

**ORDINANCE NO. 2022-\_\_\_**

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, IMPLEMENTING THE RECOMMENDATIONS OF THE AD HOC COMMITTEE; AMENDING ARTICLE V, "STORMWATER MANAGEMENT," OF CHAPTER 21, "PLANNING AND DEVELOPMENT," BY AMENDING SECTION 21-67, "POST DEVELOPMENT RUNOFF RATES, VOLUMES AND POLLUTANT LOADS," TO IMPOSE SPECIFIC REQUIREMENTS APPLICABLE TO POSTDEVELOPMENT RUNOFF, AND SECTION 21-70, "WATER QUALITY," TO PROVIDE STANDARDS FOR CONSTRUCTION SITE RUNOFF; AMENDING ARTICLE I, "IN GENERAL," AND ARTICLE III, "DISTRICT REGULATIONS," OF APPENDIX C (CHAPTER 45) BY AMENDING SECTION 45-2, "DEFINITIONS," TO DEFINE THE TERMS AVERAGE ELEVATION AND LANDSCAPED AREA AND SECTION 45-27, "R-1 SINGLE-FAMILY DWELLING DISTRICT," TO REGULATE THE HEIGHT OF TWO-STORY STRUCTURES, REQUIRE A MINIMUM LANDSCAPED AREA, AND LIMIT THE WIDTH OF DRIVEWAYS IN SWALE AREAS; EXTENDING THE ZONING IN PROGRESS RELATING TO SECOND-STORY FLOOR AREA FOR AN ADDITIONAL SIX MONTHS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, through the adoption of Ordinance No. 20021-10, the Village Council enacted a zoning in progress for the R-1 Single-Family Dwelling Zoning District subject to certain parameters relating to the height of two-story homes, the massing of the second story and the amount of required landscaped open space; and

WHEREAS, the Village Council created an Ad Hoc Committee to review and evaluate changes to the Village's residential zoning regulations during the pendency of the Zoning in Progress; and

WHEREAS, the Ad Committee has reviewed the regulations and recommended revisions to the regulations governing height and landscaped open space within the R-1 Single-Family Dwelling Zoning Districts, as well as additional revisions to the Zoning Code relating to stormwater discharge and driveway widths; and

WHEREAS, the Village Council wishes to extend the Zoning in Progress for an additional six months as it pertains the second-story floor area for single-family dwellings; and

WHEREAS, on April 4, 2022, the Planning Commission, sitting as the Local Planning Agency, conducted a public hearing to review this Ordinance and provide a recommendation to the Village Council; and

WHEREAS, having considered the recommendation of the Planning Commission and conducted all required advertised public hearings, the Village Council determines that the adoption of this

1 Ordinance is in the interests of the health, safety and welfare of the residents of the Village of  
2 North Palm Beach.

3  
4 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE  
5 OF NORTH PALM BEACH, FLORIDA as follows:  
6

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

8  
9 Section 2. The Village Council hereby amends Article V, “Stormwater Management,” of  
10 Chapter 21, “Planning and Development,” to read as follows (additional language underlined and  
11 deleted language ~~stricken through~~):  
12

13 ARTICLE V. STORMWATER MANAGEMENT

14  
15 \* \* \*

16  
17 **Sec. 21-67. Postdevelopment runoff rates, volumes and pollutant loads.**

18  
19 The developer/owner of any site shall be responsible for the on-site  
20 management of stormwater runoff in a manner such that postdevelopment runoff  
21 rates, volumes and pollutant loads do not exceed predevelopment conditions as per  
22 chapters 40E-4, 40E-40 and/or 40E-41, Florida Administrative Code. After  
23 redevelopment, any offsite runoff allowed by the predevelopment conditions shall  
24 be directed to the swale or a privately-owned local stormwater management system  
25 for treatment. Any additional postdevelopment runoff created shall be retained on  
26 site. No predevelopment or postdevelopment runoff shall be directed towards  
27 adjacent properties, including waterbodies.  
28

29 (a) A conceptual grading and drainage plan with existing and proposed  
30 site elevations shall be provided if a property is being re-graded  
31 before, during, or after construction. The Community Development  
32 Director may waive the need for a conceptual grading and drainage  
33 plan when only minimal grading will occur. The Community  
34 Development Director or the Building Official may require  
35 engineered plans demonstrating that the postdevelopment runoff  
36 rates do not exceed predevelopment conditions and that all runoff is  
37 either retained on site or directed towards the swale or a privately-  
38 owned local stormwater management system.  
39

