MEMORANDUM

TO: Andy Lukasik, Village Manager
FROM: Bill Spikowski
DATE: January 8, 2019
SUBJECT: Code Revisions – Joint Workshop on January 15 at 6:30 PM

Backup material is attached for the January 15th joint workshop of the Village Council and the Planning Commission. During this workshop we will cover chapters 1—13 and 29 of the code revisions, highlighting the following subjects:

1. Authority of Planning Commission under a new “site plan and appearance review” process (replacing “certificate of appropriateness”)
2. Planning Commission may grant certain waivers and special exceptions
3. Planning Commission to begin serving as the zoning board of adjustments
4. Revisions to the Village’s “Appearance Plan” as to architectural styles
5. New methods to specify which uses are permitted in certain zoning districts
6. Renaming all commercial zoning districts (to become more self-explanatory)
7. Changes to the current code’s “similar use” procedures
8. Revised landscaping code (incorporating Northlake Blvd. landscaping code)

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 code revisions for these chapters, with new language underlined and deleted language struck through. Yellow highlighting is used to call attention to the most important changes. Note that chapters 1 and 8 have been revised slightly since the November 1st draft of these revisions (which we had circulated previously).

I’m also attaching our preliminary schedule of additional workshops on these code revisions.
CODE UPDATE
VILLAGE OF NORTH PALM BEACH
DOVER, KOHL & PARTNERS SPIKOWSKI PLANNING
January 15, 2019

CODE UPDATE TIMELINE

2018

Workshop Agenda

Proposed Changes to North Palm Beach Codes
Workshop Agenda

1. Authority of Planning Commission under a new “site plan and appearance review” process (replacing “certificate of appropriateness”)
2. Planning Commission may grant certain waivers and special exceptions
3. Planning Commission to begin serving as the zoning board of adjustments
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7. Changes to the current code’s “similar use” procedures
8. Revised landscaping code (incorporating Northlake Blvd. landscaping code)
1. Authority of Planning Commission under a new “site plan and appearance review” process (replacing “certificate of appropriateness”)

4. Proposed Changes to Planning Commission & Board of Adjustment (§§ 21-3–21-22)

(5) The planning commission has additional duties pursuant to the appearance code that include site plan and appearance review (see sections 6-30 through 6-60), and the authority to approve special exceptions and waivers on land in the C-MU and C-NB zoning districts only (see sections 45-16.2 and 45-51).
3. Planning Commission to begin serving as the zoning board of adjustment

4. Proposed Changes to Planning Commission & Board of Adjustment (§§ 21-3-21-22)

ARTICLE III. - BOARD OF ADJUSTMENT

Sec. 21-21. - Composition; conduct generally.

(a) Created. The planning commission shall serve as the zoning board of adjustment for the village, hereby created.

(b) Related board. The duties and authority of the zoning board of adjustment are separate from the duties and authority of the construction board of adjustment and appeals (see sections 6-18 and 12.5-7). Membership terms, alternate commissions. The board of adjustment shall consist of five (5) persons who shall serve for three (3) years and two (2) alternates who shall serve for one (1) year terms. At the first appointment of members to the board of adjustment, two (2) regular members shall be appointed for a term of three (3) years, two (2) regular members shall be appointed for a term of two (2) years, and one (1) regular member shall be appointed for a term of one (1) year. Thereafter, each appointment shall be for a three (3) year term. All

Chapter 4 Pages 3 to 5 (of 7) §§ 21-11 & 21-21

4. Revisions to the Village’s “Appearance Plan” as to architectural styles

B. RELATIONSHIP OF BUILDING AND SITE TO ADJOINING AREA

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

2. Attractive landscape transitions to adjoining properties are encouraged.

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 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 mid-century modern.

Chapter 6 Pages 2 to 4 (of 4) §§ IV A – D

4. Revisions to the Village’s “Appearance Plan” as to architectural styles
4. Revisions to the Village’s “Appearance Plan” as to architectural styles

Anglo-Caribbean architecture

Florida vernacular architecture

Mid-century modern architecture
4. Revisions to the Village’s “Appearance Plan” as to architectural styles

5. New methods to specify which uses are permitted in zoning districts

<table>
<thead>
<tr>
<th>Use Group</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobile home park</td>
<td>Defined earlier in section 45-2.</td>
</tr>
<tr>
<td>Dwelling, one family detached</td>
<td>A building containing one detached unit that is not attached to any other dwelling by any means (see definition of dwelling and dwelling unit earlier in section 45-2).</td>
</tr>
<tr>
<td>Dwelling, all other dwelling types</td>
<td>(See definition of dwelling and dwelling unit earlier in section 45-2).</td>
</tr>
<tr>
<td>Live/Work unit</td>
<td>A single dwelling unit in a detached building, or in a multifamily or mixed-use building, that also accommodates permitted commercial uses within the dwelling unit.</td>
</tr>
</tbody>
</table>

## Residential Use-Group Definitions:

**Mobile home park** is defined earlier in section 45-2.

**Dwelling, one family detached** is a building containing a single detached unit that is not attached to any other dwelling by any means (see definition of dwelling and dwelling unit earlier in section 45-2).

**Dwelling, all other dwelling types** (see definition of dwelling and dwelling unit earlier in section 45-2).

**Live/Work unit** is a single dwelling unit in a detached building, or in a multifamily or mixed-use building, that also accommodates permitted commercial uses within the dwelling unit.

5. New methods to specify which uses are permitted in zoning districts
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<table>
<thead>
<tr>
<th>RESIDENTIAL USES</th>
<th>PERMITTED</th>
<th>SPECIAL</th>
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<tr>
<td>Mobile home park</td>
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<tr>
<td>Dwelling, one family detached</td>
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<tr>
<td>Dwelling, all other dwelling types</td>
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<tr>
<td>Live/work unit</td>
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<tr>
<td>Work/live unit</td>
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<tr>
<td>Assisted living facility</td>
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<tr>
<td>Community residence</td>
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<tr>
<td>Community residential home</td>
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<th>LODGING USES</th>
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<td>Hotel</td>
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<tr>
<td>Motel</td>
<td>•</td>
<td></td>
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<tr>
<td>Time-share unit</td>
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</table>

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<th>BUSINESS USES</th>
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<tr>
<td>Offices, general</td>
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<td></td>
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<tr>
<td>Office or clinic, medical or dental</td>
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<tr>
<td>Stores &amp; services, general</td>
<td>•</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stores &amp; services, large format</td>
<td>•</td>
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</tbody>
</table>

6. Renaming commercial zoning districts (to become more self-explanatory)

- C-T Transitional commercial district [currently C-C]
- C-N Neighborhood commercial district [currently C-1A]
- C-C Community commercial district [currently C-1]
- C-H Highway commercial district [currently C-2]
- C-NB Northlake Boulevard highway business district [currently NBOZ]
- C-MU Mixed-use US-1 district [currently C-A]

7. Changes to the current code’s “similar use” procedures

11. PROPOSED CHANGES TO SIMILAR USES (§ 45-16.1)

Sec. 45-16.1. - Similar uses.

(a) The community development director shall determine which uses proposed as a use within a commercial or mixed-use zoning district have substantially the same characteristics as a use not specifically listed as a permitted use, but possessing characteristics that are similar to a permitted use, but not substantially the same, may be established only upon written application to the community development director for a special use permit.

- Proposed uses with substantially the same characteristics...
- Proposed uses with characteristics that are SIMILAR, but not substantially the same...
§ 45-81.B Landscape principles. The village promotes Florida-friendly landscaping as defined in F.S. § 373.185 and requires that installed landscapes be designed and maintained with full consideration of the following principles:

1. Specify the right plant in the right place by selecting pest-resistant plants that match the site's soil, light, water, and climate conditions, with an aim for a diversity of trees, shrubs, groundcover, and flowers.

2. Design for more efficient irrigation by grouping plants with similar watering needs together and zoning the irrigation system accordingly.

3. Select sustainably harvested mulch for landscape beds and around tree trunks.

4. Use proper maintenance practices, including fertilizing appropriately to prevent pollution and maximize plant health and spot-treating pests with selective spectrum pesticides.
8. Revised landscaping code (incorporating Northlake Bl. landscaping code)

A. **Applicability.** The provisions of this article shall apply to all existing and future development within the boundaries of the NBOZ village as follows:

1. **New development.** All new development and substantial redevelopment.

2. **Existing development.** All existing multifamily, mixed-use, commercial, and industrial development shall conform with the provisions of the article by May 31, 2014, if requesting any of the following types of changes to existing development or to a previously approved development plan:
   a. Increase in the total square footage of any building by more than twenty (20) percent;
   b. Increase in the number of structures; or
   c. Increase in the building height of any building.

3. **Existing development along Northlake Boulevard.** See section 45-83.

D. **Notice of nonconforming status.** In 2003, the village required that all existing development along Northlake Boulevard conform with new landscaping regulations within a period of eight years. On any properties where this requirement has not been met, the 2003 requirement remains in effect until compliance has been achieved. Upon the effective date of this article or upon the future annexation of properties, the village shall contact the owners of all properties developed for nonresidential purposes that do not comply with the provisions of this article. The village shall advise the owners to remediate.

B. **Preferred Low-maintenance species list.** For required landscaping, 75 percent of trees and shrubs shall be selected from “Low-Maintenance Landscape Plants for South Florida” (latest edition published by the University of Florida IFAS Extension office). Low-maintenance plants have low fertilizer requirements, few pest and disease problems, and do not require frequent maintenance. Some low-maintenance species are identified in this publication as native species; certain landscaping requirements in this article include a minimum percentage of these native species. The preferred species list contained in section 4-7 periodically revised, as needed. To the extent it is practicable, the village shall select drought-tolerant species.
8. Revised landscaping code (incorporating Northlake Bl. landscaping code)

Sec. 45-85. 6-6. - Prohibited and standard invasive plants.

A. Prohibited plantings.
   A. Artificial plants or vegetation may not be used to meet the landscaping requirements of this article. shall be prohibited.

B. Prohibited plants shall not be planted within the village, NBOZ, and existing prohibited plants shall be removed if determined to be invading adjacent native plant communities. The list of prohibited plant species shall include all species identified as Category 1 & Category 2 invasive species on “List of Invasive Plant Species” (latest edition published by the Florida Exotic Pest Plant Council), specifically including the following species: if not limited to Casurina spp. (Australian Pine), Ficus bengalensis (Banyan), Supaniopsis anacardioides (Carrotwood), Acacia auriculiformis (Earleaf Acacia), Pueraria montana (Kudzu), and Melaleuca quinquenervia (Melaleuca/Pink Tree/Peach Tree).

C. All existing Category 1 invasive species shall be removed from existing development if the thresholds in section 45-82. A. 2 are exceeded.

Chapter 29 Page 6 (of 29) § 45-85

8. Revised landscaping code (incorporating Northlake Bl. landscaping code)

Sec. 45-87. 6-6. - Criteria for required landscaping.

Minimum landscape requirements.

A. Required landscaped areas. The following areas are nonresidential developments shall be required to provide landscaping: as required herein:

1. Miscellaneous landscape elements, as required in section 45-88;
2. Off-street parking lots, Vehicle use areas as required in section 45-89.6-8;
3. Site perimeters, as required in section 45-90; and
4. Building base of foundation, as required by section 45-91.6-12; and
5. Signs as required by article 7.

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8. Revised landscaping code (incorporating Northlake Bl. landscaping code)

Table 45-87-4. 6-6.4

<table>
<thead>
<tr>
<th>Plant Material</th>
<th>Minimum Size at Planting</th>
<th>Landscape Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trees</td>
<td>8 feet tall at planting, with a minimum crown at planting</td>
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<tr>
<td></td>
<td>3 feet (c)</td>
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<td></td>
<td>50% of required trees shall be selected from the preferred plant list</td>
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<tr>
<td></td>
<td>75% of required trees shall be low maintenance</td>
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<tr>
<td></td>
<td>50% of required trees shall be large shade trees</td>
<td></td>
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<td></td>
<td>25% of required trees shall be native trees</td>
<td></td>
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<tr>
<td>Palms</td>
<td>8 feet when used for required buffer or parking purpose</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 palms equals 1 required shade canopy tree</td>
<td></td>
</tr>
<tr>
<td></td>
<td>75% of required palms shall be low maintenance</td>
<td></td>
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<tr>
<td></td>
<td>25% of required palms shall be native trees</td>
<td></td>
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<tr>
<td>Specimen Palms</td>
<td>12 feet tall at planting, with a 6-inch minimum caliper</td>
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<td></td>
<td>1 specimen palm shall equal 1 shade tree or 3 palms</td>
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</tbody>
</table>

Chapter 29 Page 10 (of 29) § 45-87.C
8. Revised landscaping code (incorporating Northlake Bl. landscaping code)

D. **Minimum Landscape points to exceed minimum standards.** In addition to meeting all other landscaping requirements, each development parcel must supplement the minimum standards by qualifying for additional landscape points. Points are awarded for landscape material and improvements that exceed the minimum standards, including exceeding the size and volume of required material.

1. Parcels less than 1 acre must exceed the minimum standards by 50 points.
2. Parcels between 1 and 2 acres must exceed the minimum standards by 100 points.
3. Parcels larger than 2 acres must exceed the minimum standards by 150 points.

Tables 4-8B and 4-8C shall be used to determine the minimum landscape points per open space a project shall be required to provide.

K. **Native and drought-tolerant trees.** A minimum of fifty (50) twenty-five (25) percent of all trees used to satisfy the standards of this article shall be classified as native species (see section 45-84). In addition, fifty (50) percent shall be classified as drought-tolerant by the most recent edition of the South Florida Water Management District’s "Xeriscape Plant Guide."

L. **Shrubs and hedges; ground covers.**

1. At least fifty (50) twenty-five (25) percent of all required hedges and shrubs shall be classified as native species (see section 45-84), drought tolerant by the most recent edition of the South Florida Water Management District’s "Xeriscape Plant Guide."
8. Revised landscaping code (incorporating Northlake Bl. landscaping code)

B. Landscape islands.

1. **Interior islands.** An interior landscape island shall be required for every nine (9) parking spaces located in a row or fraction thereof:
   a. Interior islands shall be spaced a maximum of ninety (90) feet apart.
   b. Interior islands shall measure at least (15) feet in length and eight (8) feet in width (or five (5) feet in width for parcels less than 1 acre), excluding required curbing.
   c. A minimum of one hundred twenty (120) square feet of pervious surface areas shall be provided.
   d. A minimum of one (1) shade tree shall be planted in each interior island, in addition to shrubs and mulch or ground cover.

