



**Village of North Palm Beach
Planning, Zoning and Adjustment Board
REVISED AGENDA
Tuesday, June 4, 2024 at 6:30 pm Village Hall
Council Chambers**

1. Roll Call

Cory Cross, Chair
Scott Hicks, Vice-Chair
Thomas Hogarth, Member
Jonathan Haigh, Member
Donald Solodar, Member
Timothy Hulihan, Member
Mark Michels, Member
Village Staff, Attorney, and Councilmember

2. Deletions, Additions or Modifications to the Agenda

3. Public Comment for Non-Agenda Items

4. Approval of Minutes

a. May 7, 2024

b. May 8, 2024

5. Declaration of Ex-parte Communications

6. Quasi-judicial Matters / Public Hearing

The Village Attorney is to swear in all persons speaking.

a. Site Plan and Appearance Review

1. [108 Lakeshore Drive – Old Port Cove Condominium Five](#)

Request by Old Port Cove Five, property owner, for Site Plan and Appearance Petition approval for exterior building color change.

7. Workshop

- a. Sign Zoning Text Amendment - discussion of proposed amendments to the existing Sign Code within the Village's Code of Ordinance (Chapter 6 – Sections 6-1 through 6-29)
- b. Comprehensive Plan Amendments (EAR) - discussion of proposed amendments to the following Comprehensive Plan Elements:
 - i. Intergovernmental Coordination Element
 - ii. Property Rights Element
 - iii. Coastal Management Element
 - iv. Conservation Element
 - v. Recreation and Open Space Element

8. Commission Member Comments

9. Staff Updates

Next Meeting – July 2 2024

10. Adjournment

All members of the public are invited to appear at the public hearing, which may be continued from time to time, and be heard with respect to this matter.

If a person decides to appeal any decision made with respect to any matter considered at the subject meeting, he or she will need to ensure that a verbatim record of the proceedings is made, which shall include the testimony and evidence upon which the appeal is to be based (F.S. 286.0105). In accordance with the Americans with Disabilities Act, any person who may require special accommodation to participate in this meeting should contact the Village Clerk's Office at 561 841-3355 at least 72 hours prior to the meeting date.

This agenda represents the tentative agenda for the scheduled meeting of the Planning, Zoning and Adjustment Board. Due to the nature of governmental duties and responsibilities, the Planning, Zoning and Adjustment Board reserves the right to make additions to, or deletions from, the items contained in this agenda.



**THE VILLAGE OF NORTH PALM BEACH
PLANNING, ZONING AND ADJUSTMENT BOARD
REGULAR MEETING MINUTES
TUESDAY, MAY 7, 2024 at 6:30 PM**

Present

Cory Cross, Member
Thomas Hogarth, Member
Jonathan Haigh, Member
Scott Hicks, Member
Timothy Hulihan, Member
Mark Michels, Member
Donald Solodar, Member

Village Staff

Len Rubin, Village Attorney
Caryn Gardner-Young, Community Development Director
Estefany Camargo, Executive Assistant
Deborah Searcy, Councilmember

1. CALL TO ORDER

Chair Solodar called the meeting to order at 6:30 p.m.

a. ROLL CALL

Roll was called, and it was determined a quorum was present.

2. WELCOME NEW APPOINTMENTS

Ms. Gardner-Young welcomed new Board members Timothy Hulihan and Mark Michels.

3. APPOINTMENT OF CHAIR AND VICE CHAIR

Ms. Gardner-Young explained the process for appointment of Chair and Vice Chair and advised the same person could not serve two (2) consecutive terms. Mr. Solodar thanked the Board for their support as he served as Chair for the past year.

Mr. Solodar nominated Cory Cross as Chair. With no further nominations, Mr. Cross was named Chair.

Mr. Haigh nominated Scott Hicks as Vice Chair. With no further nominations, Mr. Hicks was named Vice Chair.

4. DELETIONS, ADDITIONS, OR MODIFICATIONS TO THE AGENDA

Chair Cross noted the addition of a letter to the Board packet.

5. PUBLIC COMMENT FOR NON-AGENDA ITEMS

None.

6. APPROVAL OF MINUTES

a. APRIL 2, 2024

Mr. Solodar motioned to approve the April 2, 2024, minutes as presented, seconded by Mr. Hogarth. The **motion passed** unanimously (7-0).

7. DECLARATION OF EX-PARTE COMMUNICATIONS

Chair Cross disclosed a meeting with the developer for Sushi Jo & Bistro.

8. QUASI-JUDICIAL MATTERS/PUBLIC HEARING

Village Attorney Len Rubin swore in those wishing to provide testimony.

a. SITE PLAN AND APPEARANCE REVIEW

i. NEW BUSINESS

1. 529 NORTHLAKE BOULEVARD – SUSHI JO & BISTRO

Zach Ciciera, Coteleur & Hearing, presented a proposal on behalf of the property owner Northlake 529 LLC, for Site Plan and Appearance Petition approval for architectural and signage approval.

Ms. Gardner-Young shared the staff report with recommendations for approval with conditions.

Member comments

Dr. Michels asked if additional protection was needed between the parking and the canal. Project Engineer Jim Wesson, J-W Engineering, advised the embankment would require a retaining wall. Ms. Gardner-Young stated the issue would be further reviewed during building permitting. Discussion continued.

Dr. Michels suggested adding features to the retaining wall to make it more aesthetically pleasing and considering the structure like “rip-rap,” which would be more ecologically friendly to juvenile species and other fish that traverse those waters.

Mr. Hicks inquired as to landscaping in front of the monument sign. Mr. Ciciera stated the planned landscaping meets Village Code.

Mr. Haigh noted the elevation with landscape included a date palm, which would completely cover the sign. He also addressed the retaining wall, stating it would likely destroy the vegetation which is called to remain on the plan. He encouraged staff to be aware of the issue in case landscape plan modifications are needed to accommodate the wall.

Mr. Hogarth stated he appreciates the fresh design.

Mr. Hullihan asked for clarification on the design guidelines previously included in the overlay district. Ms. Gardner-Young explained there is a zoning district in place and noted analysis of the project against the guidelines was included in the staff report.

Mr. Hullihan commented that traditional architecture has staying power and recommended a brown pyramid shaped roof as an accent.

Mr. Hullihan highlighted differences in the window overhangs and expressed concern there was no path to walk from the parking lot to the restaurant. He asked that a four (4) foot pathway be striped for that purpose.

Mr. Ciciera advised the parking had been changed to improve turning radiuses and to be compliant with Fire Department requirements. Discussion continued.

Chair Cross stated he liked the improvements. He suggested a review of the retaining wall by the Board and consistency in the window overhangs be included as conditions of approval. Discussion continued regarding potential conditions of approval, including engineering standards, ADA requirements, pedestrian access, public entrance to the restaurant, and previous approval of the Site Plan.

Mr. Ciciera asked for direction regarding the design of the retaining wall. Chair Cross advised that the Board would like to see the wall finished with stucco or stone on the parts of the wall that are visible and that the top include some type of trim or finishing. Dr. Michels asked that the ecology of the area also be considered.

Dr. Michels motioned to approve the application with conditions, seconded by Mr. Hullihan. The **motion passed** unanimously (7-0).

Conditions of approval in addition to those included in the staff report were listed as follows:

- Solar screens on south side of façade will overhang the windows at equal length.
- Northeast corner entrance to remain accessible to the public.
- Preliminary design of the proposed retaining wall will be brought before the Board for aesthetic review and recommendations.

2. 717 NORTHLAKE BOULEVARD – PSYCHIC BOUTIQUE

Paul Mitchell, Psychic Boutique, presented a proposal on behalf of the property owner, J. Marino & Sons, LLC, for Site Plan and Appearance approval for a building wall sign face change on an existing sign.

Member comments

Mr. Hullihan commented that he would prefer the applicant not use red, but if it was toned down to maroon, he would be fine. Mr. Mitchell agreed to use the same color as Blue Ocean Spa next door.

Mr. Hogarth stated he had no issue with the application and noted the amount of window coverage. Ms. Gardner-Young advised that Code Enforcement had visited the site and any issues were incorporated into the conditions of approval.

Mr. Solodar motioned to approve the application with conditions as outlined in the staff report, seconded by Mr. Hullihan. The **motion passed** unanimously (7-0).

3. 555 US HIGHWAY 1 - FAITH LUTHERAN CHURCH

Mr. Solodar motioned to take up the previously tabled item, seconded by Mr. Hullihan. The **motion passed** unanimously (7-0).

Frank Russo, Board member, presented a proposal on behalf of the property owner, Faith Lutheran Church, for Site Plan and Appearance approval for installation of two (2) 35-foot light poles with 200–300-watt fixtures along Eastwind Drive.

Ms. Gardner-Young shared the staff report, outlining changes between meetings, with recommendations for approval with conditions.

Member comments

Chair Cross summarized a letter received from Jeffrey Holst, 600 Eastwind Drive, advising that the lights shine bright into his backyard and home.

Mr. Cameron, Kasper Electric, reviewed changes made to the plan, including moving from 25 degrees to 45 degrees, rotating the fixtures due east, adding shields, and moving a way from a wide beam or a flood light.

Mr. Hicks expressed concern that Mr. Holst's email had been sent following the upgrades.

Dr. Michels asked if it would be possible for the north corner to be further shielded and inquired as to the frequency with which the lights would be used. Mr. Cameron advised the lights were on a timer and operated from 6 p.m. to 10 p.m. each evening.

Mr. Solodar suggested the Faith Lutheran Church Board reach out to Mr. Holst to explain the changes made.

Mr. Haigh stated he appreciated the modifications but disagreed with the height. He asserted the height contributed to issues with glare and overspill, as well as creation of dark areas. He noted a missed opportunity to upgrade the light pole near the drop off area or to add lights to the existing Florida Power and Light (FPL) poles.

Mr. Hogarth agreed the glare was a problem and asked staff to comment on the applicable Village Code. Ms. Gardner-Young responded.

Mr. Hogarth stated the neighbor had a good point and the glare into residential properties had to be shielded. He suggested experimenting with sheet metal shields or reducing pole height.

Mr. Hullihan stated the foot candles onto Eastwind Drive were a problem, and asserted other municipalities would require a strict cutoff at the property line when adjacent to residential.

Mr. Hullihan noted the height of the lights was a problem. He commented that the dark skies were almost gone in North Palm Beach because of projects like this and asked for clarification on the lighting color temperature. Mr. Cameron advised the color temperature was 5000K and could not be adjusted, only the wattage could be changed.

Chair Cross referenced the photo of conditions and stated it was essentially a flood light. He stated it was too bright, too much glare, and the wrong color of lamps.

Mr. Solodar motioned to table the application, seconded by Mr. Hullihan. The **motion passed** (5-2). Mr. Hullihan and Mr. Hogarth voted no.

9. BOARD COMMENTS

Mr. Solodar thanked outgoing Board members Dr. Nathan Kennedy and Kathryn DeWitt and wished them the best.

Mr. Haigh stated it was clear the Lighting Code needs to be updated.

Mr. Hogarth noted Lake Park is making changes to the median and asked that staff work with them regarding design and maintenance. Village Attorney Rubin stated the Village maintains the medians and will continue to.

10. STAFF UPDATES

a. Joint Meeting on May 8, 2024, for Village Place

Ms. Gardner-Young reminded the Board of the joint meeting scheduled for the following day. Discussion ensued regarding materials to be printed for the meeting.

Mr. Hogarth asked if there were any updates on the US-1 bridge repair. Ms. Gardner-Young stated the last information she had was that it would still be in early 2025.

11. ADJOURNMENT

With no further business before the Board, Chair Cross adjourned the meeting at 7:46 p.m.



**VILLAGE OF NORTH PALM BEACH
JOINT MEETING OF
THE VILLAGE OF NORTH PALM BEACH
PLANNING, ZONING AND ADJUSTMENT BOARD
AND THE TOWN OF LAKE PARK
PLANNING AND ZONING BOARD
MEETING MINUTES
WEDNESDAY, MAY 8, 2024 at 6:30 PM
VILLAGE HALL COUNCIL CHAMBERS**

Present

Village of North Palm Beach Planning, Zoning, and Adjustment Board

Cory Cross, Chair
Scott Hicks, Vice Chair
Thomas Hogarth, Member
Jonathan Haigh, Member
Timothy Hulihan, Member
Mark Michels, Member
Donald Solodar, Member

Town of Lake Park Planning and Zoning Board

Richard Ahrens, Chair
Jon Buechele, Vice Chair
Gus Rodriguez, Board Member
Patricia Leduc, Board Member
Evelyn Harris Clark, Board Member

Village Staff

Len Rubin, Village Attorney
Caryn Gardner-Young, Community Development Director
Estefany Camargo, Executive Assistant

1. CALL TO ORDER

Chair Cross called the meeting to order at 6:32 p.m.

a. ROLL CALL

Roll was called, and it was determined a quorum was present.

2. DELETIONS, ADDITIONS, OR MODIFICATIONS TO THE AGENDA

None.

3. PUBLIC COMMENT FOR NON-AGENDA ITEMS

None.

4. DECLARATION OF EX-PARTE COMMUNICATIONS

Chair Ahrens, Mr. Haigh, Mr. Buechele, and Mr. Solodar advised they had met with the developer in the past months. Chair Ahrens stated he had met with the developer two (2) years ago.

5. QUASI-JUDICIAL MATTERS/PUBLIC HEARING

Village Attorney Len Rubin swore in those wishing to provide testimony.

a. PLANNED UNIT DEVELOPMENT/MASTER PLAN

i. VILLAGE PLACE – INTERSECTION OF PALMETTO DRIVE AND US HIGHWAY 1

Harvey Oyer III, Partner, Shutts & Bowen, LLP, George Gentile, President, 2GHO, Inc., and Shamim Ahmadzadegan, AIA, Principal, Gensler, agents for NP-Devland Holdings, LLC, NP-Devland North, LCC, and NP-Devland East, LLC made a presentation outlining the request for Master Plan approval of a mixed-use Planned Unit Development (PUD) located at Palmetto Drive and U.S. Highway 1.

Ms. Gardner-Young briefly reviewed the staff report. She clarified this was for a Master Plan approval, not a Site Plan approval, so the proposed petition provides for concurrency of the site for future Site Plan approvals. She highlighted the internal and external reviews conducted and the recommendations for approval with conditions.

Public Comments

Noel Martinez, Palm Beach North Chamber of Commerce, spoke in support. He stated it was an opportunity to revitalize a site that was once a hub of business and community engagement and make it a vibrant location again. He commented on the vision for the mixed-use development and shared that it aligns with the Chamber's strategic goals.

Dave Markarian, spoke in support. He noted positive things in neighboring communities help everyone. He stated this project has merit, trusted partners, and an impact on the community, and highlighted the jobs created.

Ben Schrier, spoke in support of the development opportunity. He stated he had watched the site decay for years and this project fits the goals the Village has set for itself. He noted the design creates a sense of space and is a clear Master Plan.

Jacques Bories, spoke in support. He stated developments like the proposed are intimidating for communities, but this is a great opportunity. He commented on the need for walkability and a communal place for residents to go. He noted this mixed use could be transformational.

Lisa Jenson, spoke in support. She stated she was glad it was moving along, and changes to things like the architecture and green spaces could be addressed during the Site Plan process. She noted she is looking forward to having restaurant options, as well as something nice and new in the Village.

Lisa Gallagher, commented that she supports redeveloping the Twin City Mall area but had concerns about the height and the number of housing units planned, as well as impact on roads. She asked for a maximum of 50 feet, or 60 feet with a garage.

Rita Budrick, stated she agreed with Ms. Gallagher's comments and asked that the Village and City not rubber stamp what the developer presents. She noted she had questions about infrastructure, including ingress and egress, traffic, and Village

services. She stated the Code rewrite was developer-initiated and while she supported redevelopment, the architecture could be better.

Ron Okolichany, spoke in opposition to the Master Plan. He stated the developer is asking to put a 50-pound project on a 10-pound site. He asserted it was too tall and too dense for the location and asked that the skyline be preserved for future generations. He advised the position of residents had not been considered and asked that no action be taken until the new Village Council and residents agree.

Chris Ryder, spoke in opposition. He stated he had fought the Council adoption of the Code rewrite led by the developer and asserted there were a number of half-truths in the message and the proposal. He noted the Village had hired a consultant to take the Citizens' Master Plan and create zoning, but it was not being followed by this plan. He stated this would impact build-out on US-1 and the Boards needed to do their homework.

William Mueller, spoke in opposition. He questioned the height and asked if the Village was prepared to add to the Fire Department, Police Department, and other services to meet the needs of the development. He questioned the traffic study and agreed with previous comments that it looked like a hospital. He asserted the lot could be used in other ways to bring revenue into the Village without the height.

Kim Beshane, spoke in support. She stated she sees why people love the Village and puts her trust in the Council and Boards to make the decisions on the actual Site Plan and create an area that benefits the residents. She acknowledged that change is scary but creates opportunity.

Debra Cross, shared her concerns about the development and the Master Plan. She stated the concrete and large buildings would increase the heat index and more green space was needed. She commented on the need to consider traffic when discussing walkability, infrastructure needs, and the cost of living in the Village. She asserted the project would cause hardship for businesses on US-1.

Brian Jacobs, spoke in support of responsible development. He stated he understands the need for the project due to a housing shortage in South Florida, but traffic was an issue. He stated he didn't care about the aesthetics, but quality of life for the residents and future residents. He asked that the Boards look at the traffic studies more carefully. He noted additional tax revenue could help the Police and Fire employees to be paid better.

Additional letters of support and opposition submitted were included in the record for this meeting.

North Palm Beach Discussion

Dr. Michels referenced the traffic study and stated the increase in trips was high. Bryan Kelley, Traffic Engineer, Simmons and White, reviewed the detailed traffic study and discussed the methodology used. He noted the property was in a Coastal Residential Exception area, but no discounts had been integrated.

Mr. Hullihan asked for clarification on the methodology used for the traffic study without a Site Plan. Mr. Kelley explained further.

Mr. Haigh inquired as to the location of the proposed turn lane extension on US-1. Mr. Kelley advised it would be at the intersection to the south of Northlake Boulevard. Mr. Haigh asked about pedestrian and bicycle traffic requirements. Mr. Kelley advised that would be part of the Site Plan review.

Dr. Michels asked if a straight-through right lane at the signal on the western side of the property would be considered. Mr. Kelley stated that was something the applicant could review with Palm Beach County. He noted potential safety issues.

Dr. Michels inquired as to the consideration of vested traffic in the traffic study. Mr. Kelley provided additional clarification on the volume of trips contemplated and the approved projects included.

Mr. Hicks commented that he had expected more staff assessment of the traffic concerns. Susan O'Rourke, Consulting Traffic Engineer for the Village as well as the Town of Lake Park, provided an overview of the review process and stated the project meets the County standards. She highlighted concern with traffic on local streets and advised the applicant agreed to work with staff to mitigate this issue during the Site Plan process.

Chair Cross called for a recess at 8:25 p.m.

The meeting was reconvened at 8:30 p.m.

Mr. Solodar commented that because there is a Master Plan to consider without a Site Plan to review, he needed clarity on the overall uses for the project. He stated he was not happy about having a hotel on the property and found a nine (9) story hotel unnecessary. City Attorney Rubin advised that a hotel is a permitted use within the district without a PUD. He clarified that the Assisted Living Facility (ALF) was only permitted within the PUD, so there was discretion on that use.

Mr. Solodar noted the Village Citizens' Master Plan reviewed by Council in 2017 included recommendations approved as a guideline for future development.

Mr. Hicks stated the Board was reluctant to approve the Master Plan without understanding what could be limited in the Site Plan process. City Attorney Rubin advised the ordinance would be clear that Master Plan approval does not permit vertical construction of any kind and the public benefit would need to be demonstrated as part of the Site Plan process.

Mr. Haigh commented on the proposed condition for improvement of Palmetto Drive and asked that it be changed to follow the County guidance. He stated he would like to see a 15 percent greenspace requirement imposed for all public-accessible rooftop spaces, a minimum tree size of 24 feet for street trees in the development, and a proposal for urban root space solutions.

Mr. Haigh stated pedestrian connectivity to the development needs further discussion, including possible improved signalization at the intersections.

Mr. Hogarth pointed out the information provided to the Board was beyond the requirements of what a Master Plan asks for, as the intent was to approve a "bubble plan" with traffic connectors. He noted he did not care about parking until the uses are determined and asked for clarification on the uses being approved with this

application. Ms. Gardner-Young stated the uses were being approved, and clarified some are by-right. She noted the density and height are maximums.

Mr. Hogarth stated he supports the project and thinks it is a good developer, but there remains a lot of work to be done. He noted he did not like 14 stories and wanted to be clear there were no entitlements being approved. He stated he did like the mix of uses and the civic space.

Mr. Hullihan noted Council had been clear that if they do not like the Site Plan, they do not have to approve it. He asked what vehicle would be available for declining 14 stories if proposed. City Attorney Rubin explained the application of the public benefit requirement would be utilized for the determination.

Mr. Hullihan asked if the applicant would object to making the plan non-transferable. Nadar Salour, Cypress Realty, commented that pieces of the project such as the hotel would not be developed by the team, but the master developer would remain in control of the project. He addressed the phasing plan briefly, noted there would not be a hotel if there was not interest from a quality hotel, and discussed addressing impacts based on the maximums provided in the Master Plan.

Mr. Hullihan stated the charette on this development had 320 people in attendance, and overall, there was participation of close to 1,000 residents and business owners. He expressed concern this project would increase the population of North Palm Beach by 15 percent, and that growth was in the wrong place. He noted there were four (4) other sites identified in the Village Citizens' Master Plan which were more walkable, and this project would not leave development units available.

Mr. Hullihan commented that research shows tax revenues often do not cover the increased responsibilities that come with a development, noting a 15 percent growth in population would mean 15 percent growth in Fire, Police, Library, and other services. He highlighted the goal in the Comprehensive Plan to reduce dependence on cars and to increase walkability and noted traffic innovation would be a public benefit, along with the use of renewable energy.

Mr. Hullihan stated water views on the site are partial at three (3) floors and full at four (4) floors and noted he did not know why the development would need 14 stories. He highlighted the balance of residential and other uses, and pointed out economic resilience was not addressed in the fiscal impact statement. He cautioned that trends in architecture become outdated. Mr. Hullihan expressed concern the project was hugely out of scale for North Palm Beach and would be a catalyst for other commercial property if this is allowed to move forward, especially coupled with the Live Local Act. City Attorney Rubin advised the height was unique to the C3 District through a PUD process. He noted recent amendments had been made to the Live Local Act.

Lake Park Discussion

Chair Ahrens stated his family had moved to the area in 1892, and if his grandfather or great-grandfather had decided to control growth, the majority of those in the room would not be sitting there. He noted he took the comments seriously and

understood the concerns, but protections were in place and the standards would be addressed during Site Plan review.

Vice Chair Buechele commented that this is the beginning of the project, and while there are a lot of things that still need to be addressed, that is for next steps down the road. He noted the parcel needs improvement.

Mr. Rodriguez stated he wished there were more people present from the Town of Lake Park to represent the impact the project could have on them. He agreed with the traffic concerns, highlighting the potential for cut-through traffic, and stated he would like the mitigation of that concern to be addressed. He commented on the need to consider impacts on neighborhoods of owners as well as those of renters.

Ms. Leduc noted she agreed with a lot of the residents and their concerns. She stated this site needs to be redeveloped, as it is an eyesore, but traffic concerns should be addressed. She commented that the project would be beneficial for both the Village of North Palm Beach and the Town of Lake Park, and this was the first step.

Ms. Clark advised she wanted to be sure that families with children are considered. She asked the developer to discuss the logistics of safe transport to and from school and what streets would be affected, as well as plans for egress in case of an evacuation. She noted she would like to hear from the residents directly across Palmetto Drive from the apartments as it relates to concern with headlights and suggested a buffer be considered. She asked that conversations with neighboring communities include both municipalities.

Applicant Comments

Mr. Oyer thanked the Boards for their thoughtful and helpful comments and questions. He clarified this was a mixed-use development, which in itself is traffic mitigation, as a high percentage of traffic is meant to be captured internally.

Mr. Hullihan asked for an estimate of the anticipated capture rate. Mr. Kelley stated the estimate was 25 percent based on calculation standards, but the traffic study used 15 percent as a conservative estimate.

Mr. Oyer advised the purpose of a Master Plan is to set the maximum development potential. He stated the plan does not mean the developer is anticipating building the maximum but setting the worst possible situation for analysis of concurrency as required by Code. He responded to comments and concerns from residents during public comments as well as those of the Board members, noting the majority of issues brought up would be addressed during Site Plan review. He showed images of the civic space and advised of ways it would be programmed for activity.

Chair Cross asserted the proposed 1,280 dwelling units was 4.5 times what is in the Zoning Code and stated it would keep him from voting for the project. He stated he had no issue with the amount of retail or the hotel. Mr. Oyer clarified there was not a number of units being proposed. He explained the developer is required under the Village Code to theorize the absolute maximum.

North Palm Beach Motion

Mr. Haigh motioned to recommend approval of the Master Plan with modification to the staff conditions (as listed below), seconded by Mr. Hicks. The **motion passed** unanimously (7-0).

- Improvement to Palmetto Drive should follow County guidance;
- 15 percent greenspace requirement for all public-accessible rooftop spaces;
- Minimum tree size of 24 feet for street trees in the development, with a proposal for urban root space solutions;
- Clarify this is a Master Plan only without any entitlements being conveyed as represented on the latest exhibits, specifically heights, densities, and areas of development listed.

Lake Park Motion

Mr. Rodriguez motioned to agree with the motion as passed, seconded by Ms. Clark. The **motion passed** (4-1). Vice Chair Buechele voted no.

6. BOARD COMMENTS

None.

7. ADJOURNMENT

With no further business before the Board, Chair Cross adjourned the meeting at 9:54 p.m.



VILLAGE OF NORTH PALM BEACH, FLORIDA

ORDER GRANTING SITE PLAN AND APPEARANCE APPROVAL

Applicant: Old Port Cove Condominium Association Five, Inc.

Property Location: 108 Lakeshore Drive (“Property”)

Legal Description: Old Port Cove Condominium Five, according the Declaration of Condominium recorded in Official Record Book 2451, Page 198 of the public records of Palm Beach County (Common Area)

Request: Approval for new exterior building colors.

THIS MATTER came before the Planning, Zoning and Adjustment Board for hearing on June 4, 2024. After considering the testimony and other evidence presented by the Applicant and Village Staff, the Planning, Zoning and Adjustment Board hereby makes the following findings of fact:

1. Applicant’s request meets the requirements for Site Plan and Appearance Review approval as set forth in Article II of Chapter 6 of the Village Code of Ordinances and Appendix A (“Appearance Plan”).

Based on the foregoing findings of fact, it is ORDERED by the Planning, Zoning and Adjustment Board that the Applicants’ request for Site Plan and Appearance Review approval is hereby **APPROVED** subject to the following conditions:

Approval of SP-2024-05 with the following conditions:

- A. The most stringent requirements of Exhibit “A” Community Development Department Report and Recommendation dated May 7 2024, and strict compliance with the Exhibits listed below, which are attached hereto and made a part hereof as Exhibit “B.”
 - a. Proposed Color Scheme stamped dated May 3, 2024
 - b. Existing Color Scheme stamped dated May 3, 2024
 - c. Paint Samples stamp dated May 3, 2024
- B. Non-compliance with any of the conditions of approval will result in withholding of the issuance of building permits or a Certificate of Completion. (Planning and Building)
- C. All advertisements and legal addresses on insurance policies and business

correspondence shall clearly state that the project is located within the “Village of North Palm Beach.” (Planning and Zoning)

DONE AND ORDERED this _____ day of _____, 2024.

VILLAGE OF NORTH PALM BEACH

By: _____
Cory Cross, Chair

ATTEST:

Caryn Gardner-Young, Community Development Director

Copies to:
Old Port Cove Condominium Association Five, Inc.
Leonard G. Rubin, Village Attorney
File

P&Z#2024-0121
Exhibit "A"
Date: May 7, 2024

Revised:

	COMMUNITY DEVELOPMENT DEPARTMENT REPORT AND RECOMMENDATION
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Subject/Agenda Item:

2024-0121 Old Port Cove Five – Marina Tower

Consideration of Approval: A request from Old Port Cove Condominium Association Five, Inc., property owner, for Site Plan and Appearance Review approval of new exterior building colors for the building located at 108 Lakeshore Drive.

Recommendation to APPROVE

Recommendation to DENY

Quasi-Judicial

Legislative

Public Hearing

Originating Department: Planning & Zoning Project Manager Caryn Gardner-Young	Reviewed By: Community Development Director Caryn Gardner-Young, AICP
Attachments: <ul style="list-style-type: none">Proposed Color Scheme stamped dated May 3, 2024Existing Color Scheme stamped dated May 3, 2024Paint Samples stamp dated May 3, 2024	Public Notice: <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Dates: Paper: Mailing <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required

I. Executive Summary

The subject property possesses a High Density Residential Future Land Use (FLU) designation and an Apartment Dwelling (R-3) zoning designation. Currently, the site contains a 20 story condominium building which was built in 1975. The applicant is seeking Site Plan and Appearance Review approval of new paint colors for the exterior of the building. The existing color is a yellowish color and the proposed colors are white and beige. The railings and windows will remain the current bronze color. It has been over eight (8) years since the property owner painted the building. The white coloration is the same as Cove Tower across the street. The intent is to modernize the building and protect it from the salt air and Florida sun.

II. Site Data

Existing Use: Condominium building
Proposed Use: Condominium
Parcel Control Numbers: 68-43-42-09-28-001-0000
Existing Future Land Use Designation: High Density Residential (HD)
Existing Zoning District: Apartment Dwelling (R-3)

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	Existing Land Use	Future Land Use	Zoning District
<i>North</i>	Yacht Club and Marina	Commercial	Shopping Center (C-S)
<i>South</i>	Old Port Cove Lake Point Tower	High Density Residential	Apartment Dwelling (R-3)
<i>East</i>	Old Port Cove Marina	High Density Residential	Apartment Dwelling (R-3)
<i>West</i>	Old Port Cove Tower West	High Density Residential	Apartment Dwelling (R-3)

III. Annexation/Zoning History

The property is a part of a gated waterfront Planned Unit Development containing eight condominium towers, one low rise building, and a marina. Old Port Cove Five (Marina Tower) was built in 1975 as a 20 story condominium building with 77 units. Since its inception, there have been no zoning modifications.

IV. Applicable Code Provisions:

Sec. 6-56 through 6-50 pertaining to Site Plan and Appearance Review
Appendix A – pertaining to the Appearance Plan

V. Summary of Proposed Site and Development Plan Details:

The petitioner’s site and development plan documents consist of:

- a. Proposed Color Scheme stamped dated May 3, 2024
- b. Existing Color Scheme stamped dated May 3, 2024
- c. Paint Samples stamp dated May 3, 2024

VI. Staff Analysis:

Request

The current petition is for Site Plan and Appearance Review approval to paint the exterior building the following colors:

1. Base color – Sherwin Williams Extra White CR 11
2. Rib going up the east and west elevations – Sherwin Williams Skyline Steet EN 03

Code Requirements

VII. APPEARANCE Code – Planning Commission Role & Responsibilities

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 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.
- (4) To study and review preliminary and final plats and make recommendations to the village council.
- (5) To hold site plan and appearance review hearings, when required, and to issue or deny site plan and appearance approval for multiple-dwelling, commercial, mixed-use, and industrial buildings pursuant to the provisions of this division and the appearance plan in Appendix A of this code.

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

Upon consideration of an application, the planning commission shall issue site plan and appearance approval upon a finding that the plan conforms to the village appearance plan and other applicable 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 code without undue permitting delays. If the planning commission determines that these criteria are not met, the planning commission may provide such advice, counsel, suggestions and recommendations 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.

Sec. 6-59. - Approval by planning commission.

No building or other permit, otherwise required under the ordinances of the village, shall be approved by the community development director except upon the granting of site plan and appearance approval by the planning commission, or on appeal, approval by the Village Council

(see section 6-35). The foregoing requirements shall not preclude the issuance of permits without such approval if the community development director determine that any of the following apply: Permits for single-family dwellings, permits for a village-owned facility, no external architectural features as defined in section 6-31, and any deviation from valid site plan and appearance approval are minor and not substantial.

CODE OF ORDINANCES APPENDIX A, 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.

D BUILDING DESIGN

1. Specific architectural styles are not mandated or banned, but the village encourages new buildings to reflect or evolve the distinct local character exemplified by the North Palm Beach Country Club Clubhouse, Village Hall and the Public Safety Building. This character is derived from local and regional examples including Anglo-Caribbean architecture, Florida vernacular, and masonry modern.
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.
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.

G MAINTENANCE—PLANNING AND DESIGN FACTORS

1. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
2. Materials and finishes shall be selected for their durability and wear as well as for their beauty.

Proper measures and devices shall be incorporated for protection against the elements, neglect, damage and abuse.
3. Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design. Such configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.