40 (b) When onsite storage is required, an as-built survey, signed and  
41 sealed by a licensed Florida surveyor, documenting proper  
42 construction and required volume of the storage system, must be  
43 submitted to and approved by the Building Official prior to permit  
44 closeout or the issuance of a certificate of occupancy. For an under-  
45 ground system, a notarized letter from the general contractor, along  
46 with as-built plans and construction photographs, will be sufficient  
47 to demonstrate proper construction.  
48

1 (c) Subsequent to the approval of the property owner's final grading,  
2 including on-site and/or stormwater storage, and closeout of the  
3 applicable permit or issuance of a certificate of occupancy, the  
4 improvements shall be maintained in perpetuity by the property  
5 owner.

6  
7 (c) When onsite storage is required, the property owner shall execute  
8 and record in the county's public records a declaration of restrictive  
9 covenant, in a format approved by the village, identifying and  
10 describing the required on-site storage improvements to be  
11 maintained prior to permit closeout or the issuance of a certificate  
12 of occupancy. The declaration shall be binding on all successors  
13 and assigns.

14  
15 (d) In order to ensure compliance with the provisions of this section and  
16 the requirements to maintain onsite stormwater improvements over  
17 time, the village is authorized to conduct inspections of real  
18 property, upon reasonable notice and at reasonable times, for the  
19 purpose of inspecting said property and/or onsite storage  
20 improvements for compliance with this section and with any  
21 applicable conditions of previously issued permits. In addition to  
22 any other remedies provided by law or by this code, upon  
23 notification by the Community Development Director, the failure to  
24 maintain the improvements will require restoration within a time  
25 frame stipulated by the Director. If restoration is not timely  
26 completed, the village shall have the right to complete the  
27 restoration, and recover the actual costs incurred, including  
28 administrative costs, from the then property owner and may file a  
29 lien against the property for the amount of such costs if they remain  
30 unpaid for thirty (30) days after the village's demand for payment.

31  
32 \* \* \*

33  
34 **Sec. 21-70. Water quality.**

35  
36 (a) *Definitions.*

37  
38 (1) *Authorized official:* Any employee of the village authorized  
39 in writing by the director to administer or enforce the  
40 provisions of this article.

41  
42 (2) *Director:* The director of community development.

43  
44 (3) *Discharge:* Any direct or indirect entry of any solid, liquid  
45 or gaseous matter.

46  
47 (4) *Person:* Any natural individual, corporation, partnership,  
48 institution, or other entity.

1 (5) *Site of industrial activity*: Any area or facility used for  
2 manufacturing, processing or raw materials storage, as  
3 defined under 40 CFR Section 122.26(a)(14) of regulations  
4 of the U.S. Environmental Protection Agency, as amended.  
5

6 (6) *Stormwater*: Any stormwater runoff, and surface runoff and  
7 drainage.  
8

9 (7) *Stormwater system*: The system of conveyances used for  
10 collecting, storing, and transporting stormwater owned by  
11 the village but not including any facilities intended to be  
12 used in accordance with applicable law for collecting and  
13 transporting sanitary or other wastewater.  
14

15 (b) *Water quality*. In order to minimize the degradation of water quality  
16 in receiving bodies, all development will be provided with  
17 landscaped areas, grassed areas or other natural vegetated areas to  
18 receive runoff from buildings, pavement or other impervious areas  
19 to the degree that pollutants from these areas may be absorbed by  
20 the vegetation or percolated into the soil. No runoff from such  
21 impervious areas shall be discharged directly into any inlet or storm  
22 sewer without first being given the opportunity to pass through a  
23 natural vegetated area. All potential areas of soil erosion shall be  
24 protected to minimize siltation transport by flowing water.  
25