2. **Terminal islands.** Each row of parking spaces shall be terminated by landscape islands:
   a. Terminal islands shall measure at least (15) feet in length and

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**Workshop Agenda**

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CHAPTER 6, ARTICLE I

ARTICLE I. - IN GENERAL

Sec. 6-1. - Construction on public land prohibited.

It shall be unlawful for any person to erect or maintain, or to permit the
erection or maintenance of any structure of any kind, including a wall upon,
across, over or under any portion of any publicly dedicated utility or drainage
easement area in the village. This prohibition does not apply to sidewalks or paths
of any kind that are lawfully placed under overhead wires.

[no further changes to Article I]

CHAPTER 6, ARTICLE III

DIVISION 1. - GENERALLY

Sec. 6-30. - Short title.

This article, including any regulation hereafter adopted, shall hereafter be
known, cited and referred to as the "Appearance Code."

Sec. 6-31. - Definition.

The term "external architectural feature" is defined to mean the architectural
style and general arrangement of such portion of a building or structure as is
designed to be open to view from a public street, place or way, or from adjoining
premises.

Sec. 6-32. - Intent and purposes.

This appearance code is adopted for the following purposes:

(1) To promote the public health, safety, morals, comfort and general
welfare of the citizens of the village.

(2) To enhance the values of property throughout the village.

(3) To protect and to stabilize the general appearance of public and private
buildings, structures, landscaping, and open areas, in the multiple
dwelling, commercial and public zoning districts of the village.

(4) To insure adequate light, air and privacy for property in the multiple
dwelling, commercial and public zoning districts of the village.
1. Proposed Changes to Appearance Code & Sidewalks (§§ 6-1–6-60)

(5) To encourage and promote acceptability, attractiveness, cohesiveness and compatibility of new buildings, developments, remodeling and additions so as to maintain and improve the established standards of property values within the multiple-dwelling, commercial, mixed-use, and industrial buildings, and public zoning districts of the village.

Sec. 6-33. - Appearance plan.

The village hereby adopts by reference thereto the appearance plan attached as exhibit A to Ordinance No. 3-72 of the village. The appearance plan is set forth at length in Appendix A of this Code. The appearance plan will be applied through the site plan and appearance review process described in this chapter.

Sec. 6-34. - Reserved.

Sec. 6-35. - Appeals and review.

The applicant or any interested party may file an appeal to the village council on any ruling by the planning commission made pursuant to this article. An appeal shall be on forms provided by the village. The appeal shall be filed or made within ten (10) days after decision of the planning commission. Appeals shall set forth the alleged inconsistency or nonconformity with procedures or criteria set forth in this article or standards set forth in or pursuant to this article. 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.

Sec. 6-36. - Powers and duties of planning commission concerning the appearance code.

The planning commission shall have the following powers and duties:

(1) To hold public hearings on and make recommendations for amendments to the appearance plan.

(2) To consult with and cooperate with the planning and zoning advisory board, the beautification committee and other committees and village departments, and any other municipal or governmental bodies, on matters affecting the appearance of the village.

(3) To study exterior design drawings, landscape and site plans and materials for any proposed public buildings, public works, or other public improvements and to make recommendations to the council or village manager as to the architectural or aesthetic aspects thereof.
1. **Proposed Changes to Appearance Code & Sidewalks (§§ 6-1–6-60)**

(4) To study and review preliminary and final plats and make recommendations to the planning and zoning advisory board and the village council.

(5) To hold site plan and appearance review hearings, when required, on the issuance of certificates of appropriateness as provided in section 6-59, in connection with questions pertaining to applications for building permits and to issue or deny site plan and appearance approval for multiple-dwelling, commercial, mixed-use, and industrial buildings such certificates pursuant to the provisions of this division, such section 6-59.

(6) During such hearings on land in the C-MU and C-NB zoning districts only, to make decisions on requests for special exceptions and waivers (see sections 45-16.2 and 45-51).

Secs. 6-37—6-42. - Reserved.

**DIVISION 2. - RESERVED**

Secs. 6-43—6-55. - Reserved.

**DIVISION 3. – SITE PLAN AND APPEARANCE REVIEW CERTIFICATE OF APPROPRIATENESS**

Sec. 6-56. – **Application requirements.** Preliminary consideration.

Applications for site plan and/or appearance review must include sufficient information to demonstrate compliance with all village requirements. Plans must be professionally prepared and drawn to scale with accurate dimensions, and must include the following unless waived by the community development director:

(1) The application must be signed by the landowner, or must include a statement signed by an agent, under oath, indicating authorization by the owner(s) to secure site plan and/or appearance approval.

(2) A boundary sketch including the total area, dimensions, and legal description for the property.

(3) Existing and proposed parking spaces, access aisles, driveways, and access points to external streets or adjoining properties.

(4) Proposed changes affecting drainage and utilities.
1. Proposed Changes to Appearance Code & Sidewalks (§§ 6-1–6-60)

(5) Plans indicating existing structures and the type of proposed development, with sufficient detail as to size of all structures and improvements to indicate compliance with the appearance plan and all village regulations. These plans shall indicate all structures and improvements within 200 feet of the property.

(6) Elevations or renderings of proposed structures and landscaping.

(7) Landscape plans that comply with section 45-86.

(8) Other relevant information as requested by village staff.

The planning commission shall, at the written request of a prospective applicant for a certificate of appropriateness, give consideration to preliminary exterior drawings, sketches, landscape and site plans and materials on a specific project before a formal application is filed, and shall provide such advice, counsel, suggestions and recommendations on matters pertaining to aesthetics as they may deem necessary to guide such prospective applicant in the development of a plan which would comply with the requirements and purposes of the appearance plan; except that the planning commission shall act in an advisory capacity only, with regard to preliminary plans, and shall provide consultation only on projects for which preliminary drawings and materials are furnished by such prospective applicant, and shall not participate in the development of the basic concept, plans or drawings. Upon finding the preliminary exterior drawings, sketches, landscape and site plans and materials are appropriate to, or compatible with, the character of the immediate neighborhood and will tend to effect the general purposes of the appearance plan, the board will issue a preliminary approval. Such approval will be irrevocable, and makes the issuance of the certificate of appropriateness mandatory upon application, unless the final presentation does not comply in all respects with the preliminary presentation upon which the preliminary approval was based.

Sec. 6-57. - Final Site Plan and Appearance Hearings.

Upon filing of an complete application for site plan and/or appearance approval building permit for a multifamily, or commercial, mixed-use, or industrial building, the community development department shall schedule the application for a hearing before the planning commission. The fact that an application for a certificate of appropriateness has been filed shall not be cause for the community development department to delay the review of plans relating to the building and zoning aspects of the project, while the application is pending. The planning commission shall establish regularly scheduled monthly meetings at which to review all site plan and appearance applications. Applications shall be submitted at least fourteen (14) days prior to the scheduled monthly meetings, or as otherwise determined by the community development director, in order to be
1. Proposed Changes to Appearance Code & Sidewalks (§§ 6-1–6-60)

considered at that scheduled monthly meeting. The community development department shall prepare an agenda containing a list of all applications filed for each scheduled monthly meeting, which shall be submitted to all members of the planning commission at least five (5) days prior to the scheduled monthly meetings. The community development department shall further notify each applicant of the date and time of a hearing on his application, in writing, which notice shall be mailed at least five (5) days prior to such hearing. If the application includes a request for a special exception (section 45-16.2), variance (section 45-50), or waiver (section 45-51), the hearing shall be considered a formal public hearing and notice shall be provided in accordance with section 21-3. Upon such hearing, the planning commission shall consider the application for building permit site plan and/or appearance approval and any related requests for special exceptions, variances, or waivers and may review receive additional evidence (such as the exterior renderings) from the applicant or his agent or attorney. The planning commission shall consider reports and testimony from village staff, the applicant, and or other persons as to whether the site plan and external architectural features of the proposed building or structure comply with the appearance plan and meet relevant village land development regulations.

Sec. 6-58. - Action of planning commission.

Upon consideration of an application, the planning commission shall issue site plan and appearance approval a certificate of appropriateness to the community development department upon a finding that the plan conforms to the village appearance plan and other relevant land development regulations. This approval may contain special conditions in response to unusual aspects of the application or to ensure that the approval carries out village policies and codes without undue permitting delays, and that the proposed building or structure is appropriate to, and compatible with, the character of the immediate neighborhood and will not cause a substantial depreciation in property values. If the planning commission determines that these criteria are not met, the planning commission may shall provide such advice, counsel, suggestions and recommendations on matters pertaining to aesthetics as it may deem necessary to guide the prospective applicant in the development of a plan which would comply with the requirements and purposes of the appearance plan and other village land development regulations. If preliminary hearings have been held on the project for which application is being made, and preliminary approval has been issued by the planning commission as provided in section 6-56, the planning commission shall issue a certificate of appropriateness immediately, provided that the final drawings, plans and material as presented comply in all respects with the preliminary presentation upon which the preliminary approval was based.
Sec. 6-59. - Approval by planning commission.

The planning commission shall issue site plan and appearance approval only upon a majority concurring vote that includes at least three (3) members concurring. No building or other permit, otherwise required under the ordinances of the village, for the erection, construction, alteration or repair of any building or structure in a multiple dwelling, commercial or public zoning district shall be approved by the community development director except upon the granting of site plan and appearance approval a certificate of appropriateness by the planning commission, or on appeal, granted by the village council (see section 6-35). The foregoing requirements shall not preclude the issuance of a building construction permits without such approval certificate if the community development director shall determines that any of the following apply:

1. The construction permits are for a village-owned facility; or
2. No external architectural feature as defined in section 6-31 is involved in the work for which the building permit is sought, and the proposed work would be in full compliance with all requirements of this code; or,
3. Any deviations from a valid site plan and appearance approval are minor and not substantial or had been authorized by conditions placed on the site plan and appearance approval. The director must document any such determination with an explanation of why it is deemed minor or had been authorized. The director must forward this determination to the planning commission, and also to the village council if the site plan and appearance approval had been appealed to the village council.

Sec. 6-60. - Follow-up by community development department.

Upon the granting of site plan and appearance approval, a certificate of appropriateness, the community development director will retain the exterior drawings, sketches, landscape and site plans, renderings and materials upon which such approval certificate was granted shall be turned over to the community development department whose responsibility it shall be to determine, from time to time as the project is in progress and finally upon its completion, that there have been no unauthorized deviations from the evidence upon which the granting of the approval certificate of appropriateness was originally based. The community development department shall not issue a certificate of occupancy or final inspection approval for any building or structure where there have been any unauthorized deviations from the site plan and appearance approval, certificate of appropriateness.
CHAPTER 17, ARTICLE I

Sec. 17-3. - Home occupations.

(a) Home occupations as permitted uses. Home occupations shall be permitted uses within R-1 Single-family Dwelling District, R-2 Multiple-family Dwelling District, and R-3 Apartment Dwelling District, C-MU and C-3 mixed-use districts, and mixed-use Residential/Commercial PUDs.

[no further changes to Chapter 17]
CHAPTER 19, ARTICLE VI

Sec. 19-99. - Definitions.

For the purposes of this article, whenever any of the following words, terms or definitions are used herein they shall have the meanings ascribed to them in this section except where the context requires otherwise:

Unreasonable noise means any noise in or emanating from any property located within the corporate limits of village which violates the provisions of this article.

(a) For noise emanating from property with a commercial, mixed-use, or light industrial zoning designation, unreasonable noise shall be defined as any noise emanating from the property which equals or exceeds a measured sound level of sixty-five (65) dBA between the hours of 10:00 p.m. and 8:00 a.m. Sunday through Thursday, a measured sound level in excess of eighty-five (85) dBA between the hours of 8:00 a.m. and 10:00 p.m. Sunday through Thursday; and a measured sound level which equals or exceeds sixty-five (65) dBA between the hours of 11:00 p.m. and 8:00 a.m. Friday through Saturday and a measured sound level meeting or exceeding eighty-five (85) dBA between the hours of 8:00 a.m. and 11:00 p.m. Friday through Saturday.

(b) For noise emanating from property with a commercial, mixed-use, or light industrial zoning designation which shares any portion of its boundary with a property with a residential zoning designation, unreasonable noise shall be defined as any noise emanating from the property which equals or exceeds a measured sound level of sixty (60) dBA between the hours of 10:00 p.m. and 8:00 a.m. Sunday through Thursday, a measured sound level in excess of seventy (70) dBA between the hours of 8:00 a.m. and 10:00 p.m. Sunday through Thursday; and a measured sound level which equals or exceeds sixty (60) dBA between the hours of 11:00 p.m. and 8:00 a.m. Friday through Saturday and a measured sound level meeting or exceeding seventy (70) dBA between the hours of 8:00 a.m. and 11:00 p.m. Friday through Saturday.

(c) For noise emanating from property with a residential zoning designation, unreasonable noise shall be defined as noise that is plainly audible one hundred and fifty (150) feet from the property boundary of the source of the sound or noise, measured on a horizontal plane. Notwithstanding the foregoing, noise shall be considered unreasonable when it is plainly audible through the external walls and
3. Proposed Changes to Noise Control (§ 19-99)

fully closed windows and doors of a residential structure or through walls, floors or partitions common to two (2) residential units located within a single structure.

(d) Noise shall be measured from the property boundary closest to the source of noise with a sixty (60) second reading. Where the property boundary abuts a waterway, the property boundary shall be considered the opposite side of the waterway and not the actual seawall or bulkhead.

[no further changes to Chapter 19]
4. PROPOSED CHANGES TO PLANNING COMMISSION & BOARD OF ADJUSTMENT (§§ 21-3–21-22)

CHAPTER 21 - PLANNING AND DEVELOPMENT

ARTICLE I. - IN GENERAL

Secs. 21-1—21-2. — [no changes]

Sec. 21-3. - Public notice requirements for development applications and approvals.

(a) Requirements. In addition to those requirements imposed by state law, public notice shall be provided as set forth below:

<table>
<thead>
<tr>
<th>Planning Commission/LPA/Zoning Board of Adjustment</th>
<th>Village Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mail*</td>
<td>Newspaper*</td>
</tr>
<tr>
<td>Rezoning</td>
<td>10</td>
</tr>
<tr>
<td>Large-scale Comprehensive Plan Amendment</td>
<td>10</td>
</tr>
<tr>
<td>Small-scale Comprehensive Plan Amendment</td>
<td>10</td>
</tr>
<tr>
<td>Variance**</td>
<td>7</td>
</tr>
<tr>
<td>Waiver</td>
<td>7</td>
</tr>
<tr>
<td>Planned Unit Development</td>
<td>10</td>
</tr>
<tr>
<td>Special Exception Use</td>
<td>7</td>
</tr>
</tbody>
</table>

* Number of calendar days prior to date of public hearing.