H FACTORS FOR EVALUATION

The following factors and characteristics relating to a development, and which affect appearance, will govern the Appearance Board's evaluation of a design submission after the Board has been advised by the Office of the Building Official that the plan conforms to Village ordinances:

- LOGIC OF DESIGN
- EXTERIOR SPACE UTILIZATION
- ARCHITECTURAL CHARACTER
- ATTRACTIVENESS
- MATERIAL SELECTION

HARMONY AND COMPATIBILITY
CIRCULATION—VEHICULAR AND PEDESTRIAN
MAINTENANCE ASPECTS

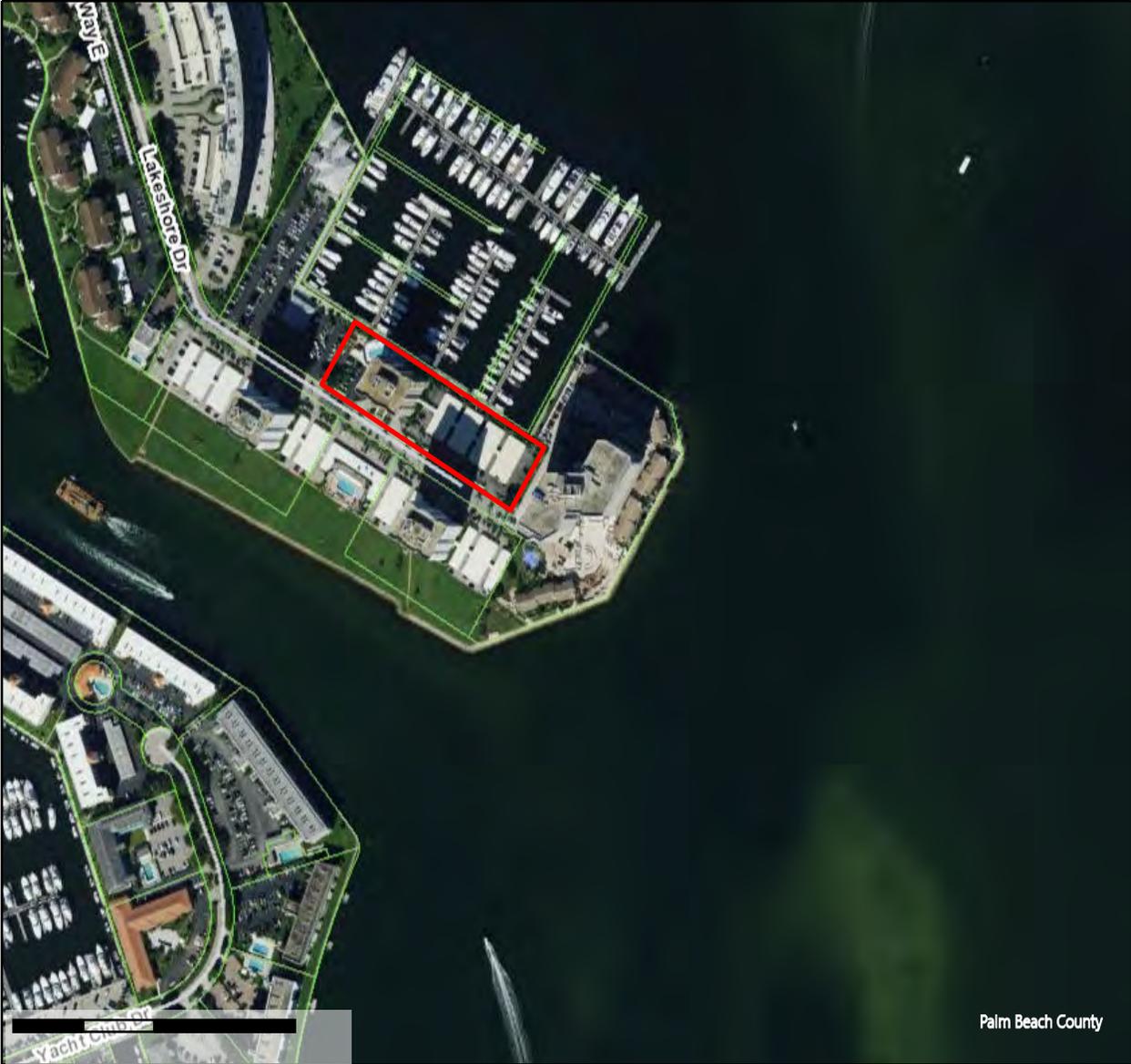
VIII. Conclusion & Finding of Fact

The Planning, Zoning and Adjustment Board must determine if the Applicant has met the prerequisites for the granting of Site Plan and Appearance Review approval as outlined in the staff report. If the Planning, Zoning and Adjustment Board approves the Site Plan and Appearance Review petition, staff suggests the following conditions:

- A. The most stringent requirements of Exhibit “A” Development Review Committee Report and Recommendation dated May 7, 2024, and strict compliance with the Exhibits listed below, which are attached hereto and made part hereof as Exhibit “B”:
 - a. Proposed Color Scheme stamped dated May 3, 2024
 - b. Existing Color Scheme stamped dated May 3, 2024
 - c. Paint Samples stamp dated May 3, 2024
- B. Non-compliance with any of the conditions of approval will result in the Village withholding the issuance of any building permits or any Certificates of Occupancy. (Planning and Building)
- C. The conditions of approval shall be binding on the Applicant and its successors in interest and assigns and a violation of such conditions shall constitute a violation of the Village Code of Ordinances and may be enforced by the Village as set forth in Article VI, Chapter 2 of the Village Code or as otherwise authorized by law. (Planning and Zoning)
- D. The Applicant shall be bound by all oral and written representations made both on the record and as part of the application process irrespective of whether such representations are included as formal conditions.

PLANNING, ZONING AND ADJUSTMENT BOARD ACTION– June 4, 2024

LOCATION MAP





THE VILLAGE OF
NORTH PALM BEACH
MAY 3 2024
COMMUNITY DEVELOPMENT
RECEIVED

THE VILLAGE OF
NORTH PALM BEACH
MAY 3 2024
COMMUNITY DEVELOPMENT
RECEIVED



**VILLAGE OF NORTH PALM BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Members of the Planning, Zoning and Adjustment Board
FROM: Caryn Gardner-Young, Community Development Director
DATE: June 4, 2024
SUBJECT: **Workshop on Signage Code Text Amendment**

Background:

Sign codes are tricky. They host a variety of sign types with no common nomenclature - is that a ground sign, freestanding sign, monument sign, or...all of the above? Sign codes require frequent updates as sign technology keeps evolving at all levels, from the temporary wave banners popping up in landscape buffers to recent innovations in electronic message centers. In addition, variances are often requested for greater sign height and more sign area. Actively enforcing the sign code can also strain relationships with the business community, especially when temporary signs are involved. With so many potential points of conflict, it is no surprise when the legal basis for sign codes is tested. As a result, Village Staff felt that a complete review of the Village's existing sign code was appropriate.

Discussion:

Village Staff met with Legal Counsel over the course of several months to review the Village of North Palm Beach's (Village) sign ordinance. The changes to the sign ordinance are to address case law relating to signage but also include some "clean-up" amendments brought forward by Village Staff to make the sign code provisions more customer service friendly. The Development Review Committee and Business Advisory Board reviewed the attached code changes, which are now provided to the Planning, Zoning and Adjustment Board for an opportunity to review the proposed changes for eventual recommendations to the Village Council. Legal Counsel will be present at the PZAB meeting to explain the specific changes proposed.

Recommendation:

The Village Staff requests that the Planning, Zoning and Adjustment Board review and provide direction for any modifications to the Sign Code section of the Village's Code of Ordinance.

ARTICLE IX. SIGNS AND OUTDOOR DISPLAYS

Sec. 45-100. Purpose and scope of regulations.

- (a) *In General.* The purpose of this article is to establish regulations for the systematic control of signs and advertising displays within the Village of North Palm Beach. The regulations and requirements as herein set forth are intended to preserve the residential character of the Village of North Palm Beach; to protect and promote the general health, safety and welfare of the public; to protect property values; and to assist in the safe, economic, and aesthetic development of business by creating an attractive economic and business climate.
 - (1) *Property value protection.* Signs should not create a nuisance to the occupancy or use of other properties due to their size, height, brightness or movement. They should be in harmony with buildings, the neighborhood and other conforming signs in the area.
 - (2) *Communication.* Signs should not deny other persons or groups the use of sight lines on public rights-of-way, should not obscure important public messages and should not overwhelm readers with too many messages. Signs can and should help individuals to identify and understand the jurisdiction and the character of its subareas.
 - (3) *Preservation of community's beauty.* Small residential municipalities such as this rely heavily on their natural surroundings and beautification efforts to retain their unique character. This concern is reflected by the active and objective regulations of the appearance and design of signs.
- (b) *Scope.* The provisions of this article shall regulate the location, number, size, use, appearance, construction and maintenance of all signs permitted in each zoning district. This article is not intended to and does not apply to signs constructed, maintained, or otherwise posted, owned, or leased by the Village of North Palm Beach, Palm Beach County, the State of Florida, or the federal government, and does not regulate official traffic control devices.
- (c) *Purpose:* The regulations in this chapter are not intended to regulate or censor speech based on its content or viewpoint, but rather to regulate the secondary effects of speech that may adversely affect the Village's substantial and compelling governmental interests in preserving scenic beauty and community aesthetics, and in vehicular and pedestrian safety in conformance with the First Amendment. It is therefore the purpose of this Article to promote aesthetics and the public health, safety, and general welfare, and assure the adequate provision of light and air within the Village of North Palm Beach through reasonable, consistent, and nondiscriminatory standards for the posting, displaying, construction, use, and maintenance of signs and sign structures that are no more restrictive than necessary to achieve these governmental interests.
- (d) *Findings.* The Village Council, acting in its legislative capacity for the purpose of regulating signage, hereby makes the following findings of fact:

The reasonable regulation of the location, number, size, use, appearance, construction and maintenance of signs within the Village serves a compelling governmental interest, for the following reasons:

- (1) *Florida Constitution.* Article II, Section 7 of the Florida Constitution provides that “[i]t shall be the policy of the state to conserve and protect its natural resources and scenic beauty. . . .” A beautiful environment preserves and enhances the desirability of the Village of North Palm Beach as a place to live and to do business. Implementing the Florida Constitution is a compelling governmental interest.
- (2) *Florida Statutes.* Florida law requires cities to adopt comprehensive plans and implement them through land development regulations (also known as zoning regulations) and approval of development orders that are consistent with the comprehensive plan. See Part II of Chapter 163, Florida Statutes. Florida law specifically requires that municipalities adopt sign regulations. See Section 163.3202(2)(f), Florida Statutes. Complying with state law is a compelling governmental interest.

The Village Council specifically finds that these sign regulations are narrowly tailored to achieve the compelling and substantial governmental interests of traffic safety and aesthetics, and that there is no less restrictive way for the city to further these interests.

Sec. 45-101. Definitions.

Abandoned sign. A building, freestanding, or off premises sign that: (a) for a period of thirty (30) or more consecutive days, (1) no longer correctly advertises, identifies, displays, directs, or attracts attention to an object, institution, organization, business, product, service, or event on the premises upon which the sign is located; (2) identifies a time, event or purpose that has passed or no longer applies; (3) contains missing letters or other components of the sign, rendering the sign indecipherable or (b) for a period of six (6) consecutive months, includes a sign structure that bears no sign or a sign face that bears no copy.

Address sign. A sign indicating only the common street address. For the purposes of this definition, a nameplate shall be construed to be an address sign.

"A" frame sign/Sandwich board sign. A freestanding sign, which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure thereof.

Animated sign. A sign, which utilizes motion of any part by any means, including wind power, or displays flashing, oscillating or intermittent lights, animated animal figures or characters.

Awning. An architectural projection that provides weather protection, identity and/or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid or retractable skeleton over which an approved cover is attached.

Awning sign. A sign painted on, printed on or attached flat against the surface of the awning.

Back lit awning. An internally illuminated awning with translucent covering.

Banner sign. Any sign (that cannot be considered a flag), intended to be suspended for display, either with or without frames, having characters, letters, illustrations, or ornamentations applied to cloth, paper, plastic, balloons, or fabric of any kind with such material acting as a backing.

Building directory sign. A sign necessary for pedestrian and traffic safety, regulation, control, wayfinding, and circulation, indicating the location of an activity or service, incidental to a use, but not advertising the use in any manner

Building identification sign: A sign necessary for pedestrian and traffic safety, regulation, control, wayfinding, and circulation, in which the copy is limited to the name and address of a building or institution.

Building wall sign. A sign displayed upon or attached to any part of the exterior of a building (including walls, windows, doors, parapets, awnings and roof slopes of forty-five (45) degrees or steeper), constructed parallel to, and extending not more than 24 inches from, the building facade to which it is affixed. A sign that is projected onto a building facade (e.g. video projection, 3D projection mapping and other methods of casting images) is also a building wall sign.

Cabinet sign (or box sign). A building sign which is an enclosed cabinet with copy on one or more sides and which may enclose an integrated light source that can shine through the sides or face of the sign.

Canopy. A roof-like structure generally self-supporting that may be freestanding or attached to a principal structure, providing shade and weather protection, typically utilized in locations such as over drive-thru lanes, walkways, entrances, and gasoline pumps.

Changeable copy sign. A sign which is visible from outside a building and which is characterized by changeable copy, regardless of method of attachment of the copy.

Channel letters. Custom-made metal or plastic letters commonly used in exterior signage on public and commercial buildings, and often internally illuminated.

Channel letter sign. A sign comprised of individually fabricated, three-dimensional letters with metal sides and backing, and typically an acrylic or polycarbonate face, where each letter is mounted directly to a supporting structure. Any internal illumination is directed through the translucent face of the letter except for a "reverse channel letter sign," which utilizes a translucent back that directs the light onto the wall or similar surface upon which the letter is mounted, typically with an offset from the mounting surface that produces a "halo" effect.

Commercial message. Any sign that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Construction sign. A temporary sign identifying those engaged in construction on any building site. This includes the builder, contractor, developer, architect, engineer, painter, plumber or other persons or artisans concerned in such construction.

Copy. The linguistic or graphic content of a sign.

Digital sign: A sign that utilizes an electronic display including but not limited to liquid crystal display or light emitting diodes (LCD or LED), plasma display, or projected images that can be changed automatically.

Directional sign or wayfinding sign: An on premises sign designed to guide or direct pedestrians or vehicular traffic.

Discontinuance of occupancy. The occupant identified on a sign has ceased to operate, offer services or products, or conduct activity consistent with the current certificate of use in the location indicated by the sign, for a period of 30 consecutive days. It shall not be a "discontinuance of occupancy" when an occupant first provides the city manager with written notification that the use will be closed for renovation, summer season, or other defined period after which the occupant will resume activity, provided that the occupant does resume the activity on the specified date, as may be extended by the city manager upon request by the occupant.

Double-faced sign. A single sign with two faces that are parallel to each other.

Electric sign. Any sign containing electric wiring.

Electronic changeable copy sign. A sign that utilizes an electronic display including, but not limited to, liquid crystal display or light emitting diodes (LCD or LED), plasma display, or projected images, on which the copy is changed electronically. The following definitions pertain to electronic signs.

- (1) *Dwell time.* The minimum amount of time that a message must be static on an electronic sign. The dwell times shall not include any transition time.
- (2) *Static.* A display that is fixed, and unchanging with no portion of the display being in motion, flashing or changing in color or light intensity.
- (3) *Transition.* A visual effect used on an electronic sign to change from one (1) message to another.

Election sign. A temporary sign that is displayed during the thirty (30) day period immediately preceding any local, state or federal election.

Entry feature sign: An architectural feature or element with signage that is typically located at the entrance to a development project but is not attached to a perimeter wall.

Façade. The entire building wall, including wall face, parapet, fascia, windows, doors, and facade projections on any single elevation.

Flag. Any fabric displaying a message, color(s), logo, or other design, which is attached to a flagpole at one side of the flag, with the length of the flag perpendicular to a singular flagpole when fully extended.

Frontage. The length of the property line of any one parcel along the principal street or waterway on which it borders.

Grade. A reference plane representing the highest point of the crown of any public or private street or roadway, which lies contiguous to the property or building site. In the event that the abutting streets or roadways are unimproved, grade shall be measured from the nearest paved roadway.

Ground sign (also known as a freestanding sign). Any sign that is erected on the ground, when no part of the sign is attached to any part of a building or structure. A ground sign shall be supported by a base no greater than three (3) feet in height.

Harmful to minors. Any description, depiction or representation, in whatever form, of nudity, sexual conduct, or sexual excitement, when it:

- (1) Predominately appeals to the prurient, shameful, or morbid interest of minors in sex, and
- (2) Is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors, and
- (3) Taken as a whole, lacks serious literary, artistic, political, or scientific value.

The term "harmful to minors" shall also include any non-erotic word or picture when it:

- (1) Is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable for viewing by minors, and
- (2) Taken as a whole, lacks serious literary, artistic, political, or scientific value.

Height of a sign. The height of a sign shall be measured as the vertical distance from the finished grade, excluding berms, at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.

Human sign (or living sign). A sign or a form of commercial message held by or attached to a human or character (animated or otherwise) for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service or product. This can also include a person or a live or animated character dressed in costume or wearing a commercial message for the purpose of advertising or drawing attention to an individual business commodity service or product.

Identification sign. A sign that is used to display the name, address and number of a building, institution, or person and to communicate the activity carried on in the building or institution.

Illegal sign - Any sign placed, erected or installed without proper approval or permits from the village.

Illuminated sign. A sign, which contains a source of light or which is designed or arranged to reflect light from an artificial source including indirect lighting, neon, incandescent lights, backlighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.

Incidental sign. A sign having a face consisting of one panel typically associated with lanes of a drive-thru or with an entrance.

Install or place a sign. To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a sign, but shall not include routine maintenance.

Logo. Any symbol, trademark, picture or other graphic representation, which is used to signify or identify the particular business or organization.

Marquee. A structure projecting from and completely supported by a building and which extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance or other pedestrian way.

Marquee sign means any sign painted or printed onto or otherwise attached to a marquee.

Master sign plan. A comprehensive document that contains a set of sign criteria unique to a specific shopping center, commercial property, building or development. It includes drawings and plans that illustrate the sign program for the overall development, including, but not limited to, size, location, type, architectural design, dimensions, and other design standards including materials, color, and sign illumination.

Memorial sign. A building or freestanding sign, tablet, or plaque memorializing a person, structure, site or event.

Menu board sign. A sign erected as part of a drive-through facility and used to display and order products and services available in association with the drive-through business.

Neon tube sign. A sign electrically lighted by exposed tubes containing inert gas and visible from outside of a building.

Mobile sign. A sign mounted on top or on the rear of a vehicle or bicycle or a sign attached to or located on a trailer or other equipment towed by a vehicle or bicycle; signs of a portable or mobile nature attached after-market, including signs mounted on top of or on the rear of a vehicle, and signs attached to or located on a trailer or other equipment towed by a vehicle. A mobile sign shall not be construed to include any sign mounted on a vehicle or trailer by the original manufacturer.

Monument sign. A freestanding sign located at a commercial center that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick.

Nonconforming sign. A sign existing at the effective date of the adopting of this article, which could not be built under the terms of this article. *Occupant (occupancy).* The use of a building or structure, or any portion thereof for commercial transactions.

Off-site/Off premises sign. A sign advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured or furnished at the property on which said sign is located.

Outline neon lighting. An arrangement of electric discharge tubing to outline or call attention to certain features such as the shape of a building or the decoration of a window.

Painted wall sign. A sign painted on a wall or on any other surface or part of a building or structure.

Parapet. A false front or wall extending above the roofline.

Parcel. A unit of land within legally established property lines. If, however, the property lines are such as to defeat the purposes of this Code or lead to absurd results, a "parcel" may be as designated for a particular site by the building official.

Permanent. Designed, constructed and intended for more than short-term use.

Pole sign. A permanent freestanding sign mounted on a pole that is more than three feet in height.

Portable sign. Any sign which is manifestly designed to be transported by trailer or on its own wheels, including signs with removable wheels and signs painted on or affixed to a vehicle.

Projecting sign. A sign attached to a building extending more than 24 inches beyond the building or wall face to which it is attached. Also referred to as a vertical blade sign.

Real estate sign. Any sign installed by the owner or his agent on a temporary basis, advertising the real property upon which the sign is located for rent or for sale.

Right-of-way. A strip of land, dedicated or deeded to the perpetual use of the public, occupied or intended to be occupied by a street, crosswalk, railroad, canal, road, electric transmission line, oil or gas pipeline, water supply main, sanitary sewer, storm drain, or for any other special use.

Roofline. A horizontal line intersecting the highest point or points of a roof.

Roof sign. A sign placed above the roofline of a building or on or against a roof slope of less than forty-five (45) degrees.

Sign. Any writing, pictorial presentation, number, illustration, or decoration, flag, banner or pennant, balloon, search light, or other device which is used to announce, direct attention to, identify, advertise or otherwise make anything known. The term sign shall not be deemed to include the terms "building" or "landscaping," or any architectural embellishment of a building not intended to communicate information.

Sign face. The part of a sign that is or may be used for copy.

Sign face area. The area of any regular geometric shape, which contains the entire surface area of a sign upon which copy may be placed.

Sign structure. Any construction used or designed to support a sign.

Snipe sign. A sign constructed of any material that is attached to a utility pole, tree, fence, light post, stake or similar object located or situated on public or private property.

Special event sign. A temporary sign displayed in connection with the opening of a business, a community event, and community program or community festival.

Street. A public or private right-of-way for vehicular traffic, including highways, thoroughfares, lanes, roads, ways, and boulevards.

Temporary sign. A sign, which is intended to be displayed for a limited time only. Such signs include real estate signs, construction signs, special events signs, and other temporary signage as described herein.

Traffic control device. A sign, signal, marking, or other device used to regulate, warn, guide traffic, placed on, over or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared use path by authority of a public agency or official having jurisdiction placed by a public body or, in the case of a private road open to public transit, by authority of the private owner or private official having jurisdiction.

Traffic-control sign. A sign constructed or approved by a government entity used to direct and assist vehicle operators and pedestrians in the guidance and navigational tasks required to traverse safely any facility open to public travel.

Residential transitory sign. A sign which is which may be displayed only for a period of time less than three (3) weeks, and often shorter, shall comply with all of the requirements applicable to temporary signs and if deemed a safety hazard may be removed without notice by any public personnel.

Under canopy sign. A building sign, which is mounted, attached or suspended perpendicular to the building, beneath an awning, canopy or marquee.

Unit. That part of a multiple occupancy complex housing one occupant.

Window sign. Any sign, including logos, graphics, pictures, advertising and lettering (excluding the business address), which is within 36 inches of a building opening, or transparent or translucent covered opening (for example, a window, door or arch), and which is facing such opening so that the message on the sign is visible from outside the building. This includes business identification, logos or symbols, and commercial messages on window treatments, solar screens, and perforation vinyl or tint films.

Wall sign. See *building wall sign*.

45-102. Prohibited signs.

(a) *Generally.* It shall be unlawful to install, place or keep any sign not expressly authorized by, or exempted from, this Code.

(b) *Specifically.* The following signs are expressly prohibited:

- (1) Signs that are in violation of the building code or electrical code adopted by the village.
- (2) Any sign that constitutes a safety hazard.
- (3) Blank temporary signs.
- (4) Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means.
- (5) Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.
- (6) Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color.
- (7) Outline neon lighting used on commercially developed parcels for commercial purposes.
- (8) Signs, commonly referred to as wind signs, consisting of one or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind.
- (9) Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals.
- (10) Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- (11) Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this Code or other ordinance of the village.

- (12) Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device, or signs located within ten (10) feet of public right-of-way or one hundred (100) feet of traffic-control lights, that contain red or green lights that might be confused with traffic control lights.
- (13) Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.
- (14) Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
- (15) Signs that contain any lighting or control mechanism that causes interference with radio, television or other communication signals.
- (16) Searchlights used to advertise or promote a business or to attract customers to a property.
- (17) Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.
- (18) Signs placed upon benches, bus shelters or waste receptacles except as may be authorized by the Village.
- (19) Signs erected on public property, or on private property (such as private utility poles) located on public property, other than signs erected by public authority for public purposes.
- (20) Signs erected over or across any public street or right-of-way except as may otherwise be expressly authorized by this Code, and except governmental signs erected by or on the order of the village manager.
- (21) Signs displaying copy that is harmful to minors.
- (22) Portable signs.
- (23) Marquee signs.
- (24) Roof signs.
- (26) Painted wall signs or murals.

- (27) Neon tube signs located inside or outside a building.
- (28) Off site/off premises signs, except as provided in section 6-117.
- (29) Signs placed on boats or watercraft that are located on public or private property other than boat or watercraft name, manufacturers name or required license numbers.
- (30) Time-Temperature-Date Signs.
- (31) Snipe signs.
- (32) Vehicle signs.
- (33) Abandoned signs.
- (34) Inflatable signs and balloons, unless expressly authorized by a Special Events Permit issued by the village.
- (35) Painted signs and murals on wall, side or roof of buildings.
- (36) “A” frame/Sandwich board signs.
- (37) Signs on fences.
- (38) Any other sign not specifically permitted by this chapter

Sec. 45-103. Exempted signs.

The following signs are exempt from these sign regulations, and from the requirement in this Code that a permit be obtained for the erection of permanent signs, provided they are not placed or constructed to create a hazard of any kind:

- (a) Signs located internally to a site that are not visible from any street or adjoining property, including waterways.
- (b) Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission as appropriate from the State of Florida, the United States, the County of Palm Beach, or the Village of North Palm Beach.
- (c) Legal notices and official instruments.
- (d) Government identification signs.
- (e) Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building.
- (f) Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment,

such as signs customarily affixed to newspaper racks, telephone booths, and gasoline pumps.

- (g) Advertising and identifying signs located on taxicabs, buses, trailers, trucks, vehicles or vehicle bumpers, subject to the regulations of this article.
- (h) Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.
- (i) Signs carried by a person.
- (j) Religious displays.
- (k) Sponsorship signs – signs supporting a non-profit or government organization (temporary sign), if approved through special events temporary use process.
- (l) Parking space numbers and labels for reserved spaces, if approved through site plan.
- (m) Names and addresses on mailboxes
- (n) Works of art, ornamental figurines and the like, both two and three-dimensional, used for decorative purposes and not related to the operation of a commercial enterprise.
- (o) Decorative flags and bunting for a celebration, convention, or commemoration of significance to the entire community when authorized by the village manager for a period, not to exceed thirty (30) days.
- (p) Holiday lights and decorations, erected during the appropriate holiday season, shall comply with all building and electrical codes. Holiday lights and decorations may be erected no earlier than four (4) weeks prior to the subject holiday with the exception of the Christmas/Hanukkah holidays. Christmas/Hanukkah lights and decorations may be erected no earlier than October 15th. All holiday lights and decorations must be removed within two (2) weeks following the holiday.
- (q) Merchandise displays behind storefront windows so long as no part of the display moves or contains flashing lights.

Sec. 45-104. Permanent Signs – Sign permit not required.

(a) Flags.

- (1) *Number.* Not more than three (3) flags or insignias of governmental, religious, charitable, fraternal or other organizations may be permanently displayed on any one parcel of land.
- (2) *Size.* The maximum distance from top to bottom of any flag or flags shall be thirty (30) percent of the total height of the flagpole, or in the absence of a flagpole, thirty (30) percent of the distance from the top of the flag or insignia to the ground. The maximum height of a flagpole within the R-1 single-family dwelling district and the R-2 multiple-family dwelling district shall be twenty (20) feet. The maximum height of a flagpole within the R-3 apartment dwelling district and all non-residential zoning districts shall be thirty-five (35) feet.

- (b) *Utility signs.* Public utility signs that identify the location of underground utility lines and facilities, high voltage lines and facilities, and other utility facilities and appurtenances are

permitted so long as they do not exceed three (3) feet in height, and so long as the sign face does not exceed one-half (½) square foot.

- (c) A removable sign affixed by permanent brackets within the sign face area of a ground sign indicating that units within the same parcel are for sale or for lease and including a contact phone number. The brackets and sign cannot cover any other portion of the sign copy, including any lettering, logo or address.
- (d) For commercial projects occupied by multiple retail or service establishments where the total area of the project, including outparcels, exceeds five (5) acres, a ground sign may, subject to Planning, Zoning and Adjustment Board review and approval of the sign design in accordance with the criteria set forth in this article, depict the name of the project and the names of up to five (5) tenants or occupants of the project. A "for sale" or "for lease" sign may be substituted for one (1) of the tenant or occupant signs if the space within the project is being actively marketed for sale or lease.
- (e) *Window signs.* The combined area of permanent and temporary signs on or behind windows shall not exceed twenty (20) percent of the total window area at the same floor level on the side of the building or unit, which the signs are displayed.
- (f) *Street numbers.*
 - (1) *Generally.* Every building in the village shall have its street number so affixed to the building or the premises upon which the building is located that it is both visible and legible from the public street.
 - (2) *Commercial buildings.* Every commercial building with a wall facing an alley shall have each individual tenancy street number affixed to the building above or next to the rear door serving each tenancy so that the number is both visible and legible from the alley. The street numbers shall be reflective.
 - (3) *Height—Color.* All street numbers shall be a minimum of three (3) inches in height on residential buildings and a minimum of six (6) inches on commercial buildings. Maximum height of all street numbers shall be eight (8) inches. All street numbers shall be a sharply contrasting color with the building.
 - (4) *Maintenance.* It shall be the duty of the owner of the building to maintain the numbers on the building in good condition.

Sec. 45-105. Administration and Enforcement.

- (a) These sign regulations are intended to complement the requirements of the building and electrical codes adopted by the village. All signs are subject to permitting requirements, district sign allowances, and other regulations under this article, except to the extent expressly exempted herein. Wherever there is inconsistency between these regulations and the building or electrical code, the more stringent requirements shall apply.
- (b) A sign permit is required for all signs except signs that are exempt under section 6-113 permanent signs for which no permit is required under section 6-114 or temporary signs governed by section 6-122(b).

- (c) *Persons authorized to perform work.* The work necessary to construct, install, place, illuminate, paint or modify signage within the village shall conform with the following:
- (1) The following work may be performed by a property owner or lessee:
 - a. Painting the face of any freestanding or wall sign;
 - b. Installation or attachment of any individual letters, which does not require electrical service or structural modification of the surface or wall to which such letters are being attached; or
 - (2) The following work shall be performed by a sign contractor, general contractor or building contractor licensed with the village to perform such work:
 - a. Construction, installation or electrical connection of any sign which is illuminated;
 - b. Construction, installation or placement of any freestanding sign requiring wind load calculations;
 - c. Construction, installation or placement of any sign which is located above a pedestrian walkway or on the front fascia of a canopy over a pedestrian walkway;
 - d. Construction, or installation of any projecting sign permitted by this chapter which shall be designed by a Florida registered architect or engineer; or
- e. *Unsafe signs.*
- (1) If the building official determines any sign or sign structure to be in an unsafe condition, he/she shall immediately notify, in writing, the owner of such sign who shall correct such condition within forty-eight (48) hours.
 - (2) If the correction has not been made within forty-eight (48) hours, the building official may have the sign removed if it creates a danger to the public safety or have any necessary repairs or maintenance performed at the expense of the sign owner or owner or lessee of the property upon which the sign is located.
- (e) *Deviations and Variances.* Any increase or decrease in the dimensional restrictions (size, height, setbacks, sign copy area, type face, and other measurable standards) or other deviation from the requirements set forth in this Code shall require a deviation or variance as follows:
- (1) *Deviation.*
 - a. A deviation may be granted from the strict application of the regulations in this chapter which:
 1. Allow up to a 10% increase in allowable sign area;
 2. Allow up to a 10% increase in allowable sign height;
 3. Allow up to a 10% decrease in minimum distance between freestanding signs;
 or

- b. Requests for deviation shall be initiated by the applicant in the application for a sign permit and shall be accompanied by documentation including sample detail drawings, schematic architectural drawings, site plans, elevations, and perspectives which shall graphically demonstrate the proposed deviation(s) and illustrate how each deviation would operate to the benefit, or at least not to the detriment, of the public interest. Deviations may be approved by the Director provided that such deviation will not be contrary to the public interest and in harmony with the general intent and purpose of this article and where one or both of the following criteria are satisfied:
 - 1. Conditions exist that are not the result of the applicant and which are such that a literal enforcement of the regulations involved would result in unnecessary or undue hardship; or
 - 2. There is something unique about the building or site configuration that would cause the signage permitted by this article to be ineffective in identifying a use or structure that would otherwise be entitled to a sign.
 - c. Subject to the standards and criteria stated above, the Director shall approve only the minimum deviation from the provisions of this article necessary to avoid the undue hardship or to cause the signage for the site to be effective in identifying the use or structure on the site. However, no deviation shall be approved that would have the effect of allowing a type or category of sign that would otherwise be prohibited by this article.
 - d. Any person aggrieved by the decision of the Director concerning a deviation may apply to the Planning, Zoning and Adjustment Board for a variance.
- (2) *Variances approved by Planning, Zoning and Adjustment Board.* Except as provided in subsection (a) above, any increase or decrease in the dimensional restrictions (size, height, setbacks, sign copy area, type face, and other measurable standards) or other deviation from the requirements set forth in this Code shall require a variance approved by the Planning, Zoning and Adjustment Board. Any increase in the height or size of a sign or setback thereof in the granted variance shall not exceed thirty (30) percent of the requirements of this code.
- a. The Planning, Zoning and Adjustment Board shall hear and rule on all applications for variance to this code. All the provisions of Article VI, Chapter 45 of the Village Code, shall apply to applications for variance to this code.
 - b. All applications for variances to dimensional regulations established by this article shall be filed with the community development department upon a form supplied by the village. The application shall be accompanied by the filing fee established in the master fee schedule adopted annually as part of the village budget.
 - c. Public notice of all hearings conducted in accordance with this section shall be provided as required by section 21-3 of the village code.
- (f) *Maintenance; Removal.*
- (1) All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance

with the building and electrical codes adopted by the village, and shall present a neat and clean appearance. The vegetation around the base of ground signs shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign. Examples of unacceptable maintenance and repair include the following:

- a. Cracked, ripped, or peeling paint present on more than ten (10) percent of the surface area of a sign;
- b. Bent, broken, loose, or otherwise insufficiently attached supports, struts, or other appendages;
- c. Partial illumination for more than fourteen (14) days;
- d. Obstruction of sign face by weeds, vines, or other vegetative matter; and
- e. Maintaining a position that is more than fifteen (15) degrees from vertical for more than ten (10) successive days.