26 (c) ~~{Construction site runoff.}~~ To protect and preserve water quality,  
27 Best Management Practices (BMPs) for construction site runoff, as  
28 ~~contained in Chapter 4.0 of the Palm Beach County, 208 Area-wide~~  
29 ~~Waste Treatment Management Plan~~, shall be employed. These shall  
30 include the preparation of a stormwater pollution prevention plan or  
31 an equivalent document and the installation of erosion and sediment  
32 controls. Construction staff is required to take corrective action as  
33 needed and conduct inspections every seven (7) days or when one-  
34 half inch (0.5") or greater of rainfall occurs within a twenty-four  
35 (24) hour period. All controls shall be consistent with the  
36 performance standards for erosion and sediment control and  
37 stormwater treatment set forth in Chapter 62-40.432, F.A.C., the  
38 applicable Stormwater or Environmental Resource Permitting  
39 requirements of the Florida Department of Environmental  
40 Protection or the South Florida Water Management District, and the  
41 guidelines contained in the *Florida Development Manual: A guide*  
42 to Sound Land and Water Management (DEP, 1988) and any  
43 subsequent amendments.  
44

45 (d) *Industrial activity*.  
46

- 1 (1) *General provisions.* Any discharge into the stormwater  
2 system in violation of any federal, state, county, municipal  
3 or other law, rule, regulation or permit is prohibited.  
4  
5 (2) *Specific prohibitions.* By adoption of industrial activity  
6 stormwater regulations or by issuance of industrial activity  
7 stormwater permits, or both, the director may impose  
8 reasonable limitations as to the quality of stormwater  
9 (including without limitation the designation of maximum  
10 levels of pollutants) discharged into the stormwater system  
11 from sites of industrial activity. Any promulgation of such  
12 regulations and issuance of permits by the director shall be  
13 in accordance with applicable law.  
14  
15 (3) *Administrative orders.* The director may issue an order to  
16 any person to immediately cease any discharge determined  
17 by the director to be in violation of any provision of this  
18 section, or in violation of any regulation or permit issued  
19 hereunder.  
20  
21 (4) *NPDES permits.* Any person who holds a National Pollutant  
22 Discharge Elimination System (NPDES) permit shall  
23 provide a copy of such permit to the director no later than  
24 the later of: sixty (60) calendar days after the effective date  
25 of Ordinance No. 8-93 or sixty (60) calendar days after  
26 issuance.

27  
28 (e) *Illicit discharges.*

- 29  
30 (1) *General prohibitions.* Except as set forth in section 21-  
31 70(e)(3) or as in accordance with a valid NPDES permit, any  
32 discharge to the stormwater system that is not composed  
33 entirely of stormwater is prohibited.  
34  
35 (2) *Specific prohibitions.* Any discharge to the stormwater  
36 system containing any sewage, industrial waste or other  
37 waste materials, or containing any materials in violation of  
38 federal, state, county, municipal, or other laws, rules,  
39 regulations, orders or permits, is prohibited.  
40  
41 (3) *Authorized exceptions.* Unless the director determines that it  
42 is not properly managed or otherwise is not acceptable, the  
43 following discharges are exempt from the general  
44 prohibition set forth under section 21-70(e)(1): flows from  
45 firefighting, water line flushing and other contributions from  
46 potable water sources, landscape irrigation and lawn  
47 watering, irrigation water, diverted stream flows, rising  
48 groundwaters, direct infiltration to the stormwater system,

1 uncontaminated pumped groundwater, foundation and  
2 footing drains, water from crawl space pumps, air  
3 conditioning condensation, springs, individual residential  
4 car washings, flows from riparian habitats and wetlands, and  
5 de-chlorinated swimming pool contributions.  
6

7 (4) *Illicit connections.* No person may maintain, use or establish  
8 any direct or indirect connection to the stormwater system  
9 that results in any discharge in violation of this section. This  
10 prohibition is retroactive and applies to connections made in  
11 the past, regardless of whether made under a permit, or other  
12 authorization, or whether permissible under laws or practices  
13 applicable or prevailing at the time the connection was made.  
14

15 (5) *Administrative order.* The director may issue an order to any  
16 person to immediately cease any discharge, or any  
17 connection to the stormwater system, determined by the  
18 director to be in violation of any provision of this section, or  
19 in violation of any regulation or permit issued hereunder.  
20

21 (f) *Spills and dumping.*  
22

23 (1) *General prohibitions.* Except as set forth under section 21-  
24 70(e)(3) or as in accordance with a valid NPDES permit, any  
25 discharge to the stormwater system that is not composed  
26 entirely of stormwater is prohibited.  
27