** The notice requirements for variances shall include all variances relating to the zoning code (Chapter 45), the dock and waterway regulations (Chapter 5), and the sign regulations (Chapter 6).
4. PROPOSED CHANGES TO PLANNING COMMISSION & BOARD OF ADJUSTMENT (§§ 21-3–21-22)

(b) Mailing requirements.

(1) Contents. Unless otherwise required herein, mail notice of a public hearing shall contain the following information:

a. Title and substance of proposed ordinance or development order;

b. Time, date and location of the public hearing;

c. Location of the property affected by the application with reference to the nearest intersection of two (2) or more streets;

d. Name, address and telephone number of the office where additional information can be obtained; and

e. Location and times where proposed ordinance or development order application may be reviewed.

(2) All notices shall be provided by first-class mail, unless otherwise required by community development director. Mail notice shall be postmarked no later than the minimum number of calendar days as required in subsection (a) above.

(3) Mail for all privately initiated applications shall be provided to all property owners of record, excluding property owned by the applicant, within five hundred (500) feet of the property to which the development order application or amendment relates.

(4) The list of property owners shall be derived from the most recent official tax roll of Palm Beach County. The applicant shall provide an affidavit attesting to the completeness and accuracy of the property owner's list.

(5) The applicant shall provide and mail all required notices, and provide an affidavit that notice was sent to all property owners included in the property owner's list.

(c) Posting requirements.

(1) The applicant shall provide the signs, subject to the criteria for size and contents established by the community development director.

(2) The applicant shall install the signs in a workmanlike manner. All signs should be installed so as to withstand normal weather events.

(3) The applicant shall post one (1) sign per five hundred (500) feet of lineal right-of-way, with a minimum of one (1) sign per frontage.

(4) The applicant shall provide, at least three (3) days prior to the public hearing, a photograph of the sign and an affidavit attesting to the date of installation and the number of signs.

(d) Newspaper requirements. The applicant shall be responsible for all costs associated with newspaper advertisements.

Secs. 21-4—21-10. - Reserved.
ARTICLE II. - PLANNING COMMISSION

Sec. 21-11. - Composition; conduct generally.

(a) Created. A planning commission for the village is hereby created.

(b) Membership.

(1) Terms; vacancies; alternate members. The planning commission shall consist of five (5) members who shall serve for two-year terms and two (2) alternates who shall serve for one-year terms. At the first appointment of members to the planning commission, three (3) regular members shall be appointed for a term of two (2) years, two (2) regular members shall be appointed for a term of one (1) year, and thereafter each appointment shall be for two-year terms. All terms shall take effect on the first day of May of each year. Alternate members of the commission shall be appointed on the same day that regular members are appointed. The planning commission shall consist of one (1) land use planner or architect, one (1) architect, one (1) civil engineer, one (1) person engaged in business within the corporate limits of the village, and a fifth member who need not be engaged in any particular business or profession. All vacancies on the planning commission shall be filled within thirty (30) days so as to maintain the composition of the commission as set forth above. Alternate members of the planning commission shall be appointed as first alternate and second alternate and shall serve in that order when necessary. The members shall serve at the pleasure of the village council.

(2) Chairman; quorum; compensation. The members of the planning commission shall elect a chairman from among its members. The presence of three (3) or more members shall constitute a quorum of the planning commission. The members shall serve without compensation.

(c) Reserved. Meetings. The planning commission shall meet at least once each month on a date to be determined by the planning commission.

(d) Powers, duties. The planning commission shall have the following powers and duties:

(1) Perform any duties which lawfully may be assigned to it by the village council.

(2) Perform any other duties which may be assigned to it under this Code.

(3) The planning commission of the village is hereby designated as the governmental entity to act as the "local planning agency" in accordance with chapter 163, Florida Statutes.

(4) The planning commission serves as the village’s board of adjustment to consider variances and administrative appeals (see section 21-21).
(5) The planning commission has additional duties pursuant to the appearance code that include site plan and appearance review (see sections 6-30 through 6-60), and the authority to approve special exceptions and waivers on land in the C-MU and C-NB zoning districts only (see sections 45-16.2 and 45-51).

(e) **Removal.** If a member of the planning commission advisory board or a designated alternate of the board is absent from three (3) regularly-scheduled meetings of the board within any twelve (12) consecutive month period without such absence being excused by majority vote of the board, the chairman of the board shall promptly notify the village council. The council may thereafter declare the member's office vacant and promptly fill such vacancy for the unexpired term of office.

**Sec. 21-12. - Changes to zoning ordinances.**

(a) The village council may amend or supplement the regulations and districts established by this code after receiving fixed by any zoning ordinance adopted pursuant to this act (Local Government Comprehensive Planning and Land Development Regulation Act) after referral and recommendations of the planning commission. Proposed changes may be suggested by the village council or the village manager. Changes to zoning district boundaries may be requested in accordance with section 45-49., by the planning commission, or by the petition of the owners of fifty-one (51) percent or more of the area involved in the proposed change. In the latter case, the petitioners may be required to assume the cost of public notice and other costs incidental to the holding of public hearings.

(b) The planning commission, regardless of the source of the proposed change, shall hold a public hearing or hearings thereon, with due public notice, but shall in any case, if any change is to be considered by the planning commission, submit in writing its recommendations on the proposed change to the village council for official action. The village council shall hold a public hearing thereon, with due public notice, if any change is to be considered and shall then act on the proposed change. If the recommendation of the planning commission is adverse to the proposed change, such change shall not become effective except by an affirmative vote of a majority of the entire membership of the village council, after due public notice.

**Secs. 21-13—21-20. - Reserved.**
ARTICLE III. - BOARD OF ADJUSTMENT

Sec. 21-21. - Composition; conduct generally.

(a) Created. The planning commission shall serve as the zoning A board of adjustment for the village is hereby created.

(b) Related board. The duties and authority of the zoning board of adjustment are separate from the duties and authority of the construction board of adjustment and appeals (see sections 6-18 and 12.5-7). Membership; terms; alternates; compensation. The board of adjustment shall consist of five (5) persons who shall serve for three-year terms and two (2) alternates who shall serve for one-year terms. At the first appointment of members to the board of adjustment, two (2) regular members shall be appointed for a term of three (3) years, two (2) regular members shall be appointed for a term of two (2) years, and one (1) regular member shall be appointed for a term of one (1) year. Thereafter, each appointment shall be for a three-year term. All terms shall take effect on the first day of May of each year. Alternate members of the board of adjustment shall be appointed on the same day that regular members are appointed. Alternate members of the board of adjustment shall be appointed as first alternate and second alternate and shall serve in that order when necessary. The members shall serve at the pleasure of the village council. Members shall serve without compensation. The board of adjustment shall meet as often as the demand necessitates.

(c) Powers, duties. The board of adjustment shall have the following powers and duties:

(1) Appeals. To hear and decide appeals when it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this code, any zoning ordinance or regulation adopted pursuant to this part.

(2) Variances:

a. To authorize upon appeal such variances from the terms of this code that the ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary and undue hardship. In order to authorize any variance from the terms of the ordinance, the board of adjustment must find:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district;

2. That the special conditions and circumstances do not result from the actions of the applicant;
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by the ordinance to other lands, buildings or structures in the same zoning district;

4. That literal interpretation of the provisions of the subject ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant;

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

6. That the grant of the variance will be in harmony with the general intent and purpose of the ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

b. In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this code, part and any ordinance enacted under its authority. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this code, the ordinance.

c. The board of adjustment may prescribe a reasonable time limit within which the action for which the variance is required shall begin or be begun or completed or both.

d. Under no circumstances, except as permitted above, shall the board of adjustment grant a variance to permit a use not generally permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

(d) Review of administrative orders. In exercising its powers, the board of adjustment may, upon appeal and in conformity with provisions of this [chapter], reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination made by an administrative official in the enforcement of any zoning ordinance or regulation adopted pursuant to this part, and may make any necessary order, requirement, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of a majority of all the members of the board shall be necessary to reverse any order, requirement,
4. Proposed Changes to Planning Commission & Board of Adjustment (§§ 21-3–21-22)

decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass under any such ordinance.

(e) Appeals to board from decision of administrative official. Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, board or bureau of the governing body affected by any decision of an administrative official under any zoning ordinance enacted pursuant to this part. Such appeal shall be taken within thirty (30) days after rendition of the order, requirement, decision or determination appealed from by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The appeal shall be in the form prescribed by the rules of the board. The administrative official from whom the appeal is taken shall, upon notification of the filing of the appeal, forthwith transmit to the board of adjustment all the documents, plans, papers or other materials constituting the record upon which the action appealed from was taken.

(f) Stay of work and proceedings on appeal. An appeal to the board of adjustment stays all work on the premises and all proceedings in furtherance of the action appealed from, unless the official from whom the appeal was taken shall certify to the board of adjustment that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order which may be granted by the board of adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

(g) Hearing of appeals. The board of adjustment shall fix a reasonable time for the hearing of the appeal and decide the same within a reasonable time. Public notice of all hearings shall be provided as required by section 21-3 of this Code. Upon the hearing, any party may appear in person, by agent or by attorney. Appellants may be required to assume such reasonable costs in connection with appeals as may be determined by the governing body through action in setting of fees to be charged for appeals.

(h) Judicial review of decisions of board. Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment, or any officer, department, board, commission or bureau of the governing body, may apply to the circuit court in the judicial circuit where the board of adjustment is located for judicial relief within thirty (30) days after rendition of the decision by the board of adjustment. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the board of adjustment.

Secs. 21-22—21-40. - Reserved.
CHAPTER 27 – TREES AND SHRUBBERY

ARTICLE I. – IN GENERAL  [NO CHANGES]

ARTICLE II. – TREES IN SWALE AREAS  [NO CHANGES, EXCEPT IN SECTION 27-18 WHERE THE 'SECTION 27-66' REFERENCE IS CHANGED TO 'SECTION 45-90']

ARTICLE III. – LANDSCAPING RESERVED

DIVISION 1. – Generally

[DIVISION I OF ARTICLE III OF CHAPTER 27 IS BEING REPEALED ENTIRELY]

[RELEVANT CONTENT FROM DIVISION I IS BEING RELOCATED TO SUBSECTION 45.36.J AND TO NEW ARTICLE VIII (SECTIONS 45-81 THROUGH 45-100) OF APPENDIX C]

DIVISION 2. – Reserved

[DIVISION 2 OF ARTICLE III OF CHAPTER 27 WAS REPEALED IN 1981]

DIVISION 3. – Requirements for Certain Yard Areas, Off-Street Parking and Other Vehicular-Use Areas

[DIVISION 3 OF ARTICLE III OF CHAPTER 27 IS BEING REPEALED ENTIRELY]

[RELEVANT CONTENT FROM DIVISION 3 IS BEING RELOCATED TO NEW ARTICLE VIII OF APPENDIX C (SECTIONS 45-81 THROUGH 45-100)]


ARTICLE IV. – FERTILIZER-FRIENDLY USE ORDINANCE

[NO CHANGES]
APPENDIX A – APPEARANCE PLAN

INTRODUCTION – [no changes]

SECTION I – BASIS FOR THE APPEARANCE PLAN

The North Palm Beach Village Council adopted an Appearance Code, Ordinance Number 4-71, on May 27, 1971. This Ordinance provided for the appointment of an Appearance Board which would concern itself with and act in matters affecting the physical appearance of designated areas.

The Board was empowered to develop an Appearance Plan to serve as standards or guidelines for physical developments in the village. The Plan as amended, following public hearings, was adopted by the North Palm Beach Village Council, by Ordinance Number 3-72, dated 10 Feb. 1972.

The Appearance Ordinance, and applicable sections of the Appearance Plan, is will be administered through the Office of the North Palm Beach director of community development. In 1977, the Planning Commission began serving as, with the Appearance Board and continues to act upon matters relating to appearance as authorized by the Appearance Plan and Code.

SECTION II – STATEMENT OF POLICY – [no changes]

SECTION III – AREAS OF JURISDICTION

AREAS AND ELEMENTS UNDER JURISDICTION

The jurisdictional areas of the Appearance Plan Board are all areas within the Village of North Palm Beach that are zoned:

- **R-1** SINGLE-FAMILY DWELLING DISTRICT — Applies to all usages except single family and their normal accessory buildings
- **R-2** MULTIPLE-FAMILY DWELLING DISTRICT
- **R-3** APARTMENT DWELLING DISTRICT
- **C-MU** C-A US-1 MIXED-USE COMMERCIAL DISTRICT
- **C-T** C-C TRANSITIONAL COMMERCIAL DISTRICT
- **C-S** SHOPPING C1 NEIGHBORHOOD COMMERCIAL DISTRICT
SECTION IV – CRITERIA FOR APPEARANCE

The purpose of these criteria is to establish a checklist of those items which affect the physical aspect of the village environment. Pertinent to appearance is the design of the site, building and structures, planting, signs, street hardware, and miscellaneous other objects which are observed by the public.

These criteria are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles which can result in creative solutions that will develop a satisfactory visual appearance within the village.

A. RELATIONSHIP OF BUILDINGS TO SITE

1. The site shall be planned to accomplish a desirable connection transition with the streetscape, and to provide for adequate planting, pedestrian movement, and parking areas.

2. Site planning in which setbacks and yards are in excess of zoning restrictions is encouraged where permitted by the zoning code to provide an interesting relationship between buildings.

3. Parking areas shall be concealed where required by the zoning code or treated with decorative elements, building wall extensions, plantings, berms or other innovative means so as to largely screen parking areas from view from public ways and adjoining properties.

4. The height and scale of each building shall be compatible with its site and adjoining buildings except where redevelopment at higher intensities is anticipated in a particular zoning district.

5. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
6. Proposed Changes to Appearance Plan

6. In relating buildings to site, the provisions of the Zoning Ordinance in regard to bulk regulations, standards, and off-street parking shall be part of this criteria. This shall also apply to subsection B which follows.

B. RELATIONSHIP OF BUILDING AND SITE TO ADJOINING AREA

1. Adjacent buildings of different architectural styles or character may 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 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 mid-century modern.

2. Evaluation of appearance of a project shall be based on quality of its design and relationship to surroundings.

3. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.

4. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.

   a. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those which are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways and adjoining properties.

   b. Inappropriate materials and methods, and those which will produce inconsistency with the structure of the building, shall be avoided.

   c. Materials shall be of durable quality.

   d. In any design in which the structural frame is exposed to view, the structural materials shall meet the other criteria for materials.
6. Proposed Changes to Appearance Plan

5. Building components—such as windows, doors, eaves, and parapets—shall have good proportions and relationship to one another.

6. The village discourages walls without windows or with too few windows; all-glass walls; and facades without visual interest or with entrances that are concealed or absent.

7. Colors shall be harmonious, with bright or brilliant colors used only for accent.

8. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so as not to be visible from any public ways, including waterways, service alleys, and adjoining properties.

9. Exterior lighting shall be part of the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with building design.

10. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from public ways, including waterways, service alleys, and adjoining properties, using materials as stated in criteria for equipment screening.

11. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.

12. Inappropriate, incompatible, bizarre, and exotic designs shall be avoided.

13. The provisions of the North Palm Beach Village Code in regard to bulk regulations and standards, and those portions of the Village Code which directly affect appearance, shall be part of the criteria of this subsection.

E. SIGNS  
F. MISCELLANEOUS STRUCTURES AND STREET HARDWARE  
G. MAINTENANCE—PLANNING AND DESIGN FACTORS  
H. FACTORS FOR EVALUATION  

SECTIONS V THROUGH VIII – [no changes]
CHAPTER 36, ARTICLE III

Sec. 36-18. - Lots and blocks.

Lots and blocks shall be designed according to acceptable practice for the
type of development and use contemplated so as to be aesthetically acceptable; in
keeping with the topography and other site conditions and to provide adequate
traffic and utility access and circulation; acceptable use of space; provide privacy,
adequate drainage and protection of property.

(1) **Lot size.** The lot size, width, depth, shape and orientation, and the minimum
building setback lines shall be appropriate for the location of the subdivision
and for the type of development and use contemplated. Lot dimensions and
all building setback lines shall meet all standards for their zoning district,
not be less than the minimum standards established in the zoning ordinance.

(2) **Reserved.** Residence lots, minimum. [conflicts with zoning districts]

(a) Lots zoned, restricted, used or intended for use for residences shall
have a width of not less than eighty-five (85) feet at the setback line
and an area of not less than ten thousand, five hundred (10,500) square
feet.

(b) Corner lots shall have a width of not less than ninety (90) feet at the
setback line and an area of not less than thirteen thousand (13,000)
square feet.

(3) **Reserved.** Access. Each lot, for a minimum frontage distance of fifty-seven
(57) feet, shall abut on a public street. This requirement shall not be
construed to prohibit private streets within developments where the land
remains under one ownership. The subdivision shall be so designed that
remnants and land-locked areas shall not be created.

(4) **Lot lines.** Side lot lines shall be, as nearly as practical, at right angles to
straight street lines and radial to curved street lines. No lot shall be divided
by a municipal boundary.

(5) **Double frontage lots.** Double frontage, and reverse frontage lots, shall be
avoided except where essential to provide separation of residential
development from traffic arteries or to overcome specific disadvantages of
topography and orientation. A planting screen easement of at least twenty
(20) feet, and across which there shall be no right of vehicular access, shall
be provided along the line of lots abutting such traffic artery or other
inharmonious use.

(6) **Block lengths.** Block lengths shall not exceed fourteen hundred (1400) feet
or be less than three hundred (300) feet, as measured between center lines of
bounding streets. See section 36-19(16) for streets ending in culs-de-sac.
Sec. 36-19. - Streets.

The arrangement, character, extent, width, grade and location of all streets shall conform to the comprehensive plan now in existence or as may hereafter be adopted, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

Where such is not shown in the comprehensive plan now in existence or as may be hereafter adopted, the arrangement of streets in a subdivision shall either:
(a) Provide for the continuation or appropriate projection of existing major streets in surrounding areas, or (b) conform to a plan for the neighborhood or be aligned to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

All streets to be established within a subdivision shall meet the following minimum design standards:

(1) **Minor streets.** [no changes]

(2) **Subdivisions on arterial streets.** [no changes]

(3) **Subdivisions on railroads or limited access highway.** [no changes]

(4) **Intersection design.** [no changes]

(5) **Minimum street design specifications.** All streets to be established in a subdivision shall be designed in accordance with the following minimum specifications:

<table>
<thead>
<tr>
<th></th>
<th>Collector Street</th>
<th>Local Street</th>
<th>Marginal Access</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum right-of-way</td>
<td>80 ft.</td>
<td>60 ft.</td>
<td>40 ft.</td>
</tr>
<tr>
<td>Percent grade of roadway center line (minimum):</td>
<td>0.30%</td>
<td>0.30%</td>
<td>0.30%</td>
</tr>
</tbody>
</table>

Geometric design shall comply with the latest AASHTO requirements, or as specified in zoning district standards.

(6) **Cul-de-sac.** [no changes]

(7) **Street access to adjoining property.** [no changes]
Sec. 36-29. - Sidewalks.

A system of sidewalks shall be provided by the subdivider to provide for safe movement of pedestrians separate from motor vehicle traffic. Except as provided below, sidewalks shall be provided along both sides of all streets, and along all streets where adjacent land is zoned or otherwise designated to be used for multiple-family dwelling purposes or for mixed-use, commercial, and/or office purposes. As an alternative, and as approved by the village council, sidewalks in residential areas may be provided within common open areas.

Sidewalks shall be constructed per standards established by chapter [24], village Code.
8. Proposed Changes to Definitions (§ 45-2)

Sec. 45-2. – Definitions.

For the purpose of this code ordinance, certain words and terms are defined as follows: [amend or add the following definitions in section 45-2]

**Liner building** means a separate building along a street or other public space that hides parking or blank walls from view.

**Medical or dental office or clinic** means a facility providing health care services to the public by physicians, dentists, chiropractors, osteopaths, physical therapists, nurses, acupuncturists, podiatrists, optometrists, psychiatrists, veterinarians, or others who are duly licensed to practice their respective medical or dental profession in the State of Florida, as well as those technicians and assistants who are acting under the supervision and control of a licensed health care practitioner. These uses shall not include establishments where patients are lodged overnight and are subject to additional regulations regarding the dispensing of controlled substances set forth in section 45-36.S of this chapter.

**Mixed-use commercial** means a development pattern where complementary uses of land are located within walking distances. Complementary uses may include combination of retail commercial; and non-retail commercial such as offices; lodging uses; civic and education uses; and dwellings other than one-family detached dwellings, businesses where non-retail tenants comprise fifty (50) percent or more of the gross floor area. Any combination of retail and non-retail businesses where the retail component comprises fifty (50) percent or more of the gross floor area shall be classified as a retail commercial facility.

**Use group** means any of the four groups of allowable uses that certain zoning districts employ to define uses that are permitted by right, permitted by special exception only, or are not permitted in that zoning district. The four groups are Residential Uses, Lodging Uses, Business Uses, and Civic & Education Uses. The following terms are used in these use groups:

**Residential Use-Group Definitions:**

**Mobile home park** is defined earlier in section 45-2.

**Dwelling, one family detached** is a building containing one dwelling unit that is not attached to any other dwelling by any means (see definition of dwelling and dwelling unit earlier in section 45-2).

**Dwelling, all other dwelling types** (see definition of dwelling and dwelling unit earlier in section 45-2).

**Live/work unit** is a single dwelling unit in a detached building, or in a multifamily or mixed-use building, that also accommodates permitted commercial uses within the dwelling unit.

**Assisted living facility** is defined earlier in section 45-2.

**Community Residential Home** is defined earlier in section 45-2.
8. Proposed Changes to Definitions (§ 45-2)

LODGING USE-GROUP DEFINITIONS:

Bed and breakfast establishment is a dwelling unit or guest rooms personally and physically operated and occupied by an owner or manager where transient guests are permitted to reside in exchange for payment.

Hotel is a facility offering transient lodging accommodation to the general public and which may include additional facilities and services such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

Motel is defined earlier in section 45-2.

Time-share unit is defined earlier in section 45-2.

BUSINESS USE-GROUP DEFINITIONS:

Offices, general is a room or group of rooms used to conduct the affairs of a business, profession, service, or government and generally furnished with desks tables, files, and communication equipment. A medical or dental office or clinic is not considered ‘Offices, general’ for purposes of this code.

Office or clinic, medical or dental (see definition of medical or dental office or clinic earlier in section 45-2; also see additional regulations in subsections 45-36.S and 45-36.T).

Stores & services, general means establishments that sell food or merchandise or provide personal or professional services, including but not limited to the following uses that are defined earlier in section 45-2: drug store; non-retail commercial; office or clinic, medical or dental; personal care; pharmacy; and retail commercial. The following uses are not considered ‘Stores & services, general’ for purposes of this code:

- Stores & services, large format
- Adult entertainment
- Contractor and trade operation
- Convenience store with fuel
- Dog daycare
- Drive-through facility (for any use)
- Garage, parking
- Heavy commercial and light industrial
- Limited access self-storage facilities
- Medical marijuana treatment center
- Medical marijuana treatment center dispensing facility
- Restaurant or cocktail lounge
- Telecommunications antenna
- Vehicle sales or repair
8. Proposed Changes to Definitions (§ 45-2)

**Stores & services, large format** has the same meaning as ‘Stores & services, general’ as defined by this code, except that the establishment contains over 50,000 square feet of enclosed floor area.

**Adult Entertainment** is defined earlier in section 45-2.

**Contractor and trade operation** is an establishment that is primarily engaged in providing an off-site service but which maintains a business office and inventory or equipment at a central location, such as a general contractor or subcontractor, pest control operator, caterer, surveyor, etc.

**Convenience store with fuel** is an establishment that provide limited services primarily to the motoring public such as fuel sales, car washing, or car detailing, and that may also sell merchandise including food and beverages.

**Dog daycare** is an establishment providing daytime care and training for domestic dogs and other pets.

**Drive-through facility** is any establishment that provides physical facilities which allow its customers to obtain food or goods, receive services, or be entertained while remaining in their vehicles.

**Garage, Parking.** A building or structure or portion thereof used exclusively for the storage or parking of automobiles. Service other than storage shall be limited to refueling, lubrication, and detailing.

**Heavy commercial and light industrial** is any use that the Village of North Palm does not allow or allows only in the C-2 and I-1 zoning districts, including but not limited to:

- Contractor and trade operation
- Junkyard
- Kennel (commercial)
- Limited access self-storage facility
- Light manufacturing
- Vehicle sales or repair
- Warehouse

**Limited access self-storage facility** is an enclosed structure primarily for indoor storage.

**Medical marijuana treatment center** is defined earlier in section 45-2.

**Medical marijuana treatment center dispensing facility** is defined in section 45-38 and prohibited in section 45-39.

**Restaurant or cocktail lounge** is an establishment where food and drink are prepared, served, and consumed mostly within the principal building; outdoor seating is subject to separate provisions in this code.
8. Proposed Changes to Definitions (§ 45-2)

**Telecommunications antenna** include antenna towers (see definition of antenna and antenna tower earlier in section 45-2).

**Vehicle sales or repair** includes any establishment that repairs or displays and sells new or used motor vehicles including automobiles, motorcycles, golf carts, trucks, watercraft, recreational vehicles, and trailers.

**CIVIC & EDUCATION USE-GROUP DEFINITIONS:**

**Child care facility** is defined earlier in section 45-2.

**Church or place of worship** is defined earlier in section 45-2.

**Civic space** is a small outdoor space that serves as a focal point for civic and recreational uses. Civic spaces are typically constructed by landowners when they build on adjoining property.

**Family day care** is defined earlier in section 45-2.

**Government buildings** are provided by village, state, regional, or federal agencies to carry out public --purposes.

**Hospital or medical center** is defined earlier in section 45-2.

**Public space** is an outdoor space that is maintained by a government or nonprofit entity as a civic amenity for the general public. Public spaces include plazas, parks, playgrounds, water accesses, etc.

**School, public or private** is defined earlier in section 45-2.
9. Proposed Changes to Conflict Provisions (§ 45-4)

Sec. 45-4. - Conflict of provisions.

(1) It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties.

(2) That where this village codes and ordinances imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this village codes and ordinances shall control.
Sec. 45-16. - Division of village into districts; districts enumerated.

In order to classify, regulate and restrict the uses of land and buildings, the height and bulk of buildings, the amount of open spaces about buildings, intensity of land use, the Village of North Palm Beach, Florida is divided into twelve (12) zoning districts, as follows:

- **R-1** Single-family dwelling district
- **R-2** Multiple-family dwelling district
- **R-3** Apartment dwelling district
- **C-MU** US-1 mixed-use C-A commercial district
- **C-B** Commercial district
- **C-1A** Limited commercial district
- **C-T** C-C Transitional commercial district
- **C-S** Shopping C-1 Neighborhood commercial district
- **C-G** General C-2 Automotive commercial district
- **C-3** Regional mixed-use business district
- **P** Public district
- **OS** C-OS Conservation and open space
- **I-1** Light industrial district
- **C-NB** Northlake Boulevard commercial district

In the creation of this ordinance of the respective districts, the village council has given due and careful consideration to the peculiar suitability of each district for the particular uses and regulations applied thereto and to the densities of population, all in accordance with the comprehensive development plan of the village.
Sec. 45-16.1. - Similar uses.

(a) The community development director shall determine which uses proposed
A use within a commercial or mixed-use zoning district have substantially
the same characteristics as a use not specifically listed as a permitted use,
but possessing Proposed uses with characteristics that are similar to a
permitted use, but not substantially the same, may be established only upon
written application to the community development director for a special use
permit.

(b) In evaluating an application for a special use permit for the establishment of
a similar use, the community development director shall, in consultation
with other village departments, consider the characteristics of the proposed
use, including, but not limited to, size, intensity, density, operating hours,
demands for public facilities, traffic impacts and business practices.

(c) Upon review and evaluation of the application, the community development
director shall present his or her recommendation to the village council for
final consideration on the next available council agenda.

(d) The village council shall conduct a public hearing on the application for
special use permit and determine whether the application meets the criteria
set forth in subsection (b) above. The village council shall grant or deny the
application by written order.

(e) In granting a special use permit, the village council may impose conditions
necessary to ensure that the proposed use:

   (1) Is compatible with the existing or planned character of the
       neighborhood in which it would be located;
   (2) Will not have an adverse impact upon adjacent properties; and
   (3) Will not interfere with the use of adjacent properties.