(2) In all cases, the sign's aesthetic appearance shall be maintained in originally approved condition, subject to the regulations of this chapter governing nonconforming signs, as applicable.

(3) *Discontinuance of Occupancy.*

- a. Evidence of discontinuance of occupancy shall include failure to maintain a valid certificate of use and business tax receipt, occupy the location indicated by the sign, maintain the listed phone number in service, answer the listed phone number, or, in combination with any of the preceding, pay a utility bill.
- b. It shall not be a "discontinuance of occupancy" where an occupant first provides the city manager with written notification that the use will be closed for renovation, summer season, or other defined period after which the occupant will resume activity, provided that the occupant does resume the activity on the specified date, as may be extended by the city manager upon request by the occupant.
- c. Prior to a discontinuance of occupancy, all signs relating to the occupant shall be removed, as provided in this section. Failure to comply with this section shall subject the sign to removal and disposition pursuant to the provisions of this chapter.
 1. All signs attached to a building shall be removed, including window signs and awning signs. Upon removal of a sign from a surface, the surface shall be restored to its original condition, including the filling and repainting of anchor holes to match the surrounding surface. An awning shall be refinished as necessary to eliminate any evidence of the removed sign, including faded color on the valance outlining the former copy.

2. The face of a ground sign cabinet shall be removed and replaced with a new sign face having an opaque background of a neutral color, and constructed of a material that complements the sign structure and building. Any channel letters shall be removed and the background surface restored pursuant to subsection (1). Single-occupant identity signs shall not be illuminated during any period that occupancy has been discontinued. In the case of a multiple-occupant sign, the panel of an occupancy that has been discontinued shall be replaced with a new panel (either a blank panel, or a panel of an occupancy that is active) of material and color, that matches the other panels.
- (g) *Enforcement.* The community development director or the building official, or their respective designee(s), may initiate code enforcement actions under Chapter 2, Article VI to obtain compliance with this code.
- (h) *Review of administrative decisions.* Any final decision of an administrative official under this article may be appealed to the planning, zoning & adjustment board as provided in village code section 45-52, except enforcement actions under section 6-the procedures for which are governed by Article VI of the village code.

Section 45-106. Nonconforming signs.

All signs that are lawfully in existence or are lawfully erected and that do not conform to the provisions of this article are declared nonconforming signs. It is the intent of this article to recognize that the eventual elimination of nonconforming signs as expeditiously and fairly as possible is as much a subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this article. It is also the intent of this article that any elimination of nonconforming signs shall be effected to avoid any unreasonable invasion of established property rights.

(a) *Legal nonconforming signs.*

- (1) In all zoning districts other than the C-NB District, all building wall sign structures, awning signs, pole sign structures and ground sign structures erected within the village that do not conform to the terms of this article shall conform by October 14, 2003, or be removed from the premises. In the C-NB Zoning District, all accessory signs, wall signs, freestanding signs, awning signs, pole signs, and ground signs erected within the corridor that do not conform to the terms of this article shall conform by May 31, 2014 or be removed from the premises. All other signs and outdoor displays in any Zoning District shall conform within thirty (30) days of the effective date of this article.
- (2) A legal nonconforming sign may continue to be utilized only in the manner and to the extent that it existed at the time of the adoption of this chapter or any amendment thereof including in the event there is a change in ownership.
- (3) A legal nonconforming sign may not be altered in any manner not in conformance with this chapter. This does not apply to reasonable repair and maintenance of the sign or to a face change provided that by changing the sign copy area structural alterations are not required.

- (4) Legal nonconforming signs that are located on a parcel of property that is severed from a larger parcel of property and acquired by a public entity for public use by condemnation, purchase or dedication may be relocated on the remaining parcel without extinguishing the legal nonconforming status of that sign provided that the nonconforming sign:
 - (a) Is not increased in area or height to exceed the limits of the zoning district in which it is located;
 - (b) Remains structurally unchanged except for reasonable repairs or alterations;
 - (c) Is placed in the most similar position on the remaining property that it occupied prior to the relocation; and
 - (d) Is relocated in a manner to comply with all applicable safety requirements.

After relocation pursuant to this subsection, the legal nonconforming sign shall be subject to all provisions of this section in its new location.

- (5) Any nonconforming sign shall be removed or rebuilt in full conformity to the terms of this article if it is damaged or allowed to deteriorate to such an extent that the cost of repair or restoration is fifty (50) percent or more of the cost of replacement of such sign.

(c) *Signs for a legal nonconforming use.*

- (1) New or additional signs for a nonconforming use shall not be permitted. A change in ownership shall require a nonconforming sign to be removed or brought into conformity.
- (2) A nonconforming sign for a nonconforming use that ceases to be used for a period of sixty (60) consecutive days or is replaced by a conforming use, shall be considered a prohibited sign and shall be removed or brought into conformance upon establishment of a conforming use.

(d) *Abandoned signs.*

- (1) Sign structures that remain vacant, unoccupied or devoid of any message, or display a message pertaining to a time, event or purpose that no longer applies shall be deemed to be abandoned.
- (2) A nonconforming sign deemed abandoned shall immediately terminate the right to maintain such sign.
- (3) Within thirty (30) days after a sign structure has been deemed abandoned, it shall be the responsibility of the property owner or the property owner's authorized agent to remove the abandoned sign and to patch and conceal any and all damage to any other structure resulting from removal of the sign.
- (4) Any abandoned sign shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which sign may be found within ten (10) days after written notification from the community development department. Upon failure to comply with such notice within the specified time in such order, the community development

department is hereby authorized to cause removal of such sign and any expenses incident thereto shall be paid by the owner of the building or structure to which said sign is attached.

- (5) Removal of an abandoned nonconforming sign shall include all sign support components, angle irons, poles, and other remnants of the discontinued sign that are not currently in use, or proposed for immediate reuse as evidenced by a sign permit application for a permitted sign.

Section 45-107. Off-premises signs.

- (a) In cases where unique situations exist regarding limited access to the property as determined by the Community Development Director, the sign owner may request to locate a sign in an adjacent property or right-of-way, provided that the applicant can meet the following criteria:
 - (1) Provide a certified written letter from the property or right-of-way owner to receive the sign that he/she does not object to the location of the sign in the adjacent property or right-of-way.
 - (2) Provide a hold harmless agreement with the property or right-of-way owner to receive the sign recorded in the Public Records of Palm Beach County.
 - (3) Provide a written agreement with the Village of North Palm Beach and property owner that when the property or right-of-way owner to receive the sign requests removal of the sign through certified letter to the sign owner, the sign owner will remove the sign within ten days of notice from the property or right-of-way owner and return said property or right-of-way to a finished condition,
- (b) Off-premises sign types shall be limited to Directory or Directional sign types and shall follow all setback, design, construction, distance separation, sight visibility and any other applicable provision of this Code to protect the Village's and ROW owner's interests.
- (c) A maximum of one off-premises sign is permitted per ROW or legally bound parcel.
- (d) In no instance, shall any off-premises sign be placed within twenty-five (25) feet of an existing sign installed on the ground within the same ROW or property, final placement of the sign shall be at the discretion of the Community Development Director to ensure the city's-village's corridors remain free of visual advertisement clutter.
- (e) The business being advertised by the off-premises sign must not have road frontage, which provides an opportunity for an advertising sign on-premises.
- (f) Permits issued for off-premises signs shall automatically become void upon vacation of the existing business for which the off-premises sign was originally issued. The new owner or tenant of the business shall apply for a new building permit for the off-premises sign according to the provisions set forth in this Code and provide a copy of the lease to the Community Development Department indicating occupancy of the premises for which the off-premises sign was originally issued.

This does not preclude the removal of the existing off-premises sign, however a new sign permit will be required for any alterations to the sign including sign face and copy changes as stipulated by the provisions of this Code.

- (g) Any on-premises sign which otherwise conforms to the provisions of this article, and by reason of the cessation of activity on the premises, becomes an off-premises sign, may be retained by one of the following methods:
 - (1) Painted Sign: The sign shall be covered by painting over the sign area.
 - (2) Removable Sign Face: The sign face shall be removed and replaced with a blank insert or the sign face may be reversed.
 - (3) Temporary Covering: The sign face may be temporarily covered by the installation of a sock or boot.

Section 45-108. Master Sign Plan Process.

- (a) *Master sign plan.* A master sign plan shall serve as the controlling document for review of all applications for sign approval within a designated development including shopping centers or multi-use buildings or where multiple signs are proposed for a single site or project to ensure the compatibility of sign types, locations, sizes, colors and lettering styles, and compatibility and cohesiveness. Renovations and redevelopment of existing commercial buildings and projects for shopping centers, multi-use buildings or where multiple signs are proposed on a single site shall also require submittal of a master sign plan. Applications for site development or site improvement plan approval shall be accompanied by a graphic and narrative representation of the master signage plan to be utilized on the site. Existing commercial buildings and projects shall submit a master sign plan to the village within five years of the effective date of this amendment, unless there is already an existing master sign plan approved by the village, which covers all aspects of a Master Sign Plan. Building permits for new signs shall not be issued for commercial buildings, which have not submitted a master sign plan. The master sign plan may be amended and resubmitted for approval to reflect style changes or changing tenant needs

The purpose and intent of a master sign plan is to provide a master record of signs on a parcel, ensure compatible signage, and to create unification of signage within parcels, but not between parcels that are common to a planned commercial development out-parcels shall be treated separately. All master sign plans shall be approved by the Planning, Zoning and Adjustment Board and shall comply with the following:

- (1) The master sign plan shall be approved prior to the issuance of a sign permit.
- (2) The master sign plan shall indicate the type, location, size, dimensions, illumination, color, materials and architectural style, including the address requirements of the Florida Building Code and this chapter. The locations shall be illustrated on elevations and on a site plan.
- (3) When applicable, landscape plans and details shall be part of the plan and shall comply with the landscape standards of this Code.

- (4) If a technical deviation is required, the request can be made part of the application for a master sign plan.
- (b) *Master Sign plan criteria.* In reviewing the master sign plan, the planning, zoning and adjustment board shall determine if the following criteria have been met:
 - (1) The signage for the project is in keeping with the overall architecture and character of the building development.
 - (2) The signage for the project is designed to meet the directional needs of the project for communication, identification, way finding, regulatory and informational messages in keeping with the overall architectural theme of the development or project;
 - (3) The signage proposed is legible, conspicuous, and easily readable;
 - (4) The visibility and impact of the type of sign, number of signs, design, size, method of, construction, illumination and location of the proposed signs are in compliance with the minimum standards of this section, and does not adversely impact adjoining properties, or create a hazard of health risk; and
 - (5) The proposed signage is consistent and not in conflict with the intent and interests of the Village of North Palm Beach.
- (c) *Submittal.* A master sign plan or request for a technical deviation shall be reviewed and approved by the planning, zoning and adjustment board. All applications and supporting documentation as listed on the community development department application shall be submitted to the community development department via an electronic format. The community development department shall review the application and create a staff report, which shall include a recommendation. The staff report shall be provided to the applicant prior to the meeting. An authorized representative of the applicant must be in attendance at the planning zoning and adjustment board meeting. If a representative is not present, then the planning, zoning and adjustment board has the right to postpone the agenda item to a future meeting date.
- (d) *Fees.* Master sign plan requests shall be charged in accordance with the development application fee schedule and paid to North Palm Beach at time of application submittal.
- (e) *Effect of master sign plan approval.*
 - (1) After approval of a master sign plan or amendment, all new signs and alterations to signs shall comply with the master sign plan, and any violation of such approved plan shall be a violation of this chapter. In case of any conflict between a provision of a master sign plan and one or more provisions of this chapter, the stricter of the two shall apply.
 - (2) The village shall not consider a request to deviate from an approved master sign plan. However, a master sign plan may be amended or replaced by a new master sign plan. Amendments that are specific to a single occupancy shall not be approved unless the proposed amendment responds to the unique location or architecture of the occupancy that is not generally applicable elsewhere in the property subject to the master sign plan. The Planning, Zoning and Adjustment Board shall evaluate any proposed amendment within the context of the entire approved master sign plan.

- (3) *Consistency with master sign plan.* An alternative identity or architectural sign design in a multiple-occupant development shall be consistent with the applicable approved master sign plan and shall be subject to and effective only upon the approval of a master sign plan or amendment thereto. For multiple-occupancy developments without an approved master sign plan, an application for any alternative identity or architectural sign design must be accompanied by a proposed master sign plan. Where any proposed alternative identity sign design and/or proposed architectural sign requires a new master sign plan or an amendment to a master sign plan, the planning, zoning and adjustment board shall consider the master sign plan or master sign plan amendment contemporaneously with the proposed alternative identity sign design and/or proposed architectural sign (as applicable).

Section 45-109. Sign permit process.

- (a) *Permits required:* Except as otherwise provided in this chapter, it shall be unlawful for any person to erect, construct, enlarge, post, alter, maintain, move, or convert any sign in North Palm Beach, or cause the same to be done, without first obtaining a sign permit for each such sign as required by this chapter. These requirements shall not be construed to require any permit for the repainting, cleaning, and other normal maintenance or repair of a sign or sign structure for which a sign permit has previously been issued, so long as the sign or sign structure is not modified in any way. All signs shall be constructed in accordance with the building code, including obtaining all required building permits. No sign shall be approved for use unless it has been inspected and found to be in compliance with all the requirements of this section and applicable codes.
- (b) *Approval.* After submittal of a complete application and the requisite application fee(s), the following signs, when determined by the building official to be consistent with and in compliance with the criteria set forth herein, shall receive a sign permit without review by the Planning, Zoning & Adjustment Board:
 - (1) Model sales office signs and model name signs;
 - (2) Signs in a shopping center, planned commercial development, planned industrial development, or planned office park, which are consistent with a previously approved master signage plan for the development;
 - (3) Temporary signs not exempted from permitting by section 6-122(b).

All other signs shall require permits approved by the Planning, Zoning & Adjustment Board.

- (c) *Sign permit application:* Application for a sign permit shall be made in electronic format upon forms provided by the Village of North Palm Beach and shall state the following information:
 - (1) Name, address, and telephone number of the property owner. No person shall erect, construct or maintain any sign upon any property or building without the consent of the owner or person entitled to possession of the property or building if any, or their authorized representatives.

- (2) Name, address, and telephone number of the contractor.
 - (3) Property address, property control number (PCN), and legal description of the building, structure, or lot to which or upon which the sign is to be installed or affixed.
 - (4) A drawing to scale showing the design, colors, and materials of the sign, including dimensions, sign size, sign copy/area, method of attachment, source of illumination, and showing the relationship to any building or structure to which it is, or is proposed to be installed or affixed, (elevation) or to which it relates, signed and sealed by a professional architect or engineer registered in the State of Florida.
 - (5) A fully dimensioned survey or site plan, to scale, indicating the location of the sign relative to property lines, rights-of-way, streets, easements, sidewalks, and other buildings or structures, including any ground mounted signs, on the premises.
 - (6) If a monument sign, landscape plan showing the screening of the base or foundation of the sign.
 - (7) Cost estimate.
- (d) *Application procedure and review (original submittal)*: A sign permit application on a form provided by North Palm Beach shall be electronically filed together with all documentation as provided for in this section. Upon the electronic submission of a complete sign permit application and all required documentation, the Village shall review the application based on whether it complies with this chapter and all other code requirements, or an approved master sign plan, if applicable, and provide comments to the applicant through the electronic review portal.
- (e) *Application procedure and review (resubmittals)*: Upon resubmission of the sign permit application through the electronic review portal, the Village shall determine whether the applicant's revisions comply with this chapter and all other code requirements. If the revisions do not comply with this chapter, the Village will again provide the applicant comments through the electronic review portal. This process shall continue until the applicant has submitted an application that meets all requirements. If the application meets all requirements of this chapter and other code requirements or an approved master sign plan, if applicable, the sign permit shall be approved. If the application fails to meet the requirements of the code, the application shall be denied.
- (f) *Application fees*: Sign permit application fees for signs shall be charged in accordance with the building division fee schedule and paid to North Palm Beach for each sign for which a permit is required by this chapter. Application fees shall be paid at time of application and any such sign permit fees are required to be paid prior to a permit being issued.

Sec. 45-110. Sign regulations – In general.

- (a) *Physical sign types allowed*. Except as may be otherwise provided in this section, a permanent sign may be a permanent ground (freestanding) sign, including pole signs and monument signs, a permanent building wall sign, or a window sign .

(b) *Measurement and Dimensions.*

- (1) *Computation of sign area and number.* The area of each face of a sign shall be the area of the smallest circle, triangle, or parallelogram, which contains all content, background, and structural elements of the sign. Sign area shall not include structural elements, which function solely as support for the sign or cover of structural elements.
- (2) *Certain support structures exempted from computation of area of freestanding signs.* Support structures, which are part of a decorative landscape wall or screen wall shall not be considered part of a freestanding sign.
- (3) *Determination of the number of signs.* Any collection of sign content, sign background, and sign structure may be considered to be one sign face if the area of such sign face is measured as only one circle or only one triangle or only one parallelogram, provided that the area so measured conforms to the maximum sign area requirements of this article.
- (4) *Façade area.* The façade area shall be measured by determining the area within a two-dimensional geometric figure coinciding with the edges of the walls, windows, doors, parapets, marquees, and roof slopes greater than forty-five (45) degrees that form a side of a building or unit.
- (5) Where two (2) sign faces are placed back to back on a single sign structure, and the faces are at no point more than four (4) feet apart, the area of the sign shall be counted as the area of one (1) of the faces.
- (6) *Sign height.* The height of a sign shall be measured as the vertical distance from the finished grade, as set by flood elevation requirements on the property, excluding berms, at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.

(c) *Content*

- (1) Signs permitted pursuant to this Article may contain any noncommercial message, which is not harmful to minors as defined in this Article, or otherwise contrary to law. A permanent accessory sign may only display any combination of the following:
 - (2) Street address number and/or name.
 - (3) A logo symbol for the building or the building occupant, which does not exceed fifty (50) percent of the allowable sign area.
 - (4) Letters depicting the nature of the business and that are a maximum of fifty (50) percent of the height of the letters depicting the name of the building or building occupant.
- (5) *Non-commercial messages.* Any sign erected pursuant to the provisions of this Article may, at the option of the applicant, contain either a non-commercial message or a commercial message, provided that:

- a. The size and design criteria conform to the applicable portions of this Article;
- b. The sign conforms to the requirements of the applicable zoning designation;
- c. The sign is not otherwise prohibited by the Article; and
- d. Appropriate permits are obtained where applicable.

The sign face may be changed from commercial to non-commercial messages as frequently as desired by the owner of the signs. For the purposes of this sign code, non-commercial messages shall never be deemed off-premises.

- (6) *Works of art.* Works of art, ornamental figurines and the like, both two and three-dimensional, used for decorative purposes and not related to the operation of a commercial enterprise.

(d) *Placement and aesthetic appearance.*

- (1) It is the intent of these sign regulations to preserve and enhance the aesthetic quality of the environment by reducing the visual discordance which can result from:
 - (a) The haphazard placement of signs on buildings; and
 - (b) The use of an array of different sign constructions on one building.

It is recognized that this intent may be met by approaches other than those specifically set forth in this section. Accordingly, this section makes provisions for approval of signs which conform to the intent of this section but which do not conform to the specific requirements of this section.

- (2) *Placement of signs attached to building walls in relation to building lines.* Signs shall be placed on a building so as not to break important horizontal or vertical building lines. This requirement will be considered met if none of the following types of lines are broken:
 - (a) Cornice line;
 - (b) Lintel lines, actual and extended;
 - (c) Sill lines, actual and extended;
 - (d) Belt course lines;
 - (e) Column and pilaster lines including but not limited to building recesses

This requirement may be considered met even if one or more of the types of lines in subsection (2) above are broken, if the building is designed so that a permitted sign cannot be located without breaking one or more of the above lines and the sign or signs are placed to minimize the breaking of important building lines.

- (3) *Vertical dimension of wall mounted signs in relations to building facade elements.* The maximum vertical dimension of a wall-mounted sign shall be no more than 40 percent of the vertical face dimension of the facade element (parapet, spandrel, fascia, or other facade element) on which it is mounted. This requirement shall be considered met even if all or a portion of a sign exceeds in vertical dimension 40 percent of the vertical dimension of the facade element on which it is mounted if the building is designed so that a permitted sign cannot be located without exceeding the 40 percent limit of any building facade element.

- (4) *Coordination of construction type of wall-mounted signs.* Whenever more than two wall-mounted signs are permitted on any one building, all may be, and all except one must be of the same construction type (cabinet, individual pan-channel letters, individual reverse pan-channel letters, or other). In addition, all may be and all except one must have the same base line if they are individual letters mounted on the building facade, and must have the same base and top line if they are of any other construction type.
- (5) *Finish of sign background and sign structure.* Low freestanding signs shall have a background and structure, which is of a material, color, and finish that, is used extensively in the building to which the sign is accessory. A material, color, and finish will be considered to be used extensively if it covers more of the non-glass portions of the highly visible surfaces of the building than does any other material, or if it covers at least 30 percent of the non-glass portions of the highly visible surfaces of the building.

(6) *Placement standards.*

- a. *In right-of-way.* Supports for signs or sign structures shall not be placed in or upon a public right-of-way or public easement
- b. *Over right-of-way.* No ground sign shall project over a public right-of-way.
- c. *Blocking exits, fire escapes, etc.* No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit, or standpipe.
- d. All ground sign shall be erected within landscaped areas. Minimum distance from the edge of the landscaped area to the sign base shall be three (3) feet. The landscaping shall consist of shrubbery a minimum of thirty (30) inches high creating a hedge or individual shrubs of the same or varying species thirty (30) inches high spaced not more than eighteen (18) inches apart at their base.

(7) *Appearance Plan.* Per the approved Appearance Plan:

- a. All signs shall be part of the architectural concept. Size, color, lettering, location, and arrangement shall be harmonious with the building design, and shall be compatible with signs on adjoining buildings. Signs shall have good proportions.
- b. Ground signs shall be designed to be compatible with the architecture of the building. The same criteria applicable to wall signs shall apply to ground signs.
- c. Identification signs of a prototype design shall conform to the criteria for building and ground signs.
- d. Materials used in signs shall have good architectural character and be harmonious with building design and surrounding landscape.

- e. Every sign shall have good scale in its design and in its visual relationship to buildings and surroundings.
- f. Colors shall be used harmoniously and with restraint. Excessive brightness and brilliant colors shall be avoided. Lighting shall be harmonious with the design. If external spot or floor lighting is used, it shall be arranged so that light source is shielded from view.

(8) *Alternate approaches.* Signs, which do not conform, to one or more of the requirements set forth in subsections (1) through (6) of this subsection may be approved if the review authority finds on the basis of sufficient facts that the sign nonetheless sufficiently conforms to the intent of this section. Such a finding shall only be made based on a written analysis and recommendation from a recognized design professional.

(e) *Structural Requirements.*

- (1) All structural, electrical, and mechanical components utilized in the construction, installation or placement, and operation of signs shall be concealed except for vertical supports of other supporting components, which are designed and arranged to be an integral part of the aesthetic composition of a sign. Raceway/wireway mounting of letters and J-boxes is prohibited unless existing structural building conditions warrant this type of mounting such as certain glass structures, or such sign has been approved as a "designer sign" as determined by the village manager or his/her designee.
- (2) Clearance standards
 - a. Canopy signs hung from a canopy, bracket arm or covered structure shall have a minimum vertical clearance of nine (9) feet above grade to the bottom of the sign and shall not exceed three (3) square feet in area.
 - b. All signs over vehicular ways shall provide a minimum of thirteen (13) feet six (6) inches of clearance.
- (3) All sign copy, text or logos four (4) inches or larger on permanent signs shall extrude from or intrude into the sign face a minimum of three-eighths ($\frac{3}{8}$) of an inch.
- (4) A building wall sign may project no more than four (4) feet perpendicularly from the surface to which it is attached nor shall a building wall sign extend beyond any edge of the surface to which it is attached, nor disrupt a major architectural feature of the building.
- (5) All wood permitted to be used, whether for new permanent signs, for replacement of existing permanent signs, or for any part thereof, shall be rot and termite resistant.
- (6) No face jumping or wires visibly connected to individual letters shall be permitted.
- (7) Every sign and all components of such sign shall be kept in good structural condition and be in conformance with the applicable building code at the time of permitting, as may be amended from time to time.
- (8) Every sign shall be constructed in a manner as to withstand 140 miles per hour based upon three seconds gust wind speed. All sign contractors shall sign a certificate stating wind loading will meet requirements of this chapter where signs under thirty-two (32) square feet are submitted. For signs thirty-two (32) square feet or over, the

applicant shall provide a certification sealed by a state registered engineer or architect stating that the design will meet the requirements of this code as submitted.

(f) *Dimensional and distance requirements.*

- (1) The height of a permanent sign shall not extend beyond the building height including parapets.
- (2) All signs shall be setback a minimum of ten feet from all property lines to any portion of the sign, and no sign shall be permitted to overhang into the minimum sign setback. The Director may grant a reduction in the minimum sign setback on a case-by-case basis, based on physical site constraints through a written request from the property owner or their authorized designee.
- (3) Signs shall not obstruct sight distance triangles determined by Florida Department of Transportation, Roadway Design criteria, as amended from time to time.
- (4) Once a sign is erected, no additional signs may be attached to or displayed on any sign on a temporary or permanent basis.
- (5) No logo or trademark shall be displayed that is greater than fifty (50) percent of the allowable sign area.
- (6) No sign shall create a traffic or fire hazard, be dangerous to the general welfare of the citizenry, or interfere with the free use of public rights-of-way.
- (7) Sign location shall not interfere with public alarms, signals, or signs. No sign or support shall be placed in such position or manner as to obstruct or interfere, either physically or visually, with any fire alarm, police alarm, traffic signal or sign, or any devices maintained by or under public authority.
- (8) All signs must be placed on the property in which they serve unless approval of the placement of an off-premises sign has been granted by the Director in alignment with the provisions on this Code.

Sec. 45-111. Sign Illumination.

- (a) All permanent signs, other than window signs, may be internally illuminated, backlit or externally illuminated by electricity unless otherwise provided in this chapter.
- (b) Temporary signs shall not be illuminated unless otherwise provided in this chapter.
- © Electrically lighted signs shall be automatically controlled to be disconnected daily at midnight or at the close of business if the advertised closing is later than midnight.
- (c) *Intensity.*
 - (1) The intensity of sign illumination (brightness of a sign) shall not exceed 700 candelas per square meter (cd/m^2) for any sign.
 - (2) Intensity shall be measured from the period beginning one-half hour after apparent sunset and ending one-half hour before apparent sunrise, both as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce for Miami, Florida for the specific date of measurement.
 - (3) Intensity shall be measured by a foot-candle meter held at a pre-set distance from the sign determined as follows: the square root of the product of the sign area (in square feet) and 100 ($\sqrt{A * 100} = D$, where A = sign area and D = distance in feet).

- (d) *Design.* Illumination of a sign using an exposed, unshielded light source is not permitted. All lighting for signs shall be designed to prevent light spillage outside the boundaries of the sign face, and shall not be of such intensity or brilliance as to cause glare or visual distraction.
- (e) *Uniformity.*
 - (1) Lighting on all permanent signs throughout a development shall be consistent in terms of color or intensity, unless differentiation is specifically provided for pursuant to an approved master sign plan in which there is variety in facade design or building type.
 - (2) Lighting shall be evenly diffused throughout a sign so as not to produce areas with blotchy or differential illumination (i.e. "hotspots" or "cold spots").
- (f) *External illumination.*
 - (1) External illumination shall be permitted only for address signs, ground identity signs, ingress/egress signs, wayfinding signs, and limited instances where such lighting is specifically authorized pursuant to a master sign plan or sign permit, which shall only be granted for signs mounted on buildings through use of architectural, overhead, full-cutoff lighting fixtures integrated into the design of the sign or facade.
 - (2) External illumination shall be stationary and directed only upon the sign face and architectural elements of the sign structure.
 - (3) The source of the light used in external illumination shall be screened from view of public streets and residential uses, including upper story residential uses. The light intensity shall not cause glare or light spillover onto other property or a public street.
 - (4) No illuminated signs shall face a residential use in such a way as to be a distraction at night to the persons living in the residential structure. SIGN Illumination section
 - (5) Only white light shall be used to illuminate signs.
- (g) *Internally illuminated ground sign cabinets.* Internally illuminated cabinets may be incorporated into permanent ground signs provided that only the sign copy is illuminated and the background material is opaque. Changeable copy signs, where permitted, are not subject to the restrictions of this subsection.
- (h) *Internally illuminated wall cabinet signs.* Internally illuminated wall cabinet signs, where authorized pursuant, shall be constructed with an opaque background so that only the copy is illuminated

Sec.45-112. Changeable Copy Signs.

Changeable copy signs shall be regulated under the following guidelines. This section shall not include electronic message boards and the like, which are prohibited under this chapter or deemed exempted from these regulations. Such signs shall be permitted in the following manner:

- (a) A changeable copy sign shall comprise not more than 20 percent of the permitted sign area, except as described in this section.
- (b) Motor vehicle service stations and convenience stores with gasoline pumps may utilize up to 20 percent of permitted sign area for changeable prices of gasoline and the words "cash" and "credit" only.
- (c) Movie theaters and other performance or entertainment facilities may utilize up to 80 percent of permitted sign area for display of names of films, plays or other performances

currently showing. Such changeable copy areas shall be included as part of the permitted sign area.

- (d) Changeable copy signs shall be prohibited for office, industrial and residential uses but allowed for public, charitable and religious institutions and signs in the Public District Zoning District.
- (e) Use of changeable copy signs as part of permitted wall sign area is prohibited
- (f) Electronic number changeable copy signage.
 - (1) Freestanding monument signs are permitted electronic number changeable copy for a price section only. Such electronic copy area shall be for static display only. Flashing, animated coursing and the appearance of any movement other than an instantaneous change from one price to another are explicitly prohibited.
 - (2) Electronic number changeable copy (LED or similar) signage displays shall not have the capability to have dynamic displays even if not used. Only one continuous LED (or similar) display area for numbers only is allowed on a sign face and may include the time or temperature. Multiple-copy signs adjacent to each other are permissible in a sign face.
 - (3) *Time duration.* The changeable copy numbers for price may change no more than once every ten seconds.
 - (4) Only the numbers themselves may be lit with the remaining background non-lit or black. No neon or similar lighting shall be permitted in conjunction with a sign using electronic number changeable copy signage.
 - (5) Brightness or glare shall be controlled to avoid distractions to vehicular traffic, pedestrian, and adjoining properties. Adjustments shall be made upon written request from the city.
 - (6) All electronic copy number signs shall be installed with an ambient light monitor.
 - (7) Dimmer control electronic number changeable copy signs must have an automatic dimmer control that automatically adjusts the sign's brightness in direct correlation with ambient light conditions.
 - (8) *Brightness.* No electronic number changeable copy sign shall exceed a brightness level of 0.3 foot-candles above ambient light conditions, as measured using a foot-candle (Lux) meter at a preset distance depending on sign area. The measurement distance shall be calculated with the following formula: The square root of the product of the sign area times 100. Example: $\sqrt{(30 \text{ square feet} \times 100)}$ 54 feet.
 - (9) The maximum height of changeable numbers shall be twelve (12) inches.
- (g) *Photometric plan.* Each application for a digital sign shall be accompanied by a photometric plan. The photometric plan shall demonstrate the digital sign's maximum light intensity, in foot-candles above ambient light, at locations identified by the applicant or village staff that may be impacted within 300 feet of the proposed digital sign location. This plan may be reviewed by a third party lighting specialist selected by the village. Costs associated with third party review shall be paid by the applicant to the village.

Sec. 45-113. Sign Allowances By Zoning District.

(a) *Sign allowances (number, area, height and setbacks).* Permitted signs shall be subject to limitations as to numbers of signs and dimensions based upon zoning district and/or use of the property where the sign will be located. Measurement determinations shall be made as provided in section 6- 120(b)(1) of this article.

(b) The following chart sets out sign allowances for all zoning districts except the Commercial Northlake (C-NB) District:

Table 45-1

Permitted Signs by District Zoning

Zoning Districts	Residential Single Family R-1, R-2	Residential Multi-Family R-3	Commercial C-T, C-S, C-G and PUD	Regional Commercial C-3	Industrial I-1	Public and Open Space P and OS ¹
Permanent Ground Sign						
Number	None	One (1) with more than 4 dwelling units	One (1) per parcel right of way frontage	One (1)	One (1) per parcel right of way frontage	Determined by Village Council
Sign area	None	Maximum 32 square feet	5' setback – 30 sq. feet 10' setback – 36 sq. ft. 20' setback – 40 sq. feet 30' setback – 45 sq. feet	Maximum Hundred (100) square feet	5' setback – 30 sq. feet 10' setback – 36 sq. ft. 20' setback – 40 sq. feet 30' setback – 45 sq. feet	Determined by Village Council
Sign Height	None	Maximum Eight (8) feet	10' or less setback – 8' 20' or greater setback – 10'	Three (3) feet for base and 13' total including base	10' or less setback – 8' 20' or greater setback – 10'	No greater than signs allowed in adjacent zoning districts
Permanent Building Sign						
Number	None	One – ground floor access		One (1) per tenant with ground floor access and one (1) identifying building		Determined by Village Council
Sign area	None	Maximum 25' setback	Maximum 25' setback –	Maximum 25' setback	Maximum 25' setback	Determined by Village Council

		- 5% of façade area 70' setback - 7% of façade area 100' setback - 10% of façade area	5% of façade area 70' setback - 7% of façade area 100' setback - 10% of façade area	- 5% of façade area 70' setback - 7% of façade area 100' setback - 10% of façade area	- 5% of façade area 70' setback - 7% of façade area 100' setback - 10% of façade area	
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Additional signs. The following additional signs are permitted: Locational and directional signs at outdoor public recreation park and sporting events which may include advertising logo of the entity sponsoring the activity or event being held on publicly owned property, including, but not limited to youth athletic associations, organized team competitions, swimming meets, tennis tournaments and golf course benches with direction and ball washing facilities at each tee.