28 (2) *Specific prohibitions.* Any discharge to the stormwater  
29 system containing any sewage, industrial waste or other  
30 waste materials, or containing any materials in violation of  
31 federal, state, county, municipal, or other laws, rules,  
32 regulations, orders or permits, is prohibited.  
33

34 (3) *Notification of spills.* As soon as any person has knowledge  
35 of any discharge to the stormwater system in violation of this  
36 section, such person shall immediately notify the director by  
37 telephone or other direct means and if such person is directly  
38 or indirectly responsible for such discharge, then such  
39 person shall also take immediate action to ensure the  
40 containment and clean up of such discharge and shall  
41 confirm such telephone notification in writing to the director  
42 within three (3) calendar days.  
43

44 (4) *Administrative order.* The director may issue an order to any  
45 person to immediately cease any discharge, or connection to  
46 the stormwater system, determined by the director to be in  
47 violation of any provision of this section, or in violation of  
48 any regulation or permit issued hereunder.

1 (g) *Enforcement.*

2  
3 (1) *Injunctive relief.* Any violation of any provision of this  
4 section, or of any regulation or order issued hereunder, shall  
5 be subject to injunctive relief if necessary to protect the  
6 public health, safety or general welfare.

7  
8 (2) *Continuing violation.* A person shall be deemed guilty of a  
9 separate violation for each and every day during any  
10 continuing violation of any provision of this section, or of  
11 any regulation or permit issued hereunder.

12  
13 (3) *Enforcement actions.* The director may take all actions  
14 necessary, including the issuance of notices of violation and  
15 the filing of court actions, and/or request enforcement by the  
16 village code enforcement board to require and enforce  
17 compliance with the provisions of this section and with any  
18 regulation or permit issued hereunder.

19  
20 (h) *Inspections and monitoring.*

21  
22 (1) *Authority for inspections.* Whenever necessary to make an  
23 inspection to enforce any of the provisions of this section, or  
24 regulation or permit issued hereunder, or whenever an  
25 authorized official has reasonable cause to believe there  
26 exists any condition constituting a violation of any of the  
27 provisions of this section, or regulation or permit issued  
28 hereunder, any authorized official may enter any property,  
29 building or facility at any reasonable time to inspect the same  
30 or to perform any duty related to enforcement of the  
31 provisions of this section or any regulations or permits  
32 issued hereunder; provided that (a) if such property, building  
33 or facility is occupied, such authorized official shall first  
34 present proper credentials and request permission to enter,  
35 and (b) if such property, building or facility is unoccupied,  
36 such authorized official shall make a reasonable effort to  
37 locate the owner or other person having charge or control of  
38 the property, building or facility, and shall request  
39 permission to enter. Any request for permission to enter  
40 made hereunder shall state that the owner or person in  
41 control has the right to refuse entry, and that in such event is  
42 refused, the authorized official may enter to make inspection  
43 only upon issuance of a search warrant by a duly authorized  
44 magistrate. If the owner or person in control refuses  
45 permission to enter after such request has been made, the  
46 authorized official is hereby authorized to seek assistance  
47 from any court of competent jurisdiction in obtaining entry.  
48 Routine or area-wide inspections shall be based upon such

1 reasonable selection processes as may be necessary to carry  
2 out the purposes of this section, including but not limited to  
3 random sampling and sampling in areas with evidence of  
4 stormwater contamination, non-stormwater discharges, or  
5 similar factors.  
6

7 (2) *Authority for monitoring and sampling.* Any authorized  
8 official may establish on any property such devices as are  
9 necessary to conduct sampling or metering of discharges of  
10 the stormwater system. During any inspections made to  
11 enforce the provisions of this section, or regulations or  
12 permits issued hereunder, any authorized official may take  
13 any samples deemed necessary.  
14

15 (3) *Requirements for monitoring.* The director may require any  
16 person engaging in any activity or owning any property,  
17 building or facility (including but not limited to a site of  
18 industrial activity) to undertake such reasonable monitoring  
19 of any discharge(s) to the stormwater system and to furnish  
20 periodic reports.  
21