   Such conditions may include restrictions on the size and operating
   hours of the proposed use.

(f) If the conditions imposed by the special use permit are not met, the
community development director may revoke the permit. A permit holder
may appeal the revocation of a special use permit by filing an appeal, in
writing, to the Zoning Board of Adjustment within thirty (30) days of receipt
of written notice of revocation.
Sec. 45-16.2. - Special exception uses.

(a) General provisions.

(1) Purpose. The purpose of this section is to provide for review of uses that are generally compatible with use characteristics of a zoning district, but which require individual review of their location, design, intensity, configuration and public facility impact in order to determine the appropriateness of the use on any particular site in the zoning district and their compatibility with adjacent uses. Special exception uses may require the imposition of additional conditions to make uses compatible within their specific contexts.

(2) Authority. The village council may, in accordance with the procedures, standards and limitations of this section, grant special exception use approvals for those uses enumerated as special exception uses in any zoning district. In the C-MU and C-NB zoning districts only, the planning commission has this same authority.

(3) Persons entitled to initiate applications. An application for special exception approval may be submitted by the owner of the property or any other person having a contractual interest in the lot or parcel of land proposed for a special exception use.

(b) Standards for review of special exception use approvals. A special exception use approval shall be granted only if the applicant demonstrates the following:

(1) Consistency with the land development regulations and comprehensive plan. The proposed special exception use shall comply with all requirements and be consistent with the general purpose, goals, objectives and standards of the village's land development regulations and comprehensive plan.

(2) Effect on adjacent properties.

a. The proposed special exception use will not have an undue adverse effect upon nearby property or generate excessive traffic or noise.

b. The proposed special exception use is compatible with the existing or planned character of the neighborhood or area in which it would be located and is compatible with existing and future development.

c. All reasonable steps have been taken to minimize any adverse effect of the proposed special exception use on the immediate vicinity through building design, site design, landscaping and screening.
d. The proposed special exception use will be constructed, arranged and operated so as not to interfere with the development and use of neighboring properties, in accordance with applicable zoning district regulations.

(3) Public welfare. The proposed special exception use will protect the village's tax base, will not create a financial burden on the village, and will be in the interests of the public health, safety, comfort, convenience and general welfare.

(c) Conditions on special exception approvals. The Village council shall attach such conditions, limitations and requirements to a special exception use approval as are necessary to carry out the spirit and purposes of the village's land development regulations and comprehensive development plan and to prevent or minimize adverse effects upon other properties in the neighborhood or area. These conditions may include, but are not limited to, limitations on size, intensity of use, bulk and location, landscaping, lighting, provision of adequate ingress and egress, and hours of operation. Such conditions shall be set forth expressly in the written order, resolution or ordinance granting the special exception approval. A violation of any condition shall be considered a violation of this Code and is subject to code enforcement proceedings in accordance with Chapter 2 or any or method of enforcement authorized by law.

(d) Special exception uses within planned unit developments. When the proposed special exception use will be located within a planned unit development, the special exception use review shall be conducted concurrently with the planned unit development approval process and any conditions relating to the proposed special exception use shall be set forth in the ordinance approving the planned unit development.

(e) Procedure.

(1) The special exception use shall be subject to preliminary review by the community development department. Once the community development director certifies that the application is complete, the director shall forward it to the planning commission for a public hearing.

(2) The planning commission shall review the application and forward a recommendation of approval, approval with conditions or denial to the village council. In the C-MU and C-NB zoning districts only, the planning commission has the authority to approve, approve with conditions or deny an application for a special exception; this decision may be appealed to the village council using the same procedures and standards that apply to appeals of waivers (see section 45-51).
(3) Upon receipt of the recommendation of the planning commission, the village council shall conduct a public hearing and determine whether the proposed special exception use meets the requirements of this section. The village council shall approve, approve with conditions or deny the application at the close of the public hearing. The approval of a special exception use, with or without conditions, shall be in the form of a written order, resolution or ordinance.

(4) Upon denial of an application for special exception use approval in whole or in part, a period of one (1) year must elapse prior to the filing of a substantially similar application affecting the same property.

(f) **Public notice.** Public notice of all hearings shall be provided as required by Section 21-3.
Sec. 45-19. - Buildings and uses to conform to district regulations.

Except as hereinafter provided:

A. No building shall be erected, reconstructed or structurally altered, nor shall any building or land be used which does not comply with the regulations for the district in which such building or land is located.

B. No building shall be erected, reconstructed or structurally altered to exceed the height or bulk limits herein established for the district in which such building is located.

C. The minimum open spaces around a main building as provided for in this ordinance shall not be encroached upon or be considered as open spaces for any other building.

D. There shall not be more than one (1) main building and its customary accessory building(s) on a lot as authorized by this chapter.

E. The types, location and uses of buildings and land publicly owned and used in the performance of a public function may be permitted in any district, provided such type, location and use is approved by the village council. The village council may limit the length of time of such type, location and use.
ARTICLE VIII. - LANDSCAPING

Sec. 45-81, 6–1, - Intent.

A. Purpose and intent. The provisions of this section are intended to ensure that properties within the NBOZ village meet minimum landscaping standards in order to:

1. Improve and sustain the aesthetic appearance of the village through creative landscaping which helps to harmonize and enhance the natural and built environment.

2. Promote water conservation by encouraging xeriscaping and utilization of native and drought tolerant landscape material and utilization of water conserving irrigation practices;

3. Provide a visual buffer between otherwise incompatible types of land uses and adjacent rights-of-ways.

4. Encourage innovative and cost-effective approaches to the design, installation, and maintenance of landscaping.

B. Landscape principles. The village promotes Florida-friendly landscaping as defined in F.S. § 373.185 and requires that installed landscapes be designed and maintained with full consideration of the following principles:

1. Specify the right plant in the right place by selecting pest-resistant plants that match the sites soil, light, water, and climate conditions, with an aim for a diversity of trees, shrubs, groundcover, and flowers.

2. Design for more efficient irrigation by grouping plants with similar watering needs together and zoning the irrigation system accordingly.

3. Select sustainably harvested mulch for landscape beds and around tree trunks.

4. Use proper maintenance practices, including fertilizing appropriately to prevent pollution and maximize plant health and spot-treating pests with selective spectrum pesticides.
Sec. 45-82. 6-2. - Administration.

A. Applicability. The provisions of this article shall apply to all existing and future development within the boundaries of the NBOZ village as follows:

1. New development. All new development and substantial redevelopment.

2. Existing development. All existing multifamily, mixed-use, commercial, and industrial development shall conform with the provisions of the article by May 31, 2014, if requesting any of the following types of changes to existing development or to a previously approved development plan:
   a. Increase in the total square footage of any building by more than twenty (20) percent;
   b. Increase in the number of structures; or
   c. Increase in the building height of any building.

3. Existing development along Northlake Boulevard. See section 45-83.

B. Exemptions. All licensed plant or tree nurseries or tree farms shall be exempt from the terms and provisions of this article, but only with respect to those trees planted and growing which are for sale to the general public in the ordinary course of the business. The landscaping required for buildings and parking lots shall be provided.

C. Modifications. The community development director may modify a locational requirement for required landscaping if necessary due to site constraints; however, the amount of landscaping that is required may not be reduced.

C. Waiver. The landscape regulations may be waived in whole or part by the village when a property owner has demonstrated that the requirements contained in this article will reduce required parking, or substantially restrict the operation of the existing business or property's use.

D. Compliance. Failure to install, maintain, or preserve landscaping or native vegetation required in accordance with the terms of this article shall constitute a violation of this article.

1. Failure to comply. If the property fails to meet the requirements of this article, or if the existing trees, shrubbery, grass, or groundcover are permitted to die, and such materials are not replaced within thirty (30) days of the event, the code enforcement officer shall notify, in writing, the person responsible for the maintenance or replacement of such property of the need to comply with the requirements of this section within thirty (30) days from the date of delivery of the notice.
2. **Extensions.** The thirty (30) day rule for compliance may be extended when necessary by the village to recover from acts of nature such as a hurricane or a drought.

3. **Temporary exemptions.** Temporary exemptions from compliance of this section may be granted as per the village, if the violation is a direct result of a natural disaster occurrence or drought.

4. **Relocation or replacement for redevelopment.** The site plan approved to remedy any violation of this article shall include landscaping replacement or relocation to comply with all requirements herein. Relocation or replacement shall comply with the standards listed below.
   a. Trees having a three (3) inch or greater caliper at diameter at breast height (DBH) which are to be replaced shall be replaced by the sum of three (3) caliper inches to every one (1) inch lost and are of like or similar species. Replacement trees shall be a minimum of three (3) inches in caliper. For example, if an existing five (5)-inch caliper tree is removed from the subject property, fifteen (15)-inches in caliper are required for replacement. A combination of tree sizes may be utilized as long as no tree is less than three (3) inches in caliper.
   b. If the site cannot support the total number of required replacement trees as determined herein, the village may permit the owner to donate excess trees to the village for planting on public lands at the owner's expense; contribute to the village the monies equivalent to such required replacement trees; or permit the required replacement trees to be placed upon other lands owned by the same property owners.
   c. The village may require alternative landscape solutions such as additional aesthetic hardscaping, site amenities, or specimen landscaping as per the intent of this article.
Sec. 45-83. 6-3. - Landscape areas in the C-NB zoning district.

Noneconforming

A. Nonconformities established. All development constructed prior to the effective date of these regulations that do not conform with the provisions of this article shall be considered nonconforming. 1. If nonconforming landscaping is damaged or destroyed by any means to the extent of fifty (50) percent or more of its replacement value at the time of the damage, the replacement landscaping and elements must conform to all of the provisions of this article.

B. Maintenance. Noneconforming landscape areas are not exempt from minimum maintenance standards.

C. Amendments to the approved plan. The following types of amendments to a previously approved development plan shall require the review of the landscape plan for the entire site using the minimum landscape standards in this article:

1. Increase in the total square footage of any building by more than twenty (20) percent;

2. Increase in the number of structures; or

3. Increase in the building height of any building.

D. Notice of nonconforming status. In 2003, the village required that all existing development along Northlake Boulevard conform with new landscaping regulations within a period of eight years. On any properties where this requirement has not been met, the 2003 requirement remains in effect until compliance has been achieved. Upon the effective date of this article or upon the future annexation of properties, the village shall contact the owners of all properties developed for nonresidential purposes that do not comply with the provisions of this article. The notice shall inform the property owners that the property is being placed in a nonconforming property and that the owner of nonconforming property shall have eight (8) years from the date of the nonconforming notice to comply with the requirements set forth in this article. Written notice to the property shall be provided by certified mail.
Sec. 45-84. 6-4. - Tree and Plant quality, species, and installation.

A. Minimum plant quality. Plant quality for all required landscaping shall be Florida No. 1 or better, as provided in Grades and Standards for Nursery Plants, Part 1 and Part 2, as amended, as published by the Florida Department of Agriculture and Consumer Services. All vegetation shall be clean and free of noxious pests or disease,

B. Preferred Low-maintenance species list. For required landscaping, 75 percent of trees and shrubs shall be selected from “Low-Maintenance Landscape Plants for South Florida” (latest edition published by the University of Florida IFAS Extension office). Low-maintenance plants have low fertilizer requirements, few pest and disease problems, and do not require frequent maintenance. Some low-maintenance species are identified in this publication as native species; certain landscaping requirements in this article include a minimum percentage of these native species. The preferred species list contained in section 4-7 periodically revised, as needed. To the greatest extent possible, the species list shall represent plants that are drought tolerant plants, noninvasive; not destructive to native plants, and strong wooded, non-brittle plants.

C. Installation.
1. All landscaping shall be installed with sound workmanship and sound nursery practices in a manner that will encourage vigorous growth.
2. A plant or tree's growth characteristics shall be considered before planning planting to prevent conflicts with views, lighting, or signage.

D. Root barriers. The village shall require root barriers for trees planted within fifteen (15) feet of any road right-of-way, sidewalk, or utility. In determining the appropriateness of particular protection techniques, the village shall use the current edition of the Tree Protection Manual for Builders and Developers, published by the State Division of Forestry, Florida Department of Agriculture and Consumer Services.
Sec. 6-5. - New construction and substantial revision.

A. Landscape area. At least fifteen (15) percent of the total parcel area shall be landscaped, excluding any area utilized for required parking.

B. Overall landscaping. The required area to be landscaped may include any of the following: [this material is being relocated to Table 45-87.B]

1. Entry features;
2. Massing of landscaping to produce focal points;
3. Foundation plantings;
4. Trellises, arbors, and similar structures;
5. Planter and flower boxes;
6. Freestanding planters and pottery;
7. Sidewalk plantings;
8. Landscaped courtyards, loggias, patios, and similar open areas available for public use; and

Sec. 45-85. 6-6. - Prohibited and standard invasive plants.

A. Prohibited plantings.

A. 1. Artificial plants or vegetation may not be used to meet the landscaping requirements of this article. shall be prohibited.

B. 2. Prohibited plants shall not be planted within the village, NBOZ, and existing prohibited plants shall be removed if determined to be invading adjacent native plant communities. The list of prohibited plant species shall include all species identified as Category 1 & Category 2 invasive species on “List of Invasive Plant Species” (latest edition published by the Florida Exotic Pest Plant Council), specifically including the following species: include, but are not limited to Casuarina spp. (Australian Pine), Ficus bengalensis (Banyan), Supaniopsis anacardioides (Carrotwood), Acacia auriculiformis (Earleaf Acacia), Pueraria montana (Kudzu), and Melaleuca quinquenervia (Melaleuca/Punk Tree/Pepper Tree).

C. All existing Category 1 invasive species shall be removed from existing development if the thresholds in section 45-82.A.2 are exceeded.

B. Controlled plant species. The following species may be planted or maintained under controlled conditions and shall not exceed a maximum of ten (10) percent of the total number of required trees:

1. Black olives. Black olives shall not be installed within fifteen (15) feet of any parking area.
2. **Ficus species.** Ficus species may be planted as individual trees or hedge material provided that individual trees are no closer than thirty (30) feet from any public road right-of-way, utility, or structure. Hedges shall not exceed eight (8) feet in height and be regularly maintained.

Sec. 6-7. – Preferred landscape palette.