(c) *Other signs (all zoning districts except C-NB).*

(1) *Directional or wayfinding signs.* One (1) parking area directional sign may be erected at each point of ingress and egress to a parking lot or parking area. Such signs shall not exceed two (2) square feet in background area nor exceed three (3) feet in height. Such signs shall not create a traffic or pedestrian hazard.

b. *Signs at entrances to residential developments.*

(i) One (1) sign is permitted at only one (1) entrance into the development from each abutting street. The sign may be a single sign with two (2) faces of equal size or may be two (2) single-faced structures of equal size located on each side of the entrance. No face of the sign shall exceed thirty-two (32) square feet in size, and may be illuminated in a steady light only.

(ii) The placement of such entry signs shall take into account the location of public utilities, sidewalks and future street widening.

(iii) The developer shall ensure that such signs shall be maintained perpetually by the developer, the owner of the sign, a pertinent owners' association, or some other person who is legally accountable under a maintenance arrangement approved by the village council. If no accountable person accepts legal responsibility to maintain the signs and no other provision has been made for the maintenance of them, the developer or owner shall remove the signs.

(iv) The sign shall only include the name of the development.

(2) *ATM machine signage.*

a. ATMs are permitted one sign per machine not to exceed eight square feet in sign area.

b. The ATM sign shall be located adjacent to the machine and shall not exceed nine feet in height above grade.

- c. ATM signs shall display only the business name and/or business logo offering or maintaining the ATM.

Sec. 45-114. Temporary signs.

(a) *General standards:*

- (1) There are generally three (4) types of temporary signs that the city will permit on private property on a temporary basis. The first type of temporary sign is erected generally prior to the time a permanent sign can be erected and may be generally displayed prior to the time a permanent sign may be placed. These signs typically relate to the development or sale of vacant or improving property. The second type of temporary sign is one, which may be placed after permanent signs are placed. Typically, these signs relate to promotions of the property such as the sale or lease of property. The third type of temporary sign that may be placed on property is a temporary non-commercial sign. The fourth kind of temporary sign is a transitory sign.
- (2) Temporary signs shall be constructed of durable, weatherproof material.
- (3) A temporary sign shall not directly or indirectly create a traffic or fire hazard, interfere with the free and unobstructed use of streets, sidewalks, or building entrances, or obstruct clear vision at the intersection of any streets, drives, or public or private vehicular access ways or so that it may be confused with authorized traffic signs or devices.
- (4) All signs shall be setback a minimum of five feet from the property line, unless otherwise specified in this section, and shall provide a minimum 18-inch clearance from rights-of-way, curbs, sidewalks, and landscaping, or a larger clearance if deemed necessary by the Village Engineer.
- (5) All signs shall be freestanding signs. Temporary building signs are prohibited unless authorized under a Special Events Permit.
- (6) Temporary signs shall be removed within twenty-four (24) hours of the issuance of a hurricane warning for the village by the national hurricane center of the national oceanic and atmospheric association (NOAA).

(b) *Temporary non-commercial signs – no permit required.*

- (1) A property owner may place a sign or signs totaling no more than four square feet on the property, compliant with the minimum setbacks, at any time.
- (2) A property owner may place a sign no larger than 8.5 inches by 11 inches in one window visible from a public right-of-way on the property at any time.
- (3) *Additional temporary non-commercial sign before an election:*
 - a. One temporary noncommercial sign totaling no more than five square feet per 0.25 acre of land may be located on the owner's property for a period of 30 days prior to an election affecting the property on which the sign(s) is(are) located.
 - b. Where the size of the property is smaller than 0.25 acres and has a lawfully existing principal building, one temporary noncommercial sign totaling no more than five

square feet may be located on the owner's property for a period of 30 days prior to an election affecting the property on which the sign is located.

- c. Temporary non-commercial signs shall be removed within seven (7) days following the election or vote.
- (4) *Additional temporary signs when a property is being offered for sale or lease:* One temporary sign, totaling no more than three square feet, may be located on a property:
- a. When that property is being offered for sale or lease through a licensed real estate agent; or
 - b. If not offered for sale or lease through a licensed real estate agent, when the sign is owned by the property owner and that property is offered for sale by the owner; and
 - c. For a period of 15 days following the date on which a contract of sale has been executed.
- (5) *Additional temporary sign when a property being offered for sale or lease is open to the public:* One temporary sign, totaling no more than three square feet, may be located on the owner's property on the day prior to and on the day when a property owner is opening the property to the public.
- (c) *Temporary signs –zoning permit required.* Signs authorized by this subsection require a zoning permit for a temporary sign.
- (1) *Construction fence banner signs, commercial:*
- a. Banners shall be securely fastened and flush against a temporary construction fence along street frontages and shall not be illuminated.
 - b. The maximum area devoted to text shall be 12 square feet, which may be repeated every 100 feet. Remaining area of the construction fence banner sign may be graphics or photographs.
 - c. The maximum height of the banners shall be six feet or the height of the fence, whichever is smaller.
 - d. Banners shall be removed when temporary construction fencing is removed or when there are no active permits for the site of the fencing.
- (2) *Post and panel sign, commercial and noncommercial:*
- a. A maximum of one sign per street frontage per property with a maximum height of eight feet. The sign shall be oriented parallel with the street frontage to permit visibility of only one sign face.
 - b. For residential properties one acre or less, a post and panel sign is not permitted. For commercial properties one acre or less or residential properties greater than one acre in size, a maximum cumulative sign area of 16 square feet is permitted. For commercial properties greater than one acre in size, a maximum cumulative sign area of 32 square feet is permitted.
 - c. The sign shall be permitted:

- i. During times that the commercial property is being developed or marketed for sale or lease until the property is sold or leased; or
- ii. While there is an active building permit on the property until a certificate of occupancy/completion is issued; or
- iii. The first 30 days after an opening of a new business; or
- iv. For a period of 30 days prior to an election in accordance with the additional temporary non-commercial signs before an election regulations above.

(3) *Medical center planned development banner, commercial:*

- a. A maximum of one banner is permitted. The maximum length of the banner shall be 80 feet with a maximum sign area of 400 square feet.
- b. The banner shall be mounted flush against the primary building within a Medical Center Planned Development zoning district. The banner shall be placed above the upper story windows and on a parapet oriented towards an intersection of two arterial roads, a minimum of 50 feet from any right-of-way.

(4) *Pole banner sign, commercial:*

- a. A maximum of one banner may be permitted for each ground floor tenant of a commercial building and shall be mounted on a pole installed in the ground within 25 feet of the tenant's principal exterior entrance and shall not obstruct pedestrian walkways or be located within landscaping or vehicular circulation areas.
- b. Signs shall not exceed ten feet in height, 18 inches in width, and a maximum sign area of 15 square feet.
- c. Sign placement is limited to a maximum of 30 consecutive calendar days, three times per year.

(5) *Building banner sign, commercial:*

- a. A maximum of one banner per ground floor tenant of a commercial building with a maximum sign area of 32 square feet if authorized through a Special Events Permit. Signs shall be securely fastened to the building facade and shall not extend above the roofline or parapet.
- b. Banner placement is limited in duration to no more than 14 days prior to and 14 days after the date of the event or activity to which they relate, or the first 30 days after an opening of a new business.
- c. When a temporary banner is associated with the manufacturing and installation of a permanent affixed sign, the banner shall be removed immediately once the permanent sign is installed.

Sec.456-115. Transitory signs

(a) *Residential transitory signs.* Residential transitory signs are directional signs intended to facilitate garage sales, open houses, moving sales, yard sales, and the like, subject to the following requirements.

- (1) In addition to one (1) sign at the residence where the activity is occurring, no more than three (3) directional signs may be permitted within the swale area of any two (2) lane street bounded on both sides by residential properties.
- (2) Directional signs will not be permitted in the median or on any sidewalk, and must be set back at least five (5) feet from edge of pavement.
- (3) The signs may not exceed a height and area of four (4) feet.
- (4) The signs must be erected and taken down on the same calendar day.
- (5) The signs may only be posted on a Saturday or Sunday or legal holiday, and shall on each day be limited to a display period no earlier than 5:00 a.m. and no later than 5:00 p.m.
- (6) The signs may only be staked to or pressed into the ground.
- (7) Where the public interest in the road right-of-way is limited to an easement, the consent of the owner of the underlying property is required to post signs in the right-of-way.

(b) *Transitory special event signs, banners and directional signs.*

- (1) The special event must be located within the city limits of the Village of North Palm Beach.
- (2) A temporary special event permit must be approved by the Village. The permit may list locations where special event signage may be displayed on private or public property. For private property locations, a letter from the property owner with a diagram showing the designated location for the sign must be submitted to the city along with the permit application for the event. For public property locations, the consent of the governmental agency owning or controlling such property is required (if the public interest is an easement, the consent of the landowner shall likewise be required).
- (3) One (1) sign not to exceed sixteen (16) square feet in area, directing the attention of the public to the special event may be permitted on each street frontage of the property where the special event occurs. One (1) banner for the special event, not to exceed forty (40) square feet in area, directing the attention of the public to the special event, may be permitted to be attached to a building housing the event, or may be attached

to a perimeter wall or fence adjacent to a street frontage on the property where the event is located. A special event sign or banner may be erected two (2) weeks prior to the event and must be removed within two (2) days after the event.

- (4) Special event signs can contain the names or logo of a specific agency or business that is sponsoring the event/activity. Special event directional signs shall not exceed four (4) square feet per sign face and may be constructed of plastic or paper. Special event directional signs can be placed the day before the event begins and must be removed no later than the day after the event.

Sec. 45-116. Commercial Northlake (C-NB) District.

- (a) *Business signs permitted.* A permanent sign advertising a business or establishment shall consist of the following:

- a. A canopy or awning sign;
- b. A ground or monument sign with one (1) or two (2) faces;
- c. A wall sign with one (1) face; and/or
- d. A window sign not to exceed twenty (20) percent of the total window area covered.

- (b) *Sign type and criteria.*

- (1) *Canopy or awning signs.* Notwithstanding limitations of this article on the projection of signs from the wall of a building, signs shall be permitted on canopies and awnings;

- a. The sign shall indicate only the name of the building or the name of the principal occupant of the building;
- b. The sign shall be painted or printed directly on the canopy or awning; and
- c. The sign shall be counted in determining the area of wall-mounted signs permitted on the wall from which the canopy or awning projects.

- (2) *Ground signs.* The name, logo and address of parcel of land as per the following standards:

- a. A minimum of one (1) sign for parcel of land.
- b. *Overall.* For parcels with greater than three hundred (300) linear feet of street frontage, one (1) additional sign for each additional seven hundred (700) linear feet of street frontage to include intersecting roadways.

- c. *Outparcels*. Outparcels of a commercial center are permitted to have one (1) ground sign:
 - 1. If the outparcel has direct access to Northlake Boulevard.
 - 2. Overall.
 - i. If the outparcel is entitled to a ground sign, street frontage calculations for the outparcel should not be included in the street frontage calculations for the adjacent commercial center.
 - ii. Outparcel information may be provided in the permitted commercial center ground signs if internally accessed pursuant to regulations of this article.
 - d. The maximum area of a ground sign is sixty (60) square feet.
 - e. The maximum height of a ground sign is ten (10) feet.
 - f. *Minimum setbacks*. The minimum setbacks for ground signs are as follows:
 - 1. Two hundred (200) feet between signs located within the same parcel of land.
 - 2. Fifty (50) feet from sign to a non-right-of-way property line.
 - 3. Five (5) feet from the public right-of-way.
 - 4. Eight (8) feet from utility transmission lines.
 - 5. Four (4) feet from the edge of pavement or curb when placed in an ingress/egress median.
 - g. *Street frontage*. Street frontage is measured as the linear length of a property line adjacent to a public right-of-way.
- (3) *Wall signs*. The name, logo and address of the business to which the sign is accessory and other related information. No wall sign shall be painted directly onto the building.
- (c) *Permissible size, height, location and number of permitted business signs*.

**Table 45-2
Permitted Business Signs**

Sign Type	Max. Number	Max. # of Sign Faces	Max. Area (Sign Face)	Max. Height/Dimensions	Other Limits
Canopy or awning	1 per front or side	1	3 s.f.	none	Signage considered a wall sign Copy shall not exceed 6" in height Functional awning: (shade/cover) calculate s.f. by enclosing copy Non-functional: (decorative only) sign is entire awning
Ground/Monument (East District)	min. 1 sign per parcel of land		30 s.f.	8 ft. height	5 ft. min. from public right-of-way
			36 s.f.	8 ft. height	10 ft. min. from public right-of-way
Ground/Monument (Overall)	Parcels with > 300 l.f. of street frontage	2 per sign	40 s.f.	10 ft. height	20 ft. min. from public right-of-way
	1 additional sign per each additional 700 l.f. of street frontage		45 s.f.	10 ft. height	30 ft. min. from public right-of-way
			60 s.f.	10 ft. ht./15 ft. width	50 ft. min. from ROW. and interior property lines
					Sign copy not to exceed building identification and 1 tenant
					Requires 3 ft. min. solid sign base without copy
					200' between signs within the same parcel of land.
					50' from sign to non-ROW property line
					8' min. from utility lines
					min. 4 ft. from edge of pavement or curb when placed in an ingress/egress median
Wall mounted (front wall)	1 sign per business per street frontage with a max. of 2 signs per business	1	1 s.f. per 1- $\frac{1}{2}$ \times the length of wall sign is attached to.	Mounting height is 6" below roof at sign location or 18 ft. max. height on up to 2 story bldg.	

Wall mounted (side/rear wall)		1	lesser of 50% of max. area of front wall or 1 s.f. per 1-½ × the length of wall the sign is attached to		
Wall mounted (side/rear- residential adjacent)		1	lesser of 25% of max. area of front wall or 1 s.f. per 1-½ × the length of wall the sign is attached to		
Wall mounted (overall)					Shall not cover or partially cover a required wall opening
					Shall not project more than 18 inches from the building
					Mounted flush with wall
					First floor location only
					3' min. between wall signs
					Wall signs shall not exist with projecting signs

(4) *Restrictions.* Advertising for the following purposes may be displayed:

1. *Construction* signs. To identify development construction in progress.
 - a. Such message shall not be displayed more than sixty (60) days prior to the beginning of actual construction of the project, and shall be removed when construction is completed.
 - b. If a message is displayed pursuant to this section, but construction is not initiated within sixty (60) days after the message is displayed, or if construction is discontinued for a period of more than sixty (60) days, the message shall be removed, pending initiation or continuation of construction activities.
 - c. Upon final certificate of occupancy of a completed residential or nonresidential structure, such sign shall be removed.
2. *For-sale* signs. Such signs shall comply with the regulations of the village.

3. *Grand opening* signs. To announce the opening of a new business or the change of ownership of an established business shall be permitted in addition to other signs, which may be permitted by this regulation. Signs shall not remain in place for more than seven (7) days commencing immediately upon the opening of a new business or the change of ownership of an established business.

4. *Special event* signs. Such signs shall be placed no more than fifteen (15) days prior to the beginning of the event and provided further that all such signs shall be removed within forty-eight (48) hours after the event. Approval of the size and locations of the signs by the village is required.

(d) *Permissible size, height, location and number of temporary signs.*

**Table 45-3
Permitted Temporary Signs**

EXPAND

Sign Type	Max. Number	Max. # of Signs Faces	Maximum Area	Maximum Height/Dimensions	Other Limitations
Construction	1 per 500 l.f. of	1	32 square feet	8 feet	20' min. setback from property line and r.o.w. time frame: 60 days before/removal at the certificate of occupancy
For-sale					Signs shall comply with the regulations of the village.
Grand Opening/	1 per parcel	1	32 square feet	6 feet	20' min. setback from property line and r.o.w. time frame: 7 calendar days total
Special Event	1 per parcel	2	32 square feet	8 feet	20' min. setback from property line and r.o.w. time frame: 15 days before/48 hours after.

(e) *Accessory Signs permitted.* A permanent accessory sign may be a ground or monument sign with one (1) or two (2) faces or wall signs with one (1) face.

(1) *Accessory sign types and criteria.*

a. *Gasoline* signs.

b. *Parking area directional* signs. Parking area directional signs may be erected at each point of ingress and egress to a parking lot or parking area shall not be counted as part of an occupant's allowable sign area. Directional signs shall be subject to the following:

i. Such signs shall not exceed two (2) square feet in background area nor extend to a height greater than three (3) feet above ground.

ii. Only one (1) such sign shall be allowed at each point of ingress and egress, and such signs shall not create a traffic or pedestrian hazard.

iii. No names or logos are permitted on the sign.

c. *Parking area instructional and related signs.* The direction of traffic flow within a parking or loading area, ingress and egress points, areas where no parking is permitted, identification of parking spaces reserved for other specific groups or for individuals, and other similar information.

(2) *Permissible size, height, location and number of permitted accessory signs.*

**Table 45-4
Permitted Accessory Signs**

Sign Type	Max. Number	Max. # of Signs Faces	Max. Area	Max. Height/Dimensions	Other Limits
Building Directory	1 per building for occupants not accessible to street frontage	1	18 s.f.	6 ft. height	2 or more buildings on same parcel or development Internal illumination only Location with twenty-five (25) ft. of main entry to building Changeable copy permitted
Gasoline price	1 per station	2	15 s.f. per side	none	20 min. from all property lines May include changeable copy
Flags (free standing)	3 flags max	2 per flag	ht. of flag is 30% of pole ht. length is (2x) max. allowable ht.	20 ft. height of pole	max. dimension of flag is 5' x 10' min. setback is 103% of pole ht.
Flags (from structure)	1 flag max	2 per flag	(same as flag-free standing)		10 ft. above highest structure
Parking areas instructional	as needed	2	4 s.f./face	6 ft. height freestanding or 12 ft. height if wall-mounted	max. 3 ft. above crown of paving or road 2 ft. from lot line copy limited to exit, entrance, exit only, etc. Internal illumination only 5 ft. from public right-of-way
Parking directional	1 per ingress or regress	2	2 s.f./face	3 ft. height freestanding	

				4 ft. max. height from crown of paving or road	
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Sec. 45-117. Severability.

- (a) *Generally.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article.
- (b) *Severability where less speech results.* Without diminishing or limiting in any way the declaration of severability set forth above in subsection (a), above, or elsewhere in this article, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
- (c) *Severability of provisions pertaining to prohibited signs.* Without diminishing or limiting in any way the declaration of severability set forth above in subsection (a) above, or elsewhere in this article, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under section 6-113 of this article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 6-113 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 6-113, thereby ensuring that as many prohibited sign-types as may be constitutionally prohibited continue to be prohibited.

Secs. 6-118—6-120. Reserved.

**VILLAGE OF NORTH PALM BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Planning, Zoning and Adjustment Board
FROM: Caryn Gardner-Young, Community Development Director
DATE: June 4, 2024
SUBJECT: **Comprehensive Plan Amendments (EAR)**

The State of Florida has established an integrated planning system to ensure coordinated administration of policies addressing various issues arising from the state's growth and development. The comprehensive planning framework requires planning at all levels of government. Specifically, Chapter 163, Florida Statutes, mandates that all counties and municipalities adopt a Comprehensive Plan. The Comprehensive Plan for the Village of North Palm Beach (Village) outlines principles, guidelines, standards, and strategies for future economic, social, physical, environmental, and fiscal development. It reflects the Village's vision and community commitments and guides future decisions in a consistent manner. The plan also contains programs and activities to ensure its implementation, is structured with Goals, Objectives, and Policies, and describes how the Village's programs, activities, and land development regulations are implemented. Additionally, there is supplemental documentation (Data and Analysis) supporting the Goals, Objectives, and Policies.

Pursuant to Rule Chapter 73C-49 of the Florida Administrative Code, local governments must review their Comprehensive Plan at least every seven years to determine if any changes are needed to align with the updated state requirements. This review aims to assess the last Evaluation and Appraisal Report (EAR), which evaluates how effectively the Village has addressed major land use planning issues outlined in the Comprehensive Plan. Based on this evaluation, the report provides suggestions for revising the plan to better align with community objectives, adapt to changing conditions and trends affecting the community, and comply with changes in state requirements. A copy of the Village's evaluation letter, indicating the need for amendments to the Comprehensive Plan, has been attached and sent to the State.

The Village must follow a specific process to adopt the Comprehensive Plan Amendments or EAR. The proposed amendments need to be reviewed by state and regional review agencies following public hearings by the Planning, Zoning and Adjustment Board and Village Council. The state review agencies have at least sixty (60) days to provide their comments. When the State Land Planning Agency (Department of Commerce) sends a comment letter, the Village Council has 180 days to adopt, adopt with changes, or decline to adopt the amendment. Once adopted, the amendment is submitted to the state and regional review agencies for final comments and cannot take effect until thirty-one (31) days after adoption by the Village Council.

The State Land Planning Agency or an affected party has the right to request a hearing at the state level to challenge the adoption. If the amendments are not adopted within one year of notification to the Department of Commerce, the Village will not be allowed to make any amendments to the Village's Comprehensive Plan.

The staff has proposed Comprehensive Plan amendments to the Village's Comprehensive Plan Elements based on the facts and findings in the final report submitted to the State. Two consultants were hired to draft some amendments to assist the Village. Each consultant will present their work product for discussion at a Planning, Zoning and Adjustment Board meeting. They will provide Goals, Objectives, Policies, Data Analysis Element sections, and an explanation memorandum for consideration. The required and optional Map Series will be provided as a group at a later date.

**VILLAGE OF NORTH PALM BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Planning, Zoning and Adjustment Board
FROM: Caryn Gardner-Young, Community Development Director
DATE: June 4, 2024
SUBJECT: **Comprehensive Plan Amendments (EAR) – Intergovernmental
Coordination Element**

Attached is a copy of the proposed Data and Analysis and Goals, Objectives and Policies (GOPs) for the Intergovernmental Coordination Element. This Element outlines the relationships, principles, and guidelines for coordinating plans of the Village of North Palm Beach (Village) with the School Board of Palm Beach County, Palm Beach County municipalities, regional authorities, adjacent counties, and State agencies. Effective intergovernmental coordination is crucial for realizing the goals, objectives, and policies in the Comprehensive Plan Elements.

The Community Planning Act requires all comprehensive plans to be internally consistent and consistent with regional and State plans. i.e., local plans must be consistent with and further the Strategic Regional Policy Plan (SRPP); and must be consistent with and further the State Comprehensive Plan. Other relevant law related to intergovernmental coordination include Section 163.3171, (F.S.) which addresses joint agreements.

The Village Comprehensive Plan is consistent and compatible with the SRPP and the State Comprehensive Plan through shared policies and coordination mechanisms with the municipalities within Palm Beach County, adjacent counties and bordering municipalities. It also coordinates with the School Board of Palm Beach County, and State, Federal, and other agencies, including independent governmental entities that have no regulatory authority over land.

The Comprehensive Plan Elements or program areas most concerned with intergovernmental issues include land use planning/joint planning and annexation agreements, including water and sewer agreements; coordination with the School Board of Palm Beach County; transportation planning and concurrency management/mobility strategy coordination with the Cities and the State; environmental, conservation and resource protection/mitigation; and stormwater/drainage issues.

The proposed changes to the GOPs are as follows:

1. Correcting names of boards, committees, agencies that have changed
2. Eliminate Task Forces no longer in existence

3. Eliminate duplicate or too broad reviews
4. Remove unnecessary language

The proposed changes to the Data and Analysis are as follows:

1. Provides Federal, State and other agreements that outline the Village's coordination requirements
2. Provides history of conflict resolution procedure that the Village is using
3. Provides a list of agencies that the Village coordinates with
4. Provides a chart outlining the agency, nature of the relationship, the subject matter we are coordinating, responsible Village Department and the effectiveness
5. Provides trends observed and actions to be considered by the Village.

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~~10.0 INTRODUCTION~~

~~The Intergovernmental Coordination element is required to be included within the Comprehensive Plan per requirements of State planning law and rule criteria. Specifically, Chapter 163.3177(6) (h), Florida Statutes, establishes the Intergovernmental Coordination requirement and Chapter 9J-5.015 Florida Administrative Code, establishes minimum criteria to guide its preparation.~~

~~A summary of the data, analysis and support documentation necessary to form the basis for Intergovernmental Coordination goal, objectives and policies is presented in Chapter 10 of the Village of North Palm Beach, Florida Comprehensive Plan Support Documentation report date 1999_Village of North Palm Beach Evaluation and Appraisal Report dated 2007, the U.S. Highway 1 Corridor Study, dated 2008, and the EAR-Based Amendment Support Documentation dated 2009.~~

~~10.1 VILLAGE GOAL STATEMENT~~

~~Maintain and initiate, where necessary, an efficient and effective network of intergovernmental coordination mechanisms oriented to addressing issues and needs necessary to implement the goals and objectives of the North Palm Beach Comprehensive Plan. Further, intergovernmental coordination shall be oriented to maintaining the current character of the Village, while addressing issues and needs necessary to maintain adopted Level-of-Service (LOS) Standards.~~

10.2 CHAPTER 10 INTERGOVERNMENTAL COORDINATION

GOALS, OBJECTIVES AND POLICIES

GOAL 1: To improve governmental efficient and effectiveness and resolve conflicts and incompatibilities through cooperation, communication and flexible relationships between North Palm Beach and all other governmental organizations which share common interests and issues.

OBJECTIVE 1.1: Coordinate Comprehensive Plan and Conflict Resolution. Maintain planning coordination with adjacent municipalities, Palm Beach County, the Palm Beach County School Board, and current service providers.

Policy 1.1.1: All relevant information necessary for review and comment by affected governments shall be supplied by the Village.

Policy 1.1.2: Notify Lake Park, Palm Beach Gardens, Riviera Beach, Palm Beach County, the Palm Beach County School Board and



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municipal service providers regarding pending land use amendments ~~or land development decisions~~ within North Palm Beach. Formally notify appropriate governments of pending planning or development activities on lands adjacent to their borders, including the need for additional intergovernmental coordination mechanisms. Comments regarding the impacts upon adjacent municipalities shall be formally considered by the Village prior to making a land use planning or development decision in these areas. If the Village and the commenting municipality cannot devise the means to jointly mitigate perceived adverse impacts, the Village shall initiate a request for mediation services offered by the Treasure Coast Regional Planning Council.

~~Policy 1.3: Notify the Treasure Coast Regional Planning Council during the Village comprehensive plan amendment process and provide an opportunity for their review and comment.~~

Policy 1.1.34: Continue the current level of participation in the implementation of the Palm Beach County Housing Assistance Plan. ~~by updating and executing the current Interlocal Agreement upon request by the Palm Beach County Department of Community Development.~~ Further, participate with other local government, under the direction of Palm Beach County, to develop and implement a "fair-share" program to address countywide very-low, low and moderate income housing needs, including financing mechanisms and incentives and participation in State and/or Federal subsidy programs.

Policy 1.1.45: Maintain the Village Zoning Code provisions regarding the placement of Community Residential Group Home facilities in North Palm Beach.

Policy 1.1.56: Investigate a joint-use arrangement with Benjamin School as a means of meeting future recreational facilities needs in the Village.

Policy 1.1.67: ~~Pending the results of the County environmental study of Lake Worth,~~ Participate with other local governments in the development and implementation of a Lake Worth Lagoon Management Plan.



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Policy ~~1.1.7.8~~: The Village shall continue participating in the ~~"Comprehensive Plan Amendment"~~ (IPARC) interlocal agreement Palm Beach County "Intergovernmental Plan Amendment Review Committee" (IPARC) with participating municipalities, Palm Beach County, Palm Beach County School Board, South Florida Water Management District and various special districts in the formalized effort to establish a countywide intergovernmental coordination program. The program is established to review proposed changes to comprehensive plans of adjacent local governments, as well as the plans of other entities providing services, but not having regulatory authority over the use of land.

Policy ~~1.1.89~~: The Village shall continue to participate in ~~"Multi-Jurisdictional Issues Coordination Forum"~~ the Palm Beach County "Issues Coordination Forum" (Issues Forum) with participating municipalities, Palm Beach County, Palm Beach County School Board, South Florida Water Management District, and various special districts in order to participate in the formalized effort to create a multi-jurisdictional issues forum. The program will facilitate the identification and resolution of countywide issues by providing a vehicle for consensus building through joint research and debate.

Policy ~~1.1.910~~: If an issue is identified through the Intergovernmental Plan Amendment Review Committee (IPARC) review process (~~Ref: Policy 1.8~~) or the Issues Coordination Forum (~~Ref: Policy 1.9~~), utilize interlocal agreements to identify joint planning areas and implement planning responsibilities, as necessary.

Policy ~~1.1.101~~: If it is determined during the development order review process that a development within the Village of North Palm Beach will have negative impacts upon levels-of-service (i.e. cause the service level to fall below adopted L.O.S. standards) within a neighboring jurisdiction, then the Village shall negotiate an interlocal agreement to address: (1) ~~h~~How the costs of impacts will be borne; and (2) ~~w~~Who will bear the costs of impacts.

Policy ~~1.1.112~~: North Palm Beach shall coordinate with those schools which serve the Village, and are part of the State University System, regarding the development of campus master plans, or amendments thereto, in accordance with Section 240.155, Florida Statutes.



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~~Policy 1.13: Continue to participate in The Northlake Boulevard Corridor Task Force, whose purpose is to develop consistent standards for signage and development along the roadway.~~

~~Policy 1.1.124: Continue to participate in the Lake Worth Hike/Bike Trail Task Force, whose purpose is to develop a trail for use by pedestrians and bicyclists, including John D. MacArthur Beach State Park, Singer Island, and U.S. Highway No. 1.~~

Policy 1.1.135: Require that all applicants for development approval procure written confirmation of availability of potable water service prior to the issuance of a building permit.

OBJECTIVE 1.2: Coordinate Annexation Procedures In conjunction with the Future Annexation Areas map, ~~(Ref: Figure 13-1, Annexation element)~~ continue to coordinate with appropriate jurisdictions regarding: (1) the elimination of enclaves in Planning Areas 2, 5, and 7; and (2) the elimination or mitigation of potential land use conflicts with adjacent development activities in Planning Areas 1, 5, and 7.

Policy 1.2.1: Continue to coordinate with neighboring jurisdictions, including the Florida Department of Transportation, ~~Metropolitan Transportation Planning Authority Organization~~, Palm Beach County, Palm Beach Gardens, Juno Beach, Jupiter, and Tequesta regarding the issues of: (1) ~~reducing~~ maintaining U.S. Highway No. 1 ~~to as~~ a four-lane section; and (2) creation of a greenway and bicycle path along U.S. Highway No. 1 within the current right-of-way.

Policy 1.2.2: At the time of each required Evaluation and Appraisal Report-based Comprehensive Plan update, the Village shall continue to participate in the comprehensive planning processes of Palm Beach Gardens and Lake Park ~~Riviera Beach~~ regarding the protection of existing land uses in North Palm Beach from potential adverse impacts of development on properties in adjacent municipal jurisdictions.

Policy 1.2.3 ~~2-3~~: Prior to, or concurrently with any annexation action by the Village in the area west of Ellison Wilson Road, within Planning Area 2, petition the City of Palm Beach Gardens to de-annex the Ellison Wilson Road fight-of-way.



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OBJECTIVE 1.3: Coordinate Level of Service (LOS) Standards. Establish Level-of-Service (LOS) Standards consistent with those of adjacent local governments and current service providers, while recognizing potential differences in local circumstances.

Policy 1.3.1 Should future conditions dictate, officially request the Florida Department of Transportation, Treasure Coast Regional Planning Council and Palm Beach County to jointly participate in designating the link of State Road A1A in Planning Area 1 as a "constrained facility", subject to a reduced level of performance.

Policy 1.3.2: For planning purposes, the Village shall use system-wide potable water and wastewater level-of-service standards developed by Seacoast Utility Authority.

Policy 1.3.3: Request the South Florida Water Management District to jointly develop a program to investigate alternative means to control bank erosion problems along the C- 17 Canal, including the development of a scope of work and project funding.

Policy 1.3.4: The Village will coordinate adopted solid waste LOS standards with Palm Beach County and Solid Waste Authority.

Policy 1.3.5: Utilize the University of Florida’s Bureau of Economic and Business Research (BEBR) data to extrapolate population projections for comprehensive planning purposes.

Policy 1.3.6 The Village will provide Palm Tran the data needed for effective implementation of overall service, including the provision of services for transportation-disadvantaged residents.

Policy 1.3.7: The Village shall abide by the “Interlocal Agreement between the School Board of Palm Beach County, Palm Beach County and Municipalities of Palm Beach County for Coordinated Planning” which was fully executed by the parties involved and recorded with the Clerk of the Circuit Court of Palm Beach County on December 15, 2015, consistent with s.163.3177(6)(h)1 and 2, F.S., and 163.3180, F.S.

OBJECTIVE 1.4: Coordinate Growth Management Issues. At the time of each required ~~Five Year~~ Evaluation and Appraisal Report-based Comprehensive Plan update, and through local land development approval processes, coordinate with agencies and governments charged with planning and/or review



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responsibilities at all levels of government for the purpose of maintaining consistency among planning and development activities.

