence otherwise meets the general intent of this Ordinance and the requested waiver does not:

1. Exceed the maximum building height by more than five (5) feet;
2. Reduce any required minimum landscaped area requirement by more than five percent (5%); and
3. Increase the limitation on the floor area of the second story by more than five percent (5%).

Waiver requests shall be filed with the Community Development Director, and the Director shall place the request on the next available Planning Commission agenda. The applicant shall be required to notify all adjacent property owners, including the owners of properties separated from the applicant's property by a public or private right-of-way, of the Planning Commission's consideration of the waiver request. Such notice shall be on a form supplied by the Community Development Department. Ownership shall be determined utilizing the County Property Appraiser's database. A least seven (7) days prior to the Planning Commission's consideration of the waiver request, the applicant shall provide a notarized certification that such notice has been provided to all adjacent property owners either via first-class mail or hand-delivery. No additional notice shall be required.

Section 3. This Zoning in Progress shall expire six (6) months from its effective date or the date the Village Council formally adopts revisions to the zoning regulations for the R-1 Single-Family Dwelling District, whichever shall first occur. If the Village Council determines that additional time is necessary to review and adopt such revisions, the Village Council may extend the Zoning in Progress by resolution for an additional six (6) month period.

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

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

Section 6. This Ordinance shall take effect immediately upon adoption and shall apply to all building permit applications for single-family homes in the R-1 Single-Family Zoning District submitted after the effective date.

PLACED ON FIRST READING THIS 11TH DAY OF OCTOBER, 2021.

PLACED ON SECOND, FINAL READING AND PASSED THIS 28TH DAY OF OCTOBER, 2021.




MAYOR


VILLAGE CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


VILLAGE ATTORNEY