A. **Preferred trees.** Fifty (50) percent of the required trees shall be selected from the list presented below.

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Cabbage Palm</td>
<td>Sabal palmetto</td>
</tr>
<tr>
<td>2. Cattley Guava</td>
<td>Psidium littorale</td>
</tr>
<tr>
<td>3. Dahoon Holly</td>
<td>Hex Cassine</td>
</tr>
<tr>
<td>4. Ligustrum Tree</td>
<td>Ligustrum lucidum</td>
</tr>
<tr>
<td>5. Live Oak</td>
<td>Swietenia virginiana</td>
</tr>
<tr>
<td>6. Mahogany</td>
<td>Swietenia mahogani</td>
</tr>
<tr>
<td>7. Oak</td>
<td>Quercus spp.</td>
</tr>
<tr>
<td>8. Oleander Tree</td>
<td>Nerium oleander</td>
</tr>
<tr>
<td>9. Pink Tabebula</td>
<td>Tabebula heterophylla</td>
</tr>
<tr>
<td>10. Pygmy Date Palm</td>
<td>Phoenix roebellini</td>
</tr>
<tr>
<td>11. Silver Buttonwood</td>
<td>Conocarpus erectus</td>
</tr>
<tr>
<td>12. Washington Palm</td>
<td>Washingtonia robusta</td>
</tr>
<tr>
<td>13. Wax Myrtle</td>
<td>Myrica cerifera</td>
</tr>
<tr>
<td>14. Weeping Bottlebrush</td>
<td>Callistemon viminalis</td>
</tr>
</tbody>
</table>

B. **Preferred shrubs and groundcovers.** Fifty (50) percent of the required shrubs and groundcovers shall be selected from the list presented below:
Sec. 45-86. – Submission requirements for landscaping.

Plans must be submitted that demonstrate compliance with village landscaping requirements. These plans must be professionally prepared, drawn to scale with accurate dimensions, and must at a minimum contain the following:

A. **Tree disposition plan**, depicting:
   1. Existing trees, with a unique number assigned to each tree; and
   2. A tree survey table with the following information listed by tree number corresponding to the numbered existing trees on the plan view:
      a. Common and botanical species name
      b. Diameter at breast height for trees
      c. Clear-trunk height for palms
      d. Proposed tree disposition (remain/protect, relocate, or remove)

B. **Landscape plan**, depicting:
   1. Existing plant material to remain;
   2. Existing trees and shrubs and site improvements on abutting properties within 25 feet of the property lines. This information may be obtained from aerial photographs and approximate locations based on field visits;
   3. The location and outline of proposed buildings and site improvements including landscaping, paving, utilities, easements, and rights-of-way;
   4. Existing site improvements to remain including buildings, paving, utilities, easements, and rights-of-way;
   5. Proposed plant materials by botanical and common names and by installation size and spacing;
   6. Signage locations, including monument signage and wall-mounted building signage; and
   7. Planting details and specifications.

### Table 6-7B — Preferred Shrub/Groundcover Species

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bougainvillea</td>
<td>Bougainvillea spp.</td>
</tr>
<tr>
<td>Cocoplum</td>
<td>Chrysobalanus icaco</td>
</tr>
<tr>
<td>Confederate Jasmine</td>
<td>Trachelospermum Jasminoides</td>
</tr>
<tr>
<td>Crinum Lily</td>
<td>Crinum Asiaticum</td>
</tr>
<tr>
<td>Croton</td>
<td>Codiaeum Variegatum</td>
</tr>
<tr>
<td>Dwarf Oleander</td>
<td>Nerium oleander ‘petite’</td>
</tr>
<tr>
<td>Dwarf Philodendron</td>
<td>Philodendron ‘xanadu’</td>
</tr>
<tr>
<td>Fakahatchee Grass</td>
<td>Tripsacum dactyloides</td>
</tr>
<tr>
<td>Hibiscus</td>
<td>Hibiscus spp.</td>
</tr>
<tr>
<td>Liriope</td>
<td>Liriope muscari</td>
</tr>
<tr>
<td>Saw Palmetto</td>
<td>Serenoa repens</td>
</tr>
</tbody>
</table>
C. **Irrigation plan**, containing the following:

1. Location of existing and proposed trees, planter beds, and sodded areas, as applicable;
2. Location of existing building, paving, and site improvements to remain;
3. Location of proposed buildings, paving, site improvements, and drainage features;
4. Irrigation zone layout plan which is at least 60% complete, indicating sprinkler head types and equipment schedule;
5. Water source (well/pump, canal/pump, reclaimed, potable, etc.) and/or water service connection location and backflow prevention device, as applicable; and
6. Rain and/or moisture-sensing device(s).

Sec. 45-87. 6-8. – Criteria for required landscaping.

Minimum landscape requirements.

A. **Required landscaped areas.** The following uses areas are within nonresidential developments shall be required to provide landscaping; as required herein:

1. Miscellaneous landscape elements, as required in section 45-88;
2. Off-street parking lots, vehicular use areas as required in section 45-89 6-8;
3. Site perimeters, as required in section 45-90; and
4. Building Base of foundation, as required by section 45-91, 6-12; and
   3. Signs as required by article 7.

B. **Natural form.** New trees and shrubs should duplicate natural patterns with multiple plant sizes, spacing, plant clusters, and single plantings.
C. **Size and configuration of plants. Minimum landscape standards.** All required landscaping installed shall meet the minimum standards requirements of Table 45-87-A 6-8A and as otherwise provided herein.

<table>
<thead>
<tr>
<th>Plant Material</th>
<th>Minimum Size at Planting</th>
<th>Other Installation Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trees</td>
<td>12 feet with a minimum crown of 5 feet. (1)</td>
<td>50% of required trees shall be selected from the preferred plant list.</td>
</tr>
<tr>
<td>Trees</td>
<td>8 feet tall at planting, with a minimum crown at planting of 3 feet. (1)</td>
<td>75% of required trees shall be low maintenance.</td>
</tr>
<tr>
<td>Palms</td>
<td>8 feet when used for required buffer or parking purposes. (2, 3)</td>
<td>3 palms equals 1 required shade canopy tree. 75% of required palms shall be low maintenance.</td>
</tr>
<tr>
<td>Specimen Palms</td>
<td>12 feet tall at planting; with a 6-inch minimum caliper (2)</td>
<td>1 specimen palm shall equal 1 shade tree or 3 palms.</td>
</tr>
<tr>
<td>Hedge Shrubs</td>
<td>30 24 inches tall</td>
<td>Planted not more than 24 inches on center.</td>
</tr>
<tr>
<td>Vines</td>
<td>60-inch trellis length, with 3 or more live runners at planting</td>
<td>Attached to support. (4)</td>
</tr>
</tbody>
</table>

**Notes**

(1) Height measured from grade to average end of branches, not the tallest of one or two branches and a minimum crown of five (5) feet.

(2) Height measured as gray trunk height.

(3) Palms not classified as specimen palms and planted in perimeter buffer areas shall be installed in groups of not less than three.

(4) Support shall be provided consistent with sound horticultural practices to encourage future growth.
D. **Minimum Landscape points to exceed minimum standards.** In addition to meeting all other landscaping requirements, each development parcel must supplement the minimum standards by qualifying for additional landscape points. Points are awarded for landscape material and improvements that exceed the minimum standards, including exceeding the size and volume of required material.

1. Parcels less than 1 acre must exceed the minimum standards by 50 points.
2. Parcels between 1 and 2 acres must exceed the minimum standards by 100 points.
3. Parcels larger than 2 acres must exceed the minimum standards by 150 points.

Tables 4-8B and 4-8C shall be used to determine the minimum landscape points per open space a project shall be required to provide. Achieving the minimum open space landscape point requirement does not exempt a project from compliance with other requirements of this article.

4. **Total landscaping points.** Achieving the total points per open space for an entire project within one or more areas does not exempt one from complying with all other requirements, even if that means exceeding the minimum required.

5. [relocated from 45-87.P] If a redevelopment and nonconforming project is unable to meet the point system or open space requirements of this article, required landscape points may be acquired by placing equivalent landscaping on transferred to other public lands, parks, road, road rights-of-way, or other similar public space, if acceptable to the village and the entity that manages the land, up to a maximum of fifty (50) twenty-five (25) percent reduction of required points per one hundred (100) square feet.

### Table 6-8B — Minimum Landscape Requirements for Point System Delineation

<table>
<thead>
<tr>
<th>% Open Space Provided</th>
<th>Points per 100 Square Feet</th>
<th>% Open Space Provided</th>
<th>Points per 100 Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 15%</td>
<td>22</td>
<td>25—27%</td>
<td>14</td>
</tr>
<tr>
<td>16%</td>
<td>21</td>
<td>28—29%</td>
<td>13</td>
</tr>
<tr>
<td>17%</td>
<td>20</td>
<td>30—32%</td>
<td>12</td>
</tr>
<tr>
<td>18%</td>
<td>19</td>
<td>33—34%</td>
<td>11</td>
</tr>
<tr>
<td>19%</td>
<td>18</td>
<td>35—38%</td>
<td>10.5</td>
</tr>
<tr>
<td>20%</td>
<td>17</td>
<td>40—49%</td>
<td>9.5</td>
</tr>
<tr>
<td>21—22%</td>
<td>16</td>
<td>50—59%</td>
<td>8</td>
</tr>
<tr>
<td>23—24%</td>
<td>15</td>
<td>&gt; 60%</td>
<td>2</td>
</tr>
</tbody>
</table>

**Notes:**
- Example: 15% project open space requires 22 points/100 square feet
- = Equal to or less than
- > = Equal to or greater than
# 29. Landscaping (new) (§§ 45-81–45-94)

### Table 45-87-B 6–8C  Required Supplemental Landscape Installation Points

<table>
<thead>
<tr>
<th>Category</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specimen Trees or Palms (1) *</td>
<td>25 per tree or palm retained additional</td>
</tr>
<tr>
<td>Specimen Plants*</td>
<td>15 additional</td>
</tr>
<tr>
<td>Specimen Palms*</td>
<td>25 additional</td>
</tr>
<tr>
<td>Native Trees (1)− (if &gt;5 Inches DBH)</td>
<td>20 per tree retained or planted, plus 1 point for each inch &gt;5 DBH</td>
</tr>
<tr>
<td>Trees w/12 foot minimum height (minimum of 50% from Preferred Tree Species list) (See Note 1)</td>
<td>15 plus 1 point for each foot than minimum</td>
</tr>
<tr>
<td>Low-Maintenance Trees not on Preferred Tree Species list or &lt; ≥ 12 foot minimum height</td>
<td>5 per tree planted</td>
</tr>
<tr>
<td>Low-Maintenance Palms from Preferred Tree Species list w/minimum ≥ 8 feet of clear trunk</td>
<td>3.3 per palm planted, points plus 1 point for each foot of clear trunk &gt; 8 feet</td>
</tr>
<tr>
<td>Large Shade Tree &gt;12 feet of clear trunk</td>
<td>10 per tree planted, plus 1 point for each foot of clear trunk &gt;12 feet</td>
</tr>
<tr>
<td>Courtyards, loggias, patios, and similar open areas available for public use</td>
<td>50 points</td>
</tr>
<tr>
<td>Massing of landscaping including trees, shrubs, groundcover, and flowers to produce focal points</td>
<td>up to 25 points</td>
</tr>
<tr>
<td>Trellises, arbors, or flower boxes</td>
<td>up to 25 points</td>
</tr>
<tr>
<td>Sidewalks &amp; adjoining landscaping that connect parking lots or alleys to buildings or to public sidewalks</td>
<td>up to 25 points</td>
</tr>
<tr>
<td>Palms not on Preferred Tree Species List or less than 8 feet of clear trunk</td>
<td>†</td>
</tr>
<tr>
<td>All Shrubs (minimum of 50% from Preferred Shrub Species list)</td>
<td>†</td>
</tr>
<tr>
<td>All Groundcover (minimum of 50% from Preferred Groundcover Species list)</td>
<td>2 points per 10 square feet</td>
</tr>
<tr>
<td>Grass</td>
<td>.25 (¼) points per 10 square feet</td>
</tr>
</tbody>
</table>

**Notes**

(1) Abused trees, as determined by the village, shall not count toward required points.

* = Justification to be provided consistent with definition below.

DBH= Diameter at Breast Height. (4-½ feet above grade)  ≤ = Less Than.  > = Greater Than.

## E. Reserved.
F. Water conservation.

1. Landscape plans shall be required to use minimum water conservation techniques such as the following:
   a. Moisture-Sensing Controller (other than rainswitch).
   b. Drip/Trickle/Micro Irrigation System.
   c. Quality Effluent Irrigation.

2. Water conservation may also be obtained through the use of the following:
   a. Florida Native Landscaping.
   b. Very drought-tolerant trees, shrubs and groundcovers.
   c. Native wildflowers, meadow grasses or groundcover in lieu of up to 25% of allowable sodded area.

G. Specimen trees and palms. Specimen trees and palms are either:

1. Existing native trees if in good health, and over thirteen (13) inches at diameter at breast height (DBH), and not a Category 1 invasive species on the “List of Invasive Plant Species” (latest edition published by the Florida Exotic Pest Plant Council) or larger.

2. A newly planted tree or palm that will become a landscape’s focal point due to its size, scent, flowers, or other noteworthy feature.

H. Shade canopy trees.

1. Shade Canopy trees shall be installed in the landscape perimeter buffers at a maximum of thirty (30) feet on center.

2. Shade trees shall be installed in landscape islands and diamonds in parking lots; see subsection 45-89.

3. The Canopy Shade trees, at maturity, shall be of a species, which possess an average spread of at least twenty-five (25) feet and a clear trunk of at least six (6) feet.

4. The village may approve Approval of the use of shade trees with a lesser mature canopy, provided that groupings of such species are utilized to achieve the average spread.

I. Palm trees.

1. Palms must attain a minimum twelve (12) feet in height at maturity.

2. Palms must be resistant to lethal yellowing.

J. Tree species mix. When more than fifteen (15) trees are required to be planted to meet the landscaping standards of this section, a mix of species shall be provided according to the overall number of trees required to be planted. Species shall be planted in proportion to the required mix. The minimum number of species to be planted is indicated in Table 45-87-C. 6-8D.
29. Landscaping (new) (§§ 45-81–45-94)

Table 45-87-C 6-8D --- Required Species Mix

<table>
<thead>
<tr>
<th>Required Number of Trees</th>
<th>Min. Number of Species</th>
<th>Required Number of Trees</th>
<th>Min. Number of Species</th>
</tr>
</thead>
<tbody>
<tr>
<td>16–20</td>
<td>2</td>
<td>31–40</td>
<td>4</td>
</tr>
<tr>
<td>21–30</td>
<td>3</td>
<td>41 +</td>
<td>5</td>
</tr>
</tbody>
</table>

K. **Native and drought-tolerant trees.**
1. A minimum of fifty (50) twenty-five (25) percent of all trees used to satisfy the standards of this article shall be classified as native species (see section 45-84).
2. In addition, fifty (50) percent shall be classified as drought-tolerant by the most recent edition of the South Florida Water Management District's "Xeriscape Plant Guide."