Policy 1.4.1: Annually evaluate the need to strengthen mutual and automatic aid agreements for: (1) fire and police protection; and (2) public safety emergency medical services communications. The annual evaluation shall be completed in conjunction with the Village budget process.

Policy 1.4.2: Maintain current standards and responsible performance in the development and execution of interlocal agreements with other jurisdictions.

Policy 1.4.3: Continue to participate in the management of the Lake Worth estuarine system, under the guidance of County, State and Federal regulatory agencies, in conservation and management programs by requiring all necessary permits (i.e. dredge and fill, surface water management, etc.) to be submitted to the Village prior to issuing a building permit.

Policy 1.4.4: Within 18 months after the South Florida Water Management District updates the Lower East Coast Regional Water Supply Plan, the Village shall confirm the availability of potable water service, consistent with the regional water supply plan and Ten-Year Water Supply Facility Plans of Seacoast Utility Authority and Palm Beach County.

Policy 1.4.5 The Village will continue to coordinate with the Palm Beach County Board of County Commissioners staff for the provision of countywide services, including but not limited to, solid waste landfills and the Palm Beach County Emergency Operations Center.

OBJECTIVE 1.5: Dredging Coordination. Coordinate with appropriate state and federal agencies having siting, maintenance, and operations responsibilities in the designation of future dredge spoil disposal sites within the Village, as required.

Policy 1.5.1: Should future sites be required, the Village shall work cooperatively with regulatory agencies to identify appropriate dredge spoil disposal sites.

~~Policy 5.2: If a dispute arises between the Village and a regulatory agency regarding the location of a dredge spoil disposal site, the~~



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~~conflict shall be resolved through the dispute resolution process of the Coastal Resources interagency Management Committee.~~



DATA & ANALYSIS

INTRODUCTION

One of the principal tenets of the Growth Management Act is to improve coordination and cooperation among the various levels of government and, in some cases, with the private sector. The purpose of the Intergovernmental Coordination Element is to identify and analyze principles and guidelines to be used in the accomplishment of the goals, objectives and policies of the North Palm Beach Comprehensive Plan through coordination with the Palm Beach County School Board, the adjacent local governments, and regional and state agencies. The citizenry in North Palm Beach is affected by the actions of other governmental agencies in Palm Beach County, the West Palm Beach metropolitan area, and the state, and this element exists to identify and resolve any incompatibilities that may be proposed.

Many formal and informal networks of information and coordination currently exist between the Village of North Palm Beach and other governmental units and agencies. These units and agencies often participate in some phase of planning involving land use and/or the provision of services necessitating coordination with Palm Beach County. The following section provides an inventory of these information and coordination networks among the Village, Palm Beach County and adjacent counties, local authorities and special districts, regional authorities and districts, state agencies, and federal agencies

This Element is organized into two principal sections. The first section provides an inventory of existing intergovernmental coordination arrangements between the Village of North Palm Beach and other governmental entities. The second section provides an analysis of these arrangements and their current effectiveness. A discussion of the intergovernmental issues that would benefit from improved cooperation and/or coordination is also provided

INTERGOVERNMENTAL COORDINATION METHODS

Federal Regulations

Although the Village coordinates and participates with a variety of entities, there are no federal regulations governing intergovernmental coordination. Most entities realize the importance of identifying and resolving incompatible goals, objectives, and policies and, therefore, voluntarily include processes and procedures that benefit the coordination efforts between parties.



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State Regulations

Florida Statutes Chapter 163

Chapter 163 of the Florida Statutes contains the State's Local Government Comprehensive Plan and Land Development Regulation Act. The Act provides the Village of North Palm Beach with the authority to plan for future development and growth and to adopt and amend a comprehensive plan. Section 163.3177(6)(h), Fla. Stat., describes the provisions required within the Intergovernmental Coordination Element of the local comprehensive plan. This type of element demonstrates consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

Florida Statutes Chapter 187

Chapter 187, State Comprehensive Plan, contains many policies which impact intergovernmental coordination, including land use, public facilities, transportation, government efficiency, and plan implementation. The Intergovernmental Coordination Element must also be compatible with the State Plan. Local Regulations

Other Agreements

Interlocal Agreements

Intergovernmental agreements allow governments to cooperate with one another in the performance of tasks, thereby reducing a duplication of services and possibly increasing cost efficiency. Agreements are in place between the County, School Board, and other entities in an effort to better coordinate such things as utility locations, concurrency, and school facility siting and planning.

Mutual-Aid Agreements

Mutual-aid agreements are in existence to assist the member entities in road maintenance, aid to libraries; water interconnects in times of need, dredging, public safety services, and social services.

CONFLICT RESOLUTION

Even with the best communication and coordination mechanisms in place, conflicts will invariably arise. To address this concern, in 1989 the Countywide Planning Council was established "to coordinate the land use planning process of all governments within the County and to establish a cooperative effort that will resolve or prevent incompatibilities and conflicts among local governments' land use planning efforts". Coordination of the thirty-eight land use plans was to have occurred through the Countywide Planning Council, however, in 1991, under provisions within the Charter, the Council was



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sunsetting by a majority of the municipalities and efforts to reinstate the Council through a ballot measure was not approved by Palm Beach County voters.

Following the defeat of the countywide referendum, the municipal planning directors within the County created a substitute organization with the purpose to establish a countywide comprehensive plan amendment coordinated review process. In October 1993, the Multi-Jurisdictional Issues coordination forum and the Comprehensive Plan Amendment Coordinated Review Process (IPARC) were established through the execution of two Interlocal Agreements. Current program membership includes the County, 31 municipalities, the School Board, South Indian River Water Control District, Lake Worth Drainage District, Indian Trail Improvement District, Jupiter Inlet District, Loxahatchee River Environmental Control District, Loxahatchee Groves Water Control District, and the Northern Palm Beach County Water Control District.

The purpose of IPARC is:

1. To achieve coordination of local comprehensive plans in accordance with Part II of Chapter 163, Florida Statutes. Palm Beach County
2. To establish an intergovernmental coordination program for reviewing proposed changes to adopted comprehensive plans with minimal bureaucracy and expense.
3. To provide an opportunity to resolve potential disputes with the least amount of infringement upon existing processes.

The Intergovernmental Program provides an ideal structure for addressing intergovernmental conflicts and also serves as a means to organize local governments to address multijurisdictional issues.

The Village has established a policy to use IPARC to address conflicts but the Treasure Coast Regional Planning Council (TCRPC) has informal mediation procedures for resolving conflicts between adjacent jurisdictions if other efforts have failed.

INVENTORY AND ANALYSIS

This section provides a description of the connections between various governments and other entities. It discusses the mechanisms that assist planning bodies and activities. Table A.1 summarizes the numerous coordination efforts, interlocal agreements, and the quasi-judicial relations that the Village undertakes to provide its residents with the best level of service available.



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(1) Local Coordination

Public Safety Answering Point (PSAP) – The Village of North Palm Beach currently possesses its own police and fire rescue services that maintain jurisdiction over all lands located within Village limits. However, the City of Palm Beach Gardens Police Department manages the Northern Municipal Regional Communications Center, otherwise known as NorthCom, which is the primary PSAP for the Village and dispatches all police incidents directly. Fire Rescue incidents are transferred to a secondary PSAP, that being Palm Beach County Fire Rescue for dispatch.

Palm Beach County School Board – This coordination was formerly accomplished through a mandatory school concurrency process. The Florida Legislature made school concurrency optional in 2011 with the passage of the Community Planning Act. The same year, the original Palm Beach County Interlocal Agreement (ILA) for School Concurrency expired. The School Board, the Board of County Commissioners and the League of Cities charged IPARC with updating the existing ILA. The group opted to implement an alternative to School Concurrency, called the School Capacity Availability Determination (SCAD), and recommended entering into a new interlocal agreement for coordinated planning. The revised Interlocal Agreement (ILA) was approved and adopted by the School Board in August 19, 2015, and by the Palm Beach County on December 15, 2015. The Village signed onto the Interlocal Agreement. Local government signatories of the agreement are required to incorporate the School Board 5-Year Capital Facilities Plan into their comprehensive plans annually, without any funding obligation as well as coordinate and share information for planning purposes, including school's population projections and local governments' development and redevelopment proposals. The School Board may appoint non-voting representatives to local governments' land planning agencies, who will attend meetings and public hearing hearings at the discretion of the School Board.

School Capacity Availability Determination (SCAD) Pursuant to the ILA, School Capacity Availability Determination (SCAD) was established to replace school concurrency. Per the SCAD, School District staff would conduct an analysis regarding the impacts on local schools, including potential boundary changes, and make recommendations that could be incorporated as conditions of development approval, dependent upon the local government approving Board. The County was subdivided into 20 Planning Areas as part of the SCAD process. The School Capacity Availability Determination (SCAD) process includes all public schools in Palm Beach County. It entails reviewing the impact of proposed comprehensive plan amendments, and/or development orders on existing public schools and planned and funded schools. Through SCAD, District staff evaluates the direct impacts to schools actually serving proposed development as well as any planned additional capacity. SCAD review provides realistic information on impacts to schools. It uses 100% utilization of Florida Inventory of School Houses (FISH) capacity. If capacity is not available at the direct school serving the proposed development, then capacity at adjacent schools in the same planning



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area is reviewed. Complete choice schools are not included in the evaluation for school impacts.

Palm Beach County - Located on the southeast coast, Palm Beach County is the largest of Florida's 67 counties. There are 39 municipalities within the County encompassing a total of 337 square miles, or approximately 17% of the County's land area. As of FY 2024, an estimated 57% of the County's population resides within the municipalities. The County and its independently elected constitutional officers provide a full range of services, including law enforcement, tourist development, fire rescue, conservation and resource management, public improvements, human services, parks and recreation, cultural facilities, planning and zoning, public transportation, economic development, property tax assessments and collections, official recordkeeping, court-related support functions, and financial services, including the investment of public funds and financial reporting. The County also operates two business enterprise activities: The Department of Airports and the Water Utilities Department

Northern Palm Beach County Improvement District (NPBCID) - The Northern Palm Beach County Improvement District is an independent Special District created by the Florida legislature in 1959 to provide water management and infrastructure development in Palm Beach County. NPBCID's service area covers over 128 square miles and includes parts of Unincorporated Palm Beach County, Tequesta, Jupiter, Juno Beach, North Palm Beach, Palm Beach Gardens, Lake Park, Mangonia Park, and West Palm Beach. Special Districts are unlike municipalities and counties in that some of them, including Northern, collect revenue from non-Ad Valorem assessments. This means that the amount of the assessment is not based on the value of the property. Assessments are paid solely by landowners benefiting from the services that Northern provides. The assessments collected do not duplicate services provided by other municipalities or districts and revenues can only be used for purposes authorized in its legislation. Some of the services that Northern provides are: storm water management; right-of-way maintenance including roadways and sidewalks; maintenance of canals, waterways and lakes; water quality monitoring; environmental mitigation and management, permit and plat review; and hurricane response and emergency operations.

(2) Regional Coordination

Treasure Coast Regional Planning Council (TCRPC) - The Treasure Coast Regional Planning Council (TCRPC) is the regional planning agency responsible for the implementation of powers and duties pursuant to Chapter 186, F.S., for Palm Beach County and the Village of North Palm Beach. The TCRPC, located in Stuart, has regional planning jurisdiction in the counties of Indian River, Martin, St Lucie and Palm Beach. The TCRPC is responsible for the development and implementation of the Strategic Regional Policy Plan and has the authority to regulate Developments of Regional Impact (DRI). The Village of North Palm Beach coordinates with the TCRPC to provide the documentation for the local comprehensive plan amendments. As a member community, the Village of North Palm Beach may utilize the TCRPC for dispute



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resolution, as needed. The Village's Comprehensive Plan must ensure consistency with the TCRPC's Strategic Regional Policy Plan. The TCRPC-TAC is an important forum for the exchange of information of common interest (e.g., DEO rules) and communication with state agencies. Lastly, the TCRPC staff is an important source of technical assistance on a wide variety of planning issues ranging from hurricane evacuation to housing.

South Florida Water Management District (SFWMD) – The South Florida Water Management District (SFWMD) is a regional governmental agency created in 1949 that manages water resources in the southern half of the State of Florida. This authority has regulatory control over all water-based resources within its jurisdiction, including but not limited to, wetland conservation, water supply planning, aquifer water withdrawals, stormwater treatment, and policy coordination.

Palm Beach County Transportation Planning Agency (TPA) – This organization is an intergovernmental transportation planning agency required by state and federal law in urbanized areas with populations of more than 50,000 in order to plan, prioritize, and fund the transportation system. The TPA Board consists of elected officials from Palm Beach County, elected officials from the largest fifteen Palm Beach County municipalities, and a Port of Palm Beach Commissioner. Its staff implements the TPA Board's policies. The TPA is responsible for conducting a continuing, cooperative, and comprehensive transportation planning process through the development of a Long-Range Transportation Plan, Transit Development Plan, and 5-year Transportation Improvement Plan.

(3) State Coordination

Florida Department of Economic Opportunity (DEO) - The Florida DEO, previously known as the Florida Department of Community Affairs, assists the Governor in advancing the state's economic development vision. It administers state and federal programs and initiatives to help visitors, citizens, businesses, and communities. In 2011, the legislature revised the procedures for the submittal and adoption of comprehensive plan amendments, allowing local governments to have more discretion in determining their future development by implementing an expedited State review process, which shortens the review time and allows for submittal of amendments throughout the year, removing the twice per calendar year limitation.

Florida Department of Environmental Protection (DEP) - The merger of the Florida Department of Environmental Regulation and the Florida Department of Natural Resources (FDNR) resulted in the creation of Florida Department of Environmental Protection (FDEP). FDEP is the lead agency in state government for environmental management and stewardship. Its main objectives are to protect and manage Florida's air, water, and land. The FDEP is divided into three primary areas: regulatory programs; land and recreation; and planning and management. Its priorities include restoring the Everglades; improving air quality; restoring and protecting the water quality in our springs, lakes, rivers and coastal waters; conserving environmentally-sensitive lands; and providing



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citizens and visitors with recreational opportunities, now and in the future. While the FDEP had a role in planning and plan amendment review, its relationship with the Village of North Palm Beach was based primarily on plan implementation. Managing the impacts of continued growth on the natural environment is a FDEP concern that reaches many elements of the Comprehensive Plan. The Village's relationship with the FDEP is important and affects the Infrastructure, Capital Improvements, Conservation, Coastal Management, and Future Land Use Elements, especially as the Village continues to redevelop.

Florida Department of Transportation (FDOT) - The Florida Department of Transportation (FDOT) has a major role in the planning and implementation of the transportation components of the Comprehensive Plan. This role affects the planning and implementation of the Future Land Use Element as well, although to a lesser extent since that element must reflect an adequate ability to move people and goods. There are six districts under FDOT, and the Village lies within District Four, Southeast Florida. FDOT District Four covers Broward, Indian River, Martin, St. Lucie and Palm Beach Counties.

Florida Fish and Wildlife Conservation Commission (FWC) - This agency is responsible for classifying habitat areas throughout the state and for preserving listed plant and animal species. Its responsibility includes the managing of fish and wildlife resources for their long-term well-being and for the benefit of people. Included under the executive director's supervision is the Fish and Wildlife Research Institute (FWRI) (<http://myfwc.com/research/>). The Florida Statutes charge the FWRI with these responsibilities: 1. Monitoring marine and freshwater resources, wildlife, and habitats; 2. Developing and implementing techniques for restoring plant and animal species and their habitats; 3. Providing technical support when oil spills and human related or natural disasters occur; 4. Monitoring red tide and providing technical support for state and local government public health concerns; and 5. Providing fish and wildlife research technical results to state and local governments.

Environmental Health, Florida Department of Health (formerly the Florida Department of Health and Rehabilitative Services) - Environmental Health is a State agency that works to prevent diseases of environmental origin. Environmental Health activities focus on prevention, preparedness, and education, and are implemented through routine monitoring, education, surveillance, and sampling of facilities and conditions that may contribute to the occurrence or transmission of disease. Although the former agency HRS was a large state agency focused primarily on human services, it was also responsible for the permitting of septic tanks. North Palm Beach was not directly involved in septic tank issues, but was indirectly involved with the Department's review of sanitary mains or other related facilities prior to installation.

Florida Division of Emergency Management (FDEM) - The Florida Division of Emergency Management (FDEM) plans for and responds to both natural and man-made disasters. These range from floods and hurricanes to incidents involving



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hazardous materials or nuclear power. The division prepares and implements a statewide Comprehensive Emergency Management Plan, and routinely conducts extensive exercises to test state and county emergency response capabilities in concert with their partners, FEMA and the State Emergency Response Team (SERT). The FDEM is tasked with implementing mutual aid programs at the local, state, and federal level. These programs are components of emergency response planning, management, and recovery operations. The Village is a signatory to the Statewide Mutual Aid Agreement (SMAA) managed by FDEM.

Florida Inland Navigation District (FIND) - The Florida Inland Navigation District is a special taxing district that, along with the US. Army Corps of Engineers maintains and manages the federally authorized Intracoastal Waterway (ICW). FIND conducts dredging projects to ensure safe and accessible navigation along the IWC; provides upland land parcels for management of dredged material; and provides grants for waterway-associated projects in the 12 counties along the Atlantic IWC from the Florida/Georgia state line down through Miami-Dade County.

(4) Federal Coordination

Federal Communications Commission (FCC) The intergovernmental coordination with the Federal Communications Commission (FCC) is rather limited. It is restricted primarily to regulations affecting the height of transmission towers or receiving antennae, or the location of transmission lines or other communication infrastructure. The near-term review of the Village's Land Development Regulations (LDRs) has recognized FCC jurisdiction and rules that preempt local legislation.

Environmental Protection Agency (EPA) - The relationship between the Village and the U.S. Environmental Protection Agency (EPA) involves the agency's responsibilities for prescribing quality standards for potable water, sanitary sewer operations, and stormwater quality. The permitting and monitoring processes continue to provide the opportunity for regular coordination between the EPA and the Village regarding infrastructure, conservation, coastal management, and future land use.

Army Corps of Engineers (USACoE) - The Army Corps of Engineers (USACoE) has jurisdictional responsibility over the navigable waters of the United States and over wetlands. Clearing and filling activities in wetlands require permits from the USACoE. Dredging, filling, and construction activities in the Intercoastal Waterway all require permits from USACoE as well.

Federal Highway Administration (FHA) - The Federal Highway Administration (FHWA) is an agency within the U.S. Department of Transportation that supports state and local governments in the design, construction, and maintenance of the Nation's highway system (Federal Aid Highway Program) and various federally and tribal owned lands (Federal Lands Highway



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Program). Through financial and technical assistance to state and local governments, the Federal Highway Administration is responsible for ensuring that America's roads and highways continue to be among the safest and most technologically sound in the world.

On November 15, 2021, the U.S. President signed the Infrastructure Investment and Jobs Act (IIJA) (Public Law 117-58, also known as the "Bipartisan Infrastructure Law") into law. The Bipartisan Infrastructure Law is the largest, long-term investment in infrastructure and economy in our nation's history. It provides \$550 billion, over fiscal years 2022 through 2026, for new Federal investment in infrastructure projects, including roads, bridges, mass transit, water infrastructure, resilience, and broadband. New programs under the Bipartisan Infrastructure Law focus on key infrastructure priorities such as rehabilitating bridges in critical need of repair, reducing carbon emissions, increasing system resilience, removing barriers to connecting communities, and improving mobility and access to economic opportunity. Many of the new programs include eligibility for local governments and MPOs. Additionally, the FHA has focused and shall continue to focus on working closely with stakeholders to ensure that local communities are able to build multimodal, sustainable projects ranging from passenger rail and transit to bicycle and pedestrian paths.

United States Department of Housing and Urban Development (HUD) The United States Department of Housing and Urban Development provides annual grants on a formula basis to entitle cities and counties to develop viable urban communities by providing decent housing and a suitable living environment and by expanding economic opportunities principally for low- and moderate-income persons. North Palm Beach is not an entitlement community but Palm Beach County is. As a result, if North Palm Beach were to receive any CDBG funds they would be through the County and not directly from HUD.

United States Fish and Wildlife Service (FWS) The United States Fish and Wildlife Service is responsible for managing and enforcing the Endangered Species Act. This act is important as part of the conservation policies of the Comprehensive Plan. FWS also issues permits for activities that may disturb endangered or threatened species, which would otherwise be prohibited.

Utilities

Electric

A Franchise Agreement was entered into with Florida Power & Light Company, which is now known as NextEra, in 1957 to provide electricity to the Village, which Agreement expires in 2038. The Company supplies electric service to the Village as well as in many areas along the east coast of Florida (except the Jacksonville area and four other municipalities which have municipal electric systems), the agricultural area around southern and eastern Lake Okeechobee, the lower west coast area, and portions of central, north central, and portions of northwest Florida.



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Telephone

Southern Bell Telephone and Telegraph Company entered into a Franchise Agreement with the Village to provide telephone and telegraph services. Southern Bell was renamed BellSouth Telecommunications until it was merged into AT&T in 2006. The Franchise Agreement expired in 2020.

Cable Television

FPL Fibernet, LLC, now known as Crown Castle, entered into a Franchise Agreement with the Village to provide telecommunications services.

Sanitary, Sewer, Portable Water and reclaimed Water

Sanitary, Sewer, Portable Water and reclaimed Water services are provided by the Seacoast Utility Authority. The Seacoast Utility Authority is a not-for-profit, governmental regional water, wastewater, and reclaimed water utility that furnishes potable water service to approximately 47,000 households and 2,700 commercial establishments. Wastewater collection, treatment, and disposal services are provided to about 44,000 residential dwellings and 1,700 businesses. The Authority's service area covers approximately 65 square miles. The 1988 Interlocal Agreement establishing the Authority covered the City of Palm Beach Gardens, the Village of North Palm Beach, the Town of Lake Park, a portion of the Town of Juno Beach and unincorporated areas of Palm Beach County.

Gas

Florida Public Utilities supplies residential, commercial, and industrial gas service within the Village's corporate limits per a Franchise Agreement, which expires in 2040.

Interlocal Agreements and Mechanisms

The Village of North Palm Beach interacts with numerous governmental entities to deliver municipal services and manage development. Table.A.1 presents these entities with a description of the existing coordination mechanism, the subject and nature of the relationship, and the Village of North Palm Beach office charged with coordination.

Table A.1. Intergovernmental Coordination Mechanisms

Gov't Entity or Agency	Nature of Relations	Subject	Village Office with Primary Responsibility	Coordination Mechanism Effectiveness
COUNTY				
Palm Beach County	Direct Staff Contact	Annexation	Village Manager	Interlocal Agreement Effective
COUNTY AGENCIES				
Palm Beach County TPA	Direct Staff Contact	Transportation	Community Development	Federally Funded Agency Effective



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Palm Beach County Fire District	Direct Staff Contacts	Fire Rescue Services Mutual Aid	Fire Department	Interlocal Agreement Effective
Palm Beach County School District	Direct Staff Contacts	School Facilities	Village Council	Interlocal Agreement Effective
Palm Beach County Housing	Direct Staff Contacts	Community Block Grant – Economic Development	Community Development	Interlocal Agreement Effective
Palm Beach Property Appraiser	Direct Staff Contacts	GIS Data and Tax Revenue	Public Works Finance	Interlocal Agreement Effective
Palm Beach County Tax Collector	Direct Staff Contacts	Revenue	Finance	Interlocal Agreement Effective
FLORIDA DEPARTMENTS AND AGENCIES				
Florida Dept. of Commerce	Direct Staff Contact	Comp Plan Review and Grant	Community Development	State Funded Agency Effective
Florida Dept. of Transportation	Direct Staff Contact	Transportation	Community Development	State Funded Agency Effective
Florida Dept. of Environmental Protection	Direct Staff Contact and Permitting	Hazardous waste, water management, septic tanks, wetlands protection	Public Works	State Funded Agency Effective
Emergency Management Division	Technical Assistance and Mutual Aide	Emergency Management	Fire Department	State Funded Agency Effective
Florida Department of Law Enforcement	Technical Assistance	Sex Offender Registry & Database	Police	State Funded Agency Effective
Florida Department of Health	Permitting	Septic Tanks	Public Works	State Funded Agency Effective
Florida Fish and Wildlife Commission	Permitting	Natural Resource Management	Public Works	State Funded Agency Effective
Alcohol and Beverage	Permitting	Lounges and Bars	Community Development/Police	State Funded Agency Effective
UNITED STATES DEPARTMENT AND AGENCIES				
Army Corp of Engineers	Technical Assistance and Permitting	Dredging, Fill permitting, wetland mitigation, navigable waterways	Public Works	Federal Funded Agency Effective
Commerce, Census Bureau	Technical Assistance	Decennial Census	Community Development	Federal Funded Agency Effective
United States Post Office	Direct Contact with Staff	Address development, mail delivery	Community Development	Federal Funded Agency Effective
Coast Guard	Technical Assistance	Transportation	Police	Federal Funded Agency Effective

INTERGOVERNMENTAL COORDINATION



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OTHER				
Bureau of Economic and Business Research	Technical Assistance	Population Numbers	Community Development	University of Florida Effective
Palm Beach North County Chamber of Commerce	Technical Assistance	Economic Development	City Manager	Not-For-Profit Informal Communications Effective
Palm Beach Sports Commission	Technical Assistance and Grants	Economic Development	City Manager	Not-For-Profit Effective
Treasure Coast Regional Planning Council	Technical Assistance and Grants	Regional Planning, Conflict Resolution	Community Development	Interlocal Agreement Effective
South Florida Water Management District	Technical assistance and permitting	Water resources	Community Development and Public Works	State Management Agency Effective
Seacoast Utilities	Technical assistance and permitting	regional water, wastewater, and reclaimed water utility	Public Works	Not-For-Profit Interlocal Agreement Effective
REGULATED UTILITIES				
Bell South	Direct Staff Contact	Telephone	Public Works	Franchise Agreement
FPL	Direct Staff Contact	Electricity	Public Works	Franchise Agreement
	Direct Staff Contact	Cable	Public Works	Franchise Agreement
	Direct Staff Contact	Gas	Public Works	Franchise Agreement

Our Trends: Intergovernmental Coordination

Intergovernmental Coordination is an essential component of the Village's Comprehensive plan in that it establishes the mutual relationships created among various local, state, and federal agencies. These relationships acknowledge agreed upon efforts developed between participating entities and their commitments to achieve a common goal. These relationships may include grant contracts, mutual aid, revenue, information sharing, contractual obligations, and agreements for services.

The Village of North Palm Beach participates in many different intergovernmental coordination efforts with neighboring local governments, including other governmental and quasi-governmental agencies. For example, North Palm Beach is a member of the Florida League of Municipalities, as well as the Palm Beach County League of Cities. These organizations are concerned with various common municipal issues. The Village Manager and a representative of the Village Council generally represent North Palm Beach at Palm Beach County League of Cities meetings.



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The Village Manager is primarily responsible to keep the Village informed regarding municipal matters and to coordinate any activities related thereto.

Intergovernmental Coordination Needs During the Planning Period

The Village of North Palm Beach relies on positive intergovernmental relationships for the coordination and provision of many services for its citizens and stakeholders. To maintain these relationships, the Village should continue to:

- ♣ Cultivate stronger relationships with the adjacent communities, governmental entities, and agencies, seeking efficiencies and to support funding mechanisms to offset the costs of upgrades and improvements to better serve the citizens of North Palm Beach.

- ♣ Develop sound comprehensive planning policies through coordination with adjacent municipalities.

- ♣ Continue to seek ways to engage the public, especially disadvantaged populations, in the planning process.



**VILLAGE OF NORTH PALM BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Planning, Zoning and Adjustment Board
FROM: Caryn Gardner-Young, Community Development Director
DATE: June 4, 2024
SUBJECT: **Comprehensive Plan Amendments (EAR) – Property Rights Element**

Attached is a copy of the proposed Data and Analysis and Goals, Objectives and Policies (GOPs) for the Private Property Rights Element. In accordance with the legislative intent expressed in Section 163.3161(10) and Section 187.101(3) of the Florida Statutes, which requires governmental entities to respect judicially acknowledged and constitutionally protected private property rights, each local government must include a property rights element in its comprehensive plan to ensure that private property rights are considered in local decision-making.

There are no proposed changes to the GOPs.

The proposed changes to the Data and Analysis are as follows:

1. Provides Federal and State legislation which supports property rights.

RESPONSIBLE & ACCESSIBLE GOVERNMENT

CHAPTER 11 PROPERTY RIGHTS

GOALS, OBJECTIVES, AND POLICIES

~~14.0~~ PROPERTY RIGHTS

14.1 INTRODUCTION

~~Section 166.3177(6)(i)1, Florida Statutes, requires each local government to include in its Comprehensive Plan a Property Rights Element to ensure that private property rights are considered in local decision-making.~~

~~14.2~~ VILLAGE GOAL STATEMENT

~~The Village will make planning and development decisions with respect for property rights and with respect for people's rights to participate in decisions that affect their lives and property.~~

~~14.3~~ OBJECTIVE AND POLICY

OBJECTIVE 1: The Village will respect judicially acknowledged and constitutionally protected private property rights.

Policy 1.1.1: The Village will consider the following rights in its decision making:

- a. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- b. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
- c. The right of property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- d. The right of a property owner to dispose of his or her property through sale or gift.



RESPONSIBLE & ACCESSIBLE GOVERNMENT

DATA & ANALYSIS

INTRODUCTION

The purpose of the Property Rights Element is to: identify specific property rights and affirm that local government will respect them; protect the rights of people to participate in decisions that affect their lives and property; and provide standards for reliable and predictable local government decision-making to promote sound, long-term investments in a community

LEGISLATION

The following is an assessment of existing regulations and programs that protect private property rights from governmental action without due process and just compensation:

Federal Regulations

Constitution of the United States

First Amendment

The First Amendment protects the freedoms of speech and religion. It guarantees that property owners may exercise these rights on their property.

Fifth Amendment

The Fifth Amendment provides the foundation for the protection of private property rights from arbitrary government action. The text of this Constitutional Amendment outlines the requirement that the government must provide “due process” under law and “just compensation” for the taking of private property for public use.

Fourteenth Amendment

The Fourteenth Amendment makes the Bill of Rights (the first ten Constitutional Amendments) applicable to state and local governments. It contains the Due Process Clause, which guarantees the following rights against the states: procedural protections, such as notice and a hearing before termination of entitlements; individual rights listed in the Bill of Rights, including freedom of speech, free exercise of religion, the right to bear arms, and a variety of criminal procedure protections; and fundamental rights that are not specifically enumerated in the Constitution.

State Regulations

Florida Statutes Section 163.3177(6)(i)1, Florida Statutes

In accordance with the legislative intent expressed in sections 163.3161(10) and 187.101(3), Florida Statutes, governmental entities shall respect judicially acknowledged and constitutionally protected private property rights, and



RESPONSIBLE & ACCESSIBLE GOVERNMENT

each local government shall include in its comprehensive plan a Property Rights Element to ensure that private property rights are considered in local decision making.

Section 70.001, Florida Statutes

Florida Statutes section 70.001, also known as the Bert Harris Act or “Private Property Rights Protection Act”, provides a private cause of action when the existing use (or a vested right to a specific use) of property is inordinately burdened by the Florida governmental entity, including the agencies thereof. Adopted in 2021, it was created to provide relief to private landowners when a law, regulation, or ordinance inordinately burdens, restricts, or limits private property without amounting to a taking under the U.S. Constitution

Sections 163.3220-163.3243, Florida Statutes

Sections 163.3220-163.3243, Florida Statutes, otherwise known as the “Florida Local Government Development Agreement Act”, grants assurance to a developer that upon receipt of his or her development permit or brownfield designation he or she may proceed in accordance with existing laws and policies. Adopted in 2022, the Legislature enacted the bill in an effort to reduce uncertainty in development approvals by authorizing local governments to enter into development agreements with developers. These agreements will encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development.

INVENTORY AND ANALYSIS

A Property Rights Element is required under the provisions of section 163.3177 (6) (i) 1, Florida Statutes. The inclusion of this element and continued adherence to best practices in the provision of public infrastructure and regulation of land development to protect the public health, safety, and welfare will ensure implementation of these provisions. This Element does not create any property rights or due process rights that are not already judicially acknowledged and constitutionally protected.

The Village will continue to ensure that private property rights are clearly protect by the applicable provisions of the Village Charter, Code of Ordinances, and the Comprehensive Plan. The goal, objectives, and policies of the Property Rights Element will provide the direction necessary to proactively address potential policy conflicts before private property rights are adversely impacted.



Memo

To: Planning, Zoning and Adjustment Board

Thru: Caryn Gardner-Young, Community Development Director

From: JMorton Planning and Landscape Architecture

Date: June 4, 2024

Re: Coastal Management Element- EAR to the Comprehensive Plan

JMorton Planning and Landscape Architecture has been hired by the Community Development Department to analyze and update the Coastal Management Element of the Comprehensive Plan. This element addresses measures to protect human life, preservation of coastal environmental resources, and limit public expenditures in areas that are subject to destruction by natural disasters. The requirements of the Element are stated in Florida Statute Sec.163-3177(6)(g). This EAR seeks to satisfy the requirements by providing the attached Goals, Objectives, and Policies (GOPs) and Data and Analysis documents.

Changes to the existing Coastal Management Element have been proposed based on discussions with staff, presentation at the Waterways Advisory Board, review of the Lake Worth Lagoon Management Plan, John D MacArthur Beach State Park Management Plan, South Florida Water Management District reports, and updated requirements from recent Florida legislation.