22 Section 2. The Village Council hereby amends Article I, “In General,” of Appendix C  
23 (Chapter 45), “Zoning of the Village Code of Ordinances by amending Section 45-2,  
24 “Definitions,” to read as follows (additional language is underlined):  
25

26 **Sec. 45-2. Definitions.**  
27

28 For the purpose of this Code, certain words and terms are defined as follows:  
29

30 \* \* \*

31 Average elevation shall be used to calculate the maximum allowable height  
32 of single-family dwellings within the R-1 Zoning District that are not located within  
33 a special flood hazard area. The average elevation is an average of the existing  
34 elevation of the buildable area of a lot prior to any land alteration. The average  
35 elevation shall be calculated by the mathematical average of elevation points  
36 dispersed at approximately ten-foot equidistant intervals across the buildable area  
37 of a parcel. Where required, the average elevation survey shall be submitted with  
38 construction plans, and the calculated average elevation shall be depicted on all  
39 exterior elevation sheets of the construction plans.  
40

41 \* \* \*

42  
43 Landscaped area means a pervious landscaped area unencumbered by  
44 structures, buildings, paved or grass parking lots, sidewalks, pools, decks, or any  
45 impervious surface. Landscape material shall include, but not be limited to, grass,  
46 ground covers, bushes, shrubs, hedges or similar plantings, or decorative rock or  
47 bark.  
48



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2  
3 Section 3. The Village Council hereby amends Article III, “District Regulations,” of  
4 Appendix C (Chapter 45), “Zoning,” of the Village Code of Ordinances by amending Section 45-  
5 27, “R-1 Single-Family District,” to read as follows (additional language is underlined and deleted  
6 language is ~~stricken through~~):  
7

8 **Sec. 45-27. R-1 single-family dwelling district.**  
9

10 A. *Uses permitted.* Within any R-1 single-family dwelling district no  
11 building, structure, land or water shall be used except for one (1) or  
12 more of the following uses:  
13

- 14 1. Single-family dwellings with accessory buildings  
15 customarily incident thereto, subject to each of the  
16 requirements set forth in this section and throughout this  
17 chapter.
- 18 2. Public schools.
- 19 3. Parks and recreation facilities owned or leased by or  
20 operated under the supervision of the Village of North Palm  
21 Beach.
- 22 4. Detached fence storage areas.
- 23 5. Satellite dish antenna.
- 24 6. Community residential homes. Community residential  
25 homes of six (6) or fewer residents which otherwise meet the  
26 definition of a community residential home, provided that  
27 such homes shall not be located within a radius of one  
28 thousand (1,000) feet of another existing such home with six  
29 (6) or fewer residents.
- 30 7. Family day care home.
- 31 8. Lamp post.
- 32 9. Decorative post structure.

33 B. *Building height regulations.* ~~No main building shall exceed two (2)~~  
34 ~~stories in height and no accessory building more than one (1) story.~~  
35 All single-family dwellings shall be limited to two (2) stories and  
36 thirty feet (30’) in height for flat roofs and mansard roofs and thirty-  
37 two feet (32’) feet in height for all other types of roofs, including,  
38 but not limited to, gable, hip, gambrel and shed roofs. For the  
39 purposes of this subsection, height shall be measured from the  
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1 average elevation of the existing grade prior to land alteration for  
2 properties outside of special flood hazard areas and from the  
3 required design flood elevation for properties within special flood  
4 hazard areas. Height shall be measured to the highest point of the  
5 following:  
6

- 7 1. the coping of a flat roof and the deck lines on a mansard roof;
- 8
- 9 2. the average height level between the eaves and roof ridges  
10 or peak for gable, hip or gambrel roofs; or
- 11
- 12 3. the average height between high and low points for a shed  
13 roof.
- 14

15 Decorative architectural elements, chimneys, mechanical  
16 equipment, non-habitable cupolas, elevator shafts or similar  
17 appurtenances shall be excluded from the foregoing height  
18 restrictions. Rooftops shall not be used for pools, decks, or other  
19 spaces to congregate.  
20

21 C. *Building site area regulations.* The minimum lot or building site  
22 area for each single-family dwelling shall be seven thousand five  
23 hundred (7,500) square feet and have a width of not less than  
24 seventy-five (75) feet, measured at the building line.  
25