L. **Shrubs and hedges, groundcovers.**
1. At least fifty (50) twenty-five (25) percent of all required hedges and shrubs shall be classified as native species (see section 45-84), drought tolerant by the most recent edition of the South Florida Water Management District’s "Xeriscape Plant Guide."
2. At the time of installation, required hedges and shrubs shall be a minimum of twenty-four (24) inches in height, or eighteen (18) inches in height for native species, spaced at a maximum of twenty-four (24) inches on center.
3. Required hedges shall form a solid, continuous visual screen of at least three (3) feet in height within two (2) years of planting.
4. Hedges used in combination with nonliving landscape barriers to meet the six (6) feet screen requirements shall be installed the height necessary to provide the total six (6) foot screen within (2) years of planting.

M. **Reserved.**

N. **Sod or grass.** Not more than forty (40) percent of the total landscape area shall be covered with sod or grass.

O. **Ground treatment.**
1. The ground area within required landscaped areas which is not dedicated to trees or palms, or the preservation of existing or new vegetation, shall receive appropriate landscape treatment such as grass, groundcover, mulch, or shrubs and present a finished appearance upon planting.
2. Sand, gravel, shellrock, or pavement shall not be considered appropriate landscape treatment.
3. The following standards shall apply to the design of ground treatment.
   a. **Plants.** Ground cover. Live material used as ground cover shall provide a minimum of fifty (50) percent coverage immediately
upon planting and one hundred (100) percent coverage within one (1) year.

b. **Mulch.** Mulch shall be installed and maintained at a minimum depth of three (3) inches at all times; in all planted areas not containing ground cover, except leaving two inches of space around tree trunks to prevent rot.
   i) All mulch material shall be seed and weed-free to prevent tree sprouting and regrowth, and shall be sustainably harvested such as melaleuca, pine straw, or eucalyptus.
   ii) Mulch shall be temporarily applied to areas not immediately covered by groundcover.
   iii) Mulch will be thoroughly wet at the time of application to prevent wind displacement.

c. **Pebble and egg rock.** Pebble or egg rock may be used in a limited amount as a ground treatment in areas where drainage is a problem.

d. **Lawn and turf grass.** Grass areas shall be planted with species suitable as permanent lawns. Use of drought-tolerant groundcover instead of lawn and turf grass is encouraged.

O. **Flowers.** Flower boxes and hanging pots should complement the overall architecture of the facade and not obscure architectural details. The boxes should be well constructed, and accommodate watering needs without allowing water to drip or leak onto the building or sidewalk.

P. **Reserved.** Redevelopment and nonconforming projects. [content moved to 45-87.D.5]

Q. **Landscape in easements.**
   1. Landscaping may be permitted in easements with the written permission of the easement holder. Trees planted within any easement with overhead utilities shall be consistent with FP&L’s suggested tree list "Plant the Right Tree in the Right Place," taking into consideration the mature height and spread of the species beneath or adjacent to existing overhead utilities.
   2. Easements may overlap a landscape buffer a maximum of five (5) feet provided that there remains a minimum of five (5) clear feet for planting, or if a wall with a continuous footer is used, a minimum of ten (10) clear feet for planting.
   3. The landscape buffer may be traversed by easements or access ways as necessary to comply with the standards of this section.
R. **Perimeter landscaping.** Only access ways and easements shall be permitted as interruptions in perimeter landscaping and shall be included in the calculation of linear dimension. No structures or parking are to be located in this landscape area.

S. **Landscaping in public road right-of-way.** Maintenance of landscaped rights-of-way shall be the responsibility of the project's property owner or, as agreed upon in the development order approving the project, by special districts created for unified maintenance.

**Sec. 45-88. 6-9. - Miscellaneous landscape elements.**

A. **Alternative landscape materials.** A landscape plan may utilize one or more materials not specifically authorized in this article and must be demonstrated to be consistent with the purposes and intent of this article.

B. **Screening required.** Uses within the overlay zone that shall be required to be screened from public view include mechanical equipment areas, parking areas, satellite dishes mounted on the ground, chain-link or other non-opaque fence or wall type, accessory use structures, and other elements as defined by this article.

C. **Perimeter walls and fences.**
   1. Perimeter walls, metal or wood fences, or other nonliving landscape materials may be used in conjunction with vegetation to meet required landscaping.
   2. Approved walls or fences shall be set back from property lines sufficiently to include landscape on the outside of the wall or fence. Chain link fences shall have a green or black vinyl covering.
   3. Maintenance of the wall or fence and associated landscaping by the property owner is required.

D. **Storage and garbage collection sites.** All outside storage and trash or garbage collection sites shall be completely screened from view, utilizing a structural barrier and any approved combination of hedges (a minimum of three (3) feet in height) structural barriers, and berms that will or any combination thereof to one hundred (100) percent screen the area from view.

E. **Service areas.**
   1. Service areas of nonresidential buildings, when visible from the street right-of-way or adjacent residential land use, shall have barriers and a hedge at a minimum of six (6) feet in height to screen the service area from this use.
2. Service areas may include interior or exterior work bays associated with full service gas stations, tire repair, auto repair business, as well as any business proposing loading or unloading docks.

F. **Backflow preventers.** Backflow preventer systems shall be screened from public view, utilizing any combination of trees, palms, hedges, or other barriers.

G. **Reserved.**  

H. **Pavers.** The use of pavers or similar impervious material, excluding sidewalks, shall not exceed thirty (30) percent coverage of an open space area, and shall not be wider than twelve (12) feet if used in a required landscape buffer area.

I. **Signs.** Landscaping around ground/monument signs is required and shall be provided pursuant to article 7.

J. **Landscape area around signs.** [relocated from subsection 45-89.H.2]

1. a. A three (3) foot wide planting area shall be required around the base of all signs except signs that are mounted on buildings.

2. b. One (1) shrub for each ten (10) square feet of sign surface area shall be installed within the three (3) foot planting area at the base of the sign.

3. c. Ground/monument signs may be surrounded by ground cover instead of shrubs.

4. d. Landscaping and trees which interfere with signage may be relocated to the rear of the sign planting area.

K. **Advertising.** At no time shall a landscaped area be used for advertising display or sales. Temporary signs may not be placed in landscaped areas.

K. **Earth berms.** Earth berms shall use long and gentle slopes and as non-living landscape barriers only when installed in conjunction with plant materials.

1. Berms five (5) feet or less in height shall have a maximum slope of 2:1. Berms greater than five (5) feet in height shall not exceed a ratio of 3:1 in slope.

2. Hedges used in combination with earth berms to meet the six (6) foot screen requirements shall be installed at the height necessary to provide the total six (6) foot screen at time of planting.
Sec. 45-89. 6–10. - Landscape requirements for off-street parking lots.

A. **Minimum spacing of shade trees.**

1. The minimum shade tree spacing for interior parking lots shall be such that the center of any parking space is not more than forty (40) feet from the center of the shade tree.

2. Any required shade tree may be replaced by a minimum of three (3) palms clustered together, as long as the affected parking bays are more than fifty (50) feet from a public street.

B. **Landscape islands.**

1. **Interior islands.** An interior landscape island shall be required for every nine (9) parking spaces located in a row or fraction thereof.
   a. Interior islands shall be spaced a maximum of ninety (90) feet apart.
   b. Interior islands shall measure at least (15) feet in length and eight (8) feet in width (or five (5) feet in width for parcels less than 1 acre), excluding required curbing.
   c. A minimum of one hundred twenty (120) square feet of pervious surface areas shall be provided.
   d. A minimum of one (1) shade tree shall be planted in each interior island, in addition to shrubs and mulch or ground cover.

2. **Terminal islands.** Each row of parking spaces shall be terminated by landscape islands.
   a. Terminal islands shall measure at least (15) feet in length and eight (8) feet in width (or five (5) feet in width for parcels less than 1 acre), excluding required curbing.
   b. A minimum of one hundred twenty (120) square feet of pervious surface areas shall be provided.
   c. A minimum of one (1) shade tree shall be planted in each terminal island, in addition to shrubs and mulch or ground cover.

3. **Landscape diamonds.** The use of Landscape diamonds may be substituted for interior landscape islands parking lot tree planting as per this section for parcels less than 1 acre, but not for terminal islands at the end of parking rows.
   a. **Landscape diamonds.** On these small parcels, landscape diamonds may be distributed throughout the interior of an off-
29. Landscaping (new) (§§ 45-81–45-94)

...street parking lot area to provide shading of parked motor vehicles as an alternative to interior landscape islands.

b. Landscape diamonds. Tree planting areas shall be located only at the common intersection of four (4) parking spaces and spaced no greater than four (4) spaces apart.

c. The ground within the diamond tree planting area shall receive appropriate landscape treatment, including shrubs and mulch or groundcover.

d. The minimum diamond size tree planting area shall be twenty-five (25) square feet and the minimum dimension shall be five (5) feet by five (5) feet, not including curb treatment.

e. A minimum of one (1) shade tree shall be planted in each diamond. Each planter island shall contain at least one canopy tree for each one hundred (100) square feet of area or fraction thereof, in addition to shrubs and mulch or ground cover.

4. Terminal and landscape islands. Each row of parking spaces shall be terminated by landscape islands, which measure a minimum of eight (8) feet in width, excluding required curbing, and fifteen (15) feet in length. A minimum of one hundred twenty (120) square feet of pervious surface areas shall be provided. A minimum of one (1) tree shall be planted in each terminal island.

5. Interior landscape islands. A minimum of one (1) interior landscape island shall be provided for every nine (9) parking spaces or fraction thereof and shall be spaced a maximum of ninety (90) feet apart. Interior islands shall measure not less than eight (8) feet in width, excluding required curbing, and fifteen (15) feet in length. A minimum of one hundred twenty (120) square feet of pervious surface areas shall be provided. A minimum of one (1) tree shall be planted in each interior island.

6. Lots equal to or less than one (1) acre. For lots equal to or less than one (1) acre, terminal and interior landscape islands shall be a minimum of five (5) feet in width, excluding required curbing, and fifteen (15) feet in length.

C. Divider median.

1. Divider medians shall be installed between rows of parking and between all parking/vehicular use areas.

2. One (1) tree shall be planted for each thirty (30) linear feet of a divider median, or fraction thereof.

3. The minimum width shall be five (5) feet of un-encroached landscape area.
D. **Minimum size for landscape areas.**

1. The minimum landscape area shall contain no dimension less than five (5) feet in width, measured from the inside of the curb.

2. There shall be no landscape area smaller than twenty-five (25) square feet.

3. Landscape areas within interior parking areas may be reduced if the areas shall constitute an obstruction in use of a building structure, providing the reduced square footage is relocated so as to emphasize entrance corridors or special landscaped areas within the general parking area.

D. E. **Protection of landscape areas.** All landscape areas shall be protected by curbs or wheel stops from vehicular encroachment and from the damages caused by vehicles overhanging into landscape areas.

1. **Landscaping.** In addition to grass, landscaping shall be required to be at least thirty (30) inches from the edge of the wheel stop or curbing.

2. **Overhang areas.** Vehicle Parking lots areas designed to permit vehicles overhanging into landscaped areas shall not be permitted to count the first thirty (30) inches of landscape area as open space.

3. **Curbing.** All landscape areas subject to vehicular encroachment shall be separated from vehicular use areas by six (6) inch, non-mountable, FDOT-type 'D' or FDOT-type 'F', concrete or asphalt curbing. The curbing shall be machine-laid, formed-in-place or integral with the pavement. Curbing may be interrupted to accommodate drainage, paths, or sidewalks.

4. **Wheel stops.**
   a. Wheel stops shall have a minimum height of six (6) inches above finished grade of the parking lot area, shall be properly anchored, and continuously maintained in good condition.
   b. The space between the wheel stop and the end of the parking space may be paved as required by the building division for anchoring and maintenance purposes.
   c. Wheel stop anchor rods shall be set through the pavement and the bottom of the wheel stop must rest fully on the pavement to prevent rocking.
E. A landscape buffer, at least five (5) feet in width, shall be provided along all sides of the parking lot, excluding a side or sides that abut a building.

F. Hedges.

1. All parking, loading, or storage areas adjacent to the right-of-way, including driveways to parking lots, shall include a continuous hedge that is maintained at a minimum of three (3) feet at maturity.

2. "Dwarf" hedges may be installed and maintained at a minimum height of eighteen (18) inches when adjacent to an automobile sales display area.

G. Maintenance. Regular maintenance of vehicular use areas adjacent to all landscape areas shall include replacement of broken curbs or curb stops as needed to keep the general appearance in good condition and safe.

H. Safe sight distance triangles. [moved to subsection 45-90.C]

2. Landscape area around signs. [moved to subsection 45-88.I]
29. Landscaping (new) (§§ 45-81–45-94)

Sec. 45-90. § 11. – Landscape requirements for site perimeters.

Minimum landscape buffer and planting requirements.

A. Minimum buffer width for site perimeters required. A landscape buffer of the widths specified in Table 45-90 shall be provided a minimum of eight (8) feet in width around the perimeter of all parcels in the specified zoning districts.