The proposed changes to the GOPs are as follows:

1. Amend Policy 2.4- Work with Palm Beach County to enact policies from the Lake Worth Lagoon Management Plan that was created after the existing policy was adopted.
2. Create Objective 9- Create a Coastal Planning Area to identify all properties within a flood zone and better plan for impacts to those properties.
3. Create Policies 9.1, 9.2, 9.3- These are provided to meet the requirements of the State of Florida Peril of Flood legislation.
 - o Identify building, seawall and site development regulations to mitigate flood and storm surge hazards.
 - o Support getting properties out of the flood zone.
4. Create Objective 10- Participate in the National Flood Insurance Program's Community Rating System.
5. Create 10.1 to support the Village acquisition of at-risk lands within the Coastal Planning Area.

The following items are provided in the Data and Analysis:

1. Provides definition and analysis of the Coastal Planning Area.

2. Analyzes the stability of the four (4) types of Coastal Flooding Barriers within the Village.
3. Identifies infrastructure impacts per the Village's stormwater master plan.
4. Identifies the Federal and State programs in which the Village participates for natural disaster preparation and mitigation.
5. Identification of planning strategies for sea level rise.

This Element's seven (7) associated maps will be provided prior to the August meeting. They include coastal high hazard, natural areas inventory, evacuation routes and shelters, coastal public access, storm surge, FEMA flood zones, and Coastal Planning Area. The first two maps are Florida Statute required maps associated with this element. The Goals, Objectives, & Policies will be forwarded to the State of Florida Department of Economic Opportunity along with the Data & Analysis.

ATTRACTIVE AND ENVIRONMENTALLY FRIENDLY COMMUNITY

COASTAL MANAGEMENT

7.0 COASTAL MANAGEMENT ELEMENT

7.1 INTRODUCTION

The Coastal Management element is required to be included within the Comprehensive Plan per requirements of State planning law and rule criteria. Specifically, Chapter 163.3177(6) (a), Florida Statutes, establishes the Coastal Management element requirement and Chapter 9J-5.012, Florida Administrative Code, establishes minimum criteria to guide its preparation.

A summary of the data, analysis and support documentation necessary to form the basis for the Coastal Management goal, objectives and policies is presented in Chapter 7 of the Village of North Palm Beach, Florida Comprehensive Plan Support Documentation report dated 1999 – Village of North Palm Beach Evaluation and Appraisal Report dated 2007, the U.S. Highway 1 Corridor Study, dated 2008, and the EAR-Based Amendment Support Documentation dated 2009.

7.2 VILLAGE GOAL STATEMENT

Protect, conserve and enhance coastal resources while providing for water-dependent land uses in a manner consistent with the general health, safety and welfare of Village residents and visitors.

7.3 OBJECTIVES AND POLICIES

CHAPTER 7 – COASTAL MANAGEMENT

GOALS, OBJECTIVES, AND POLICIES

GOAL 1.0 - The Village shall protect human life and limit public expenditure in areas subject to destruction by natural disasters and, where appropriate, restrict development activities that would damage or destroy coastal resources

OBJECTIVE 1.1: Maintain or improve the environmental integrity of existing wetlands, marine habitats and coastal resources, including historical sites.

Policy 1.1.1: By implementing Special Policy 5.4 of the Future Land Use element, prohibit development in the coastal area that will adversely impact existing marine habitats and resources.

Policy 1.1.2: All planned improvements to John D. MacArthur Beach State Park shall be reviewed by the Village for consistency with the Village Goal Statement and Objectives 4, 6 and 7 of this element.



ATTRACTIVE AND ENVIRONMENTALLY FRIENDLY COMMUNITY

Policy 1.1.3: Adhere to the Palm Beach Countywide Manatee Protection Ordinance, including signage.

Policy 1.1.4: Historic sites in the Coastal Planning Area shall be protected by implementing Policy 1.1 of the Future Land Use element.

Policy 1.1.5: The Village marina siting, and regulatory policy shall consist of the following:

1. Commercial marinas, including their accessory uses, such as wet and dry boat storage facilities, gasoline supplies, and minor repair facilities that are incidental to wet boat storage shall be located in areas with a commercial future land use designation, per the Future Land Use Map Series, and a commercial zoning designation.
2. Commercial marinas shall be located ~~with~~ directly adjacent to one of the following water bodies: Lake Worth; Intracoastal Waterway; C-17 Canal (Earman River); or North Lake.
3. Major repair facilities involving large boats, or businesses performing engine overhaul shall be prohibited.
4. All new marinas, and major improvements to existing marinas shall provide sewage pump out service to boats seven meters in length, or more.
5. An application for approval of a new marina shall include an environmental assessment consistent with the current requirements of Section 36-38.1 of the Village Code, including and assessment of water depth, water quality impacts, and needed mitigation actions.
6. An application for approval of a new marina shall include a hurricane contingency plan.

OBJECTIVE 1.2: Maintain or improve estuarine environmental quality.

Policy 1.2.1: The Village shall ensure that marinas are sited to minimize impacts upon coastal and estuarine resources by coordinating with Palm Beach County in the development of a marina siting ordinance and by amending land development regulations to assure consistency with regional policies related thereto.



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Policy 1.2.2: Require the use of urban Best Management Practices (BMP's) to reduce non-point source pollutant loadings to estuarine waters via the Village's stormwater drainage system.

Policy 1.2.3: Any discharge to the stormwater system containing any sewage, industrial waste, or other waste materials, or containing any materials in violation of federal, state, county, or municipal rules, regulations, orders or permits, is prohibited.

Policy 1.2.4: Continue to ~~review the partner with Palm Beach County and support the implementation results of actions specified in the Lake Worth Lagoon Management Plan Study and~~ The Village shall review any future studies to determine the need for Comprehensive Plan amendments by the Village to further protect marine resources and/or improve water quality.

OBJECTIVE 1.3: The Village shall retain water-dependent recreational land uses, which are accessible to the public.

Policy 1.3.1: The Village shall continue to support the State's efforts to increase public use of, and access to the John D. MacArthur Beach State Park facility in Planning Area 1.

Policy 1.3.2: The Village shall continue to provide public access by maintaining the following facilities: Anchorage Marina (active boating facility); and Lakeside Park (passive recreational facility).

Policy 1.3.3: Redevelopment proposals that include an existing water-dependent land use may be allowed, via the planned unit development or variance procedure, to exceed the maximum intensity standards listed in Policy 1.A.4 of the Future Land Use Element, provided that: (1) such redevelopment proposals are found by the Village to be compatible with neighboring land uses; (2) the water-dependent land use is retained and/or enhanced; and (3) public access is retained or provided.

OBJECTIVE 1.4: Protect beaches and dunes and minimize impacts of man-made structures while providing public access to the entirety of the beaches and shoreline areas in Planning Area 1.

Policy 1.4.1: Future development in Planning Area 1 shall be consistent with the John D. MacArthur Beach State Park Master Management Plan.

Policy 1.4.2: Erosion control measures shall be limited to those that do not interfere with normal littoral processes, sea turtle



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nesting and hatching activities or negatively impact coastal natural resources.

Policy 1.4.3 Allow only native dune vegetation to be used in landscaping of dune systems in Planning Area 1 consistent with the criteria established in the John D. MacArthur State Park Master Plan.

Policy 1.4.4: Beach and dune alteration and construction shall be consistent with the John D. MacArthur State Park Master Plan.

OBJECTIVE 1.5: Maintain or reduce hurricane evacuation times by implementing the Future Land Use and Capital Improvements elements and increasing the database regarding special needs populations and continuing to participate in the County ~~Peacetime~~ Comprehensive Emergency Management Plan.

Policy 1.5.1: The Village shall identify through notice in the Village newsletter and/or utility bills, residents who need special assistance during emergency evacuation and notify the appropriate civil and emergency management agencies of the same.

Policy 1.5.2: Provide constant input to the Emergency Management Center with respect to road conditions, accidents, flooding, and the status of evacuation activities, during hurricane evacuation periods through the Village Public Safety Works Department.

Policy 1.5.3: Urban development in Planning Area 3 shall be discouraged by implementing the "Conservation/Open Space" Land Use designation.

Policy 1.5.4: North Palm Beach shall continue to participate with Palm Beach County and other local municipalities in developing and executing an ongoing unified strategy (Local Mitigation Strategy) for reducing the Village's vulnerability to identified natural, technological and societal hazards.

OBJECTIVE 1.6: Regulate development and limit public expenditures that subsidize development in coastal high hazard areas, (i.e. The area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model, as illustrated on Figure 3-7 of the Future Land Use Map Series).

Policy 1.6.1: The repair, relocation, or replacement of infrastructure within the coastal high hazard area shall be prioritized when State funding is needed as follows: (1) When the



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general health, safety and welfare of the community is directly impacted, the use of State funding shall be used for repair, or replacement of infrastructure; (2) When the general health, safety and welfare is not directly impacted, repair of infrastructure can be considered; and (3) relocation of infrastructure shall be given the lowest of priority.

Policy 1.6.2: As part of this Comprehensive Plan, the Village shall designate Planning Area 1 as a "non-service area" (Ref: Objective 6, Capital Improvements element).

Policy 1.6.3: A development shall not be approved unless all land intended for use as building sites can be used safely for building purposes, without danger from flooding or other inundation. In order to determine potential danger from flooding, or other inundation in the coastal high hazard area, the Village Public ~~Services~~ Works Department may require the submittal of a Flood Hazard Report, pursuant to Section 36-11 (24) of the Village Code, prior to issuing a development order.

Policy 1.6.4: The Village shall discourage expenditure of public funds in the coastal high hazard area, unless funds are to be used to upgrade existing facilities or infrastructure, or to replace damaged infrastructure.

OBJECTIVE 1.7: Level-of-Service Standards in the Coastal Planning Area shall be defined by the application of Policies 5.1, 6.1 and 6.2 of the Capital Improvements Element. Phasing of infrastructure shall be defined by the application of Policy 5.2 of the Capital Improvements element.

Policy 1.7.1: Through citizen advisory committees, evaluate the need for additional water-dependent and water-related uses in the coastal planning area. Additional needs should be identified in conjunction with the recommendations generated in Objective 1; Recreation and Open Space element.

OBJECTIVE 1.8: The Village shall provide for post-disaster redevelopment plans, which will reduce or eliminate the exposure of human life and public and private property to natural hazards.

Policy 1.8.1: The Village shall provide for repair, relocation, or structural modification of damaged infrastructure and services, according to the priorities established in Policy 6.1, and consistent with federal funding requirements. Priority shall be given to immediate clean-up actions, and the maintenance of critical municipal services in the coastal high-hazard area, including but not limited to local roadways, drainage systems,



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and solid waste collection service that are the operational responsibility of the Village.

Policy 1.8.2: The Village shall limit development in Planning Area 1 to Conservation/Open Space uses. Further, the Village shall require redevelopment in the coastal high-hazard area to conform to current building pad elevation standards.

Policy 1.8.3: The Village, where possible and economically feasible, shall: (1) Discourage the expenditure of public funds to build new facilities and infrastructure within the coastal high hazard area; and (2) locate public infrastructure and facilities outside of the coastal high-hazard area.

OBJECTIVE 1.9: Create a Coastal Planning Area identifying specific properties located within a flood zone, which are more at-risk of natural disaster hazards.

Policy 1.9.1: All structures within the Coastal Planning Area shall be constructed one (1) foot above the minimum Base Flood Elevation established in the FEMA Flood Insurance Rate Maps.

Policy 1.9.2: All seawalls shall be placed at a height equal or above the lowest base flood elevation for the property.

Policy 1.9.3: Property owners shall be encouraged to raise lands out of the flood zone during substantial redevelopment and seek a Letter of Map Change request from FEMA.

Policy 1.9.4: The Village shall encourage property owners to provide yearly maintenance and assessment of seawall stability.

OBJECTIVE 1.10: The Village shall continue to participate in the National Flood Insurance Program and maintain the lowest possible Community Rating System level.

Policy 1.10.1: The Village shall consider the acquisition of at-risk lands within the Coastal Planning Area as opportunities arise.



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DATA AND ANALYSIS

The purpose of the Coastal Management Element is to plan, promote, manage and protect natural resources. It is important for the Village of North Palm Beach (“Village”) to plan for development or redevelopment activities in ways which mitigate or otherwise lessen the disturbance of coastal resources. This Element addresses measures to protect human life and limit public expenditures in areas that are subject to destruction by natural disasters. The Element must be integrated and consistent with the other Comprehensive Plan Elements to address:

- Protection of coastal resources, including wildlife and natural ecosystems,
- Preserving resident quality of life,
- Increasing property resilience to natural disaster hazards,
- Maintaining public access to the waterways including recreational amenities,
- Maximizing economic benefits generated from tourism.

The Village contains many miles of natural and man-made waterways adjacent to both public and private lands. The 1950s canal system design created many waterfront properties with the Country Club, Village Hall and central commercial district along US Highway One separated from other areas entirely by bridges. This large central area is only accessible by two bridges on US Highway One and one bridge on Lighthouse Drive. With all Village waterfront properties developed, a management plan is necessary to ensure flood protections are in place as properties redevelop or seawalls replaced. Establishing regulations of the built environment in and around the waterways is vital to the resilience of the Village during natural disasters.

The data and analysis provided in this report offers the foundation and framework for updating and revising the Goals, Objectives, and Policies of the Coastal Management Element of the Comprehensive Plan.

Coastal Planning Area (CPA)

The Federal Emergency Management Agency (FEMA) has established Flood Insurance Rate Maps (FIRMs) that specify the adjacent land elevation for all coastal areas around the United States to determine potential impact of a flooding event. The Village has numerous flood-prone properties identified on the FIRM maps.

The Coastal High Hazard Area was established as an area particularly vulnerable to the effects of coastal flooding from tropical storm events, specifically the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. These are identified as a Zone V on the FIRM map.

The Coastal Planning Area (CPA) is defined as a special planning area within the Village containing properties identified in the Coastal High Hazard Area and require additional planning, regulation, and monitoring for a sustainable future. It also includes properties identified with a potential flood risk on the FIRM maps. Generally, all properties are located within a few hundred feet of a waterway, which covers almost **XX** acres of the Village as shown in Map **XX**.



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Coastal Flooding Barriers

There are four (4) types of coastal barriers within the Village CPA that protect the built environment from flood hazards:

1. Beaches and Sand Dunes
2. Mangroves and other natural shorelines
3. Rip-rap and other manmade shorelines
4. Seawalls

Beaches and Sand Dunes

All of the **XX** acres of beach and dune areas are located within the boundaries of John D. MacArthur Beach State Park (JDMBSP) and are managed by the State of Florida. The JDMBSP Management Plan has been created with the effort to provide access to the general public and also preserve the viability of the sand dunes structures for proper storm surge protection.



Sand dunes are a coastal mound or ridge of unconsolidated sediments found along shorelines with high-energy waves. Vegetation will consist of herbaceous dune forming grass species such as sea oats (*Uniola paniculata*) and sand cordgrass (*Spartina alterniflora*). The dunes range from a few feet above sea level to 20 feet tall. They are classified by the JDMBSP Management Plan as “good” in the northern area where some sections have eroded and “excellent” in the southern end where wider sections of dune habitat exist.

The principle threat to the beach and sand dune community is erosion caused by natural storm events. Periodic large-scale beach nourishment projects are regularly used in other areas to counteract the effects of erosion, but are rarely used in the State Park. Typical management activities to minimize erosion include planting of native dune vegetation, removal of exotic vegetation and establishing designated access trails as needed.



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Mangroves and other natural shorelines

A mangrove swamp is typically characterized as a dense forest occurring along relatively flat, low wave energy, marine and estuarine shorelines. The dominant overstory will include red mangrove (*Rhizophora mangle*), black mangrove (*Avicennia germinans*), white mangrove (*Laguncularia racemosa*), and buttonwood (*Conocarpus erectus*).

On the western side of the beach dune habitat of JDMBSP, the estuaries of the Lake Worth Lagoon contain brackish water and less consistent wave action resulting in the ability for native plant material to propagate along the shoreline. When waves do occur during storm events, the mangroves bolster the shoreline from soil erosion and block storm surge from encroaching to upland areas. Though the trees can handle occasional wave action, consistent wake from boats within the Intracoastal Waterway, may eventually erode the shore and hinder ability for quality growth of the species.

Lake Worth Lagoon Management Plan has been established to monitor and assess the quality of the estuarine habitat outside of JDMBSP. Mangrove species preservation is of significant concern to Palm Beach County for maintaining fisheries, rookeries, water quality, and shorelines. In the north end, habitat is stable, with 55% of all mangrove habitat occurring within JDMBSP. Overall, mangrove habitat is increasing throughout the central and southern areas of the lagoon due to the development of 42 acres of artificial, intertidal islands that occurred between 2014 and 2020.



Rip-rap and other man-made shorelines

Rip-rap simply refers a pile of loose rock and other hard materials accumulated along the shore to prevent upland areas from erosion. They are typically provided in built environments dealing with more wave action than is found in a mangrove habitat.

Depending on the size of the aggregate, marine plant and animal species may use the crevices for shelter and habitat. The spaces behind the rock provide calmer water from wave action and hiding spaces from predators.



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In the Village of North Palm Beach, man-made shorelines of rip-rap are typically found along both banks of the Intracoastal Waterway and more natural vegetation, mixed with rip-rap, is typical of the banks of the Earman River. Both of these waterways have experienced erosion, which is specified in the attached Soil Erosion Map (Map XX).



Seawalls and bulkheads

Seawalls and bulkheads are defined as concrete, vinyl or metal structures placed vertically at the shoreline to block all wave action from upland areas. They are typically constructed in areas with consistent wave action and allow upland areas to be utilized immediately adjacent to the waterways. Seawalls and bulkheads lack gaps and texture; therefore, few opportunities exist for native habitats to establish.

Almost all of the residential development within the man-made canals of the Village contain seawalls. Specific land development regulations have been created (Chapter 5, Article 3) to ensure that every new seawall is built above the mean high water line.



Land Uses

Waterway access is available from residential, commercial and public lands. Many of the residential properties along the water rely on the ability to construct docks and boatlifts for personal watercraft storage and use. Marinas additionally offer boat storage for residents that do not live on the water. There are both commercial and public boat ramps available to the residents of the Village, as specified on Map XX.



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The public parks offer fishing, wildlife viewing and recreational swimming on various waterways with the JDMBSP offering the only access to beaches and natural estuary habitats. Map XX shows the types of land uses located within the Village CPA.



Infrastructure

The Village was designed with a swale system along all publicly maintained roadways. The swales are depressions in the land to collect runoff during a rain event and are sloped in a direction along the roadway to collect in inlets. Multiple inlets consolidate water to outfall pipes along the seawalls. The entire system is gravity fed and requires the water level of the final outfall point to be lower than the pipe. The system is owned and maintained by the Village through funding provided via the Stormwater Management Utility's yearly ad valorem special assessment tax.

Seawalls where the outfall pipes are located are maintained by the Village through a drainage easement. The location varies, but many are located between two homes and tie into the privately owned and maintained seawalls behind single family homes. The effectiveness of the system relies on residents monitoring the movement of their seawalls to assess the need to bolster or reconstruct. The seawall construction standards established in the Code of Ordinances Chapter 5, Article 3 specify the height and materials based on the flood zone of the proposed seawall.

A Stormwater Master Plan has recently been completed by Hazen and Sawyer to analyze the existing stormwater system and identify improvements to enhance the functionality. The study's approach and methodology were based on developing a hydrologic and hydraulic model to simulate the Village's current and future stormwater infrastructure and operations under various conditions. The model's results, paired with knowledge regarding historical areas of flooding concern, including Village staff insights, were used to inform and direct the proposed capital improvements. The models even included sea l



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level rise impacts to the system, in order to ensure the Village can properly identify future areas of concern. The plan proposes improvements to existing swales as well as installation of pumps in the event the gravity fed system is not handling the water efficiently.

The Village has provided funding for the completion of a vulnerability assessment for all Village facilities and property based on some of the findings in the Stormwater Master Plan and concerns over sea level rise, aging infrastructure, and new Florida Building Code standards.

Natural Disaster Planning

Natural disaster planning in the Coastal Planning Area involves all disasters, including hurricanes, tornadoes, floods, freezes and droughts. Due to the Village's geographic location, the emphasis is directed toward hurricane response, including hurricane preparation and evacuation, post-storm evaluation and clean up, and long-term post disaster redevelopment. As flooding is a key issue in the Village associated with these Natural Disasters and can cause serious damage and potential loss of life, the Village will continue to look for mechanisms to better monitor the "Peril of Flood" strategies as noted in F.S. 163.3178(2)(f).

Hurricanes are classified using the Saffir-Simpson scale as follows:

- Category 1 - Winds 74 to 95 mph;
- Category 2 - Winds 96 to 110 mph;
- Category 3 - Winds 111 to 129 mph;
- Category 4- Winds 130 to 156 mph; and
- Category 5 - Winds 157 mph or higher.

The two largest impacts to the built environment from hurricanes are wind damage and storm surge. Generally, it is the wind that produces most of the property damage associated with hurricanes, while the greatest threat to life is from flooding and storm surge. Storm surge impacts are based on the category of the hurricane. Areas of impact from storm surge are depicted on **Map XX**.

Palm Beach County Division of Emergency Management ("Division") plans for natural disaster events through yearly training with the Village of North Palm Beach Public Works and Community Development staff as well as staff from 38 other County municipalities. The Division is also responsible for identifying evacuation routes away from the coastline, coordinating emergency medical services, providing news releases on infrastructure impacts, operation of emergency shelters and coordination of recovery efforts.

Prior to or during hurricanes, the Governor of the State of Florida has the authority to declare an area as an emergency disaster site and therefore, issue evacuation orders for residents of that region. Based on the size of the storm and level of emergency declaration, various zones have been established for evacuations to occur. The routes which residents are required to take have been established by Palm Beach County and are provided in the evacuation route map (**Map XX**). **Include the shelter locations in the Village based on map.**



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Post disaster recovery is another important tool required during natural disaster planning. The Village has a post-disaster recovery team established for the immediate identification of hazards such as downed powerlines and fallen trees. The Village Public Works and Fire Rescue Departments deploy crews to clear roads and check on homeowners impacted by flood or wind damage. Once the immediate dangers are mitigated, the Village staff will identify impacts to seawalls and other structures impacted by increased wave action and storm surge.

The Community Development Department will assess damages to both private and public structures. Expedited building permit issuance allows residents to make repairs to roofs, windows, and doors as quick as possible to allow them to safely remain in their homes. Additionally, emergency seawall repairs may be necessary to maintain the structural integrity of the land.

Flood Protection

The federal government, State of Florida and Village have regulations in place to mitigate the impacts of flooding events. Additionally, resources are available to compensate residents who suffer impacts to their property. The following programs have been established:

National Flood Insurance Program (NFIP). The U.S. Congress established the NFIP with the passage of the National Flood Insurance Act of 1968. The NFIP is a Federal program enabling property owners in participating communities to purchase insurance as a protection against flood losses in exchange for State and community floodplain management regulations that reduce future flood damages. Participation in the NFIP is based on an agreement between communities and the Federal government. If a community adopts and enforces a floodplain management ordinance to reduce future flood risk to new construction in floodplains, the Federal government will make flood insurance available within the community as a financial protection against flood losses. This insurance is designed to provide an insurance alternative to disaster assistance to reduce the escalating costs of repairing damage caused by floods to buildings and their contents. The Village of North Palm Beach is a participant in the NFIP.

Community Rating System (CRS). The NFIP's CRS was implemented in 1990 as a program for recognizing and encouraging community floodplain management activities that exceed the minimum NFIP standards. The rating is given to municipalities based on various metrics to identify the infrastructure, regulations and recovery measures in place to mitigate flood impacts. The rating is given on a 1-10 scale, with 1 being the best score and residents receiving 45% reduction in flood insurance rates. The Village participates in the NFIP's CRS program, and has a 2023 CRS rating of 5. This rating enables North Palm Beach property owners to receive a 25% reduction in their NFIP rates. In addition, the Village is eligible to seek FEMA funds to be used to remedy flooding problems and will continue to participate in activities to comply with NFIP requirements.



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Flood Protection Ordinance. In conformance with the requirements of the National Flood Insurance Program, the Village has adopted and enforced regulations governing development in special flood hazard zones through Chapter 12.5 of its Land Development Regulations (LDRs). The Village's LDRs include floodplain provisions and regulations related to buildings and structures, subdivisions, subdivision plats, site improvements, and utilities.



Sea Level Rise

Palm Beach County has joined a regional effort with Miami-Dade, Broward and Monroe Counties known as the South Florida Regional Climate Change Compact (“Compact”). The compact is defined as a “voluntary framework designed to align, guide and support the acceleration of local and regional climate action in Southeast Florida toward a shared vision of a low-carbon, healthy, prosperous, more equitable and more resilient region.” According to the Compact’s 2019 report, sea levels were calculated to rise 10-17 inches by 2040 with the rate of increase accelerating every year. Warming oceans and melting ice sheets and glaciers are increasing the probability of damaging floods from storm surges.

Significant impacts have yet to be seen in many South Florida municipalities outside of king tides, therefore, it is challenging to receive constituent support for public investment in infrastructure or more stringent property development regulations. Many municipalities find difficulty in enacting regulations for the present based on projected impacts decades in the future. The Compact seeks to organize and expedite action items as a collective, with numerous governments providing support to each other.

There are various strategies worth considering by the Village elected officials and staff to address future impacts of sea level rise and mitigate its effects to the existing built environment.

Protection Strategies:

- Maintenance of existing seawalls and bulkheads
- Re-nourishment of beaches
- Protection of vegetated shorelines



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Adaptation Strategies:

- Floodproofing of new or existing buildings
- Use of fill to raise elevation of new or existing buildings
- Requirement of additional freeboard for new development
- Increase the building setbacks along the Lake Worth Lagoon or other waterways.
- Relocate vital infrastructure and public facilities to higher elevations.

Summary

The resilience of Village properties and structures during natural disasters are threatened by some factors outside of the Village's control: The loss of mangrove and seagrass habitat throughout the Lake Worth Lagoon, loss of dune stability within JDMBSP, failure of private seawalls, and control of exotic plant and animal species on private properties and adjacent municipalities.

The following recommendations are provided for the Village to consider when planning for future coastal resiliency and may be placed within the policies of the Coastal Management Element. The associated new or amended policy is provided for reference:

- Water quality monitoring and coordination with PBC and JDMBSP for enacting water quality projects within the Lake Worth Lagoon (Policy 2.4)
- Evaluation of seawall stability on public and private lands (Policy 9.4)
- Evaluation of exotic vegetation on public and private lands (Policy 6.3)
- Evaluate the impacts of flooding on existing residential lands. (Objective 10)
- Monitor the current stormwater systems effectiveness and home elevation levels in relation to FEMA FIRM map changes. (Policy 6.1)
- Support installation of living shorelines/ rip rap walls in lieu of seawalls, including oyster beds, to support water quality improvements and habitat restoration. (Policy 2.4)
- Analyze hazardous flood conditions and identify investment and regulation strategies for mitigation (Policy 9.1, 9.2, and 9.3).
- The Village should consider acquisition of at-risk lands as opportunities arise. (Policy 10.1)



Memo

To: Planning, Zoning and Adjustment Board

Thru: Caryn Gardner-Young, Community Development Director

From: JMorton Planning and Landscape Architecture

Date: June 4, 2024

Re: Conservation Element- EAR to the Comprehensive Plan

JMorton Planning and Landscape Architecture has been hired by the Community Development Department to analyze and update the Conservation Element of the Comprehensive Plan. The Conservation Element is necessary for the Village to create policies, regulations and land use patterns which will protect natural resources. The requirements of the Element are stated in Florida Statute Sec.163-3177(6)(d). This EAR seeks to satisfy the requirements by providing the attached Goals, Objectives, and Policies (GOPs) and Data and Analysis documents.

Changes to the existing Conservation Element have been proposed based on discussions with staff, presentation at the Environmental Committee, review of the Lake Worth Lagoon Management Plan, John D MacArthur Beach State Park Management Plan, South Florida Water Management District reports and review of the 2024 general survey to Village residents.

The following changes have been proposed to the GOPs:

1. Remove Policy 1.5- requirement of vapor recovery systems, as Florida Statutes require all gas stations to have vapor recovery systems to be certified by the Florida Department of Agriculture.
2. Amend Policy 2.3- rewording for clarity.
3. Amend Policy 2.4- to address changes to the other Comprehensive Plan Elements through this process.
4. Amend Policy 3.2- to remove language that there is no need to reduce water usage and instead reference the South Florida Water Management District's mandatory year-round irrigation conservation requirements.
5. Remove Policy 4.3-Which requires annual exotic species removal on Village lands. This is not done annually due to cost.
6. Create new Policy 4.3- requiring all new developments or redevelopments to utilize native plant material.
7. Remove Policy 6.2- There is no formal Haz Mat team for the Village. Instead, the Fire Rescue Department has been tasked with cleanup efforts as required.
8. Create Policy 8.3- Maintain a water supply plan, as required by FL statute.
9. Create Objective 9 and Policies 9.1 and 9.2- Encourage green design of new development, which includes reduction of water usage and materials to reduce energy. Formalize the support for creation of a community garden.

The following items have been provided in the Data and Analysis:

1. Analysis of air quality from the Environmental Protection Agency and Florida Department of Health
2. Analysis of surface and groundwater resources from various state agencies and the County's Lake Worth Lagoon Management Plan.
3. Analysis of the soils found within the Village from USGS.
4. Identification of wildlife and plant life at risk per analysis from John D. MacArthur Beach State Park.
5. Identify natural areas, wetlands and environmentally sensitive lands within the Village.
6. Identify hazardous waste sites according to Florida Department of Environmental Protection.

This Element's three (3) associated maps will be provided prior to the August meeting. They include wellfield protection zones, soils, and soil erosion. There are no Florida Statute required maps associated with this element. The Goals, Objectives, & Policies will be forwarded to the State of Florida Department of Economic Opportunity along with the Data & Analysis.

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8.0 CONSERVATION

8.1 INTRODUCTION

The Conservation element is required to be included within the Comprehensive Plan per requirements of State planning law and rule criteria. Specifically, Chapter 163.3177(6) (a), Florida Statutes, establishes the Conservation element requirement and Chapter 9J-5.013 Florida Administrative Code, establishes minimum criteria to guide its preparation.

A summary of the data, analysis and support documentation necessary to form the basis for Conservation goal, objectives and policies is presented in Chapter 8 of the Village of North Palm Beach, Florida Comprehensive Plan Support Documentation report dated 1999, Village of North Palm Beach Evaluation and Appraisal Report dated 2007, the Village of North Palm Beach Water Supply Facilities Work Plan dated 2008, and the EAR-Based Amendment Support Documentation dated 2009.

8.2 VILLAGE GOAL STATEMENT

Protect, conserve and enhance existing natural resources, including vegetative communities, fish and wildlife habitats and species of special concern.

8.3 OBJECTIVES AND POLICIES

CHAPTER 8 CONSERVATION

GOALS, OBJECTIVES, AND POLICIES

GOAL 1: Ensure the conservation and appropriate use of minerals, soils, and native vegetative communities through the continued enforcement of City rules and regulations and development (site) plan reviews.

OBJECTIVE 1.1: Protect air quality and reduce energy consumption within the Village.

Policy 1.1.1: Continue the required use, within the Village Land Development Regulations, of Support construction practices such as seeding, wetting and mulching which minimize airborne dust and particulate emission generated by construction activities. These practices shall be undertaken within 30 days of completion of clearing work.

Policy 1.1.2: Open burning of land clearing debris shall be prohibited without a permit issued by the Palm Beach County Health Department.

Policy 1.1.3: The Village supports the County's efforts to reduce the potential for automotive emission pollution by programs such as carpooling, public transportation, public mass transit, employer-based transportation management, and work from home. use of



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~~flex time.~~ Further, create public awareness of the benefits of limiting the idling of vehicles.

Policy 1.1.4: Coordinate, as necessary with county transportation planning agencies to increase the quality of public mass transit services within the Village consistent with Policy 9.1; Transportation element.

~~**Policy 1.5:** Participate in the county wide effort to require all gas station pumps be equipped with vapor recovery systems. The Village shall adopt an ordinance to this effect or continue to participate in implementing the countywide ordinance. Encourage measures to verify quality of motor vehicle air emission equipment.~~

Policy 1.1.56: Educate the public on the proper placement of canopy trees and other landscape materials in order to strategically provide shade and reduce energy consumption.

OBJECTIVE 1.2: Protect, conserve and enhance ~~the water~~ quality of waters that flow into estuarine or oceanic waters within the Village through the implementation of Best Management Practices (BMP's) ~~including~~.

Policy 1.2.1: Continue to require the use of Urban Best Management Practices (BMP's within the Village's development regulations.

Policy 1.2.2: Village land development regulations shall continue to require that, in water management systems where use of stormwater retention systems is necessary, any modifications to, or construction of canals shall incorporate water and habitat quality enhancement features such as planned littoral zones or shallow shelves, bank slopes conducive to shoreline vegetation and immediate vegetative stabilization of any bare ground adjacent to the system, as appropriate.

Policy 1.2.3: Except as in accordance with a valid NPDES permit, any discharge to the Village stormwater system that is not composed entirely of stormwater is prohibited. ~~Unless the Director of Public Services determines that they are not properly managed, authorized exceptions to this policy are as follows: The following exceptions apply:~~ (a) Flows from fire fighting, water line flushing, and other contributions from potable water sources; (b) landscape irrigation and lawn watering, (c) irrigation water; (d) diverted stream flows; (e) rising groundwaters; (f) direct infiltration to the stormwater system; (g) uncontaminated pumped groundwater; (h) foundation and footing drains; (i) water from crawl space pumps; (j) air conditioning condensation; (k)



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individual residential car washings; (l) flows from riparian habitats and wetlands; and (m) de-chlorinated swimming pool contributions. The Director of Public Works may prohibit any of the above exceptions if they are not properly managed.