26 D. *Yard space regulations.*

27

- 28 1. *Front yard.* There shall be a front yard of not less than  
29 twenty-five (25) feet measured from the street line to the  
30 front building line.  
31

- 32 2. *Rear yard.* There shall be a rear yard of not less than twenty  
33 (20) feet measured from the rear building line to the rear lot  
34 line.  
35

- 36 3. *Side yards.* There shall be a side yard on each side of the side  
37 building line of not less than ten (10) feet. In the case of  
38 corner lots, no building and no addition to any building shall  
39 be erected or placed nearer than twenty (20) feet to the side  
40 street line of any such lot.  
41

- 42 (a) For a distance of one block on streets intersecting  
43 U.S. #1, measured from the right-of-way line of said  
44 U.S. #1, side yards of at least twenty-five (25) feet in  
45 depth shall be provided.  
46

47 E. *Off street parking regulations.* At least one parking space measuring  
48 at least nine (9) feet by eighteen (18) feet (one hundred sixty-two (162)

1 square feet) shall be provided. All parking spaces shall consist of a durable  
2 surfaced area as approved by the community development director, and may  
3 be enclosed in the dwelling, in an accessory building or in an unenclosed  
4 area or a driveway. All vehicles parking on a lot must be parked on a durable  
5 surface.  
6

7 F. *Accessory structures.* One detached automobile garage and one  
8 open-air pavilion may be constructed on any lot within the R-1 single-  
9 family dwelling district provided that all requirements of this chapter are  
10 met. Open air pavilions shall be subject to the following additional  
11 conditions and restrictions:  
12

13 1. *Permitting.*

- 14 (a) All open-air pavilions must be permitted in  
15 accordance with all Florida Building Code and  
16 Village Code requirements.  
17
- 18 (b) Open-air pavilions meeting the definition of a  
19 traditional chickee hut are exempt from the Florida  
20 Building Code but shall be subject to consistency  
21 review by the village. Consistency shall be  
22 demonstrated through the issuance of a zoning  
23 permit and shall require the submittal of the  
24 following information:  
25
  - 26 (1) A survey that includes scaled dimensions of  
27 the proposed structure, including setbacks;
  - 28 (2) Proof that the builder of the chickee hut is a  
29 member of either the Miccosukee Tribe of  
30 Indians of Florida or the Seminole Tribe of  
31 Florida (such proof consisting of a copy of  
32 the tribal member's identification card); and
  - 33 (3) Drawings of the proposed structure  
34 depicting, at a minimum, the overall design,  
35 dimensions, roof materials, and height.  
36

37 2. *Dimensions.* Open-air pavilions shall not exceed two  
38 hundred (200) square feet in floor area. The floor area shall  
39 be measured from outside the support posts, provided that  
40 the roof overhang does not exceed three (3) feet from the  
41 support posts. If the roof overhang exceeds three (3) feet, the  
42 floor area shall consist of the entire roofed area. For  
43 structures supported by a single-pole, i.e., umbrella shape,  
44 the floor area shall be measured from the drip line of the roof  
45 material.  
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3. *Height.* Open-air pavilions shall not exceed twelve (12) feet in height or the height of the principal building located on the lot, whichever is more restrictive. For sloped roofs, the height shall be measured at the mean roof height.

4. *Location and Setbacks.*

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

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

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

5. *Use restrictions.*

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

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

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

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

(3) Ice boxes, refrigerators and other types of food storage facilities with the exception of under-counter units.

(c) No gas, charcoal or propane grills, stoves or other types of cooking devices may be stored or utilized within a traditional chickee hut.

1                   6.     *Maintenance.* Open-air pavilions shall be maintained in  
2                   good repair and in sound structural condition. Painted or  
3                   stained surfaces shall be free of peeling paint, mold and  
4                   mildew and void of any evidence of deterioration.

5  
6                   7.     *Design.*

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

14  
15               (b)    At the request of a property owner, the community  
16               development director may approve the use of  
17               different building materials or alternate architectural  
18               themes or styles when such materials, themes or  
19               styles are complementary to the main or principal  
20               building.

21  
22               (c)    Should the community development director deny  
23               the request for different building materials or  
24               alternate architectural themes or styles, a property  
25               owner may appeal this decision to the planning  
26               commission by submitting a written request for a  
27               hearing to the community development director  
28               within thirty (30) calendar days of the date of the  
29               determination. The appeal shall be placed on the next  
30               available agenda and the decision of the planning  
31               commission shall be final, subject only to judicial  
32               review by writ of certiorari.