<table>
<thead>
<tr>
<th></th>
<th>Front Yard</th>
<th>Side Yard</th>
<th>Rear Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>R-3</strong></td>
<td>8 feet</td>
<td>5 feet</td>
<td>5 feet</td>
</tr>
<tr>
<td><strong>C-MU</strong></td>
<td>5 feet 2</td>
<td>5 feet</td>
<td>5 feet</td>
</tr>
<tr>
<td><strong>C-2</strong></td>
<td>8 feet</td>
<td>10 feet</td>
<td>5 feet 3</td>
</tr>
<tr>
<td><strong>C-3</strong></td>
<td>5 feet 2</td>
<td>5 feet</td>
<td>5 feet 4</td>
</tr>
<tr>
<td><strong>C-NB</strong></td>
<td>5 feet</td>
<td>5 feet</td>
<td>5 feet</td>
</tr>
<tr>
<td><strong>All other commercial</strong></td>
<td>5 feet</td>
<td>5 feet 4</td>
<td>5 feet</td>
</tr>
</tbody>
</table>

I-1 see section 45-38

NOTES:

1. Only required in side yards that adjoin R-1 or R-2 districts
2. Does not apply to all building frontage types: along US Highway 1 and Northlake Boulevard, the front yard landscape buffer may not be planted on a sidewalk easement (see subsections 45-31.E.6 and 45-34.1.H)
3. Not required on parcels that adjoin the railroad right-of-way
4. Only required on parcels that adjoin US Highway 1 or Northlake Boulevard (see subsection 45-34.1.H)
5. Only required in side yards that adjoin less intense zoning districts (e.g. any residential district; or for industrial districts, any residential, commercial, or mixed-use district)

However, additional buffer width shall be provided as indicated below:

1. A minimum landscape buffer of ten (10) feet in width shall be required on lands located adjacent to public rights-of-ways that are one hundred ten (110) feet wide or less;
2. A minimum landscape buffer of at least fifteen (15) feet in width shall be required on lands located adjacent to public rights-of-ways that are one hundred eleven (111) to one hundred fifty (150) feet wide;
3. A minimum landscape buffer of at least twenty (20) feet in width shall be required on lands located adjacent to public rights-of-ways that are greater than one hundred fifty (150) feet wide; and
4. A landscape buffer, at least five (5) feet in width, shall be provided along all sides of the parking lot, excluding that side or sides, which abut a building. [relocated to subsection 45-90.E]

B. **Mature height.** Vegetation should be planted taking into consideration the mature height and spread of the species.

C. **Spacing.** The maximum spacing of planting trees shall be thirty (30) feet on center along any perimeter buffer.

D. **Perimeter Landscape requirements for site perimeters.** Perimeter landscape buffers shall be installed and maintained in accordance with the following standards. Easements and access ways, which traverse required perimeter landscape buffers, shall be included in the calculation of linear dimension.

1. **Palm Trees.**
   a. Within the perimeter landscape buffer, a specimen palm or a group of three (3) palm trees may be substituted for one (1) required shade canapy tree; however, not more than fifty (50) percent of the required shade canapy trees may be replaced by palm trees.
   b. In right-of-way buffers only, Royal or Phoenix palms, excluding Phoenix roebellini, may be counted as one (1) required canopy tree. These palms shall:
      1) Not exceed a maximum of thirty (30) percent of all trees required in the buffer;
      2) Be spaced a maximum of twenty (20) feet on center; and
      3) Be a minimum of either six (6) feet of gray wood for Royal palms or eight (8) feet clear trunk for Phoenix palms.

2. **Slash pines.**
   a. Slash pines planted in perimeter buffers shall be installed in groups of no less than three (3).
   b. Each group of slash pines shall average a minimum of ten (10) feet in height and may be counted as one (1) required shade canapy tree.

3. **Hedges and shrubs.**
   a. At the time of installation, required hedges and shrubs shall be a minimum of twenty-four (24) inches in height, and spaced at a maximum of twenty-four (24) inches on center.
   b. Required hedges shall form a continuous solid opaque visual screen of at least thirty-six (36) inches in height within two (2) years of planting.
4. **Shade Canopy tree and palm clustering.**
   a. **Shade Canopy** trees and palms may be clustered in right-of-way buffers if the clusters are spaced a maximum of thirty (30) feet apart, and/or consist of trees of varied height, which when averaged, equal the minimum tree height requirements, and are located on property containing a minimum of three hundred (300) linear feet along the right-of-way.

5. **Walls and fences within right-of-way buffer.**
   a. If a wall or fence is used, the required landscaping shall be located between the wall or fence and the right-of-way.
   b. Walls and fences shall not encroach upon easements, unless approved in writing by the easement holder.
   c. Wall or fences shall be setback a minimum of ten (10) feet from the edge of the ultimate right-of-way unless a wall with a continuous footer is used, then the wall shall be setback to provide a minimum of ten (10) clear feet for planting.

6. **Mature height and spacing.** Vegetation should be planted taking into consideration the mature height and spread of the species. The maximum spacing of trees planted in perimeter buffers shall be thirty (30) feet on center.

C. **Safe sight distance triangles.**
   [relocated from section 45-89.H and modified as indicated]
   Safe sight distance triangles may be required shall be provided in accordance with the County Design Manual, published by the Palm Beach County Department of Engineering and Public Works, to restrict placement of visual obstructions.  
   1. **Landscape limitations.**
      a. Safe sight distance triangle areas shall be maintained to provide unobstructed visibility at a level between thirty (30) inches and eight (8) feet above the crown of the adjacent roadway and in a way that does not that might create a traffic hazard.  
      b. Landscaping on state roads shall be installed in accordance with the roadside clear zone provisions of the State of Florida Department of Transportation’s Manual of Uniform Minimum Standards for Design, Construction, and Maintenance of Streets and Highways, as amended.  
      c. All landscaping within the safe sight distance triangle area shall be planted and perpetually maintained by the property owner, in accordance with this section.
Sec. 45-91. 6–12. – Landscape requirements for base of foundation landscaping and plantings.

A. Location and width.

1. There shall be foundation landscape areas between 2 feet and 5 feet in width immediately around the base landscaping within five (5) feet of all buildings and structures, and
   a. These landscape areas shall be provided along all four (4) facades of all commercial structures, excluding rear service areas not visible by a public road right-of-way or not generally traveled by the public or visible from adjacent structures.
   b. The combined length of the required foundation planting shall be no less than forty (40) percent of the total length of the applicable side of the structure.

2. This requirement shall not apply in the C-MU and C-3 zoning districts in front of buildings that meet the standards for a gallery, storefront, or canopy building frontage type.

B. Irrigation. All foundation areas shall be irrigated and of the appropriate size to accommodate the mature size of the vegetation to be planted.

B. C. Minimum standards.

1. The minimum standards for When required, foundation landscaping shall be determined by the building height and function, and always extend along the portions of a facade that directly abut a parking lot area or vehicular use area, excluding entryways, doorways, or other building improvements.

   a. The foundation planting area for a one-story building shall be at least five (5) feet wide, unless foundation landscaping would interfere with the intended use and function of a building.

   b. The foundation planting area for a building of two (2) or more stories shall be not less than thirty (30) percent of the height of the adjacent wall.

2. At least one shade tree or palm cluster shall be installed for each thirty (30) linear feet, or fraction thereof, of facade width.

   a. A minimum of one (1) small tree per facade shall be planted, using a species suitable for this location, and The remainder of the landscape area shall be treated appropriately with plantings which may include shrubs, vines, flower boxes, ground cover, and mulch, and with pedestrian accessways.

   b. Trees and palms shall be of an installed size relating to the height of the adjacent wall or facade, as indicated in Table 6–12.
Table 6-12 — Minimum Foundation Planting Dimensions

<table>
<thead>
<tr>
<th>Wall Height</th>
<th>Min. Tree Height</th>
<th>Min. Palm Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;15 feet</td>
<td>12 feet</td>
<td>12—14 feet</td>
</tr>
<tr>
<td>15—25 feet</td>
<td>14 feet</td>
<td>14—18 feet</td>
</tr>
<tr>
<td>&gt;25—35 feet</td>
<td>16 feet</td>
<td>18—22 feet</td>
</tr>
<tr>
<td>&gt;35 feet</td>
<td>18 feet</td>
<td>22—28 feet</td>
</tr>
</tbody>
</table>

Sec. 45-92. 6-13. - Landscape maintenance.

A. Minimum requirements. The land owner shall be responsible for the following:

1. The maintenance of required landscape structures (e.g., walls, fences) in a structurally-sound condition.

2. Tree maintenance, which shall be limited to periodic trimming to maintain healthy trees, removal of diseased limbs, or removal of limbs or foliage that present a hazard.
   a. All trees shall be allowed to grow to their natural mature height and a full canopy.
   b. Large and medium canopy trees shall be required to attain a minimum twenty (20)-foot canopy spread prior to pruning. In no case shall the canopy spread be reduced to less than twenty (20) feet in width.

3. Landscape buffers shall be maintained and preserved along the entire length of the property.

4. All landscape areas, including any swale areas between the sidewalk and road pavement directly in front of the site, which shall be maintained on a regular basis, to include weeding, watering, fertilizing, pruning, mowing, edging, mulching, replacement of dead or missing landscaping, removal of prohibited plants, and other horticultural practices that are needed to keep landscaping in good condition, free from disease, insect pests, weeds, refuse, and debris.

5. Landscape maintenance shall be carried out in a manner that will not disrupt, inconvenience, or endanger any member of the public, or pedestrian, or motor vehicles.
Sec. 45-93. 6-14. - Irrigation.

A. General. All landscape areas, except those areas composed of existing native plant communities, shall provide an irrigation system plan. The irrigation system shall be designed and installed in accordance with the Florida Irrigation Society Standards and Specifications for Turf and Landscape Irrigation Systems, as amended from time to time. Irrigation systems shall be designed and maintained to obtain the following results:

1. Eliminate the wasteful use of water;
2. Eliminate staining of buildings, walks, walls, and other site improvements including landscaping;
3. Provide a minimum of one hundred (100) percent coverage, including the capability of applying water onto turf areas on a different saturation level than that used to irrigate shrub-planting beds; and
4. Eliminate water overthrow onto non-pervious areas.

B. Standards. Irrigation systems shall comply with the following standards.

1. Irrigation systems shall be continuously maintained in working order and shall be designed so as not to overlap water zones or to water impervious areas.
2. Irrigation systems shall not be installed or maintained abutting any public street which causes water from the system to spray onto the roadway or to strike passing pedestrian or vehicular traffic, where feasible.

C. Rain sensors. A rain sensor, to switch off irrigation during wet periods, shall be required on all new irrigation systems.

Sec. 45-94. 6-15. - Pruning.

A. Crown reduction.

1. Crown reduction of shade trees shall be prohibited until the tree canopy has reached at least twenty (20) feet in diameter. Exceptions include:
   a. The removal of limbs or foliage presenting a hazard or in conflict with a crime prevention program;
   b. Removal of dead or diseased limbs;
   c. The reinforcement strength of form, or
   d. In association with tree or palm relocation work.
2. After a tree canopy reaches fifteen (15) feet in diameter, crown reduction shall only be permitted as incidental when correct pruning standards are used and when there are constraints such as, but not limited to, views, power lines, structures, lighting, or signage.
3. A maximum of one-fourth (0.25) of tree canopy may be removed from a tree within a one (1) year period, provided that the removal conforms to the standards of crown reduction, crown cleaning, crown thinning, crown raising, vista pruning, and crown restoration pruning techniques.
   a. The crown of a tree required by this code or condition of approval shall not be reduced below the minimum spread or height requirements of this section or specific village conditions of approval.
   b. A tree that is pruned in excess of these requirements shall be replaced with a tree that meets the minimum requirements of this section or equal specifications of the tree that has been pruned, whichever is greater.

B. **Plant characteristics.** Unless otherwise approved by the village during the approval process, trees shall be allowed to grow to a shape and size typical of their species throughout their life cycle.

C. **Pruning standards.** The following are general pruning standards and requirements established for the overlay zone.

1. **Hat-racking.** Hat-racking is prohibited. For the purposes of this article, hat-racking is defined as flat-cutting the top or sides of a tree, severing the leader or leaders; making internodal cuts (cutting back of limbs to a point between branch collars/buds) prune a tree by stubbing off mature wood larger than one (1) inch in diameter within the tree's crown; or reducing a mature tree's total circumference or canopy spread by one third or more.

2. **Palm trees.** Pruning palm trees shall be limited to dead fronds and up to one-third (1/3) of the green fronds and seed pods.

3. **Maximum limb pruning.** Severely cutting back lower branches to increase sight visibility from underneath a tree's canopy, shall not exceed thirteen feet six inches (13'-6") from the ground level to the collar of the first limb.

D. **Alternative canopy shapes.** If other than the normal expected tree canopy shade and size is desired by the owner of the trees, the desired shape and size shall be indicated on the approved landscape plan. If a desired shape and size is not noted on the approved landscape plan, trees shall be allowed to grow to their natural shape and size.

E. **Performance.** Pruning shall be performed by a person or tree service that is knowledgeable with the latest standards of the National Arborist Association.
F. **Exemptions.** The following shall be exempt from this section.

1. Trees which interfere with safe site triangles, utility lines, or utility structures.
2. Trees having crown die-back or decay greater than one third the tree canopy.
3. Trees having suffered damage due to natural or accidental causes.
4. Trees having insect or disease damage greater than one-third of the tree crown.

**Secs. 45-95 – 45-100. - Reserved.**
1. **JANUARY 15 at 6:30 PM:**
   a. **Sections 1—13** of the proposed code revisions, which include:
      i. New duties for the Village’s Planning Commission:
         (1) Authority of Planning Commission under a new “site plan and appearance review” process
         (2) Planning Commission may grant waivers and special exceptions in certain zoning districts
         (3) Planning Commission to begin serving as the Village’s zoning board of adjustments
      ii. Minor revisions to the Village’s “Appearance Plan” as to architectural styles
      iii. New methods to specify what uses are permitted in certain zoning districts
      iv. Renaming all commercial zoning districts (to become more self-explanatory)
      v. Changes to the current code’s “similar use” procedures
   b. **Section 29** – a revised landscaping code, replacing the current Northlake Boulevard landscaping rules and becoming effective Village-wide

2. **FEBRUARY 26 at 6:30 PM:**
   a. **Sections 14—19** of the proposed code revisions, which include:
      i. New zoning rules for most larger parcels facing US Highway 1, from the Earman River on the south to Yacht Club Drive on the north
      ii. Consolidating certain commercial zoning districts (eliminating C-1A and CB zones)
      iii. New zoning rules for small lots on the east side of Alternate A1A

3. **MARCH 13 at 6:30 PM:**
   a. **Sections 20—23** of the proposed code revisions, which include:
      i. New zoning rules for the former Twin City Mall site
      ii. New zoning rules for “key redevelopment sites,” proposed to include the Camelot Inn, the Crystal Cove business complex, and the IHOP restaurant on the south bank of the Earman River at US Highway 1
      iii. New zoning rules for the north side of Northlake Boulevard from Alternate A1A to US Highway 1 (converting ‘NBOZ’ overlay into its own zoning district)

4. **APRIL 16 at 6:30 PM:**
   a. **Sections 24—28** of the proposed code revisions, which include minor changes to:
      i. Off-street parking requirements
      ii. Building height regulations
      iii. Outdoor seating regulations
      iv. Rules for nonconforming uses and structures
      v. New process for granting waivers in certain zoning districts
   b. **Sections 30—31** of the code revisions, which include:
      i. Text amendments to the Village’s Comprehensive Plan

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)