Policy 1.2.4: The Village shall protect water quality by restricting activities and land uses known to adversely affect the quality and quantity of identified water sources such as natural groundwater aquifer recharge areas and wellhead protection areas. The Village's ground water protection policy shall consist of the following:

- Policy 32.2 Future Land Use element;
- Policy 32.3 Future Land Use element;
- Policy 43.3 Future Land Use element;
- Special Policy 5.17 Future Land Use element;
- Policy 1.4 Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water, and Natural Groundwater Aquifer Recharge (Utilities-Infrastructure) element;
- Policy 1.5 Utilities-Infrastructure element,
- Policy 5.4 Utilities-Infrastructure element; and
- Policy 5.5 Utilities-Infrastructure element.

OBJECTIVE 1.3: Conserve potable water supplies during periods of water shortage, as defined by the South Florida Water Management District.

Policy 1.3.1: Continue to institute emergency water conservation techniques and programs under the direction of South Florida Water Management District, as per Chapter 40E-21, Florida Administrative Code.

Policy 1.3.2: Current per capita consumption rates indicate that there is a need to conserve water usage. Therefore, the Village shall protect water resources by adopting the South Florida Water Management District's mandatory year-round landscape irrigation conservation measures. no need to reduce water usage within the Village during 1999-2005 period.

OBJECTIVE 1.4: Conserve soil and native plant communities and remove and prevent the spread of invasive exotic plant species.

Policy 1.4.1 Develop and maintain erosion control plans for areas experiencing continued erosion of shoreline or banks. The Village shall continue to seek assistance from the SFWMD to institute an erosion control program for the C-17 Canal.



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Policy 1.4.2: Land development regulations shall contain: (1) The requirement that all applications for new development contain an inventory of native plant communities and endangered species and a program for the preservation thereof; (2) a statement regarding the suitability of soils for development; and (3) the prohibition of planting exotic, invasive plant species and a program for the removal thereof.

Policy 1.4.3: ~~The Village shall continue its annual program of exotic plant species removal and/or trimming on public lands with the Village limits.~~ All new developments and substantial redevelopment should be encouraged to utilize native plant material to the greatest extent feasible when providing required landscape material.

OBJECTIVE 1.5: Conserve and protect fish and wildlife and their habitats.

Policy 1.5.1 No person shall operate a boat, or any other vessel, including water sport apparatus or other physical object capable of transporting human beings or other cargo on water, at a speed in excess of five miles per hour, in any of the waterways within the Village, with the exception of the waters of Lake Worth and the Intracoastal Waterway, except in cases of fire or extreme emergency.

Policy 1.5.2: ~~Upon completion of the Manatee Protection program for Palm Beach County, incorporate pertinent control measures within the Village's Comprehensive Plan to comply with the Palm Beach County Manatee Protection Program~~

OBJECTIVE 1.6: The Village shall maintain measures regulating the management and mitigation of hazardous wastes and materials.

Policy 1.6.1: The Village shall maintain an ordinance regulating the storage and disposal of hazardous wastes and materials.

Policy 6.2: ~~The Village shall provide for management of hazardous wastes to protect natural resources through its local Haz Mat team.~~

Policy 1.6.23: The ~~Public Safety Fire Rescue~~ Department shall take any necessary actions, including clean-up, removal and/or abatement of hazardous substances discharged upon or into public or private property, or facilities within the Village. Further, any person or persons responsible for causing or allowing an unauthorized discharge of hazardous substances requiring the action of the Fire Rescue ~~Public Safety~~ Department, or its authorized agents, shall reimburse the Village for the full amount of all costs associated with investigating, mitigating, minimizing,



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removing and abating any such discharge, according to a payment schedule established by the Village.

OBJECTIVE 1.7: The Village of North Palm Beach will protect and conserve mangroves, wetlands and sea grasses to ensure that there will be no net loss of the existing natural resources within the Village.

Policy 1.7.1: Mangrove, wetlands and sea grass areas within the Village shall be deemed environmentally sensitive in recognition of their many natural functions and values, and, to further the public interest, shall be protected from incompatible land uses. The Village shall afford protection to all these resources regardless of size.

Policy 1.7.2: The definition of mangroves and wetlands to be used for regulatory purposes by the Village shall be the most comprehensive definition of the definitions of wetlands used by the South Florida Water Management District, the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers. Representatives of these agencies will be contacted for assistance in identifying the location of all wetland areas within the Village.

Policy 1.7.3: The location of mangrove, wetland, and sea grass areas shall be identified by survey at the time of a development application review. The Village shall not issue a development order or permit for a parcel until all such areas on and adjacent to the subject parcel have been identified and located.

Policy 1.7.4: No development, including residential development, shall be permitted within mangrove or other wetland areas unless project alternatives that would avoid mangrove and wetland impacts are unavailable and mitigation is provided by the applicant to offset adverse impacts. For purposes of this policy, sufficient mitigation is defined as that which is required by F.S. § 403.9332 ~~Florida Administrative Code Rules 17-312.300 through 17-312.390.~~

Policy 1.7.7: No pier, dock or walkway shall be located on submerged land which is vegetated with sea grasses except as is necessary to reach waters at a depth as prescribed by the State Department of Environmental Protection. The docking terminus shall not be located over a sea grass bed.

OBJECTIVE 1.8: Participate in the formulation and implementation of water supply conservation programs developed by Seacoast Utility Authority.

CONSERVATION



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Policy 1.8.1: Coordinate with Seacoast Utility Authority to implement potable water conservation programs established as part of its Consumptive Use Permit.

Policy 1.8.2: Cooperate with Seacoast Utility Authority in the development and implementation of water reuse programs, to the extent that they may apply to the Village of North Palm Beach.

Policy 1.8.3: Coordinate with Seacoast Utility Authority to maintain a water supply plan, updated every 10 years, which will identify the projected future demand and potential new sources.

OBJECTIVE 1.9: Encourage and promote green design techniques for new development, redevelopment and infill projects.

Policy 1.9.1 Water reduction through use of native vegetation, reduction in urban heat island effects by selecting alternative materials, and reduction in energy consumption through building systems and design.

Policy 1.9.2 Support creation of community gardens on Village owned property.

CONSERVATION



DATA & ANALYSIS

INTRODUCTION

Section 163.3177(6)(d), Florida Statutes, requires local governments to include a Conservation Element providing for the conservation, use, and protection of natural resources within its Comprehensive Plan. The Village of North Palm Beach’s (herein referred to as “Village”) greatest asset is the miles of waterways permeating most of the neighborhoods. This element will address not only the requirements of the State Statute but also the coastal resiliency measures needed to build along the water.

Urban resiliency has become an important goal for many local governments with the onset of climate change impacts such as rising temperatures, extreme weather events like drought or storms, sea level rise, and large volume precipitation events. Proactive adaptation planning calls for an innovative approach which plans for ecological conditions of the future and characterizes changing conditions along the coast. Conserving existing coastal habitats or encouraging habitats to recuperate where they have been lost can be instrumental in lessening the effects of storm surge, algae bloom events and erosion.

This element has been divided into three (3) sections consistent with the State Statute requirements: Inventory of natural resources, standards for conservation, and current and projected needs for the next 10 years.

INVENTORY AND STANDARDS OF CONSERVATION

Florida Statute 163.3177 (6)(d), requires eleven (11) principles, guidelines and standards for conservation within each municipality. These standards help identify the government agency involved in regulations and establish the procedures, environmental quality and current impacts to each of the listed subsections. Each section addresses the inventory of natural resources within the category and then assess the needs for inclusion in Goals, Objectives and Policies of the Conservation element.

A. Air Quality

The data collection and protection of local air quality is delegated to multiple governing bodies. Federal, state and county governments all have a stake in the air quality within the Village of North Palm Beach.

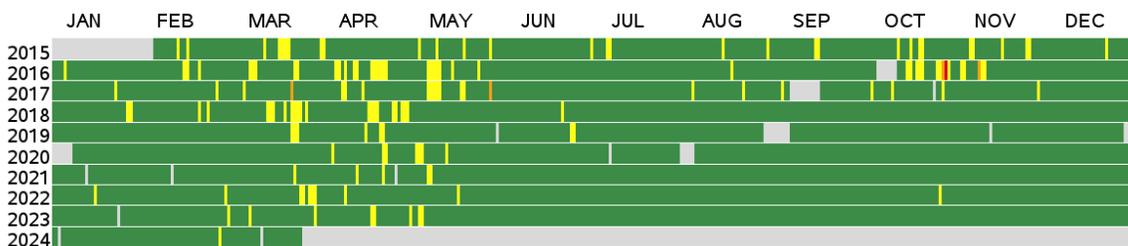
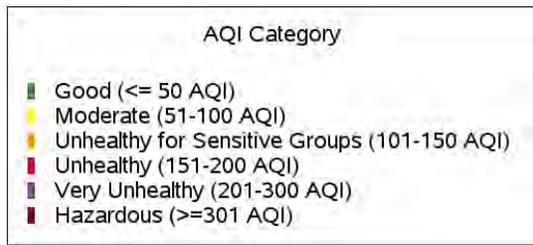
At the state and local level, the Florida Department of Health, in Palm Beach County (FDH-PBC) is responsible for maintenance of air quality standards. This department reviews permits for facilities emitting pollutants, conducts inspections, controls open burning, monitors asbestos abatement, and provides technical assistance to residents with indoor air pollution.



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At the federal level, the Environmental Protection Agency (EPA) is responsible for the administration of the federal air quality standards and enforcement of the Clean Air Act of 1970. The EPA monitors all harmful substances such as carbon monoxide, sulfur dioxide, total suspended particulates, nitrogen dioxide, ozone, and lead via four (4) air quality collection stations throughout Palm Beach County. Below is the data over the last 10 years at the Lantana station (the closest to the Village). The data is ranked according to the Air Quality Index (AQI) which identifies the overall level of harmful pollutants. Over this period, there are occasional levels of “moderate” or “unhealthy for sensitive groups” days, but the vast majority of days are “good”.



Link: <https://www.epa.gov/outdoor-air-quality-data/air-data-multiyear-tile-plot>

The Village has the ability to assist in ensuring adequate air quality for future generations by supporting various initiatives and programs to reduce the level of local air pollutants. Best Management Practices (BMPs) specified by the EPA and FDH-PBC support the regulation of open air burning, the installation of indoor carbon monoxide detectors, the reduction in individual vehicles emissions, and the encouragement of public transportation options. FDH-PBC has created the Pollution Prevention (P2) Coalition which seeks feedback from various industry representatives from agriculture, to industrial, waste management and power production to identify areas in which individual organizations can reduce emissions at the source and make a substantial impact to the local air quality.

The State of Florida Administrative Code (FAC 62-252.300) requires that all gas stations have a vapor recovery system to reduce the amount of gasoline vapors escaping into the air. Yearly certification of pumps by the Florida Department of Agriculture ensures they are compliant with the requirements. The Village Conservation Policy 1.5 states that the Village will participate in the county wide effort to require the systems and encourage monitoring. Because the State of Florida requires vapor recovery systems to get the pump certified, this policy is no longer needed.



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Needs: The Village should develop a working relationship with FDH-PBC to stay up to date on regulations and air quality requirements. Additionally, the Village should implement reduction of greenhouse gas emissions in Village operations, support residents driving less, and identify best management practices for maintaining good air quality.

B. Water Resources

This section is divided between two broad categories: surface and ground water. The surface waters include the Lake Worth Lagoon estuary, Atlantic Ocean, Intracoastal Waterway (ICW), C-17 Canal, residential canals and various drainage ponds. The ground water resources include the Floridan Aquifer and the Surficial Aquifer. Because most of these water resources extend far beyond the municipal limits of the Village, management responsibilities are shared with neighboring municipalities and Palm Beach County.

Surface

John D. MacArthur Beach State Park (JDMBSP) monitors and manages the Atlantic Ocean and the eastern half of the Lake Worth Lagoon within the Village’s municipal limits. The State Park Management Plan specifies the habitat resources, water quality and restoration efforts along the beaches and Lagoon. Palm Beach County, the Florida Department of Environmental Protection (FDEP), and the South Florida Water Management District (SFWMD) provide various regulations, monitoring stations and planning efforts to regulate water quality within the navigable waterways of the Village.

The Lake Worth Lagoon Management Plan was created by Palm Beach County Environmental Resources Management Department (PBC-ERM) in July 2021 to evaluate the entire Lake Worth Lagoon and plan for its future. In terms of water quality trends, the level of pollutants has decreased over the entire Lagoon, though it varies by location. There are three (3) major points of freshwater discharge into the Lagoon. The first is the C-51 Canal, between West Palm Beach and Lake Worth Beach which contributed to the most pollution. The second is the C-17 canal, also known as the Earman River, which outflows run off from industrial areas in West Palm Beach, Riviera and Lake Park before exiting to the Lagoon north of Northlake Blvd. The third is the C-16 canal collecting runoff from residential areas in Boynton Beach.

Monitoring stations are located around Munyon Island, the ICW and C-17 Canal to identify various levels of toxins and turbidity. The data is then used by the Village to satisfy the requirements of the National Pollutant Discharge Elimination System (NPDES) operated by FDEP. The Village is held accountable for the quality of the waterways and monitors all development activities near the water for compliance with required pollution levels.

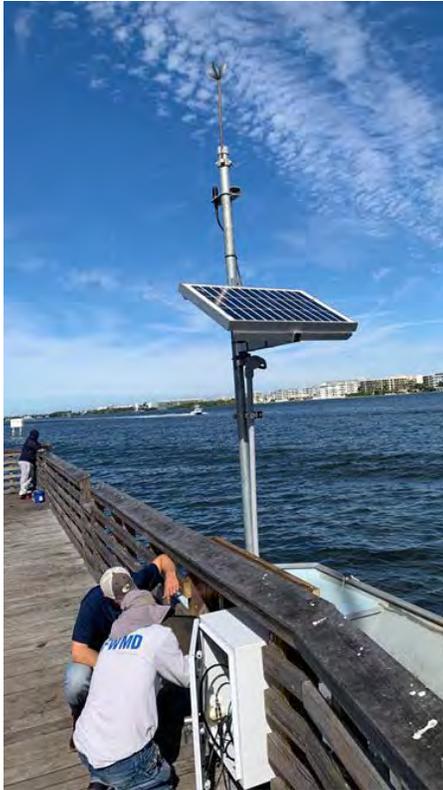
Village of North Palm Beach has established a fertilizer friendly ordinance, specified in Chapter 27, Article IV of the Village Code of Ordinances. The Village should continue to



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encourage the reduction in residential use of fertilizers during the wet season to reduce runoff to the waterways.

The Boats can also affect the water quality with gas and oil leaks, sewage discharge, and littering. Though sometimes difficult to enforce, the Village Police Department monitors the waterways for violations related to overt pollution acts by a vessel. Additionally, the Village restricts live-aboard boats, which will consistently discharge sewage to the waterways if not moved.



Ground

Seacoast Utility Authority (SUA) is the potable water and sewer provider for all properties within the municipal limits of the Village. SUA creates a water supply plan, as required by Florida Statute Section 163.3177(6)(c) 3, in conjunction with the SFWMD every 5 years to address the changes in demand and supply. The Village is currently in the process of updating its water supply plan in coordination with the recently adopted updates to the SFWMD data from 2023.

Wellfield protection zones have been established by Palm Beach County in areas near water intake wells as set forth in Article 14.B.6 of the County Unified Land Development Code. The Environment Resource Management Department has specified uses that are



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permitted within four (4) zones at varying distances to the wells and reviews all new land uses within these areas.

The zones have been mapped based upon travel time contours and one-foot drawdown contours. They are generated using a contaminant transport computer model that simulates pollutant movement using particles released around wells.

Zone one (1) is identified as the land between the well and a contour of 30 day travel time, Zone two (2) is between 30 day and 210 days, Zone three (3) is 210 days to 500 days and Zone four (4) is over 500 days, but within the one-foot drawdown.

All new development requires permitting and subsequent monitoring for compliance through Palm Beach County. SUA operates a water intake and treatment facility to the immediate west of the Village's municipal limits, but there are no intake wells within municipal limits. Many properties between Prosperity Farms Rd and Alternate A1A are within Zone four (4). Only properties on the west side of Alternate A1A are located within Zones Two and Three. A wellfield protection zone map has been created for reference (Map XX)

Needs: The Village should work with SUA to analyze potential pollutant discharges from underground tanks, sewage lines, and gas lines throughout the Village. All pollution measurements should be taken to identify sources, and then restrict them through regulation. Residential lawn pesticides and fertilizers, as well as stormwater runoff from pools and patios result in higher levels of pollutants. Educational efforts to residents, as well as increased regulations and monitoring are supported. The Lake Worth Lagoon Management Plan specifies the creation of stakeholder groups, increased monitoring of water quality and establishing BMPs to better the quality of the waterways.

C. Emergency Conservation of Water Resources

The South Florida Water Management District Water Shortage Plan has been created for the planning of potential impacts to the water supply in times of drought, infrastructure losses or other natural disasters. The Village will be required to follow the Water Shortage Plan, as well as direction from SUA as the water utility provider, in times of emergency.

D. Conserve Soils

The United States Geological Survey maintains data on the underlying soils of the Village as reflected in Map XX attached. The developed area of the Village is mainly comprised of Arents (40%), Quartzipsamments (22%), and Basinger (11%), with smaller pockets of various other soil types, including muck and tidal soils within MacArthur State Park.

Erosion Factor K indicates the susceptibility of a soil to sheet and rill erosion by water. Generally, east of Prosperity Farms road, the soils have a K-Factor of 0.02, the lowest score



possible. The Basinger soils to the west of Prosperity Farms Rd. have a slightly higher erosion factor of 0.05. Though erosion levels of the soil, type is low, shorelines and elevation changes will erode during storm events. The banks of the Earman River are much high than the water level. Where there are not mature plant, material to keep the banks stabilized, erosion has been identified to varying degrees. Lakeside Park often sees erosion of the natural shoreline after storm events and the Village has recently bolstered the dune with native grasses. A map has been created to identify the areas of erosion, **Map XX**

No commercially valuable minerals are being mined or extracted in the North Palm Beach Planning Area. Some concentrations of coquina, dolomite, and sand exist below the surface but are located in developed areas.

Needs: The Village should continue to identify the hazards involved with soil erosion near the waterways. Though there is not much terrain or soils with high K factors, storm events can erode seawalls and embankments. There are no significant mining or agricultural operations within the Village limits that would diminish soil quality over the long term.

E. *Wildlife Habitats*

The only areas of natural habitat are located within the JDMBSP and the waterways. The JDMBSP management plan lists the following endangered species within its boundaries:

Reptiles

- Loggerhead sea turtle (*Caretta caretta*)
- Green sea turtle (*Chelonia mydas*)
- Leatherback sea turtle (*Dermochelys coriacea*)
- Gopher Tortoise (*Gopherus polyphemus*)

Mammals

- Florida Manatee (*Trichechus manatus latirostris*)

Birds

- Woodstork (*Mycteria americana*)
- Piping plover (*Charadrius melodus*)
- Little blue heron (*Egretta caerulea*)
- Reddish egret (*Egretta rufescens*)
- Snowy egret (*Egretta thula*)
- Tricolored heron (*Egretta tricolor*)
- Swallow-tailed kite (*Elanoides forficatus*)
- White ibis (*Eudocimus albus*)
- Merlin (*Falco columbarius*)
- Peregrine falcon (*Falco peregrinus*)
- Southern bald eagle (*Haliaeetus leucocephalus*)
- Worm-eating warbler (*Helmitheros vermivorus*)
- Osprey (*Pandion haliaetus*)



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- Brown pelican (*Pelecanus occidentalis*)
- Black skimmer (*Rynchops niger*)
- American redstart (*Setophaga ruticilla*)
- Least tern (*Sterna antillarum*)

Fish

- Mangrove rivulus (*Rivulus marmoratus*)

The Village should support the continued designation of Manatee Protection Zones in the ICW and surrounding waters and the posting of manatee warning signs informing boaters that this species may be present. There are two State established Manatee Protection Zones that make up the waters of



the Lake Worth Lagoon which require boaters to operate at lower speeds. These zones are defined in Chapter 68C-22.009, Florida Administrative Code. The Village is frequently used by the Florida Fish and Wildlife Conservation Commission and other agencies as an area for rehabilitated manatees to be released back into the wild.

There are six imperiled plants found within the Village limits, according to the JDMBSP Management Plan:

1. Golden leather fern (*Acrostichum aureum*)
2. Sea lavender (*Argusia gnaphalodes*)
3. Johnson's seagrass (*Halophila johnsonii*)
4. Burrowing four-o'clock (*Okenia hypogaea*)
5. Hand Fern (*Ophioglossum palmatum*)

Needs: Although the Village does not own and operate any natural area, many of the listed species of concern above will travel throughout the area and roost on the golf course or wade in the retention ponds. The Village should evaluate all potential locations of nesting birds, gopher tortoise burrows, or endangered plants on Village property and support their survival. All new development and redevelopment of existing properties should incorporate native plant materials to serve as habitat for native species.



F. *Natural Areas*

There are no natural areas within the municipal limits owned and maintained by the Village, but a significant area of JDMBSP is comprised of maritime hammock, beach dune, and mangrove swamp habitats that are preserved by the State of Florida and designated as Conservation on the Village's Future land use **map XX**

Beaches and Sand Dunes

All of the **XX** acres of beach and dune areas are located within the boundaries of John D. MacArthur Beach State Park (JDMBSP) and are managed by the State of Florida. The JDMBSP Management Plan has been created with the goal of establishing processes for providing access to the general public while also preserving the viability of the sand dunes for storm surge protection.

Beach dune is a coastal mound or ridge of unconsolidated sediments found along shorelines with high-energy waves. Vegetation will consist of herbaceous dune forming grass species such as sea oats (*Uniola paniculata*) and sand cordgrass (*Spartina alterniflora*). The dunes range from a few feet above sea level to 20 feet tall.

They are classified by the JDMBSP Master Plan as good in the northern area where some sections have eroded and excellent in the southern end where wider sections of dune habitat exist.



Maritime Hammock

Maritime hammock is a coastal evergreen hardwood forest occurring in narrow bands along stabilized coastal dunes. Canopy species will typically consist of live oak (*Quercus virginiana*), red bay (*Persea borbonia*), and cabbage palm (*Sabal palmetto*). The canopy will typically be dense and often salt spray pruned. Understory species may consist of yaupon holly (*Ilex vomitoria*), saw palmetto (*Serenoa repens*), and/or wax myrtle (*Myrica cerifera*). Herbaceous groundcover will be very sparse or absent.



Mangrove Swamp

A mangrove swamp is typically characterized as a dense forest occurring along relatively flat, low wave energy, marine, and estuarine shorelines. The dominant overstory will include red mangrove (*Rhizophora mangle*), black mangrove (*Avicennia germinans*), white mangrove (*Laguncularia racemosa*), and buttonwood (*Conocarpus erectus*).

The estuaries of the Lake Worth Lagoon contain brackish water and less consistent wave action resulting in the ability for native plant material to propagate. The majority of this habitat is found within JDMBSP, but there are several instances of small mangrove clusters, such as the south shore of Anchorage Park along the Earman River.

G. Local Government cooperation

The Lake Worth Lagoon is the only natural resource shared by other local municipalities and requires similar regulations to preserve the ecosystem and environmental benefits. The Lagoon is approximately 20 miles long. Palm Beach County coordinates the Lake Worth Lagoon Management Plan, last updated in July of 2021. The Plan seeks to connect stakeholders, initiate best management practices, monitor pollutant sources, and manage freshwater inflows. The Village should continue to support actions specified in the Lagoon Management Plan, especially as they relate to Village owned properties by encouraging the planting native of vegetation and restoring habitat where feasible.



H. Environmentally Sensitive Lands

There are no environmentally sensitive lands owned by the Village, but JMDBSP lands have a conservation designation according to the Future Land Use Map (map xx). Within the Lake Worth Lagoon, seagrass habitat has been destroyed by boat traffic and dredging over many years. Seagrass is one of the main food sources for manatees and a stable supply is crucial for their population survival. Additionally, seagrasses are effective in removing pollutants and excess nutrients from the water. The Lake Worth Lagoon Management Plan has established seagrass monitoring locations to assess the stability of the habitat. The latest management plan reported slightly declining seagrass areas over the period of 2013 to 2018.

FDEP has established dredging and development rules in 62-330, Florida Administrative Code. All proposed private and commercial docks shall submit a request to FDEP staff to



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analyze impacts to the existing seagrass beds. Each permit is reviewed on a case-by-case basis to allow marine vessel access to an upland property, while preserving the maximum amount of seagrass.

I. Hazardous Waste

FDH-PBC Hazardous Waste Program provides services to protect the citizens and visitors of Palm Beach County from adverse health effects attributable to improper generation and disposal of hazardous waste. Waste is classified as hazardous waste if it is specifically listed by EPA, or if the waste exhibits one or more of the following characteristics: ignitability, corrosiveness, reactivity, or toxicity. This program provides oversight of the generation and management of hazardous waste in Palm Beach County. Commercial facilities such as automotive body and repair shops, dry cleaners, laboratories, and hospitals generating hazardous waste are inspected for compliance and permitted through the County.

	Business	Owner	Address	Remediation Status
Dry Cleaners	L & M Dry Cleaners	John DBols Separate Property Trust	210 US Highway 1	Open
	Sun Cleaners	Crystal Cove Commons, LLC	1201 US Highway 1	Hold
Automobile Service Station	Rocket Fuel	Izquierdos, LLC	100 US Highway 1	Active
	Mobile 1 Lube Express	Surfside Realty Group	9012 Alternate A1A	Active
	North Palm Beach Public Works	Village of North Palm Beach	645 Prosperity Farms Rd	Active
	Wheel Inn Seventy Six	Benjamin Private School, Inc.	11011 US Highway 1	Active

Source: Florida Department of Environmental Protection

There are no superfund sites within the municipal limits of North Palm Beach, but there are six (6) sites identified by FDEP as active in remediation efforts of various contaminants discharged on the property. The properties include two (2) dry cleaners and four (4) are automobile service stations. The properties deemed “active” are annually monitored by FDEP to confirm on-going compliance to a site that had previous violations. The “open” status means actions are currently being taken to remediate a contaminant.

J. Wetlands

There are no freshwater wetlands within the municipal limits according to the SFWMD, but there are three mangrove swamps established with a conservation easement: 1) The tidal waters of the Sanctuary Cove Apartments (1000 Sanctuary Cove Dr), 2) an easement encompassing the south shoreline of Anchorage Park; 3) the entirety of JDMBSP.



K. Land uses

The Village has established a Conservation land use category that applies only to the JDMBSP. The intent of this land use category is to conserve or protect natural resources of environmental quality. The following uses are permitted within this land use category:

1. Passive recreation;
2. Flood control;
3. Protection of quality or quantity of ground water or surface water;
4. Floodplain management;
5. Fisheries management;
6. Protection of vegetative community or wildlife habitats;
7. Residential and administrative buildings for the protection of the OS district;
8. Single-family dwellings with accessory buildings customarily incidental thereto.

All other future land uses allocate density and intensity to parcels of land. The Village should seek to locate compatible land uses adjacent to natural areas, parks and areas with potentially sensitive species. Uses such as gas stations, concrete plants, and industrial storage facilities known to cause environmental impacts should be restricted to areas away from Wellfield Protection Zones and waterways as much as feasible.

ANALYSIS AND RECOMMENDATIONS

The following categories have been provided as a summary of the recommended additions to operations or policies within the Village of North Palm Beach:

Protecting Air Quality-

- Eliminate open air burning, including yard waste and trash;
- Encourage reduction of fossil fuels in all Village operations;
- Coordination with other municipalities and government agencies, including FDH-PBC, to reduce airborne particulates within Village limits.

Protecting Water quality-

- Work with Palm Beach County to enact the recommendations of the Lake Worth Lagoon management Plan;
- Monitor the Village's stormwater system and enact updates in accordance with the stormwater master plan.
- Contribute to the NPDES reporting and reduction of pollutants in the waterways;
- Encourage less fertilizer usage from residential and village facilities along waterways.

Protection of Soils-

- Discourage harmful land uses that could cause chemical leaks and other hazardous spills;
- Aid PBC ERM in monitoring uses within wellfield protection zones;
- Enact erosion control measures along Village shorelines.

Protection of Habitat-

- Continue to support the environmental education and habitat management programs at John D MacArthur Beach State Park;



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- Support the increase of seagrass populations by limiting dredging and development within known areas;
- Support the efforts of the Lagoon Management Plan where feasible;
- Encourage slow speeds for manatees throughout the Village waterways;
- Planting of native species for habitat restoration on Village properties

Overall development patterns-

- Discourage incompatible land uses near the waterways and wellfield zones;
- Monitor potential hazardous waste sites;
- Encourage natural area preservation, as opportunities arise, during the entitlement process for all development.

CONSERVATION



Memo

To: Planning, Zoning and Adjustment Board

Thru: Caryn Gardner-Young, Community Development Director

From: JMorton Planning and Landscape Architecture

Date: June 4, 2024

Re: Recreation and Open Space Element- EAR to the Comprehensive Plan

JMorton Planning and Landscape Architecture has been hired by the Community Development Department to analyze and update the Recreation and Open Space Element of the Comprehensive Plan. The Recreation and Open Space Element address the accessibility, quality, location and amenities at the public facilities of the Village. The requirements of the Element are stated in Florida Statute Sec.163-3177(6)(e). This EAR seeks to satisfy the requirements by providing the attached Goals, Objectives, and Policies (GOPs) and Data and Analysis documents.

Changes to the existing Recreation and Open Space Element have been proposed based on discussions with staff, presentation at the Recreation Advisory Board, review of the 2021 needs assessment and review of the 2024 general survey to residents.

The following changes have been proposed to the GOPs:

- Create Policy 1.2- Creation of a Parks Master Plan to assess needs.
- Create Policy 2.2- Encourage adopt a park program for additional funding from residents and organizations.
- Create Policy 2.3- Requirement of impact fees.
- Amend Policy 5.1- Removal of previous level of service standards in place for overall level of service at 4.15 acres per 1000 residents.
- Create Objective 6- Assessment of opportunities for youth sports
- Create Policy 6.1- Identify gaps in current service of regional youth sports leagues.
- Create Policy 6.2- Provide opportunities for residents and public to use Village facilities outside of a formal Village recreational program.
- Amend Policy 7.1- removing the requirement of entering into an agreement with the Benjamin School and instead encourage joint use if feasible.
- Remove Policy 7.2- Enforce the dedication of recreation and open space as there is now a requirement for impact fees and the ordinance only includes the dedication language in the subdivision section.
- Create Policy 7.2- Create plans for individual parks.
- Create Objective 8 and Policy 8.1- Providing language for the Village of North Palm Beach Library and supporting sharing of resources with other County libraries.
- Create Objective 9 and Policies 9.2, 9.2 and 9.3- to enhance bicycle and pedestrian networks: investigate the need for bicycle and pedestrian master plan, encourage dedication of trail connections and identify gaps in service.

- Create Objective 10 and Policy 10.1- Maintain North Palm Beach Country Club and create a strategic plan for continued operations.
- Remove Table 9.1- The individual uses per person is an antiquated tool which was currently not in compliance for amenities like shuffleboard and do not include other sports such as pickleball. This is being replaced with the level of service in Policy 5.1.

The following items have been provided in the Data and Analysis:

1. Establishing an inventory of existing parks and recreation areas. Creation of four (4) different types of publicly accessible parks: parklets, neighborhood and community parks, regional facilities and other.
2. Identify additional recreational amenities including schools, public streets, private recreation within condominiums and neighborhoods and the waterways.
3. Provide information and analysis from the needs assessment, including a previously completed survey of park facilities.
4. Create the level of service for the entire Village.

This Element's two (2) associated maps will be provided prior to the August meeting. They include the existing parks facilities and school locations. There are no Florida Statute required maps associated with this element. The Goals, Objectives, & Policies will be forwarded to the State of Florida Department of Economic Opportunity along with the Data & Analysis.

ATTRACTIVE AND ENVIRONMENTALLY-FRIENDLY COMMUNITY

9.0 RECREATION AND OPEN SPACE

9.1 INTRODUCTION

~~The Recreation and Open Space requirement was repealed by the Florida Legislature in 1996. However, Chapter 163.3177, (7)(k), Florida Statutes permits a local government to include additional elements, which are deemed necessary by the local government, upon recommendation of the Local Planning Agency (LPA).~~

~~Due to the importance of recreational facilities to the character of North Palm Beach, the Village has determined it necessary to maintain the Recreation And Open Space element within the Comprehensive Plan.~~

~~A summary of the data, analysis and support documentation necessary to form the basis for Recreation and Open Space goal, objectives and policies is presented in Chapter 9 of the Village of North Palm Beach, Florida Comprehensive Plan Support Documentation report dated 1999, Village of North Palm Beach Evaluation and Appraisal Report dated 2007, the U.S. Highway 1 Corridor Study, dated 2008, and the EAR-Based Amendment Support Documentation dated 2009.~~

9.2 VILLAGE GOAL STATEMENT

~~Ensure that the existing and future recreation and open space facilities and programs are maintained and improved in order to meet current and projected needs of Village residents.~~

CHAPTER 9 RECREATION AND OPEN SPACE

GOALS, OBJECTIVES, AND POLICIES

GOAL 1: To ensure adequate recreation and open space opportunities for all sectors of the community and enhance the quality of life North Palm Beach offers through the development of attractive parks, recreation facilities, and open spaces.