33  
34               G.     *Mechanical equipment.* All non-roof-mounted mechanical  
35               equipment shall be located behind the front building face of the  
36               principal structure in either the side yard or the rear yard. Such  
37               equipment shall be located adjacent to the principal structure  
38               whenever practicable, provided, however, that all mechanical  
39               equipment shall be located at least five (5) feet from the side  
40               property line and at least seven and one-half feet (7½) from the rear  
41               property line.

42  
43               H.     *Minimum landscaped area.*

44  
45                   1.     All one-story single-family dwellings shall have a minimum  
46                   landscaped area of thirty percent (30%).  
47

1                   2.     All two-story single-family dwellings shall have a minimum  
2                   landscaped area of forty percent (40%).

3  
4                   3.     All single-family dwellings (both one and two story) shall  
5                   provide a minimum landscaped area of fifty percent (50%)  
6                   in the required twenty-five-foot (25') front yard setback.  
7                   Properties with frontage along collector roads (e.g.,  
8                   Lighthouse Drive and Prosperity Farms Road) shall provide  
9                   a minimum landscaped area of forty percent (40%) in the  
10                  required twenty-five-foot (25') front yard setback.  
11                  Properties having an irregular lot shape, meaning a lot which  
12                  is not close to rectangular or square and in which the width  
13                  of the property at the front property line is less than required  
14                  by the underlying zoning district, shall provide a minimum  
15                  landscaped area of twenty-five percent (25%) in the required  
16                  twenty-five-foot (25') front yard setback.

17  
18                  For the purposes of this subsection, the term minimum landscaped  
19                  area shall mean a pervious landscaped area unencumbered by  
20                  structures, buildings, paved or grass parking lots, sidewalks, pools,  
21                  decks, or any impervious surface. Landscape material shall include,  
22                  but not be limited to, grass, ground covers, bushes, shrubs, hedges  
23                  or similar plantings, or decorative rock or bark. No landscape  
24                  material shall be used for parking.

25  
26                  With respect to building permits for renovations of existing single-  
27                  family dwellings, the minimum landscaped area standards shall  
28                  apply only to the extent that the proposed scope of work impacts the  
29                  applicable standard.

30  
31                  I.     Maximum driveway width in swale. The total width of driveways  
32                  from the edge of a public roadway to the abutting privately-owned  
33                  property shall not exceed a total of thirty-two feet (32') in width for  
34                  any lot, including flare areas, at the location where said driveways  
35                  abut a public roadway. Each side of a flared driveway shall be no  
36                  more than three feet (3') wider than the rest of the driveway.

37  
38     Section 4.     The Zoning in Progress with respect to Section 2(C) of Ordinance No. 2021-10  
39     (“Second-story floor area”) shall remain in effect for an additional six (6) months from the  
40     effective date of this Ordinance. Property owners may still request a waiver pursuant to Section  
41     2(D) of Ordinance 2021-10. During this time, the Ad Hoc Committee shall continue its review of  
42     this provision and other potential revisions to the Village’s residential zoning regulations.

43  
44     Section 5.     The provisions of this Ordinance shall become and be made a part of the Code of  
45     the Village of North Palm Beach, Florida.

1 Section 6. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for  
2 any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void,  
3 such holding shall not affect the remainder of this Ordinance.  
4

5 Section 7. All ordinances or parts of ordinances and resolutions or parts of resolutions in  
6 conflict herewith are hereby repealed to the extent of such conflict.  
7

8 Section 8. This Ordinance shall take effect immediately upon adoption.  
9

10 PLACED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.  
11

12 PLACED ON SECOND, FINAL READING AND PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_,  
13 2022.  
14

15  
16 (Village Seal)

\_\_\_\_\_  
MAYOR

17  
18  
19  
20 ATTEST:

21  
22 \_\_\_\_\_  
23 VILLAGE CLERK  
24

25  
26 APPROVED AS TO FORM AND  
27 LEGAL SUFFICIENCY:  
28

29 \_\_\_\_\_  
30 VILLAGE ATTORNEY  
31