OBJECTIVE 1.1: Maintain, annually review, and update as necessary, the master development program for all Village recreation facilities.

Policy 1.1.1: On an annual basis, review each existing recreation facility in terms of its recreation development potential by analyzing existing uses, parking areas, condition of facilities and site design characteristics.

Policy 1.1.2: The Village shall investigate development of a Parks Master Plan to assess desired and needed recreation amenities.

OBJECTIVE 1.2: All existing recreation facilities shall be maintained, as financially feasible, at a level equivalent to that which is currently in use evidence.



ATTRACTIVE AND ENVIRONMENTALLY-FRIENDLY COMMUNITY

RECREATION & OPEN SPACE

Policy 1.2.1: Provide maintenance program funding for existing and future recreation facilities through the annual budgeting process, including an annual review of facility condition, and user and permit fees.

Policy 1.2.2: Encourage “adopt a park” program to be utilized by various neighborhood groups and organizations.

Policy 1.2.3: Enhance parks facilities by establishing a requirement for development impact fees.

OBJECTIVE 1.3: Plan for the provision of facilities in advance of their actual need.

1

Policy 1.3.1: Maintain a five-year Capital Improvement Program for recreation facilities based upon the results of the annual review completed pursuant to Policy 1.1.

Policy 1.3.2: Long-range recreation improvements for land and facilities shall be based upon projected needs of the buildout population

Policy 1.3.3: Continue to require recreational site dedications for new developments as currently required by the Subdivision Ordinance.

OBJECTIVE 1.4: Review leisure programs, on an annual basis, in conjunction with the Village budget procedure as a means of meeting current resident needs.

Policy 1.4.1: Continue to expand library cultural programs to include all ages.

Policy 1.4.2: Continue to plan expansion of all programs to satisfy population increases with the aid and advisement of citizen advisory boards.

OBJECTIVE 1.5: Establish Level of Service Standards for recreation facilities and open spaces within the Village.

Policy 1.5.1 ~~Level of Service Standards, per Table 9-1, shall be maintained for recreation and open space facilities within the Village and incorporated within the Village Land Development Regulations.~~ A level of service standard shall be maintained at the current level of development: 4.15 acres of neighborhood and community park space per 1000 residents.

Policy 1.5.2: Specific open space definitions consistent with Level-of-Service Standards shall be maintained within Village Land Development Regulations.



ATTRACTIVE AND ENVIRONMENTALLY-FRIENDLY COMMUNITY

OBJECTIVE 1.6: Reserved. Identify and assess opportunities for enhanced youth sports activities.

Policy 1.6.1: Identify gaps in service within the regional youth sports leagues, which are not being provided by neighboring municipalities.

Policy 1.6.2: Provide opportunities for residents and general public to utilize Village facilities, which may operate independently of the Village Recreational programs.

OBJECTIVE 1.7: Increase the existing capacity inventory of recreation and areas open space facilities by coordinating public and private resources.

Policy 1.7.1: Enter Assess the viability of entering into an agreement with The Benjamin School public and private schools for the joint use of the football/soccer athletic fields as future needs dictate.

Policy 1.7 .2: Development of park sites shall be consistent with specific plans designed to:

- A) Achieve cost efficiency;
- B) Fulfill the spatial and functional needs of the intended uses;
- C) Enhance the appearance of the Village;
- D) Establish highly visible Village points of interest, which create a sense of community.
- E) Provide accessibility to all residents.

Enforce open space and recreation site dedications as required by the zoning and subdivision ordinance through the Village Land Development approval process.

OBJECTIVE 1.8: Provide access to library resources for all Village residents.

Policy 1.8.1: Continue to encourage the equitable inter-community sharing of recreational and library facilities.

OBJECTIVE 1.9: The Village shall improve and enhance access to parks, recreation and community facilities by establishing connections to activity centers and neighborhoods through sidewalks and enhanced streetscapes by developing a Village trail system.

Policy 1.9.1: Investigate the need for a Bicycle and Pedestrian Plan

Policy 1.9.2: Gaps in pedestrian connectivity shall be identified and provided for through established Village rights-of-way and properties.



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Policy 1.9.3: Private entities shall be encouraged to dedicate access easements to the Village as necessary to create connections identified in a Bicycle and Pedestrian Plan.

OBJECTIVE 1.10: Maintain the North Palm Beach Country Club open to the public.

Policy 1.10.1: Consider creation of a strategic plan to identify fiscal and operational sustainability of the Country Club facilities.

TABLE 9-1

RECREATION AND OPEN SPACE

LEVEL OF SERVICE STANDARDS TABLE

Classification Area/Activity	Standard (unit/population)
Neighborhood Parks	2 acres/1,000
Community Parks	2 acres/1,000
Beaches	1 mile/31,250
Marinas	1 slip/2,500
Boating	1 ramp/6,250
Golf Courses	9 holes/30,000
Swimming	1 pool/31,250
Tennis	1 court/2,500
Basketball	1 court/2,500
Shuffleboard	1 court/6,250
Baseball/Softball	1 field/7,200
Football/Soccer	1 field/4,800
Handball/Racquetball	1 court/6,000
Playground Areas	1 area/3,600
Volleyball	1 court/7,200

RECREATION & OPEN SPACE



DATA & ANALYSIS

INTRODUCTION

The Village of North Palm Beach ("Village") was established in 1956 as an award winning master-planned community, containing three neighborhood parks within single family neighborhoods. By 1963, the municipal golf course was established and over the decades, additional facilities have been included to further bolster the quality of life for the residents of the Village.

The recreational facilities owned and operated by the Village currently total 198 acres, including the Community Center, the North Palm Beach Country Club, and Anchorage, Lakeside and Osborne parks. Forty-seven (47) acres are maintained by the Leisure Services Department which was created in 2022 as a combination of the Library and Parks & Recreation Departments. The Leisure Services Department is funded entirely by the general fund, generated from taxes and service fees levied by the Village. Grant funding is available for specific maintenance and facility upgrades but varies by year. For fiscal year 2023, Leisure Services expended \$2,893,594.

The North Palm Beach County Club totals 151 acres and is a publicly accessible golf course owned and operated by the Village. The Country Club Department maintains the 18-hole golf course, clubhouse, community pool and tennis center. Funding is entirely through user fees, memberships and sales of food and equipment at the clubhouse.

The Village's advantageous location along the Intracoastal Waterway and the Lake Worth Lagoon provides many opportunities for residents to participate in the outdoors and experience the tropical climate of South Florida. Many of the Village's facilities lie along the waterways with access to swimming, fishing, boating and wildlife viewing contributing to the Village's motto, "the best place to live under the sun".

INVENTORY OF RECREATION AND OPEN SPACE FACILITIES

The following inventory of parks, open spaces, and recreation facilities is prepared in compliance with state requirements (Florida Statute 163.3177). The Village's classifications are comparable to both Palm Beach County and the State of Florida classifications for open space and recreation, and provide for the necessary modifications tailored to the unique features of the community and the Leisure Services Department's operations. The Recreation and Open Space Element of the Palm Beach County Comprehensive Plan was most recently updated by way of Ordinance Number 2012-22, effective 08/31/12. The element recognizes four (4) categories of public recreation: Countywide(Regional, Beach and District), Local-Level(Community and Neighborhood), Open Space, and Recreational & Cultural.



ATTRACTIVE AND ENVIRONMENTALLY-FRIENDLY COMMUNITY

RECREATION & OPEN SPACE

The Village of North Palm Beach maintains a variety of recreation opportunities over 198 acres of park land located within the Village. The Village's parks and recreational facilities consist of athletic fields, community centers, parks & open spaces, playgrounds, beaches, a community garden and waterway access for boating and fishing. Map 1 reflects the location of all public recreation and open space facilities in the Village. The following inventory of the existing Village facilities are categorized into four (4) sections (Parklets, Neighborhood & Community Parks, Regional Parks, and Other) ranging in level of services provided and number of patrons anticipated to be served as well as level of Village involvement in managing the services. All property sizes were provided by the Palm Beach County Property Appraiser.



1. Parklets

Parklets are generally defined as facilities less than one (1) acre in size and provide a basic level of service with passive recreational activities. Typically located within residential neighborhoods to serve the immediate residents, these facilities may be maintained by the Village or private entities, but open to the general public. There are no active recreational uses, but they serve as green spaces to sit or walk within. There are currently two (2) properties within the Village that operate as a parklet: Prosperity Village Open Space and Monet Road Open Space. Prosperity Village Open Space contains a bench while Monet Road Park has no definable facilities.

Both properties are further specified in Table 1 below:

TABLE 1

Open Space	Acreage	Benches
Prosperity Village	0.07	1
Monet Road	0.15	--
Total	0.22	1



2. Neighborhood and Community Parks

Neighborhood and Community Parks are defined as facilities over one (1) acre in size and are located along collector roads with parking areas to capture a larger portion of the population than persons residing in the immediate vicinity. These properties may have athletic fields for organized sports as well as restrooms. They will typically serve a larger neighborhood or multiple small neighborhoods. All operations are open to the general public and maintained by the Village of North Palm Beach. There are currently six (6) facilities that meet the definition of Neighborhood & Community Parks, including the Country Club pool and tennis facilities used by residents daily and operate similarly to the other neighborhood and community parks.



Table 2 specifies the amenities at each park facility. Clarification of some of the categories is provided as follows. All courts are outdoor. The Swimming Pool is accessible for an entrance fee. Memorials are defined as having a plaque, small plaza, bench and flagpole. Indoor Multipurpose Space is defined as a room available for use for indoor sports, exercise classes, or organized events. The Community Center has wooden court flooring that can be used for various sports such as indoor basketball, volleyball, badminton, etc. The facilities at Anchorage Park and Osborne Park are much smaller and geared towards group classes and activities. Trails may be mulched or paved and can include fitness equipment.



TABLE 2

Facility	Acreage	Playground	Tennis Court	Basketball Court	Volleyball Court	Soccer/ Football Field	Baseball/ Softball Field	Swimming Pool	Boat Ramp/ Kayak Launch	Fishing Dock
Anchorage Park	21.5	1	2	--	4	--	1	--	1	2
Lakeside Park	5.7	1	--	1	1	--	--	--	--	1
Osborne Park	6.9	1	--	1	--	--	2	--	--	--
Veterans Park	0.4	--	--	--	--	--	--	--	--	--
Community Center	12.7	1	--	3	1	3	1	--	--	--
Country Club Tennis and Pool	6.0	1	10	--	--	--	--	1	--	--
Total	53.2	5	12	5	6	3	4	1	1	3

Table 2 (Cont.)

Facility	Memorial	Dogrun	Pavilion	Community Garden	Batting Cage	Racquetball/ handball	Indoor Multipurpose space	Ampitheater	Restrooms	Trails
Anchorage Park	--	3	9	--	--	--	1	--	2	1
Lakeside Park	--	--	2	--	--	--	--	--	--	1
Osborne Park	1	--	2	1	2	6	1	--	2	--
Veterans Park	1	--	--	--	--	--	--	1	--	--
Community Center	--	--	1	--	--	--	1	--	3	1
Country Club Tennis and Pool	--	--	2	--	--	--	--	--	2	--
Total	2	3	16	1	2	6	3	1	9	3



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3. Regional Facilities

Regional facilities are defined as facilities over ten (10) acres in size and serving as a destination for residents of Northern Palm Beach County. Though these types of parks typically contain large athletic fields, or nature trails, the Village's single Regional Facility is the North Palm Beach Country Club. The 18-hole golf course is owned by the Village and operated by the Country Club Department with paid entry to the general public. Near the golf course is a practice putting green, chipping green and driving range. Players also have access to a pro-shop and locker rooms. Reduced fees to use the course are available to residents and individuals with memberships. The clubhouse was rebuilt in 2019, after over 60 years in operation. The new building includes a restaurant and event venue overlooking the golf course.



Table 3

Facilities	Acreage	Golf Course	Trails	Restaurant	Restrooms
North Palm Beach Country Club	144.9	1	1	1	3
Total	144.9	1	1	1	3

4. Other Parks

John D. MacArthur Beach State Park (JDMBSP) is the only public recreational facility within the municipal limits of North Palm Beach, not operated by the Village. Though similar to a Regional Facility, serving as a destination for residents of northern Palm Beach County, JDMBSP receives separate funding and is regulated by the State of



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Florida. The Florida Department of Environmental Protection created a John D. MacArthur Beach State Park Management Plan ("Management Plan"), last updated on August 26, 2020. The Management Plan establishes an inventory of habitat and facilities, specifies programs for habitat preservation and public outreach, and outlines upgrades to facilities over time. There is an individual entrance fee for the general public. Memberships to all of Florida State Parks are available as well. Table 4 specifies the many unique amenities offered in the park, including a nature center, kayak & paddleboard rentals, nature trails and beach access.



Table 4

Facilities	Acreage	Playground	Swimming- open water	Boat Ramp	Fishing	Kayak/ Paddleboard	Trails	Pavilion	Restrooms
John D. McArthur Beach State Park	436.39	1	1	2	3	1	5	8	5
Total	436.39	1	1	2	3	1	5	8	5

OTHER RECREATIONAL FACILITIES

Schools

There are three (3) schools with athletic facilities within the municipal limits of the Village of North Palm Beach. The Conservatory School is the only public school, serving students in kindergarten through 8th grade. St. Clare Catholic School and the Benjamin School are both private, serving students in kindergarten to 8th grade. There is currently an agreement only with the Conservatory School for mutual usage of their facilities. Agreements are common between local governments and the Palm Beach County School District, but less common with private schools. The indoor gymnasiums are similar to the Village Community Center Indoor multipurpose space, which may include basketball, volleyball, etc. The basketball courts column is specifically limited to those provided outdoors. Where multiple playgrounds are provided, they are for different age groups.



Table 5

Facility	Acreage	Playground	Indoor Gymnasium	Basketball court	Soccer/ Football field	Baseball/ Softball field
Conservatory School (Public K-8)	9.9	2	1	2	--	1
The Benjamin School (Private, K-8)	14.7	2	1	3	1	--
St. Clare Catholic School (Private K-8)	15.9	1	1	2	1	1

Private- Residential

Private recreation is defined as recreational facilities provided by independent residential developments. Many citizens have their recreational needs met in their neighborhood by private recreation amenities. An awareness of private recreational supply is a meaningful consideration to public recreational planning and service delivery. It should also be noted that the Village is supportive of these private facilities.

Streets and Sidewalks

Sidewalks provide a commonly used, but often forgotten, recreational amenity to most of the residents. All of the single family neighborhoods have sidewalks provided along at least one side of the street. Pedestrian accessibility is key to providing accessible parks and recreation facilities. If provided within the public right-of-way, the Village ensures the sidewalks are cleared of debris and, unimpeded by vehicles, and fixes cracks from adjacent trees. Though the street edges are designed as swales for stormwater drainage, certain species of trees are permitted and provide beneficial shade to pedestrians. The full list of allowed trees, subject to locational approval by the Public Works Director, is available in Section 27-18 of the Village Code of Ordinances.



Waterways

North Palm Beach was designed to provide waterway access to as many residents as possible, whether they live on the water or near it. Lakeside Park, Anchorage Park, the Golf Course, and JDMBSP all front a different waterbody with varying levels of usability. Lakeside Park has a beach, but no swimming or boat launching. Anchorage Park has boat launching for motorized vessels, kayaks and the North Palm Beach rowing club with a fishing dock.

Though the Village maintains the residential canals through various dredging efforts, individuals are allowed to clear the area around a mooring location immediately adjacent to their property. The Intracoastal Waterway main channel is maintained by the Florida Inland Navigation District. The Lake Worth Lagoon is monitored for various water quality metrics and habitat conditions by the State of Florida within JDBMSP and by Palm Beach County elsewhere. The Earman River is maintained by South Florida Water Management District for stormwater control. Through this intergovernmental joint effort in maintenance, the waterways are navigable, clear of debris and monitored for safe usage by the general public.

EXISTING CONDITIONS

The Village currently maintains 198.1 acres of neighborhood and community parks as well as the North Palm Beach Country Club (Table 6). With 12,862 residents estimated in 2022 per Palm Beach County Planning Division, there is a current ratio of 15.4 acres of park lands per 1000 residents. An overall list is provided below.

Table 6

Facilities	Acreage
Anchorage Park	20.6
Lakeside Park	7.0
Osborne Park	6.9
Community Center	12.7
Veterans Park	0.4
Country Club Tennis and Pool	5.2
North Palm Beach Country Club	145.7
Total	198.5

A needs assessment was completed in 2021 by Barth Associates to identify existing facilities and potential expansion of services. An online survey was sent out to all residents with 751 participating. Additionally, interviews and focus group meetings were conducted with 61 participants. The findings were presented to the Village Council on November 18, 2021. The following information has been taken from the needs assessment.

The existing Level of Service (LOS) for the Village was established as the ratio of all public park spaces (minus the golf course) per 1,000 residents (using 2020 census

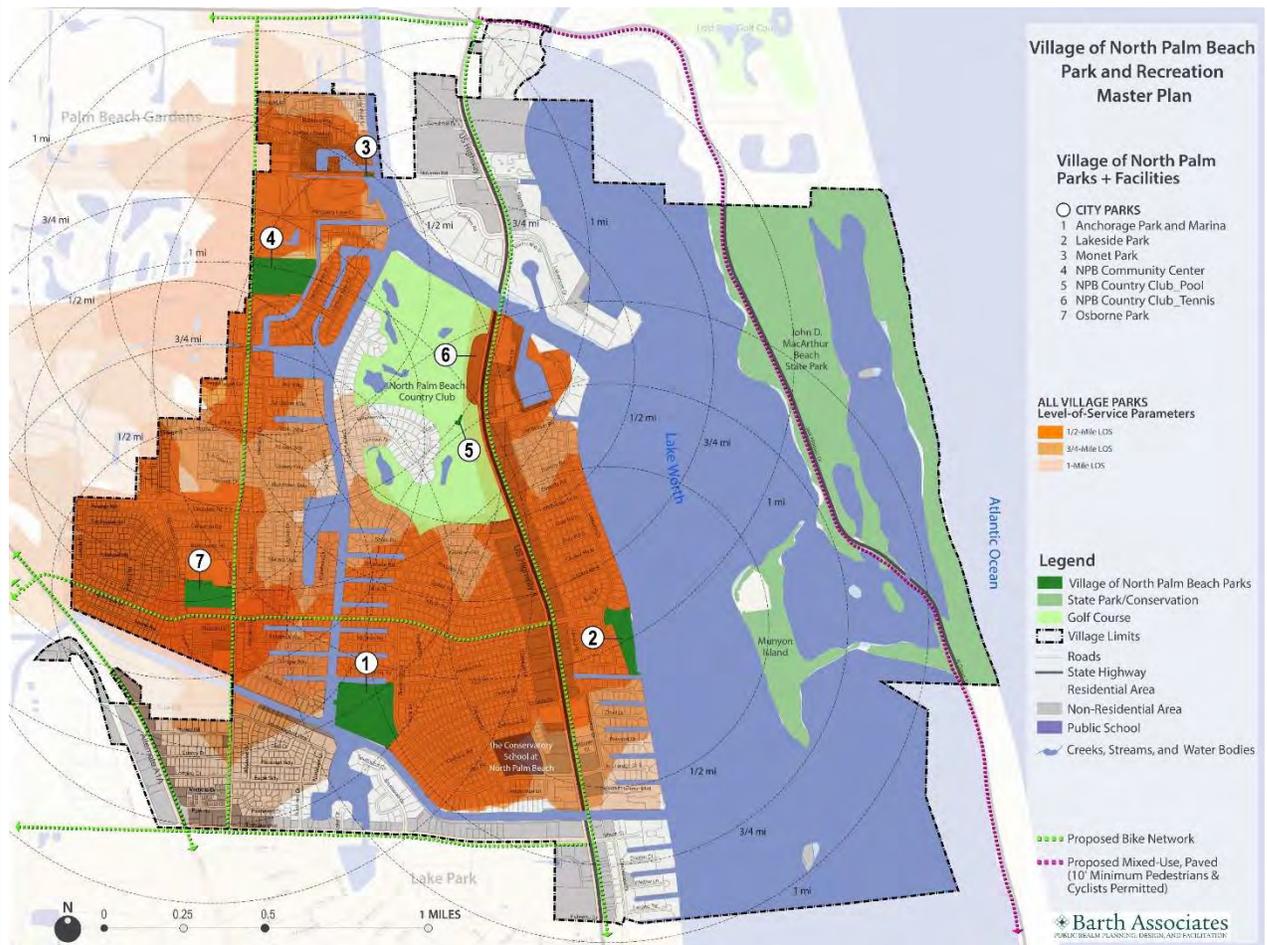


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data). The LOS was identified as 4.4 acres per 1000 residents. It was noted the National Recreation and Parks Association (NRPA) has established a median benchmark of municipalities at 6.8 acres per 1,000 residents making the Village deficient by 2.4 acres per 1,000. Map 2 was provided as part of the needs assessment to specify the location of all neighborhood parks (dark green). The traveling distance for residents to access neighborhood and community parks is specified in orange. The dark orange areas have sufficient access to a local park, while the light orange areas would have to travel over one-half mile. The deficient properties are located south of the Earman River and north of the Intracoastal Waterway, but many of these are multifamily residential communities with private recreational facilities.

Map 2



There were 4 key recommendations provided by the needs assessment: Create a bicycle and pedestrian master plan to better connect facilities, increase certain amenities per the survey of residents, further maintain the parks by upgrading structures, and provide special events.



ATTRACTIVE AND ENVIRONMENTALLY-FRIENDLY COMMUNITY

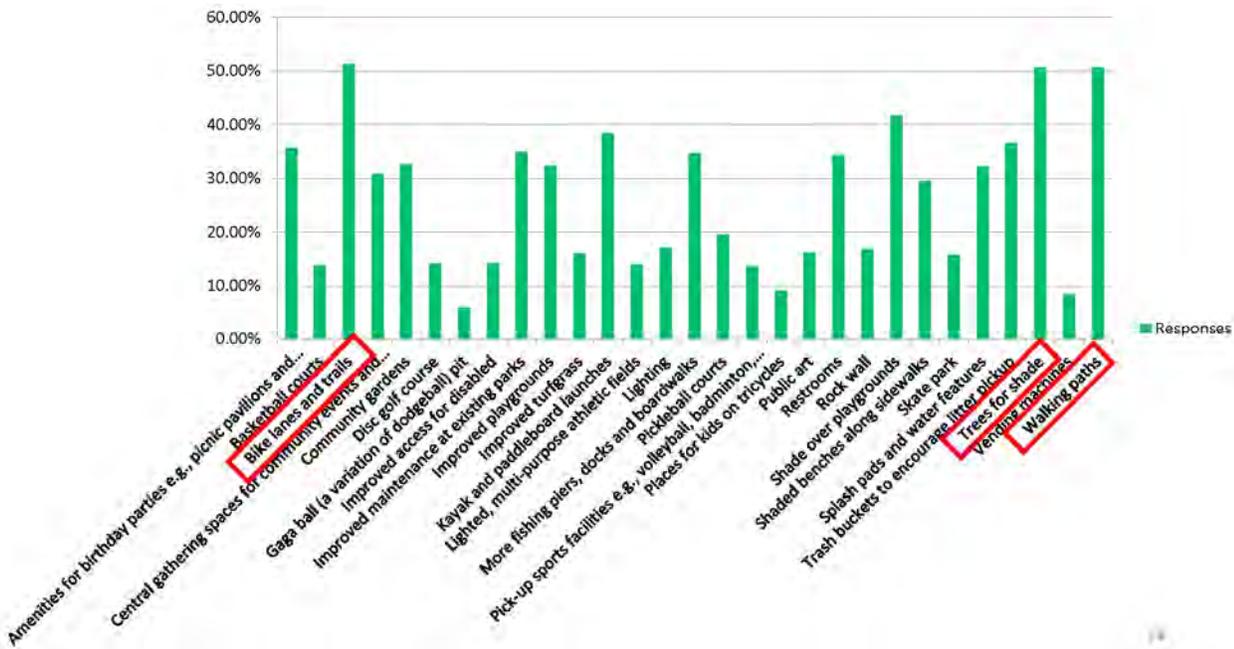
1. Bicycle and Pedestrian Master Plan

Sidewalks have been provided on both sides of all Village residential streets as required in the initial design of the Village. Some streets that were annexed into the Village have gaps in connectivity as well as sidewalk widths that could be expanded to better accommodate the public. A pedestrian master plan was recommended within the needs assessment to identify the gaps and plan for future development. Map 1 identifies the major thoroughfares (green lines) that could be improved to accommodate a bike network to connect neighborhoods and community facilities.

2. On-line Survey

The online survey of residents was conducted through outreach on social media, the website and the Village newsletter yielding 751 participants. Table 7 shows the results of the survey with bike trails and walking paths highlighted as the top two responses necessitating the creation of the bicycle and pedestrian master plan. Also highlighted is the addition of shade trees and shade structures over playgrounds. Below are the results of the survey which listed potential overall improvements to the Village's parks. The residents checked all that they supported.

Table 7



Responses were also collected to identify improvements needed in five (5) specific parks owned and operated by the Village. The top response for Anchorage Park, Osborne Park and the Community Center was the addition of shade trees. The top result for Lakeside Park was the desire for a restroom facility and the top result for the Country Club was to have discounted entry fees for residents. See Table 8 below for the entire list of results.



Table 8

Survey Results- Top 5 Park Improvements					
	Anchorage Park	Osborne Park	Lakeside park	Country Club Tennis and Pool	Community Center
1	Trees for Shade	Trees for Shade	Restrooms	Discounts for residents	Trees for Shade
2	Improved playground with shade	Walking paths	Additional parking	food-truck nights	Improved playground
3	Kayak and paddleboard launch	Restrooms	Resident Parking Sticker/passes	Resume pool parties, social events	Community garden
4	Trash buckets	Improved Playground	Foot-washing station	Summer Memberships for Families	Shades benches along sidewalks
5	Ampitheater/ stage	Splash Pad	Improved Playground with shade	Lighted walking and biking trail around golf course	Archery range

It should be noted that there are master plans currently in development for Osborne Park and the Community Center to build on these survey results and establish what can be added in the near future. Since this survey was completed, additional trees and a new playground were added to Anchorage Park. The Country Club does offer resident discounts, including memberships for families and social events.

3. Park Maintenance

The third recommendation provided in the needs assessment was the maintenance of current parks space including but not limited to updating irrigation systems, improving pathway lighting, upgrading sport courts, repairing fencing and replacing sod. It was recommended that an Annual Asset Management (repair and replace) plan be created for the analysis of upgrades that need to occur. Funding can be achieved through federal and state improvement grants.

4. Programs and Special Events

The survey participants identified various programs that they would like to see offered within the Village park facilities. The top requested response (34% of the vote) was for Kayak & paddleboard programs, including rentals and group outings. Nature & Environmental programs, offering educational opportunities for families secured 27% of votes. Organized walking groups and community service & volunteering events received 26% each.

In order to enact the programs expressed by this survey, potential suggestions were given by the Needs Assessment consultant. A paddle board rental station or partnership with JDMBSP would help the desire to have kayak and paddleboard availability. Community services opportunities may include organized beach cleanups or assistance with the Village Library. To provide nature and environmental programs, a community garden was created at Osborne Park, following this survey. Youth Sports were discussed in focus groups and it was determined there is a need for non-competitive sports programs for younger children (ages 3-5) in the area.



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Special events are already common at many of the Village parks including Heritage Day, Fourth of July, boat parade, fishing tournament, haunted house at the library and many more. It was recommended to expand the accessibility, receive partnerships for resources and funding, and ensure events are provided for all age groups on a monthly basis.



FUTURE OPPORTUNITY ANALYSIS

The needs assessment has established the need to create a Parks Master Plan for future development of the facilities in the Village as well as a Bicycle and Pedestrian Master Plan to connect the community. Both plans should identify the accessibility of the parks for all age-groups and income levels.

Level of Service (LOS)

As specified in the needs assessment, the existing LOS for the Village is 4.4 acres per 1000 residents (excluding the Country Club). The Village previously established a LOS for individual sports and activities, rather than a comprehensive aggregation of minimum acreage. The previous method of establishing the LOS is considered to be too restrictive to meet the changing demands of the public and fluctuating sources based in part on grant funding. Therefore, the adopted level of service should focus on the overall need for developed public park facilities. Developed parks or recreation facilities LOS shall be defined as all neighborhood and community parks as well as parklets per 1000 residents. The total acreage of all facilities equals 53.42 acres yielding an existing LOS for the Village of 4.15 acres per 1,000 people. This differs from the needs assessment due to population growth and differing measurements of facilities.

Of the municipalities in South Florida that have established an overall level of service, they vary in size from 2 acres per 1,000 residents in Lake Worth Beach, 3 acres per 1,000 residents in Greenacres and Stuart, and up to 15 acres per 1,000 residents in Vero Beach. The small number in Lake Worth Beach was established because there is little land available to increase park space while Vero Beach has over 800 acres of public open space that greatly increases the ratio to the current population.



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Per Palm Beach County Planning Division population estimates, the Village is expected to increase by 641 residents between 2022 and 2035. In order to maintain the existing level of service, an additional 2.62 acres is required to be provided to the residents. See Table 9 below for reference.

Table 9

Year	Population	Acres		
		Level of Service (4.15 ac/ 1000)	Existing	Deficit/ surplus
2022	12,862	53.4	53.42	0.04
2025	13,053	54.2	53.42	-0.75
2030	13,297	55.2	53.42	-1.76
2035	13,503	56.0	53.42	-2.62

Since the Village is currently built out except for a few vacant parcels, there is not likely to be a new neighborhood and community park provided at the minimum 1 acre threshold. Most additional recreation space will likely come from parklets, such as the land dedicated from the creation of the Prosperity Village planned development in 2022. There may be additional opportunities for small park spaces on other Village properties or rights-of-way that can be identified through an open space analysis.

Requirements of Development

There are two ways to increase park lands within the Village. Dedications from private land owners or purchase of lands by the Village. New residential development is encouraged within the limits of the Village, but the LOS will be affected. To maintain the LOS, developments should be required to provide on-site recreation and open space for the proposed development. A cash out option may be considered and approved by the Village Council. The Code of Ordinances, Section 36-23 "Public Sites and Open Spaces" currently requires subdivisions to dedicate 5% of the gross land area or pay an amount equal to the fair market value of that portion of land. With an established LOS of 4.15 per 1000 residents, an amendment to the Ordinance should be considered to be applicable to all residential development that may not need a subdivision.

Impact fees are currently being reviewed by the Village to be imposed on all new residential developments to offset the cost associated with meeting the LOS for future residents. The impact fees may be used by the Village to purchase property for future park lands. Though there are few undeveloped acres available within the municipal boundaries of the Village, properties may be redeveloped to become active recreation space. Of the properties in the immediate annexation area, none have been identified for potential parks or conservation. Some properties are currently vacant or underutilized and could be purchased to be repurposed for public park facilities.



The Village should remain open to, and perhaps actively pursue, opportunities for expanding its parks system through the donation of land. While the benefits of such acquisitions must be evaluated in terms of populations served, accessibility, development and maintenance costs, etc., donations remain a desirable acquisition alternative for the future.

Funding Sources

Additional grant funding is available through the Florida Recreation Development Assistance Program (FRDAP). "The purpose of this program is to provide grants to qualified local governmental entities to acquire or develop land for public outdoor recreational purposes." In the past, the Village has also used The Recreational Trails Program (RTP), Land and Water Conservation Fund Program (LWCF), and Florida Inland Navigation District (FIND) grant funding for park improvements. In order to offset the rising costs of maintenance and park development, the Village will continue to pursue these allocations of funds made available by the federal and state governments for future development and land acquisition.

Access

All facilities should be accessible to the general public with special considerations given in the design of any future amenity to all age groups, abilities and mobilities. The disabled population often requires special recreation opportunities. The Village recognizes a shared responsibility with other governmental entities to provide opportunities for all. Facilities such as special exercise courses and trails should be included in community parks and some neighborhood parks. Special trails can also be constructed for the enjoyment of disabled persons. At the very least, all facilities should be accessible.

Senior citizens sometimes encounter access difficulties and may prefer to enjoy their leisure apart from youths and children. Planning with senior citizens in mind should translate into the provision of adequate access and facilities for the pursuit of leisure activities.

Planning for future recreational facilities and parks should take into account the special barrier-free accessibility needs of disabled persons and of the elderly. Accessibility requirements include wheelchair ramps, railings, restroom facilities designed to provide access to the handicapped and other facilities constructed to allow safe use by all.

Another group to consider is children. They require specific recreational facilities and opportunities. Playground equipment in parks would help meet the demand of this younger age group for recreation opportunities, as well as sport fields and similar activities.

SUMMARY

The Village is continuously working to improve the Recreation and Open Space facilities for the residents. Each park is planned to develop a long term master plan



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for future growth and development. This will ensure that each space efficiently reaches its full potential to serve the community. As the demographics and activity trends change over time, the Village should be prepared to modify fields, courts and buildings to provide services that residents desire.



It is the goal of the Village to maintain the North Palm Beach Country Club as a publicly owned and assessable facility for future generations to enjoy. The financial and practical sustainability of the facilities is of great concern without a formal plan in place. Lakeside Park is currently maintained as a passive, neighborhood park with limited parking and no restrooms. There are competing views by the residents of the if it should become more of a destination or if it should be maintained in a passive manor for the adjacent neighborhood. Anchorage Park needs to effectively balance residents' desires for an expanded boat storage area with active recreational uses. With these large issues remaining, additional planning needs to be completed and in-depth discussions on each topic need to be had to successfully enhance and continue to expand offerings within the parks of the Village of North Palm Beach.

